Legislative Assembly

Tuesday, 10th August, 1954.

CONTENTS.

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

QUESTIONS.

RAILWAYS.

(a) As to State Saw Mills and Wagon Contract Price.

Hon. D. BRAND asked the Minister for Forests:

Will he lay on the Table of the House the file showing the calculation by the State Saw Mills when originally estimating the price that should be tendered by Western Australian timber interests in respect of the contract let to Wagon Timber Construction Co?

The MINISTER replied:

No. The State Saw Mills did not prepare any independent estimate comparable with the complete quotation issued by Associated Timber Industries of W.A. dated the 16th August, 1950.

(b) As to Preparation of Estimate for Contract.

Hon. D. BRAND (without notice) asked the Minister for Forests:

In view of his answer to my previous question that no independent estimate was prepared by the State Saw Mills in connection with the contract by Timber Industries, is he aware whether an estimate was prepared in conjunction with other partners, and, if so, will he make available any papers containing such records?

The MINISTER replied:

I think the hon. member will appreciate that the State Saw Mills is a trading concern and in this enterprise it is associated with a number of private companies engaged in sawmilling and other activities. Accordingly, I think, as does the management of the State Saw Mills, that it would be most improper to make public details of the affairs respecting private companies.

However, I do not want these remarks to be construed as being an endeavour to prevent the hon. member from having made available to him the information he seeks and accordingly, if it is satisfactory to him, I will have no hesitation in making inquiries to ascertain when he can consult the general manager, State Saw Mills, who I am certain will discuss the matter with him and supply the particulars he seeks.

The Minister for Railways: I will tell him what Whittaker's and Bunning's submitted as a fair price, if he likes.

COMMONWEALTH LOANS.

As to Quotas and Subscriptions, Country Towns.

Mr. NALDER asked the Treasurer:

What were the quotas, and the amounts subscribed to Commonwealth loans since 1942, by the following towns:—Albany, Beverley, Bridgetown, Bunbury, Geraldton, Harvey, Kalgoorlie, Katanning, Kellerberrin, Manjimup, Merredin, Mount Barker, Narrogin, Northam, Wagin, Wongan Hills and York?

The TREASURER replied:

I am informed by the Commonwealth Deputy Director of Loans in this State that he must receive permission from the head office in the Eastern States to give this information, and therefore I am not in a position to answer this question today, nor will I be able to do so for about two weeks.

EDUCATION.

(a) As to Arts and Crafts Section, North Collie Primary School.

Mr. MAY asked the Minister for Education:

Is any consideration being given to providing an arts and crafts section to the North Collie primary school. If not, will he give attention to this matter, as, in the

opinion of the residents of North Collie, such an adjunct would be most beneficial to the students attending the school?

The MINISTER replied:

It is not intended to provide an arts and crafts room at the North Collie primary school.

The North Collie school is better provided than most primary schools with accommodation and, with the shortage of classrooms existing in this State at present, it would not be possible to provide special rooms for arts and crafts before all necessary classrooms are provided.

(b) As to New School, "Cheetara" Area, North Collie.

Mr. MAY asked the Minister for Education:

Will he state if there are any plans prepared for a new school to be erected on what is known as the "Cheetara" area, North Collie?

The MINISTER replied:

At present it is anticipated that the erection of a school at "Cheetara" will be commenced in the financial year 1955-56.

(c) As to Additions to Carnarvon Junior High School.

Mr. NORTON asked the Minister for Education:

(1) Will he advise the House if any additions will be made to the Carnarvon junior high school during the present financial year?

(2) If so, to what extent?

The MINISTER replied:

(1) Yes.

(2) It is proposed to provide three additional classrooms, convert the old school to a manual training and technical drawing centre and add to the science room to enable it to be used for both home-science and science.

SHAGS.

As to Habits and Habitat.

Mr. LAPHAM asked the Minister for Fisheries:

(1) Would it be correct to state that shags are increasing greatly on the Swan River?

(2) What means of ascertaining this data is adopted?

(3) Is it a fact that shags are responsible for the destruction of large quantities of edible fish?

(4) Has the department carried out any investigation which would indicate the quantity and specie of fish mostly consumed by shags?

(5) Are shags common to any other parts of the world?

The MINISTER replied:

(1) No.

(2) Observations by departmental officers.

(3) No.

(4) Investigations lasting almost 12 months were carried out in 1936 by Dr. D. L. Serveny, then on the staff of the Biology Department of the University, and departmental officers. During the course of the investigation, hundreds of shags or, as they are more correctly termed "cormorants" were shot and the stomach contents examined. With the exception of cobblers, the number of sporting or commercial species in the stomachs was negligible. "Rubbish" fish like gobies, gobbleguts and hardyheads, were found almost exclusively. Twelve months ago, in my office, several cormorants were dissected and the stomachs examined. On that occasion, it was found that there were no commercial fishes, but merely gobies and hardyheads. A few shrimps (not prawns) were also present.

(5) Yes. Their distribution is practically world-wide.

ESPLANADE.

As to City Council's Ban on Sport.

Mr. OLDFIELD (without notice) asked the Premier:

(1) Is he aware that the Perth City Council's ban on sportsmen training on the Esplanade after sunset has debarred many young people from training with their respective teams?

(2) If so, will he use his influence with the Perth City Council with a view to having suitable arrangements made to enable training to proceed on the Esplanade, as it has for many years past?

The PREMIER replied:

(1) and (2) According to this afternoon's issue of the "Daily News," the Perth City Council has lifted the ban, at all events for the time being. That information is given on the front page of today's "Daily News."

HOUSING.

As to Housing Evictees at Graylands.

Mr. NIMMO (without notice) asked the Minister for Housing:

As there appeared in yesterday's Press the information that the Commonwealth Government was selling some of the immigration camps at Graylands, is it the intention of the Minister or the State Housing Commission to make representations to the Commonwealth Government to see whether those houses could be obtained on lease to accommodate evictees?

The MINISTER replied:

Some months ago the Housing Commission investigated those buildings, and, in company with officers of the commission

and of the Public Works Department, I made a personal inspection. The buildings are considered to be entirely unsuitable for living accommodation. Generally speaking, the division walls are of corrugated galvanised iron of only a single thickness, and accordingly give no privacy whatever.

Further, the structures would have to be entirely rewired for electricity and there are no cooking facilities in the buildings. It would be necessary also to erect lavatories and wash-houses, as there are at the present moment only two blocks of lavatories, which are a considerable distance away from the various hutments. It was felt that approximately 40 families could have been found shelter there so far as area was concerned, but it was estimated that there would be a minimum expenditure of £500 per unit to make the structures habitable, which means that for temporary unsatisfactory accommodation the State would have to spend in the vicinity of £20,000, and the people who occupied those premises would suffer a great deal of discomfort for the reasons I have given, and for others that could be submitted.

CHILD WELFARE.

(a) As to Investigation and Report.

Hon. DAME FLORENCE CARDELL-OLIVER (without notice) asked the Premier:

(1) Is it true that he asked the head of the Child Welfare Department of New South Wales to investigate and report on child welfare conditions in Western Australia?

(2) If so, did he or the department concerned receive such a report, and on what date?

The PREMIER replied:

(1) Yes.

(2) Yes. I could not give the exact date from memory, but the report has been in my hands for some considerable time.

(b) As to Date of Report and Government's Action.

Hon. DAME FLORENCE CARDELL-OLIVER (without notice) asked the Premier:

(1) Was the report received in, approximately, October, 1953?

(2) If so, why has not the Government done something to alleviate the deplorable conditions which were mentioned in the Press the other day?

The PREMIER replied:

(1) I think the approximate date might be October, 1953.

(2) The Government has done a considerable amount to alleviate the conditions over which it has control.

(c) As to Confidential Nature of Report.

Hon. DAME FLORENCE CARDELL-OLIVER (without notice) asked the Premier:

Was that report absolutely private and confidential, and if so, how did it become available to the Press?

The PREMIER replied:

No.

OVERSEAS TRADE.

As to Japanese Competition.

Mr. HEARMAN (without notice) asked the Premier:

Has he yet obtained the information that I asked for on the 14th July, 1954, with regard to what foodstuffs are at present suffering the effects of competition from Japanese foodstuffs selling in foreign markets?

The PREMIER replied:

Yes. The Minister for Agriculture has supplied me with the information required by the hon. member. It is rather extensive, and I will lay it on the Table of the House.

NATIVE WELFARE.

As to Distribution of McLeod Company Profits.

Mr. ACKLAND (without notice) asked the Minister for Native Welfare:

In today's issue of the "Daily News" there is an article headed "McLeod Native Company Breaking Up." That article contains a statement that the company is reputed to have made £100,000 gross last year. While I was in Port Hedland, it was quite common to hear reports that the natives who work for this company were insufficiently clad and paid by McLeod and were in a rather distressing condition. Would the Premier ascertain if there is any foundation for such reports and, if so, ensure that the natives receive some remuneration from the money they have been instrumental in making?

The PREMIER (for the Minister for Native Welfare) replied:

I think the suggestion that the company made £100,000 last year would be wrongly based. I will ask the Minister for Native Welfare to investigate the other aspects of the question.

BILL—HEALTH ACT AMENDMENT.

Message.

Message from the Lieut.-Governor received and read recommending appropriation for the purposes of the Bill.

BILL—RENTS AND TENANCIES EMERGENCY PROVISIONS ACT AMENDMENT.

Council's Amendments.

Schedule of amendments made by the Council further considered from the 5th August.

In Committee.

Mr. Brady in the Chair; the Minister for Housing in charge of the Bill.

The CHAIRMAN: Progress was reported after amendment No. 25 had been agreed to.

No. 26 Clause 18, page 8—After the word "repealed" in line 28 add the following words:—"and re-enacted as follows:—

> 20B. (1) On and after the first day of May, one thousand nine hundred and fifty-four, the lessor of premises (other than premises in respect of which there subsists a lease entered into after the thirty-first day of December, one thousand nine hundred and fifty) shall not during the operation of this Act commence proceedings to recover possession of, or eject the lessee from, premises unless he has given to the lessee notice to quit of at least twenty-eight days or such longer period as that to which the lessee is entitled at law.
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> (2) Upon any application pursuant to the provisions of section thirteen of this Act being lodged by a lessee (other than a lessee under notice to quit or to terminate the tenancy of premises) with a Fair Rents Court or an inspector (as the case may be) for the amount of the rent of the premises to be determined, a notice to quit or terminate the tenancy shall not thereafter be issued in respect of those premises until after such application has been determined by a Fair Rents Court or the inspector (as the case may be) or the expiration of a period of three months from the date of the lodgment of such application whichever is the sooner.
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> (3) Upon the hearing by the Supreme Court or a Local Court of any summons for the recovery of possession of premises (other than premises in respect of which there subsists a lease entered into after the thirty-first day of December, one thousand nine hundred and fifty) the Court hearing such summons may at its discretion, on account of any special reason of severe hardship which may be proved by the lessee, suspend the operation of any judgment or order thereon for such period not exceeding three months from the date of the hearing as the Court may determine.
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> (4) The provisions of Subsections (2) and (3) of this section shall continue in force until the thirty-first day of August, one thousand nine hundred and fifty-five and no longer."

The MINISTER FOR HOUSING: I have already indicated that whilst I am prepared to agree to the principle behind the proposition contained in this amendment, I desire several amendments to be made to make it conform to the decision reached by the Committee when the Bill was previously before us. From the member for Dale I have just received a suggestion regarding amendment No. 27, namely, that it be dealt with in conjunction with this amendment in order to meet the obvious desire of the Legislative Council that Section 20 of the Act shall be the one which contains all the provisions dealing with evictions. After dealing with the first amendment I will submit, I shall be prepared to adopt that course later on. In amendment No. 26, the last word appearing in Subsection (2) of proposed new Section 20B is "sooner." I move—

> That the amendment be amended by striking out the word "sooner," at the end of proposed Section 20B (2), and inserting the word "later" in lieu.

The substance of the paragraph is that where a tenant has lodged an application for the determining of a fair rent, the landlord shall be prevented for a certain period from taking action to evict. The Council's amendment is that the period shall be until the rent has been determined, or three months, whichever is the sooner. There was considerable debate in this Chamber when we last considered the matter, and eventually it was decided that it should be the later period.

From a practical point, this would invariably mean a bar against a landlord in the matter of initiating eviction processes for only three months because applications to the fair rents court will be disposed of pretty rapidly. There may be a delay of only one or two weeks; I cannot see that it will take a longer period than that. Accordingly we are confronted with a position where a lessor has leased premises to a tenant against whom he has no objection. Because the tenant has applied to the court for the determination of a fair rental, he thereby incurs the displeasure of the landlord, who then wants to get rid of him. Surely any person seeking justice and fairplay should not suffer detrimental consequences for so doing.

The Government feels that the amendment I submit would have a restraining influence on landlords by debarring them from giving notice for three months. There can be no injury to the owner of the premises. He will be getting the present rental, or that determined by the fair rents court. Where a lessor is taking more or less vindictive action, there should be some slight penalty against him. The penalty proposed is not mandatory; it does not deny rights to the landlord, but merely seeks to protect the tenant for a limited period. The proposition is reasonable and there should not be violent opposition to it. I want to indicate that after we have dealt with this matter, it is my intention to move to insert certain words as suggested by the member for Dale earlier today.

Mr. WILD: This amendment revolves around the two words "sooner" and "later," which, in effect, means that the tenant must get at least three months if it is the latter period. He could get four months or more. On the other hand, if it is sooner the most a tenant would get is three months. I do not agree with the Minister that there should be a penalty imposed on the landlord. In my view this provision will apply only in a few isolated cases. If a landlord gives notice to a tenant of his intention to increase the rent, the onus is on the tenant to expedite the hearing of any application. Knowing that he has three months under the present amendment, the tenant will not instruct his legal representative to expedite the hearing.

If, on the other hand, a tenant is given a mandatory three months, or until the hearing of the case, he will make every effort to have the case brought on for hearing as early as possible. I have nothing against lawyers, but they are only human and they must act on the instructions of their clients. If a tenant knows that he will get at least three months and can get five or six months by resorting to subterfuge, a case could be delayed for five or six months. That would be stretching the intention of this provision too far.

The Committee would be well advised to accept the amendment of another place, which gives a tenant three months' to have his case brought on for hearing. Originally we wanted to secure exactly the same amendment in this Chamber. It was not agreed to because the Opposition did not have the numbers. Now that amendment has been made in another place. The amendment moved by the Minister revolves around the two words, but they make a lot of difference. The Minister, on reconsideration, may agree that his amendment would give tenants too much latitude, and could, with a little wrangling, extend the period to five or six months. Three months should be sufficient, so I oppose the Minister's amendment and insist that the Council's amendment be agreed to.

The MINISTER FOR HOUSING: The member for Dale has confused the position. It is not a question of whether it is three months under the Council's amendment, and an indefinite period under the present amendment. As indicated, the period would probably be a week or two before a determination was made by the fair rents court. All his reference to solicitors is entirely irrelevant. They do not come into the argument. The tenant lodges an application. The day on which he consults his solicitor has nothing to do with the matter. The court arranges the date for the hearing, which will in all probability be a week or two ahead. Under these circumstances, where there is a delay of a week or two, the Government considers that some form of protection should be provided, should a landlord endeavour to penalise a tenant whose only crime was to seek justice. Unless there is a breathing space, no tenant will be game to go to the court. The court is supposed to be a reasonable tribunal and there should be no occasion to grant an adjournment in order to exceed the three months' period. An adjournment of a few days or a week in order to obtain the report of a valuer, would probably represent the only delay.

If there were virtually no stay of proceedings, would any tenant be prepared to approach the court, knowing that after a week or two he would receive 28 days' notice to quit? My proposal would give the tenant some security, which is only fair and reasonable. In actual practice, I do not think that three months will prove to be the extent of the protection afforded the tenant because the hearing will have occurred much earlier.

Mr. WILD: The Minister has really advanced an argument for accepting the Council's amendment because he believes that a tenant could get to the court in two or three weeks. When I was Minister for Housing, I listened on two or three occasions to the cases being heard in the local court. There were two or three courts sitting at the one time and cases had to be adjourned. One magistrate, Mr. McMillan, took a litigant to task because his solicitor was not present. The solicitor was appearing in another court. Further, a solicitor might be ill on the day of the hearing. If one wanted to sidestep the issue for a few weeks, it would not be difficult to do so. We maintain that a tenant should endeavour to get before the court as quickly as possible.

The Minister for Housing: And immediately get notice to quit.

Mr. WILD: If the tenant employed legal aid, the lawyer might not be present and there would be a stringing on of the case. Three months is a reasonable time to allow a man to make application and get before the court.

The MINISTER FOR HOUSING: I intend to take a risk and see whether I can meet the hon. member. By so doing, I am taking him at his word that a period of three months would be reasonable and that there is no necessity to provide for an indefinite period. If he agrees with me, I shall ask leave to withdraw my amendment, with a view to moving to strike out the words "after such application has been determined by a fair rents court or the inspector (as the case may be) or" and also the words, "whichever is the sooner." That would obviate the possibility of a tenant, in collusion with his solicitor, dragging on the case indefinitely. If I receive an intimation from the Opposition that the fixed period of three months will be accepted, I shall take the course I have indicated.

Hon. A. V. R. ABBOTT: We are now dealing with applications that could be made under Section 13, which provides that a tenant may at any time apply to the court to have his rent considered. Suppose the landlord had not increased the rent but wanted the premises for his own purposes, if the tenant then lodged an application for a reduction of his rent, which might have been the rent for many years, it would hold up the landlord for three months, would it not?

The MINISTER FOR HOUSING: That would be the position.

Hon. A. V. R. Abbott: A very awkward position, is it not?

The MINISTER FOR HOUSING: That may be so, but it arises from the fact that the Opposition in the Legislative Council removed the provision whereby an owner could automatically regain possession of his premises. The proposition I have indicated is fair and reasonable because the objection raised by the member for Mt. Lawley could equally apply under the Council's amendment.

Hon. A. V. R. Abbott: I agree.

Mr. Wild: I agree to the withdrawal of the amendment subject to the deletion of the words mentioned.

The MINISTER FOR HOUSING: I ask leave to withdraw the amendment on the Council's amendment.

Leave granted.

The MINISTER FOR HOUSING: I move—

> That the amendment be amended by striking out the words "after such application has been determined by a fair rents court or the inspector (as the case may be) or" in lines 13 to 16 of proposed Subsection 2 of proposed new Section 20B.

Amendment on amendment put and passed.

The MINISTER FOR HOUSING: I move—

> That the amendment be amended by striking out the words "whichever is the sooner" in lines 19 and 20 of Subsection (2) of proposed new Section 20B.

Amendment on amendment put and passed.

The MINISTER FOR HOUSING: I move—

> That the amendment be amended by adding at the end of subsection (2) of proposed new Section 20B the following proviso:—
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> > Provided that where the amount of the rent determined by the court is less than eighty per centum of the amount of the rent being charged or requested by the lessor at the date of the application as aforesaid, a notice to quit or terminate the tenancy shall not be given to any such lessee until after the expiration of a period of twelve months from the date of that determination of the rent by the court.

We had quite a long discussion on this point when the Bill was previously before us. It was suggested that the amount of error should be 25 per cent.; we proposed that it should be 10 per cent. and finally we settled on a margin of 20 per cent. That was accepted by members on both sides of the Chamber. The Council has disagreed with the proposal, which sought to impose a penalty on the landlord by denying him the right to obtain eviction for a period of 12 months if he had offended by imposing an excessive rent. Only two minor alterations have been made to the proposition which emanated from the Opposition—the percentage was made 80, and instead of referring to the rent "paid" we have made it refer to rent "charged or requested".

Mr. WILD: Will the Minister reconsider the percentage and agree to reduce it to 75? I am aware that we compromised by providing 80 per cent., but since then I have given considerable thought to the matter. I have had discussions with two or three estate agents who say that the margin is too fine. They feel that our original intention would, from their point of view, be safer. The member for Nedlands stated a case, when the measure was previously before us, of a man getting himself into difficulty. It is not easy for one valuer to assess a house at £5 a week and for another to come within 10s. of that amount. On the one hand he is liable and in trouble, and on the other he is not. There should be sufficient latitude to allow for error.

I know that previously we all agreed on a compromise of 80 per cent., but I am now thinking on the basis of what is fair and of not allowing the landlord to fall into a trap, quite unwittingly, because assessors have all sorts of ideas when they go along to determine a fair rent. I believe the 75 per cent. would be much better and safer than the 80 per cent. The estate agents say that the latter figure does not allow a sufficient margin for error.

The MINISTER FOR HOUSING: The member for Dale should remember that the 80 per cent. appears as a compromise between the conflicting views on 75 per cent., on the one hand, and 90 per cent. on the other. This will mean that for a house that is worth £4 a week, the owner could charge up to £5 a week without suffering any disqualification, because if he charged £5 and the court decided that £4 was the correct amount, the difference would represent 80 per cent., and as long as he was not in greater error than that he would be on safe ground, and would suffer no penalty.

The Minister for Works: It is a 25 per cent. margin of error.

The MINISTER FOR HOUSING: It depends on which way we approach it.

The Minister for Works: The margin is on the correct rent. If you charge £5 and the correct rent is £4, you are 25 per cent. out.

The MINISTER FOR HOUSING: That is so. If the fair rental is £4, as determined by the court, and the landlord charges £5, the difference is 80 per cent., and there is no penalty against the landlord. As the Deputy Premier points out, the provision here allows of a 25 per cent. margin for error on a place that is worth £4. That ought to be plenty, but in addition this will have the effect of making the landlord exceedingly careful not to go over the odds. If he received an inflated valuation, and felt he should get £5 a week, I venture to suggest that if he charged the tenant £4 10s., he would still be getting an amount considerably in excess of that being obtained by him now. Therefore the provisions of the Bill, and what the Government has in mind, will allow of reasonable justice being meted out to the landlord. But, if he does go over the odds, there will be not a monetary penalty—because he will still get the fair rent—but the penalty of not being able to evict for 12 months.

Hon. A. V. R. ABBOTT: Has the Minister had any advice in this connection from the land agents? This is not a question of what the landlord thinks, but of what the landlord is advised to do. If he gets wrong advice, he may be pretty severely penalised.

The Minister for Works: What is the penalty; that he shall get the correct rent for three months?

Hon. A. V. R. ABBOTT: No, for 12 months. It is not a matter of the correct rent, but of his premises being tied up for 12 months.

The Minister for Works: That is no penalty if he is getting the correct rent.

Hon. A. V. R. ABBOTT: It might be extremely awkward. I am only asking the Minister if he has had any advice on this point.

The Minister for Housing: Not on that point.

The MINISTER FOR WORKS: I hope the Committee will not agree to the proposition put up by the Opposition because it is not a fair one. Members opposite suggest that we ought to provide for the rent being 75 per cent. of the amount actually charged, in which case there shall be no penalty whatsoever. Let us look at that. If the landlord charges £4 a week when the true rental is £3 a week, that is 75 per cent. of the amount mentioned; and that is to be regarded as all right. Actually, however, that is a 33⅓ per cent. margin of error, which is a big margin, and the landlord is not entitled to it. If he cannot assess the rent to a nearer figure, he should change his agent. As a matter of fact, in my view 80 per cent. is still too wide, but I have been prepared to compromise on that in order to get something through. I shall certainly not cast a vote in favour of the margin now suggested. It is out of all reason.

Hon. A. V. R. Abbott: Have you had any advice from the Land Agents Association?

The MINISTER FOR WORKS: I would not want advice from anybody on this. Commonsense tells me it is outrageous. When prices legislation operates, we prosecute people for charging 2d. or 3d. extra on 5s. Here we have the proposition that if a landlord tries to charge £1 too much on £3, he shall get away with it.

Hon. A. V. R. Abbott: No, that is not the proposition.

The MINISTER FOR HOUSING: Yes, it is. He can take the risk on that margin knowing he cannot suffer any penalty because, if the court determines that is the fair rent, he can still evict his tenant. I do not think that the member for Mt. Lawley, on reflection, would regard the proposition as being fair.

Amendment on amendment put and passed.

The MINISTER FOR HOUSING: I move—

> That the amendment be amended by striking out the word "special" in line 11 of Subsection (3) of proposed new Section 20B.

The Committee agreed with me when we previously discussed this point. The proposed subsection is designed to allow the court a limited discretion where there are some particular features in respect of the case before it. If there is any reason of severe hardship, that should suffice. Any family about to be evicted is, I daresay, confronted with hardship if it is unable to find alternative accommodation. That would be common to all lessees; accordingly, proof of the fact that every endeavour had been made, but without success, to obtain other accommodation would not be accepted by the court.

I have to draw on my imagination a little as to what is severe hardship. All I can think of is where dear old mum, aged 95, is at death's door and, as a result, there should be a limited period allowed to give her time to pass away instead of moving her out of the premises whilst she is undergoing the death rattles. That could be a case of severe hardship. But when it is sought to go a step further and provide for any "special" reason of severe hardship, I think it is asking too much. It would make this slight concession practically meaningless and valueless. Even as the provision will appear with the deletion of this word, I venture the

opinion that there would be scarcely any lessees who could prove to the court that they would suffer "any reason of severe hardship" in contradistinction to any of the many other cases before the court. For this reason I ask the Committee to agree to the deletion of the word "special".

Mr. WILD: I think this is only a matter of toying with English. I rather agree with the Minister that it would be pretty difficult to decide where the dividing line came in. I cannot see the reason for the word "special" if we are going to retain the word "severe" as I hope the Minister will, because the magistrate must be given some guide. This provision is being included to give the magistrate discretion when someone is going to suffer severe hardship. To speak of "special" reason of severe hardship seems to be taking the matter a little far one way.

Amendment on amendment put and passed.

The MINISTER FOR HOUSING: I move—

> That the amendment be amended by striking out the word "three" in line 16 of Subsection (3) of proposed new Section 20B, with a view to inserting in lieu the word "six."

The original provision, as moved by the Opposition, stipulated a period of four months. The Government, on assessing the situation, felt that there should not be anything mandatory about it, but that it should be at the discretion of the court and that the court should be able to grant up to four months. If circumstances were such as would warrant it, a further period or periods could be granted, but of no greater duration than four months at any one time. The Government will not be laying down the conditions or the circumstances, but the magistrate, after hearing evidence—and the responsibility is placed on the lessee to establish a case of severe hardship—could grant an extension of two, three or four months. If the aggravating circumstances were still in existence, further limited periods could be granted.

That was the Government's view. However, the Legislative Council apparently feels that there should be one period only, and that not to exceed three months. It could be one, two or three months, but no more, and the Government thinks that that is not satisfactory. The Government is not very happy in respect of the amendment to allow the court discretion to a single maximum period of six months. There may be a few that would go as long as that and if the circumstances are such as to warrant it, in the opinion of the magistrate, surely he should have authority to deal with such a case on its merits. In addition, the original proposal would have had the effect of steadying down the flow of evictions.

I now want to correct what the member for Dale said when we were discussing these amendments last Thursday. I made the statement that the member for Dale must realise there is an eviction problem and that evictions are being made at a greater rate than ever before. The hon. member interjected and said that the information was not correct, and suggested that in September, 1951, the position was more serious than it is today. I have taken the precaution of obtaining the true figures, and I find that in July, 1951, the number of evictions averaged 15 per week; in August the average was eight; in September it was three per week, and in October, 1951, the average was 18 per week. This, of course, applied to the metropolitan area and for the whole period of 12 months, from the 1st July, 1951, to the 30th June, 1952, there was a total of 650 evictions in the metropolitan area given on orders from the metropolitan courts; or an average of 12 per week.

But what is the position today? From the 1st January to the 30th June this year, the total number of evictions was 152, or an average of seven per week. Then we come to July of this year, and for the week ended the 3rd July, 30 orders were given by the court; for the week ended the 10th July, 25 orders; for the week ended the 17th July, 43 orders; for the week ended the 24th July, 41 orders; for the week ended the 31st July, 27 orders; and for the week ended the 7th August, 28 orders. Today, 22 orders were given in the Perth Police Court and six in the Midland Junction court, and 16 cases are listed for hearing in Fremantle tomorrow.

From those figures it will be seen that the number today is many times what it was when the member for Dale was Minister for Housing and felt the first impact of the provision which enabled persons to evict under the automatic proposal where an owner sought to obtain premises for himself or a near relative. Accordingly, my statement that the position is far worse today than ever it was, was perfectly true and is borne out by the official figures. Apropos of this point, I mentioned that "The West Australian" had not published the number of evictions in the week when we had an all-time record in Western Australia. I refer to the week ended the 24th July, when there were 35 eviction orders issued in the Perth court alone.

Apparently such an item of interest is not considered news-worthy, and for some reason the editor of "The West Australian" put in a marginal footnote to suggest that the figure had been published in respect of a certain week. I checked with "Hansard" and found that I was referring to the week when a record number of eviction orders was issued by the court, but that was not the week mentioned by "The West Australian." To go further, I am reported to have said that—to use an hon. member's name, if I may be permitted to do so—Mr. Wild and Mr. Simpson did all sorts of things. As members will recall, I did not use Mr. Simpson's name during the

course of the proceedings last Thursday. I know perfectly well that another member was present, other than Mr. Simpson, who was one of the "Big Four" in the Liberal Party, who investigated the provisions of this Bill and drew up amendments and so on.

The Minister for Lands: Who are the "Big Four?"

The MINISTER FOR HOUSING: I think we should clarify the position by naming them; they are the member for Dale, the member for Nedlands, Mr. Simpson and Mr. Griffith.

Mr. Hutchinson: How did you find out?

The MINISTER FOR HOUSING: I have a way of getting about and finding out things.

Hon. Sir Ross McLarty: You are not offering any objection, are you?

The MINISTER FOR HOUSING: None whatever. My criticism was that although this committee, comprising members of the Liberal Party in both Houses, drew up certain proposals, some of which the Government accepted almost in their entirety, the Liberals in the Legislative Assembly were let down by their colleagues in the Legislative Council.

The Minister for Lands: I want to know who called them the "Big Four."

The MINISTER FOR HOUSING: A rose by any name! The Government cannot, for one moment, agree that the discretion of the magistrate—in respect of these isolated cases of severe hardship—should be restricted to a period of three months. I had a long conference with the Chief Secretary, whose Bill this is, and he felt that the absolute minimum to which the Government could go would be a period of six months. In view of the figures I have given, illustrating our experience since the 1st July of this year, when we commenced to feel the impact of the decisions made in December last, I hope members will agree to my amendment. Anything we can do to ease the position and give the Housing Commission an opportunity to deal with the situation, should be done.

For the week ended the 31st July last, 41 house were allocated, and the whole of the 41 were filled by people from the camps—they were ahead of their turn—in order to make available accommodation for persons who were being evicted by court orders and who came within the ambit of present policy. Because of evictions, no two-unit couples are given accommodation, nor are couples whose sons are 18 years or older, or daughters 21 years or over, given accommodation. That is most restrictive, and yet, in order to cope with the situation which the Government pointed out not once but 101 times would develop, the Housing Commission is sacrificing applicants who have been waiting for four, five or even six years. When we stated that, we were accused of playing political football; the chickens have come home to roost.

Fortunately, because of the increased tempo of housebuilding by the State Housing Commission, no families, where children are to be housed, have been evicted on to the streets. The Housing Commission is grappling with the problem and has been able to hold the situation, but at the sacrifice of people who have been living under the most terrifying and trying circumstances, in many cases for a period of five years or more.

Mr. Hutchinson: Have you any priority list for severe hardship cases?

The MINISTER FOR HOUSING: What is known as an emergent committee has been in existence for several years and in cases of chronic illness—such as t.b.—in the family, or circumstances akin to that, a limited number have been found accommodation ahead of their turn. Where can these families, with a number of small children, who are suffering hardship, turn in the event of eviction? They cannot go into rooms in apartment houses, because in the majority of cases they will not be accepted. In any event, there are no proper facilities for them in such places.

Hon. Sir Ross McLarty: Would this mean that an owner of a house, wanting it for his own use, might have to wait six months in the event of severe hardship?

The MINISTER FOR HOUSING: Possibly that could be the situation if the magistrate decided that the family about to be evicted warranted the maximum consideration. But I should say that the number of cases that could come within the definition of "severe hardship" would be, perhaps, 1 per cent. of the number that went through the court.

Hon. A. V. R. Abbott: I would say about 80 per cent.

Hon. Sir Ross McLarty: They would all try to prove it.

Hon. A. V. R. Abbott: It is always severe hardship; you have cut out the word "special."

The MINISTER FOR HOUSING: Merely being evicted does not mean a great deal, particularly when we read in the Press that a magistrate in the Perth court said, "I have given an eviction order against you: I suggest you go to the Housing Commission."

Hon. Sir Ross McLarty: Would not many of them plead hardship?

The MINISTER FOR HOUSING: Yes, but they would have to prove it; the mere assertion would not mean a thing to a magistrate.

Hon. A. V. R. Abbott: I do not know.

Mr. Hutchinson: It has been the contention that any evcition is a case of severe hardship.

The MINISTER FOR HOUSING: We are merely allowing a limited discretion. Incidentally, the Legislative Council agrees that it should be for a period of three months and it was proposed by the "Big Four" that there should be a period of four months. I do not know what happened to whittle away a month between the time the Bill left here and the time it arrived in the Council. Apparently there is a difference of opinion between the Opposition as to four months and the Government, which feels that six months is the absolute minimum. The Government has to accept the responsibility.

Hon. A. V. R. Abbott: You are not accepting any responsibility for shops.

The MINISTER FOR HOUSING: No, but we are for accommodation, and it is that about which we are worried. The Legislative Council has agreed that the court should have some discretion. The argument is not on the point raised by the member for Mt. Lawley but merely as to what period is reasonable. The Government thinks six months is, and for that reason I propose to move in that direction.

Mr. WILD: I am sorry the Minister has engendered heat into the debate. We had enough the other day and I hope I shall not respond in the same tenor. I would like to clear the Minister's mind about the little committee to which he referred. I happened to be chairman of that committee, and I am afraid he and his informer are completely wrong. There were certain amendments agreed to by that committee and in essence they were similar to that which we have been trying to move in this House and in another place. When that measure was before a former Committee of this Chamber, the Minister, by the deletion of a couple of words, in effect, altered it. He talks about the number of people being evicted. I said that over a period of time in September, 1951, we were handling more people who were being evicted than the Government is today. Figures can be made to suit one's own convenience. We, the Opposition, say that the position is not as bad as the Minister would make out.

The Minister for Housing: How can you say that? I have given you the official figures!

Mr. WILD: We have been twitted for not going to the court to listen to what has been going on, but I would remind the Minister that we do move around and find out the position for ourselves. Recently, a friend of mine who was transferred from Bridgetown to Perth wrote me a letter asking if I could get him a house. He had been transferred in a hurry. I found him one, but the rent was excessive and more than he could afford. That gentleman has had three houses in Perth inside six months, and has himself obtained two at lower rentals.

There may be a lot of people in the lower income group who are being evicted and cannot do anything for themselves. On the other hand, the magistrate does exercise some latitude, even without the provision of a period of six months, which the Minister wants inserted. There are many people who, if they looked around, would be able to find houses within their income. It all boils down to the fact that a select committee would have been the answer; it would have shown whether the Government or the Opposition was right. The Government says it cannot handle the position, but we, the Opposition, say that the situation can be dealt with. I cannot agree to the provision of a period of six months. Originally, we wanted three months, but I am prepared to compromise and make it four. With four months' discretion being given to a magistrate, it will in effect mean six months. At the outset, the man gets 28 days' notice to quit; he then applies to the court and there is the provision that the magistrate may use discretion which, if we accept it, would be four months. So, by the time he gets his case before the court and a magistrate uses his discretion, a man has from five to seven months in which to find another place. I do not want to be misunderstood. I know there are a few in the low income group, with large families, who can do little for themselves, but there are a large number in the middle income group who could do a lot more for themselves than they are doing at present.

Amendment on amendment (to strike out word) put and passed.

The MINISTER FOR HOUSING: I move—

> That the word "six" be inserted in lieu of the word struck out.

This is the maximum period but, in accordance with the circumstances of the case, it could be a lesser period than six months. The member for Dale said he would compromise and make it four months; that is no compromise, because four was his original proposition. The Government's proposition was that it should be for periods not exceeding four months at any one time, but it could have been for the whole duration of the Act. If a case were heard today, under the Government's proposal a magistrate could give an extension up to the 31st December, 1955. But the Government has retracted from that because of the attitude of the Legislative Council, and we have said, somewhat reluctantly, that we will nevertheless accept a period of six months as the maximum.

That is a compromise and a tremendous gesture to the Opposition as expressed by the majority of the Legislative Council. I think it will be agreed, therefore, that the Government has gone about 90 per cent. of the way in conforming to the wishes of the Opposition. The member for Dale makes all sorts of general and loose statements,

and proceeds to make a point from them, but on almost every occasion I have found, after a check has been made, that there is no substance in his utterances. He talked about a greater number of evictions in September, 1951. There were a total of 13 evictions for the whole of that month in the entire metropolitan area. Yet from the Press it would appear that I was giving wrong information merely because of the misleading interjection by the member for Dale.

Mr. Wild: How many were there spread over a period of three to four months after we amended the Act? That would give a better average.

The MINISTER FOR HOUSING: For the first three months there was a total of exactly 120, that is, 40 per month, or an average of ten per week for the first three months. That contrasts with the average of 32 evictions orders given since the beginning of July this year.

Mr. Hutchinson: It was 12 for the whole of the year.

The MINISTER FOR HOUSING: Yes, from the 31st July, 1951, to the 30th June, 1952. We have, of course, only had six months' experience, but evictions are in excess of 30 per week at the moment, whereas they were 12 per week in 1951.

Mr. Wild: Is there nothing to show that it will not taper off, and that the average will get below 12?

The MINISTER FOR HOUSING: I can only show that when the member for Dale was Minister they ranged from 74 to 30, and then up to 100.

Mr. Wild: It was very difficult to tell.

The MINISTER FOR HOUSING: If that is any indication, it will taper off, but it will be twice as heavy in a few months' time, if it follows the pattern. I am twitting the member for Dale on his statement that accommodation is comparatively easy to find. A member of the Legislative Council had this to say—

> Houses are available if people will go out and look for them. I was looking for a home in 1946, when the position was much more drastic than it is today, and I found one.

That sounded all right. That member applied for a house on the 10th July, 1946; somebody intervened on his behalf and he was given a house in December of that year.

Mr. Wild: Which Government was in office?

The MINISTER FOR HOUSING: I do not know, but I do know that somebody intervened on his behalf. It will be appreciated that no Minister sees every individual transaction in his department. Here we find a man who used influence to get a house for himself, and then he stands up and asks why, if he found a house for himself, everybody else could not do the same? That member had to be written to on 16 different occasions because of arrears of his rent. On three occasions he was sent a final notice, and there are some other circumstances in connection with this transaction.

Mr. Hutchinson: Have any other members used influence?

The MINISTER FOR HOUSING: I could not say. But it ill becomes that hon. member to talk about the ease with which he was able to solve his housing problem. And that was in 1946, before he was a member of Parliament; he was a political organiser at that time. In the same way, it is easy for the member for Dale to talk glibly about how easy it is for people who are really in need of accommodation to go out and find it for themselves.

It may not be in accordance with trade union practice, but I would offer the member for Dale a commission if he would find accommodation for some families where there are children involved, and at rentals within the reasonable capacity of the people to pay. Apparently houses can be plucked like cherries from trees; there are houses everywhere; it is only a question of looking for them. The argument is that these people are not interested in finding accommodation for themselves. They come whingeing to the Housing Commission, and they have a Minister who tries to put up a story for them which is false, because there is no real hardship whatsoever; houses are easy to find!

But the Housing Commission knows the position. The member for Dale can, with my authority, interview any officer he likes at the commission, free from any political bias I might have, and find out from that source just what the position is. That invitation is extended to him and to any other member of this Chamber or of the Legislative Council. I repeat that the Government is accepting an absolute irreducible minimum in allowing a maximum of six months—it may be only a few weeks in cases where the discretion is exercised—in the magistrate's discretion, if there are some really serious circumstances pertaining to the case.

Mr. WILD: I cannot agree to the Minister's amendment. I would agree to four months, and will move that the Minister's amendment be amended. I take it that that is the correct procedure.

The CHAIRMAN: I was going to say that I do not think the hon. member can move his amendment to the Minister's amendment. I think the only way is to vote out the word "six" and endeavour to have "four" substituted instead. Standing Order 374 reads—

> When there comes a question between the greater and lesser sum, or the longer or shorter time, the least sum and the longest time shall be first put to the question.

That is what I propose to do, and the Committee can decide whether the word shall be "six" or not.

Mr. WILD: A period of six months is going too far and I cannot agree to it. We have debated this so frequently in the past three or four months that it is now a matter of useless repetition. There is a wide divergence of opinion between the Government and the Opposition as to whether there is this very difficult situation in regard to everybody who is being evicted. The Minister implied that I talked about houses being plucked from trees. I did not suggest anything of the kind. What I say does not apply to everybody —I am only generalising—but it is a fact that there are many people who have time to look around, call upon agents, and do something for themselves, and who do not do so but merely sit back.

I remember reading in the paper a few months ago that the Minister himself, when speaking somewhere in the country, decried the very situation about which he is now going into reverse—namely, that the moment people get into trouble they go rushing to the Housing Commission and asking, "Where is my house?" He spoke about the commission being a big landlord, which he thought was not in the interests of the State. I am aware that rents are higher. We must be prepared to accept that, and the Government realises it. The old days when rents were 30s. a week have gone; with a basic wage of £12 a week, people must be prepared to pay something higher than that. Even Mr. Chifley, through the Commonwealth-State rental agreement, indicated that a man should be able to pay one-fifth of his income in rent.

Mr. Heal: What is the rent allowed in the calculation of the basic wage?

Mr. WILD: That is the subject of another discussion.

Mr. Heal: It is 27s.

Mr. WILD: In the prewar days, probably before the hon. member's time, the basic wage was £4 15s. per week. I was married on that sum and paid 25s. a week rent, and I am not ashamed to admit it. That was not a fair average. I should have been trying to live in a house at £1 or 25s. a week because of my income. But in these days the average man, by working hard and doing overtime, can get £16 or £17 a week and he must be prepared to pay £3 or £4 a week rent. We cannot get away from that, and it is no good thinking in terms of 35s.

We notice in the papers every day houses to let at £4 4s. a week. I have seen one at £3, and I saw another at £2 but the latter was a little way out of the city—about six or seven miles. I realise that it is not everybody who would be able to rent that house. I am not suggesting, for instance, that a man from Fremantle could go into some far away suburb. But there must be a reorientation of our ideas about rents and houses and the type we can occupy. The sooner that is done the better off we will all be. People in the lower income group must realise that they will have to move into a locality where rents are reasonably cheap. There is no use thinking they can live in Dalkeith or some other residential area with high rents. On the other hand, the man who can afford to pay a high rent must move out of the cheaper house and into a dearer one.

Amendment (to insert word) put and a division taken with the following result:—

Ayes	19
Noes	18
Majority for	1

Ayes.

Mr. Graham	Mr. Norton
Mr. Hawke	Mr. Nulsen
Mr. Heal	Mr. O'Brien
Mr. W. Hegney	Mr. Rhatigan
Mr. Hoar	Mr. Rodoreda
Mr. Johnson	Mr. Sleeman
Mr. Kelly	Mr. Styants
Mr. Lapham	Mr. Tonkin
Mr. Lawrence	Mr. May
Mr. McCulloch	*(Teller.)*

Noes.

Mr. Abbott	Sir Ross McLarty
Mr. Ackland	Mr. Nimmo
Mr. Brand	Mr. North
Dame F. Cardell-Oliver	Mr. Owen
Mr. Cornell	Mr. Perkins
Mr. Doney	Mr. Thorn
Mr. Hearman	Mr. Watts
Mr. Hill	Mr. Wild
Mr. Manning	Mr. Hutchinson
	(Teller.)

Pairs.

Ayes.	Noes.
Mr. J. Hegney	Mr. Mann
Mr. Guthrie	Mr. Bovell
Mr. Jamieson	Mr. Court
Mr. Moir	Mr. Yates
Mr. Sewell	Mr. Nalder
Mr. Norton	Mr. Oldfield

Amendment thus passed.

Hon. A. V. R. ABBOTT: Act No. 47 of 1951 provided that an owner who desired his premises for his own occupation or for occupation by both or either of his parents, or a married or widowed child who had resided in the Commonwealth for at least two years, or for occupation by any body of which he was a substantial shareholder or a director, manager or secretary, was required to give the lessee only 28 days' notice. I suggest that this provision giving the magistrate discretion to provide that six months' notice shall be given should not apply to people like that, but that we should revert, in respect of them, to the provision of the Act which lapsed. That provision was abolished when a number of provisions of the old Act ceased to operate on the 1st May. They were cut out on that occasion only because the maximum notice required was then 28 days.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. A. V. R. ABBOTT: Before tea I was endeavouring to persuade the Committee to accept as an amendment a proviso to the Council's amendment. It has been agreed that a tenancy may be determined on 28 days' notice and that if the tenant can prove severe hardship, the magistrate may postpone eviction for a period not exceeding six months from the date of hearing. The wording of my amendment is taken from Section 19 of the Act which expired on the 30th April last. The Minister incorporated it in the Bill as it was originally printed and it was still in the Bill as it left this Chamber, with the exception that under the Minister's provision, the notice required was three months.

If my amendment is accepted, the owner will have to give only 28 days' notice when he wants the premises for his own use. The 28 days' notice would not mean that the tenant would have to get out in that time. Actually he would have about two months as it would take some time to serve the notice, take proceedings and eventually get a hearing before the court. I move—

> That the amendment be amended by adding at the end of Subsection (3) of proposed new Section 20B, a proviso as follows:—
>
> > Provided that this provision shall not apply where the lessor requires the premises for his own occupation or for occupation by both or either of his parents or a married or widowed child whose parents or parent or child have or has resided in the Commonwealth for at least two years or for occupation by any body of which he is a substantial shareholder or of which he is a director, manager or secretary.

The MINISTER FOR HOUSING: What a wonderful mess the Opposition has got us into!

The Minister for Works: That is not unusual.

The MINISTER FOR HOUSING: The Opposition in this Chamber disregarded the Government's outline of the position under which, following certain processes, an owner could get possession of his premises automatically on approach to the court.

Hon. A. V. R. Abbott: After three months' notice!

The MINISTER FOR HOUSING: Yes, but automatically so far as the court was concerned. It was 28 days in the case of a bad tenant and any other tenant under certain conditions. The Opposition in this Chamber moved that the court be given a discretion of four months in all cases, whether the owner required the premises for his own use or otherwise. The Opposition in another place varied that slightly and we now have a proviso that even where the owner requires premises for his own use, the discretion still rests with the magistrate, where there is severe hardship, to extend the term for three months. Because we have accepted the viewpoint of Opposition members in this matter, they now find they are in a mess, with the result that we have before us this clumsy proviso.

The amendment moved by the member for Mt. Lawley makes no stipulation as far as the lessor is concerned. He might have landed in this country for the first time five minutes ago and there is nothing to say for how long he must have owned the premises before taking advantage of this legislation. Having obtained possession of the premises, there is no obligation on him to live in them or for his parents or married or widowed child to do so. He could use this proviso to defeat the legislation and then let anybody into the premises.

Hon. A. V. R. Abbott: Not quite.

The MINISTER FOR HOUSING: I think it will be obvious that I have no alternative but to oppose the amendment.

Hon. A. V. R. ABBOTT: I agree that there is no provision that the lessor must have lived in this State for any period or have owned the premises for any specified time. However, he must swear in court that he requires the premises for his own occupation or for those of his relatives mentioned in the proviso, and if he does that and swears falsely, he is committing perjury, for which a severe penalty is provided.

While I admit it would be difficult to insert here all the other provisions relating to residence for six months, if the Minister requires them, he has only to add after my amendment the provisions he desires to insert. I do not think another place would accept a period that had been doubled by this Chamber, but it might do so if some amendment such as this is included. I do not think there would be much advantage in providing that he must own the house for six months or occupy it for 12 months. He could occupy it for one month—

The Minister for Housing: Or for one day only under your amendment.

Hon. A. V. R. ABBOTT: I doubt that because he would have great difficulty in proving that he genuinely wanted it for his own occupation and, in my view, it would not be proper occupation under the Act. He might be liable for perjury. I do not think anybody would risk committing perjury, which would entail a severe penalty.

The Minister for Works: Under your amendment he could store his furniture in the garage and let the house.

Hon. A. V. R. ABBOTT: No, he could not. He must occupy the premises himself.

The Minister for Works: He could hang his hat up in one of the back rooms and sleep there now and again.

Hon. Sir Ross McLarty: That is drawing the long bow.

The Minister for Works: It is not. That has been done.

Hon. A. V. R. ABBOTT: That is drawing the long bow.

The Minister for Works: It is not drawing the long bow at all. That was actually done.

Hon. A. V. R. ABBOTT: In how many cases?

The Minister for Works: I know of one at least.

Hon. A. V. R. ABBOTT: I know the Premier said that one cannot legislate for fools. We must legislate for the average person.

The Minister for Works: What I have mentioned shows what can be done. When we referred that case to the Crown Law Department, it advised that no successful action could be taken.

Hon. A. V. R. ABBOTT: I have a great respect for the Crown Law Department. It is pretty solid and if it advised in that way, its advice would be correct. However, if a man swore in the court that he required the premises for his own use, the Crown Law Department might have given a different opinion.

The Minister for Works: But he did swear that. We gave the department the facts, and you were in charge of the department at the time.

Hon. A. V. R. ABBOTT: If the advice was given in my term it would be just as good as the advice given in any other term.

The Minister for Works: You said it was drawing the long bow.

Hon. A. V. R. ABBOTT: It is drawing the long bow.

The Minister for Works: It is not.

Hon. A. V. R. ABBOTT: One must legislate for the average, decent individual. The exception is not worth while considering.

The Minister for Housing: On the contrary, most of the laws are drawn to deal with the exceptional individual. They do not apply to the great majority.

Hon. A. V. R. ABBOTT: No, the laws are made to govern the people as a whole, and the exceptions can be punished to act as a deterrent to the whole. I think this proposal would give sufficient guidance and would act as a deterrent. The Minister has increased the period to six months. Is he now going back? When introducing the Bill the Minister never suggested that it would keep an owner out of his premises for six months if he wanted them for his own use.

The Minister for Housing: But the Opposition has insisted that that be the case.

Hon. A. V. R. ABBOTT: No, the Opposition reduced the period to three months. The Minister moved that the period be three months for a home-owner, and the Opposition accepted that.

The Minister for Housing: You did not accept it; you contested it.

Hon. A. V. R. ABBOTT: Oh no, I did not. As far as I know, I did not contest it.

The Minister for Housing: Turn back the pages of "Hansard." That will tell the story.

Hon. A. V. R. ABBOTT: I personally contested it?

The Minister for Housing: No, the Opposition. I am referring to the case where a person requires the premises for his own use.

Hon. A. V. R. ABBOTT: I do not think the proposition is unreasonable. It amounts to two months. The exceptional case of a man who has recently arrived in the State and who is lucky enough to buy a house would not occur very often. It would be very seldom that a man would buy a house, gain possession of it, swear that he wanted it for his own use, and then take the risk of selling it later on. I hope the Committee will accept the amendment.

Hon. Sir ROSS McLARTY: It seems to me that we are making it more difficult for an owner to regain possession of his premises. The Minister said that because of certain amendments made by the Opposition, the difficulty had been created by it. I do not agree with that statement. In any case, even if that were so, should we not try to clarify the position whilst we have the opportunity? I thought it was admitted by all sections of the Committee that if a person owned his own premises and wanted them for his own use, he was entitled to them. Under the Bill at present an owner would have to wait at least six months before he regained occupation. The hardship might be greater on the owner than on the tenant. Yet we are prepared to say to him, "You cannot get your own premises to live in under six months."

I do not think that is reasonable and it seems to me that the further we go with this legislation the greater the difficulties we are encountering, and the harder it is for the public to understand it. I hope that agreement will be reached on this measure and I appeal to the Minister to give consideration to the amendment moved by the member for Mt. Lawley. If he thinks that an owner should own his property for 12 months or for

a certain period, I think we can agree to that. However, I suggest to the Minister that he give favourable consideration to the amendment.

The MINISTER FOR HOUSING: I have given consideration to the amendment, but it falls far short of what is required and of what was in the Act until the change on the 30th April last. It was necessary for an owner to make certain depositions by way of statutory declaration. It was necessary for him to have been a citizen of this country for a certain period.

It was necessary for him to have some period of ownership to ensure—and my Fremantle colleagues will approve of this—as far as possible, that he did not step off a ship at Fremantle with a house all lined up for him by a colleague, and then institute proceedings to gain possession of it during the first few days he was in the country. All parties, and both Houses of Parliament, thought that it was necessary—and I still feel the same way—to ensure that if a person used the machinery by which he could obtain possession of premises for his own use, there should be some guarantee that the premises were so used.

Hon. A. V. R. Abbott: If you report progress, we could adjust that.

The MINISTER FOR HOUSING: I am not prepared to report progress. Parliament was called together on the 17th June last to deal with this legislation as being a matter of urgency. Yet here we are, two months later, and there are still several processes to be gone through before there is any finality of any sort. This is the situation created by the Opposition because it would not heed the advice of the Government.

A difficult position confronts me because even if I were to accept the amendment moved by the member for Mt. Lawley—after it was knocked into shape, of course—the Bill would still have to go to the Legislative Council and it will want to knock another slice off it. The best course is for the Chief Secretary to handle this proposition when it is raised—as it will be—by Opposition members in another place. For that reason I will continue to oppose the amendment, and I leave that thought with members of the Opposition.

Hon. Sir Ross McLarty: You have given an idea for consideration by those in another place.

The MINISTER FOR HOUSING: No doubt it will be raised there. The proposal was that a person should own the premises for three months and then give three months' notice. Court proceedings would then follow, which would take some time. It will be seen, however, that there was a prerequisite that there should be seven or eight months' ownership.

Hon. A. V. R. Abbott: Six months.

The MINISTER FOR HOUSING: Three months' ownership, three months' notice and then would follow court proceedings, which would account for about eight months in all. Now, without making any alteration whatsoever, the magistrate will admittedly have the discretion to extend the period, before the order becomes operative, up to a maximum of six months. Do not let members run away with the belief that the period in all cases will be six months. Many of them will be automatic on 28 days' notice; some tenants will get a few weeks and some a few months. It will only be in the isolated case that the full period of six months will elapse. I submit that the owner who is seeking to obtain possession of the premises for his own use will still be in a better position than he would be if the Bill remained in its original form. I ask the Committee to agree with me in rejecting this amendment.

Amendment on amendment put and negatived.

Question put and passed; the Council's amendment, as amended, agreed to.

Mr. WILD: Before you pass on to the next amendment, Mr. Chairman, may I point out that you have not put amendment No. 26 to the vote.

The CHAIRMAN: Yes, I put the question.

Mr. WILD: If that is the case, I would like to draw attention to the fact that in line 2 and in the last line of the proviso the word "court" should read "fair rents court." I do not know whether it is too late to go back and insert those two extra words. The word "court" was properly applicable when it was the ordinary court, but in future, if the Bill becomes law, it will be known as the fair rents court.

The MINISTER FOR HOUSING: I am not satisfied that what the hon. member suggests is absolutely essential. I confess that I do not know what the position will be outside the metropolitan area, or whether there will be many fair rents courts. I shall mention this matter to the Chief Secretary, who will attend to it, if necessary, when the Bill reaches the Legislative Council.

No. 27. Clause 19—Delete.

The MINISTER FOR HOUSING: We have already dealt with that matter by inserting the proviso in amendment No. 26, therefore we can now agree to it. I move—

That the amendment be agreed to.

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

No. 28. Clause 20, page 9—Delete all words in this clause after the word "Court" in line 19 and substitute the following:—"means the Local Court established under the provisions of the Local Courts Act,

1904, constituted by a Stipendiary, Resident, or Police Magistrate, and held nearest the premises concerned."

The MINISTER FOR HOUSING: Here again I ask the Committee to agree to the amendment. I explained last Thursday when dealing with amendment No. 13 that the definition of a court was being removed from one part of the Act and placed into another. This is where the definition has been placed. I move—

That the amendment be agreed to.

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

No. 29. Clause 21—Delete.

The MINISTER FOR HOUSING: I move—

That the amendment be disagreed to.

I ask the Chamber to disagree to this amendment and to approve of alternative amendments that I will submit later. It will be necessary for members to refer to the Bill as it left this Chamber. Clause 21 makes provision for action to be taken to cancel proceedings instituted for recovery of premises, and for recovery of excess rental paid during the hiatus period. Unfortunately, there was no debate in this Chamber when we were in Committee on that clause and for that reason I have no idea of the viewpoint of members. There is no doubt as to the Legislative Council's attitude, which seeks to delete the clause entirely.

It was proposed in the Bill that where notices to quit had been given, they should be cancelled; where proceedings for recovery of premises have been commenced, they should be discontinued; where an order for recovery of possession had been made, it should be rescinded; where a writ had been issued to enforce an order for the recovery of possession of premises, such a writ should be of no further effect. The purpose of the clause was to put an end to the avalanche of evictions which has descended on Western Australia, and which is now manifest by the many cases appearing every week, especially in the metropolitan courts.

Further, I was informed as recently as today that there are some unhealthy repercussions from Northam and other country towns where, bearing in mind the comparatively small population, quite a number of evictions are taking place, causing embarrassment and creating a situation which the Housing Commission is finding difficulty in meeting. For that reason the Government feels a halt should be called for a period, so as to give the State an opportunity to cope with the hundreds of cases in which action has already commenced.

Of course where tenants have left premises, either because they were scared out of them or because of a court order, it is too late to recover possession. But where it was a question of action taken, and the tenant is still in possession of the premises, the Government considers that whilst the proceedings were admittedly within the law, nevertheless the law was a bad one, and the action should be stopped. Subsequent proceedings will have to be taken, if the owners so desire, in order to obtain possession of premises.

The position under the Government's proposal is very different from that under the amendments carried by the Legislative Council, because under the Government's proposals, the provisions dealing with recovery of possession of premises for the landlord's own use, and those dealing with bad tenants, were separated. But now, under the Legislative Council's amendments, those proceedings are grouped together under one heading, and all are subject to 28 days' notice. For that reason I have no doubt that some injustice will be done to landlords.

In the spirit of compromise, which has been pursued by the Government, as evidenced by the many concessions made in this Chamber, in the Legislative Council, and for the second time in this Chamber in considering the amendments of the Legislative Council, it is my intention to water down very considerably the proposition which appears in the Bill at present. I have not many copies of the amendments I propose to move. I circulated some copies to members last Thursday. I shall explain that later.

I shall require some guidance from you, Mr. Chairman, on this matter. I ask the Chamber to agree to the rejection of the amendment, and then subsequently I wish to move amendments to Clause 21 of the Bill. I ask for your guidance on the proper procedure. I must disagree with the Legislative Council's amendment No. 29, subject to an alternative amendment, and if that meets the position, I shall move accordingly.

The CHAIRMAN: I am prepared to put the question to the Chamber along those lines.

Mr. WILD: This is the first time that I have seen the amendments to which the Minister has referred. I was not here late last Thursday. Before I agree to the retention of Clause 21, I would like the Minister to explain the import of the amendments.

The MINISTER FOR HOUSING: The effect will be this: Where, during the specified period, between the 21st April, 1954, and when this Act comes into operation, the lessor has given to the lessee notice to quit, or has commenced proceedings for recovery of possession of premises, the notice is cancelled and the proceedings are discontinued, unless an application for an order to the contrary is, within 35 days from the date on which this Act comes into operation, made by the lessor to the court, in which case the court in its discretion can make an order or otherwise.

So it will be seen in all of those cases, up to the coming into operation of the amended Act, a period of 35 days is given in which action can be taken. Unless a lessor moves in this matter, the notice to quit is cancelled. Where he has commenced proceedings, then the proceedings are regarded as withdrawn, unless otherwise decided by the court. The proceedings could be one of a number of stages, one being merely a summons to attend the court. There need not have been any hearing of the case at all.

My interpretation is that this is a special provision to deal with a set of circumstances developing between April and the coming into operation of the amended measure in certain cases to stop proceedings. When that had been done, the parties concerned would come under the general provisions of the new measure. The court would have power, upon application being made, to defer the matter once again if there was severe hardship, which would have to be proved by the lessee. I consider the proposition fair and reasonable. For the time being, I propose to proceed with the motion to disagree with the Council's viewpoint, namely, to do nothing from the time of notice being given up to the time of the coming into operation of the new provision.

Mr. WILD: This is an involved proposal. I regret that when the Bill was previously before us, this clause, through a misunderstanding, was not debated by the Opposition. This is the retrospective provision and it contains a vital principle. We must agree that when a law is made, it is made to be observed. If a landlord took some action between the 30th April and the date when this measure becomes law, he was acting within his rights, and we should not turn around and say, "It was wrong. We made a mistake and you must start proceedings all over again."

It was admitted by the Minister that hardship would be caused to some people. One could think of all sorts of things that might happen. An owner might have given notice to a tenant in order to get possession of his property and sold the house he was occupying in anticipation of getting possession, and a dreadful mess could result. The principle on which we must stand is that the law of the land must be observed. If we made a mistake, it is too bad. Both Chambers agreed that this was the law, and we should stand by it.

I suggest that the Minister should report progress, which would involve a delay of only 24 hours, so that we might consider his proposal. We need an opportunity to consider it, as this is the first time I have had a copy of it. If the Minister does not agree to report progress, I must support the Council's amendment.

The MINISTER FOR HOUSING: Several copies of the proposal were sent to Opposition members last Thursday. The member for Nedlands received one, and I thought the Leader of the Opposition and the Leader of the Country Party each had a copy.

Hon. Sir Ross McLarty: No.

The MINISTER FOR HOUSING: I regret that it does not appear on the notice paper. In the circumstances, I have no objection to reporting progress.

Progress reported.

BILL—POLICE ACT AMENDMENT (No. 2).

Message.

Message from the Lieut.-Governor received and read recommending appropriation for the purposes of the Bill.

Second Reading.

THE MINISTER FOR POLICE (Hon. H. H. Styants—Kalgoorlie) [8.24] in moving the second reading said: Earlier in the session, I intrduced a Bill to amend the Police Act, and it had one purpose, namely, to increase the penalties for the offence of vandalism. This Bill also has one purpose, namely, to inaugurate a punishments appeal board for the Police Force. The measure has been brought forward at the request of the Police Union. The Commissioner of Police does not oppose the principle of providing an appeal board, although he suggested a couple of provisions which should be included but with which I did not agree. The Police Union also requested the inclusion of certain provisions which I was not prepared to accept.

The executive of the Police Union wishes to make it quite clear that, in requesting the setting up of a punishments appeal board within the force, it was not reflecting upon the judgment or fairness of the commissioner. There had been little trouble with him, but the executive thought this was something that was required to bring the force into line with other Government employees—and I agree—in that they should have the right to appeal against punishment inflicted upon them by the board or by the commissioner.

The present position is that if an offence is alleged to have been committed by a commissioned officer—one higher than a first-class sergeant—a special board is appointed by the Governor to hear the case, and if the officer is adjudged guilty and any action has to be taken, it is a matter for Executive Council and the Governor. In the case of a non-commissioned officer —one up to the rank of first-class sergeant —proceedings are taken under Section 26, if it be alleged that he has committed an offence. A board is appointed and the board investigates the circumstances and has the right to inflict a monetary penalty not exceeding £5. A constable may elect

to be dealt with by a board or by the commissioner, and in his case the maximum monetary penalty is £3.

I think it will be fairly obvious that for some of the offences—I have in mind cases that have occurred since I have been Minister for Police—a £5 fine for a sergeant or a £3 fine for a constable was inadequate, and the commissioner has always had the right to inflict additional punishment. This has been regarded by the Police Union as a double-barrelled penalty, and there has been some objection to it. I cannot see anything wrong with the commissioner, in those circumstances, having the right to inflict an additional penalty.

Hon. A. V. R. Abbott: What was the nature of the additional penalty?

The MINISTER FOR POLICE: In two cases it was the reduction of sergeants to the rank of constable, and in another case a constable was dismissed from the force. The maximum penalty the board could inflict was a monetary penalty of £5 for a non-commissioned officer and £3 for a constable. The real objection, to my way of thinking, is that against either the punishment inflicted by the board or the additional punishment inflicted by the commissioner, there is no right of appeal, and I consider it wrong in principle for the head of any Government department to have the right to punish an employee without that employee having the right of appeal.

Hon. Sir Ross McLarty: Is not there an appeal board now?

The MINISTER FOR POLICE: Not for the Police Force.

Hon. A. V. R. Abbott: Are not there appeals against punishments?

The MINISTER FOR POLICE: To whom could the police appeal?

Hon. A. V. R. Abbott: They could be charged before a board.

The MINISTER FOR POLICE: Take the case of a constable who is charged with neglect of duty, insubordination or other breach. He can elect to be dealt with by a board, upon which he has a representative, or directly by the commissioner, but he cannot appeal against the penalty, whatever it may be, except by an indirect appeal to the Minister; and I think this is wrong in that it makes the Minister an appeal court.

In other words, the indirect approach is that after a constable or non-commissioned officer is fined an amount of £3 or £5, as the case may be, that penalty has to be sent on to the Minister for Police who has to approve of it. The only possibility a member of the force has of appealing is to appeal to the Minister not to approve of the penalty. I say this is an invidious position in which to place the Minister. He should not have to be an appeal body; and, consequently, the police have no appeal. That has been their complaint for years.

Hon. A. V. R. Abbott: Would you want an appeal when a magistrate, sitting on a board, has decided what the proper penalty shall be?

The MINISTER FOR POLICE: The magistrate does not sit on the board. Evidently the hon. member does not understand the set-up. There is a board within the department—a departmental board—and it decides whether the man is guilty. The board can fine a policeman £3 or a non-commissioned officer £5. In addition, the commissioner has the right to increase the penalty, and in two cases concerning sergeants that have come forward since I have been Minister for Police, the sergeants have been reduced to the ranks, and I approved.

Hon. Sir Ross McLarty: Did you dismiss them?

The MINISTER FOR POLICE: No. The two sergeants who were charged elected to be dealt with by the board, and the board fined them the maximum amount of £5.

Hon. Dame Florence Cardell-Oliver: Of whom does the board consist?

The MINISTER FOR POLICE: Departmental officers and a representative of the union. The members of the force, in order to have an opportunity to appeal against any punishment that is inflicted, have requested that an appeal board be constituted. It is proposed to delete Section 26 which deals with the penalties. The reference in Section 26 is to boards trying cases. The Bill proposes to have the same system as now operates in most Government departments. Take the railways, for instance. If a railway employee is charged with neglect of duty, or other offence against the regulations, he is dealt with by the head of the department to which he belongs, and if a fine is inflicted and he considers it is excessive or unjust, he has the right to approach the appeal board which then decides in the first place, whether, he was guilty of the offence, and, in the second place, whether the punishment was excessive.

That is what the Bill proposes to do for the police. The appeal board could be described as an orthodox one. The provision is that the chairman shall be a stipendiary, police or resident magistrate, and there shall be a representative of the Commissioner of Police and a representative of the Police Union. The representative of the Police Union will be decided by an election of the whole of the members of the Police Force. The Bill provides for the method of election. The magistrate will be appointed by the Minister; and the commissioner's representative will be appointed by the Commissioner of Police.

There is a slight difference in this board compared with others in that the Police Union was insistent on having the right of counsel to appear on behalf of either party. Personally, I do not approve of it

in cases of appeals of this sort. I think the parties would be much better off without counsel, but as the union, I suppose, or the appellant will have to foot the bill, the provision is included. We have not made it compulsory but optional for counsel to appear on behalf of either party.

The Bill, if agreed to, will bring the police under similar conditions with respect to the right of appeal against punishments to those enjoyed by all other Government employees, I think, in Western Australia. Before agreeing to put up this proposition for the inauguration of a punishments appeal board here, I sent to the Eastern States to ascertain what operated there, and I found, as I stated previously that, with the exception of Tasmania where the position is similar to what it is here now, in all the other States provision is made for an appeal against whatever penalty is inflicted.

Hon. Sir Ross McLarty: For what period is the elected member of the board appointed?

The MINISTER FOR POLICE: For two years, and provision is made that should the man who tops the poll not be available—he may be ill, out of the State or transferred away—then the man who was second in the poll will take his place. If there was not an election, there being only one nomination, and the person nominated not being available, the executive of the Police Union shall appoint a man for the particular hearing. In the same way, if the magistrate who is appointed as chairman of the appeal board is not available, the Governor has the right to appoint another man in his place; and the Commissioner has the right to appoint another man temporarily to the board should his regular representative not be available.

Hon. Sir Ross McLarty: They are all appointed for a two-year period.

The MINISTER FOR POLICE: Yes. It is, in my opinion, what could be termed an orthodox appeal board. It is modelled very largely on the railway punishments appeal board, with adaptations to make it applicable to the Police Force.

Hon. A. V. R. Abbott: Do any of the other Acts, to which you have referred, make provision for the nomination of the Police Force representative on the board by election; or is that something novel?

The MINISTER FOR POLICE: I do not think I can say for certain that they do, but the principle is there that the board shall consist of a representative of the Police Force; a representative of the Commissioner of Police; and an independent chairman. In one State, I think, a judge, not a magistrate, is the chairman of the board.

Hon. A. V. R. Abbott: It is just that the election seems a very cumbersome method.

The MINISTER FOR POLICE: I would say to the hon. member that it is not half as cumbersome as the method involved in the promotions appeal board, which he was responsible for introducing in this House, where inspectors are brought from the length and breadth of Western Australia, with the exception of Broome, to hear a promotions appeal. This is a question of the union, every two years, conducting a poll. That has been done by the railway unions, and by other unions concerned with Government employees.

There was a suggestion that the executive of the union be permitted to appoint its representative on the board and that he should be the president of the union. I think it more democratic to have an election to decide this issue, because, while the members of the union might be satisfied that the president they have is a good one, they might not be satisfied with him as their representative on the appeal board. I do not think one of the presidents of the railway unions acts as the representative of his union on the punishment appeal board. I hope that the measure will meet with approval and I move—

That the Bill be now read a second time.

On motion by Hon. A. V. R. Abbott, debate adjourned.

BILL—BUSH FIRES.

Message.

Message from the Governor received and read recommending appropriation for the purposes of the Bill.

Second Reading.

THE MINISTER FOR LANDS (Hon. E. K. Hoar—Warren) [8.43] in moving the second reading said: The Government felt the necessity for consolidating the Bush Fires Act which, as most members know—particularly country members—has been amended on a number of occasions over the years. We decided to bring the Act up to date and include in it those additions which, through experience, the bush fires committee has found necessary. Because of that, and because it is necessary that all members should fully understand what the measure contains, I shall claim the indulgence of the Speaker and read the speech which has been prepared. I suggest that because this is not an amending Bill but one which repeals the Bush Fires Act and presents it in a consolidated form.

Hon. L. Thorn: Are you going to read the speech?

The MINISTER FOR LANDS: Yes.

Hon. L. Thorn: You are quite entitled to do so.

The MINISTER FOR LANDS: It is the first time I have ever read my speech.

Hon. L. Thorn: To stick to facts, you must read it.

The MINISTER FOR LANDS: Unless I read the notes prepared I may miss out on a number of important matters which members should follow during the course of the debate, and they would find it extremely difficult to check on those points. With apologies to the House, I shall now read the notes that have been prepared.

Hon. L. Thorn: By the time you have finished, you will regret that you slung off at me for reading my speech.

The MINISTER FOR LANDS: The existing Bush Fires Act was originally introduced in 1937. The Rural Fires Prevention Advisory Committee feels that considerable advances in fire prevention have been made under the provisions of that measure, but is strongly of the opinion that the stage has been reached where further progress in fire prevention and control requires some modification of the Act to give an improved basis for this important work in the years to come. A brief outline of the bush fires legislation will be of assistance in considering the major changes in principle which are embodied in this Bill.

The Bush Fires Act of 1937 was introduced following extensive uncontrolled fires which occurred in the South-West areas. Prior to that time, the legislation in connection with bush fires was based on the early development of the State, and was mainly directed towards the growing of grain crops. Once a crop had been harvested there was little fire hazard to farming properties, and considerable burning was permitted at the height of the summer when the fire hazard was at its height. This resulted in regular sweeping fires through the forest areas, accompanied by tragic losses to individuals.

The gradual spread of the development of pasture resulted in a much later and valuable crop being on the ground, and fire hazards increased enormously with a much greater risk of loss to the farming community. During the period prior to 1937, local authorities were permitted to fix the prohibited burning times for their own districts. This resulted in a multiplicity of dates, and in districts which were comparatively undeveloped, burning took place during the most hazardous part of the summer, the fires menacing adjacent districts which were in a more advanced stage of development.

The damage caused in State forests and in timbered country became tremendous. The widely varying and unco-ordinated dates, when burning was prohibited, made it impossible to police or enforce the provisions of the Bush Fires Act with any degree of effectiveness. The success of fire prevention measures is closely linked with climatic conditions, the stage of development of various parts of the State, the type of country and the prevailing agricultural practice. All of these matters are very variable with the result that any measures in fire prevention and control must be modified to meet changing conditions, and require to be as flexible as possible so that changes can readily be made to meet the needs of different parts of the State and the particular seasonal conditions existing.

The Rural Fires Prevention Advisory Committee was set up under the Act of 1937. The first major task of the committee was to determine prohibited burning times for the State, from a State-wide point of view rather than from purely local considerations. For this purpose the committee divided the State into zones, based on consideration of the rainfall, the stage of development, and the type of country placed in each zone.

It is only to be expected that such decisions will be unpopular in some cases. However, where possible, the committee has met local desires, but where these would conflict with the safety of other districts, it has had to keep the protection of adjoining areas, and the interests of the State, as its major consideration. The Act of 1937 provided a legal basis for the organisation of volunteer bush fire brigades.

During the seventeen years of its operation, a great deal has been accomplished both in the development of a general fire consciousness in the community, and in the prevention and control measures available. A tremendous amount of valuable voluntary service has been rendered by officers and members of the bush fire brigades and by bush fire officers. Fire-fighting equipment has gradually been built up by the efforts of local authorities, the brigades themselves, and individual farmers. There are at present approximately 500 bush fire brigades, and nearly 1,000 bush fire control officers registered under the Act. Over the years, the responsibilities of bush fire control officers have steadily increased in an endeavour to gain the flexibility necessary to deal with weather conditions from day to day. Although they are the men on the spot, some of the decisions which they have to make are difficult for an honorary officer who is a member of a local community.

This Bill repeals the 1937 Act, but retains the main principles. The Bill changes the name of the Rural Fires Prevention Advisory Committee to the Bush Fires Board. The existing title is rather cumbersome, and the new one is suggested as certain statutory powers are included in the Bill and, subject to the general direction of the Minister, administration of the measure is placed in its hands. Sitting fees have never been paid to members of the Rural Fires Prevention Advisory Committee. They have only been entitled to travelling and other expenses actually incurred by the member in the exercise of his office.

I am of the opinion that these people should be paid a sitting fee, particularly as this is done in connection with other boards. A provision giving effect to this has been included in the Bill. It will only apply to those members of the board who are not public servants. The Act at present provides for a committee of 10, while the Bill proposes nine members. However, when in Committee I intend to amend this representation to 10. The tenth person at present on the committee does not represent any particular organisation and on the recommendation of the committee it has been decided to do away with this appointment.

In the Bill all authorities and departments which have representation on the board are named, and as I have said, it is my intention to add one other. As the Bill stands at the moment, the composition of the board is as follows:—

(a) The Under Secretary for Lands, who will be chairman of the board.

(b) Four persons nominated by the executive council of the Road Board Association of Western Australia.

(c) A person nominated by the Minister for Forests.

(d) A person nominated by the Minister for Agriculture.

(e) A person nominated by the Western Australian Government Railways Commission.

(f) A person nominated by the body known as the Fire Accident and Marine Underwriters' Association.

The amendment which I propose to make in Committee will be for an additional representative from the Road Board Association of Western Australia. At present four wards of the association have representation and these are as follows:—

Great Northern.

Great Western.

Great Southern.

South-West.

In addition to these wards, the association comprises the Goldfields, metropolitan and Avon-Midland wards. Of these three wards, the first two are of no consequence so far as this Bill is concerned, but the latter comprises one of the largest areas subject to fire risk. It was only brought to my notice yesterday by the association that this important ward did not have representation, and a request was made that I include it in the new board. I consider that this ward should be represented so that the board can act authoritatively on behalf of all local authorities.

For the success of this measure, the co-operation of local authorities is absolutely necessary, and it is not in the best interests to have an important group without a voice in the board's activities. This is only extending the principle which was adopted when provision was made for four wards, and I feel the House will agree that the wishes of the association should be met in this regard.

The Bill sets out the powers of the board, as follows:—

(a) It will report to the Minister the best means to be taken to prevent or extinguish bush fires.

(b) It will perform such duties as may be entrusted to it by the Minister.

(c) Subject to the Minister, it will be responsible for the administration of the Act.

(d) It will recommend to the Governor the prohibited burning times.

(e) It will take any fire prevention measures it considers necessary.

(f) It will carry out research in connection with fire prevention and control.

With the approval of the Minister, the board may, in writing, delegate these powers to the chairman or to such members as it may nominate, or to both chairman and members so nominated. It is necessary from an administrative point of view, to enable day to day matters to be dealt with. The board will be able to lay down policy and those with the delegated powers can act on its behalf in accordance with such policy. There are quite a number of matters which require immediate and day to day decisions. It is the existing practice on these questions to contact any members of the committee who may be available before a recommendation is submitted to the Minister. In addition to the powers which I have mentioned, the board may recommend the appointment of persons it considers necessary to carry out the provisions of the Act. It may also conduct publicity campaigns for the purpose of improving fire prevention measures and conduct bush fire brigade demonstrations and competitions. Prizes and certificates will be given to winners and the expenses of all competing brigades will be paid.

Any paid officers appointed by the board may not necessarily be engaged full time. It is intended that at first there should be at least one field officer engaged full time at any rate for part of the year; his function being to assist, encourage and support the local authorities and advise the latter, the brigade and the fire control officers of their powers under the Act. He will be known as a bush fire warden. It is envisaged that, in years to come, the State will be divided into three or four sections, with an officer responsible for each. It is not intended that these officers should exercise control over the voluntary brigades, but the voluntary officers who are genuinely endeavouring to carry out their duties have to make many decisions which are unpopular in the community and they should be given some official backing and support.

The Bill sets out specific duties of a bush fire warden and, subject to direction from the board, he may—

(a) assist a local authority in his district in the formation, organisation, training and equipment of bush fire brigades;

(b) inspect fire precaution measures throughout his district;

(c) investigate the cause and origin of bush fires occurring in his district and report on them to the board;

(d) exercise the powers of a bush fire control officer;

(e) report particulars of offences against the Act to the board and to the local authority;

(f) employ or use the voluntary services of any person;

(g) take charge of any appliances which may be made available by the board;

(h) perform such duties as may be prescribed by regulation.

He is also given power to make use of the services of a bush fire control officer, who is subject to his direction and control. It is proposed that the members of the board and its officers should have that power which will enable them not only to assist in the enforcement of the Act, but will also give them some standing and authority. At present, members of the committee frequently see serious breaches of the Act, but they have no authority whatever to even inquire into such matters. Therefore, the Bill provides that members of the board and its officers may enter land or buildings to inquire regarding fires which have occurred, or which are burning, and to examine fire prevention measures.

The clauses relating to "fire protected areas" are the same as in the present Act, with the exception of the penalty, which has been increased. At present the penalty is £50, whereas this Bill provides for a minimum of £10 and a maximum of £200, or imprisonment for three months. The Minister may declare a fire protected area on the recommendation of the board by notice published in the "Government Gazette". The notice will define the portion of the State which will come within the fire protected area. It is unlawful to light any fire in such an area without permission of the Minister or an officer acting with the authority of the Minister.

As in the present Act, provision is made for the declaration of prohibited burning times. These times are published each year in the "Government Gazette". The Minister is enabled by the existing Act to suspend or postpone the commencement of the prohibited burning time on the application of certain authorities as follows:—

(1) To land used for railway purposes.

(2) To land under the Conservator of Forests.

(3) To land subject of an application made by a local authority for the purpose of reducing or abating a fire hazard which cannot be dealt with in any other way than by burning.

This Bill makes a further addition as follows:—

To land specified by the Minister on which the Minister considers burning should be carried out.

This addition will enable the Minister to approve of burning for special purposes. It often happens that in the development of war service land settlement properties there are sufficient men and plant available to make the burning perfectly safe under the control of local bush fire control officers. In such cases, so long as the board is satisfied that burning can safely be carried out, the Minister will be able to suspend the operation of the prohibited burning period.

At present, the Minister has power to postpone the commencing date of a prohibited burning time, but has no power to vary the concluding date. However, it frequently happens that heavy general rains render the continuance of a prohibited burning time unnecessary. This Bill, therefore, provides that on the recommendation of the board the Minister may terminate a prohibited burning period up to 14 days earlier than the date which has been declared. A clause has been included in the Bill to give a local authority power to vary the commencing date of a prohibited burning period.

This date is not nearly so important as the concluding date to fire prevention as fire hazards are not so high early in the season. It is therefore proposed to allow a local authority to vary its opening date to the extent of making it operate 14 days earlier or 14 days later. This provision is intended to give some local flexibility to ensure that protective burning can be completed. A local authority can only vary the concluding date by making it terminate up to 14 days later. In other words, it may extend the prohibited burning time but not shorten it.

The concluding date is frequently very close to periods of high fire hazard and it would not be safe to permit local authorities to conclude a prohibited burning period earlier than declared. As I have just pointed out, this power is vested in the Minister, on the recommendation of the board, as it is necessary to take into account the safety of adjacent road districts outside the boundary of any one local authority. When a local authority does take advantage of its power to alter prohibited burning dates, it must notify the board and must publish the information within its road district. This may be done through the local newspaper, radio,

or by notices prominently displayed. The board may also specify in writing the manner in which this should be done.

A part of the Bill deals with "restricted burning times". This term is covered in the definitions and covers the period from the 1st October in any year to the following 31st May. Burning during these months can be carried out only in accordance with the provisions contained in the Bill. However, where prohibited burning times fall within this period of October to May, no burning at all is permitted. With one exception, the conditions with which a person must comply when desiring to burn off are the same as in the existing Act. A provision has now been added that notwithstanding that a person has been issued with a permit to burn, he must not burn off on a day when the fire hazard forecast issued by the Weather Bureau is "dangerous." The burning can only take place on the first day following when the fire hazard forecast is below "dangerous."

Hon. Sir Ross McLarty: A man may not know what the forecast is.

The MINISTER FOR LANDS: The forecast is always announced. I know it varies according to different sections of the State, but the provisions in the Bill will make it applicable to all parts of the State, and people will know what fire hazards exist in particular districts. In the past it has been restricted to the jarrah and karri areas, but now it will have State-wide application and people will be left in no doubt at all.

Hon. Sir Ross McLarty: They will have to listen to the wireless.

The MINISTER FOR LANDS: That is so. It will be broadcast over the air and published in the papers, and all the normal methods employed in the old Act will be used to acquaint people with the position as it exists from day to day. For many years there have been proposals to link burning off with fire hazard forecasts, but it was not practicable to do this because the forecasts were only issued in respect to jarrah and karri forest areas. Eventually, arrangements were made for the fire hazard to be issued for the whole of the agricultural areas, and have operated for the past two years.

The committee, in the past, has endeavoured to enforce this requirement, and it has been complied with by most farmers, even though the Act permitted them to burn. It is a very sensible precaution to take, and for that reason has been written into the Bill to make it a general requirement. When a bush fire control officer issues a permit to burn he may incorporate any direction considered relative to the burning. This is not stipulated in the Act at present, although the power is really inherent.

Bush fire control officers who issue permits have the authority to prohibit any burning and may, and in practice frequently do, insert conditions in permits on the basis that otherwise they will prohibit the burning. It is desirable that this should definitely be stated and the provision has therefore been included in the Bill. A provision has been included also to provide that where a person lights a fire, even though he does so in compliance with the Act, if the fire escapes from the land or becomes out of control, that person may be called on to pay to the local authority or the Forests Department any expenses incurred by them up to £200, in controlling the fire. Originally, the Bush Fires Act contained this provision without any statutory limit. I am of the opinion that this provision should be reinserted in the Act as members of bush fire brigades act voluntarily, give up much of their spare time, use their own motor-vehicles and provide all the petrol required.

Moreover, these brigades are financed out of the revenue of a local authority, and the latter should be able to recover some of its costs when fighting a fire which has escaped from control. It is extremely doubtful if the local authority would want to recover more than its out-of-pocket expenses, which would probably amount to no more than £10 or £20. The Forests Department is in a different position. It may be involved more heavily as it has to pay wages for its employees. When a person desires to burn in compliance with the Act, he must deliver notice of his intention to burn to the owners and adjoining occupiers or holders.

At present, the Act lays down that these notices must be delivered personally. This condition is sometimes difficult to comply with because of the absence of owners. The Bill therefore provides that notice may be given as follows:—

(a) personally;
(b) by delivering it to the premises and leaving it with a person apparently over the age of 14 years.
(c) posting by prepaid letter to the lastknown address of the person concerned.

These alternative definitions of the methods of delivery have been adopted in order to make compliance with the Act easier.

A new clause is included which gives the Governor power to make regulations in respect to any defined area of the State, prescribing the maximum area which may be burned at any one time. The extensive use of bulldozers for clearing operations is creating a very great fire hazard, and burning of bulldozed country in windrows can be extremely dangerous. Provision is also made for the Governor to vary the prohibition of burning on a

Sunday. In some near suburban areas, the week-end is the safest time for burning as that is when men are available. Burning has been prohibited on Sunday to avoid the necessity of having to call brigades out on that day, but in some areas it is the local wish and the safest procedure to burn on that day.

Power is included to enable a local authority to restrict burning in its district in accordance with a programme it may desire to draw up. The intention is to prevent too many people burning on the one day. This is being done in many districts by co-operation between the local authority, bush fire control officers and the farmers. The new provision will simply give a definite basis for these arrangements to be made.

A completely new provision is one which gives the Minister power to declare an emergency period. This is only intended as a provision to meet a possible emergency. Unusually high fire hazards and very dangerous conditions do occur at fairly regular intervals, and it is desirable that the Minister should be able to take necessary safety precautions when dangerous fires are likely, or when serious fires are out of control. The Minister may declare a bush fire emergency period by notice in the "Government Gazette", in a newspaper circulating throughout the State or by a wireless broadcast. During such an emergency period no one can light a fire within the area without written permission of the Minister, or an officer acting with the authority of the Minister. Power is also included for the Minister to appoint a person to take charge of fire fighting operations when a serious or extensive fire has occurred.

The sections of the Act dealing with the burning of firebreaks on railway land and adjoining land have been widened to include forest land, and to enable a person whose land is only separated from railway or forest land by a road, to burn a firebreak up to three chains from the railway or forest boundary. At the present time a person who has land directly contiguous to railway land can burn a firebreak up to three chains from the railway boundary. However, where the land is separated by a one-chain road, and much of it is, persons are not allowed to burn the remaining two chains. This is obviously desirable, and the new provision will enable it to be done. The Act provides that an occupier of railway land or land contiguous to railway land may burn in conjunction for the purpose of protecting pastures and crops. This burning takes place between the boundary common to railway land and adjoining land and a prepared firebreak.

These provisions have been carried into this Bill, but include forest land and in addition, a local authority may now arrange with the occupier of railway or forest land, the occupier of land adjoining it and a registered bush fire brigade to co-operate in burning the firebreaks. A provison is also included to enable a bush fire control officer or a bush fire brigade officer to enter the adjoining land to burn the firebreak, in cases where the occupier has arranged for co-operative burning.

While this is not contained in the Act, it is existing practice, and is inserted to make the position of volunteer officers quite clear, and assure them of the legal immunity which is conferred by the Act. The Act permits of firebreaks being burned during the prohibited times for the purpose of protecting from damage by fire a dwelling house or other building, or stack of hay, wheat or other produce. The burning is carried out between two-plough or spade breaks not more than 10 chains from the property to be protected. The only change is that the distance has been reduced from 10 to five chains, as this is considered by the committee to be ample for the purpose.

The Bill provides that burning on a road reserve may be carried out during the restricted burning time, i.e. from the 1st May to the following 31st October. This has always been permitted during portion of the prohibited times, but the Act does not refer to the restricted burning times, when it is apparent that burning is safer. The provisions which relate to the burning of sub-clover for the purpose of collecting clover burr are the same as in the parent Act. However, some of the detail has been omitted, and will be dealt with in the regulations.

The portion of the Act dealing with fires for camping, charcoal burning, disposing of the carcasses of dead animals and disposal of rubbish have been included in the Bill. There are some minor modifications, and a new provision regarding the burning of rubbish. This requires that rubbish and garden refuse may be burned in a properly constructed incinerator. Otherwise, this rubbish must be burned upon the ground which is clear of all inflammable matter within 15 feet of the fire. The fire must be lit between 6 p.m. and 7 p.m. and extinguished not later than midnight of the same day.

Provision is retained for the burning of plants and the remains of plants in order to prevent disease. This mainly applies to tomato and potato tops. An existing provision of the Act dealing with the burning of tomato plants in the Geraldton and surrounding districts has been omitted as unnecessary as the matter is fully covered in the Bill.

The provisions dealing with tractors are the same as in the existing Act, but a new provision has been added to enable an internal combustion engine, steam engine or machinery to be prescribed. Cases have been reported where farm vehicles, such as old trucks which are not licensed and

only used on the farm, have been responsible for causing fires. Because of this, the board would like to have power in the Act to enable it to deal with bad cases by regulation.

With one exception, all offences under the Bill may be dealt with summarily by justices. The exception is for the wilful lighting of a fire and the penalty includes a term of imprisonment for five years, which is longer than that dealt with by justices. Provision has therefore been made in the Bill that this offence must be dealt with before a magistrate. I understand a comparable offence under the Criminal Code would carry a penalty of 14 years' imprisonment.

The provisions in the Act which enable a local authority to require firebreaks to be cleared are the same, except that it will now be necessary for firebreaks to be maintained in a satisfactory condition. The Act provides for the burning of Crown lands and reserves by adjoining land holders to provide firebreaks. The width these firebreaks may be burned is 12 feet, but in this Bill it is increased to 10 chains. This burning must be done outside the prohibited burning period, and subject to the provisions laid down for the restrictive burning period.

One of these conditions is that the adjoining land holder must obtain a permit to burn from a bush fire control officer, and the actual distance of up to a maximum of 10 chains must be fixed by the bush fire control officer when issuing the permit. These officers are responsible men and would not grant a permit for any unreasonable request. In addition, a bush fire control officer has been given authority to enter Crown land or reserves for the purpose of burning in order to reduce a fire hazard.

At the present time a local authority is required to insure its bush fire control officers and members of brigades. This principle is retained and it will also be necessary to insure the persons concerned while journeying to a bush fire. As the Bill now provides for a bush fire control officer and a bush fire brigade to enter a building which is burning, where there is no fire brigade established under the Fire Brigades Act, the insurance provisions have been extended accordingly. Therefore, should it become necessary for any of these personnel to enter a burning building in order to carry out their duties under the Act, they will be covered by insurance against injury.

The appointment of bush fire control officers and their duties are left unchanged, but a local authority may prescribe the seniority of its officers. The only change in relation to the powers of a bush fire control officer is that he will be enabled to enter a building which may be on fire. I would point out that this power cannot be exercised in an area under the control of a fire brigade under the Fire Brigades Act, except at the request of the officer in charge of the latter. This also applies to the officers of a bush fire brigade.

A bush fire control officer or forest officer may prohibit or postpone the lighting of a fire. This provision is similar to the existing Act except that the power has been extended to enable the bush fire control officer or forest officer to direct the steps to be taken to extinguish or control a fire which is already burning. The wording has also been changed slightly to enable the local authority to exercise the same power at all times. Previously this could be done only when no bush fire control officer had been appointed, but it frequently happens that, although bush fire control officers have been appointed, they are not always available in the district.

A number of local authorities have requested that deliberate flouting of the instructions of a bush fire control officer should carry a heavy penalty as a deterrent. Many bush fire control officers have complained that it is often difficult or impossible to enforce their instructions. It is vitally necessary that the authority of these officers, who act in a voluntary capacity, should be strongly supported in every way possible, and a penalty has therefore been included. The penalty is imprisonment for three months or a fine of £100, and is the same as for obstructing officers.

The portion of the Act dealing with the appropriation of penalties has been slightly altered. The original provision was that one-half of all penalties were to be paid to the local authority. This was later amended to provide that where the local authority took the prosecution, it should be paid the whole of the penalty. This left the provision that, for other prosecutions, the local authority received half the penalty. This Bill still provides that where the local authority takes the prosecution, it will receive the whole of the penalty, but where the prosecution is taken by the board or some other authority, penalties are payable to the board.

There have been a number of cases where local authorities, because of the trouble involved, have consistently refused to take action for serious offences against the Act. Therefore, where the Forests Department or the board, or some other authority has to take action, it is not considered right that the local authority should still receive half the penalty imposed.

Throughout the Bill the penalties, particularly the maximum penalties, have been considerably increased. A number of cases have been brought under notice

where persons have lit fires illegally, knowing they would be prosecuted, and have cheerfully paid the fine resulting because the value to them of the burning done has been so much greater than any penalty provided under the Act. The maximum penalties have been increased in some cases up to 10 times, more as a deterrent than that they are likely to be imposed. The minimum penalties have been increased by a much smaller proportion.

The Bill also includes an alternative of a term of imprisonment in several instances. Previously, the only term of imprisonment applied to the wilful lighting of a fire. The terms of imprisonment have been included as a deterrent, because it is felt that even the increased monetary penalties would be insufficient to stop some people from burning, because of the considerable economic advantage they gain from the burn.

Other matters in the Bill are similar in principle to the existing Act, but in a number of cases sections have been redrafted or rearranged, either to render them more easily workable or more readily understood by the many people who are concerned with the Bush Fires Act. I move—

That the Bill be now read a second time.

On motion by Hon. L. Thorn, debate adjourned.

BILL—SHIPPING AND PILOTAGE ORDINANCE AMENDMENT.

Received from the Council and read a first time.

BILLS (2)—RETURNED.

1, Inspection of Scaffolding Act Amendment.

2, Companies Act Amendment.
Without amendment.

BILL—LAND ACT AMENDMENT.

Message.

Message from the Lieutenant-Governor received and read recommending appropriation for the purposes of this Bill.

Second Reading.

THE MINISTER FOR LANDS (Hon. E. K. Hoar—Warren) [9.27] in moving the second reading said: This is practically a one-clause Bill designed to give further powers under the Land Act regarding the disposal of land. Over recent years, particularly since the end of the war, this State has indulged in quite a number of special settlement areas where it has been found necessary to prepare land for settlement, and these have cost the State a tremendous amount of money in anticipation of Commonwealth approval.

There is no power in the Act for the disposal of such land other than by the lengthy and unsatisfactory method of conditional purchase. Even under that section of the Act, it would take 25 to 30 years to recoup the cost of any land disposed of, apart from the fact that there is a distinct limitation in that the lowest price for which it may be sold is 1s. per acre and the highest 15s. per acre. In these days of high valuations, we find ourselves in one particular part of the State with a large parcel of land on our hands which we do not feel inclined to dispose of under the Act as it stands.

Hon. L. Thorn: Are you referring to land either improved or partly improved?

The MINISTER FOR LANDS: Partly improved; it is in the North Stirling area. The hon. member, when Minister, partially prepared something like 22,000 acres of land in that area for war service land settlement and spent a sum of £67,000 in the process without receiving approval from the Commonwealth. Approval was not forthcoming as he expected, and the present Government is carrying that area of land and suffering that amount of monetary loss unless it can be disposed of in the most appropriate manner.

I think the member for Toodyay will agree that the Land Act is very restrictive in the opportunities provided for the disposal of land. What we are seeking to do is to make it possible for the department to dispose of land by tender or by auction. We know that the Act as it stands limits what can be asked to a sum of 15s. per acre, and we also know from the interest being shown by quite a number of farmers seeking land that they would be prepared to pay more. We, at the same time, could arrange conditions so that there would be no difficulty about maintaining the work that has already been done there.

For my part, I am not one who would approve of disposing of this land, even on a cash basis, if I thought it would eventually be allowed to go back to bush. We know the regrowth problem in all that country down there—North Stirling, South Stirling, and Many Peaks. It is a headache for any Government. If in the North Stirling area we allowed a period of 25 to 30 years in which to pay off the debt on the property, as is permitted under the conditional purchase system, we know that a lot of the land there would go back to bush and become unproductive from a State point of view.

Hon. L. Thorn: Would you still sell under conditional purchase conditions at a higher valuation?

The MINISTER FOR LANDS: No. We are limited by the Act to 15s. per acre.

Hon. A. F. Watts: If the Bill passes, will the transactions be on a cash basis or on conditional purchase terms?

The MINISTER FOR LANDS: The transactions will be cash, by tender or auction, but at the same time the department wants to reserve the right to lay down conditions of work. This area, consisting of 22,880 acres, comprises nine farms, and the individual farms range in size from 2,200 acres to 3,570 acres. An area of approximately 1,000 acres on each farm is cleared, and all have been provided with dams. Sheds have been erected on four farms, while three farms have been put down to clover. Seeing that Government money to the extent of £67,667 has been spent in bringing this land to its present state of development, it is only natural that we should want to dispose of it as quickly as possible, and on the best terms available.

Hon. L. Thorn: If you auction the farms, you will favour the man with money, and not give the other man a chance. If you get away from conditional purchase conditions, it is the matter of finance that will count.

The MINISTER FOR LANDS: Under the formula for determining the value of land for sale, my officers inform me that the price of 15s. would be the maximum. Under conditional purchase conditions we would be entitled to charge no more than 15s., and the State would lose £17,000 on the transaction.

Hon. L. Thorn: I thought that the Bill was to amend the Act to allow you to dispose of the land under conditional purchase conditions, although at a higher valuation.

The MINISTER FOR LANDS: No, by tender or auction. How we reached the range of spending this amount of money without making sure of what we were doing, I do not know, but it is just one of those things that has happened. We are in danger of having to suffer a large financial loss, or of altering the Act to enable us to dispose of the land under better conditions than are at present allowable in connection with conditional purchase.

Mr. Perkins: What is your objection to selling it on terms, rather than cash?

The MINISTER FOR LANDS: There will be terms attached to it, in so far as conditions will be laid down.

Mr. Perkins: I mean, terms of money. Let the payment be made over a period instead of immediate cash.

The MINISTER FOR LANDS: We have gone into this matter pretty closely, and under the Act as it is at present we are limited to conditional purchase conditions for the sale of this property.

Mr. Perkins: Why do you not provide that the land shall be sold on terms.

The MINISTER FOR LANDS: It will be sold on terms.

Mr. Perkins: By extended payments?

The MINISTER FOR LANDS: Yes, but within a far shorter period than 25 or 30 years.

Mr. Perkins: You have not made that clear yet in your speech.

The MINISTER FOR LANDS: No. I have not finished my speech. I have that on my notes here.

Hon. L. Thorn: If you had read your notes, you would have made the point clear.

The MINISTER FOR LANDS: It is rather a good idea that I read the last lot, as the hon. member who secured the adjournment would not otherwise have understood my remarks. I have not anything further to say in this connection. The only principle involved is that of permitting the department to dispose of this land by public auction or tender on such terms and conditions as are approved by the Governor.

I imagine that almost every member of the House will have no objection to saving the Government such a serious loss in money. The Bill, if it is agreed to in its present form, will clear the issue as far as we are concerned. We feel that the present-day values will return to us about the same amount of money as the previous Government expended on the development of this area. We do not want to be forced to lose money on it; and this is a way out.

On motion by Hon. L. Thorn, debate adjourned.

House adjourned at 9.35 p.m.