Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

WEDNESDAY, 10 NOVEMBER 1954

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Mr. SPEAKER (Hon. J. H. Mann, Brisbane) took the chair at 11 a.m.

LAND TAX ACTS AMENDMENT BILL.

THIRD READING.

Bill, on motion of Mr. Walsh, read a third time.

LANDLORD AND TENANT ACTS AMENDMENT BILL.

SECOND READING.

Hon. W. POWER (Baroona—Attorney-General) (11.3 a.m.): I move—

"That the Bill be now read a second time."

As I gave a very comprehensive review of the Bill during the introductory stage, I reserve any further comments I have to make till later on.

Mr. NICKLIN (Landsborough—Leader of the Opposition) (11.4 a.m.): The Bill deals with the very important, and sometimes very contentious question of the relations between landlord and tenant. Beyond one new provision it follows the familiar course of price-fixing throughout history. Interference with the law of supply and demand, when the normal regulatory factor of competition exists, usually makes matters worse instead of better. It results in unfair controls, shortages, more restrictions, greater shortages, and so on, until finally the abandonment of all controls is the only cure.

In introducing the Bill the Minister quoted a number of cases that apparently were not contrary to law, and the people concerned could not be dealt with. The Attorney-General has been challenged by some of the persons he named during the introductory stage——

Mr. Power: I am glad you mentioned that, because I have a reply to that challenge.

Mr. NICKLIN: I should have liked to hear the Attorney-General reply during the record-reading debate.

Mr. Power: I will, in my reply.

Mr. NICKLIN: I should like to refer to the practice of mentioning people's names in the Chamber and saying things about them that they dispute. Whether they dispute them rightly or wrongly, we are not in a position to judge.

The position may arise at some time that a person may be most unfairly charged by the Minister with an alleged breach of the law, but because the Minister speaks under parliamentary privilege that person has no means of defending himself. I trust that the Minister, when he mentions people's names, will be in a position to justify the things he says about them, otherwise he takes an unfair advantage of parliamentary privilege. A challenge has been issued to the Minister by one of the people concerned and the Minister has told us that he has accepted the challenge and will tell us all about it. There is no doubt that the person concerned would have felt happier if the Minister had got up on the soapbox at Spring Hill and accepted the challenge there. That would have been a fair and open go for both parties. Because the Minister is speaking under privilege the other man has not got the right of reply.

The Bill deals very largely with definitions regarding any agreement or arrangement for letting which includes payment for extras. The Minister mentioned a number of cases where this has been abused. No doubt some of these matters raised by him did occur; you will get abuses by some sections all the time. Judging by the remarks of the Minister the other day one would imagine that everyone who lets houses or flats is a criminal and should be dealt with accordingly.

Mr. Power: No.

Mr. NICKLIN: For every person who abuses the privileges under the Act I suppose 99 carry out the law.

Mr. Power: I agree with you on that.

Mr. NICKLIN: I doubt whether the continual amending of legislation to deal with the few cases that occur from time to time is really worthwhile, and whether it would not be better to tackle the problem at the root. The root of the problem is to make it possible for houses, rooms and flats to be provided for people who require them. While the Minister and the Government treat everybody who has a house, flat, or room to let as a potential criminal to be chased, bound down and tied up, we are not going to get people to build houses, flats or rooms for rental purposes. The Government are tackling the problem at the wrong end. Rather should they encourage people to let flats instead of doing everything to hamper the individual who does endeavour to give such a service to the people.

In addition to tightening up the definitions regarding any agreement or arrangement for letting and the payment for extras, there is a clause under which any premises used as a boarding or lodging house may be declared to be special premises. In such a case the provisions of the Act regarding fixation of rent shall apply, but subject to the following modifications in respect of eviction proceedings—

(*a*) The period of a notice to quit must be not less than seven days;

(*b*) Verbal alteration re eviction proceedings.

Where two or more dwellings are included in one building or where premises are declared to be special premises, the court may decide to deal with the rentals of all the dwellings in such building or premises though only one application may have been made. There may be a difficulty over one room amongst a number of letting rooms,

or one flat in a block of flats. If there is only one room or flat concerned the court may deal with the whole set of rooms or flats.

We also have a completely new provision, the only desirable one in the Bill, that the registrar, without any formal proceedings, on application, may increase or reduce the rent on account of changes in rates. That will be very welcome. It will now become a mere matter of arithmetic to calculate the change and court proceedings will be unnecessary. Previously very often court proceedings had to be taken to bring about a change in the rental value of premises because legitimate charges which the owner had to pay had been varied. This new provision will simplify the whole matter because now the registrar can adjust the charges according to the variations that take place in the cost of rates, water facilities and so on.

The Fair Rents Act was introduced in 1920. It is very interesting to note that one Brisbane magistrate on that occasion used to refer to it not as the "Fair Rents Act" but as the "Free Rents Act."

It is also interesting to note that before rents were controlled there were plenty of houses to let at reasonable rentals. Competition ensured that. The daily newspapers used to be full of advertisements giving details of houses to let. However, as soon as the Government began to chase the landlord and impose, in many instances, unfair regulations and restrictions, the rate of building houses for renting was immediately reduced and there commenced a housing shortage in this State.

Very often we hear people blame the war for the shortage of houses, but the war was only a contributing factor, it was not the entire cause. Hon. members in this House will remember the tremendous rush there used to be for workers' dwellings before the war. We remember that immediately the allocation of workers' dwellings for the year was published there were queues in George Street of people lining up in the hope of getting a worker's dwelling. Usually within a couple of days of the opening of applications all the workers' dwellings available for the year were taken up. That does not reveal that there was any surplus in the number of houses available in this State at that particular time.

Mr. Hilton: You could rent a house at any time in any town in Queensland before the war.

Mr. NICKLIN: The hon. gentleman is not quite correct in that statement. Admittedly houses were more readily available than they are at the present time, but the Minister cannot deny that there was a considerable shortage of houses in Queensland in the years prior to World War II.

Mr. Hilton: You must distinguish between those who wanted to build a home on reasonable financial terms and those who were building homes for rental purposes.

Mr. NICKLIN: If there had been plenty of houses available for rental purposes there would not have been such a blackguard rush for workers' dwellings.

Mr. Walsh: Rent control operated before the war.

Mr. NICKLIN: Had the Treasurer been listening to me he would have heard me say that rent control has operated since the introduction of the Fair Rents Act in 1920.

However, the real trouble commenced when pegging of rents took place in February, 1942. The fixation of rentals ever since has been on that most unfair basis of 1942 values. It is obviously unfair.

Let us take for example one yardstick to gauge the difference in values between 1942 and the present day. In 1942 the basic wage was £4 9s. as against £11 5s. today. Yet we have the archaic system of fixing rents on values that obtained in February, 1942. That is what makes it necessary to bring in this amending legislation from time to time.

This unfair determination of rental values has resulted in a big shortage of houses available for renting. Naturally, when there is a shortage, black markets and rackets creep in. It would have been far better to have tackled the problem by vigorously producing houses for letting and encouraging the production of houses, rooms and flats for letting rather than do as the Government did —put every possible obstacle in the way and restrict these things.

Mr. Walsh: What is your idea of the best method of control to exercise?

Mr. NICKLIN: The Treasurer should know that if a supply of any commodity, whether houses for letting or anything else, is available in the quantities necessary to meet demands, rackets and black markets cannot occur.

Mr. Walsh: In other words, you think the worker and his family should be exploited by the builders?

Mr. NICKLIN: Possibly the biggest exploiters of the workers and their families in conection with rents are the Government themselves under the Commonwealth-State Agreement.

Mr. Walsh: That is a Commonwealth Agreement.

Mr. NICKLIN: To which this Government are a party.

Mr. Walsh: And they can get houses for as low as 8s. a week.

Mr. NICKLIN: That is No. 1 fairy story of the day. Many others pay tremendously high rentals. It has to be remembered also that when the State is the landlord it does not fix its rents on the 1942 values as the private landlord is compelled to do. For example, when the State sells one of its letting homes, it does not sell for what it cost to build, less depreciation; it revalues it and brings it up to present values, then sells on that basis.

Mr. Walsh: Do you not agree with that?

Mr. NICKLIN: The hon. gentleman has much to say about exploiting the workers. I do not know whether he would call that exploitation, but if putting a false value on a house is not exploiting the workers, I do not know what is.

Reverting to the Minister's friend from whom the Attorney-General has accepted a challenge, I point out that this gentleman said in "The Courier-Mail" of 4 November, in reply to the Minister following the introduction of this Bill—

> "If the present proposed amendment of the Landlord and Tenant Acts becomes law in its present form, then the effect may well be that little accommodation will be available by way of serviced rooms or lodgings."

Inevitably that will be the effect because it will tie up those people who are now providing these services in such a way as to discourage them from further attempts to give service. Because, according to the Minister, somebody did something wrong, the Government are making everyone suffer who provides these services to the community.

The Bill deals with eviction proceedings in the case of declared lodging or boarding houses, but the greatest injustice of all is the law relating to eviction of tenants for non-payment of rent. This legislation is all one-sided in that it protects the tenant but does not protect the landlord in any way.

Mr. Power: Yes it does.

Mr. NICKLIN: The Minister mentioned a number of cases the other day. Let me refer to the case of the tenant of a small furnished house for which he was paying 35s. a week. He persuaded the landlord to let the rent run on without payment for a period of two months. He pleaded death of a child and heavy medical expenses as an excuse. At the end of two months, the landlord asked the tenant to make a payment but the tenant, in effect, told him to "Go jump in the lake." The landlord then had to take proceedings, but as the premises were situated in a district where there was only one court a month, it took two months to get the matter to the court. The magistrate then issued an eviction order but gave the tenant another month's occupancy in order to seek other accommodation. There was no condition made that the rent should be paid, and as a result the landlord lost five months' rent and had to pay £14 14s. legal expenses.

Mr. Power: The landlord had a right at common law to sue for that money.

Mr. NICKLIN: He took action in the court for the eviction of the tenant, and that was the decision given.

Mr. Power: He has the right of recovery.

Mr. NICKLIN: Unfortunately, nobody has a limitless amount of money to indulge in these proceedings and, judging by the calibre of the tenant any money invested in lawyer's expenses would be money thrown away. Surely the protection of the law should not be given to thieves, because after all the tenant in this case was a man in good circumstances and could have paid the rent. That is the whole trend of the law. It is to protect the tenant at all costs irrespective of what happens to the unfortunate landlord. Hon. members opposite then wonder why nobody is prepared to build houses for letting purposes. The reason is that no-one is in the race when it comes to legal proceedings. The law is lopsided and in favour of the tenant. There are plenty of good homes locked up today because the people who own them are not going to take the risk of letting them under present-day conditions, and because rentals are determined on 1942 valuations. The fundamental thing wrong with the housing situation in Australia is that Australia has reached a condition in which too much reliance is placed on government housing schemes. That is largely due to legislation that has discouraged private investment in home building. Since the end of the war in 1945, 508,579 new buildings have been completed and of these 77,086 were completed in 1953-1954. Of all the existing dwellings in Australia 23 per cent. have been completed in the nine years since World War II. The accumulated shortage is very far from being overcome. Rents are exorbitant for the majority of the people and rackets of various kinds persist because of the shortage. If private enterprise had been encouraged in the matter of home-building, the shortages would have disappeared and rackets would not be possible to any important extent. While it may now appear necessary to endeavour to eliminate abuses by legislation, the Minister should give more attention to the elimination of the unjust provisions in the landlord and tenant law which have contributed so largely towards maintaining the housing shortage.

Mr. Hilton: What has caused the shortage in the other States?

Mr. NICKLIN: The same thing. Queensland is not unique in regard to legislation in favour of the tenant as against the landlord. The other States have comparable legislation, although I must say that in the other States they have been more lenient than in Queensland and have adopted a more realistic attitude towards the value upon which rents should be determined. There was never any shortage of homes before the excessive and unjust restrictions and controls for which Labour Governments have been mainly responsible. Rents were fair because there was an abundance of homes. I am not at all optimistic about the beneficial effect of this kind of legislation and in fact, unless the Government proceed along lines which will tend to encourage home building as an investment I am inclined to the belief that it will in the end do more harm than good.

Mr. KERR (Sherwood) (11.29 a.m.): I agree with the remarks of the Leader of the Opposition that the landlord and tenant laws have done an awful lot of damage. The idea behind the Attorney-General when he brought down the amending Bill in 1948 was to give landlords a 6 per cent. return

on outlay at that time in the hope that there would be an upsurge in the building of homes.

I ask the Attorney-General if his dream has been realised. He knows there has been no upsurge at all. Generally speaking he is a reasonable man, and I have often supported him in legislation that he has introduced. When he brought down the previous amendments he made provision for the cost of repairs, maintenance, the installation of gas and electricity, and so on, and for a return of 6 per cent. on 1942 values. Rental properties are the only capital asset today that are based on 1942 values. The landlord is expected to keep the cost of living down to values at that time. The onus is thrown upon him. When the Attorney-General brought down the previous amendments he provided in the first place for a return of 5 per cent. on capital value, but he agreed to a suggestion by me that it should be increased to 6 per cent.

Mr. Power: In my usual generous manner, I granted your request.

Mr. KERR: In December, 1948, the basic wage was £5 19s. a week, and the Attorney-General said that a return of 6 per cent. would be fair based on a capital investment on 1942 values. I presume it was his idea to relate the return to the investment.

Mr. Power: Not at all. I will not agree with that.

Mr. KERR: I think the Attorney-General had that well and truly in mind. He had regard to the ability of the tenant to pay the rent.

I repeat that this is the only capital asset of an investor that is pegged to 1942 values. Would the Government dare to apply 1942 values to the plant and machinery of manufacturers and contractors? They pick out the humble landlord; I stress the word "humble" because the landlord is the humble man today rather than the tenant.

What is the basic wage today, and what is the ability of the tenant to pay? The basic wage was £5 19s. when it was decided by the Government that a return of 6 per cent. on the investment was allowable. However, as there has been an increase of 93 per cent. in the basic wage, should not a substantial increase in return be allowed to the landlord, even if the Government will not relax their provisions regarding 1942 values? The Attorney-General has no right to penalise one section of the community to satisfy Government policy. I know he will say that rent affects the "C" Series index in the cost of living, but what about the rentals of Queensland Housing Commission homes? They are as much as £3 4s. a week. Do they not affect the cost of living?

Mr. Power: They are fixed at a reasonable figure on the capital cost. They cost £212 a square. Do you want us to allow people to charge an equivalent rental on homes that cost only £53 a square?

Mr. KERR: I ask the Attorney-General not to pick out one section of the community and ask it to bear the cost.

About 18 months ago it cost me £460 to sewer some flats that I own. I went to the Fair Rents Court and was awarded an increase in rent. I am a sympathetic landlord. I would not increase the rent of one of the flats because the tenant had been in hospital for three months. I would not put a tenant out; I would sooner let him remain and suffer the financial loss myself. I am allowed a return of 6 per cent. on the cost of installing the sewerage. It will take me 16 years to recover my capital outlay. I get no interest on my money. All I am getting back is my capital outlay.

Mr. Power: What do you suggest we should do?

Mr. KERR: The Minister should change from the 1942 values. He should abandon it or give them a substantial increase in the percentage allowed.

Mr. Power: After having done that and after having got the increase they would sell the capital asset and recover more than the 1942 value.

Mr. KERR: The case requires close consideration. At present the Government are penalising a section of the people. Look at the cost of repairs today. Since 1948 there has been a big increase in the basic wage. The costs of painting and plumbing have increased very considerably.

Mr. Graham: You can get that allowed by applying to the Fair Rents Court.

Mr. KERR: It takes years to get it back.

Mr. Graham: Do you want it back in a day?

Mr. KERR: No. The Minister should do something about it. It is a grave injustice to single out one section of the community and apply the 1942 valuations and leave everybody else free. That is what the Government are doing. It is similar to the case of the 40-hour week. The Minister held hopes that great results would be obtained—that house-building would be stimulated because of the 6 per cent. The basic wage has been increased nearly 100 per cent. and yet the 6 per cent. remains. If you want more houses it will be necessary to provide an incentive to investors to build homes. We want 12,000 or 13,000 more homes and as we get more migrants our home needs will increase. At the present rate of building we will never pick up the lag. The Government should do the right thing by the young people and forget their prejudices about the "rapacious landlord".

Mr. Graham: They still exist.

Mr. KERR: We know that there are cases but why penalise the great body of decent landlords? I ask the Minister to abandon the 1942 valuations and give the landlord an increase commensurate with the increase in the basic wage. I leave it with

the Minister. I do believe the hon. gentleman has an appreciation of justice. In many cases we agree with him. I appeal to him to correct these anomalies and thereby help the people to get the homes they so badly need.

Mr. MORRIS (Mt. Coot-tha) (11.38 a.m.): During the initiation of the Bill on 29 October I understood from the remarks of the Minister—and many others did too—that the legislation was similar to legislation being introduced in New South Wales and Victoria to bring about uniformity between the States. I know that many people accepted that as the principal purpose of the Bill. On 4 November I read an article in the "Brisbane Telegraph" as follows:—

> "The Premier, Mr. Cahill, today announced sweeping changes in the Landlord and Tenant Acts. In some cases he said that the landlord would be freed from the obsolete obligation to provide alternative accommodation for tenants."

From what I can learn of the legislation that is proposed in New South Wales, there appears to be no similarity of approach with Queensland. The Minister did not elaborate on the Bill from that point of view but I hope he will do so today. He adopted a policy that seems to be becoming a habit with him in second reading speeches, that is of just getting up and formally moving the second reading and then sitting down again. His hope is that we will give him something to which he can reply.

In all fairness—and I think that is the approach we should adopt in this House—I say that that is not playing the game with the Opposition. He is able to wait until we have all spoken and then he has the opportunity of coming in and contradicting what we say. We have no opportunity to refute the statements he makes. I deprecate that policy and I hope the Minister is going to be different when he introduces other legislation.

Mr. Power: Your leader, and you yourself, said that I gave full particulars when I introduced the Bill. You do not think I am going to give you more than I have already given.

Mr. MORRIS: If that is the case why is the Minister trying to get us in and then reply when we have no opportunity to say anything further?

When he introduced this measure he said that it would have the effect of stamping out a number of present-day rackets indulged in by certain types of landlords. I agree with that. It will have that effect but unfortunately the Minister—and I am afraid his Cabinet—has approached this question from a very one-eyed point of view. This Bill that we are considering, and the Act are loaded in every way in favour of the tenant and loaded against the landlord too. I will admit quite openly that there are bad landlords in Queensland.

Mr. Power: Those are the only ones we are after.

Mr. MORRIS: I do not think there is anybody in this House and certainly not on this side who has any sympathy with a bad landlord, but by the same token neither has he any sympathy with a bad tenant. The Minister has nothing in his legislation to protect a landlord against a bad tenant.

Mr. Power: There is in the original legislation.

Mr. MORRIS: The whole of the legislation is favourable to the tenant and against the landlord. I should like to quote one or two examples that I know exist to prove to the Minister that the legislation does not help the landlord but does help a bad tenant. I know the case of one man in my own electorate. He has retired and his only income is the money he receives from four houses that he was able to purchase during his working life. He owns one house at Ashgrove which he let to a man and his wife. Some little time ago they reached a stage where they owed £42 10s. for rent. The landlord went along to the people and said, "What about this money you owe? Are you having a bad trot? Are you having a lot of illness? If so we will wipe out some of the rent." The tenant said, "No. Here is my bankbook and you can see that I can easily pay you the £42 10s. I owe you for rent, but I do not intend to pay." The landlord asked why and the tenant replied, "Well, the position is this: since I took this house my family has grown. We now have four children and this place is not big enough for us. We have tried to get a Housing Commission house but we cannot. We spoke to an inspector of the Housing Commission and he said that we cannot get a Housing Commission home because we have already got a home." The Inspector of the Housing Commission advised the tenant not to pay the rent.

Mr. Lloyd interjected.

Mr. MORRIS: I can give you the name of the tenant and the name of the landlord.

Mr. Power: Will you give me the name of the officer concerned?

Mr. MORRIS: I think I can.

He advised the tenant not to pay rent so that an eviction order would be taken out against him and then, having received the eviction order, the tenant would qualify for a Housing Commission home. That is one of the rackets practised by tenants, and there is nothing whatsoever to protect the landlord against it.

Mr. Power: Of course there is.

Mr. MORRIS: There is not.

Mr. Power: Have a look at Section 41, subsection (*a*).

Mr. MORRIS: I suggest that the Minister elaborate the point in the time he has reserved for himself, a time when we shall have no opportunity to reply.

Then there is another point connected with the owners of flats or accommodation rooms. Greater power is being given to

the tenant. In many of the better conducted residentials, the practice of the owner is to try and get as tenants people who will be friendly to each other, but there are occasions when a misfit becomes the occupant of a room in one of these places. He is not a misfit because of anything against his character or because he does not pay his rent but he does not fit in with fellow tenants of the boarding-house. For instance, in an accommodation house that takes six people, five might be Liberal and one Labour. The Labour man might be a perfectly good tenant who pays his rent and does all he is required to, but if he persists in talking politics at the table or in making himself a nuisance to the other tenants in the apartment house, the landlord should be justified in asking him to leave and go somewhere else. Under this legislation, it will be quite impossible, under such circumstances as that, to ask him to leave.

Mr. Power: Is this a lodging-house or a boarding-house?

Mr. MORRIS: Either a boarding-house or a lodging-house.

Mr. Power: There is no doubt about you. You have not got the foggiest idea of what the Act contains. The owner can put him out on the street at any time at all.

Mr. MORRIS: Not under this new legislation. When the time is opportune, I shall point out the clauses dealing with that point. I am certain that the great proportion of private landlords are much better landlords than the Government themselves. If the Government want to put a tenant out, they do not go to the Fair Rents Court; they simply get their agent on the spot to order him out.

During the debate this morning, the Treasurer upheld the principle of present-day values for homes sold by the Government. He said it would be a dreadful thing if the Queensland Government sold houses at 1942 valuations and he upheld the principle that because there has been an increase in the values of homes built back in those days the Government are perfectly entitled to sell those homes at present-day values, but he and his Government oppose it when the private landlord wants to sell. I have said on many occasions that the principle adopted by the Government in connection with houses they sell is complete exploitation of the people who buy them. They should sell those houses at the figure they cost to build.

Mr. Power: There is nothing in this Bill about the sale of houses.

Mr. MORRIS: I want to show how inconsistent the Minister is. There are many cases similar to the one I have quoted. The Government stick the spurs into the private landlord all the time. He is not given the opportunity to operate in the way the Government do. Why do we always adopt that principle of the Government's being superior to the law while all other people have to abide by it? It is a wretched principle that we must forget in this State. There are cases where widows inherit houses, and the rent from them is their only source of income. When the husbands died the widows were required to pay probate on the houses at the 1952, 1953, and 1954 valuations.

Mr. Power: I think that is a thing that should be looked into. I agree with you there.

Mr. MORRIS: Therefore I shall not pursue the point any further.

The Attorney-General spoke about bringing this legislation into line with that of New South Wales, and this applies to lodging houses and private houses too. In New South Wales the permit-holder, the landlord, might want to do something similar to the case mentioned by the hon. member for Sherwood. He might want to put in sewerage or spend £200 or £300 on the home to bring it to a stage where it would be suitable for the changed circumstances of the tenant. According to the hon. member for Sherwood 16 years might elapse before the capital cost is recovered by the owner, quite apart from interest. In New South Wales, however, the matter is approached in a different way. The permit-holder, or the landlord, might feel that he wants to make improvements to cost, say, £400. That being so, he goes along to the Fair Rents Court, or the Registrar, as the case may be, and says to him, "Here is a place from which I am getting £2 a week. I want to spend £400 on it, what will you allow me to charge by way of rent when I have spent the money? Here is a plan of what I want to do." The Registrar says, "If you do that according to the plan you are presenting, we will permit you to charge not £2 a week, but a value determined in relation to the improvements you undertake to make."

Mr. Power: We do that. He would still get 6 per cent.

Mr. MORRIS: No. The landlord in New South Wales can see what he will get before he spends any money, but in Queensland the landlord is required to spend his money and take the risk whether he will get repayment over 16 or 26 years.

Mr. Power: That is not so.

Mr. MORRIS: The Attorney-General says that is not right, and I hope that it is not, but I am sure from the reading of the Bill that it is. If he can show me that that contention is wrong, I should be glad to hear him.

In the introductory stage I said that I did not propose to comment on the clauses as I wanted to read the Bill first. I have read it now, and I reiterate what I said before that this Bill will do nothing to help 99 per cent. of the people in Queensland. It is designed to cover certain cases only, and in all ways it is designed to help the tenant and not the landlord. I said before that there will be fewer houses available as a result of this legislation and fewer lodging houses and boarding houses. Why do the

Government not realise that the only way we can get sufficient accommodation is to recognise that whilst there are bad landlords who should and must be stopped from their iniquitous practices, there are also very many bad tenants whom the Government are doing nothing to stop. The Government are loading their legislation in favour of the tenant, good, bad and indifferent, and against the landlord, good, bad, or indifferent. This legislation should control the bad landlord and help the good one; it should control the bad tenant and help the good one. The legislation does not operate in that way, and whilst the Government continue in that attitude they will find rental houses, apartments and boarding houses going more and more out of the life of this city. Accommodation is going to become more and more difficult to get. The Government's approach to the question is wrong. They should be fair to all sides.

Mr. DEWAR (Chermside) (12 noon): I have some doubt about one aspect of this legislation. That doubt was raised by a comment of the Attorney-General in reply to the hon. member for Mt. Coot-tha, who said that the landlord of a boarding-house would have to approach the court for power to evict an unsatisfactory tenant. The Attorney-General said to the hon. member, "You do not know the Bill. That is not the case."

Mr. Power: He has not got to do that.

Mr. DEWAR: I have the impression that he has, and so have many members of the public.

Mr. Power: He will under this legislation if his premises are declared, but not until they are. Under the existing legislation, a landlord can throw a tenant out at any time.

Mr. DEWAR: Provision is contained in the Bill to declare premises?

Mr. Power: Yes, if complaints are made.

Mr. DEWAR: I have in mind a man who has had some experience as a tenant in service rooms. He has been thinking of converting a big home very close to the city into service rooms. However, when he saw the Minister's comments during the introductory stage, as reported in the Press, that a landlord would have to approach the court for permission to evict an unsatisfactory tenant, he began to think twice about going ahead with his idea. From his experience of that type of accommodation, he knows just how unsatisfactory some tenants can be. He told me of the petty things they do that cause a good deal of irritation to the other occupants. He spoke about the man who leaves his wireless on all night and the man who leaves his light on all night. People who live in these places have different working hours and they generally arrange the times at which they should take their baths. However, you generally find there is one man who consistently jumps his turn and thus upsets the smooth running of the establishment.

Mr. Power: That difficulty could be overcome by having more bathrooms.

Mr. DEWAR: The number of bathrooms is controlled by the Brisbane City Council's regulations.

Mr. Power: They lay down the minimum number, not the maximum.

Mr. DEWAR: There is always a happy medium, and the average landlord will generally provide what is necessary.

As I say, some people continually upset the smooth running of these establishments by adopting irritating tactics. There is the man who wants to read the paper in the toilet. There are many ways in which one person can irritate the other occupants, and it is unthinkable to suggest that a landlord should have to approach the court for permission to evict an objectionable tenant.

I ask the Minister to clear up that point and let us know whether it will be necessary for a landlord to approach the court for permission to get rid of an unsatisfactory tenant, irrespective of whether his premises are declared.

Mr. HILEY (Coorparoo) (12.5 p.m.): The hon. member for Chermside has just made a point about the tenant who disrupts shared apartments by interfering with the order of the bath. The Minister interjected that there was a quick cure for that—more baths. Let us see where that would lead. If the owner followed the Minister's advice and installed more baths, every decent, well-behaved tenant would have to pay more rent. It would add to the capitalisation of the establishment and the owner would unquestionably succeed under the formula in getting a higher rental determination because he took the Minister's advice.

Mr. Power: Who would object to that? The modern trend is to have a bathroom with every bedroom.

Mr. HILEY: That is a very lovely ideal. If the purpose is to suggest that the living standards of the land should be lifted to include a private-bathroom for every person living in shared accommodation, the Minister is hopelessly out of touch with the capacity of these people to pay rent. If the girl shop-assistants and single men in junior positions, who occupy shared apartments in Gregory Terrace, had to pay rentals based on private bathrooms, it would take all their weekly wages. That is a ridiculous suggestion and quite out of touch with reality in regard to the capacity of such people to pay rent.

Those of us who were in this Assembly when the Act was introduced, substantially in its present form, in the early post-war years will have no doubt that it was a consequence of the general housing shortage facing the nation after the war. My recollection is very clear that it was never pretended that rent control would cure the housing situation. It was recognised that the only real, fundamental cure was more houses, but it was hoped that the Landlord and Tenant Act

would repress and control some of the feverish indications present in the community as a result of the housing shortage.

Rent control is parallel with what happens when a man has a fever. In order to bring his fever down you give him the appropriate drugs for a brief period, but you are not content merely with getting the fever down. Attention is given to his general health, to building him up, supporting him, nourishing him, so that he grows out of this ill condition of which the fever was merely one manifestation.

Unfortunately, our approach to the sick patient of housing conditions in this State has been to put him on a perpetual diet of bitter pills. We are not giving anything like sufficient attention to the fundamental cure. Sufficient houses are the only answer to this vexed problem. We have given inadequate attention to that and have continued for seven years to feed the sick housing patient these pills of control.

We are entitled to look at the effects. It is perfectly true that controls have kept some rents down, but not all, and the percentage is decreasing. If any credit attaches to that, the Government are plainly entitled to it.

Let us be quite clear that the percentage of benefit has been a shrinking one. Every Government house built in the meantime is under no control. Every house that has been under control, of which the owner could get vacant possession, has been sold and has disappeared from the panel of houses available for rental. Whatever benefit has attached to the control of rents, it has been a constantly shrinking one. It shrinks with every rental house that the Government build because there is no control over it, and it shrinks with very house sold because it disappears from the field of rental houses. A further complication arises which I referred to seven or eight years ago. Take the family of three of four dependent children that required a fairly large home with three or four bedrooms. The family occupied it under rental control and the parents still occupy it. Although all the children have grown up and gone away and got homes of their own Mum and Dad will not leave that home which they are getting at a rental based on 1942 values. It is costing them less than a two-bedroomed home would cost them under the Housing Commission today. That is economic waste. It is not a contribution to the housing problem; it is just stupidity. It is encouraging waste in the use of housing. That is one of the indications that the system of rental control can be kept going too long. If the landlord has been able to show hardship he can recover the property; and if the landlord has a house and has no desire to enter it himself and it is a question of whether it is tenanted by Smith with two children or Jones with eight children, there are no grounds under an existing law whereby the landlord can remove Smith with two children and make room for Jones with eight children. That is something that will justify a review. A community can tolerate that tendency for a few months or a year or two years, but we have gone on with this system of controls for years and we are starting to accumulate consequences that I doubt whether it is in the best interests of the State to perpetuate. My grave disappointment is that we have not handled our general housing powers with sufficient skill and energy to have killed the need for rental control at its source. Had we built enough homes, had we given the necessary encouragement, we could rip up the Landlord and Tenant Acts and forget the need for extra controls. This Parliament has to recognise that after all these years we have still failed completely to overcome the housing problem. As long as that policy persists there is no doubt that some need for rent control will exist. After the number of years that have elapsed the merit of the argument put forward by the hon. member for Sherwood has become more than one of degree; it is a crushing argument of great moment. I ask the Government how can they through the mouth of the Commissioner of Stamp Duties, if the landlord dies, fix stamp duty on the 1954 value, and through the Attorney-General say to a landlord that he shall receive a rent based on the 1942 values? Today the difference between 1942 and 1954 is a very big one. It has passed the stage of being merely an argument of minor degree, it has become a dominant financial factor, too great to be ignored as it is at present. The Government cannot, in common decency and fairness, continue to demand succession duty on 1954 values and——

Mr. Power: I agree that needs to be reviewed. It should be looked into and it is a matter that will be looked into.

Mr. HILEY: I thank the Minister for that assurance. However, when you come to look at it you will find that it is a very difficult problem. If you say to the landlord, "You need only pay duty on 1942 values", what a wonderful present you will give him if he sells the property within three months of succeeding to it. The only way you can remedy the position without creating a double complication is to do away with the 1942 rental values or at least move them up a notch or two. If you try to adjust the inequity of succession duty by allowing a concessional value, then you will create a double complication for the person who succeeds to a house and sells it very shortly afterwards.

I think that when you consider it you will come to the conclusion that the only way in which you can fairly lessen, if not completely overcome, the present inequity, is to move the 1942 values nearer to present-day values.

I have no great quarrel with the details of the amendments now before the House. All I say is that once you start controlling anything you find you cannot stop. The first control leads to some other controls and those in turn lead to further controls. Whilst we must accept these further details we should make up our minds to spare no effort to destroy the whole need for rent control.

Let us provide more homes for the community. If we succeed in doing that we can tear up the Landlord and Tenant Act and we will have approached the problem in the only sensible way that sensible people should.

Mr. LLOYD ROBERTS (Whitsunday) (12.18 p.m.): I was most disappointed when this Bill was introduced to see that landlords were not treated a little better, because I think, without doubt, they are a section of the community who have had a very raw deal.

We realise, of course, that rent control has been necessary, but we must also realise that the war has been over now for 10 years. It would have been bad luck for us if this legislation had been brought in during the 1914-1915 war. I suppose we would still have been working on 1914-1915 valuations.

I have had a lot of experience with old people who bought properties very many years ago in the hope that they were providing for their old age. I will quote an example of an old lady from Mackay who bought a home in Harcourt Street, New Farm. She was collecting only £1 2s. 6d. a week rent on the property. She came along to me and asked if I would have a look at the place and advise her in connection with it. Her costs for rates and insurance, not including repairs and maintenance, amounted to 12s. 6d. a week. As she was receiving £1 2s. 6d. a week in rent that meant she was getting 10s. to pay for repairs and maintenance, and provide a little share for herself. Today, 10s. will buy only 1½ lb. of tea so that actually this woman was getting as rent the equivalent of 1½ lb. of tea each week.

I inspected the house and found it to be badly in need of repair because this old lady could not afford to maintain it properly. It will need a new roof and new stumps very shortly. Upon my return to Mackay, I explained the position to her and suggested that she would be much better off even if she sold it at what she considered to be a low price. She took my advice and sold the house for £900, on £200 deposit, and charged 5 per cent. interest on the balance. That interest represented £35 a year or 14s. a week.

Mr. Power: Did she have the premises fair rented?

Mr. LLOYD ROBERTS: I could not say for sure, but I did see a letter from the agent in which it was suggested that it would be useless approaching the Fair Rents Court because his experience led him to believe that she would probably get an increase of 2s. 6d. a week, but the cost of the application would be so great that it would eat up a sum equivalent to what the increase would amount to in one or two years. Having sold the house, she is getting 14s. a week in interest and has no worries about rates, repairs, or maintenance. That appears to be the only remedy these people have today. If a person sells at £200 deposit and 30s. or £2 a week, he will get more by way of interest than he will in rental.

I received this letter from one of my electors—

> "I saw in the local paper that the Government intends to amend the Landlord and Tenant Act. Would you or someone in the Party endeavour to have a clause put in the amendment whereby landlords can pass on to tenants any increases in rates without the necessity of approaching the Fair Rents Court? To approach the Fair Rents Court, a solicitor charges £4 4s. per house. My mother has a few houses in Rockhampton and she is dependent entirely on the rents received. Quite recently, as a result of revaluations in Rockhampton, our rates were increased, and I feel that we and other landlords should be able to pass these increases on to our tenants automatically."

I understand that the Bill covers that, but the point is that the increases in valuations may have come into effect six months or so ago and, because of the cost involved, no approach was made to the Fair Rents Court. Again, many people do not like to go to court for any reason whatsoever. It would appear that under this Bill these people may make application to the Registrar.

Mr. Power: If they can produce evidence of the increase, it is passed on automatically.

Mr. LLOYD ROBERTS: Will it be retrospective?

Mr. Power: Not to any extent. If the increase takes place on 1 July and the rents have been determined in June, and if they produce the notice to show that the rates for that year have been increased, they may charge it.

Mr. LLOYD ROBERTS: If this increase came into effect 12 months ago——

Mr. Power: We do not go that far back.

Mr. LLOYD ROBERTS: My reading led me to that belief. There is this clause in the Bill—

> "Every variation of the fair rent of a dwelling-house (or of any dwelling-house together with goods leased therewith) made under this section shall be in force on and from the date fixed by the registrar on and from which he is satisfied the increase or, as the case may be, decrease in the rates or charges in question became effective."

Mr. Power: After the passing of the Bill.

Mr. LLOYD ROBERTS: That is the point I wanted to stress. Perhaps this might be overcome. I ask the Attorney-General through you, Mr. Speaker, that if this man can produce evidence——

Mr. Power: He has the right to go to the court. After the passing of the Bill he does not have to go to the court.

Mr. LLOYD ROBERTS: Could he go to the registrar now and say that 12 months ago——

Mr. Power: No.

Mr. LLOYD ROBERTS:——my rates and everything increased and I did not apply for an increase in rent. Could an increase take effect——

Mr. Power: No.

Mr. LLOYD ROBERTS: I believe that is most unfair.

Mr. Power: It is not unfair. He has a right to go to the court.

Mr. LLOYD ROBERTS: Because he did not use his right is he to be penalised for the rest of his life?

Mr. Power: He elected not to go to the court.

Mr. LLOYD ROBERTS: At that time. His only redress now is to go to the court.

Mr. Power: This legislation is not retrospective in matters of that kind. He had all the protection of the court. He could have gone to the court and said that his outgoings had increased so much and asked for an increased rental.

Mr. LLOYD ROBERTS: That is the point. It appears from what the Attorney-General has said that any of these people who even today have had their rates increased cannot approach the court because this Bill is not yet through. Suppose the rates were increased six months ago. From my reading of the clause the registrar could make the increase retrospective but possibly only retrospective to the date of the passing of the Bill. I cannot see anything to say that the registrar could not make it retrospective six months or 12 months. I hope the Attorney-General will be rational on this matter and get advice on it. I realise that it is impossible for him to have everything at his fingertips. It is of great importance to these landlords who have had a very rough deal for quite a time. It is of too great importance to be brushed aside and I should like the Attorney-General to make a statement that we might depend on.

Mr. MUNRO (Toowong) (12.29 p.m.): The case against the principles of this Bill have been so fully stated by hon. members on this side of the House that I propose to limit my remarks. The objects of the Bill were clearly outlined by the Attorney-General and certain economic effects were stated by hon. members on this side. In other words, we have to consider the difference between a purely theoretical approach to some of these problems and a practical approach.

The Attorney-General comes into the Chamber like a knight in shining armour about to slay a dragon, but when we carefully peruse the provisions of the Bill and consider its economic effect, we find he is not so much a knight in shining armour as a Don Quixote tilting at windmills. We must remember that the Bill does not apply only to lodging houses and shared accommodation, which appear to be the main objectives. Some provisions widen the effect that this legislation has on dwelling houses, in respect of which we already have legislation that was designed to protect the rights of people who rent them. However, it has had the long-term effect of affecting their rights adversely, because it has resulted in freezing the supply of dwelling houses.

The point with which I am mainly concerned is that we will have a repetition of that state of affairs. Private enterprise has, to a considerable extent, been frozen out, with the result that the necessity to provide rental houses has been thrown to an increasing extent on the Government. It appears to me that we will have the same state of affairs with lodging houses and shared accommodation as the result of the passage of this Bill. It will have the same effect on private investors as the previous legislation, and will ultimately defeat its objective.

One aspect that has not been dealt with previously is the general right of a person who saves money during his lifetime and invests it in an asset, to enjoy the use and possession of the asset. That is a fundamental right, but this Bill, as well as the present legislation, interferes with it. The legislation is far too one-sided in its approach. Although it has the very laudable objective of making things a little better for the tenant or the occupier of a lodging-house room, it is discouraging the person who saves money and who performs the useful service of providing these facilities, and to such an extent that there is a very grave risk that it will bring about a state of affairs much worse than the one it is designed to overcome.

I have some further remarks to make about specific clauses of the Bill, but I shall reserve them till the Committee stage.

Hon. W. POWER (Baroona—Attorney-General) (12.34 p.m.), in reply: One or two matters raised by hon. members opposite call for a reply. However, I should like, first of all, to quote from a pamphlet that was issued by the National Bank of Australasia on 12 August of this year. It points out what happened in Western Australia when rent control was lifted. It is a summary of the Australian position that is issued monthly by the bank, and could not in any way be regarded as a Labour publication. It says—

> "During the three months since the ending of rent controls in Western Australia on 1 May last, over 200 eviction orders have been issued from the Perth and Fremantle local Courts, these being for possession of houses or shops, to be effective immediately or in the near future. At the end of July, a further 97 cases were listed for hearing during the following three weeks.
>
> "Rent increases of 100 per cent. and more have occurred since the lifting of rent controls and landlords are constantly seeking higher rents which most tenants are agreeing to pay owing to the shortage of suitable alternative accommodation. It would appear that, unless legislation intervenes, the rise could continue until the economic limit of tenants' capacity to pay

has been reached. Many cases have been cited of house rents which had previously been fixed at £1 and £1 10s. per week having risen to £6 per week. Houses which had been let at £3 10s. per week are reported to be bringing £7 per week and higher. Two-roomed flats are said to be realising £4 per week in the better localities and £3 per week in industrial areas.

"Before the closing of the State Parliament, prior to the elections of 29 May last, a Bill relating to control of rentals was rejected by the Upper House and managers appointed from both Houses failed to reach a compromise satisfactory to the Government and Opposition."

Following a limitation of rent control in West Australia, rents rose from £1 to £6 a week. Every member of the Opposition who spoke today advocated something on behalf of the landlord, but gave no consideration whatever to the tenant. They, and particularly the hon. member for Sherwood, claimed that we should substitute present-day values for the 1942 values. The cost of erecting a home in 1942 was £53 10s. a square. Today it is £212. Hon. members opposite suggest that the worker should pay rent assessed on £212 a square for something which cost £53 10s. a square. I will not be a party to that.

Mr. Morris: Why do your own Government do it?

Mr. POWER: I will deal with my own Government in good time. The Leader of the Opposition spoke of greater restrictions. There are no greater restrictions. We are giving the people a measure of protection. I accept the challenge of Mr. Gaetano Cali, who goes by the name of George Cali now. He may do certain things in the land of his birth; he is not going to do them in the land of his adoption. The hon. member for Mt. Coot-tha is an ex-service man. He would not agree with what Mr. Gaetano Cali did, when he threw out of a house a woman with a 13-day old child. I am informed that as a result the lady had to feed the child from a bottle because she was so upset. The same gentleman threw out a British ex-service man whose wife was due to have a child in three days. They called at my home and gave me the information, including the names of certain people who had been thrown out of their accommodation and which later was let to persons who paid £25 in key money. Can anybody suggest that we should not take action to protect these people against the few who do things of this sort?

The Leader of the Opposition said that I was not prepared to speak from a soap box in Spring Hill and make the statements I made in Parliament. I do not introduce Bills from a soap box in Spring Hill. I have never spoken from a soap-box. The Opposition may be still at the soap-box stage. That may be one reason why they are still in Opposition. I am not bound to go to Spring Hill to state my case. I state my case on the floor of Parliament, and I have the evidence to support it. I do not speak from soap-boxes in Spring Hill, as my friend Mr. Speaker knows. They have a very excellent organisation and broadcasting equipment up there.

I take exception to the statement by the Leader of the Opposition, who is usually fair, that I regard all landlords as criminals. I do not. I regard the great majority of landlords as excellent people who are doing a very good job. This legislation was introduced to deal with the type of person to whom I have just referred. We have a gaol at Boggo Road and we propose to build another one, but that does not indicate that we believe everybody is a potential criminal. We build more gaol accommodation to incarcerate people who break the law. This amendment was framed to deal with people who break the law. I make no apology for that. We had rent control in 1920. There is a shortage of accommodation today. The Governments in the various States, irrespective of political colour, have organised to build homes. What did the Queensland Government do? We introduced special controls here. Why? We did not introduce them because we wanted them; it was not because we liked them. I do not like controls. The sooner we can eliminate them the more pleased I shall be; but while there are people who break the law I shall enforce the law. We placed a restriction on the size of the home people could build. We did not believe that people who had a home in the city should be able to build another home on the South Coast while there was a shortage of materials. The Government have taken every step to stimulate home building and to preserve the materials available. Let me inform hon. members of the Opposition and the Committee generally that many business concerns approached the Government and asked if the Housing Commission would build homes for their employees. The Government were prepared to assist. We cannot reasonably be accused of having fallen down on the job. A statement was also made by an Opposition member that we are getting high rentals. I point out that the rental covers interest and redemption, plus other outgoings. That is laid down under the Commonwealth-State Agreement. There are houses rented today at 8s. a week to old-age pensioners. On many occasions in my district I have done what I could to assist people. If the income of a family living in a Commission home is affected there is a gradual reduction in the rent. It is ridiculous for hon. members opposite to make such allegations. It was also said that the landlord has difficulty in recovering his rent. The Fair Rents Court does not make provision for the recovery of a debt; it fixes the rents. Anybody who wishes to recover a debt is protected under common law. Apparently hon. members of the Opposition do not know that. I invite hon. members opposite to look at the statutes to see what the position is. Debts can be recovered in a small debts court. In many cases the person who may owe the debt may not be worth powder and shot because he may have no estate on which to levy. The applicant may get a judgment but nothing else. That is their responsibility. If a person is not

paying his rent he can be evicted. Let us read the relevant section. Section 41 subsection (3) reads—

> "Subject to this Part, a lessor may take proceedings in any court of competent jurisdiction for the recovery of possession by him of any prescribed premises (or of any goods leased therewith) or for the ejectment of the lessee therefrom if the lessor, before taking the proceedings, has given to the lessee, upon one or more of the prescribed grounds but upon no other ground, notice to quit in writing for a period determined in accordance with the next succeeding section, and that period of notice has expired."

Yet it is said that the landlord has no rights, and I am bringing in legislation to give him further protection. Then we have the story of people who cannot get persons out of their houses, although they want them for their own use. That is true. There is a shortage of homes and people are entitled to some protection. The Landlord and Tenant Act does not make it mandatory that before a person can be evicted the owner of such premises must find other accommodation for him.

Then we have the statement by a member of the Opposition that many people have houses but they will not let them because they cannot get enough rent. Instead of renting the houses they sell them. You cannot pull the wool over my eyes, I have been over too many dry gulleys. It is well known that a lot more can be obtained for premises that are vacant than for premises that are rented. The true position is that people are being put out of homes so that the owners can sell them.

The hon. member for Chermside raised the question of values. I think I have already dealt with that most effectively. He also said that people will not build homes because they are not able to get a fair rental for them. I intend to tell the public the truth about the position, and I will quote several cases. I will not mention the names of the people concerned.

The first case I have here concerns a house of 952 square feet. The value of the land was £95 and the cost of the construction of the house was £1,834. The house and land together cost £1,929. The fair rent of that home was determined by the Fair Rents Court at £3 16s. a week. The owner considered £3 to be the fair rent. How can anybody accuse the Government of not allowing a fair return in a case like that?

I will give you a further example. Here is a house containing 875 square feet; the value of the land was £90 and the cost of improvements £1,953, giving a total cost of £2,043. The court determined the rental at £3 18s. 6d. per week. The place was furnished and the rental for the furniture was determined at £2 2s. 6d. a week, making a total of £6 1s. a week. Can anyone say that the Government is stifling home-building?

Mr. Munro: Why is it that there were plenty of homes available previously whereas now they are not available?

Mr. POWER: Why should I know? I have refuted your arguments. I cannot waste time dealing with any of the side issues that the hon. member brings in.

Mr. Kerr: You are a Daniel brought to judgment. We want to hear what you have to say.

Mr. POWER: Some day judgment will arrive for the hon. member. The hon. member said that he had invested money in certain additions to his property. He is allowed to get a 6 per cent. return on that and also an amount for depreciation. What he wants is to have controls lifted entirely so that he can get the whole value of his asset back in a short time. Why should the hon. member be treated differently from anybody else?

The hon. member for Mt. Coot-tha took me to task for not making a second reading speech. That has been my policy. On more than one occasion the Leader of the Opposition said that he appreciated my lengthy explanation of legislation, and the hon. member for Mt. Coot-tha has done it too. I do not believe in wasting words. The hon. member for Mt. Coot-tha was waiting for me to make my defence of what Mr. George Cali had to say. He suggested that he would have no right to reply to what I might say because I had the last shot. He wants hon. members opposite to be able to criticise me without giving me the right of reply. He wants to put me out on a limb and leave me there, but I am not going to stay there.

He also said that an inspector of the Housing Commission had told a tenant that she should not pay the arrears of rent, otherwise he could not give her a house. I know the Secretary of Public Works and Housing will not mind my sending an officer out to see this woman. I am satisfied that she told the hon. member for Mt. Coot-tha a deliberate lie, because no inspector of the Housing Commission would do that. In any case, if a person is evicted for non-payment of rent, the Queensland Housing Commission will not accept him as a tenant. I ask the hon. member to give me the name of this woman so that I can deal with the matter.

Then he complained about not being able to remove lodgers. Under Section 41, subsection (3), of the present law, a lodger can be put out at any time. But we are correcting that position to deal with men like Cali. We are taking steps to ensure that people are not thrown out of premises like these ex-service men were thrown out by Cali.

Then a man who signed his name "Power" wrote to the Press complaining about the Landlord and Tenant Act. His name is not Power. It is Pougher. The premises he complained about consist of seven units and on 31 December, 1940, the former owner was receiving a gross rental of £9 2s. 6d. a week.

On 28 May, 1948, the gross weekly rentals, including garage accommodation, were determined under the Commonwealth regulations at £9 3s. 6d. a week.

On 18 November, 1953, an application by the then owner for the redetermination of the fair rents of five units was withdrawn. The owner was receiving a gross rental of £6 7s. 6d. a week in respect of the five units, but one unit was let as a serviced flat.

On 18 June, 1954, the lessee of flat No. 2, who was paying a rental of £5 10s. a week, applied for the determination of the fair rent of this flat as the lessor was not supplying any service other than the weekly supply of two sheets and four pillow cases. The application was struck out by the court on 19 July, 1954, on the ground that the applicant was a licensee. That is what I am correcting here.

The writer's statement is therefore incorrect, as he is receiving not less than £11 17s. 6d. a week, without taking into consideration the amount he is receiving from the seventh unit. Immediately this Bill becomes law, he will have to revert to the Commonwealth determinations until the rentals are otherwise determined by the fair rents court. He may have been unwise to draw the attention of the authorities to the rentals he is receiving from the premises. I think he will be sorry he wrote that letter to the Press because his will be one of the cases investigated. I have this reply to the letter published in "The Courier-Mail" by Gaetano Cali, otherwise known as George Cali, of Home Flats, Coronation Drive, Brisbane—

> "The subject premises are owned by Gaetano Cali and Maria Cali, his wife, and such premises consist of six (6) houses containing twenty-six (26) units.
>
> "Up to the 9th September, 1953, three (3) applications had been made for the determination of the fair rents of flats in the said premises, and five (5) complaints in writing alleging breaches of the Acts had been filed with the Registrar.
>
> "On the 10th September, 1953, Mr. Roy Wilson who was occupying Flat No. 5 in House 4, filed an application for the determination of the fair rent of his flat on the ground that he considered the rental of £3 per week, to be excessive.
>
> "This application was adjourned from time to time by the Court to meet the convenience of Counsel, and on the 16 March, 1954, the Magistrate dismissed the application after making the following comment, namely:—
>
> 'I don't want to hear you any further. I think I would only be wasting my time. I am quite satisfied from the evidence of the applicant that there was an agreement between the parties that these were of serviced accommodation. There is no doubt about that, and the admission too, mainly by the lessee, that the respondent had the right to enter that room at any time, which is the crux of the whole case. For that reason I find that the applicant Roy Wilson is a licensee in connection with these premises. I don't think I can let this pass without passing some comment on what I consider is a racket. There have been many cases come up here, it is clearly the intention, by providing one sheet and one pillow slip, people come into this Court, with the idea they can class that as serviced rooms. There is sufficient provision under the Act, to make an allowance for that. If that is the only agreement entered into between the parties, that there is a sheet and a pillow slip to be provided once a week, they might as well not come into this Court. I do think instances like this are clearly nothing but a racket and it is time legislative action was taken to clean them up.' "

That is what we are doing. That was the recommendation of the magistrate. Further—

> "This finding by the Stipendiary Magistrate constitutes a very severe criticism of the action of the landlord from the Bench of the Fair Rents Court.
>
> "On the 23 March, 1954, in consequence of a complaint made by Mr. Wilson, following the dismissal of his application, the Registrar caused a check to be made of all the units in the subject premises. This check reveals that Mr. Wilson who had been paying a rental of £3 per week, had been forced to vacate, and the flat was occupied by a Mr. Worsham, at a rental of £3 3s. per week.
>
> "The officers during their investigation found that the majority of lessees who had been compelled to sign 'licensee agreements' did not have copies of same, but the officers were successful in obtaining a copy of one which was entered into about October, 1953.
>
> "Mr. Cali apparently ascertained that the officers were making a check of each and every flat as on the 25 March, 1954, his solicitors, Messrs. T. W. Biggs & Biggs wrote to the Registrar as follows:—
>
> Dear Sir,
>
> re: G. & M. Cali—Home Flats, Coronation Drive, Milton.
>
> We have been instructed by the abovenamed that two officers from your department called at the above premises owned by our clients today and without any reference to our clients interviewed certain of the tenants and licensees.
>
> As there is no application pending to the best of our clients' knowledge and belief we shall be pleased if you will advise us of your authority in regard thereto as soon as possible.
>
> "The Acting Registrar after seeking the advice of the Solicitor-General replied as follows:—
>
> Dear Sirs,
>
> re: G. & M. Cali, Coronation Drive, Milton.
>
> I have to acknowledge receipt of your letter of 25 March, 1954, and to enquire what authority your client invokes enabling him to require visitors to his tenants and licensees to refer to him.
>
> "Needless to say the solicitors did not pursue the matter any further."

There was no further action by the solicitors. That is a case concerning one of the persons we have to contend with. That is the class of person for whom hon. members of the Opposition put up a case in this House. Not a word was said by them about the tenant. Not one member of the Opposition based his case on behalf of the tenant; all cases were on behalf of the landlord. They have approved of ex-service men being thrown out of their accommodation and they have approved of pregnant women being thrown out. I think they should be ashamed of their attitude.

(Leave to continue speech at a later date granted.)

The House adjourned at 1 p.m.