

Legislative Assembly

Tuesday, the 13th September, 1966

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The SPEAKER (Mr. Hearman) took the Chair at 4.30 p.m., and read prayers.

SCHOOL CROSSWALKS

New Policy Regarding Allocation: Petition

MR. TOMS (Bayswater) [4.33 p.m.]: I present a petition from the residents and electors of Morley and Embleton districts, in the State of Western Australia, containing 474 signatures, praying—

That Her Majesty's Government of Western Australia take immediate steps to implement a new policy regarding the allocation of school crosswalks.

That such safeguards of accident prevention be installed at all schools.

Further, that such measures as are adopted be uniform throughout the State, and the rights appertaining to such safeguards be strictly enforced.

I move—

That the petition be received.

Question put and passed.

QUESTIONS (15): ON NOTICE

CHILDREN OF BROKEN MARRIAGES

Custody

1. Mr. GRAHAM asked the Minister representing the Minister for Child Welfare:

In cases of broken marriages, in how many instances during each of the past three years has custody of the children been given—

(1) by the courts to—

(a) fathers;

(b) mothers?

(2) by the Child Welfare Department to—

(a) fathers;

(b) mothers?

Mr. CRAIG replied:

(1) By the courts—

Year	Custody to fathers	Custody to mothers	Custody to other persons
1963-64	8	253	3
1964-65	16	240	4
1965-66	8	230	1
Total	32	723	8

The above information is in respect of cases dealt with in the Perth, Fremantle and Midland summary relief courts. It would take some considerable time to extract particulars of divorce actions from the files in the Supreme Court and cases dealt with in country summary relief courts.

(2) In cases of broken marriages the Child Welfare Department has given the custody of children, as under during the past three years.

	1/7/63-30/6/64	1/7/64-30/6/65	1/7/65-30/6/66
(a) With fathers	6	16	23
(b) With mothers	56	59	75

Placements have been made in accordance with—

(i) the needs of the particular child;

(ii) the abilities of the respective parents to provide a satisfactory environment for that child.

SCHOOL HOLIDAYS

Government and Independent Schools: Synchronisation

2. Mr. GRAHAM asked the Minister for Education:

What steps have been taken and what progress has been achieved in the matter of ensuring synchronisation of holiday dates of Government and independent schools, both primary and secondary, in the future in order to avoid a repetition of the inconvenience caused particularly during the second term holidays this year?

Mr. LEWIS replied:

As the result of a meeting held earlier this year, holidays for Government and non-Government schools have been brought into

close alignment. The new holiday dates will come into force at the end of 1966.

SCALDED CREAM

Marketing, and License to Sell

3. Mr. RUSHTON asked the Minister for Agriculture:

- (1) Does the Milk Board hold the view that scalded cream cannot be produced and marketed to a satisfactory standard for the health of the public?
- (2) If "No," in what circumstances can scalded cream be satisfactorily produced and marketed?
- (3) If "Yes," what are the reasons why scalded cream cannot be marketed satisfactorily?
- (4) Does not the board agree that cream pasteurised by the Batch method is satisfactory?
- (5) Would a producer of milk who meets all the necessary health standards and wants to pasteurise and sell cream receive a license for this purpose from the Milk Board?

Mr. NALDER replied:

- (1) and (2) The board holds the view that only cream pasteurised by a licensed treatment plant under the supervision of the board is of a satisfactory standard.
- (3) See (1) and (2).
- (4) The minimum standard for pasteurised cream is prescribed by regulation 158 and the pasteurising methods are prescribed by regulation 185.
- (5) Cream forms portion of the liquid milk market and the issue of dairymen's licenses is governed by the needs of the market. A producer wanting to pasteurise and sell cream would require to be the holder of a dairyman's license, a treatment license, and a cream vendor's license.

CHEMICAL PLOUGHING

Research

4. Mr. CORNELL asked the Minister for Agriculture:

Has the department conducted any research, and, if so, the extent thereof, into a form of "chemical ploughing" now used in many overseas countries and involving, *inter alia*—

- (a) the spraying of pastures with paraquat and similar chemicals to kill top growth before sod seeding;
- (b) the use of chemical desiccants (such as paraquat) for cereal cropping without cultivation?

Mr. NALDER replied:

Yes. Detailed research into "chemical ploughing" associated with the establishment of perennial pasture species and cereal cropping is being carried out by the Department of Agriculture at the Wongan Hills, Merredin, and Esperance research stations, and at Mt. Barker and Bremer Bay. Positive results are not yet available.

COMMONWEALTH SAVINGS BANK Concession to Government for Sole Right to School Banking

5. Mr. CORNELL asked the Treasurer:

It is understood that an agreement between the Queensland Government and the Commonwealth Savings Bank is worth to the former—

- (a) \$1.7 million in concessional interest rates;
- (b) \$3 million for direct support for purchase of homes through the Queensland Housing Commission;
- (c) \$3 million in semigovernment debenture raising;

and in return for these advantages the Commonwealth Savings Bank receives the sole right to school banking in Queensland.

Is this correct, and if so—

- (a) is the W.A. Government the recipient of any similar concessions from the Commonwealth Banking Corporation and/or its offshoots?
- (b) If so, what are they?
- (c) Can he indicate the nature of the advances to which the saving of \$1.7 million referred to above would relate?

Mr. BRAND replied:

It is understood that the Queensland Government derives certain benefits under the terms of an agreement entered into originally when the Queensland Savings Bank was taken over by the Commonwealth Bank of Australia in 1920.

- (a) and (b) Support is given in Western Australia to loan raisings by semigovernmental and local authorities.
- (c) These are assumed to be loans to the Government of Queensland by the Commonwealth Savings Bank which are financed from net increases in that State in depositors' accounts. Under the agreement, Queensland is entitled to loans up to 70 per cent. of such net increases. A like arrangement existed in Western Australia until 1956 when it was decided not to renew a similar agree-

ment entered into in 1931 between the Government and the Commonwealth Bank when the latter took over the State Savings Bank. Loans of this nature form part of Queensland's share of total funds allocated by the Australian Loan Council and are not in addition thereto.

TWO PEOPLE BAY, ALBANY

Leases for Holiday Cottages

6. Mr. HALL asked the Minister for Lands:

- (1) Can he advise if squatters at Two People Bay, Albany, are the holders of leases issued by the Shire of Albany for the erection of holiday cottages?
- (2) If "Yes," what are the terms of the leases issued and the number of leases issued to squatters?
- (3) If the leases were issued to squatters by the Shire of Albany, what is the effect on such leases now that action has been taken by Executive Council to cancel the townsite of Casuarina?

Mr. CRAIG (for Mr. Bovell) replied:

- (1) No permits or leases are recorded in the Lands Department as having been issued to squatters at Two People Bay by the Shire of Albany for the erection of holiday cottages.

(2) and (3) Answered by (1).

NARROWS BRIDGE APPROACHES

Development and Cost

7. Mr. DAVIES asked the Minister for Works:

- (1) Which authority will be responsible for development of approaches on the Perth side of the Narrows Bridge?
- (2) What work is proposed?
- (3) What is the estimated cost of the work?
- (4) What is the estimated annual cost of maintaining the area?

Mr. ROSS HUTCHINSON replied:

- (1) Main Roads Department.
- (2) The area is being developed as a landscaped interchange in a parkland setting with special provision for pedestrian access. It is designed to blend in with King's Park to the west and the parklands to the east.
- (3) Preliminary estimates show that the cost will be about \$250,000.
- (4) Negotiations are in train with the Perth City Council for that authority to take over the maintenance of the landscaped area. No estimate has been made of the cost of maintenance.

OFFENSIVE TRADES

Notification and Regulations

8. Mr. BRADY asked the Minister representing the Minister for Health:

- (1) How many districts are prescribed under the Health Act for offensive trades to be notified to—
 - (a) Local authorities, or
 - (b) Public Health Department?
- (2) Are uniform regulations made to apply to all offensive trades, or are separate regulations made for each trade?
- (3) Are any inspections carried out to ensure regulations are complied with in country areas?

Mr. ROSS HUTCHINSON replied:

- (1) The Health Act does not provide for districts to be prescribed for this purpose. The law applies uniformly throughout the State. An offensive trade cannot be established without the owner advertising his intention and obtaining the permission of the local authority.
- (2) There are general by-laws which apply to all offensive trades and specific by-laws which apply to particular trades. These may be found in the *Government Gazette* dated the 17th July, 1963.
- (3) Yes.

MEAT

Supply from Outside Metropolitan Area: Inspection

9. Mr. BRADY asked the Minister representing the Minister for Health:

- (1) Is all meat offered for sale in the metropolitan area from outside the metropolitan area and killed on private locations inspected before sale?
- (2) Where do inspections take place?
- (3) Are slaughterers of cattle outside the metropolitan area obliged to report on killings to the Chief Health Inspector and carry out hygiene similar to the abattoirs in Midland?

Mr. ROSS HUTCHINSON replied:

- (1) Yes.
- (2) At inspection depots supervised by the Perth City Council and the Fremantle City Council.
- (3) No.

HOUSING FOR MIGRANTS

Evictions: Waiting Period

10. Mr. GRAHAM asked the Minister for Housing:

Is it a fact that the Government through the State Housing Commission has decided that in future accommodation will not be provided for immigrants suffering

emergent circumstances, such as eviction, but they will have to await their turn on the priority list which currently involves a waiting period of approximately two years for either a rental or purchase house in the Perth metropolitan area?

Mr. O'NEIL replied:

No.

EQUAL PAY FOR THE SEXES
Uniform Basic Wage: Amendment of Legislation

11. Mr. W. HEGNEY asked the Minister for Labour:

- (1) Does his Government consider that existing provisions of the Industrial Arbitration Act enable the Industrial Commission to declare a female basic wage equal to the male basic wage?
- (2) Is it a fact that the Chairman of the Industrial Commission recently stated that an amendment would be necessary before the commission could, if deemed desirable, declare such a uniform wage?
- (3) What action, if any, does the Government propose to take in connection with this matter?

Mr. O'NEIL replied:

- (1) Yes, if the social concept of the male basic wage is to be abandoned.
- (2) The attention of the honourable member is drawn to the conclusions of the Chief Industrial Commissioner contained in volume 45, page 960 of the *W.A. Industrial Gazette*, which clearly provides the answer to the honourable member's question.
- (3) None.

GAOLS

Inmates: Weekend Leave

12. Mr. ELLIOTT asked the Chief Secretary:

- (1) Has any decision been reached on the proposal that prisoners be given weekend leave as their sentences near completion?
- (2) If so, will he give details?
- (3) If not, will he explain the delay which is causing anxiety and concern among relatives of prisoners likely to be affected by the proposal?

Mr. CRAIG replied:

- (1) and (2) No.
- (3) This matter has required extensive research which has only recently been completed and a decision will be made in the near future.

TRANSPORT: WAYNE REPORT
Implementation, and Rapid Transit at Kenwick

13. Mr. ELLIOTT asked the Minister for Transport:

- (1) Has any decision been made on the recommendations contained in the Wayne Report?
- (2) If a decision has been made will he advise if this includes implementation of rapid transit in the Kenwick area?

Mr. O'CONNOR replied:

- (1) This is at present receiving consideration.
- (2) This will depend on the acceptance of recommendations in the report.

PASTORAL LEASE No. 395/1014
Inspection, and Economic Unit

14. Mr. TOMS asked the Minister for Lands:

- (1) Am I to take it that by his answer to my question 3 on Wednesday, the 7th September, 1966, no inspection has been made of pastoral lease No. 395/1014 since the granting of the lease on the 1st October, 1954?
- (2) If any inspections have been made during the intervening period, when were they made and what was the import of such reports?
- (3) As pastoral lease 395/1014 adjoins the present lessee's other property what is the reason for the proposed investigation to provide extra land for the purpose of making same an economic unit?
- (4) Has any other application been received for the present area of the lease by any other person who is satisfied that same is an economic unit and, if so, when was this application received?

Mr. CRAIG (for Mr. Bovell) replied:

- (1) No detailed inspection has been carried out regarding pastoral lease 395/1014 since the approval of the lease on the 1st October, 1954.
- (2) Answered by (1).
- (3) The present lessees have made an application for the conversion of adjoining pastoral leases 395/1014 and 393/502 and for the issue of a new lease under section 114 of the Land Act. The two leases with a total area of 239,000 acres have an estimated carrying capacity of 4,900 sheep, therefore the area is considered to be an uneconomic unit. The reason for the proposed investigation is to provide extra land to make the above area an economic unit.

- (4) An application was received from Mr. M. G. Biddle of Mt. Yokine on the 30th October, 1964, for pastoral lease 395/1014 and lease 332/1059.

CASUARINA TOWNSITE, ALBANY

Cancellation

15. Mr. HALL asked the Minister for Lands:

- (1) Can he advise the date of cancellation by declaration of the townsite known as Casuarina in the Albany district?
- (2) Who authorised the cancellation of this townsite and for what reasons?
- (3) Was the cancellation made in accordance with the Albany Shire's wishes?

Mr. CRAIG (for Mr. Bovell) replied:

- (1) Casuarina townsite was cancelled in the *Government Gazette* of the 22nd April, 1966.
- (2) The cancellation was approved by His Excellency the Governor in Executive Council so that the land could be set apart for the purpose of "Conservation of Fauna."
- (3) The Shire of Albany was aware of the proposed cancellation of the townsite and subsequently surrendered the vesting order over Reserve 22180 in favour of the Fauna Protection Advisory Committee of Western Australia.

QUESTIONS (2): WITHOUT NOTICE

GERALDTON HARBOUR

Deepening: Offer

1. Mr. SEWELL asked the Premier:
 - (1) Has he seen the announcement in *The Geraldton Guardian* of Thursday, the 8th September, in which it was stated that a firm offer had been made to the Western Australian Government by the Japan Industrial Land Development Company to deepen the Geraldton Harbour to a depth of 45 feet for a cost of \$4,000,000?
 - (2) Will he confirm whether any such firm offer has been received?

Mr. BRAND replied:

- (1) Yes.
- (2) The person alleged to have made the statement has emphatically denied all knowledge of the matter and, furthermore, states that he has no authority to speak for any of the companies concerned.

From the Government's point of view, no official or other kind of offer has been received to

deepen Geraldton Harbour and the channel at a cost of \$4,000,000. I would like to think that this was possible.

HOUSING FOR MIGRANTS

Evictions: Waiting Period

2. Mr. GRAHAM asked the Minister for Housing:

Having regard for the fact that the member for Balcatta—and I understand other members as well—were informed in terms approximating those contained in the text of question 10, will he be good enough to inform the House if any changes have been made, and, if so, what changes, in the matter of granting emergent accommodation to migrants?

Mr. O'NEIL replied:

It is true that the State Housing Commission had, in fact, made a recommendation for my consideration for some changes to be made. It was yesterday morning when these recommendations came before me, and I declined to agree to any change in the policy.

Mr. Graham: The policy has already been changed. You are rejecting these people.

PLANT DISEASES ACT AMENDMENT BILL

Third Reading

MR. NALDER (Katanning—Minister for Agriculture) [4.45 p.m.]: I move—

That the Bill be now read a third time.

During the second reading debate on this Bill the member for Gascoyne asked me to make sure that the proposed legislation did not cut across the Bill that was introduced earlier with reference to the holding of a poll of growers in any particular area for the purpose of determining whether they wanted a fruit-fly baiting scheme. I have made some inquiries, and I find it is not intended under this Bill to alter the original Act in any way.

A poll that is required will still be conducted at the request of a local authority or some other responsible body in the particular area. When such a poll has been conducted, and the question has been agreed to, an adjoining area in the same municipality or shire can be amalgamated under the one committee. I want to make this quite clear to the House; and, to answer the question asked by the member for Gascoyne during the second reading debate, I repeat that it is not the intention to depart from the original Act. A group of people in a shire or municipality must hold a poll, and the result must be in favour of introducing a fruit-fly baiting

scheme in the area. There is to be no departure from this principle.

Question put and passed.

Bill read a third time and transmitted to the Council.

STATE ELECTRICITY COMMISSION ACT AMENDMENT BILL

Third Reading

MR. NALDER (Katanning—Minister for Electricity) [4.48 p.m.]: I move—

That the Bill be now read a third time.

I promised the Leader of the Opposition and the member for Subiaco to make some investigations. Firstly, as to the financial activity of the State Electricity Commission in transferring its account to the Rural and Industries Bank, the Leader of the Opposition asked me whether this was likely to interfere with the normal business of the clients of the bank. I have made some inquiries. As I indicated, the R. & I. Bank holds the view that the addition of the account of the S.E.C. will be a valuable contribution to the functions of the bank, and this step will not in any way interfere with the loan programme of the bank in respect of its clients.

The question asked by the member for Subiaco related to the estimated cost of the new building. It is estimated that the building will cost in the vicinity of \$1,500,000. That is only a rough estimate of the cost.

Question put and passed.

Bill read a third time and transmitted to the Council.

EASTERN GOLDFIELDS TRANSPORT BOARD ACT AMENDMENT BILL

Second Reading

MR. O'CONNOR (Mt. Lawley—Minister for Transport) [4.51 p.m.]: I move—

That the Bill be now read a second time.

This Bill does not make any major changes to the Act, but merely involves some alteration to the domestic arrangements within the board. Existing legislation provides that the Eastern Goldfields Transport Board shall work according to a fiscal year terminating on the 30th November. The main purpose of the Bill now before the House is to change this to the 30th June. In conjunction with this, the Bill seeks to adjust the dates for audit of accounts and elections and the period of office of board members to accord with the new accounting period. These alterations have been requested by the Eastern Goldfields Transport Board itself.

The 1st January, 1967, has been chosen as the most convenient date for the application of the change. This will mean that the present year's accounts will be balanced at the end of November and audited in

December. The following accounting period will then be seven months ending on the 30th June, 1967, and thereafter accounts will be finalised every 12 months.

Clause 3 includes the name "Shire of Kalgoorlie" in lieu of "Kalgoorlie Road District." Section 8 of the present Act refers to the three local authorities by name including "Kalgoorlie Road Board." In correcting this, opportunity has been taken to rephrase the section in better terms; but, materially, there is no alteration.

Clause 5 is to conform to the change in the fiscal period. This provides for a board member to take up his duties on the 1st July following his election in May, instead of the 1st December.

Section 12 of the present Act provides that members shall hold office for two years ending on the 30th November. Clause 6 of the Bill seeks to amend this to provide for two years ending on the 30th June. Provision is made to cover the transition period by stating that members who take up duties on the 1st January, 1967, shall hold office until the 30th June, 1968.

When the principal Act was introduced in 1946, section 19 limited the remuneration of the chairman to £25 per annum and members to £12 10s. per annum and those figures still remain, notwithstanding substantial increases in wages and values in the interim. The amendment in clause 7 proposes to leave the decision to the discretion of the Governor without any limitation as to the amount. This would be in conformity with the provisions in relation to other boards appointed under various Statutes.

Section 20 of the present Act disqualifies from membership of the board persons who would be disqualified from membership of municipal councils under the Municipal Corporations Act, or of the Kalgoorlie Road Board under the Road Districts Act. The redraft of section 20 merely brings the provisions into line with the Local Government Act under which the local governing bodies are now constituted. The alteration is not material.

Section 21 of the principal Act provided for the election of the first board members by the three local authorities concerned when the board was originally inaugurated. This was an interim provision necessary only until such time as the provisions of section 22 prescribing procedure for elections could be implemented. Section 21 is of no further effect and it is proposed to repeal it by clause 9.

Section 22 deals with the procedure for the election of board members. A redraft has been necessary consequent upon the enactment of the Local Government Act which supersedes the Municipal Corporations and Road Districts Acts. The only material alteration is the change of date of elections to May instead of November

to conform to the proposed change under which the board members would take up office on the 1st July instead of the 1st December. It will enable the election of board members to be organised in conjunction with local government elections—which take place in May—and avoid the expense of conducting two separate elections.

Section 42 now provides that an auditor or auditors shall be appointed and the audit conducted in December each year in respect of the accounting period terminating on the 30th November. The amendment in clause 11 provides for the auditor or auditors to be appointed in July and for the accounts to be made up to the 30th June and audited in August each year.

The amendment in clause 12 provides for a copy of the statement of accounts and balance sheet and the auditor's report to be furnished to each of the three local authorities concerned in September instead of January each year.

Clause 13 refers to section 48, which makes provision for the board to grant certain people free passes for travel on its buses. The date of expiry of these passes is stipulated as the 30th November each year, and it is now proposed to change this to the 30th June.

Section 50 absolves the board from liability for payment of municipal rates. The redraft of the wording in clause 14 is consequential upon the passing of the Local Government Act.

The whole of the provisions of the Bill concern the domestic arrangements of the Eastern Goldfields Transport Board and the amendments have been requested by the board itself. As I have mentioned, the opportunity has been taken to redraft certain sections where this has been necessary as a result of the Municipal Corporations Act and the Road Districts Act having been superseded by the Local Government Act.

I would conclude by saying that since the Eastern Goldfields Transport Board has been in operation, it has not, until recently, purchased any new buses. In the past it has operated with secondhand buses, including some which the M.T.T. has passed on to it. The board has worked in very closely with the M.T.T. in the matters of the type of buses to be used and how the board should operate.

I believe the board has operated very efficiently and has done a good job with the facilities available. It has recently purchased six new buses which have been bought out of funds from several sources. The board had a fund set aside, and that, together with a contribution of \$6,000 by each of the local authorities in the area, and a further contribution by the Government, enabled the buses to be purchased.

Last November, the board itself made an approach to me in the form of a deputation led by the member for Murchison, the member for Kalgoorlie, and two members from another place. At that time these amendments were requested in order that the board might operate more easily.

As far as the board fees are concerned, I think they are at the moment inadequate and that the Government should be given the opportunity to adjust them from time to time, as is done under other Acts. I commend the Bill to the House.

Debate adjourned, on motion by Mr. Moir.

STOCK DISEASES ACT AMENDMENT BILL

Second Reading

MR. NALDER (Katanning—Minister for Agriculture) [5 p.m.]: I move—

That the Bill be now read a second time.

The small, but nevertheless important, amendment proposed in this Bill has resulted from the scare earlier this year that Newcastle disease had broken out in Australia. There was considerable concern in this State, and steps were taken immediately under the Stock Diseases Act to prevent the entry of the disease into Western Australia. This disease, which affects chickens, is mainly characterised by a type of pneumonia and severe signs of central nervous system disease.

After a considerable amount of surveying and testing, the conclusion was arrived at that although an extremely mild virus having some of the properties of Newcastle disease virus was probably present in some poultry flocks in this State, it was without effect of any kind.

The ban, which had prevented the importation of chickens from the Eastern States for several weeks, was then lifted. This ban was by way of proclamation under the Stock Diseases Act. When it became necessary to prepare the proclamation of the ban, it was discovered that poultry was not clearly defined in the Act. It was considered that "poultry" did not include "eggs" and as some poultry diseases, including Newcastle disease, can be introduced in an egg, a considerable amount of time was taken in reaching the final form of proclamation. It was very fortunate that it eventually proved of little consequence in this case. However, the confusion over the interpretation of the Act could have had a different result had the virus detected in Queensland and New South Wales been a typically virulent one.

Mr. Davies: Does it affect humans; is there any danger to human beings?

Mr. NALDER: No; it is only a disease in the poultry industry. It is therefore considered desirable to define precisely the

word "poultry" under the Stock Diseases Act as—

any poultry, poultry products, the carcase or any portion of the carcase of any poultry, newly-hatched chickens, or the eggs of any poultry for hatching purposes or food purposes.

This will ensure there is no difficulty in proclaiming a ban, should the need arise in the future, although I sincerely hope that this will not be necessary. In addition, the opportunity has been taken, as with other Bills, to substitute decimal equivalents for monetary references. I commend the Bill to the House.

Debate adjourned, on motion by Mr. Brady.

GRAIN POOL ACT AMENDMENT BILL

Returned

Bill returned from the Council without amendment.

PUBLIC WORKS ACT AMENDMENT BILL

In Committee

Resumed from the 8th September. The Chairman of Committees (Mr. W. A. Manning) in the Chair; Mr. Ross Hutchinson (Minister for Works) in charge of the Bill.

Clause 3: Section 29 amended—

The CHAIRMAN: Progress was reported after the clause had been partly considered.

Mr. TONKIN: The member for Perth has foreshadowed an amendment which he proposes to move if my move is not acceptable. I have other ideas about this, but I do not want to stymie him, so I will make my move in a way which will enable him subsequently to make his, if I fail. I move an amendment—

Page 2, lines 14 to 18—Delete all the words commencing with the word "the" down to and including the word "where."

The member for Perth has an amendment which would follow the word "where." He proposes to delete all the words following the word "where." If I succeed in what I have moved then the deletion of the whole portion of the subparagraph will follow, and that is what I am seeking.

Mr. Ross Hutchinson: In effect, to delete the whole lot.

Mr. TONKIN: Yes. My reason is this: Basically the Government resumes land for a specific purpose; and Parliament previously decided that, when land is so resumed and it is not required for that purpose, then it has to be offered back to the person from whom it has been taken. I see nothing wrong with that; I think it is fair and reasonable. The Government now proposes to say, "An option to get the land

back shall not remain where the land, as a separate lot, does not comply with the requirements of the Town Planning and Development Act."

In other words, if after the Government has used some of this land, there remains a portion of it which is not large enough to enable the person from whom it was resumed to use it as a lot, if he got it back, then that person has no right to get it back. I want to know: What is the Government going to do with it? If the area will not comply with the Town Planning Act because it is too small, and therefore if the original owner got it back he could not do anything with it, what can the Government do with it by holding it?

It seems to me that the only reason the Government wants to prevent the original owner from getting it back is to enable the Government to sell it to somebody. Why should the Government have the right to sell this land to somebody? Nobody has a better right than the original owner from whom it was taken in the first place; and the fact that it has been resumed forcibly for a specific purpose and has not all been utilised for that purpose, in my view does not confer upon the Government the right to realise upon that land. It should be given back to the original owner because, in effect, it should not have been taken in the first place, as it was not required.

That is my argument. What claim has the Government to this land, even though it is too small to comply with the Town Planning Act? If the individual knows he cannot do anything with it if he were to get it back, he will not waste good money in order to buy it. He does not get it back for nothing. He has to buy it back. Therefore, if he knows he can do nothing with it, he will not buy it back and the Government will have it. Why provide by law that the individual has no chance of getting it back, although it was his in the first place and the Government does not really want to use it?

That is my complaint about this provision; I can see no justification for it at all. The Government has taken a certain amount of land and what is left is too small to form a lot. Therefore, the Government wants to say, "Because it is too small to form a lot, we are not going to return it to the original owner; we are going to keep it." I ask: What is the Government going to do with it; is it going to contravene the Town Planning Act in order to use it? If it is, it should permit the individual to do so. I cannot see any justification whatever for this provision in the Bill, and I seek to delete it.

Ordinarily I would have moved that way, but I did not want to prevent the member for Perth from proceeding with his amendment, if I failed. I would suggest to members that the fair and reason-

able thing to do in these circumstances is to deny the Government the right to retain this land, because it is an abrogation of a principle already agreed to; that is, if the Government resumes land for a specific purpose and does not require the land, then it should offer it back to the person from whom the Government took it at the price at which it was resumed. Last session, we were obliged to alter that principle and allow the Minister to fix the price for it.

One has to remember that if this option is not taken away from the person—an option which he now possesses under the existing law—in order to exercise it, he has to pay real money for a piece of land which he may not be able to use. Unless he is a complete fool, he is not going to waste money on buying back land which he cannot use in any way. Therefore, this land would remain with the Government. On the other hand, if the Government sees a way in which it can use this land if it keeps the land, then it should allow the individual that right in order that he can get some recompense for the land which was taken from him.

Therefore, I move in the way that I have indicated in order to achieve the purpose I wish to achieve.

Mr. ROSS HUTCHINSON: The principle about which the Deputy Leader of the Opposition is concerned is one which was debated at some length the last time this Bill was before us. As I said then, much of what he has had to say is quite true. However, if members will have regard for the debate that ensued on the last occasion, they will see that what this clause intends to do is to impose no obligation on the Minister to grant an option. The Minister may, indeed, grant an option. The purpose is not to abrogate people's rights which, theoretically perhaps, it does, but to try to overcome the sticky problems that exist in regard to what I have referred to before as "no-man's land." By this, I mean those tiny portions which cannot be used by the former owner.

Mr. Tonkin: What will the Government do with them?

Mr. ROSS HUTCHINSON: The Government will try to have such land amalgamated with other land in order to avoid its being unused and a no man's land. I have been trying to think of some sort of comparison to make, but the only one I can think of, which is not a perfect comparison by any means, is the laneways one occasionally finds in a town or city. These laneways seem to belong to no-one and into them are poured refuse, garbage, and all kinds of rubbish, including broken bottles, rank weeds, and the like.

As I said previously, the purpose of this amending legislation is to enable the Minister to try to resolve these problems. It is not always a simple cut-and-dried affair

as the Deputy Leader of the Opposition points out. This piece of legislation will enable the elimination of some of these difficult little problems to be achieved. If the Minister thinks there is any real abrogation of rights, he can grant the option. Virtually, it is for the Minister to grant the option if the piece of land does not comply with the town planning requirements; because, at the present time, the previous owner cannot enter into a contract of sale for it.

However, if the Minister makes a mistake any person aggrieved still has the opportunity to apply to the court. Therefore I submit the proposition in the Bill is not an unreasonable one and the clause should remain as it is.

Mr. TONKIN: I do not want to be difficult about this, but I want to understand it exactly. The Minister said the Government could amalgamate a piece of land with other land.

Mr. Ross Hutchinson: By selling it.

Mr. TONKIN: Well, why cannot the individual do that?

Mr. Ross Hutchinson: As I explained during the previous debate, he frequently will not do it. Some would; but frequently an individual cannot do it, or he will not do it.

Mr. TONKIN: I put it to you, Mr. Chairman, if you were the former owner of a small piece of land which did not comply with the Town Planning Act, would you offer the Minister money to buy the land back if you knew full well that you could do nothing with it when you got it? I do not think you would. On the other hand, if you made inquiries and found that somebody nearby owned some other land, and was prepared to buy the other piece of land from you, if you got it back, then I daresay you would try to exercise your option, get it back, and then sell it. Why should not you sell it instead of the Government?

We must remember that the land in question was forcibly taken in the first place, and probably at a price much below that for which the owner could have sold it to somebody else. If the Government has not used all the land, here is an opportunity for the original owner to get it back and, in order to benefit from the transaction, sell it to the owner of adjoining land. But the Minister wants to prevent his doing that.

Mr. Ross Hutchinson: In certain difficult circumstances.

Mr. TONKIN: If the circumstances were difficult, and the former owner could do nothing with the land if he got it back, I say quite definitely he would not buy it back; and in those cases the position would be that he had failed to exercise his option and the Minister could sell the land if he wanted to do so.

Mr. Ross Hutchinson: Occasionally people will buy this sort of land back—they will exercise their option.

Mr. TONKIN: I cannot imagine that anyone is likely to buy back a piece of land where it is perfectly clear that, having got possession of it, he can do nothing with it.

Mr. Ross Hutchinson: I thought you knew more about human nature.

Mr. TONKIN: There may be a few fools about, but I do not think there are that many. The principle throughout these amendments seems to be that the Government, having got its hands on land, will, under no circumstances, let it go back to the original owner; and it wants to retain any money which may be realised from the sale, instead of the original owner having that right. I do not accept that. It is contrary to the spirit of the legislation which was passed under the Hawke Government. We gave more consideration to the rights of the individual and we said that in circumstances where land is forcibly taken for a specific purpose and is not used for that purpose, the person with the greatest right to it is the original owner, and he should get it back.

Mr. J. Hegney: That's sound.

Mr. TONKIN: Little by little the Government has been taking those rights away. The legislation passed last year took some of them away and now this Bill is taking a further bite. It is strange that a private enterprise Government, which is supposed to be looking after the rights of the individual as against the State, should deny an individual the right that he already possesses. This Bill in its present form will mean that the Minister will be under no obligation to grant an option to a former owner of a piece of land which is too small to comply with the Town Planning Act, knowing full well that the Government has a chance of disposing of that land to its advantage after it has denied the original owner the right to the option to repurchase it. I am very much opposed to that, and I hope all members will agree with me.

Mr. TOMS: I support the amendment, and I think the Deputy Leader of the Opposition made the position very clear that under the Town Planning Act the pieces of land which the Minister is so anxious to get his hands on could not be disposed of. But surely the original owner should be entitled to decide whether he is prepared to negotiate with the owner of adjoining land—he should have just as much right as the Minister.

The Minister said the aggrieved person can appeal to the court; but maybe that person is not in a position to meet the costs of an appeal. Clauses such as the one under discussion take away the rights of the individual.

So far the provisions have worked very well and there is no real problem with the little parcels of land to which the Minister

referred. He spoke about lanes in old subdivisions. They could not be compared with small pieces of land which may be left over from a resumption. I admit that some of these old laneways are a real problem, but they cannot be compared with, say, a piece of land which may be just short of the 6,000 square feet required under the Town Planning Act for a residential block.

In my view the original owners of these small pieces of land should have the option to repurchase them, particularly when, as the Deputy Leader of the Opposition said, in many cases the land in question has been purchased at a price below that for which it could have been sold to somebody else.

Amendment put and a division taken with the following result:—

Ayes—17

Mr. Bickerton	Mr. Jamieson
Mr. Brady	Mr. Kelly
Mr. Cornell	Mr. Moir
Mr. Davies	Mr. Rhatigan
Mr. Evans	Mr. Sewell
Mr. Graham	Mr. Toms
Mr. Hawke	Mr. Tonkin
Mr. J. Hegney	Mr. May
Mr. W. Hegney	

(Teller)

Noes—20

Mr. Brand	Mr. Lewis
Mr. Burt	Mr. Marshall
Mr. Craig	Mr. Mitchell
Mr. Dunn	Mr. Nalder
Mr. Durack	Mr. Nimmo
Mr. Elliott	Mr. O'Connor
Mr. Grayden	Mr. Runciman
Mr. Guthrie	Mr. Rushton
Dr. Henn	Mr. Williams
Mr. Hutchinson	Mr. Crommelin

(Teller)

Pairs

Ayes	Noes
Mr. Cuffran	Mr. I. W. Manning
Mr. Fletcher	Mr. Bovell
Mr. Hall	Mr. Hart
Mr. Norton	Mr. O'Neill
Mr. Rowberry	Mr. Gayfer

Amendment thus negatived.

Mr. DURACK: I propose to move an amendment to delete all words after the word "where" in line 18 down to and including the word "added" in line 23, on page 2, with a view to substituting the following words:—

it can be amalgamated with adjoining land owned by the person who could otherwise be qualified to apply for the option and thereupon comply with those requirements.

I did not raise this matter in Committee last Thursday, but the particular point has been raised with me, and it does seem that the amendment would tidy up the drafting and the intention of the subparagraph because obviously any land to which the resumed portion can be added would, as a whole, have to comply with the Town Planning Act.

The amendment will not in any way alter the sense or the principle of the proposed subparagraph, but will simply clarify the situation and make it quite clear that the whole of the piece of land which the former owner thereby obtains, if he exercises the option, has to comply with the

town planning requirements. I move an amendment—

Page 2, lines 18 to 22—Delete all words after the word “where” down to and including the word “added” and substitute the following words:—

it can be amalgamated with adjoining land owned by the person who would otherwise be qualified to apply for the option and thereupon comply with those requirements.

Mr. ROSS HUTCHINSON: As promised last week I had the suggestions of the member for Perth examined. I discussed them with the officers of the Crown Law Department and subsequently with the honourable member himself and, as a result of this, I see that he has these amendments on the notice paper. The amendment before the Committee makes the reading of the provision smoother and fits in a lot better.

Mr. GRAYDEN: I am prepared to go along with the amendment. The pockets of land the Minister intends dealing with in the subclause are valuable mainly because of their nuisance value. There was a classic example of this in South Perth, though not in relation to town planning or resumptions.

The example I have in mind is the position that arose when John Allan's store was being constructed at the corner of Berwick Street and Canning Highway. Alongside this site is a little broken-down, dilapidated weather-board cottage for which the owners asked £15,000, knowing that it stood in the way of the store's construction. John Allan Ltd., at that time, was not prepared to pay that amount, and subsequently built around the cottage. We all know what eventually happened to John Allan Ltd.; but now we have a little weather-board house with a store built around it. The same thing could apply to little pockets of land in this State, which might be valuable because of their nuisance value.

Mr. J. HEGNEY: The Minister said the amendment was on the notice paper. Could he tell me where I could find it?

The CHAIRMAN: The amendment is not on the notice paper. The member for Perth has moved to delete certain words.

Mr. J. HEGNEY: What will be substituted for those words?

The CHAIRMAN: That was indicated by the member for Perth.

Amendment put and passed.

Mr. TONKIN: I move an amendment—

Page 2, lines 23 to 27—Delete subparagraph (ii).

This deals with the taking away of an option—which the Minister is empowered to grant under existing legislation—from persons whose land was taken or resumed, because it would have been severed by a

public work on the remaining land of the owner. The only reason given, so far, for taking away an existing right is that this particular land is land which was resumed because it would have been severed by public works. What argument is that for taking away a man's rights? That does not give the Government any right to the land.

Basically, legislation provides that if the Government forcibly takes a man's land, and does not want it for the purpose for which it was taken, it must be offered back to him from whom it was taken. What is wrong with that? Now the Government wants to say that this right is not to continue to exist in the case of a piece of land which is taken only because it would have been severed by a public work. So the Government will retain the land and sell it. What justification is there for that? Having got possession of the land, and having no intention of doing anything with it, there is an obligation on the Minister to offer it back to the original owner. The Government does not want to do this; it wants to keep the land and sell it.

If this is the Government's philosophy, and its numbers support it, I suppose that will be it; but I must protest against it on behalf of the Opposition. It is an abrogation of a principle already agreed to by Parliament, when the Public Works Act was liberalised in the interests of individuals who were forcibly deprived of their land. The provision in the Bill is a retrograde step, and has no possible justification. I hope the Committee will not agree to this being done. Why should we continue to take away rights from individuals?

Mr. Hawke: The Minister for Lands is very silent.

Mr. Bovell: That is most unusual.

Mr. TONKIN: It is a different matter if the person's land is taken in the public interest; but that is not the case here. This is a case of having to resume land because portion of it is to be severed by a public work. My view is that the individual who owned the land should have the right to sell it, not the Government. This is not like the previous types of land with which we were dealing, because this land will conform to the Town Planning Act. It will be salable land, if the original owner has the chance to get it back; but the Government, by this legislation, wishes to deprive him of that chance.

Mr. ROSS HUTCHINSON: I am glad the Deputy Leader of the Opposition has given me an opportunity to justify the inclusion of this particular paragraph. There is no intention by the department or the Government to abrogate the individual's right. It is an attempt to rationalise something that has occurred because of the necessity to resume portion of land for community purposes. The last time I spoke

on this matter I likened the top of the table of the House to a 100-acre paddock through which it was necessary to run a road. A corner of the paddock was not required, but the run of the road severed a small corner from the rest of the owner's property, and it was found that the whole of the corner would have to be resumed. It is even possible that the owner would request that it be included in the land to be taken.

I think the member for Perth described this very aptly when he spoke on a previous occasion. It seems to me that with the small portion being severed it is illogical to give the option back to the original owner.

Mr. Cornell: On the standard gauge project the department resumes land but gives the owner unfettered use of it.

Mr. ROSS HUTCHINSON: It could be so small that the owner might not want it back. Some owners, of course, might want the land back. If the severed land has any value to the owner, the Minister would grant him an option. The town planning requirements do not necessarily come into this matter, though they could do so. This is to try to obviate the land becoming no man's land, where the former owner may wish to exercise an option. There is a great deal of interchange and interplay between the department and the owner. The owner may say that he does not wish to exercise an option, and the situation may never arise where it is necessary to grant him one. It is only in the odd case where the land would have a nuisance value, and where it is considered wise to refuse an option, that this would be done.

If the former owner is not satisfied that he has been dealt with justly, he can apply to the court for an upset of the Minister's ruling. The Minister will deal with this with the greatest possible sympathy. The provision in the Bill has value because it enables us to overcome a difficult situation.

Mr. GRAYDEN: I appreciate the Minister's point of view. I am concerned because the land resumed under this paragraph could be very valuable. The other day I mentioned an instance in the country where a road or a railway has been put through a farm, and a strip of land possibly several miles long has been severed from the farm.

It might be land worth £30 per acre; and yet, because it has been severed by the work from the remaining land of the owner he loses the option of purchasing it back. This road could go through possibly one-third of the property. Some time in the future I can almost envisage a public servant saying, "I do not like that individual, so we will put a road through there." Under this Act the person whose land is resumed will not have the option of getting it back. That situation might sound far-fetched, but it is the sort of thing that could happen under this clause.

The Minister has spoken as though these provisions will apply only to narrow strips of land which are of no consequence. My concern is that in many instances large areas will be severed. The other day I explained the position of a farmer at Dalwallinu who cultivated several miles of the road verge. However, in this case we would simply take the land off him.

The position should be clarified by placing a limit on the value of the land concerned. This could be done by adding at the end of the clause the words "except where the value of the land is in excess of \$1,000." The amount could be \$500, and the clause if amended in this manner would still take care of the type of thing envisaged by the Minister.

The Minister is not out to rob people of their land; he is out to provide for certain circumstances where, in the case of resumptions, a small strip has been excised from a main holding. My suggestion would provide for everything the Minister has envisaged and would also protect the rights of landholders.

It is extremely commendable that the Deputy Leader of the Opposition should be concerned with the rights of the individual. Therefore I cannot see why the Minister should have any objection to an amendment along the lines I have suggested.

Mr. J. HEGNEY: From my own experience I can give a few instances of resumptions in the district which I represent. The member for South Perth mentioned the fact that a civil servant administering this law could have a grudge against a person and see that the original owner did not get portion of his land back.

When a measure was before this House in connection with the Bassendean chord railway line I pleaded with the then Minister, because the civil servant administering the law could have no cognisance of it unless he read it. As a result of that plea, the then Minister for Railways (The Hon. A. F. Watts) set up an independent committee comprising an estate agent (Mr. Kerr) as chairman, and representatives of the local authorities. I received no complaints at all from the electors in my territory—at that time Middle Swan—in regard to resumptions made at Bayswater and Belmont. Most of the people were satisfied because they obtained a fair deal. In cases where land was severed from a person's property and that person wanted it back, the law made provision for him to apply for it.

Under this clause, where land is severed and appears to have no value, the Minister proposes to dispose of it as he will; and that is not right. Under the principle enunciated by the Deputy Leader of the Opposition, the owner of land whose property has been resumed for a railway, an arterial road, or some other public purpose, will be entitled to regain possession

of it if the department does not require that portion of land.

I do not think the decision should rest with the Minister. The present Minister may be sympathetic, but, as years go on, this may not be the case. Within the last few weeks an approach was made to me in connection with a couple of blocks of land in Stanley Street, Belmont, which had been resumed for the Bassendean chord railway line, but which were not used for this purpose, as the line went by the board.

The person concerned approached the Railways Department and the Public Works Department, and I followed up his representations, but was told that these blocks were being held in connection with land resumed by the State Housing Commission as some of the blocks might have compensating value.

Having regard to the enunciations on the platform and in this Chamber, I am surprised that members on the other side are not concerned with the interests of the individual instead of the interests of the public works. However, I make the plea that the original owner of resumed land be the one with the absolute right to the land if it is not required for the purpose for which it was resumed.

Mr. DUNN: I cannot agree with the statement of the last speaker that we on this side are trying to take land away from people.

Mr. J. Hegney: That is proposed here.

Mr. DUNN: This matter should be taken in the full context of the Bill rather than be taken out of context. I am of the opinion that the Minister has introduced a measure which will satisfy all requirements. In accordance with proposed new paragraph (cb) an aggrieved person can apply to a court; and surely he can trust courts to do the right thing. The court will decide on the merits of the case, so there is no suggestion at all that anybody is trying to rob anybody.

When this measure was first mooted, I discussed this clause with the Minister and was satisfied that the matter now under discussion was fairly dealt with, and I was prepared to support it. We should have faith in our courts and their decisions. If, as has been suggested, in the future, a civil servant endeavours to take advantage of some person under this law, the civil servant will be justly dealt with in a court if the aggrieved person takes action as provided in the measure. I cannot see any harm in leaving the clause as it is.

Mr. DAVIES: The Minister for Works used the Table of the House to demonstrate his argument, but he did not convince me that it was sound and just.

Mr. Hawke: He left the table with only three legs.

Mr. DAVIES: An amendment usually comes before this Chamber as a result of

an actual happening; and, in this case, there must be some example that the Minister can quote to us, rather than give us a theoretical example based on the Table of the House.

The Minister has told us there is a great deal of interplay in regard to the rights of the individual where resumed land is no longer required by the Government; but, as far I can see, there need not be any interplay in an instance such as the Minister has quoted. It is merely a question of whether the former owner wants the land; and the answer must be "Yes" or "No". There is no haggling about price and no need to go to a court.

However, the Minister is trying to complicate the position by saying there is a lot of interplay; and the member for Darling Range says that the clause is taken out of context. Unfortunately, we can only discuss one clause at a time in Committee. Therefore that is the way the position has been approached.

I cannot support the clause unless the Minister tells us the real reason why the amending Bill has been brought down. There must be some reason other than the theoretical one he has mentioned.

Mr. BRADY: I support the proposition put forward by the Deputy Leader of the Opposition because, in my electorate, there have been numerous subdivisions carried out by the Public Works Department in connection with the standard gauge railway and for main roads purposes.

Even while this debate has been in progress, I have tried to contact the solicitor of one man whose property was bisected for two purposes—one for main roads, and one for the standard gauge railway. In this case, there is one section of land that will not be required for either a main road or the standard gauge railway line, and the gentleman concerned envisaged that he would be able to use the land.

If this Bill goes through as proposed by the Minister, that man's opportunity to use the land will be lost. I have tried to raise him on the phone within the last half hour but cannot contact either him or his solicitor. This particular case occurred at Maida Vale, and the man I have mentioned runs another property in that area and I am sure he could use any surplus land which the Public Works Department may not require. That man should have the option to have the land passed back to him.

Regarding the proposition put forward by the member for Darling Range that a person can appeal to the court, I do not know whether the honourable member will be so enthusiastic in 10 to 15 years' time. At the moment I am handling a case where a woman is having her land taken from her. She has to fight the case

and suffer all the disadvantages. Why should she have this worry for months and months? She has to argue the point with departmental officers and subsequently appoint a legal man and a valuator. Between them they are taking toll of the person who owns the land.

In 1948 or 1949, the Government of the day resumed some land from me. The market price was £40 for two blocks of a quarter acre. The Government tried to get the land for £35. I later found that the land was not used for the purpose for which it was resumed. Two years ago I wrote to the department and asked that the land be returned to me. I was told that I could get it back at the price of £250. I was not going to pay £250; but my point is that the land should have been returned to me if it was not used for housing, the purpose for which it was resumed. Unfortunately, the land was not resumed under the provisions of the Public Works Act. That was my personal experience; and that land today would be worth £300 or £400. Yet it was purchased from me by the State Housing Commission for about £40. There could be dozens of such cases.

Mr. DUNN: Was that land resumed under the Act as it stands at the moment?

Mr. BRADY: That land was resumed by the State Housing Commission, and that is typical of the way the Government resumes land. The Government resumes land and does not use it for the purposes for which it was resumed.

Mr. BOVELL: When was your land resumed?

Mr. BRADY: It was resumed in 1949 or 1950, and it was in the Beechboro Road area at Bayswater. If the Government would like to pay me the value of £250 over and above the £40 already paid, I would be glad to receive it. I bought the land at a sale in Bayswater in 1945.

The Leader of the Opposition is doing what the members on the Government side should be doing. The Government policy is to look after private enterprise and forget the rights of individuals. Surely individuals should be considered first in these cases.

I am all for the first owner being given the option of deciding whether he wants the land returned or not. It may suit the owner not to take the land, because the rates and taxes could be such that it would be more expensive to resume it. The fact remains, however, that the owner is entitled to say whether he wants it or not.

Mr. ROSS HUTCHINSON: As the debate has almost reached second reading debate proportions, I would not like members to be under any misapprehension about the value of this Bill. The greater part of its provisions liberalise the relevant sections of the Act. The exception is the clause we are discussing.

As is appreciated, this provision caters for special circumstances where the Minister is not obliged to grant an option. I agree, as I have agreed on a number of occasions, that the Opposition can legitimately argue that rights are being taken away from individuals. The clause of the Bill we are debating is the least important piece of the legislation.

As I have said—perhaps *ad nauseum*—these provisions are included to cater for special circumstances. They will be administered sympathetically and are intended to overcome the problems which arise from time to time because of special circumstances—circumstances which I cannot describe any more than I have already.

I do not think it would be proper to accept the amendments suggested by the member for South Perth. To fix upon a figure might not cater for the situation at all. If the provision is to be left in the Bill, the discretion should be left to the Minister or the court.

Mr. TONKIN: The land to which this subparagraph refers is in a special category; it has nothing to do with size. The Minister has endeavoured to create the impression—and I think has created it—in the mind of the member for Darling Range that the pieces of land concerned are odd little pieces which are a nuisance. The qualification is that the land was resumed because it was severed. It has nothing to do with the size or its compliance with the Town Planning Act, and nothing to do with Government requirements for ancillary works. As the land was resumed because it was severed, the Government wants to take away the existing right which the original owner has, which is the option to get the land back. The Government is going to deny the owner that right because it wants to sell the land.

I have not had the advantage of the experience in the court which some of the legal members of this Chamber have had, but I find it difficult to see how this supposedly safeguarding paragraph (cb) is going to be of much value. In this clause Parliament is saying that the Minister shall not be bound to grant an option. If an individual goes to the expense of applying to the court because he is aggrieved, what does he tell the court? The court will say that Parliament has given the Minister power to refuse an option, and that is what he has done. All that the appellant can advance as argument is that he does not think the Minister should have refused the option.

I would like to know what is in the Minister's mind as an example of how a person could appeal. It seems to me that an appellant would get short shrift in the court. The court would rule that this was one of the circumstances under which the Minister could refuse an option and the Minister had simply exercised the

power conferred on him by Parliament. What would one tell the court?

Mr. Ross Hutchinson: He would tell the court that he feels an injustice had been done by the Minister not granting an option.

Mr. TONKIN: Would not an injustice be done to everybody who was refused? How can one make an exception?

Mr. Ross Hutchinson: It is the court or the judge who decides.

Mr. Hawke: Why should the owner of the land have to go to the court, anyway?

Mr. TONKIN: Surely we have to look at this problem in a practical way.

Mr. Ross Hutchinson: We are looking at it in a practical way.

Mr. TONKIN: Parliament confers upon the Minister the right to refuse an option without giving any reasons. If we had written into this Act the circumstances under which the Minister could refuse to grant an option, I could understand that a person might have an opportunity of succeeding with an appeal by saying that the Minister incorrectly used his discretion on this matter. It could be argued that the Minister departed from the provisions of the law which gave him his right to refuse an option.

However, the Minister is being given an unfettered right which is not subject to any conditions at all. Notwithstanding the provisions of the Act, the Minister shall not be bound to grant an option.

Sitting suspended from 6.15 to 7.30 p.m.

Mr. TONKIN: Is it envisaged under the discretionary power which this clause seeks to confer upon the Minister that in some circumstances he will agree to grant the option and in other circumstances he will not? If he is to discriminate, what will be the criteria upon which he will form his judgment? There has been no indication from any source as to what that criteria would be, and an unsatisfactory situation would arise if it were found that in some instances involving land in this particular category the Minister was granting an option and in other instances he was refusing it.

I am wondering what lawyer would advise a client to involve himself in the expense of approaching a court to appeal against a decision made under this provision. I would like to hear the views of the legal members of this Chamber on the question, because in the final analysis we have to determine whether this protection is real or not. It is not much use saying a person has the right of appeal if the odds are a thousand to one against his appeal succeeding, because the average person in any circumstances is reluctant to go to law when he has a fifty-fifty chance. Under this provision it seems to

me he would have a far less chance than that.

I repeat that if the position is reached when the Minister is able to exercise his discretion, one might be able to approach the court and say, "It is considered the Minister has exercised his discretion beyond the powers conferred upon him by the legislation," but we are saying here that he shall have the unfettered right to determine whether he will grant the option, and if he refuses to grant it a person has the right of appeal. Also, the Minister having made the decision that he will refuse the right of option will ensure that some officer of the Crown Law Department will defend his attitude in court and prove that the Minister has every right to refuse to grant the option.

So in those circumstances, and in view of the declaration in the law that the Minister has the right to refuse such an option, the appellant would have little chance of success. I ask members to be reasonable about this and not to assume all sorts of possibilities which are not present. I ask them to take a practical view and consider whether they would be inclined to risk the expense of legal action in respect of this provision which allows an option.

The CHAIRMAN: Order! The honourable member's time has expired.

Mr. DURACK: I did not propose to become involved in a debate on this subparagraph, but in view of some of the remarks that have been made with respect to it I might be able to make some useful comments. The Deputy Leader of the Opposition has based his attack on this clause on a matter of principle which probably applies at least to the first and third paragraphs as well, so it does raise a matter which is of general concern.

Most of the remarks the Deputy Leader of the Opposition made provided a clue to the answer to his argument, because he said that if land was taken because it had been severed from the owner's remaining land this would not be a ground for resumption; and, in its broad terms, I suppose that is correct in view of the fact that power to resume land under the Act is only used if the land is required for a public work as defined in the Statute.

Therefore, when one comes to consider the clause and how it would be applied, it could only be applied in limited circumstances; and, in the nature of the Act and the powers of resumption granted under it, it could not apply to a piece of land of any size. That is what the Minister tried to convey in his second reading speech, in his reply to the second reading debate, and again in Committee; namely, that this particular subparagraph, like the first subparagraph, relates only to small remnants of land which are left over after a public work has been undertaken.

Apparently there are also some cases where the owner of the land that is being

resumed specifically requests that a small piece of land to be severed from it and left over should be included in the general resumption. Also, as the Minister explained earlier, it would be absurd to allow an owner in the one instance to request that this land be resumed and receive compensation, and then be able to keep hanging over the Minister's head, so to speak, the power, for an indefinite period of time, to ask for the land back.

I concede that when one seeks to deal with this type of situation, one cannot, in an Act of Parliament, legislate for every specific case which may arise; but we have to allow the Minister some discretion or some power. I would agree to an amendment to this particular subparagraph so that some specific situations could be covered, but not others. I think the intention of the subparagraph is quite clear. It applies only to land which never would have been resumed in the first place had it not been a remnant of land which was of no use to the owner.

If there is any possibility that, because of the wording of this subparagraph, the clause can be used for a wider purpose in some unforeseen case, then we must have faith in the good sense of the Minister who is administering the Act from time to time. Generally a Minister would exercise his discretion in support of the general principle of the Act in a sensible manner.

In that regard the Deputy Leader of the Opposition and some other members of the Committee have overlooked that section 29, which this clause seeks to amend, gives the Minister the right to resume and to sell land by auction or private contract, or he may use it for some other public work. I am quite sure the main object of including these subparagraphs is not because the Minister will want to sell the land to somebody else, but because he will desire to use it for some other public work which could be associated with the work that has been undertaken.

For instance, where there is a remnant of land beside a road in the city, it may be the desire to leave an open space for a small park or something of that nature. That is the most likely way this discretionary power will be used by the Minister in accordance with the subparagraph. In the unlikely event of a Minister not exercising his discretion in a reasonable manner, control by this Chamber can still be exercised over him or any ministerial action taken by him; but, in addition, we are granting a right of appeal which in some ways is a little unusual. However, I highly applaud it because it is in accordance with the development which we should see much more of in this legislation. In other words, we are giving the right of appeal to an independent body—the Supreme Court—if the amendment which I foreshadow is accepted by the Committee.

In such proceedings it would be for the Minister to justify his refusal of the option and for his officers to be cross-examined on their justification for refusing an option; and it would be for the former owner to put forward evidence to support his claim.

Mr. Ross Hutchinson: The criteria could be as wide as the world.

Mr. DURACK: Yes, the criteria could be as wide as the discretion. Courts are constantly dealing with this type of power; namely, the power to do what is considered just, and that criterion of justice is determined after hearing the pros and cons and bringing forward all the relevant evidence on one side or the other.

In these circumstances there is greater opportunity to deal justly with individual cases than we ever have in this Chamber when formulating general legislation to cover what in most cases, as far as we are concerned, would be unforeseen circumstances.

Mr. TONKIN: I cannot embrace the view expressed by the member for Perth in regard to the type of land included in this category. I visualise a public work being carried out to establish a railway which may run right across a man's property with the result that it severs a sizeable part of it.

For that land to be of any use to the person from whom it has been taken, access has to be provided. The Government could determine that it is cheaper to resume the severed land than to provide an overhead bridge as access, so it resumes the severed land. I can give instances where that has happened.

The fact that such land has been severed should not be a reason why the Government should deprive of his rights a person who, under the existing legislation, has a right of option to get his land back if the Government subsequently finds it does not want to make use of it.

Paragraph (ca) (ii) will give the Minister the right to refuse to grant to the original owner an option to repurchase, presumably because the Minister wants to do something else with the land. I do not think he is justified in taking that view, having regard to the principle already established; that is, when the Government finds it essential to resume land for a specific purpose, it should make certain it needs the land for that purpose in order to justify the action it takes. If subsequently the Government finds it does not require that land, then the person most entitled to get it is the original owner. That is the principle in the legislation, although it was partly whittled away by the Bill of last year, and it will be whittled away further by the clause under discussion. If it can be shown that the Government is being disadvantaged because of the necessity to grant an option

of purchase to the original owner, then my view might be different.

All that the clause provides is that in all cases where the Government becomes possessed of land which has been resumed because it was severed land, the Minister may use his judgment to decide whether or not he will grant an option to the original owner to repurchase. There is no justification for such a provision. This will permit the owner in some cases to give an option of purchase to the original owner, and in other cases to refuse a option to the original owner.

I wonder who the people will be who will succeed in getting their land back. I suggest they will be similar to those who are able to have a railway redirected because it does not suit them. But the man of limited means, who has to look twice before he goes to law, will have to put up with the decision of the Minister. The Minister will tell him that the Government still needs his land, but the more influential person will be able to regain his land; and that is the sort of situation which I will try to prevent.

There is no valid reason for the Government to retain this type of land, because these are not small remnants of large areas. The small remnants will be covered by paragraph (ca) (i). These are not small pieces of land which the Government wishes to dispose of. In some cases they run into many acres which have been severed from larger parcels by roads or railways. Simply because the land has come to the Government as a result of severance, the Government should not have the right to deprive the original owner of an option to repurchase the land.

Mr. J. Hegney: This almost borders on confiscation.

Mr. TONKIN: Of course it does. It is confiscation under a pretext. I hope members will not give the Minister this power, because no cogent reason has been advanced by the Minister.

Mr. GRAYDEN: The Minister made it quite clear that some of the provisions in this clause do constitute an erosion of rights. He admitted this quite freely. As far as possible we should minimise such erosion, and we can achieve that objective quite easily. The Minister referred to small pockets of land which have been severed from larger parcels. In most cases the remnants would be covered by paragraph (ca) (i), because they would not meet the requirements of the Town Planning and Development Act; so there is no problem in those cases. However, when we get into the country, we might find small lots which are not covered by subparagraph (ii).

This erosion of rights could be minimised by an amendment to subparagraph (ii) by adding after the word "thereof" in line 27 the following:—

except where in the opinion of the Minister for Works the value of the

land taken or resumed was in excess of \$1,000.

By agreeing to such an amendment a small pocket of land would then be adequately covered by subparagraph (i), or by subparagraph (ii) where the value of the land is below \$1,000. If it is in excess of \$1,000, the original owner should have the right to repurchase. If it is good enough for one owner of land which has been resumed by the Government to have a return of the land if the Government does not require it, then it is good enough for another to have the return of land under the same circumstances. I cannot see why the Minister should object to an amendment which seeks to minimise the erosion of rights.

Mr. Ross Hutchinson: I cannot agree to that.

The CHAIRMAN: We have before us an amendment by the Deputy Leader of the Opposition to delete the words in subparagraph (ii). In view of that, the amendment proposed by the member for South Perth will have to stand over until we have dealt with the one before the Chair.

Amendment put and a division taken with the following result:—

Ayes—16

Mr. Bickerton	Mr. Jamieson
Mr. Brady	Mr. Kelly
Mr. Cornell	Mr. Moir
Mr. Davies	Mr. Rhatigan
Mr. Evans	Mr. Sewell
Mr. Graham	Mr. Toms
Mr. J. Hegney	Mr. Tonkin
Mr. W. Hegney	Mr. May

(Teller)

Noes—20

Mr. Bovell	Mr. Marshall
Mr. Burt	Mr. Mitchell
Mr. Craig	Mr. Nalder
Mr. Dunn	Mr. Nimmo
Mr. Durack	Mr. O'Connor
Mr. Elliott	Mr. O'Neill
Mr. Grayden	Mr. Runciman
Mr. Guthrie	Mr. Rushton
Dr. Henn	Mr. Williams
Mr. Hutchinson	Mr. Crommelin

(Teller)

Pairs

Ayes	Noes
Mr. Curran	Mr. I. W. Manning
Mr. Fletcher	Mr. Hart
Mr. Norton	Mr. Court
Mr. Rowberry	Mr. Gayfer
Mr. Hawke	Mr. Brand
Mr. Hall	Mr. Lewis

Amendment thus negatived.

Mr. GRAYDEN: I move an amendment—

Page 2, line 27—Insert at the end of subparagraph (ii) the words "except where in the opinion of the Minister for Works the value of the land taken or resumed was in excess of one thousand dollars."

If the Minister agrees to this amendment the erosion of rights will be minimised. He will have an opportunity to consider the amendment, and if he considers that some better method can be adopted, then an appropriate amendment can be made in another place. Some ceiling on the

value of the land involved should be stipulated.

Mr. TONKIN: I thought the Minister would have something to say about this amendment. Is the Minister any judge of the value of land?

Mr. Ross Hutchinson: I have already said by interjection that I am not in agreement.

Mr. TONKIN: I think the time to say that is when the Minister is on his feet.

Mr. Ross Hutchinson: I said it before. I interjected at the end of the amendment.

Mr. TONKIN: The time to say it is when the Minister is on his feet.

Mr. Ross Hutchinson: I do not believe in being too verbose.

Mr. Bovell: Tiresome repetition is all that it would be.

Mr. TONKIN: My objection to this amendment is not so much in connection with the principle, although I think this does not protect everyone who should be protected. The amendment leaves it to the Minister for Works to judge whether the value of the land is in excess of \$1,000. The Minister is not necessarily a judge of the value of the land. He might think that land worth \$2,000 is worth only \$1,000, and in that case he would not have to give an option. In those circumstances the amendment is useless.

Mr. JAMIESON: I cannot agree with this amendment. I have kept out of the argument so far, but a principle is involved in this, and the Committee has decided on that principle. Therefore it should apply equally to the small holder as it does to the large holder, and I cannot be a party to this amendment under any circumstances. We must state what shall apply, and it must apply whether property is worth 10c or \$10,000.

Mr. Ross Hutchinson: I quite agree.

Amendment put and negatived.

Mr. DURACK: I propose to move for the deletion of subparagraph (iii) for the purpose of substituting another subparagraph. Members will recall that in Committee last week I criticised the very wide ambit of this subparagraph because of the inclusion of the words "or any part of the remainder". The inclusion of those words means that if a person had a small portion of his land resumed and he then sold a small portion of the remainder, he would lose his rights under section 29. I believe that was too wide altogether and contrary to the basic principle, which was that the Minister would not be obliged to give an option where the former owner had disposed of the land which was part of the whole he had in the area.

When I considered this subparagraph from a drafting point of view, I found the deletion of these words presented some difficulties, because the situation could

arise where a man who had a block of five acres could have one acre resumed at one end. He could then sell a portion of the remainder which was contiguous to the area that had been resumed, and, as a result of his disposal, the resumed land would no longer become part and parcel of the remainder. In order to cover the situation I propose to move for the substitution of the following:—

The land taken or resumed cannot be added to other land owned by the person otherwise qualified to apply for the option by reason of that person having disposed of or subdivided for disposal the remainder or any part of the remainder of the land from which the first-mentioned land was taken or resumed.

I believe that the substitution of those words would cover the situation I envisaged; that is, the situation where a man has some of his land resumed and some small portion of the remainder, quite unconnected with the resumed land, is later disposed of by him, but he still retains land to which, if he exercises his option, the resumed land can be added, and can be taken back by him as part of the whole of the land he previously had before the resumption took place.

My object has simply been to cover the situation which is presented by the present wording of subparagraph (iii) which, in my opinion, is too wide. It will be of a limiting character and it really does not raise the question of the principle we have been debating in Committee; and I do not want to get further into that debate. I therefore move an amendment—

Page 2, lines 28 to 35—Delete subparagraph (iii).

Mr. ROSS HUTCHINSON: I agreed last week when the member for Perth was discussing this matter, to have this looked at. I would like to say at the outset that I am not opposed to the amendment. I, myself, find the new wording rather difficult to follow. It is not as smooth in its construction as one would like it to be, although I appreciate that legal language is frequently of a kind like this, unfortunately.

Mr. Kelly: That is a backhander!

Mr. ROSS HUTCHINSON: I cast no reflection on the honourable member. The purpose of this particular part of the clause was described last week, but perhaps for the benefit of the Committee I should briefly explain it again. I envisaged an area of land, say, 100 acres, being held by one owner, and for a community purpose, such as a pumping station or an electricity substation, quarter of an acre or half an acre might have to be resumed.

Mr. Tonkin: The Minister is on the wrong subparagraph.

Mr. ROSS HUTCHINSON: Oh, no, I am not!

Mr. Tonkin: Oh, yes, you are!

Mr. ROSS HUTCHINSON: If the Deputy Leader of the Opposition will listen carefully, he will find I am not!

Mr. Tonkin: I am listening carefully.

Mr. ROSS HUTCHINSON: The Deputy Leader of the Opposition misconstrues so many things, that I want him to be very careful about this one. Where this situation occurs, and the land is taken for a particular purpose, the land may not be immediately availed of by the Government, and subsequently the owner of the remainder of the 100 acres might sell his land to someone else, so that it has a new owner. Then sometimes subsequently the Government might discover—possibly through an alteration in a town plan—that the land it has resumed is not required. It is felt, under the circumstances, that the option could legitimately be refused to the former owner, and that the owner of the 99 acres should have the opportunity of buying the resumed portion.

As the member for Perth pointed out, if the Minister in his wisdom—and this could even include the Deputy Leader of the Opposition, say, in 10 to 20 years' time—determines the option should not be given for good reasons, and the former owner is upset by this, he has the right to approach a court. This is another one of those things which is placed in the Act so that a rational decision may be made.

Mr. TONKIN: I propose to support the amendment which deletes this subparagraph, but that is as far as I am prepared to go.

Mr. Ross Hutchinson: Then you will oppose the substitution of the new subparagraph (iii).

Mr. TONKIN: This Bill is framed in such a way as to divide the resumed land into certain categories. We have dealt with two categories, and this is the third; and the land which will fall into this category is land which has been resumed and not used. In the meantime the person from whom the land was resumed could have disposed of—not necessarily sold—some part of the land which was left to him. He may have given it to a kindergarten or he may have made a present of it to his son. He has disposed of part of his land, and the fact that he has disposed of part of the remainder is going to deprive him of a right which he now possesses to get that land which the Government does not require.

That will take some justification. That is the criterion here: that the person who has had left to him, after some resumption has taken place, a portion of land, has disposed of some of that land—not necessarily sold it—and the mere fact that he has parted with some of it is justifica-

tion in the eyes of the Government for depriving him of a right which, under the existing legislation, he now possesses.

If that is typical of the Government's thinking on this question, we are only wasting our time arguing. Surely members of the Government ought to be able to tell us of the cases where it is incumbent upon it to take back the land because it is required. It seems to me that the Government is only looking for excuses to deprive the original owner of a right which, under existing legislation, he has, to get his land back if the Government does not require it.

Mr. Ross Hutchinson: Of course that is not so.

Mr. TONKIN: Yes, this is so. I remind the Minister that last session he took the first step in this direction when he whittled away some of the rights which then existed for persons to get back land which the Government had resumed—rights which the Parliament gave to them at the request of the then Labor Government. Last session, Parliament took away some of these rights.

Mr. Ross Hutchinson: I cannot enter into a discussion on what happened last year.

Mr. TONKIN: And now it is taking away more of those rights. In this particular subparagraph, it takes away the right merely because the original owner has, in some way, in the interim disposed of some portion of the land which was left to him. There are a thousand ways in which he could dispose of it but the fact that he has done so deprives him of the right to get an option to buy his land back under this provision. Why should that be a reason to justify the Government in denying him this option? There does not appear to me to be any justification for that—or any justice in it either. Surely, we ought to accept the principle which previously has been accepted and that is that the Government is not entitled forcibly to resume a man's land unless it really believes it requires it. Having taken the land and it subsequently transpires that the Government does not really require the land at all, who has a better right to get it back than the person from whom it was forcibly taken?

Mr. Ross Hutchinson: I have told you of the special circumstances in all these things.

Mr. TONKIN: The special circumstances here are that a man shall not have the right to get his land back if, in the meantime, he has disposed of a part of the land that was left with it.

Mr. Durack: Neat, isn't it?

Mr. TONKIN: That is the only reason.

Mr. Ross Hutchinson: What rubbish; it is not the only reason.

Mr. TONKIN: This is what it says; I will read it to the Minister—

(ca) Notwithstanding the provisions of paragraph (c) of this subsection the Minister shall not be bound to grant the option referred to in that paragraph where—

(iii) the remainder of the land from which the land was taken or resumed, or any part of that remainder, has subsequently been disposed of by the owner, or has been or is in the course of being subdivided for disposal;

That is the only criterion in this matter. The Minister will go through the land which is still in the possession of the department. It will be drawn up for him in categories.

Mr. Bickerton: I hope it is elementary.

Mr. TONKIN: This is the land which has been resumed and these are the cases where the original owners have disposed of part of the remainder of their land. Therefore, under this new legislation the Minister can deny all these people the option to get it back. That is the essence of it. I want to know what possible justification there can be to take an attitude of that description.

I will agree to the deletion of this clause but hope that when it comes out, nothing will be put back.

Amendment put and passed.

Mr. DURACK: I move an amendment—

Page 2, line 28—Substitute the following for the subparagraph deleted:—

(iii) the land taken or resumed cannot be added to other land owned by the person otherwise qualified to apply for the option by reason of that person having disposed of, or subdivided for disposal, the remainder or any part of the remainder of the land from which the firstmentioned land was taken or resumed; or .

I have given my reasons for moving this amendment.

Mr. Bickerton: This is really confusing.

Mr. ROSS HUTCHINSON: The member for Perth obviously takes notice of that old saying, "Be brief lest your thoughts be clouded by your words." I, too, will do just this and say as I have said before and, that is, I believe this new paragraph describes the situation in a better fashion than the paragraph just struck out.

Mr. Jamieson: We will need a new Government department.

Mr. TONKIN: This is not a question of the wording suggested by the member for Perth describing the matter in a better fashion—it is a different proposition.

Mr. Ross Hutchinson: That is right; I said that previously.

Mr. TONKIN: This is a little in advance of what the Minister had but not very much. Previously the Minister was going to be under no obligation to grant an option to give the land back, if any part of the remainder of the land from which this land had been resumed had been disposed of.

All the member for Perth is doing is providing that the Minister shall have the right to deny this option in those cases where, if the land is offered back, it cannot be added to land already retained. That is the difference.

In principle, I cannot see why it should be necessary to say that unless the land is in such a position that it can be added to what a man has left to him, he should not get it.

Mr. Ross Hutchinson: Fair enough.

Mr. TONKIN: After all, it is not the possession of the land he is concerned with but what it is worth to him. This is because he has to buy it back; he does not get it given to him at a figure which the Minister places on it; and he does not get it back, as was in the original legislation, at the price at which it was resumed.

Mr. Ross Hutchinson: You are wrong, of course. You do not know what the amendment was last year. I was beginning to think you did know but you do not know.

Mr. TONKIN: The amendment was all right.

Mr. Ross Hutchinson: You have confused the whole Act.

Mr. TONKIN: It is all very well for the Minister to sit there interjecting.

Mr. Ross Hutchinson: For Heaven's sake, do not say those things.

Mr. TONKIN: Having had an opportunity to state the position, I will do it again.

Mr. Ross Hutchinson: Well, you will be wrong again, if you say the same thing.

Mr. TONKIN: What the amendment of the member for Perth is now proposing, in contradistinction to that of the Minister, is that only in those cases where it is not possible to add the resumed land to the land still in possession of the original owner, will the Minister have the right to refuse the option. That is the amendment of the member for Perth.

Mr. Ross Hutchinson: You were getting on to the price to be paid.

Mr. TONKIN: I was giving the reason why a man would apply for it. He does not get the land given back; even if he still has the option, he has to buy it.

I say that the amendment of the member for Perth is a definite advance on what the Minister had previously but I cannot see why there should be any difference so far as the original owner is concerned, depend-

ing on whether or not the land he is to get back can be added on to what he has already. Why should that be the criteria? If he has had land forcibly taken from him which the Government does not require, why does the Government put conditions on it before giving it back? Why does the Government say to A, "You can have the land back because when we give it to you, you can add it to what you have left"; while, at the same time, it says to B, "You will not get your land back because, when you do, it will be impossible for you to add to it what you have left."

What is the logic in that? These might be residential lots; the land might have been subdivided in the meantime and it would sell for just as much as individual lots whether it is joined to some other land or whether it is not. Therefore, why should that be the criteria to determine whether or not a man shall have the option to get his land back? I say that whilst the amendment of the member for Perth is an improvement, it is rather hard to justify making any distinction at all, if the land which the Government has is such as, ordinarily, would be returned to the original owner?

I think we are only playing about with the situation when distinctions like this are made. It should either be a case of the Government not being able to give this land back because it requires it, or the Government being prepared to grant an option to the original owner to repurchase it because it does not require it. To say that the Government will only allow those people who can add the land to what is left to them to get it back and refuse the option to everybody else, in my view does not make sense. I oppose the amendment.

Amendment put and passed.

Mr. DURACK: Paragraph 4 of these contentious paragraphs contains some words which, to my mind, made it very difficult to understand. I explained this in the remarks I made last week. As it stands, it reads—

(iv) the land is portion only of that taken or resumed, having been excised therefrom for any work ancillary or incidental to any public work, the remainder of the land so taken or resumed continuing to be required for the public work for which the taking or resumption was effected.

The difficulty I had was in understanding this phrase, "having been excised therefrom for any work" when there did not seem necessarily to be any power for that to be done. Therefore I propose to delete the words "having been excised therefrom for any" in lines 37 and 38 on page 2 and insert in lieu "and is required for a". The clause would then read—

(iv) the land is portion only of that taken or resumed and is required for a work ancillary or incidental

to any public work, the remainder of the land so taken or resumed continuing to be required for the public work for which the taking or resumption was effected.

It seems to be clearly explained what the intention of subparagraph (ca) (iv) is. In order to achieve that tidying-up operation, I move an amendment—

Page 2, lines 37 and 38—Delete the passage "having been excised therefrom for any" and substitute the words "and is required for a".

Mr. ROSS HUTCHINSON: As with other amendments made by the honourable member, I have promised to have this one checked. The wording here is a little obscure and the wording suggested by him in substitution of the words he proposes to strike out is, indeed, considerably better. I agree with the amendment.

Amendment put and passed.

Mr. HAWKE: As regards paragraph (cb) as a whole—and my discussion on this will not debar the member for Perth from moving his proposed amendment—I think the principle set down is upside down. The land with which we are dealing has been compulsorily resumed by the Government from private citizens. Under the portions of the clause with which the Committee has already dealt, the Minister will be given power to refuse to grant an option to the citizens concerned to purchase back land resumed from them, which the Government no longer requires. Where any of the citizens concerned wish to contest the decision of the Minister in this regard the citizen has to take the initiative and approach the court.

That seems to me to be upside down in relation to all of the principles of just dealing which I have been taught to believe are right and practicable in British communities. Why should a citizen from whom land was compulsorily resumed by the Government for public purposes be compelled to initiate action to try to prevent the Government from hanging on to portion of the land which was resumed, even though the Government no longer requires it for public purposes? Why should not the Minister be the one who has to approach the local court, or the Supreme Court if the member for Perth succeeds with his amendment? Why should not the Minister be the one who has to initiate action in the event of a citizen refusing to do what the Minister wants to have done?

Yet in this paragraph the Government is putting all that responsibility upon the landowning citizen. There is no justification for it. I know it makes it easy for the Government and the Minister when such cases as are likely to arise do arise.

But the Government is far more financial than an individual citizen, and the Government could much more easily be

the one to take the initiative; and it should have to go before the court and prove its claim and its case if it wishes to retain portion, or the whole, of land resumed compulsorily from a citizen.

The landowning citizen should not be treated as the offending party and should not by law be made the one who has to go and prove why he should get his own land back. In my view the Government should have to do that if it wants to hang on to this land, and if the citizen is opposed to the Government's hanging on to it.

Mr. Ross Hutchinson: That is a novel approach.

Mr. HAWKE: I do not think there is anything novel about it in this situation, because the Minister has resumed the land compulsorily probably against the wishes of the citizen in the first instance.

Mr. J. Hegney: In many instances.

Mr. HAWKE: So why, in this new situation which is to be created by the amending legislation, should not the Minister be the one to take the initiative if the citizen is opposed to the Minister's wishes in the matter.

Mr. J. Hegney: He takes the initiative in resuming the land.

Mr. HAWKE: What is wrong with the Minister having to take the initiative and go before a judge or a magistrate to prove his claim? If it is a novel principle it is long overdue for enactment in the appropriate Statutes. I certainly hope members of the Government will seriously consider this point of view; and, if they can be convinced that the citizen should not be put to this inconvenience and special job of having to prove his claim, I hope they will have the provision altered either on recommitment or when the Bill is before another place.

Mr. ROSS HUTCHINSON: The Leader of the Opposition has advanced an interesting proposition. As a background to this discussion I would say that when the Leader of the Opposition was Premier his Government was responsible for many resumptions of private property. Those resumptions were not made lightly; the reason for their being made was that they were in the interests of the people, or for the community good. Already in this debate I have given a dissertation on this point and I do not propose to repeat myself. Suffice it to say that no Government delights in taking private property for the community good, but it must be done for the sake of the people. I do not want to pursue this point—

Mr. Hawke: I wish you would get on to the real point.

Mr. ROSS HUTCHINSON: The Leader of the Opposition spoke disparagingly of the Minister's resuming land, and referred to people's rights in these matters, saying that they have priority. But let me say

that in not one part of the Public Works Act—and this Act has been used by many Governments—does the Minister or the Crown have to go to the court on the type of principle described by the Leader of the Opposition. I do not think it is possible for the Government to do that—I suppose it is possible, because Parliament can do anything; but I hope that logic and reason will assert itself and members will not be swayed by the illogic of the Leader of the Opposition.

Mr. HAWKE: The Minister has done nothing but try to cloud the issue.

Mr. Ross Hutchinson: I did not intend to do that.

Mr. HAWKE: He has not dealt with the real point at all. The land which is involved under this clause is not land that is required for the community good, or for public purposes; it is land surplus to those purposes.

Mr. Ross Hutchinson: You have already said that.

Mr. HAWKE: The Minister tried to give the opposite impression.

Mr. Ross Hutchinson: I did nothing of the sort.

Mr. HAWKE: He tried to justify paragraph (cb)—

Mr. Ross Hutchinson: Of course.

Mr. HAWKE:—by claiming land resumed compulsorily by Governments for public works and community good is land in connection with which the rights of the community have to be given a priority above the rights of the individual landowning citizen. I think we can all agree with that, but it is not the point involved in this paragraph. That point concerns the landowning citizen whose land has been compulsorily resumed by the Government for public purposes or community good, and has been found subsequently not to be required for that purpose. The land, or portion of it, is surplus, and if the citizen wants to get it back, or contest the Minister's decision in refusing to give him an option, it is not the Minister who has to prove his claim or case under this paragraph, but the individual citizen.

Mr. Ross Hutchinson: That is the same spirit throughout the Act in matters of compensation.

Mr. HAWKE: It is not the same spirit at all. I said, and I agree with the Minister up to that point, that where the Government is resuming land compulsorily for community good or public purposes there is logic in saying the individual citizen is the one who must show that his claim for the land is greater than the claim of the community. But the situation I am discussing is entirely different from that. The Minister has agreed by interjection that the land with which we are dealing under this clause is not land required for community good or public purposes; it is surplus land which is found to be not

required for those purposes. Yet the Minister, by this paragraph, is saying that the individual landowners concerned are the ones who should initiate court action if they want to contest the Minister's refusal to give them the right to purchase back, at a fair price, the land which the Government compulsorily took for public purposes, or community good, and later found it was not required for either of those purposes.

Surely in this situation—which is a new situation altogether—it is the Minister who should have to go to the court to justify his action in refusing an option to the individual landowning citizen.

The Minister or the Government would not be involved in a great deal of trouble or worry under the principle which I advocate. They would be in a far better position to take the initiative where the landowning citizen contested the Minister's decision to go before a judge or a magistrate and argue why the refusal of the Minister to allow him to buy his land back should not be approved by the court. It is unfair, unjust, and unreasonable to load this responsibility upon the individual citizen. The land was his; the Government resumed it compulsorily—not altogether under false pretences because at the time it was resumed the department doubtless believed the land was required for community good, or public purposes—but later on it was found the land was not required for community good. If the citizen wishes to have the land back in his possession it is the Government, or the Minister, who should take the initiative and prove why the Minister should hang on to the land.

Mr. DURACK: The amendment I have proposed refers to lines 14 and 15 of paragraph (cb), which provides for the aggrieved owner of the land to go to the local court held nearest to the land to which the option relates. Last week I made some adverse comment on this provision in the Bill, because it seemed to me that the value of the land that would be in issue in this type of appeal would exceed the normal jurisdiction of the local court, which is \$1,000. I suggested in my remarks earlier that the general framework of the Public Works Act in regard to courts should be preserved here—the general framework being that where the issue in respect of land is worth less than \$1,000 it should go to the local court, and where it exceeds that amount it should go to the Supreme Court.

When we tried to frame an amendment along these lines we were faced with the difficulty that there is no clear-cut value of the land on which the jurisdiction of the local court or Supreme Court in this particular situation could be based; because the land in all the situations is part only of the land which has been resumed. So we could not look at the resumed price and say, "That is the value." In fact the

actual value of the option price could be the subject of some dispute. Because of the difficulty in drafting an amendment which would clearly state what the jurisdiction of the local court and the Supreme Court was, I have said that the jurisdiction should not be to the local court but to the Supreme Court in all cases.

The reason for that is that where there is an appeal from the Minister it would be in respect of land which would probably be worth more than \$1,000. I move an amendment—

Page 3, lines 14 and 15—Delete the words "Local Court held nearest to the land to which the option relates and the Court" and substitute the words "Supreme Court and such Court on".

Mr. ROSS HUTCHINSON: I propose to agree to the amendment.

Amendment put and passed.

Mr. DURACK: The last matter on which I commented in Committee last week appears in paragraph (c) of the clause. As I explained, the Bill proposes to enlarge the rights which a number of owners of land now have. As the Act now stands it restricts the right of a former owner who has died, to a curious situation where his legal representative is given, in the will of the deceased owner, the specific power to purchase land. The Bill seeks to delete the words "only if he has power to purchase the land in his representative capacity". It then proposes to insert the words "at any time within ten years of the death of the deceased person upon that legal representative in the absence of any testamentary power to purchase land, obtaining an order of the Court or the consent of all the beneficiaries of the deceased person to purchase the land".

Point of Order

Mr. J. HEGNEY: On a point of order, Mr. Chairman, you have not put the amendment moved to paragraph (cb). You have not put the paragraph, and that should be confirmed.

The CHAIRMAN: I think the honourable member is referring to the previous amendment.

Mr. J. HEGNEY: That is right. The paragraph was not put.

The CHAIRMAN: That has been dealt with.

Committee Resumed

Mr. DURACK: The object of the amendment is to enable the executor of a deceased owner of land to exercise the same powers as the deceased owner would have had, and the same rights as the deceased owner would have had had he been alive and the opportunity to exercise those rights arose. However, the amendment seeks to put a time limit of 10 years on the new right, which I feel is unnecessarily restrictive.

A proper control of the executor's powers is already provided for: he must get an order of the court or the consent of the beneficiaries of the estate. So I propose to delete the time limit, and I move an amendment—

Page 3, lines 32 to 34—Delete the words "at any time within ten years of the death of the deceased person".

Mr. ROSS HUTCHINSON: Prior to the introduction of the amending Bill it was considered by the Government that the existing restriction on a legal representative of a deceased former owner to apply for an option to repurchase was too narrow, and, as a result, the paragraph was phrased to give the legal representative a right extending up to 10 years. It was felt that was sufficient time in which an option might be exercised. However, I have had some research done, and I find that the number of cases in which this might be exceeded are few, and there is no reason why we should not be more generous than we are in this paragraph. Accordingly I agree to the amendment.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 4 to 17 put and passed.

Title put and passed.

Bill reported with amendments.

SWAN RIVER CONSERVATION ACT AMENDMENT BILL

Second Reading

Debate resumed from the 1st September.

MR. TONKIN (Melville—Deputy Leader of the Opposition) [9.2 p.m.]: This Bill is before the House in partial fulfilment of a promise which the Government made. I think, before I deal with the Bill, I should say something which will enable us to put this question in its proper perspective.

I have here a cutting from *The West Australian* of the 13th February, 1965, which, members will recall, was just a short time before the last State general elections; and the question of reclamation in the Swan River was in the mind of a certain section of the community—a very live one. So the Premier felt it necessary and desirable to make a public declaration as to his Government's policy.

He wrote to *The West Australian* the following letter, which appeared under the heading "Government Policy":—

David Brand, Premier: The government has no desire to reclaim any area of the river any more than the previous government. However, reclamation now being carried out was undertaken on the best possible advice. The work is being carried out as part of a plan to alleviate rapidly increasing traffic density in the city.

The government will ensure that Parliament is given full opportunity to

discuss any further reclamation proposals.

To me "any" means "every". If the offer to the people is that the Government will ensure that Parliament is given full opportunity to discuss any future reclamation proposals, that means every such proposal will be brought before Parliament. That is why I say this Bill is only in partial fulfilment of the Government's undertaking, because it proposes to exclude from that list of works which the Premier undertook to bring before Parliament, all works under two acres.

I find myself for once, so far as I can recall, in complete agreement with every word of a subleader in *The West Australian*. I propose to quote this subleader as it really sums up my attitude to the Bill. It appeared in *The West Australian* on the 17th August, 1966, under the heading, "Protecting the River," as follows:—

From what Works Minister Hutchinson has said about the proposed legislation on river reclamation, the government seems conscious of the need to reassure the public. But it has stopped short of the kind of guarantee that would give full reassurance.

Now that it has decided that all reclamation of more than two acres must have parliamentary approval, it would be only a small step to require all reclamation to be cleared by parliament. The suggested safeguards against piecemeal reclamation of big areas and for reference of areas of less than two acres to the Swan River Conservation Board are not a substitute for complete parliamentary protection. The board could be dominated by this or another government.

There is no reason why an annual programme of reclamation for all riverside works should not be submitted to parliament. They should be planned well ahead. They do not usually develop overnight. Indeed, most of them spend years in pigeon-holes. If there is too much of a gap between parliamentary sessions, the remedy is for parliament to meet more often.

If all works, of any size, have to be referred to parliament, it will enable the public to know what is proposed in time to make its opinion felt. Instead of taking small parts of the river as local projects, the government would have to relate every proposal to the ultimate design for the river as a whole.

Mr. Ross Hutchinson: Did you find it pleasant to agree with the editorial of *The West Australian*?

Mr. TONKIN: That question does not enter into it and I do not propose to answer it. Mr. Speaker, you would desire me to remain strictly relevant.

Mr. Brand: He always has done.

Mr. Ross Hutchinson: Fair enough.

Mr. TONKIN: I say I really believe this subleader sums up the opinion of the majority of the members of this House in all respects and there is no justification whatever for any Government to depart from a declaration of its policy made by its leader prior to a State general election. Whatever reasons there may be for the department to desire to exclude from reference to Parliament projects of less than two acres, those reasons should be subjugated to the undertaking which the Leader of the Government gave to the electorate as his Government's policy that any future proposal for the reclamation of the river would be referred to Parliament.

Mr. Ross Hutchinson: Parliament is having the opportunity to decide this right now.

Mr. TONKIN: No, it is not.

Mr. Ross Hutchinson: Yes, it is.

Mr. TONKIN: Parliament definitely is not, because the Premier's undertaking was that each reclamation proposal would be referred to Parliament—

Mr. Brand: I did not say that at all.

Mr. TONKIN: —and what this Bill will do, if passed, is to ensure that only those reclamation proposals which exceed two acres will be referred to Parliament.

Mr. Ross Hutchinson: How could the Premier have meant each piece of reclamation? It is not possible.

Mr. TONKIN: The Minister is saying that the Premier did not mean what he said.

Mr. Ross Hutchinson: It was a general statement.

Mr. TONKIN: It is as well that we know when David Brand makes a statement as specific as this one, it is a general statement, with reservations.

Mr. Ross Hutchinson: He did not say each piece of reclamation, which you just said.

Mr. TONKIN: I will read it again—

Mr. Brand: Read it right through this time.

Mr. TONKIN: —for the benefit of the Minister, although I know it is unpalatable—

The Government will ensure that Parliament is given full opportunity to discuss any further reclamation proposals.

Mr. Hawke: That is specific enough.

Mr. Ross Hutchinson: Does that mean repairing a bit of flood damage?

Mr. TONKIN: The Bill falls short of that undertaking.

Mr. Bovell: You, yourself, filled in 67 acres in one fell swoop.

Mr. TONKIN: It is just like the Minister for Lands to draw a red herring across the line.

Mr. Ross Hutchinson: That is a whale!

Mr. TONKIN: Let us get down to a consideration of the proposals before Parliament in relation to the undertaking which the Premier of the State gave at the time as part of his election promises. It was not at a public meeting by way of explanation, but published deliberately in order to influence the electors. So, to that extent, I say the Bill falls short of the undertaking which was given; and no amount of argument on the part of the Minister for Works can excuse it.

Mr. Hawke: No amount of sophistry either.

Mr. Ross Hutchinson: What is that?

Mr. TONKIN: I agree with what the Minister for Works said: There is a compelling reason to ensure that the river is kept clean and pure in condition, and that everything possible is done to protect and conserve it—

Mr. W. Hegney: They will put fluoride in it next.

Mr. TONKIN: —by providing foreshores and clean white beaches for public enjoyment. As long as that can be done without filling the river in I think it is an excellent idea. The Minister for Works was good enough to point out that the Swan River Conservation Act was the only one of its kind in Australia. We make no apology for introducing such legislation to Western Australia when we were a Labor Government. We thought it was timely and necessary; and providing the improvements that are carried out are not inimical to the interests of the river, then I think we will all support such proposals.

The Minister said the Government had given careful consideration to the problem of reclamation but felt it was necessary to provide that proposals for less than two acres should not be brought to Parliament. I do not consider that any case whatever was made out for this exclusion.

I agree with what was stated in the subleader in *The West Australian* that it is preferable that the proposed works on the Swan River should be drawn up as part of a yearly programme in the same way as the Minister for Lands brings a reserves Bill, or a road closure Bill, to Parliament.

Those proposals are considered and, if thought necessary and desirable, are included in a Bill with full particulars, and the Bill is submitted to the House with the necessary plans and diagrams so that the members whose districts are affected may have an opportunity of discussing the proposals with their local authorities or other persons interested. In due course, the Bill is passed by Parliament.

I can see no reason why that cannot be done with all the proposals in connection with reclamation of the Swan or the Canning Rivers. I am speaking now as an ex-Minister for Works, and I see no ob-

stacle in the way of that being done once it was determined that that was to be the policy. I think it would result in much more careful consideration being given to these proposals before they were brought here. Also, the public, which has a right to know, would be advised in sufficient time to be able to express an opinion.

Mr. Ross Hutchinson: Your Bill gave the board complete power.

Mr. TONKIN: I do not deny that.

Mr. Ross Hutchinson: There was no limit to any acreage.

Mr. TONKIN: I do not deny that, but I would remind the Minister that the Government had no hesitation in accepting an amendment which was made in another place to provide some limit.

Mr. Ross Hutchinson: Your Bill would have gone overboard if you had not accepted it.

Mr. TONKIN: I would remind the Minister further that our Act gave no public undertaking with regard to this matter, such as the Premier has done.

Mr. Ross Hutchinson: You gave a public undertaking to scrape the sand away from the Narrows if you got back into office.

Mr. Hawke: You put a lot of sand back there.

Mr. Ross Hutchinson: Some will be taken away in due course.

Mr. TONKIN: The Minister referred to some reclamation work being necessary for good housekeeping, and he made the astonishing statement that this could not be planned ahead. I think the best housekeeping is always planned ahead.

Mr. Ross Hutchinson: Not always; emergencies arise from time to time.

Mr. TONKIN: I have been in this State a long time and I cannot recall any emergency which required the immediate reclamation of any part of the Swan River.

Mr. Ross Hutchinson: There was an area near Midland Junction where a portion of the river was eroded during a flood period. It had to be built up.

Mr. TONKIN: It is not necessary to fill in part of the river in order to build up a section of shore which has been washed away.

Mr. Ross Hutchinson: Additional work had to be done.

Mr. J. Hegney: Where?

Mr. Ross Hutchinson: On the river bank near the high school.

Mr. TONKIN: It was not work which had to be done immediately.

Mr. Ross Hutchinson: Yes, it was.

Mr. TONKIN: It was not done immediately.

Mr. Ross Hutchinson: Yes; that is one example which I am able to quote.

Mr. TONKIN: That is not a clear example.

Mr. Ross Hutchinson: The honourable member said he could not think of an example, and I have given him one.

Mr. TONKIN: I cannot think of any emergency where it would have been necessary to have these emergency powers to fill in part of the river. I think that is making a difficulty where none really exists.

I suppose the Government has had this Bill before the party members and those members have been told that this is as far as it is going, and that is that. As the Government has the numbers, I suppose we will have to accept the decision; but I am reminding the Government that I am not satisfied with it, because it is an abrogation of an election promise, and a very important one too. So any future promises made by the Government must be judged by the way it has fulfilled this one.

Mr. Hawke: Failed to fulfil it.

Mr. TONKIN: Now we have it that future reclamation proposals which do not exceed two acres may be carried out without any reference to Parliament at all, and, what is more, without any prior publicity. The Government seems to have adopted a course of telling the public as little as possible about its road proposals and river proposals.

In proof of that let me indicate that although a certain map or diagram has been freely seen by a number of people, the Government has refused to let me have a look at it. It fears that if I see the map the proposals will be made public and therefore the people will know what is intended. In line with that policy there will be no prior publicity at all of the smaller reclamation proposals—and there could be dozens of them. All the people will know is that the work has started, and they will be told it is too late to stop it. I protest against that. It is unreasonable and it is unfair, and it is an abrogation of the undertaking which was given and upon which the Government was elected.

There is not a great deal to worry about with the rest of the Bill. It proposes to repeal two existing Acts, one of which is the Melville Water and Freshwater Bay Road Act, of 1912, which gives any Government the right to construct roads along a foreshore. That was the thinking some years ago when that Act was passed, but the Main Roads Department has, with a few exceptions, got away from that idea. It is now disinclined to construct roads close to the foreshore; it prefers to get some distance away.

I had an example in my own electorate of Melville where the local authority sought some financial assistance to build a road through the Point Walter reserve.

The local authority wanted to build the road fairly close to the water's edge. When I took this matter up with the Main Roads Department, the department had the proposal examined and said it considered this was a road where some financial aid could be granted. However, it was opposed to the building of a road so close to the foreshore and would only agree to help financially if the local authority was prepared to have the road designed to run a considerable distance away from the water's edge.

It was left to me to convince the local authority that that was what it should do. I did not have a great deal of difficulty in doing that after an inspection of the area, and so we agreed upon a proposal. I regret to say that the department seems to have departed from that principle with its proposal to build a freeway along the foreshore from Heirisson Island to the Narrows Bridge, and to reclaim a considerable area of the river for the purpose. That is a departure from the general principle, and it will provide a road which will carry a considerable amount of through traffic. In my view, this is not justified; but that is another question.

Another Act which will be repealed by this Bill is the Swan River Improvement Act, 1925-1960. This Act gives to the Government of the day the power to reclaim if it wants to, considerable areas of the Swan River on either side. In view of the proposal in this Bill, that particular Act is an anachronism, and, of course, should be wiped off the Statute book. That is what this Bill proposes to do.

The Bill also proposes to provide for the appointment of two additional members to the Swan River Conservation Board. This proposal really makes me smile, because I had the privilege of introducing the Bill on behalf of the then Labor Government, and several members of the Liberal Party, which was in Opposition, argued that a board of the size proposed was much too large. Those honourable members advanced reasons why it was unwieldy and why it would be improved if there were a lesser number. I gave reasons why the board should remain at the size desired; and, as we had the numbers on our side, that is how the Bill went through. Now I find that this Government wants to increase the size of the board which, in its view when in Opposition, was too large. So, even members of the Liberal Party can learn in due course.

Mr. J. Hegney: It will be interesting to hear the Liberal Party members on this one.

Mr. Ross Hutchinson: I do not think the somersault on that point was as bad as one you performed.

Mr. TONKIN: That is another generality; we are used to them. It is just another generality with no obligation to prove it in any way. However, let us proceed.

The Minister proposes to put in another local authority representative. Members of the Local Government Association will be asked to nominate an additional member and it will be suggested to them that this member should come from the area which is an extended area under the jurisdiction of the Swan River Conservation Board. I have no objection to that; I think it is a reasonable proposition and it will make for a better representation of the areas concerned.

It is also proposed to add a biologist. He is a scientist and I am for science. No doubt such a person could bring to bear a point of view which may not be obvious to the other members of the board. It has been suggested to me, and I think it is a good idea, that a place ought to be found on the board for an architect—a specially qualified architect who is skilled in landscape work and has not a stronger bias towards building. A landscape architect could add just as much to the deliberations as a biologist, and possibly more. If there is a case for the inclusion of a biologist, I think there is a stronger one for a landscape architect.

I have no objection to the proposal to the payment of fees. Any man is worthy of his hire, and I do not expect men who are engaged in an important function to work for nothing. This amendment to the Act will provide that they will be suitably recompensed for the work performed.

I think that covers the contents of the Bill. I propose to support it because it is a definite advance upon the existing situation and it is some safeguard for the people who have been so concerned about the opportunities there were for the Government to proceed with substantial reclamation before they, the public, became aware of what was proposed.

In conclusion I say it is hard to reconcile a statement which the Minister recently made to a deputation, that no-one had a greater love of the Swan River than he had, with his attitude in recommending to his Cabinet that as a certain proposal was not quite 10 acres, but pretty close to it, Cabinet should agree to the reclamation and not refer it to Parliament. Let us have another generality.

Mr. Ross Hutchinson: Oh dear me! You are referring to a Cabinet minute, are you not?

Mr. TONKIN: Yes.

Mr. Ross Hutchinson: And this Cabinet minute posed the suggestion—

Mr. TONKIN: No, it was a decision, Mr. Speaker. In fact, here again the Minister is endeavouring to mislead. He knows full well that regarding this matter the suggestion was put in his mind by the Under-Secretary for Works, who pointed out that if this proposal was brought to Parliament, it might not agree; and, as the Minister was appreciative of that danger, he recommended to his Government that the matter

be not brought to Parliament. As a result, Cabinet agreed to the proposition; and the reclamation would have proceeded if certain people had not immediately become vocal and put pressure on the Government to let it know this sort of thing would not be tolerated.

So I find it hard to reconcile that action on the part of the Minister with his recent statement published in the Press that no-one has a greater love for the Swan River than he has. I support the Bill.

MR. BRADY (Swan) [9.32 p.m.]: I feel disposed to make a few remarks on the Bill because my maiden speech in this House in 1948 was on the Swan River, and I played my part towards assisting to have the Swan River Conservation Board appointed. From 1948 to 1966 people residing along the upper reaches of the Swan River have experienced some difficulties which they consider have arisen as a result of flooding in the Bassendean, Midland, and West Midland areas. This flooding is causing a great deal of concern to the residents along the river and a great deal of inconvenience to about 1,500 or 1,600 children who attend the Governor Stirling High School.

In view of the fact that the Swan River is being discussed, I would be failing in my duty if I did not point out to the House that it is the opinion of a number of Bassendean residents that the building of the Narrows Bridge and the reclamation of the river in the vicinity of the south-west crossover on the northern side of the Narrows Bridge is the cause of the flooding in the Bassendean area and in the upper reaches of the river. The local governing bodies concerned recently held a meeting at Bassendean to ascertain what can be done to overcome the problem.

I agree with other speakers that there are some beautiful spots along the banks of the Swan River. Although for the past 20 years we have been highlighting the beauty spots and the tourist potential of our river, I do not think the tourists and the general public of this State have been shown the Swan River in what could have been its true beauty.

This committee of shire councils which met recently is anxious that something be done to prevent flooding of the upper reaches of the river. As power is sought under this Bill to permit the Government to reclaim a certain acreage of the river without reference to Parliament, I consider this is an opportune time for me to draw attention to the difficulties that have been experienced by many people along the upper reaches of the river.

The Minister might give a sympathetic hearing to a request of the shire councils which control those areas bounded by the upper reaches of the river that a dredge be commissioned to work in that area, as it would do a great deal to remove the

silt and sand from the river and so avoid the flooding that now takes place. A bund could also be constructed in the vicinity of Bassendean; and, as I said earlier this session during my speech in the Address-in-Reply debate, many acres of land in the vicinity of the Governor Stirling Senior High School could be reclaimed by dredging the river.

I think the Minister said earlier in this debate that some reclamation work had to be done in the vicinity of the Governor Stirling High School, so probably I could advise the House on what happened. At this school a magnificent gymnasium has been built close to the river and gradually the water was eroding the soil at the rear of the building. If this had been allowed to continue for the next five or six years a gymnasium costing the best part of £5,000 or £6,000 would have finished up in the river. Eventually an officer of the Public Works Department became aware of what was happening and some thousands of yards of limestone were tipped into the river immediately at the rear of the gymnasium in order to turn the river flow in a slightly different direction and thus prevent the gymnasium being swept away.

However, about half a mile upstream a departmental dredge had been working for some time to remove the silt from that part of the area and to reclaim some land to enable a playground to be built for the students of the Governor Stirling Senior High School. Although the dredge was working in that area for only six or eight months it was finally removed. As a result, silt has been washed down from the upper reaches and has lodged in that part of the river and all the work performed by the dredge is to no avail.

I consider that if the Minister could agree to the dredge being brought back to continue with its original work, some 10 or 15 acres could be reclaimed with the result that the Governor Stirling High School would not be having the great difficulty it is now experiencing in finding sufficient recreation grounds for students engaging in sports activities.

I have learned from a high authority in the Education Department that the children of the Governor Stirling High School are paying more in fares to travel to playgrounds in areas controlled by other shires than they are paying for their sports equipment. As the member for the district, I am of the opinion that that is quite wrong. If the Minister will ask his officers to inspect this area, a good deal of satisfaction will be felt by the administrators of the Education Department and the parents of the children of the Governor Stirling High School, especially if a recommendation is made that reclamation be carried out to provide a suitable playing area.

As I said on the Address-in-Reply when speaking of the difficulties that have been experienced as a result of river flooding, I do not suppose there would be another school in the whole of Australia where 1,500 or 1,600 children are expected to engage in recreational activities on about one acre of ground; and that is the position, despite the fact that about 20 acres of land have been purchased for recreational purposes alongside the school. Of course, with the flooding of the upper reaches of the river every year that land cannot be used. Therefore, I hope the Minister in charge of this Bill will instruct the officers of his department to ascertain whether something can be done to prevent the flooding of this area which has been set aside for recreational purposes. If something could be done, it would also save a great deal of the inconvenience that is at present experienced by the residents of the Bassendean district, in that those people who reside about half a mile distant from the normal high-water mark of the river now have the winter river water lapping at their back doors.

Also, whereas in past years, in the event of flooding, the water subsided after two or three days at the most, it is now remaining at flood level for five or six weeks. The residents of that area blame the reclamation of the river in the vicinity of the Narrows Bridge and the building of the Narrows Bridge itself for this flooding. When the reclamation work was being carried out and the plans were being prepared for the construction of the Narrows Bridge, I asked a question in this House as to the level the river would rise to as a result of this work, and I was told it would rise one inch. I do not know whether that was a smart aleck reply, but that was the estimated rise in the river level at flood time because of the reclamation work required for the construction of the Narrows Bridge, and the building of the bridge itself.

As I said previously, I recently led a deputation to the Bassendean Shire Council in regard to river flooding in the Bassendean area and I considered that whilst we were discussing the Swan River as a whole I should mention these difficulties and request that dredging work be carried out to prevent further flooding in the future. I am not anxious that one acre, or even half an acre of the river should be reclaimed, no matter for what purpose it may be required, because I am of the opinion that the people who reside along the upper reaches of the river should first be assured they will not feel the backwash of the reclamation work carried out in the lower portions of the river.

So, whilst I reluctantly support the Bill, I bring to the notice of the House the difficulties which are being experienced by people in the Bassendean area in order

that the Minister for Works or the Minister for Education will take steps to prevent future flooding in those parts.

MR. DUNN (Darling Range) [9.42 p.m.]: Members of the House will probably recall that last session I spoke on this same subject as a result of a letter I received and the reply I forwarded. I consider I was justified in stating I was not prepared to support the measure that was introduced by the Deputy Leader of the Opposition at that time, because it did not embody any reasonable proposal. In fact, it sought to preclude any work being done on the river without reference being made to this House, and I was of the opinion that this was a complete restriction on the Swan River Conservation Board, which he himself was instrumental in having established.

At the outset I am confident there would not be a member of this Chamber who is not deeply concerned over the Swan River Conservation Board exercising its powers in a proper manner and with careful management. I feel sure that not one of us would want to see any part of the river desecrated. Nevertheless, there comes a time when decisions have to be made with the exercise of some common sense; and the facilities which are made available to the public by the Swan River should be the subject of careful planning and thinking. As a result, certain activities must be permitted, otherwise Parliament will completely stultify an authority that was established for the conservation of the river and virtually render it a useless body which can act only on the deliberations made by those in this Chamber.

It would be foolish for us to think that we could competently assess the problems without spending a great deal of time; and time is being spent by those who are charged with the responsibility of the conservation and preservation of the river.

Many members went on a trip along the river, and were able to see the work that had been done. The members of the board and the Government officers who were present explained the work that had been undertaken. As a result of that trip and of the discussions I became far more enlightened and far more conscious of the very important fact that the Government has not been idle in its attention to the river, and that the conservation board—an instrument created by the Opposition when it was the Government—has been facing up to its responsibilities.

It is my fond wish—and I think it is the wish of every member and of those whom we represent—that whatever has been done in regard to the river has been done with a full sense of responsibility. Not one of us can be charged with having used this as a political expedient. The debates which have taken place on this

question have been prompted to a large extent by a desire to ensure that the final outcome will be acceptable not only to the members, but to the people of Western Australia and the world, because nobody can deny that our river is unique. It is a splendid asset to the State from the tourist and the sporting angles, and also as a natural resort which can be enjoyed by the people, irrespective of their vocations or positions in life.

Perhaps one of the most significant features of the Bill before us is that two more members are to be added to the board to make a total of 18. This must reassure members that any decision to reclaim up to two acres of the river will receive full and adequate consideration. The Bill provides that if more than two acres is to be reclaimed the matter has to be brought before Parliament. This will give us the opportunity to discuss the proposition in full.

I suppose it is reasonable to expect that if the members of the Swan River Conservation Board began to go haywire it would not be very long before some member asked a question as to the reasons, and demanded to know what was going on. I think this is a reasonable protection to those who are so conscious of the river and its environs.

In introducing the Bill and in seeking to tidy up the related Acts, the Minister is doing exactly what he promised to do in the last session of Parliament when he said he would tidy up the other Acts which covered the reclamation of the river. He gave an assurance that he would introduce reasonable legislation which would be acceptable to one and all.

In respect of other matters, I have tried to find legislation which would satisfy the requirements of everybody concerned. In doing that I was conscious of the fact that the State is not standing still. It is progressing very rapidly, and with this progress all kinds of problems arise, not the least of which is transport, both public and private. It has been suggested that the idea is the establishment of more freeways hither and thither. Projected plans have been prepared, but I am confident that the Government of the day will be very careful before it makes any hasty decision on those matters.

It must be remembered that the Government is also charged with the responsibility to ensure that the problems of transport—which seem to be increasing daily—are properly and adequately handled. Irrespective of what happens, it is inevitable that someone has to make a decision on any facility which is bound up with the problem of transport, whether it be the overspending of public money to preserve the river, or whether it be the giving over of the river to solve the

problem; and such decision should be considered carefully.

In regard to the assurance I gave to those who addressed a letter to me last year, that I would ensure nothing foolish was done in this respect, I think I have justified that assurance by supporting the measure before us; because I am fully convinced that it is the practical answer to a whole series of problems which someone will be charged with solving. I support the Bill.

MR. GRAYDEN (South Perth) [9.53 p.m.]: The member for Darling Range, who has just resumed his seat, referred to an outing sponsored by the Swan River Conservation Board which enabled members to go on a trip down the river, to look at some of the reclamation that has taken place. I admit it was a very pleasant trip, and in many instances the achievements of the board were appreciated, but I cannot share the jubilation of the member for Darling Range in regard to all the reclamation that has taken place. For instance, I was dismayed to see the amount of reclamation that has taken place in the vicinity of Attadale. Subsequent trips around the river confirmed the feeling I had when I first saw the extent of the reclamation.

At one time at Attadale one could drive along the river's edge, and it was an extremely pretty spot. Without exaggeration if one now stood on the road one would have difficulty in seeing the river, because in some parts at least 200 yards of the river have been reclaimed; and that represents 200 yards of water where previously people could go crabbing and prawning. Now that is no longer possible.

In one particular spot there is even a large rubbish dump, some 100 yards from the road. I mention this matter as an indication that, in respect of one spot, those concerned with the conservation of the river would not derive very much pleasure. Of course there are other spots; and the rubbish dump and reclamation to which I have just referred would not be seen by people unless they were right on the spot, and they would not realise how much reclamation had taken place.

I am also dismayed and perturbed at the amount of reclamation that has taken place above the Causeway, where a very large area has been reclaimed. I would much prefer to see the river deepened at that point, and therefore I cannot be very jubilant at all that has been accomplished by the Swan River Conservation Board. At the same time I do concede that it has constructed beaches which give pleasure to many thousands of people.

Mr. Dunn: That is two bob each way.

Mr. GRAYDEN: It is not that at all. One can appreciate what the board has accomplished in some instances, but, at

the same time, one can be critical of what has been done in other instances. I am certainly critical of what has been done at Attadale, and I am sure other members would also, if they were to take a trip around the river to see what has taken place.

I support this Bill, but it does not go quite as far as I had hoped. I would have preferred legislation which ensured that before any reclamation took place, the approval of Parliament was obtained; but if we had legislation of that kind we would then have to go out of our way to insert provisions to enable the Swan River Conservation Board to construct beaches, to repair retaining walls, and to do the dozen and one other necessary things; in other words, to provide for many exceptions. For all practical purposes that is precisely what this Bill does, although in a slightly different form. It ensures that if the area to be reclaimed is greater than two acres, then it must have the approval of Parliament.

In addition, the Bill has another safeguard; that is, even though the Government has power to reclaim up to two acres without bringing legislation before Parliament, the proposition has to be approved by the board. In those circumstances I do not think anybody can find very much to complain about with respect to the Bill before us, which goes a long way to ensuring that reclamation will not be lightly undertaken. For that reason I support the Bill.

MR. J. HEGNEY (Belmont) [9.58 p.m.]: Undoubtedly this Bill is a very important one. It seeks to safeguard the Swan River from further encroachment through reclamation. The Premier declared just before the last election there was to be no further reclamation of the river without the approval of Parliament, but this Bill does not make full provision for the accomplishment of that objective. I would be much happier if such a provision were included in the Bill.

Recently a conference on this matter took place at Bassendean; and, as the member for Swan said, the reclamation of the Swan River, particularly north of the Causeway, was discussed. The conference urged that a dredge be used in that part of the river to improve the banks and to build up gradually the retaining walls to bring them into a condition similar to that of the retaining walls around the City of Perth and to Nedlands.

Ever since I have been a member of this Parliament I have advocated that a dredge be placed north of the Causeway for the purpose of deepening and cleaning up the river. I have been in Parliament since 1930, and so I can give to the newer members an indication of how long one has to plug away to achieve something in Parliament.

My electorate has included Bayswater, Bassendean, and South Guildford. In those days the embankment required improvement. I have also knowledge of the days when the railway workshops ran picnics to Bayswater. Together with the workshops employees, I went in a launch on a picnic to Bayswater and I learnt to swim in the river at the back of the Governor Stirling High School. In those days one could dive into the Swan and open one's eyes and see the sandbanks and other obstacles. However, in recent years one could not do this because the eyes would become too sore.

We all have an attachment to the Swan River, and there is no doubt that we should safeguard it and prevent any further encroachment of it. We know that the public, through various organisations, is endeavouring to impress all Governments, whatever their political colour, with the necessity to preserve and safeguard the Swan River. There is no question about the fact that we have no better asset than the Swan River, in spite of the ore deposits in the north. The Swan River in the metropolitan area is a great attraction for people coming to Australia.

I toured the Continent by car about 12 years ago, and visited France, Belgium, Holland, Austria, Italy, and Switzerland, and I can say with absolute honesty that I did not see a cleaner river than our Swan, and therefore the obligation is on us to try to maintain that cleanliness in order that we might pass on to posterity a great natural asset.

During the depression days a dredge was engaged in putting silt on the embankment on the foreshore of the city of Perth where today hundreds of women and young men play sport of all kinds. At that time the Leader of the Opposition, who happened to be a Country Party member, was critical of the fact that the dredge was engaged on that work because, he said, it was not work of a reproductive nature. This is so, as it is with education, because we cannot see the benefit derived. However, that dredge did a good job, because we all know the great boon that playing area has been to the community.

I referred to the conference which took place at Bassendean. All members in that area have been written to and urged to plead for a dredge to be placed in the Swan River beyond the Causeway in order that it might clean up the river and deepen and improve it. With the previous Minister (Mr. Wild) I had the opportunity of going up as far as what is known as the Middle Swan Bridge, and I saw the condition of the river. There is no doubt that the Swan River Conservation Board is doing a good job, in spite of the fact that some people say they cannot see what it is doing. It has removed all the fallen trees and obstructions in the river.

The board has also directed that no refuse is to be discharged into the river from factories and other such places. As I have said, there is no doubt the board is doing a first-rate job; and I am hoping it will not be too long before a dredge is placed the other side of the Causeway in order that essential work might be carried out.

Governments are affected by public opinion. This Bill stipulates that the reclamation of an area of more than two acres cannot be carried out without parliamentary approval; and it is certain that public opinion has affected the attitude of the Government in this direction. However, the Government should have fully carried out the promise made by the Premier just before the last election. At that time he stated that any proposed reclamation was to be approved by Parliament.

The suggestion made by the Deputy Leader of the Opposition, that a schedule of proposed reclamations should be presented to Parliament before the session concludes, is a sound one. This procedure is carried out by the Minister for Lands in connection with reserves; and the members whose electorates are affected by the proposals concerning reserves have an opportunity to approve them, reject them, or amend them. The same could be done in connection with the Swan River Conservation Act. A Bill containing a schedule of the proposals the department has in mind could be presented to Parliament in order that members might consider it and deal with it on its merits.

I support the Bill as far as it goes, but I hope the time will come when the Minister will make a dredge available at the other side of the Causeway.

The previous Minister in the dying hours of a session presented a Bill proposing the reclamation of 12½ acres near the Narrows Bridge. He gave us no information in connection with it and sat down practically immediately after he had moved the second reading. After some criticism of the Bill by members, the Minister eventually produced plans which indicated the area which was to be reclaimed and the reason for the proposal. We all know that in order to implement the plan concerning the highway which is being established along the banks of the river, further reclamations will be required apart from the 12½ acres.

It is essential that any proposal to fill in substantial portions of the river should be presented to Parliament. There is no doubt that the amount of water available in the Swan River is being reduced all the time. Members should be very jealous of the river and not allow much more of it to be filled in.

MR. ELLIOTT (Canning) (10.8 p.m.): Very briefly I would like to add my support this Bill and to thank the Minister for introducing it. Like the member for Darling Range, when similar legislation was before this House last year, I opposed the suggestion that a blanket ban should be placed on reclamation. I did so because such a provision would hamstring the one organisation which has the task of conserving and preserving the river.

I listened with interest to the Deputy Leader of the Opposition tonight, and one of the points he made was that the Swan River Conservation Board could possibly be influenced by the Government. I feel sure he is well aware of the complement of the board and therefore would know that the departmental representatives on the board comprise less than half the total number, and this position will be further accentuated with the addition of the two new members.

The other point made by the Deputy Leader of the Opposition was that an annual plan of proposed river works and so on should be presented to Parliament. This has its points and obvious merits. However, he said that he could not remember an occasion when urgency was involved. The Minister and the member for Swan instanced one such emergency which required immediate action, and I remember another which involved an area in the vicinity of the Garratt Road Bridge. These are two instances, and they indicate that a fatality could be avoided by immediate action; in other words, what would be minor work, could prevent a disaster occurring.

I have one other point to make concerning the electorate of Canning and the addition of two new members to the board. The Deputy Leader of the Opposition mildly criticised this proposal. The reason for it is obviously because of the extension of the area for which the board is responsible. The area of the Canning River is to be extended as far as the Nicholson Road Bridge and, because of that, a representative of a shire which borders the Canning in that area is likely to be appointed.

This is an excellent step, and, as the Minister knows, I have discussed this matter with him and suggested it to him during the past several months. I am grateful that this addition is to be made and I look forward to the day when, perhaps, the board's area will be further extended to the upper reaches of the Canning. This would present an interesting challenge to the board because of the characteristics of the river from Cannington right through to Maddington. The board could turn its attention to this section in future years with a view to preserving it, because it has a completely different foreshore and one which would add further attractions to the city generally.

I am delighted with the provisions of this Bill, which I am very happy to support.

MR. ROSS HUTCHINSON (Cottesloe—Minister for Works) [10.12 p.m.]: I would like to thank all members who have spoken during this debate. It is quite obvious that whilst some have reservations, they all support the Bill and believe it is a considerable improvement on the Act.

The amendments constitute the fulfilment of a promise made during the last parliamentary session. The Deputy Leader of the Opposition, at the beginning of his speech quoted the Premier's letter and said that this Bill was only a partial fulfilment of a promise made. However, we must realise that because of the brevity of the letter, its contents do not convey the specific meanings which the Deputy Leader of the Opposition would read into it. I will speak of this a little later.

Parliament is now being given the opportunity to discuss the merits and demerits of any reclamation, whether it is below two acres or above it. During the course of my introductory speech I endeavoured to point out that the work of the board covered a multiplicity of things. The board improves a few yards of foreshore here and hundreds of yards there; it widens the river a little in one place, and adds a few yards of white sand in another. I tried to refer to some of the jobs being done as housekeeping jobs; and so anyone who considers that the tiniest piece of reclamation should come before this House, is not really being reasonable. I can see why some people feel this should be done, but, some time ago, the point at issue was the brutal Government which was going to reclaim all the river, cover it over, and so on.

Mr. Graham: Very well described.

Mr. ROSS HUTCHINSON: Just a moment. What has happened is that the Government has taken a reasonable line in regard to this.

Mr. Davies: The Government was pressurised a little.

Mr. ROSS HUTCHINSON: The law always lags behind the needs of the people. This has been true for a very long time, and it will always be so.

Mr. May: It depends on the Government.

Mr. ROSS HUTCHINSON: I do not think this is the fault of any Government, but is due to the fact that the people's wishes gradually become known. Sometimes pressure groups get something they want; sometimes they do not. Nevertheless, the general will of the people is expressed in the legislation as time goes on.

Mr. J. Hegney: Very well explained.

Mr. ROSS HUTCHINSON: I would like to repeat something that the Deputy Leader of the Opposition said; namely, that he was the man who introduced the parent Act. So the Deputy Leader of the Opposition is the person who was responsible for placing this measure on the Statute book. Of course, as we know, when he introduced the Act it did not contain any protective clause; this was inserted in another place. However, very great powers were written into the Act. I do not want to read all these powers, but the Act is here for the people to read and to study.

The board may do all manner of things to improve the river, to beautify it, to reclaim certain sections, and to dredge certain sections; and the only limit that was placed was that the area which it touched should be below 10 acres and, also, that dredging and reclamation work was not to be of such a nature as to interfere with work proposed by other departments, or be work conferred by law on any agency or instrumentality of the Crown, other than the board.

Parliament in its wisdom gave the board very real powers. It does seem to me quite illogical for Parliament to give such wide powers to a board, which originally comprised 16 members—if this Bill is passed the number will be increased to 18—of the kind that is written into the legislation and given by Parliament, only to subtract from them. Is Parliament to say, "You cannot do any of that; we must do it all ourselves"? Surely this is not the function of Parliament. It is Parliament's function to draw up such an Act to constitute a board; it is Parliament's function to give the board certain powers; and it is Parliament's function to see that these are carried out properly.

Mr. J. Hegney: On your argument, you have given the board a blank cheque.

Mr. ROSS HUTCHINSON: My goodness me, there is no blank cheque at all. I was taken on a trip up and down the river in company with the members of the Swan River Conservation Board. Certainly we did not travel beyond the Causeway, because of the limitations of the craft in which we travelled. The members of the Swan River Conservation Board endeavoured to point out some of the work that was being done on the river and, from what I can see, the member for South Perth probably is the only one who did not appreciate the work which is being done by the board.

I do not want to stonewall my own Bill, but the Deputy Leader of the Opposition also said he believed an architect should be appointed to the board. For the present, the Government does not intend to place an architect on the board. However, I have promised to see the Chairman of the Swan River Conservation Board

and personally speak to the board members in order to suggest that, whenever the board considers it necessary to secure the services of an architect, it should avail itself of the offer that was made by Mr. Finn, who is the president of the institute.

In particular, I would like to thank the members for Darling Range and Canning respectively for their apt description of the Bill. The member for Darling Range spoke of, and described, the work of the board. Of course, his remarks were of a general nature, but, nevertheless, they were in glowing terms when he spoke of the functions of the board and how it must have power to carry through the work of conserving and beautifying the river. I think he also posed the point that, before any decision would be made, the Government would bring to this House any question of reclamation or, for that matter, any public work of any consequence, and that this would be very carefully considered before any action was taken. Of course, the Government does, indeed, do that. There are many members in this House who appreciate the course adopted by the Government, but perhaps not every member appreciates the position.

I do not think members of the public appreciate the decisions that a Government must make from time to time—the very great and very grave decisions. I know I only speak of the time since I have had the good fortune to be a member of the Government, but I can assure everyone that these decisions have been made after long and careful consideration of every facet of the problem. Sometimes the decisions are very hard indeed to make; whether the Government does this thing or whether it does that thing is a matter of the most careful choice.

Mr. J. Hegney: Sometimes the Government puts them in the "too-hard basket", too.

Mr. ROSS HUTCHINSON: I think that Governments which put these matters into the "too-hard basket" are not facing up to the things they should do.

Mr. Davies: Hear, hear!

Mr. ROSS HUTCHINSON: In the matter of the growth and development of this city of ours, there will in the future be many great and grave decisions to be made and everyone can be assured that very careful consideration will be given to them all before a final decision is taken.

Mr. Davies: Does the board have a public relations officer?

Mr. ROSS HUTCHINSON: No.

Mr. Davies: It could do with one.

Mr. ROSS HUTCHINSON: Really, I think the river itself is the Board's public relations officer. If people only would have a look at the river; if they only would

go around and see what has been done and not be circumscribed by what someone else is telling them, they would see this for themselves.

Mr. Graham: Nowadays one has to travel so far in order to see the river.

Mr. ROSS HUTCHINSON: I think the only part of the river where it is necessary to do what the member for Balcatta has suggested is the area which the Deputy Leader of Opposition caused to be created during his term of office as Minister for Works.

Mr. Graham: I do not think so. Under your term of office as Minister for Works, a "Sahara Desert" has been created.

Mr. ROSS HUTCHINSON: Once again, I would like to thank all those members who have contributed to the debate.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr. W. A. Manning) in the Chair; Mr. Ross Hutchinson (Minister for Works) in charge of the Bill.

Clauses 1 to 3 put and passed.

Clause 4: Section 9 amended—

Mr. DAVIES: Part of this clause requires that the method of paying members of the board, and the chairman, shall be brought into line with what has been accepted as standard practice over the past few years in this House and, that is, the Governor may set the fees by proclamation.

I have always been a little disturbed at this fairly loose way of setting fees. Whilst I understand, and am only too ready to appreciate and admit that there are changing money values, I have no knowledge at all of what fees are paid to any member of any board at any time. Indeed, I do not know where I would find it out. I do not think anyone denies that the people who serve the State in this way should receive suitable payment for the services which they give. However, I do not know how the payment is assessed or what the amount is likely to be. The section of the parent Act which it is now sought to repeal provides £100 per annum in the case of the chairman and £3 3s. per meeting of the board, not exceeding £37 16s. per annum in the case of a member other than the chairman.

Can the Minister tell us what is proposed in this amount and how it is assessed?

Mr. ROSS HUTCHINSON: I think this is a reasonable question. Written into the Acts which gave various boards their birth were the amounts which the board

members were to receive. Over the years, it was found that there was no uniformity within the boards that operated, and consequently a committee was formed—in fact, the Premier set up the committee—and this committee determined a schedule which could be followed in broad principle. This schedule is not available; it was just a—

Mr. May: Hedgehog.

Mr. ROSS HUTCHINSON:—particular schedule that might be followed at the time.

Mr. Bovell: It was not a hedgehog; it was intended to bring uniformity.

Mr. ROSS HUTCHINSON: This was done; and since, whenever the board has agreed, the Acts have been amended to enable the Governor-in-Council to determine the fees, or the remuneration, as the case may be. In this particular case, the matter will be referred to the Public Service Commissioner, who will determine what the fees will be. At the present time, I just cannot tell the honourable member what they are.

Mr. DAVIES: I am pleased to get that information because it is a matter that has puzzled me greatly, not only in regard to this Act but in regard to other Acts as well. I am sure it will be a matter which will receive further investigation as time goes on. I imagine that the remuneration will be adjusted in accordance with the number of meetings and the amount of time put in.

Mr. Ross Hutchinson: That is right.

Mr. DAVIES: Therefore, over a number of boards and over a number of services, this would balance out fairly well.

Mr. Ross Hutchinson: And the type of board has to be considered.

Mr. DAVIES: I did not know of this schedule but I am pleased to learn that it does exist and that some standard has been set.

Clause put and passed.

Clauses 5 to 8 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

House adjourned at 10.30 p.m.

Legislative Council

Wednesday, the 14th September, 1966

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The PRESIDENT (The Hon. L. C. Diver) took the Chair at 4.30 p.m., and read prayers.

QUESTIONS (8): ON NOTICE

PASTORAL LEASES

Pastoral Appraisal Board Meetings, and Inspections of Stations

1. The Hon. A. R. JONES asked the Minister for Mines:
 - (1) How many times has the Pastoral Appraisal Board met since the 1st July, 1964?
 - (2) Has there been a full attendance of members at meetings?
 - (3) How many inspectors are employed and now working under the authority of the board?
 - (4) How many stations have been inspected?

Compliance with Lease Conditions

- (5) How many station owners or managers have submitted the re-