

ANTI-ASIATIC CLAUSES

MEMORANDUM TO TOWN CLERK

WLH/KH

re: Anti-Asiatic Clauses in Housing Schemes.

It will be recalled that on 5th June 1942, the Council resolved, subject to the approval of the Administrator, to make a grant-in-aid to a voluntary association of owners of property in some of the Corporation's Housing Schemes to enable them to meet the cost of registering anti-asiatic servitudes against their properties.

This was done upon an opinion by the City Solicitors advising that this course of action was competent.

The Administrator called for an opinion from Counsel and finally the opinion of Mr. J.J.L. Sisson, K.C., was obtained. This overruled the advice given by the City Solicitors, and was to the effect that it was not competent for the Council to utilise municipal funds in securing the registration of such servitudes.

This development should be reported to the Finance Committee, who, I suggest, should recommend the withdrawal of the Council's application to the Administrator.

The City Treasurer, in a letter dated 22nd April, asks for confirmation of the assumption that, as a result of the recent Pegging Bill, there is now no necessity for the insertion of the anti-asiatic clause in the title deeds of these properties.

I am afraid that is rather a sweeping assumption. Over the next three years there will be no necessity for it, because the Pegging Bill will look after the position during that time; but what will be the position when that three years period has passed is entirely a matter of conjecture. It is my own opinion that the Pegging Bill will be allowed to lapse after its three years is up and will not be extended.

Whether the Council should press for further legislation at the present juncture, or at any time during this three years, to cover the position of these housing schemes, is a question of policy which it will have to decide. But I think I should mention that a clause dealing with this question was included in a Bill to amend the Housing Act which was before the last session of Parliament. Owing, I believe, to opposition which it received from certain quarters and the provisions of the Pegging Bill, it was abandoned by the Minister. It seems to be hardly likely that he will now agree to resuscitate it.

6th May, 1943.

LEGAL ASSISTANT