

Government? Is not the honorable member for Glen Iris, the secretary of a co-operative housing society, interested?

Mr. NORMAN.—I am.

Mr. BARRY.—I have been responsible for making the honorable member open his mouth, but he has been told not to speak.

Mr. NORMAN.—You have heard my leader speak.

Mr. BARRY.—The honorable member is not allowed to speak because his contribution might not coincide with the Government's intentions as to the Bill.

Mr. OLDHAM (Attorney-General).—I rise to a point of order. I wish to know what the fact of a member not speaking has to do with the proclamation of this legislation after the cessation of the Commonwealth regulations.

The CHAIRMAN (Mr. Lind).—Order! I ask the honorable member to direct his remarks to the matter before the Chair, and I warn him that his time has almost expired.

Mr. OLDHAM.—I wish the honorable member had expired.

Mr. BARRY (Carlton).—I do not object to that comment. I am hoping to hear of the political decease of the Attorney-General. I feel it is incumbent upon me to ask Government supporters why they cannot agree to the amendment. The Opposition contends that the Commonwealth has done a good job in controlling rents. That must be the belief of the Government, for it has taken the Commonwealth regulations as the basis of the Bill, implying that it has no fault to find with them. The Government is trying to pull wool over the eyes of the people, and is being dishonest in this matter. The Bill will be passed in the other House, where the representatives of the landlords would not in ordinary circumstances consider legislation of this character. However, if the Commonwealth regulations lapse, the Government will amend the legislation because the landlords in the other place and the bosses of Collins-street will crack the whip. We are forced to take that view because we have been told of the terrible things done by the Collins-street junta. We remember what Mr. Macfarlan said.

Mr. OLDHAM (Attorney-General).—On a point of order, I wish to know what a statement by Mr. Macfarlan has to do with the matter before the Chair.

The CHAIRMAN (Mr. Lind).—Order! The honorable member's time has expired.

Mr. SCHILLING (Albert Park).—I oppose the amendment. I feel that I should be ungracious towards the honorable member for Carlton if I did not thank him for what he said about the "back benchers" supporting the Government. He mentioned the bright-faced flowers of Liberalism, and referred to the honorable member for Mornington and myself as legal luminaries. Therefore, as a compliment to him, I feel that I ought to discuss the amendment. I have listened carefully to the debate, and I find it difficult to appreciate why members of the Opposition are pleading with Government supporters to have something to say. I can only conclude that the Opposition is ill-informed, and is seeking information, because there has been much confused thinking among its members. As Government speakers have pointed out, the absence of representatives of the legal profession from the ranks of the Opposition must be a serious handicap, because Opposition members do not appear to appreciate the fundamental principles of the Bill. So confused is their thinking that on the one hand they have congratulated the Government on its having incorporated the Commonwealth regulations in the Bill and on the other hand they have charged the Government with fraud for having introduced it. It appears to me that they do not understand the issue.

The fact is that in the main, as we admit, the provisions of the Bill are the Commonwealth National Security (Landlord and Tenant) Regulations. After a considerable period of time those regulations have been fashioned into a workable machine for administering rent and other controls. I know that most Government supporters will agree with the statement that none of us is extremely proud of the Commonwealth regulations, even as they now stand. They have been brought into their present state mainly by the interpretation

of courts and lawyers. Originally they bristled with inconsistencies. Obviously, they were hastily conceived and badly drawn, without due appreciation of legal forms and principles. However, with the passing of time and the assistance of courts and lawyers, they have been fashioned into a workable proposition. Those of us who understand the Bill have demonstrated our knowledge by refraining from discussing it. The position adopted by myself and my colleagues is that when we have an argument to meet we shall meet it, but up to this stage there has been no case submitted by the Opposition requiring a reply. I congratulate members of my party and of the Country party on their wisdom in not putting up bogies merely to knock them down.

We all know that the Commonwealth regulations were set up during a period of uncertainty, when our social fabric was exposed to enemy action. They were intended to cure a desperate ill. They are not useful for any other purpose, and so the sooner we can get rid of them the better it will be. At the same time I have to concede that until matters are straightened out in this country we must use the best machinery available in abnormal times. The Bill as it stands, bearing the imprint of the work of those people who have given time to it over some years and now incorporating the National Security (Landlord and Tenant) Regulations is, in view of the changing economy of this country, probably the best that can be designed at the moment.

There has been much loose thinking about these matters. I have heard many unfortunate remarks from Opposition members about this legislation being a "lawyers' picnic." The members who made those remarks do not seem to appreciate that in the first instance lawyers for years past have appeared before the courts in connection with rent control and ejection cases with the connivance of the Commonwealth Government. There is nothing new in the Bill in that respect; the Government is not setting up a tribunal to give lawyers a job. The lawyers have had the job ever since the regulations were first instituted. If it had not been

for the work of the lawyers in connection with these regulations rent control today would be in a frightful mess.

We all know that the Commonwealth Government has recently set up another monopolistic totalitarian monster known as the Attorney-General's Legal Aid Bureau, the main function of which seems to be the briefing of junior barristers to appear before the courts in the very matters about which Opposition members now seek to complain. Did not they know that the bureau had been set up? Have Opposition members failed to read the bureau's costly advertisements in the newspapers, which must be costing taxpayers thousands of pounds per annum? Why are those advertisements published if it is not to encourage people of all classes to seek free legal aid from the bureau? Yet we hear Opposition members talking about a lawyer's picnic! That is just one instance of confused thinking that has been apparent in connection with this Bill. The Opposition is merely pleading for enlightenment from this (the Government) side of the House.

Let us now direct attention to another idle statement that has been made in regard to landlord protection. It is claimed that the Bill has been introduced for the benefit of landlords. Do Opposition members know that in practically one half of the ejection cases that at present come before the courts the so-called landlords are in reality tenants who, during the depression, got into houses on cheap rents and have now become the greatest landlords of all? I am reminded of an old but well known statement, familiar to all who have read the history of even this country, that the worst gaolers are the ex-prisoners.

Anybody who practises in the courts knows that the hardest people to deal with are those tenants who occupied premises at low rents and then sub-let part of those homes. They are the people who are in most cases trying to put up the rents, doing all manner of things in an effort to grind the last ounce out of the worker whom Opposition members claim to represent. Those people who are familiar with the facts know that what I am saying is the

truth. Probably one half of the present day cases relate to people of the class I have mentioned. They are assuming the role of landlord and are using the Federal National Security (Landlord and Tenant) Regulations to implement their own machinations in respect to rent. Elderly people in particular who want to get back into their own homes find to their mortification that the tenants who entered their places during the depression have re-let them or have let rooms and the owners cannot regain possession of their own properties. It is an extensive practice which, I feel, has entirely escaped the notice of Opposition members. They claim that the Bill has been introduced merely to enable the Legislative Council subsequently to do one of those imaginative things that we always hear from the Opposition that members of that House are going to do to bring about the downfall of the ordinary man in the street.

The question of price control has been introduced into the debate but it is merely another red herring drawn across the trail. It is another instance of the confused thinking that has been apparent throughout the debate. Why is it suggested that in a Bill relating to the control of rents the Government should also introduce price control? Rents admittedly are a vital matter in connection with prices. Opposition members have suggested that there cannot be proper rent control without price control. Rent control automatically has its effect on the control of the price of a house. The Bill has been introduced to do only what it purports to do. It is a concise measure that should be implemented if and when the necessity arises. It is eminently suitable legislation to be passed at the present time.

I do not propose to traverse the ground covered by the honorable member for Box Hill who, Opposition members have admitted, presented his case fairly and capably. I agree with what he said with respect to the history of his subject matter. I reiterate that apart altogether from its provisions, the Bill is a vindication of this State's sovereignty, which is long overdue. If we go back to 1910 and trace the history of Australia right through we find that,

Mr. Schilling.

irrespective of which political party was in power in the Federal Parliament—whether Labour, Liberal or any other party—there was always a tendency for the Commonwealth Government to grasp control and now to centralize it in Canberra.

The majority report of the 1929 Royal Commission on the Commonwealth Constitution indicated the necessity for Federalism in a country so wide as Australia, with its climatic differences, its great differences in the avocations of its people, and its vast spaces which have not been overtaken even yet by the aeroplane. That report indicated the necessity for every particular State in the Commonwealth having its separate governmental representation. Despite that fact, there has been a gradual grasping of power by the Commonwealth Government, in diverse and subtle ways, until the States are now in jeopardy of being reduced to mere instrumentalities of the Commonwealth. It is high time that the Government, which realizes that this State is capable of governing, as a sovereign State, brought down legislation to show its people that the State is capable of governing its own affairs, and legislating for its own purposes.

So far as this measure is concerned, what more eminently suitable Bill could the Government introduce than one to deal with local housing conditions which are paramount? Conditions that exist in Albert Park or Collingwood may be completely different from those that obtain in Cottesloe or Coogee. It is all a question of local conditions and each State knows its own. This is the type of Bill which the State should have on its statute-book so that when the happy day arrives when the Canberra monster is decapitated, the State will be prepared to carry on its own affairs.

The question of the control of rents and the manner in which occupancy shall be constituted or terminated will not be affected by section 92 of the Commonwealth Constitution. It is purely a legal matter. This Bill when it becomes law will vindicate the sovereign rights of the State. Then, when the powers of the Commonwealth are clipped by the people's rejection of the Federal Government's proposals at the referendum,

this Parliament will be able to govern its own people. For that reason the Committee should reject the amendment.

Mr. CAIN (Northcote).—Discussion has arisen on the question as to what the Attorney-General actually said when he explained the Bill on the second-reading motion. Every member of the House as well as every citizen outside Parliament knows that the Attorney-General stated in unmistakably clear language that the Bill had been deliberately introduced with the object of assisting in the defeat of the Commonwealth Government's proposals at the referendum. The Attorney-General does not dispute that fact himself, and the honorable member for Albert Park knows quite well that it is true. On his own statement, the Attorney-General admitted that the Bill was intended to have some effect on the referendum. I do not know why the honorable member for Albert Park made his contribution to the discussion tonight. It was his maiden speech and I congratulate him on it. However, there is no subject on which he could better express himself than that of the law of landlord and tenant.

The honorable member does not suffer from modesty, nor does his profession. It is well known that the Commonwealth rent control regulations had to be altered after their introduction. That is not surprising, but the honorable member said, in effect, that after the suggestions of the legal profession had been adopted the regulations were more or less perfect. It is true that the regulations were drawn by legal men, but they were not drawn in the private offices of solicitors in Melbourne. The real reform in the regulations did not come from the lawyers, because—and I say this with great respect to the honorable member and his profession—lawyers do not like legislation which excludes them from appearing in certain business. However, Commonwealth legislation excludes lawyers from appearing before certain courts and tribunals with a few exceptions in the cases of the higher courts. I suppose that on various occasions most of us feel that we might like the assistance of a solicitor; some of us may even suffer from the advice of a lawyer. I have known solicitors who were members of this House and I did not want their

advice. We, the members of the Opposition, believe we can speak on this question with common-sense knowledge. This Bill would not have been introduced by the Government if the people of Australia were not being asked in about three weeks' time to make a decision on Commonwealth control of prices and rents.

The honorable member for Albert Park, with all his legal knowledge and understanding of the Commonwealth rent control regulations, said that the Opposition was drawing a red herring across the trail when it talked about the need for price control. He knows that price control is difficult to administer. Nobody has yet advocated that provision for it should be made in this Bill. Then the honorable member raised a question relating to those people who let property and those who sub-let property. On the subject of shared accommodation the Bill does not go as far as do the Commonwealth regulations. I should say that no member is as well informed on the subject of shared accommodation as the honorable member for Albert Park. He knows that although shared accommodation is being exploited it cannot be covered by this legislation. In the course of his speech on the second-reading motion the Attorney-General skated over the distinction between tenant and boarder. Persons who let rooms and give certain services are not covered by the measure.

Mr. SCHILLING.—Look at the definition of "lessor and lessee" in clause 2. The term includes "sub-lessor and sub-lessee."

Mr. CAIN.—A tenant is a person who has the exclusive use of a property, and a boarder may have the exclusive use of a room; but the boarder who receives such a service from the lessor as a plate of "Crispies" and a cup of tea will not be covered by this legislation. Price control will cover him. Let me put this to the honorable member, because I wish to have the benefit of his experience: A State importing scarce goods from another State would not be able to control effectively the price of those goods. The real position would be that the importing State would either have to pay the price demanded by the seller or