Legislative Council

Thursday, 21st October, 1954.

CONTENTS.

The PRESIDENT took the Chair at 2.15 p.m., and read prayers.

QUESTION.

AIR BEEF PTY. LTD.

As to Termination of Subsidy.

Hon. C. H. HENNING (without notice) asked the Minister for the North-West:

(1) Will the Minister state the reason why the subsidy to Air Beef Pty. Ltd., is to cease?

(2) Was the action taken without knowledge of the Commonwealth Government's intentions?

(3) Is it likely that discontinuance will stop operations of an experiment which has created such widespread interest and could mean much to the development of the North?

The MINISTER replied:

(1) Cabinet considered the scheme had had a fair trial and the subsidy was no longer justified.

(2) No.

(3) During seven years of experimental operations, the State subsidy would exceed £50,000 not including other financial assistance. Apparently through lack of general support the scheme has not expanded as anticipated. Its continuance could depend on the extent of Commonwealth assistance, which so far amounts to more than £35,000.

MOTION—STATE HOUSING COMMISSION.

As to Resumptions of Land.

HON. A. F. GRIFFITH (Suburban) [2.20]: I move—

> That, in the opinion of this House, the recent resumptions of land, as announced in "The West Australian" on the 19th October, and contained in "Government Gazette" No. 49 of the 8th October, by the State Housing Commission, are unnecessary in view of the very large areas of land held by the Commission, and in many cases grossly unfair to small individual landholders, and this House requests the Government to review the recent resumptions with a view to the cancellation of the majority of them.

In moving this motion I desire to be as brief as possible, though it is necessary for me, firstly, to trace for members some of the history surrounding the Act introduced by the Government of the day in 1946. This Act is on the statute book as the State Housing Act. Section 23 of that Act reads as follows:—

> Private land may be compulsorily acquired under this part of the Act only within a period of five years after the commencement of this Act.

The Act was assented to on the 24th January, 1947, and a continuing Act for a further two years was then passed, after which a further continuing Act was agreed to in 1953. It was in 1953, prior to the date of the introduction of this measure, that certain questions, statements and debates were introduced into the House by myself and other members, concerning the acquisition of land. Members might recall that around about August, 1953—which was prior to the introduction of the continuing Bill of that year—I asked some questions of the Chief Secretary concerning the activities of governmental officers in a district known as Queen's Park.

I asked these questions—

(1) Is it a fact that Government surveyors, acting on behalf of the State Housing Commission, were surveying land last Thursday, the 13th August, in the vicinity of Wharf-st., Queen's Park?

(2) Is it also a fact that such surveying operations were again continuing during Monday, the 17th, and Tuesday, the 18th August?

(3) Is it a fact that the survey is being completed on behalf of the State Housing Commission with the intention of resuming certain land for State Housing Commission purposes?

(4) If so, how much land is it intended to resume?

(5) Is there any particular reason for haste in the operation of this resumption?

(6) If so, what is the reason for such haste?

The answers given by the Chief Secretary were—

(1) and (2) Certain survey work is being carried out on behalf of the State Housing Commission in connection with the proposed development of land that has been held by the Commission since 1950.

(3) and (4) Minor resumptions may be necessary to give effect to the proposed scheme of development.

(5) and (6) There is need to utilise any suitable commission land within reasonable proximity of services to provide, as early as possible, accommodation for those in need.

It is a fact that on the day mentioned in the question, Government officers were entering upon private land in Queen's Park. One resident asked a man what he was doing on his property, and the reply was, "I am surveying it for the State Housing Commission." That was the first and only intimation that the owner received from the commission or from any Government department that any action was contemplated by the commission in that vicinity or in connection with his land.

Members might recall that I also asked further questions following on a report in "The West Australian" on the 29th September, 1953, which suggested that the commission was acting in a high-handed manner in regard to the resumption of the land. The report was an allegation, not by the newspaper, but by some of the residents who supplied the information for publication. In reply to that question, the Chief Secretary, on behalf of the Minister for Housing, expressed the opinion that there had been no high-handed action and no secrecy whatever in connection with the matter.

During the debate on the amending Bill of 1953, I mentioned this matter, and members generally agreed that it was a very harsh provision that permitted the resumption of the land. I also mentioned the high-handed attitude of the Housing Commission in allowing its agents to enter private land without first giving the owners notification. On studying the "Hansard" report of that debate, it pleased me to find that I had at least one supporter in Mr. Lavery, who agreed that the action taken had been high-handed indeed. Obviously he must have had some experience of what was taking place.

The Government introduced its continuance measure in the latter part of the 1953 session and, during the second reading, I protested that the commission already was in possession of sufficient land, and I considered that the power of resumption should be continued for no greater period than 12 months. During the Committee stage, I moved an amendment to limit the period of resumption to 12 months and the amendment was agreed to on the voices. This shows that at least a majority of members were in agreement with my amendment, and to the best of my knowledge, the Chief Secretary was the only member who spoke in opposition to it.

The amendment was sent to another place, which did not approve of it, and the outcome was that we agreed to the request of another place that a period of two years should be granted. There was very good reason on my part for not stressing the amendment I moved on that occasion. For the benefit of members I intend to quote from "Hansard" of the 4th December, 1953, at page 2361, just what the Chief Secretary said when he was introducing the Bill.

The Chief Secretary: Some of my sins are catching up with me?

Hon. A. F. GRIFFITH: Yes, and the Chief Secretary will realise that they are sins in the eyes of the people whose land the commission is resuming. When I quote the words used by the Chief Secretary, members must appreciate that each Minister has a portfolio of his own to administer and, when he is replying to a question touching the departments of eight other Ministers in another place, cannot be expected to speak with full authority on the facts. We know from experience that he comes into this House and delivers his speeches in a very efficient manner, having been briefed, in the information which he gives the House, by his colleagues in another place. We therefore take it that since he is briefed so adequately, the information he gives us is reliable. We naturally think we can rely on him to give us accurate information and that, having received it from him, we as private members can take it that he has expressed the feeling of the Government and that his words can be relied upon. At page 2361 of "Hansard", 1953, we find, under date the 4th December, 1953, that the Chief Secretary said—

> This Bill seeks to extend the period for another two years, as the Government feels that in order to acquire land where necessary to complete subdivisions, provide services to estates being developed by the commission, carry out slum clearances, and meet any exceptional cases of national importance—I think one has occurred today—it is essential to have power under the Act to acquire land by resumption. I am assured that it is not the intention of the commission to undertake any large-scale resumptions.
>
> The commission now holds approximately 13,000 blocks excluding 9,000 acres of land held in broad acres, the bulk of which is at Wanneroo and intended for a long-term development project. It is considered the area held will be sufficient to meet the requirements of the commission for some years. The powers of resumption will be resorted to only in exceptional

cases, and the commission will continue its policy of endeavouring to negotiate for, and acquire by, private treaty.

In the course of the debate, I will point out to members how much acquisition by private treaty was carried out in the case of people who were losing their land under those resumptions.

Hon. H. K. Watson: I think it might be pertinent to add that it was really on the strength of that assurance that the Bill received a second reading.

Hon. A. F. GRIFFITH: I do not know whether I made myself clear, but I explained to the House a few minutes ago that it was on that assurance that I allowed my amendment to go back to another place without contesting it further than I did. The Chief Secretary, in the speech from which I am quoting, continued—

> The commission has found by experience that when redesigning old estates to complete a satisfactory subdivision, additional blocks are often required. When this happens the commission endeavours to negotiate; but, in the event of an owner refusing to sell, or holding out for an unnecessarily high price, it is desirable to have the power to resume rather than ruin a subdivision.

When the Bill came back from another place with a request—as moved by the Chief Secretary in this House—that the Council should not insist upon its amendment, the Chief Secretary made another speech. At page 2703 of "Hansard", under date the 15th December, 1953, he said—

> In seeking the repeal of Section 23, which proposed to limit the period of the resumption powers, the Government felt that it was essential to have power under the Act to acquire land where necessary to complete subdivisions, to provide services to estates being developed by the commission, to carry out slum clearance and to meet exceptional cases of national importance. In another place, however, the Minister agreed to a limit of two years being fixed. I can assure the House that it is not the intention of the commission to undertake any large-scale resumptions.

Hon. L. A. Logan: He apparently did not know what the others were going to do.

The Chief Secretary: I think we shall have to abolish "Hansard."

Hon. A. F. GRIFFITH: Are we not entitled to suggest to ourselves that when a statement is made by a responsible Minister, on behalf of an allegedly responsible Government, we are entitled to believe it? Everything proceeded quietly for a while after that until the Government decided to embark on the Maniana project at Queen's Park, and then suddenly there was a land swoop again and the Housing Commission served further notices on people living in the Queen's Park area. It might interest members to know that some of the people who had their land resumed approximately 12 months ago have not yet been paid for it. Members might also be interested to know that the Housing Commission already owes the people of this State £1,000,000 for land acquisition, and now we have this land resumption which, in the words of the Minister for Housing, is going to cost another £500,000.

In spite of the fact that the Government has £1,000,000 worth of land, for which it has not yet paid, it intends to take further land from private people and increase its indebtedness by a further £500,000—this for land for which it cannot pay. Is it fair and reasonable that the Government should take such steps? After the Maniana project at Queen's Park, things continued quietly until the 3rd October this year. After what the Chief Secretary told the House on behalf of the Government, when he said that the Housing Commission had enough land in hand for some years to come, and following the answers, given to questions asked by me, to the effect that the Housing Commissin possessed 40,000 blocks of land, we find the article which I am about to quote, subscribed to by the present Minister for Housing. In the "Sunday Times" of the 3rd October, 1954, we find the headline—

> S.H.C. Getting Short of Land. Has Acquired 3,260 Acres.

That is the headline appearing in the "Sunday Times" after we in this House were told not many months before that the Housing Commission had sufficient land to last it for some years.

The Chief Secretary: But it has been building so quickly.

Hon. A. F. GRIFFITH: As a junior member of this Chamber, Mr. President, it should not be for me to offer the Chief Secretary advice, but if that is the best interjection he can make, my advice to him is not to interject again.

The Chief Secretary: Thank you. I will not.

Hon. A. F. GRIFIFTH: I do not think an interjection of that nature becomes the Chief Secretary.

The Chief Secretary: It does, and I can substantiate it.

Hon. A. F. GRIFFITH: In that case, I can only come to the conclusion that the present Government can substantiate anything, and that all it is prepared to do is to hoodwink the people it represents into such a state of placidity that they think they are safe on their holdings until they suddenly find in the "Government Gazette" notice of resumption of their

land; and about ten days after the publication of that notice in the "Government Gazette" they receive notice to the effect that their land has been resumed. That is my answer to the Chief Secretary. However, this article appeared in the "Sunday Times," and it must have given people cause for concern as to what was going to happen. The next we heard of the matter was when an article appeared in "The West Australian" of the 19th of this month, as follows:—

> S.H.C. Takes Up Big Area of Land.
> Several areas totalling 2,602 acres in the metropolitan district have been resumed by the State Housing Commission for future housing estates.

Just prior to that—members know that I am interested in this question of housing—I saw, in "The West Australian" of the 18th September last, an advertisement wherein the State Housing Commission was advertising the sale by public auction of 67 residential blocks of land, and I asked some questions. I asked by what agency did the Housing Commission obtain the blocks and I asked for the individual lot numbers of the blocks and for the prices paid to the owners of them. The answer I received was that all this land was secured either by purchase or as a result of being taken over for non-payment of rates.

I was referred to the attached sheet which, upon examination, showed that these blocks in various parts of the Metropolitan Area—Mt. Yokine, Midland Junction, Cannington, Belmont and South Perth—were acquired by the State Housing Commission for as little as £9 each and when they were put up for public auction —I think members will be interested to note this—they did not all reach the reserve price put on them by the Housing Commission. Land which the commission had acquired—in its own words—either by purchase or by taking it over for rates, had a prohibition put on it so that it could not be sold unless the blocks reached a certain price, with the result that a lot of the land was passed in and, I understand, subsequently sold by private negotiation.

Hon. J. McI. Thomson: Can you tell us what was the reserve price?

Hon. A. F. GRIFFITH: No, I am not sure of it.

The Chief Secretary: The putting of a reserve price on land is a usual condition of land sales.

Hon. N. E. Baxter: Tell us what the reserve prices were.

Hon. A. F. GRIFFITH: I realise that the placing of a reserve price on land is a usual condition of land sales by public auction but I know that if the Housing Commission, under the direction of the present Government, was doing its job properly it would make these blocks available at a reasonable price to people who cannot afford to pay high prices for land elsewhere. But no, the attitude of the Housing Commission to these people was, "Since you cannot pay our price you cannot have the land."

The Chief Secretary: You know that the price of land under the Housing Commission is governed by the Act.

Hon. A. F. GRIFFITH: What provision is there in the Act dealing with the acquisition and sale of land by private negotitation or public auction? Can the Chief Secretary tell me?

The Chief Secretary: The Act lays down how the State Housing Commission must dispose of land.

Hon. A. F. GRIFFITH: I know from personal experience that the Housing Com-Commission acquires plenty of land from private individuals at a price much lower than that at which it sells to private individuals under, (1) State Housing terms, (2) private negotiation, and (3) war service homes.

Hon. H. K. Watson: In other words, the block of land has a different value according to whether the State Housing Commission is a buyer or a seller.

The Chief Secretary: Of course, an Act of Parliament governs the actions of a buyer and also those of a seller, and war service homes are governed by an Act of Parliament, too.

Hon. A. F. GRIFFITH: May I ask the Chief Secretary what portion of the Act governs the sale of land by the State Housing Commission?

The Chief Secretary: I do not know the exact section now, but the hon. member knows there is a section in the Act that governs the price to be charged.

Hon. A. F. GRIFFITH: Does the Act provide for a block of land created by a subdivision in the Manning Park district, to be sold for £2,700, to a private buyer? Does it set that down?

The Chief Secretary: No, but it sets down the minimum at which the State Housing Commission can sell.

Hon. A. F. GRIFFITH: It does not set down anything of the kind. This particular block was a site for a picture theatre and was sold for £2,700, yet the party in another place that I represent and the party I represent here—

The Chief Secretary: Try to!

Hon. A. F. GRIFFITH: And I will continue to try. Until action was taken in another place the Government wanted to charge £1,700 for evictee houses at Scarborough. Perhaps the Minister can tell the House what the conditions are under which the Government sold those places.

The Minister for the North-West: Who built them?

Hon. A. F. GRIFFITH: I know who built them and if it will stop any further discussion, I admit that I am not proud of them any more than the Minister can be proud of the houses that his Government is building at Maniana. I confess that I am certainly not proud of the houses that my Government built at South Belmont. There is nothing wrong in making an admission such as that.

The Chief Secretary: It is good for the soul.

Hon. A. F. GRIFFITH: Although an assurance was given by the Chief Secretary, which can now be read in "Hansard," the next thing we learn about these resumptions by the State Housing Commission is from a report in the Press stating that the State Housing Commission intended to resume this land. I have here a copy of the "Government Gazette," No. 49, dated the 8th October, 1954. This is the gazette I referred to in the motion I have moved, and for the information of members, it contains nothing else but the names of people who have had their land resumed under this Act. Members might be interested to know that although this publication is dated the 8th October, these people did not receive their notices of resumption until as late as last Friday. Members might also like to know that in the last five or six weeks one man purchased a property at Queens Park for some £3,000 or £4,000. In this "Government Gazette" is the notice of the resumption of his property. What chance has that man got?

The Chief Secretary: He might have every chance.

Hon. A. F. GRIFFITH: Did not the Government know, five or six weeks ago, that it intended to resume this land? Would it not have been a fair thing for the Government to have communicated with the people who own this land and informed them of its intention? Would it not have been reasonable for us to accept the information which the Chief Secretary gave us, namely, that private negotiations would be made with these people for the acquisition of their land? I ask the Chief Secretary: What private negotiations were made for the resumption of this land? Were the people approached by the State Housing Commission? Were they asked whether they wanted to sell their land? No, they were not asked! They were told by letter that their land was to be resumed under the Public Works Act and that within 60 days of receipt of notice of resumption they could appeal against it. However, I know what success people who have been similarly affected have had in appealing because, in effect, they are appealing against the man who has taken the land from them—the Minister for Housing.

Hon. J. McI. Thomson: What chance have they got?

Hon. A. F. GRIFFITH: Yes, what chance have they got? Of course, if they so desire, they can take the case to the Supreme Court. However, I ask Mr. Heenan, who is a legal man, what chance would a man, who owns a small block of land of 2-2/6 perches, have of taking a case to the Supreme Court to contest the resumption? These people are private individuals who own blocks of land as small in area as those that I have just mentioned. The blocks range from that size up to about 17 or 18 acres, and there are approximately 600 blocks in all. Does that make Mr. Lavery happy? Does it make him pleased to realise that the people in his province have had their land acquired by resumption? I feel certain that he must join with me in supporting a motion of this description. Does it make him happy to think that the people at Hamilton Hill have had their land resumed despite the assurance given to us that no more large scale resumptions would be made? Does it make Mr. Davies happy? Apparently it makes the Chief Secretary happy.

Hon. R. J. Boylen: You are only wooing votes now.

Hon. A. F. GRIFFITH: There is no necessity to woo votes on a matter such as this. I will cite another case for Mr. Boylen. A man owned five acres of land in the metropolitan area and he had his house in the middle of it with a green patch of pasture on one side which was served with irrigation, and poultry houses on the other side to accommodate 3,000 or 4,000 birds. The Housing Commission served a resumption notice on him and told him he could apply for compensation. However, the commission did not tell him that it already owes £1,000,000 and intends to involve itself in another £500,000. In effect, it merely says to him, "We do not know when we can pay you but in the meantime you scratch along the best way you can and if you get into any difficulties you can always apply to the bank for a loan."

Hon. R. J. Boylen: He can appeal against the resumption.

Hon. A. F. GRIFFITH: Does the hon. member think that his appeal would be successful?

Hon. R. J. Boylen: I do not think it would not be successful.

Hon. A. F. GRIFFITH: In that case Mr. Boylen is in sympathy with the man I have mentioned and must support my motion which requests the Government to review these resumptions with the object of cancelling the majority of them. I am glad I have a supporter.

Hon. R. J. Boylen: You have not got a supporter at all. Do not be misled.

Hon. A. F. GRIFFITH: It is a different story now. First I thought I had a supporter and now I have not. Obviously Mr. Boylen does not feel very sorry for these people. I do. I know that during the course of this debate it will be said that previous Governments have acquired land.

Hon. R. J. Boylen: We know that.

Hon. A. F. GRIFFITH: I know they have. It would only be a fool that would suggest that they had not. However, have we seen any protests against the acquisition of land that was resumed during the period the previous Administration was in office?

Hon. R. J. Boylen: I have heard of protests.

Hon. A. F. GRIFFITH: What protests has the hon. member heard?

Hon. R. J. Boylen: I have heard of them.

Hon. A. F. GRIFFITH: Well, they have not been very vocal. The previous Government made one of the largest resumptions in the history of the State, but it resumed an area in the Mt. Yokine and Tuart Hill districts where it did not upset little people who owned half an acre or an acre of land.

Hon. F. R. H. Lavery: What about the Kwinana resumptions?

Hon. A. F. GRIFFITH: That interjection by the hon. member further impresses me that he supports my motion. The Kwinana resumptions were made for the purpose of establishing the Kwinana refinery.

The Chief Secretary: We did not hear Mr. Griffith say anything about those resumptions.

Hon. A. F. GRIFFITH: Oh, yes, Mr. Griffith did. If the Chief Secretary was a student of "Hansard" he would have read what I said about them. Right through my political career I have always said that resumptions are extremely harsh and become harsher according to the Administration that makes them. I say that the present resumptions are particularly harsh, especially as the Government has given us an assurance, not once but three or four times—and those assurances appear in "Hansard"—that it did not have any intention of embarking upon any further large-scale resumptions. Does not the Chief Secretary think that an area of 2,600 acres is a large-scale resumption? Let the Chief Secretary put himself in the position of some of the people who own these blocks.

In the past I have made appeals to various Ministers, holding the portfolio of Local Government, against decisions of the Town Planning Board. I found that certain people had applied to a road board to subdivide an acre of land. They had bought the block and built their house on one side of it and then applied to the road board to have it subdivided. The road board agreed but the Town Planning Board refused the application, with the explanation that there was no need for half acre subdivisions in that area. As a result, the man concerned came to me. I took his case to the Minister for Local Government who has the almighty power of overruling the Town Planning Board, and the Minister of the day—I have not made any representations to the present Minister, but he might be easier to get on with—

The Chief Secretary: He is.

Hon. A. F. GRIFFITH: He is not. He certainly is not in regard to brick areas, anyhow. The Minister for Local Government said—

The Chief Secretary: The Minister for Town Planning.

Hon. A. F. GRIFFITH: Well, the Minister for Town Planning.

The Chief Secretary: It is a separate portfolio.

Hon. A. F. GRIFFITH: It is now. I am talking of the time when I made my representations to the then Minister. What happened in this instance was that the man who had four or five acres of land said to the Town Planning Board, "I am going to live on this land and let it appreciate in value." When it did appreciate in value, he asked for permission to subdivide it but he was refused by the Minister.

The Chief Secretary: The Minister of your party might have been a rubber stamp.

Hon. A. F. GRIFFITH: I think that is a very unfair thing to say.

The Chief Secretary: I said he might have been.

Hon. A. F. GRIFFITH: That is a very unfair thing to say. Does not the Chief Secretary, as the Minister for Local Government, make decisions on town planning?

The Chief Secretary: I do not have to swallow what I am told holus bolus.

Hon. A. F. GRIFFITH: Time and time again I have heard the Chief Secretary say in this House—as he did the other night—that what the Chief Justice thought about a Bill was the right course to follow.

Hon. L. Craig: The Minister was then informed wrongly.

Hon. A. F. GRIFFITH: Then the Chief Secretary tells us that the previous Minister might have been a rubber stamp.

The Chief Secretary: The Town Planning Board made a ruling and he agreed.

Hon. A. F. GRIFFITH: There are plenty of instances. When the Minister for Town Planning refuses the subdivision what is the alternative?

Hon. L. A. Logan: To get out.

Hon. A. F. GRIFFITH: Such a person cannot just go off his land. He has still got the five acres with a house built on a quarter of an acre. He has to hang on until further developments take place so that he can subdivide his land. But in the meantime, in comes the Government taking the five acres of land away from him, and he has no right of appeal. Can the owner appeal to the Minister and claim, "When Mr. Griffith was in the Lower House he asked for permission on my behalf to subdivide this land. The application was refused. Can I make application again?" But that is not the position at all. The owner knows that he will lose his land. While he had an opportunity of disposing of it when land values had appreciated, he cannot now dispose of it at all. Let us assume that the Chief Secretary bought an acre of land near the town.

The Chief Secretary: I have never had enough money to do that.

Hon. A. F. GRIFFITH: Let us assume that Mr. Barker bought a block of land near the flats at Riverside Drive ten years ago. Would he not be entitled to hold that land and let it appreciate in value, and when it had, would he not be entitled to subdivide and sell?

The Chief Secretary: Yes, according to the laws of the land.

Hon. A. F. GRIFFITH: According to the laws of the land, knowing full well that they allow him to do this. Mr. Barker will not be interfered with in this plan, but because a man who chooses to live in Queen's Park, Hamilton Hill or Riverton, he no longer has the right to hold his land.

Hon. L. C. Diver: Why did not the Government buy Harper's estate?

Hon. A. F. GRIFFITH: Why did it not buy plenty of land in the same vicinity? All we have to do is to go out to any part of the area where the resumptions have taken place, and we can find plenty of land for sale. I can take the Chief Secretary to a 22-acre block of land in Queen's Park which is for sale.

The Chief Secretary: You should take the Minister for Housing with you.

Hon. C. W. D. Barker: Do you not think that in the interests of progress and large scale planning it is necessary to resume land?

Hon. Sir Charles Latham: No, not to confiscate other people's property.

Hon. A. F. GRIFFITH: The people of this State are entitled to believe what is contained in "Hansard." We are entitled to believe that when the Government undertakes not to take land from the people, it will not do so. When the Miinster says that private negotiations will be made with owners for the acquisition of their land, the least the Government can do is to write to the owners and ask them if they want to sell.

Hon. C. W. D. Barker: We cannot stand in the way of progress.

Hon. A. F. GRIFFITH: What a futile remark. Would it be standing in the way of progress for officers of the Housing Commission to offer Mr. Barker something for his land?

Hon. C. W. D. Barker: Offers will eventually be made.

Hon. A. F. GRIFFITH: Having in mind that these resumptions—pages and pages of them—are advertised in the "Government Gazette" which say, "Notice is hereby given and it is hereby declared that the several parcels of land subscribed in the schedule hereto are resumed for the purposes of the State Housing Act," at what stage in the proceedings would the State Housing Commission negotiate with owners?

Hon. C. W. D. Barker: The notice of resumption does not mean that owners have to get off their land immediately. It may be years or months before that happens.

Hon. A. F. GRIFFITH: What does the notice mean?

The Chief Secretary: It is an intimation to people warning them not to buy in that area.

Hon. A. F. GRIFFITH: It is no wonder that the people represented by the present Government are dissatisfied, when we hear statements of this nature from the Leader of this House.

The Chief Secretary: It is a method of stopping people coming in to buy up the land.

Hon. A. F. GRIFFITH: I have never heard so much ridiculous nonsense in my life. I have never listened to a greater lot of tripe coming from a responsible Minister. Seriously, the Minister knows that is not the case.

The Chief Secretary: That is the case. It is you who do not know.

Hon. A. F. GRIFFITH: Perhaps the Minister does not know and I might explain it to him. When a resumption of land is advertised in the "Gazette," as it is advertised here, the notice which is sent out to owners of land gives them 60 days to appeal against the resumption. Yet the Minister tells us that the purpose of the notice is to warn people not to buy in that area.

The Chief Secretary: Exactly what you have been complaining about and this is the way the warning is given.

Hon. A. F. GRIFFITH: I am not only speechless but dumbfounded.

The Chief Secretary: I think you had better get more information about what transpires after resumption.

Hon. A. F. GRIFFITH: Perhaps the Minister will tell us.

The Chief Secretary: I shall. You should get more information about the subject. Do you think that all the lots that are mentioned in the notice will be taken over by the State Housing Commission? Of course they will not.

Hon. A. F. GRIFFITH: I agree that they will not all be taken over. I profess to know a little about this matter, having made some study of it. I know that the man with five acres of land, with his house built on one qarter of an acre in the centre of it, with pasture on one side and poultry yards on the other, will get little satisfaction; and I know that the State Housing Commission will not want his house when it resumes the land. It would take the land from both sides of his house, and thus leave him without a business.

The Chief Secretary: It may or it may not.

Hon. A. F. GRIFFITH: If the Housing Commission resumes 4½ acres of those five acres, leaving the man a quarter of an acre and his house thereon, he will be left without a business. Can the Chief Secretary tell me otherwise?

The Chief Secretary: I will not attempt to.

Hon. A. F. GRIFFITH: Obviously the owner cannot stay in business. Would the Housing Commission say to the man, "We will take your land and we will compensate you?" And if the Housing Commission decides to compensate him, will it be under the same circumstances as applied to the Maniana land grab, where owners have been waiting for upwards of 12 months to be paid, and are still waiting? If such a position should arise, then the action of the Government can be described in the words of my motion, "harsh and unjust in many individual cases." I can give many instances of hardship suffered by people living in these districts. I moved my motion because I felt that members on both sides of the House must give it their support, and because I felt that the Government of the day had been politically dishonest in allowing these people, and members of this House, to believe that it did not intend to embark on any further large scale resumptions. All we have to do is to look at the metropolitan area and see where the eight large areas are situated.

May I predict that when the present Government brings down a redistribution of seats Bill there will be a direction in it to the commissioners to take into consideration the future development of the State. And the future development of the State will be lying within the 3,000 acres of land which the commission has just acquired, because the Premier said in another place that the introduction of a redistribution of seats Bill can be expected in the next 14 days. The Premier knows that for nearly two years he has not carried out the law as it exists at the moment, and the Chief Secretary knows that too.

Hon. H. Hearn: This is a case where "may" means "shall"!

Hon. A. F. GRIFFITH: This is one case where the Government proclaims that "may" means "shall." I ask all members to support this motion. I appeal to them individually to have consideration for the fact that this is not a large land grab at all, such as resuming a large area to set up a suburb or community. This resumption will take land away from the little fellow who has gone to the outer suburbs to acquire a little land. The part that I am most concerned with and the part that Mrs. Hutchison is concerned with—

Hon. R. F. Hutchison: I know that what you are saying is not right.

Hon. A. F. GRIFFITH: The hon. member comes right in without waiting for what I am going to say. All I wanted to say to her was that in the interests of the workers whom she is supposed to represent—a subject about which we have heard so much from her—this is the time for her, as a representative of the workers, to show us in a practical form whether she really does represent them. She, and other members of her party, can do this by supporting my motion and urging the Government to release the land which is to be resumed from these people, which, no doubt, will be resumed unless something is done.

On motion by Hon. F. R. H. Lavery, debate adjourned.

PARLIAMENTARY SUPERANNUATION FUND.

Appointment of Trustee.

On motion by the Chief Secretary, resolved:

> That pursuant to the provisions of the Parliamentary Superannuation Act, 1948-1953, the Legislative Council hereby appoints the President (Hon. A. L. Loton) to be a trustee of the Parliamentary Superannuation Fund.

BILL—TRAFFIC ACT AMENDMENT (No. 2).

Second Reading.

THE CHIEF SECRETARY (Hon. G. Fraser—West) [3.15] in moving the second reading said: The first proposal in the Bill seeks to restrict farmers' concession licenses to one licence for each farm or holding irrespective of the number of vehicles used in connection with the farm or holding. The proposed amendment has been requested and has the full support of the Road Board Association of W.A. which is mainly representative of farming interests. During the 1953 session of Parliament, authority was given for the

funds necessary for the rehabilitation of the Perth-Guildford-rd. to be made a charge on the Traffic Trust Account. Three local authorities were involved, these being the Perth, Bayswater and Bassendean road boards. When submitting last year's Bill it was thought that the Perth-Guildford-rd. commenced at the Mount Lawley subway, and the amendment was framed accordingly. It was subsequently found, however, that the Perth-Guildford-rd., within the territory of the Perth Road Board, commenced at the intersection of Lord-st. and Walcott-st., so that whilst Bayswater and Bassendean have been entirely relieved of the responsibility of any upkeep on the Perth-Guildford-rd., a small section of approximately four chains was still left within the Perth Road Board. The Bill seeks to rectify this unintentional error and to provide that the work on the road shall commence as from the corner of Lord-st. and Walcott-st.

In 1952, a new Subsection (2) (a) was added to Section 14 of the Traffic Act authorising the Minister to approve of the provision and maintenance in the metropolitan area of such traffic lights and signs for the direction of traffic as he thought fit and to authorise payments not exceeding £20,000 in any one year for these purposes. When the original suggestion was made it was desired that a definite amount of £20,000 be available each year. The Crown Law Department has ruled, however, that in the event of the full amount of £20,000 not being expended in any one year the balance cannot be made available in any subsequent year. It is now desired to provide that in any one year in which the payments authorised by the Minister do not reach £20,000 the amount not expended be made a legitimate expenditure in any subsequent year. It is necessary to agree to this alteration because if the expenditure in one year is up to about £18,000, the other £2,000 or £3,000 could, if the amendment were not agreed to, be lost, and that would be unfortunate.

The special committee set up by the Government to recommend priority for installation of lights and signs is in full agreement with this proposal. At the present time learners' permits are issued free of cost. The Commissioner of Police advises that for the 12 months ended the 30th June, 1953, the Traffic Branch issued 4,654 learners' permits. Of this number, 1,463 were not returned, and the learners were not tested for motor drivers' licences. The commissioner points out that a considerable amount of time is involved in the preparation of the application for the permit, in the testing of the applicant and in the preparation of the permit itself. The learner is permitted to drive a vehicle under instruction for a period of up to 60 days free of charge. It is felt that a charge of 2s. 6d. for a learners' permit would be quite reasonable, and would assist to some extent, to pay for the expenditure incurred by the Police Department in dealing with these permits.

The next proposal concerns a matter that is well known to all members. The present provision in the Act makes it necessary for all applications for overwidth loads to be submitted to and recommended by the Commissioner of Police. It is agreed that this causes a great deal of inconvenience particularly in country districts where farmers wish to transport overwidth farm machinery from place to place and where, on occasions, it is necessary for ordinary carriers to transport overwidth vehicles.

When a Bill to amend the original Act was before parliament in 1953, notice of amendment was given in another place to delete the words "given on the recommendation of the Commissioner of Police" and to insert "or other persons authorised by him," but the amendment was overlooked during the rush and bustle of the last days of the session. The amendment now sought will result in the Minister being able to authorise local authorities to issue permits for overwidth loads on conditions that would be specified. It would empower the Minister to authorise a local authority to issue permanent permits for farm implements provided the usual safeguards were complied with, such as daylight travel, red flags at extremities of implements being towed and any other general precautions thought desirable.

It is desired that the Second Schedule to the Traffic Act be restated in order that the numerous new models of implements may be clearly set out in that particular schedule. At the present time caravans have one definition, but as the scale of fees setting out different fees for a motor propelled caravan and a trailer type caravan, it is desired that the two classes be specified in the Second Schedule. It is proposed to include in the definition of "motorcars" the type of vehicles commonly known as estate cars, countryman, station wagon or similar vehicles. These vehicles, which are designed mainly for the carrying of persons, have more room in the luggage compartment than is normally found in a motorcar.

Another proposal is the inclusion in the term "motor carriers" of motorised wheelchairs used only by incapacitated or crippled persons. Although these licences will be issued free, by including them in this definition, it makes it clear that the minimum of ten shillings only will be payable for third party insurance. At the present time a road tractor is defined as follows:—

> A vehicle which is a tractive unit designed for the hauling of a trailer or semi-trailer.

So as to distinguish between the hauling unit of the semi-trailer as compared with a trailer the following definition in the schedule is proposed:—

(a) Tractor (prime mover type)—a motor vehicle which is a tractive unit designed for hauling a semi-trailer.

(b) Tractor—any motor vehicle not designed for the carriage of passengers or goods on roads and used primarily for such purposes as agricultural pursuits, clearing, earth moving, forestry, forestry pursuits, industrial pursuits, and road making; and various other machines such as graders, rollers, tar sprayers, etc.

At the present time, the licence fees payable on caravans are included in the regulations and appear practically at the end of the regulations. This has caused complications so far as some licensing authorities are concerned. The Third Schedule sets out the fees payable for various vehicles under the Act, and it is quite obvious that the scale of fees for caravans should properly be included in the Third Schedule, also. I would like to mention that no alteration is made in the fees.

Other minor amendments are designed to show clearly the fees payable on miscellaneous implements such as graders, rollers, mobile cranes, excavators, etc. The present provisions regarding these fees have never been clearly understood nor has the Crown Law Department been able to give an interpretation of the provision in the Act at present whereby these machines have been licensed as traction engines.

With regard to Clause 7 (d), it is pointed out that the scale at present provided in the Act is so uncertain that even after obtaining legal advice a decision could not be arrived at, and in 1947 a circular was sent to all local authorities stating that for the tractor class of vehicle £50 should be the maximum fee payable. This maximum is included in the new scale. The scale in the Bill is in accordance with the charges that have been made in the past with the maximum of £50. Another amendment seeks to make it definite that a dual wheel shall be treated as a single wheel for the purposes of assessing a passenger or carrier's licence fee. I move—

That the Bill be now read a second time.

On motion by Hon. L. A. Logan, debate adjourned.

BILL—DOG ACT AMENDMENT.

Second Reading.

Debate resumed from the previous day.

HON. W. R. HALL (North-East) [3.26]: I think there is a considerable amount of merit in the Bill, but on the other hand I consider the fee for the extra bitch is too high. I realise that in the pastoral areas of the North-West the wild dogs are a menace and do considerable damage. I feel that if the owners of the dogs were to control and look after them there would be no need for the Bill. We read and hear about the numbers of sheep that are killed by wild dogs and by those dogs that are owned by aborigines. I think there is some merit in the portion of the Bill which deals with this aspect, but it must be realised that what is suggested here will mean a charge on the local authorities who administer the Act, because the measure will need to be seriously policed, and this will be rather a big job. The local authorities have a full-time job now, and to police this Act will be very costly.

I believe that the breeding of wild dogs has caused some of the complaints that were raised by the hon. member who introduced the Bill. I cannot see how the local authorities can curtail the breeding of wild dogs, or the inter-breeding of domestic and wild dogs—which apparently is necessary in order to minimise the killing of sheep, which is so prevalent, in the North-West—without the help of the people who are more or less responsible for the domestic dogs. Although people have to license their animals, no protection is granted. The licence fee is simply a tax. No matter what happens to the dogs or where they are, they can be impounded. A person who pays a fee for his dog receives no protection if anything happens to the dog outside of his property.

Where a licence fee has to be paid for an animal, some protection should be given by the authority concerned. I have no doubt that many of the complaints that have been enumerated have arisen because of the wild dogs and the mongrel type of dog; and, to some extent, by the tame dogs that have gone wild. The owners of the dogs are more or less responsible for them, when all is said and done, and in my opinion this Bill will have only a small effect on the position. Unless the Act is strictly policed by all concerned, particularly in the pastoral areas, the present situation will continue.

Hon. H. Hearn: Who will pay for the policing?

Hon. W. R. HALL: I have already stated that the administration of the Act is the responsibility of local governing bodies. On the Goldfields some time ago they had dog-catchers, and it was not a job that many men wanted. They used to run into a lot of trouble and they left the job as soon as they could.

Hon. H. Hearn: They used to make enemies?

Hon. W. R. HALL: That is so. There is something wrong with a person who has no love for a dog or other animal. We should aim at breeding a good type of pedigreed dog and, in this way, the mongrel

or wild dog will gradually die out and so minimise our trouble. I do not want those who breed dogs, and have one or two bitches for that purpose, to be penalised to the extent of £3 for the second bitch. These people look after their dogs and do not let them roam the streets. After all, a dog is under the control of the person who owns it.

While I feel that there is some merit in the Bill, I do not want to see people who look after their animals penalised to the extent envisaged in it. If the measure is passed in its present form, it will mean that those who look after their dogs will be paying for those who do not. I would like to hear other members before I decide how I shall vote on the second reading.

HON. C. H. HENNING (South-West) [3.33]: I intend to support the Bill because, as the mover stated, its aim is to reduce the number of dogs to the stage where they can be kept under control; in other words, it is aimed at owners who neglect their dogs, and unfortunately there are a number in that category. Mr. Barker dealt at some length with native dogs in the North-West, and many years ago I accompanied the police on several occasions on what were called dog raids at native camps. While with them I saw large numbers of dogs, and many of them had to be shot. But under this Bill, every adult native will still be permitted to keep one male dog without payment of a licence fee.

Hon. H. Hearn: Male or female.

Hon. C. H. HENNING: Every adult native will be permitted to keep one male dog. I think that should satisfy our natives. If there is a camp of 12 or 15 people, it will mean that there will be 12 or 15 dogs instead of three or four to each native, as there are at present. I do not think anyone can cavil at that provision. In the past, although a native was permitted to register one dog free of charge, he could also keep as many others as he liked, so long as their registration fees were paid. That privilege will be taken away, but the privilege of having one dog with a free registration fee will remain.

As far as dog fanciers are concerned, in so far as they are breeders, this measure will not be effective. After all, the person who breeds dogs as a hobby or as a livelihood, looks after them. The same applies to those who use working dogs for sheep or cattle; they, too, will not be affected. The people it will affect are those who allow their dogs to roam all over the country. Anybody who goes into our large or small country towns will find that where there are farms adjacent to the town, and sheep are run, there is always trouble at night from dogs. This does not necessarily apply to large dogs; the little poodle or toy dog, and dogs of all sizes, gang up and worry the sheep. A neighbour of mine, who has a property close to the town, shot 37 dogs in one year; he had found them worrying his sheep on many occasions. People might say that it is cruel to deal with dogs in that way. But it must be remembered that those dogs are neglected, and in their roaming around can pick up baits. In my opinion a bait is not a humane way of disposing of a dog.

Hon. A. F. Griffith: Hear, hear!

Hon. C. H. HENNING: But the treatment that a dog metes out to a sheep or lamb is not pleasant either; I would rather see dogs eat baits than maul and worry sheep in the way they do. But this Bill would not be necessary if the police or the local authorities, or both, carried out the provisions of the principal Act, because it lays down certain conditions for the control of dogs, and it is a pity that they are not enforced. For example, one portion of the Act says that a local authority may, for the protection of owners of stock, make by-laws requiring dogs to be kept chained at night. Even if local authorities pass such by-laws, they do not enforce them. I believe that if the provisions of the Bill regarding registration fees are enforced, we will see fewer dogs wandering around the towns and countryside. I shall support the second reading.

HON. A. F. GRIFFITH (Suburban) [3.39]: Whilst in principle I support the introduction of a Bill of this nature, and extend to Mr. Barker my congratulations for bringing before the House legislation which should bring relief to the State from the dog nuisance, I think the measure has certain weaknesses. Mr. Barker is principally concerned with the menace of dogs in the North-West and country districts. I think the dog menace can be placed in two sections—firstly, the menace of dogs in the North-West and country districts, and, secondly, in the metropolitan area. I am inclined to agree with Mr. Henning's suggestion that it might be a good idea, in controlling the number of dogs—and that is what the Bill is aimed at—to limit natives to the possession of one dog. I do not think there is any necessity for them to have a number of dogs.

Hon. C. H. Henning: It applies not only to natives; there are others, also.

Hon. A. F. GRIFFITH: Yes, but as Mr. Barker said, the native is the worst offender, because he keeps more dogs than anybody else. From my experience of the North, the station-owners say that any dog is a dingo, particularly if there is any danger of the dog injuring sheep. Most station-owners will destroy these dogs if they get an opportunity, because unquestionably they are becoming a greater menace as time goes by.

Hon. C. H. Henning: Wild dogs, not dingoes.

Hon. A. F. GRIFFITH: Wild dogs and dingoes. I think those with experience in the North—and probably the Minister for the North-West will agree—say that the wild dog is worse than the dingo.

Hon. Sir Charles Latham: It is because it is better educated.

Hon. A. F. GRIFFITH: That is because of the cross. Under Section 15 of the principal Act, a penalty of £2 is provided for anybody who keeps or owns a dog which is not registered. Yet a little further down, in Section 17(a), there is a penalty of £5 for anybody who has a registered dog but does not ensure that it has a registration disc. It appears that there is a weakness in the present Act in that regard. Those who own dogs have little protection because the Act is not policed. Of course there are great difficulties in policing an Act of this kind because local authorities are concerned with the expense. In my province it has been necessary for three or four local authorities to combine their activities in regard to straying dogs.

At this point I would like to criticise the action of some dog catchers. Apparrently they are paid on an incentive basis, and it appears that the incentive is to catch as many dogs as possible, and, as a result, reap a reward. I know of one case in particular where an elderly lady owned a dog which accompanied her everywhere she went. She went shopping one day and it sat on the footpath near the shop while she did her shopping. When she came out, the dog had gone because it was an easy mark for the dog-catcher.

Hon. H. Hearn: It was in the cage?

Hon. A. F. GRIFFITH: Yes. These dog-catchers can be a little too conscientious. The Act also says—

> If such dog is not claimed, and one shilling and sixpence for its keep paid, by the owner, within three days from the time of such seizure, it may be destroyed or sold.

It also states that if the dog has a registered disc it must be advertised, and if not claimed within 48 hours, upon registered notice being given to the owner it shall be sold or destroyed. In many cases when an advertisement appears we may perhaps find the following:—"Lost, a fox terrier, black and white." With my small knowledge of dogs, I know that most fox terriers are black and white, and it would be difficult for owners to ascertain whether it was their dog.

Hon. C. H. Simpson: It would not be a shaggy dog.

Hon. A. F. GRIFFITH: Shaggy dogs are definitely of the same type.

Hon. H. Hearn: So are the stories.

Hon. A. F. GRIFFITH: I do not know whether it will have the same effect. There has been talk of protecting the dog-breeder. I do not wish members to misunderstand me, but I feel that the dog-breeder does not need to be protected, because he is one person who looks after his animals.

Hon. H. Hearn: He will have to pay more to stay in business.

Hon. A. F. GRIFFITH: It is not right to impose further fees on a man who already looks after his dogs. This measure aims at reducing the number of dogs that are a nuisance in the metropolitan area and country districts. As I said previously, the problem is distinctly different in the metropolitan area, and I do not know whether the Bill will overcome it. I would like to ask Mr. Barker who will police the Act in the North-West?

Hon. C. W. D. Barker: The local authorities and the police.

Hon. A. F. GRIFFITH: Does not the hon. member think that local authorities in the North-West will have a most difficult job to police the Act?

Hon. C. H. Simpson: I think the station people concerned would report cases.

Hon. Sir Charles Latham: They can destroy dogs on their own properties.

Hon. A. F. GRIFFITH: They can do that now. Does the hon. member think that raising the fees will help in policing the Act?

Hon. C. W. D. Barker: If the fees are made high enough, they will go after them.

Hon. A. F. GRIFFITH: It does not necessarily follow that if a person has to pay more to have his dog licensed he will look after it better.

Hon. H. Hearn: Who gets the fees?

Hon. A. F. GRIFFITH: I presume the local authority does. This measure would also hit to leg those people who wished to keep two dogs; perhaps a bitch and a male. Are we going to make such people pay £3?

Hon. C. W. D. Barker: If a person has a dog and a bitch, he pays the ordinary fee.

Hon. A. F. GRIFFITH: What is the position if he has two bitches?

Hon. C. W. D. Barker. Then that is too bad!

Hon. A. F. GRIFFITH: For the moment, I support the second reading but I do not think the measure goes far enough. I agree that anything that can be done to eradicate the dog nuisance in the North should be done. It is undesirable to see dogs running through the suburbs and I think the Government should look at the Act to see whether something more definite can be done to protect a dog that is licensed. We know it is impossible to keep a dog on a chain all the time; that would only make it savage.

The Minister for the North-West: It would be cruel.

Hon. C. W. D. Barker: It is cruel to see some of these dogs in the metropolitan area.

Hon. A. F. GRIFFITH: That depends on the type of dog; it might apply, for instance, to the kelpie which does nothing but chase motorcars up and down the road. That could be a nuisance. But the Government might have a look at the Act to see whether some protection can be afforded to the dog that is already licensed and well looked after. Some protection should be given to the owner, because a dog cannot be tied up all the time. I agree that the question of straying dogs should be taken in hand. Something is required, but I doubt whether this Bill will meet the case and make the public more conscious of the dogs they own.

HON. SIR CHARLES LATHAM (Central) [3.50]: I congratulate Mr. Barker for introducing this Bill.

Hon. C. W. D. Barker: Good Lord!

Hon. Sir CHARLES LATHAM: I suppose the hon. member is surprised that I support him, but there is a good deal of common sense in the remarks he made when introducing the measure. The difficulty I find is that nobody wants the responsibility of enforcing the law. The responsibility lies with local authorities but they are very dilatory in enforcing the law. The city is nothing but a blooming menace so far as motorists are concerned because of roaming dogs.

Hon. H. Hearn: What is a "blooming" menace?

Hon. Sir CHARLES LATHAM: It is worse than an ordinary menace! It is quite common to hear of accidents occurring because of motorists trying to avoid running over dogs. Something must be done to ensure that the owners of dogs accept responsibility for them. In the area in which I live there are not less than a dozen dogs around my house every morning. Unfortunately, we have no front fence, but even if we had one, the regulations would not permit it to be more than 3ft. high, and the dogs could jump over it. I am not worried about registered dogs because so few of them are registered. That is where the local authorities are not doing their job. In the Eastern States, the police are responsible for registering dogs but it would be stupid to extend that practice here.

The Minister for the North-West: This may make it worthwhile for a dog-catcher.

Hon. Sir CHARLES LATHAM: Immediately that happens, we find all the old girls writing to the newspaper complaining about ill-treatment of dogs.

The PRESIDENT: I think the hon. member should be more parliamentary in his language, particularly when he refers to "old girls," and "blooming dogs."

Hon. Sir CHARLES LATHAM: I cannot see anything offensive in those words, Mr. President, but if you rule them to be so, I shall certainly withdraw them.

The PRESIDENT: I think the hon. member should use parliamentary language.

Hon. Sir CHARLES LATHAM: I have been in Parliament a long time and have never thought those words to be unparliamentary. However, something should be done, and I commend the hon. member for introducing the measure. A person who has a registered dog cannot keep it tied up all the time. With meat at the price it is, it is difficult for people to buy that commodity to keep their dogs properly fed; accordingly, half the dogs running round the streets are starving. I hope this legislation will be the means of helping to decide who is responsible for the control of dogs, both in the city and the country. Mr. Griffith mentioned dogs that maim sheep. I have known them to attack young calves. I have heard complaints about dogs being poisoned in the streets and how cruel it is, but if people saw some of the sheep that I have seen, with their legs torn off and their breasts torn open, I think they would agree that something should be done to ensure sheep against cruelty. I do not think very much will be done by increasing the fees.

Hon. C. W. D. Barker: Of course it will.

Hon. Sir CHARLES LATHAM: The owners do not pay today.

Hon. C. W. D. Barker: If you make it worth while, the local authorities will go after it.

Hon. Sir CHARLES LATHAM: The hon. member says that if we charge three guineas for a bitch the local authorities will become more active. If they registered the dogs that ought to be registered they would collect a considerable amount of revenue in South Perth, certainly. When they do not attempt to collect the great amount of revenue that would be available to them already, will they worry about two or three guineas?

The Minister for the North-West: It will not stop the spread of dogs throughout the family.

Hon. Sir CHARLES LATHAM: I do not think it will, because Billy will have one; Mary will want one, and Jimmy will also have one. If the local authorities will not control the dogs in their own areas then the Government should find some means of cleaning up these dogs.

The Minister for the North-West: We will have to create another board.

Hon. Sir CHARLES LATHAM: If an inspector were to be appointed, with whom would he be associated?

Hon. C. W. D. Barker: With the Agriculture Protection Board.

Hon. Sir CHARLES LATHAM: That is a good suggestion and I think we would have better control if we asked the Agriculture Protection Board to accept full responsibility, and if we gave it the revenue that was derived. I do not think the local authorities would object to that responsibility being taken away from them. They make no attempt to collect the revenue or control the dogs either in the country or the city. I support the Bill.

HON. E. M. HEENAN (North-East) [3.59]: I think Mr. Barker's motive in bringing down the Bill is a worthy one, and I, too, support him. From the remarks made by the hon. member when introducing the Bill, and from those made by Mr. Henning to the effect that in the North and in the farming areas a serious nuisance is caused by dogs that roam about at will and do damage to sheep and stock, it is quite apparent that something must be done to exercise some control. It would seem that that state of affairs has come about because the existing legislation is not policed, and I support the Bill if for no other reason because it brings under our notice a state of affairs that needs some attention.

I hope that one result of the measure will be that the dog menace will be greatly minimised in future. I gather from my reading of the Bill that steps have been taken to protect bona fide dog lovers who look after their animals, and if the measure achieves the object of minimising the menace that evidently exists in various parts of the State, the hon. member's purpose will have been realised. I do not know whether the drafting of the Bill is perfect or whether it will be the means of obtaining 100 per cent. of results, but the object is a worthy one and I support it.

HON. W. F. WILLESEE (North) [4.2]: I support the second reading of the Bill. I have studied Section 29 of the Act and I consider that the amendment proposed in the Bill is desirable. The section provides that any adult male aboriginal native may register one male dog free of charge and any number in excess of one not registered are liable for registration. When the Act was passed, that was doubtless sufficient provision for a native who was living off the land. Men who were pioneering the country very often found it incumbent upon them to live under similar conditions and they needed dogs in order to hunt for food.

According to letters received by Mr. Barker, the dog is not of the same value or effectiveness to either the aboriginal or the landholder that it was in former years, and it has been shown that dogs are causing trouble and loss not only in the North-West, but also in other parts of the State. The aboriginal is a nomad and as a race is dying out. If one visited the North and took a census of natives' dogs from Shark Bay to Wyndham, it is doubtful if such dogs would be found to be registered. More effective results could probably be obtained by stipulating one dog to one native, but if the dog menace is such a problem and the aborigines are the cause of it, the logical course would be to prevent the natives from having more than one dog. The policing of the Act is extremely difficult, and it is quite useless to prescribe that this or that shall be done if the law cannot be enforced.

Aborigines do not use the dog as they did in years gone by and thus the provision in Section 29 of the Act has outlived the purpose for which it was enacted. It is necessary to minimise the use of dogs in the North-West to the greatest possible extent. I should like to see provision made prohibiting a native from keeping a bitch.

Hon. Sir Charles Latham: Then the dogs would soon die out.

Hon. W. F. WILLESEE: The hon. member knows that dogs breed very quickly. I fully approve of prohibiting a native from having more than one dog. We should tie up the law closely and, if possible, eliminate the risk of dogs getting out of control and so causing trouble. In the towns, including the metropolitan area, errant dogs may be seen running in the streets, and better control of them is necessary.

The charge of 7s. 6d. for registering a dog means a definite loss to the local authority. When an application is made for the registration of a dog, a certificate has to be made out, showing the breed, age, colour and owner of the dog, and a disc issued. This work costs money and the registration fee is insufficient recompense for it. In order to pick up stray and nondescript dogs roaming the streets, a dog-catcher has to be employed and provided with a vehicle, and the cost of destroying one dog may be as much as £10. Hence the charge for registration is very small indeed.

I am all in favour of limiting the number of dogs in the North-West and probably the same applies to the country areas as well. If the registration fee is raised as proposed, I think it will have the effect of curtailing the numbers and minimising the trouble that is now apparent. In the North, droving is mostly done by trucks nowadays, and many of the stations have given up the practice of keeping dogs as they are no longer necessary. I doubt whether the present amendment goes far enough; the Act is due for revision throughout. However, should we pass this

amendment, we can watch its immediate effect and, if necessary, review it at some future date.

HON. J. J. GARRIGAN (South-East) [4.10]: I support the second reading. The province I represent extends from Merredin westward to the South Australian border and southward to Esperance. I sympathise with the farmers and pastoralists in the heavy losses they sustain every year from useless dogs that roam the country. Evidently it is the native dogs that cause most of the trouble. In many of the small towns, I am satisfied that the dog population is larger than the human population. It is time the Act was amended and made more stringent in order that not only wild dogs, but many domestic dogs may be controlled.

On motion by Hon. H. Hearn, debate adjourned.

BILL—MINES REGULATION ACT AMENDMENT (No. 2).

Second Reading.

THE MINISTER FOR THE NORTH-WEST (Hon. H. C. Strickland—North) [4.12] in moving the second reading said: This Bill comprises four small amendments only. Section 31 (1) of the principal Act provides that when any accident occurs in a mine, and, as a result, the worker concerned has to have time off from work, the mine manager shall, within one week of the accident, report the matter to the inspector of mines. If the inspector is absent, the report has to be made to the warden, or the mining registrar, or the Under Secretary for Mines. If, as a result of the accident, a worker sustains serious, or apparently serious injuries, the accident has to be reported forthwith.

The Bill seeks authority for the mine manager to report also to the secretary of the mining branch of the Australian Workers' Union. The union has asked that this be done so that it will have a knowledge of all accidents that occur in mines. The circumstances can then be discussed with the members with a view possibly to being able to submit recommendations that would assist in preventing the occurrence of further similar accidents.

The three other amendments deal with the hours to be worked underground by persons in charge of machinery. The hours provided for in the principal Act do not conform to those specified in the Arbitration Court award, and the Bill proposes to bring them into conformity with the award. The Act states that except in the case of a special emergency, or with the permission in writing of the inspector, the hours worked underground shall not exceed seven hours 12 minutes daily and 40 hours a week, inclusive of meal times, and time occupied in raising or exhausting steam, or drawing fires. The hours provided for in the award are 7½ hours daily and 37½ hours a week, and these are the hours that the Bill seeks to insert in the Act. I move—

That the Bill be now read a second time.

On motion by Hon. C. H. Simpson, debate adjourned.

BILL—FAUNA PROTECTION ACT AMENDMENT.

Second Reading.

THE MINISTER FOR THE NORTH-WEST (Hon. H. C. Strickland—North) [4.15] in moving the second reading said: The principal Act is one which should be of deep interest to thinking Western Australians. The need for active measures for the conservation and protection of the harmless animals and birds of the State, both indigenous and imported, is obvious. Some of our indigenous animals and birds are peculiar to Western Australia, and it would be a crime against posterity to allow them to become extinct through neglect, vandalism or thoughtlessness.

Hon. C. H. Simpson: That might apply to magpies.

The MINISTER FOR THE NORTH-WEST: Yes, or to dogs. The long title of the principal Act is plain and curt. It simply states: "An Act to provide for the Conservation and Protection of Fauna." A wealth of meaning and responsibility, however, can be read into these few words. It is the duty of members of this Parliament and all other responsible citizens to see that the spirit of this title is maintained. The objects of the Bill are mainly to further the purpose of the Act by the simplification of administration and by the clarification of certain passages of the measure.

The first amendment proposes to extend the definition of the term "fauna" to include fauna which is bred or kept in captivity or confinement. The present definition refers only to fauna, either indigenous or introduced, which is normally found in a condition of natural liberty. At this stage I might mention that the term "fauna" embraces mammals, birds, reptiles and frogs, together with the whole or any part of their skin, plumage, body, eggs, nests and offspring.

The amendment will enable control to be exercised over the importation and export of aviary-bred birds. In this connection all States of the Commonwealth have a working agreement not to permit the import or export of fauna until the other State concerned agrees to the transaction.

Another interpretation in the Act defines the meaning of the phrase "to sell." The Bill seeks to amplify this definition to make "to sell" include, for the purposes

of the Act, the words "to barter or exchange." This is designed to assist in preventing unlicensed persons from disposing of birds by the means of barter or exchange, and to stop natives from dealing in black swans' eggs by these methods. The principal Act provides that the Governor shall appoint a person to the office of chief warden of fauna, and the officer so appointed shall be subject to the provisions of the Public Service Act. This is obviously a correct procedure, but the Act then goes on to specify that all wardens, honorary wardens and other officers shall be appointed by the Governor. It does not appear necessary for the Governor to make these minor appointments, and it would simplify and facilitate administration if the proposal in the Bill that the Minister makes the appointments were agreed to.

As members know, the principal Act provides for the appointment of a fauna protection advisory committee. The chief warden of fauna is chairman of the committee; the other five members being the Chief Inspector of Vermin, the Conservator of Forests and three other persons appointed by the Governor, one at least of whom must be a person, other than a civil servant, with a wide, practical knowledge of our native fauna. The functions of the committee are to inquire into and report to the Minister on any matters referred to it by him or by the chief warden, and to give advice and make recommendation in connection with these matters. It is considered that the committee should be vested with the control of animal and bird sanctuaries, and to this end the Bill seeks to create the committee as a body corporate with power to purchase, sell, lease, mortage, and otherwise dispose of real and personal property. Several other minor amendments deal with the committee and they can be discussed later if thought necessary.

The Act at present provides that the Minister may cause such research as he thinks fit to be carried out into the conservation and protection of fauna. The Bill proposes to widen slightly the duties of the committee by making it, instead of the Minister, responsible for taking the initiative in such matters. Section 14 of the Act gives the Governor the authority to declare by proclamation the times of close and open seasons, and to specify the maximum number of fauna which one person may take during any specified time. The Bill seeks to delete the provision regarding the maximum number of fauna which can be taken in any specified term, and to replace it with one giving the Governor power to impose such restrictions as he considers advisable on the taking and disposal of fauna. It is considered that this amendment will enable the promulgation of more easily understandable proclamations, and will ensure, also, that existing licence conditions in regard to the disposal of skins are valid.

Subsection (1) of Section 15 of the Act states the Minister may issue licences for the purpose of the Act. The Crown Law Department has advised that it is doubtful whether licences issued under this provision are valid. To rectify this the Bill suggests the repeal of the subsection and its replacement by fresh phraseology. Subsection (2) (c) of Section 17 of the Act prohibits unlicensed persons from importing any fauna which is wild by nature and customarily found in a state of natural liberty. This condition is not considered sufficiently authoritative to prevent the bringing into the State of fauna, which could, in course of time, constitute a danger to other animals or birds. An example is the possible importation from Singapore of South American finches. To meet these possibilities the Bill contains a proposal to prohibit importation, without a licence, of any prescribed animal or bird, whose habits or nature might become or threaten to become injurious to other fauna.

A proposal in the Bill of interest to the farmer-members of this House is one to give the Minister power from time to time to exempt certain persons in particular areas from the payment of royalties on skins. The object of this is to encourage professional hunters to operate in areas where kangaroos are a menace to crops. Another proposal to transfer power from the Minister to the chief warden is in connection with the issue to wardens and honorary wardens of their certificates of authority. There is no need to saddle the Minister with this minor authority.

The principal Act at present provides that a warden who is not a member of the police force, and who finds a person committing an offence against the Act, may seize and hand to the police any weapon or other thing which the warden reasonably considers is being used in connection with the offence, as well as any fauna involved in the committing of the offence. The Crown Law Department has advised that these powers are too indistinct, and so the Bill seeks to give wardens the right of seizure where they reasonably suspect, as well as find, a person committing or about to commit, an offence against the Act or the regulations.

Another amendment gives wardens, who are not police officers, the right to enter on to land where they reasonably suspect any offence against the Act or regulations is taking, has taken, or may take place. Under the amendment, however, wardens could not enter into or search any permanent residence or enclosed garden or outbuilding of a permanent residence.

The Act provides that fauna is the property of the Crown, and for the purposes of fauna protection, wardens should have the right of entry on to land where the fauna naturally lives. In addition, if fauna is taken illegally, prompt search is

necessary to apprehend the culprits. The power of entry sought by the Bill is much less embracing than that provided by similar legislation in other States. The proposals in the Bill are based on those operative in New Zealand, which has its own peculiar native fauna, and where the provisions are less severe than those, for instance, in Queensland and Tasmania.

The Act permits natives, with the consent of the owner of the land concerned, to take fauna for food purposes. The Bill seeks to give power by regulation to prohibit natives from killing any particular species which might be in danger of becoming unduly depleted. This amendment is motivated by the desire to protect such species as the Australian bustard or wild turkey from the possibility of extermination. At present, although there is no statutory authority to do so, certificates are issued to natives authorising them to sell skins of kangaroos lawfully taken by them for food. The Bill seeks an amendment which will validate this procedure.

Subsection (1) (a) of Section 25 of the Act makes it an offence for any one to wilfully mislead, hinder or obstruct a person carrying out his duties under the Act. The Bill wishes to re-cast this provision as it does not protect wardens against a person inciting others to assault or obstruct a warden. But these proposals are similar to those in the Fisheries Act. Additional powers are sought by the Bill to deal with illegal devices, such as duck traps, in connection with which no person will admit culpability. At present a denial of ownership prevents the taking of action against any person suspected of offending in this regard. Nothing can then be done with the device as the principal Act provides that on the conviction of an offender the device may be forfeited to the Crown, and in due course, destroyed or otherwise dealt with according to the direction of the Minister. If the proposals in the Bill are agreed to, illegal devices when seized may after due notice be forfeited and sold or disposed of, unless claimed by the owner.

There are a few provisions in the Bill which I am sure will bring members to their feet during the debate. I well remember the legislation that passed through this House some years ago. On that occasion there was a lengthy debate on some of the clauses of the Bill. I think, on the whole, that this measure will straighten out a lot of inconsistencies and some slight faults that have been discovered in the legislation during the last few years. I feel that it will be acceptable to members generally, and I move—

That the Bill be now read a second time.

On motion by Hon. C. H. Henning, debate adjourned.

BILL—BUSH FIRES.

Second Reading.

Debate resumed from the previous day.

HON. J. McI. THOMSON (South) [4.22]: From the reaction of those members who have already taken part in the debate, I would observe that in the main the Bill appears to be a reasonably satisfactory piece of legislation. The hope has, nevertheless, been expressed that some amendments will be made to it at the appropriate stage of its passage through this Chamber. In some quarters it has been stated that the Bill is, perhaps, too comprehensive, but, be that as it may, I am sure we all appreciate the attempt that is being made to consolidate the Act and thus enable those whose responsibility it will be to administer the Act, fully to follow and understand it.

Members may recall that a couple of years ago the bush fires prevention control committee issued a brochure, setting out clearly the requirements of the Act and stating what was expected of those responsible for lighting and controlling fires. I understand—I hope it is correct—that on the passing of this measure a further brochure will be issued, containing the details of the amended legislation, as it would be of tremendous value to people in the various districts who have to see that the requirements of the Act are observed. Throughout the Bill there is emphasis on the restriction of burning and there appears to be a diversity of opinion as to the severity of the penalties provided. To enforce the law, it is generally accepted that the penalty provided should be excessive, so that it will prove to be a greater deterrent to any would-be offenders.

I make the inquiry as to why it is deemed necessary to appoint to the bush fires board a person nominated by the Commissioners of Railways. Dissatisfaction has been expressed freely throughout the country areas regarding the Railway Department, because it is considered one of the greatest offenders in regard to starting bush fires, especially in areas that are cleared or under crop. In the Bill no reference has been made to the liability of the Railway Department for damage caused by locomotives. Had a genuine approach been made to this question, it would have removed the resentment that is known to exist among farmers who, in the past, have suffered losses from fires that have been lit by sparks from locomotives. The suggestion put forward by those with whom I have discussed the matter is that the railways should take out a fire policy to an amount based on the average of the total damages which have been caused by fires over the last five years.

Hon. H. Hearn: The premium might be pretty heavy.

Hon. J. McI. THOMSON: Yes, but the damages are extremely excessive. Assuming that the amount of damages every year is £10,000, the Railways Commission could create a pool of £50,000 from which money could be paid to meet the claims of those who had suffered from fires caused by locomotives. There is a great deal of logic in that suggestion and it is worthy of consideration. Payments made from this pool would greatly assist in the replacement of stock, buildings, and so on, to say nothing of the benefit that would be derived by the individuals concerned; and, undoubtedly, it would serve as a further protection inasmuch as more thought and care would be given to despatching locomotives into those areas where the fire hazard was high, and where much damage could be caused to crops and stock if a fire did break out.

In view of the abnormally dry year we are experiencing, it is to be hoped that the Railway Department has secured sufficient Newcastle coal to meet the needs of those locomotives that will serve the country areas this summer. It is also hoped that the department will put into service diesel and oil-burning engines in order to minimise the fire risks that exist during the summer period. Also, I think that closer co-operation between the railways, local governing authorities and the farmers' representatives should be maintained and encouraged throughout the approaching summer.

Dissent has been expressed regarding the clause which states that should a forestry officer be present at a fire, he shall have supreme control over and above those in charge of the bush fire brigades. It is considered that this provision is quite unnecessary, and I am sure that there are many members in this House who will agree with that contention. If this provision is put into effect and a forestry officer takes complete control of the operations to combat a fire, it would lead to confusion which should be avoided at all times during such an emergency, when complete efficiency should prevail. That is a point that we can consider very closely when the Bill goes into Committee.

Concern has also been expressed in some quarters that the penalty will not be imposed on everybody who lights fires. No doubt the people who have expressed that opinion have in mind war service land settlers who, because of their attitude at times, have causel dissatisfaction among the ranks of the bush fire brigades and the farmers generally. That is something which gives room for thought. I think we all appreciate the need for flexibility in the control and prevention of bush fires. Various rules and regulations that may be gazetted to cover conditions that exist in one locality could be quite unsuitable for another area 20 or 30 miles distant. From past experience I consider it will be necessary to amend the Bill in Committee so that the provisions may be made more flexible to meet the needs and requirements of different localities.

In conclusion, I earnestly hope that edequate warning will be given to the public, especially campers and holiday-makers, per medium of the Press and radio stations, of the extremely high fire hazard that exists in country areas from now until the end of the summer. I trust that the leaders of the Press and those in charge of broadcasting stations will do their utmost to impress upon members of the public that every care and the utmost caution should be exercised when lighting fires, especially when people are travelling through the country areas during the summer. I hope that these matters which I have raised, irrespective of what is contained in the Bill, will be given every consideration by all responsible people. I support the second reading.

THE MINISTER FOR THE NORTH-WEST (Hon. H. C. Strickland—North—in reply) [4.44]: In replying to the second reading debate, I should like to take the opportunity of enlarging on some of the major problems which tend to make this legislation difficult to understand. Some members who have spoken have drawn attention to the nature of these problems, but there are additional points and difficulties, particularly in the practical application of the measure, which I should like to make clear. In the first place, as members have pointed out, the legislation has to apply to the whole State and thus to conditions which naturally vary very widely. It is desired to go a little further and stress that in its practical application the Act has to be applied to many thousands of different individual cases every year.

Even in a small district there tend to be small differences and little variations in each case of burning-off or in each instance of an action which may cause a fire, and so constitute an offence against good fire prevention practice in that particular area. The volunteer bush fire control officers are in the main the persons who are most concerned with these local difficulties and problems. The aim in drafting this measure has been to endeavour to make it wide enough so that it can be used and applied by the men on the spot to the many different problems which are encountered from time to time. Quite a number of the provisions of the Bill were originally included in the Act in an endeavour to overcome difficulties which have arisen in one particular part of the State. In some instances, these provisions have been found from experience to be of use in another part of the State as well.

There are very few restrictions in the measure that do not already exist in the Act. There are some restrictions which might appear new but which are only intended to provide an alternative to an existing restriction, and it is not intended that they should all be applied to one individual case. The Rural Fires Prevention Committee is well aware that fire prevention and control measures cannot succeed without the full co-operation of all sections of the community and all individual members of the community. I think members will agree that the great majority of people in the country are fire-conscious but there is always a small minority prepared to take risks mainly in the interest of personal gain. The restrictions and penalties in the measure are not aimed at the sensible and conscientious majority. Its purpose is to control those who in their own interests should have some little consideration for the other members of the community.

It must be made clear that the policing of this measure is, almost without exception, entirely in the hands of the local people. Even where a bad fire has occurred and the police are called in to make inquiries, their reports are normally handed over to the local authority to decide whether any action shall be taken; and we have to rely on the good sense of the bush fire control officers and the local authorities for sound administration within their districts. They are closely in touch with their local conditions and I think we can safely leave it to them to give a practical interpretation of this Bill. On occasions they do require some guidance and assistance and this will be one of the functions of the bush fire warden. The Minister in another place gave an assurance that a clear explanation of this measure, on the lines of the explanation of the existing Act, will be distributed as widely as possible. Some 20,000 of these pamphlets have been issued and if any members have not seen the pamphlet which sets out the existing law regarding bush fires, I have a number of copies available. Members will find that they give a clear summary of the existing Act. When this Act is amended, it is intended to reprint these pamphlets for the benefit of farmers and members of the public who are concerned with the dangers of bush fires.

There is another aspect to some of the provisions of the Bill, and I should like this position to be clearly understood. There have not been a great number of prosecutions under the old Act in recent years. In part this has been due to an inadequacy in the penalties but there are some sections of the Act under which very few prosecutions have been taken but this does not mean that the provisions have not been of use. Some of them have been enforced by the bush fire control officers without any recourse to prosecution but if provisions of this nature were not in the Act the control officers would have no backing to prevent what they regard as a dangerous action. I think this is the only way in which the measure can really be administered—more by way of education than compulsion.

Whilst I am on this point there is one clause in the Bill about which there seems to be some widespread misconceptions. I refer to the liability to pay the expenses of brigades when they are called on to put out a fire. A similar provision, except that there was no limit to the amount of expenses, existed in the Act for about ten years. It was removed somewhat by inadvertence. At that time the Act was under review, and it was thought that the amended Act would still retain this provision, but when the Bill was passed, and the Act amended, it was discovered that this provision had been omitted.

Hon. H. L. Roche: Who took out that provision?

The MINISTER FOR THE NORTH-WEST: I do not know. I understand it happened in 1946. That was the explanation given to me by the secretary of the committee. The advisory committee took no steps to recommend its re-insertion because it did not consider it had been made use of to any extent. It has since become clear that many bush fire brigades had been relying on it in an indirect way. In a few cases, in quite a number of districts, brigades were called to a fire which they felt very strongly should not have occurred and would not have occurred had a little care and commonsense been used. In many of these instances they save the land owner considerable loss and possibly large claims for damages. Some of the persons concerned did not support the brigades either with financial assistance or their own voluntary services to fight fires on other properties. Sometimes prosecutions could have been taken, but in others there was no actual offence against the Act but only against ordinary care and commonsense. What the brigades did was to threaten to claim their full expenses including the time lost by all those who attended the fire and then stated they would be quite happy if a reasonable donation were made to brigade funds.

Of course, many people do give substantial donations to the brigades for their services without being asked, but the removal of the provision concerned stopped the brigades from dealing with the few persons who caused them a lot of trouble by failing to co-operate. The clause, of course, does establish a liability on everyone who has a fire that has escaped to pay the expenses, but I think members will appreciate that establishing a liability to pay does not mean that payment need be made until someone makes a demand for payment, stipulating the amount involved. The only authority that can do

this under the clause is the local authority acting on behalf of the brigade or brigades concerned. I can assure hon. members that the advisory committee itself would be strongly opposed to the principle that everyone who had a fire must pay the expense of putting it out, but it does know that there are a few people in nearly every district who do cause a lot of unnecessary trouble, and I give the assurance that the clause has only been inserted so that these few people can be dealt with if the local people feel action is justified. The committee has no fears that the local brigades will not use this provision other than with the utmost discretion.

Reference has been made to the question of the responsibility of Government departments in connection with burning-off carried out by them. I wish to state clearly that it is Government policy that departments should comply with the provisions of the Bush Fires Act. Government servants are in a position no different from that of any other people under this Bill. Before the Railway Department burns-off its railway reserves the local authority is notified and so are all the adjoining landholders. In some districts there is a complete co-operation between the Railway Department, the local authority, the bush fire brigades and the persons whose land adjoins the railway reserve. They all get together to carry out the burning as quickly, thoroughly and safely as possible. The Railway Department assists the adjoining holders if they wish to make breaks on their own properties at the same time as the railways are burning.

This scheme is working very well indeed in quite a number of districts and the record in these areas of fires which have been caused by locomotives shows a great improvement. The power of the local bush fire control officers to prohibit the lighting of any fire applies to Government servants, and the bush fire control officers can stop the burning by the Railway Department if they consider it necessary. If a fire escapes as a result of burning operations by the Railway Department, liability is accepted for any damages that may occure. While I am on this subject I would point out to Mr. Henning that a Government employee who lights a fire for cooking purposes is in the same position as any other individual and if he does not comply with the Bush Fires Act, he is just as liable to prosecution as anyone else. I have already referred to several of the hon. member's queries in my general remarks and the provision regarding cartridges and shooting is one intended to give the local control officers some authority to act if they consider a person is using ammunition which is a fire danger, in a situation where a fire is very likely to start.

A provision covering cartridges and firearms has been in the Act for some 16 or 17 years. To the knowledge of the secretary of the committee, no prosecutions have been lodged. He could not inform me whether any fires had been started from shot-gun cartridges being fired. Mr. Henning also quoted at length a clause on page 26 and I would explain that this clause was inserted in an attempt to deal with the person who lit a fire without complying with the Act and then claimed that the fire occurred accidentally. The clause is not really as tough as the hon. member fears because the natural reaction of any person who has a fire on his land is to take steps to put it out. There are a few people, however, who are quite willing to let it burn because of a personal advantage to them, irrespective of the danger the fire may be to other people in the district. The position regarding smoking is just the same as the other points I have outlined; it is intended mainly as a backing to the farmers particularly in regard to transport drivers who go right on to their properties and, all too frequently are not as careful as they might be about smoking. That provision has also been in the Act for some 16 years.

The position of people on small holdings was mentioned by Mr. Jones. I would point out to him that there is a special provision regarding the burning of firebreaks. These may be burnt up to five chains around any house, building or haystack. The distance permitted would more than cover the small areas he has in mind. I would point out that the requirement of a 10-foot firebreak exists in the present Act and is not a new requirement. The burning of fire-breaks, however, requires only a plough or spade break. There is no stated width for a break. If a person wants to burn around his homestead, he is not required to plough a 10-foot break. The clause merely says this requires a plough or spade-width break. I suppose that when a person burns off, he would be careful not to endanger his property. Therefore he would make a wide enough break. There have been some very bad fires in the hills districts arising from carelessness in burning-off. In the summer-time the hills become a high fire hazard area.

The duties of the warden were mentioned by Mr. Logan. I would explain that it is intended, firstly, to appoint one warden with possibly more appointments in the future as experience dictates. There is no intention that these officers should exercise an overriding power over the local bush fire control officers. The purpose was actually stated by the hon. member, namely, that in the event of a difficult local decision the warden should be able to take over and make the decision.

Hon. L .A. LOGAN: We will not argue about the point of co-operation.

The MINISTER FOR THE NORTH-WEST: For this purpose and to give his decision, when made, adequate authority

it is considered necessary for him to have this overriding power. There is no intention that he should interfere with the local administration; the whole purpose of his appointment is to assist the local officers and local authorities.

The reason for the restriction on the voting powers of the chairman is that the Road Board Association representatives requested it. The chairman has a vote but not a casting vote. The reason was that the local authority representatives desired to maintain their voting strength in accordance with the number of members on the board.

Hon. L. A. Logan: There were two Bills before us at the same time, and there was a different attitude to each.

The MINISTER FOR THE NORTH-WEST: It was for a specific purpose. In the present case, this provision has been requested. The provision that a forestry officer may take control of fire fighting operations within an area of two miles of a State forest has been in the Act since its inception and has worked quite well in practice. It must be realised that a forestry officer is unlikely to be present at such a fire unless he has forestry fire fighting units with him. These are all highly trained men. There is a considerable variation, however, in the experience of different bush fire control officers, as is only to be expected.

The emergency provisions are intended to cover a serious deficiency which exists at the moment and that is where a fire which is very extensive affects the districts of a number of local authorities and there is no one to co-ordinate the activities of the various authorities involved. In other words we have an army without a general. The Minister has no right to appoint this officer unless he has first decided there is an emergency. In all probability the officer selected would be one of the bush fire control officers in the area. The intention is to have a properly planned attack on the fire rather than the unco-ordinated activities of half a dozen people.

The explanation of the publication of the declaration in the "Government Gazette" is a simple one. Naturally the quickest available means would be taken and they would probably all be utilised. Publication in the "Gazette," however, establishes readily available evidence of the making of the declaration. There are several ways of doing it—by radio, telephone, and so on. I think that when the bush-fire control committee included this provision it had in mind the extensive fires which occurred at Walpole back in 1937; and there have been some since. Such fires burn over a wide area and possibly into several districts, with the result that there is no co-ordinated control. A state of emergency then really exists, and under this provision the Minister can appoint someone by radio, telephone, or other means, and later publish the information in the "Government Gazette" in order to validate the appointment.

There is no duplication in the powers under Clauses 39 and 45. Clause 39 sets out the powers of a bush fire control officer. Clause 45 enumerates the powers of the captain or senior officer of a bush fire brigade. These are entirely different appointments and the powers although similar, differ in some important aspects.

Hon. H. L. Roche: Where is the provision in the Bill that makes them different appointments?

The MINISTER FOR THE NORTH-WEST: Apparently it is somewhere in the Bill. I will see if I can get that information for the hon. member. In some cases the one man holds both appointments but the purpose mainly of the bush fire control officer at an actual fire is to co-ordinate the activities when a number of brigades are present. The question of defining a bush fire was gone into but it was considered it would not be of any value, and any definition might have an unforeseen application which might seriously interfere with the operation of the Bill. "Bush" is defined and our advice is that a bush fire is any bush which is on fire.

Hon. H. L. Roche: What about grass?

The MINISTER FOR THE NORTH-WEST: Evidently, under the definition of "bush," grass is covered. I can assure members that the committee gave this Bill very careful consideration. From its experience it is fully aware of the practical application and necessity for some of its provisions, many of which have operated in practice quite satisfactorily for many years. The committee is quite certain it can put the measure into practice with little difficulty. It is appreciated that some of the provisions may require modification in the light of experience. The committee has had the Bill under consideration for some eighteen months or more, and has thoroughly considered all its provisions. Before closing I might mention that on several occasions it has considered the question of zoning the State in accordance with the types of country but thought it impracticable because there would have to be an arbitrary determination of boundaries. The trouble would occur when deciding on the line between each zone. The committee agreed on the point. It is a matter of being able to implement such a method.

The committee felt it would be far more confusing than what is contained in the Bill, the main provisions of which have been successfully applied in local practice to the wide variation of conditions throughout the State. In closing I should like to pay a tribute to the great deal of time that has been given voluntarily to this

work over the past 16 years, particularly by the country members of the committee. I feel we should have due regard to their opinions, which are born of long experience, and give them the support to which they are entitled in bringing forward this Bill. It has been said that this is mainly a Committee Bill and, judging by the amendments on the notice paper, it is. If there is anything else that members want to know, if they will tell me about it, I will have inquiries made and endeavour to have the information available for them before we go into Committee next week.

Question put and passed.

Bill read a second time.

House adjourned at 5.6 p.m.

Legislative Assembly

Thursday, 21st October, 1954.

CONTENTS.

The SPEAKER took the Chair at 2.15 p.m., and read prayers.

QUESTIONS.

FREE MILK.

As to Supplies to Schools.

Mr. BOVELL asked the Minister for Education:

(1) How many Western Australian schoolchildren are entitled to receive free milk under the free milk scheme?

(2) What is the average number of children actually receiving this benefit?

(3) What schools have been, or are, excluded from the free milk scheme due to difficulties in securing adequate supplies of fresh milk?

The MINISTER replied:

(1) Approximately 97,200.

(2) Approximately 61,800 children are receiving free milk.

(3) No school is excluded from the free milk scheme. In areas where fresh milk is not available, the schools can arrange for powdered or evaporated tinned milk to be supplied.

NATIVE WELFARE.

As to Cundeelee Mission.

Mr. McCULLOCH asked the Minister for Native Welfare:

(1) How many aborigines are there at Cundeelee mission—

(a) adults;

(b) juveniles?

(2) How many missionaries are on the staff of Cundeelee mission?

(3) What is the approximate average cost per annum of conducting and maintaining Cundeelee mission?

The MINISTER replied:

(1) (a) Thirty-two adults;

(b) Twenty-seven juveniles.

(2) Eight missionaries.

(3) Cost to the Government—

1951-52—£2,317.
1952-53—£3,956.
1953-54—£3,296.
To 30/9/54—£810.

TECHNICAL EDUCATION.

As to Building Trades Section, Leederville.

Mr. JOHNSON asked the Minister for Education:

The report of the Education Department speaks of "the nucleus of a Building Trades School" at Leederville.

(1) What sections of such school are absent from the present technical school at Leederville?

(2) What further accommodation is required to house the sections not now at Leederville?

(3) Could not the present architectural students be acommodated in the Leederville school without any structural alterations?

The MINISTER replied:

(1) Plumbing and sheet metal work, furniture trades and, when classes are established, glass trades.

(2) An estimate of further accommodation required is being prepared but this will take some time to finalise.