The Minister for Transport: I understand that the Select Committee will not move from place to place, but will take evidence in Perth.

Hon. Sir CHARLES LATHAM: Even so, it is an unusual strength for a Select Committee.

The Minister for Transport: It will deal only with the Bill.

Hon. Sir CHARLES LATHAM: The Bill, as I know from having seen a copy from another place, consists almost entirely of the agreement proposed to be entered into between the Government and the company. One would have thought that, at this late stage of the session, a smaller committee would be better. It is possible to get as much intelligence from six people as from 10. Usually, the strength of a Joint Select Committee has been six, though on occasion the number has been 10. If the Minister does not object to the inquiry being extended over some space of time, I do not mind.

The MINISTER FOR TRANSPORT: We are really at the mercy of circumstances. We have been asked to agree to a Joint Select Committee, five members have already been appointed to represent another place, and we have been requested to appoint an equal number to serve on behalf of the Legislative Council. I can see no objection to that. All parties appreciate that time is the essence of the contract, and every effort will be made to expedite the proceedings so that consideration of this legislation will not be unduly delayed. Considering all the circumstances, I think we might well agree to the request of the Legislative Assembly.

Question put and passed, and a message accordingly returned to the Assembly.

House adjourned at 10.35 p.m.

Legislative Assembly.

Tuesday, 7th November, 1950.

CONTENTS.

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

QUESTIONS.

MINING.

(a) As to British Ex-Servicemen Employed and Cost.

Mr. McCULLOCH asked the Minister for Immigration:

(1) How many British ex-Servicemen have migrated to Western Australia from Britain under the R.S.L. migration scheme for employment in the goldmining industry at Boulder.

(2) How many of those migrants mentioned in (1) are now employed in the goldmining industry at Boulder?

(3) How many of those migrants mentioned in (1) were prohibited on medical grounds from working in the goldmining industry?

(4) What was the total cost incurred by Australia for each migrant, including ship and rail fares, etc.?

The MINISTER replied:

(1) Four hundred and fifty-three for all goldmines.

(2) Unknown.

(3) Reports have been received of the rejection of 22 men.

(4) Unknown. The greater portion of the expenditure is incurred by the Commonwealth and British Governments and the information is not available.

(b) As to Supplies of Explosives and Cost.

Mr. OLIVER asked the Minister representing the Minister for Mines:

(1) Are supplies of all types of explosives available to gold mining companies?

(2) If the answer is "yes," what quantity of each type of explosive is available?

(3) What is the cost of each type of explosive available—

(a) at Fremantle;

(b) at Kalgoorlie;

(c) at Norseman;

(d) at Gwalia;

(e) at Big Bell?

(4) What is the explosive force or breaking value of each type of explosive available?

The MINISTER FOR HOUSING replied:

(1) Yes; all commercial types are normally manufactured in Australia.

(2) Quantity of mining explosives in Woodman's Point and Kalgoorlie magazines as at 31/10/50:—

	Cases.
Gelatine dynamite	520
A.N. gelignite 60 1in. x 1½in.	6,582
A.N. gelignite 50 1½in.	2,487
Semigel	6,681
Quarry Monobel	1,732

(Replacements are governed by shipping facilities—which recently have been difficult.)

(3)

	F.O.R. Fremantle. Per Case. s.	d.	Delivered Kalgoorlie. Per Case. s.	d.
A.N. gelatine dynamite "75"	99	6	104	10
A.N. gelignite "60"	89	6	94	10
A.N. gelignite "50"	88	6	93	10
Quarry monobel	82	6	87	10
Semigel	86	6	91	10

All other centres mentioned are F.O.R., Fremantle, price plus railage.

(4) The breaking value of each type is entirely governed by the type of ore and where used, and the experience and efficiency of the miner concerned.

FREMANTLE HARBOUR.

(a) As to Upstream or Seawards Extension.

Hon. J. B. SLEEMAN asked the Premier:

(1) Has he read Colonel Tydeman's report on the Fremantle Harbour?

(2) Has he seen the statement on page 158 of Volume II which states, "There is insufficient information from bores or geological data to determine exact quantities of rock and sand involved in dredging either in the river or seawards"?

(3) In view of this statement is he satisfied that a correct estimate cannot be made?

(4) Does he agree that after reading this statement that it may be possible that extensions seawards may even be cheaper than up-river extensions?

The PREMIER replied:

(1) Yes.

(2) Yes.

(3) I am advised that the amount in doubt is small relative to the total, and that the estimate is therefore correct within the usual margin for contingencies.

(4) The advice of the Government's professional officers is to the contrary?

(b) As to Location of Turning Circle.

Hon. J. B. SLEEMAN asked the Premier:

(1) Has his attention been drawn to a statement on page 21 of Volume I of Colonel Tydeman's report on the Port of Fremantle, which reads, "Thus in upstream developments unless this stream width is increased in the existing Inner Harbour or a larger diameter turning basin created at the expense of many of the existing berths, ships of no greater size than at present will ever be able to use the inner ports. If seaward expansion takes place there will be no difficulty in creating immediately a turning circle of sufficient size to admit the largest ships afloat today or likely to exist in the reasonable future"?

(2) Will he keep this in mind when a decision is being made on the Port of Fremantle?

The PREMIER replied:

(1) Yes.

(2) Yes.

EDUCATION.

(a) As to State and Private Schools, Attendances and Costs.

Mr. J. HEGNEY asked the Minister for Education:

Giving latest figures available—

(1) How many children attend State Primary Schools?

(2) How many children attend State Secondary Schools?

(3) Exclusive of Public Works Department expenditure, what is the cost of each child to the State per annum in—

(a) primary schools;
(b) secondary schools?

(4) What was the Public Works Department expenditure on—

(a) primary schools;
(b) secondary schools?

(5) What was the cost of the erection of the new school at Collie?

(6) What was the cost of the erection of the new school at Hilton Park?

(7) How many children were to be accommodated in each?

(8) What is the cost per place of each child in either of the schools referred to?

(9) How many children attend registered private primary schools?

(10) How many children attend private secondary schools?

The MINISTER replied:

(1) 60,073 (30th September, 1950).

(2) 8,918 (30th September, 1950).

(3) (a) Based on average attendance, £22 15s. 10½d. (1948-49). Based on average enrolment, £20 18s. 0½d. (1948-49).

(b) Based on average attendance, £36 5s. 11d. (1948-49). Based on average enrolment, £34 17s. 4½d. (1948-49).

(4) (a) £381,533 (1949-50).
(b) £25,203 (1949-50).

(5) £33,777.

(6) £10,186.

(7) Collie, 400; Hilton Park, 100.

(8) Collie, £84 8s. 11d.; Hilton Park, £101 17s. 2d.

(9) 12,780 (July, 1950).

(10) 7,560 (July, 1950).

(b) As to Hillcrest School, Power Points.

Mr. J. HEGNEY ask the Minister for Works:

(1) Is he aware that the headmaster of the new school Hillcrest, Bayswater, submitted a request to the Education Department last May for power points to be installed so that the three wireless sets bought by the Parents and Citizens' Association can be used to tune in to school broadcasts?

(2) Is he aware the Education Department approved and passed it on to the Public Works Department?

(3) Is he aware that the electrical branch have made promises that the matter will be attended to?

(4) In view of the fact that the school is keenly anxious to use the wireless sets, will he take the proposal up with the appropriate officer to see if the installation can be expedited?

The MINISTER replied:

(1), (2), (3) and (4) The work on these power points was commenced on the 6th November and completion is anticipated before the end of this week.

TOWN PLANNING.

As to Scheme of Local Authorities.

Mr. NEEDHAM asked the Minister for Local Government:

(1) Will he give the names of the local authorities in the metropolitan area that have prepared and gazetted town planning schemes?

(2) The nature of the "By-laws establishing Town Planning Controls"?

(3) Names of the four authorities which have taken steps to prepare town planning schemes?

(4) Names of the 14 authorities which have taken steps to implement the Town Planning Act?

The MINISTER replied:

(1) The local authorities that have prepared and gazetted town planning schemes are as under:—

Armadale-Kelmscott Road Board;
Bayswater Road Board;
Cottesloe Municipality;
Guildford Municipality;
Melville Road Board;
Nedlands Road Board.

(2) In almost every case zoning or districting for use.

(3) The local authorities that have resolved to prepare a town planning scheme are:—

City of Fremantle;
Bassendean Road Board;
Belmont Park Road Board;
Midland Junction Municipality.

(4) In addition to the local authorities referred to in answers (1) and (3) above, the following local authorities have zoned or districted their areas as empowered by Section 30 and the Second Schedule of the Town Planning and Development Act, 1928-1947:—

Mosman Park Road Board;
North Fremantle Municipality;
Peppermint Grove Road Broad;
Perth Road Board (certain wards);
South Perth Road Board;
Subiaco Municipality.

CHILD WELFARE.

As to Increasing Allowances.

Mr. BRADY asked the Minister for Child Welfare:

In view of the difficulties being experienced by widows and others trying to rear children on the Child Welfare allowance, will early and urgent attention be given to increasing the present rates commensurate with increases in cost of living?

The MINISTER replied:

An increase in the existing scale of rates payable by the Child Welfare Department to widows and others was approved this year to operate from 12th July. This increase affected the non-pension cases, single units were increased from 30s. to 40s. per week, two units from 50s. to 55s., and three units from 60s. to 65s.

Pension cases are those where a Commonwealth invalid, age or widow's pension is augmented by the State Department; therefore, consideration will be given to the existing rates if pensions are increased, as recently proposed.

Rates payable by the department are reviewed each July and on such occasions as an increase of pension as already mentioned occurs.

The following increase will illustrate the reviews carried out over the past five years:—On 15th August, 1945, three-unit non-pension cases were paid 42s. 6d. per week. This rate became 47s. 6d. in July, 1947; 52s. 6d. in November, 1948; and 65s. in July, 1950.

I attach to the answer to this question a statement showing all payments at present made in the various types of cases, and showing that assistance rendered by the Child Welfare Department ranges as high as £6 a wek in certain cases.

M/A RATES AS FROM 12/7/50.

	Units.								
	1.	2.	3.	4.	5.	6.	7.	8.	9.
INVALID AND AGE PENSIONS—	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.
C.W.D.	....	....	10 0	20 0	30 0	40 0	50 0	60 0	70 0
Husband	42 6	42 6	42 6	42 6	42 6	42 6	42 6	42 6	42 6
Wife	....	24 0	33 0	33 0	33 0	33 0	33 0	33 0	33 0
Endowment	....	....	5 0	15 0	25 0	35 0	45 0	55 0	65 0
Total Income	42 6	66 6	90 6	110 6	130 6	150 6	170 6	190 6	210 6
WIDOWS' PENSIONS—									
C.W.D.	....	12 6	22 6	32 6	42 6	52 6	62 6	72 6	82 6
Pension	42 6	47 6	47 6	47 6	47 6	47 6	47 6	47 6	47 6
Endowment	....	5 0	15 0	25 0	35 0	45 0	55 0	65 0	75 0
Total Income	42 6	65 0	85 0	105 0	125 0	145 0	165 0	185 0	205 0
NON-PENSION RATE—									
C.W.D.	40 0	55 0	65 0	70 0	80 0	90 0	100 0	110 0	120 0
Endowment	....	5 0	15 0	25 0	35 0	45 0	55 0	65 0	75 0
Total Income	40 0	60 0	80 0	95 0	115 0	135 0	155 0	175 0	195 0
SICKNESS BENEFIT—									
C.W.D.	....	....	....	10 0	20 0	30 0	40 0	50 0	60 0
Commonwealth	25 0	45 0	50 0	50 0	50 0	50 0	50 0	50 0	50 0
Endowment	....	....	5 0	15 0	25 0	35 0	45 0	55 0	65 0
Total Income	25 0	45 0	55 0	75 0	95 0	115 0	135 0	155 0	175 0
UNEMPLOYMENT BENEFIT—									
C.W.D.	....	....	....	15 0	20 0	20 0	20 0	20 0	20 0
Commonwealth	25 0	45 0	50 0	50 0	50 0	50 0	50 0	50 0	50 0
Endowment	....	....	5 0	15 0	25 0	35 0	45 0	55 0	65 0
Total Income	25 0	45 0	55 0	80 0	95 0	105 0	115 0	125 0	135 0

Foster children 15s. each.

FREMANTLE GAS AND COKE CO. LTD.

(a) As to Compliance with Act.

Hon. J. T. TONKIN (without notice) asked the Minister for Works:

Has the Fremantle Gas and Coke Company Ltd. complied with the spirit and intention of Section 11 of the Gas Undertakings Act with regard to the shares most recently issued by that company, and the shares for which application is at present being invited?

The MINISTER replied:

The hon. member was good enough to let me know that he intended asking this question. I am advised that on the 13th September, 1950, the company wrote to the Commission dealing with its intention to issue 70,000 shares. It was noticed that the letter was not an application for permission to issue the shares, but a statement of the directors' intention to do so. As a result of the letter, the Crown Law authorities were interviewed, and the Crown Solicitor advised—

I have further considered the provision of Section 11 of the Gas Undertakings Act, 1947, and in my opinion the words "existing at the time of the passing of this Act" in the last proviso to that section prima facie qualify "Company" which immediately precedes it, and as there is nothing in the section to displace this prima facie meaning, the section will not apply to any unissued shares of the Fremantle Gas and Coke Company Limited even if such shares should come into existence after the passing of that Act.

In view of the Crown Solicitor's ruling, the company's letter advising that it would be offering for sale an additional 70,000 ordinary £1 shares, was merely acknowledged. In 1949 the company issued 60,000 ordinary shares. On that occasion the company did seek the Commission's approval to the issue of the shares under Section 11 of the Gas Undertakings Act. That approval was given by the Commission at a meeting held on the 7th July, 1949. It seems, however, that the legal position at that date was not fully understood. I feel that, in view of the company's letter merely advising that it intended to issue another 70,000 shares, and not asking for approval, indicated that at least the section was not understood.

(b) As to Action by Member for Fremantle.

Hon. J. B. SLEEMAN (without notice) asked the Minister for Works:

In view of the statement just made by the Minister regarding the proviso to Section 11 of the Gas Undertakings Act, is the Minister still of the opinion that there was nothing in what the member for Fremantle said the other evening, and that he was just trying to embarrass the Government?

The MINISTER replied:

I thank the member for Fremantle for the opportunity to make an explanation, although not exactly an apology, because I have on occasions seen him play about. Apparently, however, I do owe him an apology now because to some degree he was on the right track in this instance.

GOVERNMENT BUSINESS PRECEDENCE.

THE PREMIER (Hon. D. R. McLarty—Murray) [4.44]: I move—

That on and after Wednesday, the 15th November, Government business shall take precedence of all motions and Orders of the Day on Wednesdays, as on all other days.

This is the usual motion that comes down at this part of the session. An undertaking is usually asked for by the Leader of the Opposition, when the motion is moved, that the business which is on the notice paper will be dealt with. Anticipating that request, I now give the undertaking. All private members' business on the notice paper will be dealt with.

Hon. F. J. S. Wise: Has the Government many more important Bills?

The PREMIER: The Government has some more Bills to be brought down, and some of them are important. I hope notice of them will be given this week. I feel that members have had full opportunity to put their business on the notice paper. We were in recess for a considerable time and, of course, Parliament has been sitting since the end of July. I think that every facility has been given to members to place their business on the notice paper.

Mr. Styants: That would apply to the Government, too.

The PREMIER: I do not think so. Members opposite, who have knowledge of Government business, know that matters continually crop up that have to receive attention, and very often, as a result of representations, legislation has to be introduced; and, of course, legislation is one of the important functions of Government.

Mr. Styants: Does that apply to the Increase of Rent (War Restrictions) Act Amendment Bill (No. 2)?

The PREMIER: That Bill is on the notice paper, and will be introduced this afternoon. It is a contentious measure.

Hon. F. J. S. Wise: Not this afternoon, I think. I feel that you will not reach it before 9 o'clock tonight.

The PREMIER: I was hoping it would be introduced today, but of course one can never prophesy with certainty what will happen with a notice paper. I was hoping that it would be introduced this evening, and I still think it will be.

Hon. F. J. S. Wise: I do, too, but not this afternoon.

The PREMIER: I am sorry if I said "this afternoon." I meant this evening. I hope the House will agree to the motion.

HON. F. J. S. WISE (Gascoyne) [4.48]: There are several matters, in regard to the expedition of business, that are not within the control of the House. There is nothing on the notice paper of great import, if we take out the Estimates. It is obvious that the Premier is not going to give members many weeks in which to discuss either the Budget or the Loan Estimates. So far there have been two speeches on the Estimates.

The Premier: I think there have been four.

Hon. F. J. S. WISE: The Estimates have been kept in a very careful spot on the notice paper. I have no quarrel with that provided an opportunity is given to debate not only the General Estimates, but also

the departmental items. It would be very convenient, with the House likely to sit for only another four weeks, for a period of only three or four days to be devoted to the Estimates. That would save the Government from a lot of embarrassment and criticism. If we look at the legislative side we find that there are several important Bills on the notice paper from private members that are still not introduced.

The point is this, that it does not matter how quickly their passage is facilitated here, unless they are given, in the opinion of the Legislative Council members, sufficient expedition to reach that Chamber well before the last week of Parliament, they will become slaughtered innocents. They will have no chance whatever, no matter what their merit may be. I can see on the notice paper four private members' Bills—two of which I am sponsoring myself—and there are others of great importance. I fear that unless their passage is facilitated long before the last week we intend to sit, they will not become law. It needs more than argument for and against a Bill to convince the Legislative Council and for it to give due consideration to such measures.

With the possibility of further private members' Bills being introduced, there is no chance of our finishing on the 7th December if the Premier is to give us full opportunity of discussing them. I hope that in the case of private Bills and Government Bills, as well as the Estimates, members are to be given that opportunity. After all, it requires only an extra sitting day a week. If that is provided, all the business on the notice paper, and any contemplated, will be given a better opportunity to be dealt with than is now available.

THE PREMIER (Hon. D. R. McLarty—Murray—in reply) [4.51]: I have already given an undertaking that all private members' business on the notice paper will be dealt with, and, while it may not be possible for such business to be dealt with every Wednesday, we can arrange the notice paper so that private members' Bills can be discussed on other days. I shall try to arrange the notice paper so that these Bills can be dealt with and sent to the Upper House. I know that members like to have time to discuss the Estimates, because that is one of the most important items. I suggest that much time could be saved if members would confine themselves to matters in which they are interested and, instead of lengthy speeches on the general debate, they could deal with those items under the various departmental estimates. If members do that, I think they will get much more satisfaction than if they speak at length on the general Estimates.

Hon. A. R. G. Hawke: The Premier can gag members, the same as he did last year.

The PREMIER: There is no intention of gagging members.

Hon. A. R. G. Hawke: Not this year.

The PREMIER: I assure members it is the desire of the Government to give them all full opportunity to discuss Bills and items that appear on the notice paper.

Question put and passed.

BILLS (3)—THIRD READING.

1, Country Areas Water Supply Act Amendment.

2, Medical Act Amendment.
Transmitted to the Council.

3, Marketing of Eggs Act Amendment (Continuance).
Passed.

BILLS (2)—REPORT.

1, Mining Act Amendment.

2, Vermin Act Amendment.
Adopted.

BILL—CONSTITUTION ACTS AMENDMENT (No. 1).

In Committee.

Resumed from the 2nd November. Mr. Perkins in the Chair; Hon. A. R. G. Hawke in charge of the Bill.

Clause 2—Amendment of Section 15:

The CHAIRMAN: Progress was reported on this clause to which the Attorney General had moved an amendment as follows:—

That the proviso to subparagraph (ii) of paragraph (f) be struck out.

The ATTORNEY GENERAL: My object in moving the amendment was to limit the provisions of the Bill to those returned Servicemen and women who had served outside Australia. The member for Nedlands raised a query on the amendment and said that it would not carry out the intention of the measure. I consulted the Solicitor General and his view confirmed the opinion of the member for Nedlands, so I have had an alternative amendment drafted. In those circumstances, I seek leave to withdraw the amendment with a view to moving a further one in its place.

Amendment, by leave, withdrawn.

The ATTORNEY GENERAL: I move the amendment—

That at the end of the proviso to subparagrph (ii) of paragraph (f) the words "outside Australia" be added.

Hon. A. R. G. HAWKE: I accept the amendment. It will ensure that ex-Servicemen and women from Australia, who served in Australian territories outside

continent of Australia and outside Tasmania, will be given the right to claim enrolment for the Legislative Council and to vote for those elections if this Bill becomes law.

Mr. STYANTS: I regret that the member for Northam is prepared to accept this amendment, restricting the legislation to those who have seen active service outside Australia. I have in mind those men who assisted in protecting Australia when manning the ack-ack batteries at Darwin. They were there during the Japanese raids in the early stages. A great deal of damage was done and considerable loss of life was caused by those raids, and the men in the ack-ack crews served under the same conditions as did men oversea. If the amendment is accepted it will preclude those people from being entitled to record a vote at Legislative Council elections, while many of those who went oversea saw no active service at all. Not that it was any fault of theirs that they did not see active service. They did not do so for a number of reasons. But the men manning the ack-ack guns in Darwin did actually see service, and many of them paid the supreme sacrifice. I also have in mind the men who did not see active service in Australia but volunteered for service anywhere in the world, and it is no fault of theirs that they were not sent oversea.

There is no comparison between a man who went to Rottnest and was in the garrison artillery, and those who manned the ack-ack guns during the Japanese air raids in Darwin. Many men volunteered for active service in any part of the world but, because of misfortune or the decision of the Defence Department, they were not sent outside Australia. There were many of them in the hinterland of Australia who put up with all the discomforts and hardships of frontline troops, with the exception of actual fighting. The discrimination is a very fine one and in my opinion it is splitting hairs. It would be an injustice to those men who manned the ack-ack guns and those who volunteered for oversea service but for some reason were not sent outside Australia.

The Attorney General: That is not correct. Rottnest is in Australia.

Mr. STYANTS: For oversea service Rottnest is regarded as outside the territorial limit.

The Attorney General: Not within this definition.

Mr. STYANTS: So far as the Defence Department and the R.S.L. are concerned a man sent to Rottnest was considered to be serving oversea. I know it is so in the matter of pensions—a man serving at Rottnest is entitled to a pension in the same way as a man who has served in North Africa or in the Islands. I have dealt with two cases where ex-soldiers have not got beyond Rottnest but were entitled to pensions because they were regarded as being oversea. There should be no discrimination in this matter.

The ATTORNEY GENERAL: In dealing with returned soldiers it is hard to give a definition that does justice to everyone. It may be that some people who have served oversea, for instance, in Norfolk Island, will be entitled to this benefit, whereas those who did excellent work within Australia will not. But this is an attempt to recognise the responsibility that has been accepted by a large number of people who served their country on active service. I think it is a good attempt. I quite agree with the remarks about those who served at Darwin and I consider their service was equal to that of those who served in other spheres. I consulted the R.S.L. about this measure and found the position extraordinarily difficult. They have a certain amount of discrimination whereby many types would not be suitable for inclusion. In referring to Darwin, they mention specific dates, February, 1942, to 31st March. On the broad aspects, I think this meets with the intention of the Bill.

Amendment put and passed; the clause, as amended, agreed to.

Title—agreed to.

Bill reported with an amendment.

BILL—STATE HOUSING ACT AMENDMENT.

Council's Amendment.

Amendment made by the Council now considered.

In Committee.

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

The CHAIRMAN: The Council's amendment is as follows:—

> Clause 4.—Insert a new paragraph after paragraph (b), to stand as paragraph (c), as follows:—
>
> (c) deleting all words after the word "authority" in line six down to and including the word "Commission" in line ten.

The MINISTER FOR HOUSING: I cannot agree with the amendment. We were previously divided in this Chamber on exactly the same amendment reinserted by an hon. gentleman in another place, and I can only reiterate what I said on that occasion. If we are going to agree to this amendment, then the extra costs involved have to go on to the price the working man pays for the house. The moment the road boards or municipal councils find the State Housing Commission erecting homes there is nothing to stop them raising the rates. The State Housing Commission has put value into the land and they should not have advantage taken of them. The extra cost is going

to be borne by the man who will eventually go into the house. We should not load £5, £6, or £8 on to the price which the individual will have to pay for his house. I move—

That the amendment be not agreed to.

Hon. J. B. SLEEMAN: I think we should agree to the amendment made in another place. On the last occasion when this matter was before the Chamber the question was carried by the casting vote of the chairman. As the voting was so close and so many members were away, I cannot see any harm in sending the Bill back after a fuller vote has been taken because it may be that the majority will be in favour of accepting this amendment. We have to give the local governing bodies something to help them to provide amenities. I have a letter from a local governing body which says—

> What my board are concerned about though, is the many anomalies which such conflicting legislation could create. As an example I would suggest a hypothetical instance of land having a value of say £100 when purchased by the State Housing Commission. In two years, under existing conditions, such value could and may increase considerably; as also could the rate in the pound levied by any local authority. Both of which are now governed by circumstances beyond the control of the respective local authority. In fairness to any local authority so affected, my board seeks your co-operation to have the position reviewed with a view to payment being made on current valuation and also on the rate levied in the pound for the year when any such land should become rateable. As all the vacant land in this district has been held by the State Housing Commission for many years, actually prior to the original State Housing Commission Act, you will note that the proposed amendments do not alter what my Board considered to be an anomaly in so much that local authorities would still be compelled to value and rate on the valuation and rating existing in the year prior to that in which the State Housing Commission assumed ownership.

In fairness to local authorities who have a big job to do in finding amenities for their ratepayers the Commission should pay rates just as anybody else has to do. I trust the Committee will agree to the amendment sent by another place.

Mr. GRAHAM: I hope that the Committee will insist on its original point of view. It is not a question of the State Housing Commission having to pay rates to the local authority because, in the final analysis, it is the tenant who will be called upon to pay the amount and, whether the sum involved be small or large, my first regard is for the person who is to get a house rather than for the coffers of local governing authorities. I feel the concession which the Minister has made in the Bill is a sufficient advance for the local governing bodies. It is surely a new departure which Parliament embarked upon several years ago when it made provision for land held by the Government to be rateable.

A step further has been taken in the principle embodied in the Bill under discussion. I regard it as definitely wrong that a Government instrumentality should have to pay rates to a local governing body as suggested, seeing that the Government department holds the land in trust, as it were, until such time as the property is made available to someone with a house erected upon it. If the Council's amendment were agreed to, it would mean that an additional burden would be imposed upon the person who occupied such a house. In view of the constantly increasing cost of building construction, anything we can do to avoid aggravating the situation should be done, and I am therefore in disagreement with the point of view of the Legislative Council.

Hon. J. B. SLEEMAN: It is all very well for the member for East Perth to talk as he has; he cannot have it both ways. He must pay rates or he cannot have amenities provided. At Mosman Park the Housing Commission bought a number of blocks for £35 to £40, whereas people are residing on adjoining blocks that are valued at from £180 to £200. Those people pay rates on the basis of the higher valuations and the Housing Commission will pay on a valuation of £40. People who want amenities cannot get them unless they are content to pay rates and thereby provide the necessary money.

Question put and passed; the Council's amendment not agreed to.

Resolution reported and the report adopted.

A committee consisting of the Minister for Housing, Mr. Griffith and Hon. J. B. Sleeman drew up reasons for not agreeing to the Council's amendment.

Reasons adopted and a message accordingly returned to the Council.

BILL—PUBLIC WORKS ACT AMENDMENT.

Second Reading.

Debate resumed from the 2nd November.

HON. F. J. S. WISE (Gascoyne) [5.25]: The purpose of the Bill is to amend three or four sections of the parent Act mainly with the object of bringing the requirements in line with actual practice in connection with the operations under the Pub-

lic Works Act. These particularly have regard to the resumption and installation of public works across, over or even under private property and, in addition, to altering the verbage of one or two sections. There are several angles to the question of resumption of land that are not dealt with in the Bill but which are of vital importance to the Public Works Act and its effect upon land resumption. I have thought for a considerable time that there is room for amendment in the appropriate sections of the Act dealing with objections to the rates offered for compensation and the procedure that it is necessary for dissatisfied persons to follow.

I acknowledge, and would be the first to do so, that people who bought areas from vendors or agents armed with very nice attractive plans, have in past years been seriously disillusioned. Very many elderly people invested all their savings in the purchase of blocks of land anticipating that in due course they would be able to build small homes upon their holdings or sell them at greatly enhanced values. Today those people find that the resumption value placed upon the blocks is far less than the price they paid originally for the land.

Mr. J. Hegney: Some bought without even seeing the blocks.

Hon. F. J. S. WISE: I admit that there were many who did so. Unfortunately, the law does not help them and I think an amendment could be drafted to assist in the approach of such aggrieved people to the department so that they might obtain a proper assessment before it was necessary to take the matter to the compensation court. The Act provides for a compensation court to deal with such matters, consisting of a judge and two assesors, one to be appointed by each party to the application. Provision is also made, particularly in respect of land that is worth more than £500, for the appearance of additional counsel to be permitted. I am more concerned regarding the less valuable areas.

I ask the Minister to consider the provisions of the Public Works Act from that angle to ensure that where land is resumed ample opportunity is afforded any aggrieved person to have his or her grievance properly ventilated and considered. This may be somewhat extraneous to the provisions of the Bill itself, which seeks to repeal part of Section 23 and to insert other subsections to provide for more expeditious and up-to-date handling of such matters than the law at present permits. I have no objection at all to the provisions in that regard nor yet to those dealing with the endorsement of titles to ensure that, whoever may be the subsequent purchasers of areas affected, will know whether easements, registered or protected, are matters affecting the titles, whether aboveground or underground.

It is important at this stage that arrangements should be made in that connection to register on the title the provision for an easement in cases of underground works, which the Public Works Department might have to install for sewerage and electricity supplies, because in the future they may have to be more underground than aboveground, so that any person whose land is intruded upon will know that his title is so endorsed and every subsequent owner will have the opportunity of knowing it prior to purchase. I have no objection to the Bill as far it goes, but I would like the Minister to look at other angles of resumption of land in the interests of many people who are aggrieved, because they feel that they have not sufficient authority but have to be subjected to a purely departmental approach to a problem which affects their capital and, in some instances, their life savings.

MR. STYANTS (Kalgoorlie) [5.31]: I have no objection to the Bill, but desire to express my disapproval of the conditions of resumption and the payment offered for many blocks of land taken over by Government departments. I realise that it is often essential for the Government to resume land. Although it is objectionable to an owner who many years previously had the foresight and resourcefulness to make provision for the days ahead and for the building of a home for himself and his family, though it may be hard for such a man to part with his block, nevertheless it may be essential in the interests of the community that that block be resumed.

That being the case, however, the Government should be prepared to pay reasonable compensation. It is recognised that frequently in years gone by—and it may be so even today—people have made bad bargains in the purchase of property. But we are concerned now not with owners who want to dispose of blocks to the Government, but with the Government, which requires those blocks and compulsorily resumes them. In such circumstances, whether a bad bargain was made by the owners years ago or not, common justice demands that at least they should receive the amount they paid originally.

Hon. F. J. S. Wise: That is, if they do not wish to sell.

Mr. STYANTS: Yes. If they wanted to sell and put their property on the market, the Government would be quite justified in saying, as it does, "The value of the land in the locality is so much a block and we are prepared to pay that for your block." But when the Government compulsorily resumes a property, even though a bad bargain may have been made by the owner in the past, he is entitled to receive at least the outlay incurred.

I know that there are means by which the owner of land being compulsorily acquired can appeal to a board. But I had in mind a case which I put up to the Minister for Housing and also to the Minister for Works. The man concerned is one of my constituents and he purchased a block in Bassendean some years ago. In doing so, he made a bad bargain. In 1927 he paid £75 for the block. There is no question about the correctness of that figure because the man sent to me the contract of sale between the land company and himself, made out in 1927, showing that he had paid the £75. I forwarded that to the department. Something for which £75 was paid in 1927 would today be worth, roughly, £140; but the department suggested that this man should be paid £35. On that basis the man would have paid about £18 10s. for his block in pre-war purchasing power, but the block actually cost him £75.

The Minister for Lands: Plus rates.

Mr. STYANTS: There would be rates, of course; and altogether the man estimates that the block has cost him £110. Despite an appeal to the justice and fair dealing of the department, neither the Minister for Works nor the Minister for Housing would budge from the decision made. They contend that the man can take advantage of the provisions of the Act and go to the Appeal Board.

Hon. F. J. S. Wise: That is a pretty costly business.

Mr. STYANTS: Assuming that the board decided to add £20 to the £35 suggested, it would cost this man, to come from Kalgoorlie and live down here, together with the loss of a week's work in getting down and back, more than that additional £20. But suppose the board decided that he should get £55 for his block. It has to be remembered that this property was bought in 1927 by a man who was working for wages but had the foresight and resourcefulness to make provision for the purchase of a block in the metropolitan area in a good position, where he hoped ultimately to reside; and for that block he paid £75. The department now offers him £35, which is downright robbery.

I cannot understand why the Minister's sense of justice has not revolted against conditions such as that. This is a hard-working man, and by dint of sacrifice on the part of himself and his wife and family he bought this land for £75. Adding to that rates and taxes, but without adding interest, which is looked upon by businessmen as a legitimate addition to the purchase price, he has spent on the block a total of £110. Yet he is offered £35!

The Minister for Works: When did this resumption take place?

Mr. STYANTS: It is in process now. I do not think the land has actually been resumed. But I received from the Minister for Works a reply to a letter on this matter some six weeks ago, after having been unable to make any impression on the sense of justice of the Minister for Housing. It is true that the State Housing Commission suggested that it would give the man another block of comparable value in the re-subdivided estate. However, as a result of my experience of Government departments, I do not attach a great deal of importance to that. The man would probably let himself in for a considerable amount of argument as to whether the block offered would actually be of comparable value to the one being compulsorily resumed.

Whether that be so or not, this person, in 1927, purchased at great sacrifice a block which the Government finds it requires. I agree there are times—and I believe it is so in this instance—when it is essential that the Government should resume a block. In this case I believe it is one that is required, with others, for the purpose of installing a power line. That being so, however, I consider that the persons concerned should be compensated for the amount paid for the property in the first instance and should receive nothing less.

MR. J. HEGNEY (Middle Swan) [5.40]: I support the remarks of the member for Kalgoorlie because I have known people who have had blocks resumed in the area I represent. They have complained bitterly that blocks, which they have held for their own private purposes, have been taken over by the Housing Commission. During the depression, there was a man who went to live in Kooyong-road, Belmont. He had two blocks and lived in an improvised shack at the end of one of them. The blocks had a frontage to Kooyong-road, and it was intended that the son should subsequently build a better house and a shop on one of the blocks. The family always had a fear that the land would be resumed so I made strong representations to the resumption officer of the department and gave reasons why the property should not be resumed, notwithstanding that it was in an area where a good deal of housing activity has since taken place.

Not long ago a man came to me one Sunday morning. He was very concerned about the fact that the Housing Commission intended to resume a number of blocks he had bought some years previously. There was a very small house on one block and there were several other blocks, all with 40ft. frontages. There were three blocks on one side of that on which the house stood, and two on the other side. On the adjoining block the man had a

water main and had established fruit trees and erected a small garage and a poultry shed. The department proposed to resume all that land except the block which contained the house and which had only a 40ft. frontage. I interviewed Mr. Brownlie and pointed out to him that, if it was his property or mine that was in question, we would be very aggrieved if a civil servant, acting under instructions from the Housing Commission, came along and took the lot from us.

I have heard complaints that people whose property is resumed are not recouped the amount spent by them in the purchase of that property. I am surprised that a Government which prides itself on believing in personal liberty and the rights of the subject should stand for that sort of thing. The member for Kalgoorlie said that he approached the Minister for Housing in connection with one of these cases. The Minister belongs to the Liberal and Country League and represents a Liberal-Country Party Government, which, according to the statements its members made during the election campaign, is the champion of liberty.

Members on this side allegedly stand for the imposition of Government control and are charged with over-riding the people. Yet when it comes to administration, members of the Government are not one whit better than were members of the Labour Government when they were in office. We find that civil servants are allowed to over-ride the personal liberties of citizens who own properties on which they may hope to build in the immediate future. In days gone by various firms sold land to people on the Goldfields, who bought it hoping some day to retire and build dwellings for themselves in or close to the metropolitan area.

The Minister for Works: Resumptions were taking place under identical conditions long before the Liberals came into power.

Mr. J. HEGNEY: We are dealing with a Bill sponsored by a Minister of the Liberal Government, and resumptions such as I have mentioned are still taking place. Many people are unable to voice their protests in the proper quarter and their blocks are being taken over by Government departments. I know that this sort of thing is happening also in the electorate of the member for Canning. One person owned a block off the Maida Vale-road and found himself in difficulty when the State Housing Commission proposed to resume it.

The Minister for Lands: For how long has this been going on?

Mr. J. HEGNEY: This block was resumed in the last three or four months. I know that Ministers have to rely to a large extent on the advice of their officers, but the chief administrative officers of a department should satisfy themselves at all times, in matters such as this, that the people are being given a fair and equitable deal. In the instance to which I have referred the owner had in view the building of a tennis court on portion of his property, which consisted of two adjoining blocks. When I made representations in the matter, the chairman of the State Housing Commission agreed that, had he found himself in the position of the landowner concerned, he would have felt aggrieved, and the result was that the request of this particular citizen was granted.

Many people who have held land for long periods, with a definite purpose in view, have had it resumed in the end by Government departments. If the land is eventually taken away from such people it is extremely disappointing to them, even if the public need for the land is urgent. I support the attitude of the member for Kalgoorlie and hope the Minister administering the Act will give consideration to the views I have put forward.

MR. MARSHALL (Murchison) [5.48]: I support the two previous speakers and share the convictions voiced by the Leader of the Opposition. One would think, from the actions of certain Government departments, there was available in this State a very limited area of land and that the shortage was so acute that every vacant block held by an individual should necessarily be resumed in order to provide for the requirements of government policy. One does not object to a Government doing certain things for the purpose of installing electricity supplies, sewerage, telephone services and so on. In such instances it may be necessary to resume land, but in recent years large areas have been taken over by the Government for home-building purposes.

I think this House should protect against resumption many people who years ago bought blocks of land—without having seen them—for the purpose of ultimately making homes for themselves in the vicinity of the metropolitan area. Hundreds of Goldfields people bought land near Perth because they wished eventually to be able to retire and live the remainder of their days in an area where amenities were more readily available. I believe there is still a large area of land available not many miles from the city in a suburb in which I lived some years ago.

The Minister for Lands: Where is that?

Mr. MARSHALL: At Redcliffe. When I resided in that district a lot of land was being sold by the local authorities, for the non-payment of rates, at 2s. 6d. per quarter-acre block. No matter in what direction one travels from the city, it is not necessary to go more than a few miles before one can see plenty of vacant land suitable for the erection of dwellings. Many persons bought land in past years with a view to building homes for themselves,

eventually, near the city, and in this connection I have in mind certain blocks at Belmont, about which I had to make representations to the State Housing Commision. In this instance there were one or two individual blocks that had been held for a number of years, until either the State Housing Commission or the Public Works Department thought it necessary to resume them for homebuilding purposes.

I am suspicious about such blocks being picked out for resumption. It sometimes happens that blocks, once isolated, are now surrounded by homes that have been built over the years, and it seems that they are singled out for special consideration—it may be that they are chosen for some favoured applicant. Surely the Government is not interested in individual blocks when there is plenty of land available in large areas in the outer suburbs. Government departments should not snatch single blocks that have been held for years by people whose hope it was that they might ultimately leave the Goldfields and be able to lead a more comfortable life in the vicinity of the metropolitan area.

I know of people who paid perhaps £100 for a block, only to have it acquired by the Commonwealth Government when the South Guildford airport was being established. The owners of some such blocks received only £5 for them after paying rates on the land for over 20 years. I thought that was a scandalous thing, but it was very difficult to do anything about it. I take the strongest exception to Government departments picking out individual blocks for resumption, and think that the Minister should give consideration to the rights of the owners in cases such as I have mentioned.

MR. BOVELL (Vasse) [5.55]: I am against any proposal to resume privately-owned land without free consultation with the owner thereof. I have a case in point, where an elderly lady in my electorate had land confiscated by the State Housing Commission for the purpose of some building project that it had in hand. I made representations to the Commission on behalf of this lady and approached the land resumption officer, but could get no satisfaction. The lady concerned still holds the certificate of title and considers that she is entitled to a fair payment for her land.

The resumption of privately-owned land should take place only after full consultation and negotiation and, if necessary, the matter should be referred to an independent tribunal so that both parties might be satisfied that they were getting a fair deal. I have heard mention this afternoon of Liberal Party policy. I stand firm for private enterprise and private ownership and believe that citizens should not be deprived of their private ownership unless the full facts of the case are stated and both parties are allowed to enter into the discussion, so that an arrangement that is fair to the owner of the land may be arrived at.

THE MINISTER FOR WORKS (Hon. D. Brand—Greenough—in reply) [5.57]: I appreciate the support that the House has given to the Bill. Members have taken advantage of the opportunity to express their feelings in regard to resumptions.

Hon. F. J. S. Wise: Who first raised the question?

The MINISTER FOR WORKS: I think it was raised in a reply to interjections. I feel that resumptions, especially in such cases as have been mentioned in this House this afternoon, are nauseating, but nevertheless resumptions by Government departments are nothing new. I have made no alteration to the policy of my department in this regard, even though there has been an ever-increasing demand by the State Housing Commision for the resumption of land. Some mention has been made of the sense of justice of the Minister concerned. It made me feel that I must be the most merciless person that has ever sat in this House.

In defence I can only state that every case which has been brought to my notice has received full consideration. In any event, I must act on the recommendations and advice of those of my officers who for years have dealt with this difficult problem of resumptions. I have on all occasions endeavoured to give satisfaction to both parties. While there are numbers of people who purchased blocks at considerable prices in the past, it has often been found that the blocks were actually of far less value. On the other hand, there are many land-sharks and others who have wished to take advantage of the position by artificially enhancing the value of land in order to extract extortionate sums from the Government when it has had to resume land on the outskirts of the city.

Hon. A. H. Panton: It is private enterprise that does that.

The MINISTER FOR WORKS: It may be not exactly private enterprise but the private individual. I am prepared to look into each case that is brought forward.

Mr. Styants: What about the cases I have mentioned?

Mr. Marshall: You did not do much about the case in Belmont, in reference to which I wrote to you.

The MINISTER FOR WORKS: I cannot always guarantee satisfaction to individuals nor do I think the members for Murchison or Kalgoorlie could do so if they were in my place. Because I do realise that extreme hardship to the individual is sometimes caused, I am prepared to see that value is paid for the land when resumptions are necessary. Resumptions are made under the Industrial Development (Resumption of Land) Act, too, which have caused many heartburnings.

Hon. F. J. S. Wise: That is tied up with this legislation, of course.

The MINISTER FOR WORKS: We cannot hold up progress, Mr. Speaker. The Government must stand up to its responsibilities and the individual must necessarily suffer consequent upon the alterations and subdivisions which take place as a result of city and State expansion.

Hon. E. Nulsen: That is communism!

The MINISTER FOR WORKS: In conclusion, I might say that there are competent valuers who assess the value of the land, and I assume they have a standard and basis upon which they work, but they are prepared to treat special cases on their merits. I believe that that is being done in order to render satisfaction and to meet the difficult situations that arise from time to time.

Question put and passed.

Bill read a second time.

In Committee.

Bill passed through Committe without debate, reported without amendment and the report adopted.

BILL—FAUNA PROTECTION.

Returned from the Council with amendments.

BILL—NOXIOUS WEEDS.

Second Reading.

Debate resumed from the 2nd November.

THE MINISTER FOR LANDS (Hon. L. Thorn—Toodyay—in reply) [6.5]: This is a Committee Bill. I believe it is a sound measure, and will assist greatly in the control of noxious weeds. When speaking to the Bill last week, the member for Melville was concerned because we would be throwing responsibility on to the shoulders of local authorities. That is not so, because it was the request of local authorities that these weeds should be declared secondary weeds. Therefore, in a district where the local authority believes that there is a weed which may develop into a serious menace, it may declare it. If it does so, it is then its duty to eradicate it. I think that clears up this point, which was one of the main concerns of the hon. member. He also referred to other things, but I think he was rather exaggerating the position.

Hon. A. R. G. Hawke: What about his reference to primary and secondary weeds?

The MINISTER FOR LANDS: Yes, he did mention them. All primary weeds will be declared by the agriculture protection board, whose duty it will be to control their eradication and, as I repeat, secondary weeds will be declared by the local governing authority. Once it declares such a weed, it will then have to eradicate it.

Hon. A. R. G. Hawke: What if the local authority does not declare it?

The MINISTER FOR LANDS: It does not have to. It is a matter within its own discretion.

Hon. A. A. M. Coverley: Will there be any supervision over weeds by the Department of Agriculture?

The MINISTER FOR LANDS: If the Department of Agriculture considers that a weed constitutes a serious threat to any road board district, it will declare it a primary weed and deal with it accordingly.

Question put and passed.

Bill read a second time.

In Committee.

Mr. Perkins in the Chair; the Minister for Lands in charge of the Bill.

Clauses 1 to 29—agreed to.

Clause 30—Powers of inspectors:

Mr. MANNING: The Harvey Road Board, which forwarded the amendment I have had placed on the notice paper, is extremely concerned about the spread of cape tulip, which is quite a serious menace in that district. On studying the Bill further, however, I find that paragraphs (a) and (n) of Clause 49 meet the wishes of the Harvey Road Board. I therefore do not propose to move the amendment standing in my name.

Clause put and passed.

Clauses 31 to 56—agreed to.

Sitting suspended from 6.15 to 7.30 p.m.

[*Mr. Hill took the Chair.*]

Clause 57—Private land to be regarded as including certain roads:

Mr. PERKINS: A local authority in my area desires to be informed of the meaning of this clause. It reads—

> (1) For the purposes of this Part, an owner or occupier of private land shall be regarded, subject to the provisions of the next succeeding subsection, as owning or occupying, in addition to that land, the land comprising any road—
>
> (a) which intersects the private land; or
>
> (b) which bounds the private land and is fenced only on the side further from the common boundary of the road and the private land; or
>
> (c) which bounds the private land and is fenced on both sides but as to that half only of the width of road nearer the common boundary of the road and the private land.
>
> (2) The provisions of this section shall not apply to a road which is dedicated to public use and fenced on both sides.

The difficulty is that Subclause (2) appears to contradict paragraph (c). What is the distinction between the two?

The MINISTER FOR LANDS: Paragraph (a) deals with a road that intersects private land and the owner must be responsible for noxious weeds on that road. It is also essential to make the owner responsible for weeds growing on a road described in paragraph (b). An owner is not responsible for weeds on a declared public road, but where a road runs alongside his property and is fenced on both sides, if it is not a declared public road, he is responsible for half that road and the owner on the opposite side is responsible for the other half.

Mr. PERKINS: I am not satisfied with the Minister's explanation. If a road used as a track runs alongside a property, it belongs either to the public authority or to a private individual. If it belongs to a private individual, why mention it? The local authority referred to considers there is no distinction between the road mentioned in paragraph (c) and the road mentioned in Subclause (2). The intention of the measure should be made clear to obviate argument.

The MINISTER FOR LANDS: Provision is often made for a road alongside a private property and, if there is no immediate use for it, the settler might fence it in. Paragraph (b) refers to such a road. Then there could be a track between private property and Crown land or grazing land fenced on both sides, and although it is not a made road each party should be responsible for noxious weeds on his half of the road. There might be some duplication, but the Crown Law Department drafted the clause and we might well accept it.

Mr. CORNELL: I was hopeful that the Minister, with his faciliity of expression, would have been able to lead us out of this maze of intricate drafting, but he has only added confusion, and I am still trying to find out what the Parliamentary Draftsman means and what the Minister thinks he means.

The Minister for Lands: You are very lucid, too.

Mr. CORNELL: I am trying to assist the Minister, and at least I remained silent while he was speaking. I am not satisfied with the explanation, and I suggest that progress be reported so that the Minister may ascertain exactly what the clause means.

The MINISTER FOR LANDS: Instead of delaying the passage of the Bill, I give the hon. member an assurance that, if an amendment is required, it will be made in another place.

Clause put and passed.

Clauses 58 to 68, Schedule, Title—agreed to.

Bill reported without amendment and the report adopted.

BILL—THE KAURI TIMBER COMPANY LIMITED AGREEMENT.

Second Reading—Referred to Joint Select Committee.

Debate resumed from the 31st October.

HON. A. A. M. COVERLEY (Kimberley) [7.43]: I do not propose to support the Bill. I am opposed to it because, firstly, some very high principles are involved and, secondly, I am not satisfied with the explanation of the Minister for Forests when moving the second reading. When notice was given of intention to introduce the Bill, I, having some knowledge of the Forests Act, concerned myself as to the reason for the introduction of such a measure. Firstly I thought there must be a nigger in the woodpile and, secondly, the idea of introducing a Bill intended to give the House the right to say yea or nay is contrary to the actions of the present Government.

It is within memory that the Government never bothered to consult Parliament when it had a few sheep at Derby to sell at reduced prices, or when it decided to allow pastoral companies to get special areas of country that should have been thrown open for selection. They found reasons then to oblige their friends without referring to Parliament. When the alunite agreement was to be made, they did not bother to consult Parliament.

The Premier: That is finished with.

Hon. A. A. M. COVERLEY: When, before an election, the Government decided to trickle water from Katanning to Mt. Barker, it did not consult this Chamber, so naturally when notice to introduce the Bill was given I felt entitled to become suspicious, and I asked for an adjournment for a week so that I could give some consideration to it. I find that I will not be able to vote for the Bill for various reasons. It cuts across the Forests Act and the forests plan which have meant much to Western Australia in years gone by. The Forests Act was placed on the statute book to preserve our forests by preventing them from being further exploited. I hope commonsense will prevail tonight, and that the Act will be perpetuated to preserve our forests which are a wonderful asset to the State. I find also, from reading the files, that the tenders called for this area of timber will be violated if the Bill is passed. This is not honourable business.

If a Government wishes to make available certain concessions, they ought to be advertised in the paper so that every tenderer will know the full particulars. On looking through the file I found that the real reason which forced the Government to bring the Bill before Parliament was a decision by the Solicitor General, and not

the story told by the Minister when introducing the Bill, namely, that he did not feel disposed to take the responsibility. The file contains a minute from the Solicitor General to the Government and, while I do not propose to read it all, I intend to quote the main points. It states—

> Section 32 of the Forests Act, 1918-1931, confers upon the Conservator a power to grant permits subject to this Act and the regulations. The power is therefore subject to Section 34, which, so far as material, requires that "every permit shall . . . subject to the regulations, be submitted to public auction or tender, and the royalties to be paid shall be thereby fixed."
>
> Regulation 36 provides, inter alia, "if a permit be submitted to tender, the highest or any tender need not necessarily be accepted."
>
> Regulations 33 and 47 purport to authorise the Conservator to agree with the holder or intending holder of a permit on conditions of the permit in addition to those prescribed in the form of permit and the regulations.

Further on, the Solicitor General states in Clause 5—

> In a letter accompanying its tender, Bunning Bros. Ltd. alleges, inter alia,
>
> (a) that the conditions of tender were definitely loaded in favour of the Kauri Timber Coy. Ltd. Mr. C. W. Court, in his conversation with me on the 1st September did not deny this allegation.

I understand that Mr. Court is a director of the Kauri Timber Company. The Solicitor General continues—

> (b) That Bunning Bros. Ltd. are able to fulfil all the conditions of tender, and their bid is considerably higher than any other bid. (It is understood that the acceptance of the Kauri Timber Company's bid would involve a loss in revenue to the Conservator, over a period of many years, of some tens of thousands of pounds.)
>
> (c) That the conditions of tender are a departure from the past practice of the Conservator, and Bunning Bros. allege that the Conservator himself did not fix the conditions.
>
> If Bunning Bros. Ltd. can prove the first two allegations, I think that such proof would establish a prima facie case of 'indirect motive or of some improper misconduct" in the exercise by the Conservator of his discretion to refuse the highest bid. If so, the burden will then shift to the Conservator to justify his exercise of discretion. He must be able to show something which would reasonably justify him in coming to the conclusion that the tender of Kauri Timber Company Ltd. should be accepted, notwithstanding the fact that Bunning Bros. Ltd. have made the highest bid and are able to perform all the conditions of the tender. The Conservator would also have to explain why the conditions of tender were loaded in favour of the Kauri Company.
>
> I have not seen these conditions of tender, but Mr. Court informs me that one of the conditions relates to the disposal of the timber as required to the Housing Commission, or its nominee. This condition has no relation to any provision in the Forests Act, in the regulations or in the form of permit and could only be justified under Regulations 33 or 47 relating to agreements.

There is a lot more of that kind of thing on the file, but I do not propose to weary the House by reading it. Any member can peruse it for himself and see that I have not picked out just what suits my argument. I want to quote the last minute on the file—

> The considerations of the abovementioned can, I think only go towards guiding the Conservator in the exercise of his discretion. If in the exercise of that discretion he should grant the permit to the Kauri Timber Company Ltd., I consider that Bunning Bros. Ltd. would have a prima facie case to challenge the grant, and on the evidence so far available to me I am inclined to think that Bunning Bros. Ltd. would succeed.

I submit that that, in itself, influenced the Government to bring the agreement before Parliament. The Minister in stating the case for the agreement, painted a fairly good picture by saying that it would bring extra timber, building, housing and merchandise to the State, but he did not bother to point out what the taxpayers of Western Australia would be paying for the concession. If the agreement is ratified, I believe that Parliament will be making a present or bonus of £300,000 in the course of 30 years to the Kauri Timber Company. I propose to quote some figures to show members what I mean. First and foremost, we have to remember that the Government has not taken the advice of the Conservator of Forests. There are two letters on the file showing where he disagreed with the Minister's suggestion, and giving his reasons and explanation for so doing.

The original plan laid down by the Forests Department was to conserve our forests and keep the sawmillers in continual operation. When the department

submits a lease it does so on an acreage and loadage basis. It anticipates that the sawmill will be able to cut 25 loads of timber, per day, in the round which over the year, works out at approximately 21,600 loads. On that basis the department anticipates, when it submits an area, that it will keep a mill in operation for 30 years. It submits an area either by auction or tender. Originally it was the practice to submit by tender, but the department found it was not getting what it thought was sufficient royalty, and so of later years all areas have been submitted to auction. The Conservator of Forests was, therefore, most concerned about this area and desired it to be submitted to auction.

Since the submission of concessions to auction, the highest royalty paid has been 45s. per load. A recent block submitted to auction brought 22s. 6d. We can therefore, see why the Conservator of Forests was so concerned about allowing this area to go for 11s. per load. Had it been submitted to public auction, I have no doubt, on the basis of the figures I have quoted it would have brought at least one guinea per load because there were so many timber millers interested in it, The difference between 11s. and one guinea is 10s. which, on the basis of 600,000 loads over 30 years, amounts to exactly £300,000.

The Premier: Why would you get more at auction than by tender?

Hon. A. A. M. COVERLEY: The Premier knows as well as I do that at any auction, be it of sheep, cattle or anything else, there is always competition in the bidding, and a better result is therefore obtained.

Hon. F. J. S. Wise: The Premier would not like to sell cattle by auction.

Hon. A. A. M. COVERLEY: I do not think any member can argue that my figures are not very nearly correct. It is only recently that 22s. 6d. per load was bid at auction, and that was in approximately the same area—at Argyle. There is no argument about what would have happened had this area been put up by public auction. The Minister told the House that 11s. was ample because he had asked the Conservator of Forests to put on the area what he termed a fair and equitable price per load. I cannot challenge the Minister's statement about asking the Conservator to put a considered value on the area. Having some experience with the Forests Department, I know that it uses a basic figure when it is throwing open for selection any particular area in the State. I cannot see the Conservator doing anything else but placing about 10s. as a basic figure upon these particular areas.

On the Minister's figures, there are areas in the vicinity of Milyanup which pay 7s. and 5s. 6d. per load. The highest royalty is 8s. 6d. I ask members, what would they do if they were asked to make a basic figure in that particular area? The reasonable thing for the Conservator to have done was to say that it was worth 1s. 6d. more than the highest figure of 8s. 6d. and so make the basic rate 10s. with the idea that this would be submitted to auction in the same way as recent permits have been submitted.

I ask members not to take the figures or the statements of the Minister too seriously; especially on that particular point. The Minister drifted on from there and told us what this particular firm was going to do. He said that among other things the firm is going to delve into merchandising and submit all sorts of extra timber; that company intends to do all these things within the course of nine months! Apart from the £300,000 bonus being handed to this firm, the Minister told us that the company intends to spend £200,000 on buildings and in establishing the industry. The company will not find the £200,000 that will be handed to it on a plate by this Government, if the Bill is agreed to.

By his statements, the Minister led the House to believe that the Government was encouraging a big powerful financial firm from the Eastern States to come to this State for trading purposes. This is not a new company to the State of Western Australia; it was here many years ago. But as the Minister stated, it was purely an exporting firm. I do not hold that against the company because all timber mills were established by the export trade. If it had not been for that trade none of our huge timber companies would have grown to the size they are today and they would not be here to supply the timber for housing and industry in this State.

It is peculiar that a revised company can come to this State and be given these concessions when we have timber companies here that could carry out this work if given the opportunity. But, they did not get that opportunity. Tenders were called for this particular area and when they closed the tenders obtained did not suit the Minister. According to the file, he had interviews with this particular firm before he called tenders and he was probably committed in some way. He had to do his utmost to see that this company obtained this particular area and when tenders were called he was unable to accept the tender submitted by the company and, on obtaining a ruling from the Crown Solicitor, he found that he had to introduce this Bill because it would not have been legal to accept the tender. He pointed out all the advantages that this company would bring to Western Australia, overlooking the fact that it was established here many years ago and left for the Eastern States because, I should say, the business attractions were more suitable. I would not blame the firm for doing that, but it was here

and had distributing yards which it closed down. Now, it is proposed to re-open them because of the financial inducement given to the firm.

I have no particular grievance against this company but I take exception to its getting concessions or priority by other than fair open competition with the various firms already operating in Western Australia. This company cannot do any more for Western Australia than is already being done by the various merchants in the city. There are merchant houses all over Western Australia and they are doing their utmost to get all the flat iron, galvanised iron, nails and other things that they can import. The importation of those articles is merely a matter of availability. It all depends on what we can get from the Eastern States. I do not think the establishment of this firm here will improve the position in that regard.

During his second reading speech, the Minister made some comment that if this Bill was passed there would be heartburning by other companies in this State. He went so far as to accuse one firm, namely, Bunning Bros., of deliberately bidding at a high rate—a sum of 14s. 8d. per load—to keep out the Kauri Timber Company. I am not very concerned about Bunnings, Whittakers or any other firm, but I cannot let statements of that description go by. On the Minister's own showing, I consider Bunnings were entitled to bid a high royalty for this particular area. The file clearly shows that this firm has a mill in the Muchea area which is closing down within a few months. The firm cannot obtain any further timber there to enable it to keep going and so, if it had been successful in its tender, it proposed to shift the mill, employees, housing and the whole box and dice to this area. I submit that that was one of the reasons why Bunnings bid at such a high figure.

Secondly, on the Minister's statement, Bunnings have one area on which they pay 7s. per load and another area on which they pay 5s. 6d. per load. It does not take much business training to add that up. The firm was fortunate enough to get those two areas at a small royalty and, if they pay a higher royalty for this particular area, spread over the whole of the business, they are still getting a reasonable go. So, I do not think the Minister made out a very strong case by putting up those arguments. He is pretty hard put when he states such a case and reads from correspondence where this particular firm protested when the reassessment took place in 1947 or 1949. Bunnings protested about the increase in royalty and I do not know of any section of the community that accepts increases in prices of any commodity without a protest.

Hon. A. H. Panton: Hear, hear!

Hon. A. A. M. COVERLEY: I am a little selfish in most things and I am sure I would have protested. Bunnings is a company and has shareholders. The directors of the company would not be doing their duty if they did not protest. I can imagine, if I was a shareholder, attending a meeting at which correspondence was read out stating that the Forests Department had made a reassessment and had inincreased the loadage a couple of shillings. If the directors had accepted such a thing without making any comment, I would have a word or two to say to the directors. So, members should not be influenced by those statements of the Minister because there is a reply to all of them.

Timber companies, like any other business people, bid on the markets. During my term as Minister for Forests, the State Saw Mills had a mill at Hakea which was closing down for the want of timber. The Forests Department could not help because there were no areas nearby which would be of any benefit to the mills. Timber was just as scarce then as it is now, and the Minister has not had all those troubles on his own. The State Saw Mills had to bid for a private property which was part of the old Hedges estate. The State Saw Mills was successful with its bid of £78,000 for 5,000 acres of country and it is still producing timber there today. If the mills had not bid that high price the Hakea mill would have closed down four or five years ago. I do not suppose the State Saw Mills would have bid such a high price if it was not for the pressure and the need for timber. The mill would have been closed down and shifted to the general forest area somewhere else. But, the business element was there and so it carried on.

I know of another case in which Whittaker Bros., just prior to the war, bid a high royalty rate in anticipation that timber prices were increasing. But, with the outbreak of hostilities, and price-fixing that firm was left with a bad business deal and it did not get any assistance. It had to carry on and depend upon its hardware business to keep it afloat. I could go on quoting other cases if I wanted to do so, but surely these people are entitled to justice and I say they did not get justice when tenders were called. When tenders were called the Government did not stipulate that the successful bidder would get 10 years' security with the proviso of a further 10 years' security. Tenders were called in the usual way—on an annual basis.

When these timber companies tender or bid for an area, they do so on the understanding that it is for a 12 months' permit. This agreement goes right outside that and gives the Kauri Timber Company 10 years' security with a further 10 years if it is successful. I am not prepared to agree to that sort of thing. I can understand the various timber companies having heartburn

because they know now from the correspondence, if they did not know before, that this permit was put up for the particular company to which we are referring. People in the timber industry know most things about their fellows in opposition. I think they know that the Kauri Timber Company is a firm that did not stand too high with the Forests Department or the State Housing Commission. I suggest that the Minister can give that information to the House in his reply. He might say just what trouble the Forests Department has in keeping these people up to their permit by way of the take of trees and logs, in comparison with other timber firms in this State.

Some companies can get much more timber by taking all the logs marked by the Forests Department as against the company which takes the cream of the logs and leaves the rough stuff in the bush. Personally I can understand that because this is an export firm, and it does not pay it to take short twisted logs. The local company has to take these logs and cut them short for house blocks, but an export trading firm looks for the best timber so as to get the best price oversea. Therefore I can understand that they would have to bid fairly high to stand up to regulations and to be in any way on a par with the local timber firms. I would also ask the Minister just what part this firm has played over the last number of years in supplying the Housing Commission with timber for houses. What quantity has it supplied in Western Australia?

I am not trying to condemn this firm, but I am pointing out for the benefit of members that this is not a new company. It has been established here for many years but it has never put itself out in the interests of Western Australian trade during times of shortage in timber. Now they propose to come here because trade, or some other reason, entices them to return to Western Australia, and we propose to give them very huge concessions over our already-established mills. I do not mean concessions in timber; I mean financial concessions. During his address to the Chamber the Minister led members to believe that one of the reasons that prompted him to concur in this agreement was the reduction in the cost of housing. I do not think the Minister really meant that, nor do I think he could have meant it. It would not matter what royalty was paid by this or any other timber mill or sawmillers' association, it would not alter the timber position one iota. Timber is set at a price and it is always sold at the one price. The Minister explained that by giving this firm 3s. odd per load that would reduce the cost of houses by £6 a house.

Hon. A. R. G. Hawke: That was a whizzer!

Hon. A. A. M. COVERLEY: I am not able even to suggest to the House how the Minister worked this out.

Mr. Hoar: It was guess-work.

Hon. A. A. M. COVERLEY: As a matter of fact, 1s. a load in the round load works out at 3s. in the square so, if we give them a concession of 3s. in the load, it takes 12 loads to build an average house, and 12 x 3 is 36 which would be a concession of £1 16s.—a concession to the company of £1 16s. per house for which it cuts timber. Then the Minister talked about "lollies to children."

I think I have dealt with the main points put forward by the Minister, those points being that by agreeing to this Bill and giving a concession to the Kauri Timber Company we would encourage a firm to come to this State that would build some hundreds of houses—in fact I think the Minister mentioned 1,250 houses in 12 months. This does not work out according to some figures supplied to me. These are that this mill, or the production of the two mills, would amount to 48 loads per day, less a local market of 20, less what other timber-millers could supply, leaving a net eight loads increase and not 60 loads increase as suggested by the Minister. There is quite a lot in that.

I do not think that any particular firm could build this mill and have it in full production under two years. I know that this firm has some mills and all the equipment necessary and that it proposes to go ahead, if given this concession, as fast as possible. This firm got a permit in 1944 over a large area at Northcliffe, and to the best of my knowledge and belief it has produced no timber from there up to date, and that is six years ago. If it is so interested in the production of timber in Western Australia, why has it not produced any timber for the last six years? What timber does it propose to reserve from that area for Western Australia? The Minister can, of course, reply by saying that it is all karri. There is a very big demand for karri in Western Australia, a very big demand indeed. The Minister shakes his head.

Hon. A. R. G. Hawke: I did not hear that.

Hon. A. A. M. COVERLEY: The hon. member did not hear it rattle? He should have done! It is not much use the Minister shaking his head, because there is a big call for karri. In any work above the ground karri can be used just as well as jarrah. It can be used for railway trucks, for mining timber and all sorts of things. What I feel suspicious about is that this company has not been asked to supply any of the Northcliffe timber or any quantity of it for Western Australian consumption, and it may desire to preserve it for export trade. If it does that, surely the Minister or the Government is giving the firm an advantage over every other

sawmilling company in this State, because they will then have to supply the timber required for the Western Australian market.

Before voting on this Bill I would like members to ask themselves: Is £300,000 too big a premium to pay to encourage this Eastern States firm to trade in Western Australia? That is what we are going to do—£300,000 over the course of their 30-year programme. So instead of the company spending £200,000 of its money, it is going to spend the taxpayers' money. We have a duty to the Forests Department and we would be avoiding that responsibility if we allowed a Bill of this description to go through and rob that department of £300,000 revenue. The department could do quite a lot with £300,000 but it will not get a chance of doing it if this Bill goes through. This company has done little or nothing in the interests of Western Australia and in supplying its needs. The Minister can give figures to the House if he cares to from the records of the State Housing Commission and the Forests Department. See the Minister shake his head bitterly when I mention this £300,000.

Might I be permitted to repeat what I said earlier? If the proposition of the Conservator of Forests under the forestry plan had been agreed to by this Government, it would have had an area on a 25 loads per day basis producing 21,600 loads per year and the difference, for argument's sake, between that and the 5s. which the Minister proposes to give as a concession under this Bill would be £150,000. If he had accepted the highest tender of 15s. 6d. instead of that of 11s.—and there is 4s. 6d. he is giving away—to put it in round figures it would mean a matter of £5,000 a year. Does the Minister agree with that? Six hundred thousand loads in 30 years at 10s. would be £300,000, because that would have been obtained had it been submitted to public auction. I say without fear of contradiction it would have brought 21s. a load, because the last lot put up in that area brought 22s. 6d. a load. Can the Minister explain that?

I said this particular company has done little or nothing for Western Australia during times of stress with our housing programme, and now it is prepared to put forward this proposition for no other reason than business tactics. The company closed down its distribution yards some years ago because there was no business here, and now it wants to rebuild them again. Members should ask themselves whether this company is going to do anything that the firms and companies in Western Australia are not already doing. I say it is not. It cannot import any more hardware than is already coming into Western Australia. The Minister did not inform the House that before the end of the next financial year there will be obtained another 150 loads daily from mills that are now just about at the production stage. The Shannon River, Tone River, Donnelly River and Jarrahwood mills are on the eve of production, so that the Minister will probably find that the agreement with this company will be easy to evade. The Bill sets out that the company is to produce this extra timber at the Minister's discretion. It states that the company shall—

> market the whole of the jarrah output of the new Nannup mill, plus seventy per centum of the jarrah output of the company's existing Nannup general purpose mill on the local Western Australian market during the period of the shortage of jarrah to meet requirements in the said State such period shall be determined at the discretion of the said Minister for Forests:

Thus, with the three or four big mills I have mentioned that will be in production within six months and the timber requirements of the State satisfied, the company need not, unless ordered by the Minister to do so, supply an extra square foot of timber. The Bill also provides—

> The company shall not be liable for any damages nor shall the company be liable to any penalty under the bond by reason of any delays in the carrying out of its obligations hereunder insofar as such delays are due to strikes lockouts or industrial disturbances or to any unforeseen cause not attributable to any act or default of the company and if through any such causes delay shall occur in the erection and establishment of the said timber yard or yards and sawmill the State Government shall on the application of the company grant such extension or extensions of time as may be necessary to compensate for such delay.

One could drive a horse and cart through the Bill! It is not a compelling measure at all. The company is protected in every shape and form to let it out of the contract. I want to know if members of this House are prepared to permit the present or any other Government to cut right across the Forests Act and the forestry plan by a back-door method such as this agreement. Whatever virtue may attach to the introduction of this company's operations in Western Australia certainly does not warrant any such back-door method. If there is a desire to alter the Forests Act or the forestry plan, the honourable way —this is not an honourable attempt to effect alterations—would be to introduce legislation to achieve that objective. What is being adopted is nothing but a back-door method.

MR. HOAR (Warren) [8.35]: Unlike the member for Kimberley, who has just spoken, I support the Bill. If members gave due consideration to everything the

Minister said when introducing the measure and took the trouble to make some inquiries for themselves, even to the point of reading from the files from which the member for Kimberley quoted, they would agree that a measure such as that proposed with certain protection afforded, and perhaps with one or two minor amendments, could not be other than advantageous to the State generally. I agree with the member for Kimberley and regret very much that the Bill has found its way to the Chamber at all. It is a Government responsibility and the very fact that the Bill has found its way here for debate has thrown it open to the worst possible kind of lobbying from all quarters and, to some extent, to misleading newspaper controversy. The Government would have been far better advised, and would have served the interests of the State to a greater degree if objection had been taken to some portions of the Forests Act, and it had amended the legislation so that a certain position could arise whereby this or any other company willing to render similar service might have been permitted to do so.

As the Forests Act operates today, sawmilling permits have to be submitted to auction or to public tender. If a permit is submitted to tender, then the highest tender need not necessarily be accepted. Neither the member for Kimberley, nor anyone else who thinks as he does, could really approve of the auction principle for selling timber. The member for Kimberley has some peculiar idea that the taxpayers of Western Australia are being asked to make a present to this company of £300,000 in 30 years, on the understanding that, had the area been submitted to auction, it would have brought a price of not less than £1 1s. In past years, we have had experience of the auction system in this State, and have seen where the major timber companies—four or five of them—have put their heads together and refused deliberately to bid at a price that was unacceptable to their neighbours. The State Saw Mills was included in that business at the time and, because a certain area of country might be more suitable to one company than to others, those other companies refused to bid against it. That took place under the auction system in past years.

If we are to have any bidding of that kind today, bearing in mind that the price of timber is very profitable for sawmillers, we could reach a figure far in excess of what the member for Kimberley quoted, namely, £1 1s., for this class of country. We know that whatever course is followed, whether by auction or by tender, the price will automatically receive assessment at a later date when the cost of timber and other commodities, together with the standard of living generally, goes down. For anyone to assume that the State is such a loser as a result of submitting an area to auction or not accepting the highest tender, is to make a very grevious mistake indeed. Just as the price of timber is determined by taking into consideration the royalty paid, plus operation costs, so are those factors taken into account when it works in an opposite direction. I do not propose to answer all the arguments advanced by the member for Kimberley, because that is for the Minister to do, but there is one feature of the tender system that is a weakness. Unless sympathetic consideration is given to the existing mills in permit areas with regard to tenders, whether they be the highest or not, I can imagine the whole timber industry might become disorganised. There should be some regular method followed by which the area of country adjacent to a mill whose country has been cut over is reserved for it.

Take the Quinninup mill, which has not started cutting yet! When its area is cut over and an adjacent area is thrown open for tender, the tenders received may be 14s. 8d. as against 11s. or even 20s. as against 10s. If the tender were granted to mills in other parts of the State in order to accept the highest tender, we could easily destroy the life of activity of a mill operating close to the area. This applies equally to the Kauri Timber Co., which is the logical tenderer for land that is made available and is submitted to tender. This company, with its already existing mill and workshops established at Nannup, close to the permit area, is the logical tenderer for the land that is to be thrown open. The Forests Department recognises that that is the position.

I have here some information from the Forests Department that indicates that it does not always approve of the highest bidder. It did not even always approve that all timber companies in the State might have an equal right to tender for a given area of land. I shall read portion of the statement I have to indicate that it sets out the Forests Department's policy. The first is dated the 19th April, 1950, and is as follows:—

> 8,730 acres; 50-mile peg, Albany Road. In Crown land, sawmilling permit holders in the district. State Saw Mills, 24s. per load.

The second is dated the 5th December, 1947, and reads:—

> 8,236 acres, Collie district. For Crown land, sawmilling permit holders with an existing mill in the Collie district, A. Douglas Jones & Co., 15s. 6d. per load.

I have some information here over the name of Mr. Stoate himself, with regard to the conditions of tender—

> Tenders enclosed in an envelope endorsed "Tender No. 46/50" and addressed to the Conservator of Forests will be received up to 3 p.m. on Wednesday, 15th November, 1950, for the right under a permit to fell, cut and

remove a quantity of jarrah log timber not exceeding 1,800 loads measured in the round per month for sawmilling from an area of State forest comprising approximately 950 acres situated north of the Brunswick River about 10 miles South-East of Harvey.

Tenders will only be accepted from a company, an individual person or a registered firm or partnership operating a Crown land sawmill in the locality.

Thus what is proposed is nothing new; it is part of the Forests Department policy. It is done in order to keep in existence the production of mills that have dealt with the timber in various areas and expended their money in those localities. If we were to operate as obtains in New South Wales with regard to the tender and auction systems, we would give more power to the Forests Department and the Minister to make direct allocations of land. If that were to be done in Western Australia I believe the Forests Department would automatically have made available to the Kauri Company this area of land about which the dispute has arisen and about which we are now debating. In fact, I am told, on the very best authority, that Mr. Stoate informed either the company or the Minister that this land was going to be held for the Kauri Timber Company, but the company could not obtain it for about six years or until such time as it had cut over the existing new bush, which would enable it to operate on this area.

Bearing in mind all that the member for Kimberley has said and all the wrangling that has been going on inside and outside the House in an endeavour to persuade members to do this or that in connection with this legislation, I think it is high time that a Royal Commission was appointed to inquire into the whole of the timber industry and into the Forests Act, its policy and the industry generally. If, for instance, we find weaknesses in the system of auction and tender—and I know there are many; and if we find any other State in the Commonwealth which successfully operates its timber areas on the basis of strict allocation, then surely we in this State have an outmoded system and one which needs to be brought into line as quickly as possible with those of States better advised than are we.

I am of the opinion that the timber industry today is getting a little out of balance. It is getting into too few hands; and if we are to have a monopoly at all, I would much prefer to see a State monopoly. There is not one sawmilling company in this State that has done anything towards the growth of a karri or a jarrah tree; but we practically give away these trees for nothing, in order that large profits may be made by private enterprise. If we are to have a monopoly, it should be a State monopoly; but if we cannot have a State monopoly, for Heaven's sake do not let us have a private monopoly, but as much competition among private enterprise as possible, in order to get the best results, not only from the point of view of the Treasury, but from that of the people who work in the industry.

In this State there are six companies, which form the Timber Millers' Association. There are over 200 mills, large and small, and 150 of them are tied financially and substantially controlled by the association—other than the State Saw Mills. Out of the remaining 50, many are not working at all, and the remainder are cutting only from two to four loads per day. I do not know why the Timber Millers' Association fears the Kauri Timber Company, because it possesses only three mills. There is the one at Nannup which, unless some further concession is made to the company through this Bill, or by some other method, will disappear entirely within six to fifteen years. Then there is the Netherlands mill at Balingup, which is out now, and the new concession at Northcliffe. Moreover, this company has no subsidiaries at all. So what is there to fear from it? I know what there is to fear—competition, which it intends to introduce into this State not only in regard to the production of timber but in regard to the retail trade also.

Some reference was made by the member for Kimberley to the fact that the Kauri Timber Company had been granted a concession at Northcliffe six years ago, which it had not operated. That is not true. The mill is almost ready for opening. In fact, a couple of benches are working in it now, and the official opening is due to take place when an important belt arrives within a week or a fortnight. The company is not operating the whole of the mill. Just a portion is open. But if members care to trace back events over the years since 1939 they will recognise the delay that has taken place in building anything in this State.

The Quinninup mill has taken 12 years to reach its present stage and there are still only 30 men working there. The Kauri Timber Company is no different from anyone else. Its experience has been the same as everybody's during the war and early post war years. A shortage of labour and materials is responsible for that. But the mill is ready now; that is the point. So far as I am concerned, from the way things look, the company is likely to do a good job.

It has been suggested that this agreement cuts across forest policy. If that is so, the sooner we have an inquiry into forest policy the better, in order to determine, in addition to the other matters I mentioned, whether the available manpower in the timber industry today is being

used to the best advantage. I think that probably the member for Kimberley, as ex-Minister for Forests, and Mr. Stoate, as Conservator, are worried over the fact that in due course the existing mill at Nannup will be empowered to cut over the new area in addition to the 20-load mill about to be built, or which would be built provided this Bill passed both Houses.

In other words, it is feared that more timber will be taken out of the forest than should be removed. If that is so, there is a remedy. We can quite easily cut down the slave conditions, as they might be called, of some of the spot mills that are scattered throughout the State. Men should not live under such conditions; and yet the number of mills of that kind has increased in the last two or three years from 130 to 230. They are denuding the bigger mills of necessary manpower, and that is why we have more men—by almost 1,000—working in the timber industry today and yet are able to produce only 92 per cent. of our prewar output. It is because we are scattering our resources and using them in the wrong direction. So much money is to be made out of timber today that these small spot mills can afford to pay a considerable sum above award rates to encourage and entice timber workers from the larger mills.

That is why when one goes to the Shannon mill today one sees the Australian population outnumbered two to one by displaced persons. That is why Northcliffe may have some trouble on its hands shortly in securing a full crew. That is why mills such as that at Quinninup cannot start work. Yet we have more men in the industry than prewar. The trouble is that they are wrongly placed. We should have a forest policy which discouraged to some extent these small mills, though not entirely, because it is necessary for the small mills to follow up the cutting of the larger ones. But we should have a policy which would discourage some of these small mills and prevent them increasing so rapidly, so that we would have sufficent skilled labour available in the industry to carry out the work needed to be done in the larger mills. The closing of some of those small mills would balance the extra timber that the Kauri Company would cut in the new areas.

Mr. Nalder: A lot of those small mills are operating in areas miles away from the big mills.

Mr. HOAR: Of course. All sense of proportion has been lost. We have had commissions on the housing conditions of and amenities for timber workers; but how can we ever hope to do any good in the timber industry so long as we tolerate a forest policy where no fewer than 180 spot mills are scattered throughout the State? There is no question of cutting across the forest policy. We have the remedy in our own hands without altering this concession in any way at all. What is all the argument about anyway? There is this Kauri Timber Company proposing to install an additional bench in its existing mill to enable it to cut the permissible intake; and to transfer the Riverton mill from Balingup to Nannup; and guaranteeing 12 loads per day within 90 days and 20 loads within nine months. The present mill has a life of approximately six years on first-class bush. I understand from reading the file that there are about another eight or nine years of cut-over bush, which might produce three to five loads per acre, but its life is limited; and unless the Kauri Company gets this concession, Nannup as a town will virtually disappear in anything from six to 15 years.

Mr. Bovell: That is right.

Mr. HOAR: That is a statement of fact, because any other company coming in successfully with this concession would build only a 20-load mill and would not employ the number of people the present mill does; and, as a result, this great mill at Nannup, this important timber unit, will be of no more use to this State after a certain number of years unless this permit is granted by Parliament. From the point of view of the town, the company is prepared to build 20 new houses for timber workers, and to provide a complete water scheme for the town. It is public-minded; it knows and appreciates its civic responsibilities; and it has, over the years, given very good service to the people in and surrounding Nannup. All this will be denied to that part of the State unless the company receives this permit.

The repercussions would be very serious indeed for that portion of the South-West. For instance, the Deputy Premier knows that he is preparing for a consolidated school at Nannup. Will he continue with that idea unless this company is assured of its life? Of course he will not, because he could not afford to do so! Will the doctor remain there? Will the hospital remain if this large production unit disappears in a few years? Of course it will not! Nannup will revert to a one-horse town if members are misled by things they have heard in connection with this matter either inside or outside this Chamber.

I can well understand the concern felt by others who have tendered a higher price than 11s., and particularly one company which has a mill not too far away. I refer to Bunning Bros. I can say without fear of contradiction that the Minister should do something in connection with finding suitable areas for that company, since quite a number of its mills are either about to close down or will do so in a short time. There is the Muchea mill, with a capacity of 10,000 loads, which will be forced to close in a few months due to lack of timber. Then there is the Tullis mill which will close in 12 to 18 months, and Lyall's mill, which will close in a few years;

and so on. This company may have been quite justified in its own mind in quoting the figure it did for this permit in order to obtain some security for itself and the men it is employing.

Let it be borne in mind, too, that the company has been in the vanguard of timber production in this State and in providing amenities for timber workers in its mills. It therefore ill behoves anyone to take action detrimental to its interests. So I would urge the Minister most sincerely to make every possible effort to see that sufficient further areas of timber are made available to the company at the earliest possible moment. That does not in any way detract from the claims of the Kauri Timber Company which is already established and on the job at Nannup. It would be a tragedy if we permitted this valuable unit, which has contributed so much to timber production in this State, to disappear in a matter of a few years. There are two sides to this argument, as is generally the case.

I see nothing wrong with the Bill except that I think the company should not be given security of tenure for ten years, as is provided for in the agreement. Once it obtains the concession or permit it should be put on a basis comparable with that of the other timber companies in Western Australia. There should be no strings attached to it. Bunning's and Millars also have mills in my district, but I think I am right in saying that this agreement is in the best interests of the State—apart altogether from those of any particular company—and as long as the Kauri Timber Company is prepared to continue working at Nannup as it has in the past, and, in addition, to enter into the retail trade and develop competition among sawmillers in this State, I think members should admit that the company which should logically receive the permit is that which has its mill on the spot.

MR. BOVELL (Vasse) [9.2]: It was my privilege, in the 19th Parliament, to represent the Nannup district as part of the Sussex electorate, and I am fully conversant with the problems confronting that area. It may be of interest to members to trace the history of the operations of the Kauri Timber Company Limited in Western Australia. The company came to this State in 1912 and assumed the responsibilities of a company—trading in the lower South-West part of the State—known as the W.A. Jarrah Sawmills Company. The agreement which the Minister has submitted to the House by way of the Bill is not the first that the State Government has entered into with the Kauri Timber Company. I will now refer to "Hansard" of the 2nd February, 1909, page 1829, of Volume 35.

Mr. Needham: Ancient history.

Mr. BOVELL: The then Treasurer, Hon. Frank Wilson, who was member for Sussex, made the following comments with reference to an agreement with the W.A. Jarrah Sawmills Company that was entered into with regard to the building of the Busselton jetty. The then Treasurer said—

> There is also a proposal which members will see, and which I am deeply interested in, and that is the jetty extension and harbour improvements at Busselton. It is proposed to construct a new approach to the main jetty some halfway down its length, to strengthen the outer portion of the old jetty in order that locomotives may travel freely with loaded trucks over it, and also to extend the jetty 1,500 feet, and provide a depth of 23 feet of water at the end. Operations in the timber country along the Blackwood River are likely to assume considerable proportions as soon as these facilities are given; and in view of the near completion of the railway from Jarrahwood to Nannup, the W.A. Jarrah Sawmills Company are already putting in branch lines and commencing the construction of large timber mills.

That was in 1909 and in 1912 the Kauri Timber Company assumed the responsibilities of the W.A. Jarrah Sawmills Company. At page 1830 the then Treasurer said further—

> It is estimated, so the company's attorney tells me, that they will be shipping from Busselton, providing the facilities are given, 30,000 to 40,000 loads of sawn and hewn timber per annum. They are prepared to guarantee the Government that the revenue from the jetty for shipping the timber and for the vessels they charter to utilise the jetty, will amount to £2,000 per annum for a period of ten years. They are prepared to enter into a bond that we shall receive nothing less than £2,000 per annum from them for harbour and jetty dues. This in itself would justify the Government in promptly undertaking the extra facilities for the work down there, but I understand there is a considerable number of other leases held in that district—Millars people have timber country and others hold leases—which will be worked, the timber from which will be shipped from Busselton; and I have no hesitation in saying that I honestly believe this is one of the best business propositions that has been placed before the Parliament of Western Australia for several years.

I draw the attention of the House to that agreement, for which the Kauri Timber Company assumed responsibility and in regard to which it met in full its obligations. That will illustrate to the House that this company is a reputable one. In the Bill before us we have another contract

into which this company wishes to enter. The former agreement was in respect of the inter-State timber trade, but now Western Australia needs all the timber resources at its disposal for the building of homes in this State, and this company—which I repeat has traded successfully and fairly in Western Australia since 1912—is prepared to enter into an agreement with the Government to assist in the local marketing of timber. The company's record over the past 40 years is one of which this State should be proud. It has honoured all its obligations and I have no hesitation in supporting the Bill.

Mr. Brady: Where are they spending all their profits?

Mr. BOVELL: If the hon. member will be patient he will find that the company has provided and is prepared to continue to provide amenities for the timber workers employed by it.

Mr. Brady: They are long overdue.

Mr. BOVELL: I invite members to visit Nannup and see, on the borders of the township, the little community that has been built up round the Kauri Timber Company's project there. It has provided facilities that I think are equal to those of any country town in this State. Its little settlement, which is close to the township of Nannup, has been provided by the company with electric light and water supplies, and I believe the company has been mainly responsible for building the township of Nannup up to its present status. The company gives the greatest possible consideration to its employees; so much so that sons have followed their fathers in the employment of the company and are working there today.

Hon. E. Nulsen: Are the employees perfectly satisfied with their conditions?

Mr. BOVELL: When I represented the Nannup area in this House the employees were completely satisfied with the treatment they were receiving from the company. With the resources at the disposal of the company it has facilities to develop the proposed new mill in the shortest possible time, thus providing timber so badly needed for our house building programme. At present the company employs approximately 140 men on the mill at Nannup, supporting a community of about 400 in the mill town which borders the township of Nannup. Here again I agree with the member for Warren that, if in six years' time the company has to cease production, the township of Nannup will be reduced to a village, and that the facilities for the education of children there will be limited if the company, which has operated in the district since 1912, is not given opportunity of continuing operations by means of the concession proposed to be granted to it under the Bill.

This company is one of the largest of its kind in Australasia, and I feel that its willingness now to enter into the timber trade of the State will assist materially in solving the problem of housing our people. I hold no particular brief for the company, but believe that in this Bill the Minister has made a genuine effort to provide urgently-needed building materials. I commend the Minister and the Government on having brought down the measure. I trust there will be no undue delay in passing it because, the more the delay, the longer will it be before our housing needs can be satisfied.

Like the member for Warren, I think it is the duty of the Government, when timber is of such vital importance, to keep existing mills in production, whether they belong to Bunning Bros., Whittaker's, Millars or anybody else. When there is a threat, through lack of timber supplies, of a mill going out of production, I think the Forests Act should be amended, if necessary, to allow of such mills being kept in production. I believe that concessions should be given to them in close proximity to the scene of their existing operations. I ask members to give the measure careful consideration, as I believe it is a move in the right direction. There is no room for delay in this matter and I commend the Bill to the House.

MR. TOTTERDELL (West Perth) [9.15]: I am supporting this Bill because I consider that the Minister has put it forward in an honest and gentlemanly way. However, the Chamber could probably proceed a little cautiously before it agrees to the measure as presented. We can perhaps tread lightly and travel much further. When the Minister says that by the passing of this Bill we will have enough timber to produce another 2,500 houses a year I say, "Thank God for that" because we know they are badly needed. Nevertheless, I wonder whether the Minister has taken into consideration all the repercussions that may happen.

What of the local merchants? How are they going to view the matter? Are they going to close down their establishments and allow us to be left with only the Nannup mill in operation or are they going to carry on with the good work they have been doing, but which is not enough according to the Minister? I am wondering whether it is a rap from the Minister when he said that local enterprise had let him down. Perhaps he is now showing the local people that they did let him down, and is trying another method which he thinks is a good one. He has said that this is the first time the Government has had an opportunity to put its left foot forward. I would remind him that by putting his left foot forward he should make sure his right heel is not stuck in the mud and cannot go any further, be-

cause the fact is that the local companies think the Government has let them down and they are not going to push their mills forward with even a 50 per cent. effort in the interests of this State.

Hon. A. H. Panton: That would be a terrible thing to do.

Mr. TOTTERDELL: Before I ask the House to agree to the Bill I want to ensure that it is fool-proof and that there are no let-outs. If the company says it is going to spend £200,000 on mills in this State and import hardware and three-ply I can assure members that it can, because it is fifth on the list of the greatest financial companies in Australia. It controls a great deal of material and can, if it so desires, bring new hardware and plywood commodities for building into this State that would be of great assistance to Western Australia.

Mr. Fox: Where is it going to get all the hardware to bring in?

Mr. TOTTERDELL: That is the company's business; not mine. I am not a quiz kid. The hon. member can tell me.

Hon. A. A. M. Coverley: That is an unnecessary explanation.

Mr. TOTTERDELL: Conditionally upon this company bringing its own labour and new capital into the State and honouring its contract which it desires to enter into with the Minister, it has to produce the goods within six months and put up its bond. If that bond is foolproof then we can disregard the question of strikes, lockout, labour shortages or anything else because it will have to produce the goods within six months or else lose its money. That is the safeguard I am seeking. If the Minister will agree to that we would be extremely happy and we would get excellent results.

THE MINISTER FOR FORESTS (Hon. G. P. Wild—Dale—in reply) [9.18]: I thank members for their contributions to this debate. It is a debate which has followed the heaviest lobbying I have known in my short 3½ years of parliamentary experience. When there is a lot of lobbying going on there is always a good deal at stake, because if that were not so certain people would not be distributing a number of pamphlets and in my opinion Parliament would get along a lot better without them. I wish to reply to a few points made by the member for Kimberley. He stated that this concession was granted to friends of mine. I want to assure the hon. member that I had never met this gentleman from the Kauri Timber Company until he came into my office only a short while ago.

Hon. A. A. M. Coverley: I do not think I said they were friends of yours, but friends of the Government.

The MINISTER FOR FORESTS: I am sorry if perhaps I misunderstood the hon. member, but I want to make it quite clear to him that I had never met the man until a short time ago. The hon. member suggested that I did not disclose certain information when introducing the Bill. I may have been a little sketchy in my remarks, but if my memory serves me right I stated that the sub-committee of Cabinet was not prepared to accept the tenders. I want to be quite frank when I say that when this offer was first made to me by the Kauri Timber Co. to provide more timber for Western Australia, to use the words of the hon. member, it was like lollie to a child.

If any member had to sit in the office of the State Housing Commission day after day and receive people morning, noon and night, including deputations from the South-West Zone Committe from Bunbury, the Geraldton Municipal Council and representatives from Albany, all with references to the shortage of timber, and someone approached him and said, "Here is the means of producing more timber," then it would veritably be like producing lollie to a child. When they did that I immediately thought it was—

Mr. Totterdell: Sweet!

The MINISTER FOR FORESTS: Yes, sweet. I said to myself, "Here is an opportunity to tie others down and get more timber for Western Australia." The member for Warren described this position very satisfactorily because on many occasions tenders have been called for the specific purpose of trying to direct timber to certain mills. In that connection I have three or four letters and any member can go to the Forests Department and see them on any day of the week. The arrangement would be that the owner of a particular mill would be the only person who could tender because the timber was being reserved for his company. The conditions of the tender show that it could only be accepted from a mill operating in that locality. What does that mean? It means, "You can obtain that timber subject to your paying a fair price as a royalty.

I openly admit that I did not accept the advice of the Conservator of Forests and I have no apology to make for my action. He is a man of great academic qualifications. I would not attempt to try to discourse with him on the make-up of timber. However, although he may be a man of great scholastic attainments, when it comes to a business proposition he may not be a good business man. In this particular instance he said that whilst he wanted the timber to go to this company such a tender would not be possible for some years to come. I did go against the advice of the Conservator. I told him of my plans and that certain proposals were to be submitted by the Kauri Timber Co.

which would mean greater production of timber for Western Australia. I also told him and Mr. Shedley that I wanted them to put a fair price on the timber in question if we entered into this contract.

The Co-Ordinator of Timber Supplies and the Conservator of Forests agree that 10s. is a fair royalty. I do not think one could say anything else. In 1949 the same gentlemen appraised the royalty of 8s. 6d. in adjacent country. Therefore they would not be consistent if they had said the royalty was to be 12s. or 14s. as was mentioned by one hon. member. Only 18 months before they said the timber was worth 7s. When they appraised it at 10s. no doubt they were following the same policy and line of reasoning as they did in April, 1949. The member for Kimberley made mention of a loss of £300,000 to the State. I think he and I must have attended two different schools.

Hon. J. B. Sleeman: You must have gone to night school.

The MINISTER FOR FORESTS: Yes, I think so. I think the member for Warren covered the point fairly well. However, let us consider it. According to the Bill the company is going to deliver 20 loads a day. If we accepted Bunnings' tender, it would mean a difference of 3s. 8d. Working on a full capacity of 20 loads for a 40-hour week of five days a week, the loss to the State would amount to £2,025 per year. Therefore I cannot see how the loss would amount to £300,000 over a period of 30 years. The member for Kimberley and the member for Warren mentioned that this agreement was entered into for 10 years. If they will glance at the notice paper they will see that last week I gave notice of an amendment to the Bill—I only discovered this fault when I had a closer look at it—and therefore, in Committee, I propose to move that Clause 1 be amended by reducing the term to five years and from then on the company will be subject to any reappraisement of comparable country in the district by the Forests Department.

When I introduced this Bill I started off by indicating that the difference in the royalties on timber amounted to £6 per house. The member for Warren also covered this point. Every time higher royalties are granted, the members of the timber industry are permitted to go along to the Prices Branch seeking a further rise in price. They say to the Prices Branch, "During the last four years the costs of production and royalties in the country for which we have tendered have increased by so much." Their application is based on a firm foundation and the Prices Branch must necessarily take cognisance of that. It might be of interest to members to know that on the royalties already existing the Timber Millers' Association in the past three months have made two applications to the Prices Branch for a further rise in price. I could show members letters I have had on the file during the last three months wherein they have asked me to support them in their application for a further price rise.

If we are to allow these companies to apply for further royalties we are going to supply them with ammunition to use in their applications for higher prices for their timber which, if granted, will naturally increase the cost of houses. As mentioned by the member for West Perth, the big nigger in the woodpile in this particular case is that a large company—the fifth largest in the Commonwealth—is prepared to come to Western Australia and reverse its past policy. It is prepared to enter into retail trade in Western Australia.

Hon. A. H. Panton: The firm has been here since 1901.

The MINISTER FOR FORESTS: But has always been engaged on the export side. Probably it realises that there is a great future within Western Australia and is prepared to give it a go.

Hon. F. J. S. Wise: Some of the other firms argue that they are entirely Western Australian and ought to be given a go.

The MINISTER FOR FORESTS: If there was a certain amount of competition between them, I would not mind. I should like to direct the attention of the House to this point: I have here figures obtained today from the department showing the assessment of timber held on the 1st January, 1945, the last occasion on which an assessment was made throughout the industry. At that time two companies owned more than 50 per cent. of the whole of the timber in the State. Bunnings and Millars between them, it was estimated, controlled 8,287,000 loads and the State Sawmills, Whittakers, Kauri Timber Company, Adelaide Timber Company, Worsley Timber Company and Robert Smith 7,600,000 loads between them. Of that the State Saw Mills had 2,044,000 loads. Consequently we had two companies practically controlling the timber of Western Australia.

I introduced this Bill with one object in view and one only. When I was given the responsibility of Minister for Housing, I felt it was my duty to endeavour to build more houses for the lower-income group particularly. From the day I took office, I have been inundated with requests for timber, and people desirous of getting timber have not ceased pressing me. I should like to read from a letter sent by the Western Australian Builders' Guild under date the 3rd November, which members will find rather amusing. A member of this organisation happens to be a member of the Timber Millers' Association, and he was

one of the members who desired to join a deputation to the Premier to indicate that there was plenty of timber available and that there was no need to worry about getting more. It savours of Dr. Jekyll and Mr. Hyde. His guild pointed out in a letter that at a recent meeting of the guild a resolution was passed and, in accordance with instructions from the meeting, a copy was forwarded for our information. The resolution read—

> This guild is of the opinion that timber supplies are at present far worse than ever before and requests the Government to take strong action immediately to increase supplies.

That gentleman, a member of the Western Australian Builders' Guild, wanted to be one of a deputation to wait on the Premier to enter a protest. Well, he cannot have it both ways.

Let us get down to hard facts. Do we or do we not want more timber? I look around the Chamber and see members who write to me frequently—I hope I answer them quickly—inquiring whether I can do anything for Bill Smith or Tom Jones in the way of material supplies, and I am entirely dependent on the quantity of building materials available and cannot give a satisfactory answer. I submit this Bill in all sincerity as I believe, with the member for West Perth, that it will mean the striking of the first blow towards getting the requisite timber to build more houses, more schools, more hospitals and more factories. Therefore I earnestly hope that the House will pass the second reading.

Mr. Brady: What about the State Saw Mills tender for this country?

The MINISTER FOR FORESTS: The State Saw Mills tendered 10s. That is what the general manager considered it was worth.

Mr. May: Was not that the value put upon it by the Forests Department, too?

The MINISTER FOR FORESTS: Exactly. The general manager of the State Saw Mills considered the country was worth 10s. and he had had no indication of what the Forests Department considered it was worth. No doubt he based his tender on country held slightly further south, which was 8s. 6d. The royalty is based on the Shannon River figure of 5s. per load, and, coming closer to Perth, the price works up gradually on the mileage.

Mr. Brady: Would it not be better for the State to open it up rather than these outsiders?

The MINISTER FOR FORESTS: The hon. member is speaking some amount of fact. At least we are getting a little competition with the State Saw Mills. If we are not going to get competition amongst the bigger companies, I suggest it would be much better, as the hon. member and also the member for Warren suggested, to enlarge the State Saw Mills. However, I brought the Bill here in all sincerity because I believe this agreement will be in the best interests of the State, seeing that it will mean our getting more timber. Unless we have more competition, we shall not get more timber.

Question put and passed.

Bill read a second time.

To Refer to Select Committee.

HON. F. J. S. WISE (Gascoyne) [9.37]: I move—

> That the Bill be referred to a Select Committee.

I refrained from speaking on the second reading, hoping that there would be a greater elucidation of the points raised in opposition to the Bill and, in the Minister's reply, a clearer exposition of the agreement itself. I approach this matter, not with any intention of frustrating the ratification of the agreement or delaying the passage of the Bill, but with a keen sense of the responsibility, not only of the Opposition, but also of the whole of Parliament.

This is not the usual procedure. Why has this Bill been brought to Parliament embodying an agreement requiring ratification by Parliament? Is it because the opinion of the Solicitor General is that, unless the agreement is ratified by Parliament, the matter would be challengeable by any other of the tenderers? Or is it because the Kauri Timber Company does not wish to have any questions raised subsequently as to its right, interest and title in the timber concession and desires the whole matter to be clarified at the outset? It is obvious from the debate and from the papers tabled by the Minister that the Conservator of Forests was opposed to the procedure and opposed strongly to this cutting across of forest policy. He differed from the opinions and differed entirely from the attitude and action that was anticipated at the time of calling for tenders.

To justify my motion, I point out that there is a letter on the file from a timber firm of great moment and strength in this community, showing that before tenders closed, the attention of the Minister was drawn to the fact that a company had been promised this timber concession. A statement in approximately those words appears in a letter on the file. Tenders were called originally in the ordinary way and the amount tendered varied from 10s. to 15s. 6d. per load. Perhaps the two most important tenders from the angle of this Bill were the 10s. of the State Saw Mills and the 11s. of the Kauri Timber Company, but there was another very important tender by Bunnings Ltd. of 14s. 8d.

The tenders were not dealt with in the ordinary way. On receipt, they were sent unopened, I understand, to the Minister. Another very important point is that the

Conservator, quite apart from the usual practice, had no hand at all in the fixing of conditions in conformity with the Forests Act. That was a most unusual procedure. Another point of importance is that the Solicitor General, in his minute to the Government, used the words that "the conditions were loaded in favour of the Kauri Timber Company." Hence not the highest tender of 15s. 6d. per load or the lowest tender of 10s. per load from the State Saw Mills was accepted; in fact, not any tender was accepted, but an undertaking was entered into with the Kauri Timber Company for it to have the timber concession at the rate submitted in its tender, namely 11s. per load.

I do not wish to approach this matter critically at this stage, but simply wish to weight the pros and cons. I submit that I could shoot holes through the agreement in the Bill, unless a more satisfactory explanation is forthcoming than the Minister has given. There are many holes and fallacies in his argument. For example, is there anything in his contention that, because 11s. is a lesser sum than 14s. 8d. —the tender of Bunnings Ltd.—therefore home-building in Western Australia will be cheaper? That may not be so at all, but if it is, home-building would be cheaper if the State Saw Mills tender of 10s. were accepted. Obviously there is nothing in that contention.

Would not other tenderers have agreed to this proposition had the opportunity been given them? Would not the difference between 11s. and 15s. 6d. have been absorbed by at least some of the tenders without increasing the price of sawn timber to the community? I take it that the firm that submitted the tender of 15s. 6d. had no opportunity whatever of having its tender considered and approved because, quite apart from what is stated in the letter from Bunnings to the Government, there is in the minute of the Solicitor General ample evidence that the tenders were called without any intention of accepting any of them.

Mr. Ackland: Would that be the reason why they tendered so high?

Hon. F. J. S. WISE: It might be that this, being one of the few areas of jarrah left in Western Australia, would easily have brought £1 1s. a load had it been submitted by public auction instead of tender. The Leader of the Opposition is approached by many people on many occasions, particularly when matters of public interest are before Parliament. He is usually approached by people who are in trouble, and sometimes by those who have an axe to grind. In my 17 years' experience in Parliament, I have not been approached as much as I have on this occasion by the various interests concerned. Not only have I received letters from the principals in the matter—even the Kauri Timber Co. itself welcoming an inquiry—but urgent telegrams—not one but three arrived today—have come from interests associated with the Kauri Timber Co. In addition, I have received roneoed documents from other interested parties, as well as Press statements from the executive officer of the Associated Timber Industries. A document has been sent from that officer to all, or at any rate many, members of Parliament.

To show how confused the whole matter is and why we should delay the passage of the Bill, at least for a matter of days, is the fact that the Kauri Timber Co. is, I understand a member of Associated Timber Industries of Western Australia, whose executive officers, and, I take it all the other interests too, have views at variance or interests crossing very vigorously and viciously those of the Kauri Timber Co. So, from the letters, telegrams and interviews we have before us a collection of conflicting interests. I do not wish to be partisan in my approach to the matter, but to keep an open mind. I would, however, like the House to have the benefit of a committee to examine all the statements and the available witnesses, and to report shortly to Parliament.

It may be that this company has the best reputation of all those engaged in forestry practice in this State. What is its record in regard to permissible cut? What has it done in the treatment of the forest allowed to it? What is its record in connection with local timber supplies when the local markets were languishing? Bunning's claim that 75 per cent. of their output goes into Western Australian consumption. This company, by agreement, promises that that shall be so on its part.

Mr. May: It has never done it before.

Hon. F. J. S. WISE: It is promising that it shall be so. One firm has that as an accepted achievement, and the other firm has included it as a definite promise or undertaking in the agreement which Parliament is asked to ratify. I simply submit these angles for this Chamber to weigh carefully. Opinions that are very wide apart have been expressed. One speaker said that the Kauri Timber Co. was the logical tenderer for this area, but the other company states that its claim is far greater than that of the others so far as necessity, desirability and justice are concerned. Rather than apologising for delay, as was stressed by the member for Vasse, I suggest that the House would be adopting a wise course if it submitted the Bill for examination by a Select Committee of the House. The committee would be able to report within a week or two if its members were prepared to apply themselves to their task. I am sure if that were done we would have less confusion. Tonight we are discussing the Bill in an atmosphere of conflicting interests, and I believe a Select Committee could divorce that from the debate by advising the Chamber on the evidence presented to it.

THE PREMIER (Hon. D. R. McLarty—Murray) [9.51]: The Government has no objection to the Bill going to a Select Committee. The Leader of the Opposition said that the report of the Select Committee could be given to Parliament within a few days. I hope that is so, because I can bring to mind the activities of some Select Committees and Royal Commissions that went on for a long time, and one wondered when their reports would be received.

Hon. F. J. S. Wise: That is not my record.

The PREMIER: That is so. The Leader of the Opposition said that the report could be prepared and presented to Parliament in the course of a few days.

Hon. A. H. Panton: You would not have to travel all over the country on this one.

The PREMIER: There would not be a great number of witnesses; perhaps not more than eight. That is a rough calculation. As the Leader of the Opposition said, if the members appointed to the Select Committee applied themselves to their task, an early report could be received.

Hon. A. H. Panton: Let the chairman put the whip on them.

The PREMIER: Yes. An early report is desirable, especially as the Bill has already reached a certain stage. The need to get more timber is urgent, and if the matter is held up indefinitely it will certainly be to the detriment of the State in many ways.

Hon. A. A. M. Coverley: I do not think anybody desires that.

The PREMIER: I agree with the hon. member there. I also believe it is desirable that the Select Committee should be a joint one, so as to be representative of both Houses. I say that because the members of another place have also been receiving the correspondence, to which the Leader of the Opposition referred, and are therefore equally concerned about the proposed legislation. If we have a Select Committee of only one House, I fear there would be considerable delay in the passage of the Bill, or in the implementing of the findings of the Select Committee if Parliament wished to implement them. If the motion is carried, I would like to move that a message be forwarded to the Legislative Council requesting that it appoint a similar Select Committee with power to confer with that appointed by the Legislative Assembly. I hope that will be acceptable to members because, as I have already said, I think it is in the best interests of the State that a joint Select Committee be appointed. We have had such committees in the past. I remember that a joint Select Committee inquired into the Companies Bill, and there have been others.

HON. F. J. S. WISE (Gascoyne—in reply) [9.55]: There are one or two matters which could delay the presentation of a report, and one of them would be if members were not available to act and work on the Select Committee. I know my own capacity for work and my anxiety to have this matter brought back to the House very quickly. An early report would depend to a large extent on the co-operation of the other members of the committee. In connection with the second point, it would indeed be approaching a miracle to have a joint Select Committee of ten people which would expedite the examination of witnesses, to be available to meet daily from early morning until the time the Houses sit, and to have a report prepared, say, by Thursday of next week. But with a committee of fewer people to examine witnesses, and less opinions to be ironed out—not to get a majority view but a unanimous view, I hope—it would not take so long.

The Premier: You need not have five members from each House, but three.

Hon. F. J. S. WISE: I would like to have the right to select them. I could pick three men from each House who would deal expeditiously with the matter but, on the other hand, I could select three from each Chamber who would make it impossible for a report to be presented before Parliament rose. I advise the Premier that we have no say whatever in the personnel to be selected from another place. In initiating this proposal, I am fully conscious of the work and responsibility involved. If it is the wish of the House that the Select Committee be a joint one, we will do our best in the matter.

The Premier: Surely they will act with a full sense of responsibility.

Hon. F. J. S. WISE: I hope they are available from 10 a.m. each day, because my office work will have to be done prior to that time. It will be necessary to meet at approximately 10 a.m. each day, whether sitting days or not.

Question put and passed.

Select Committee Appointed.

On motion by Hon. F. J. S. Wise, Select Committee appointed consisting of Mr. Hoar, Hon. A. A. M. Coverley, Mr. Totterdell, Mr. Nalder and the mover, with power to call for persons and papers, and to sit on days over which the House stands adjourned, and to report on Tuesday, the 21st November.

Request to Confer.

THE PREMIER (Hon. D. R. McLarty—Murray) [9.59]: I move—

> That a message be forwarded to the Legislative Council notifying that the Assembly had agreed to refer The

Kauri Timber Co. Ltd. Agreement Bill to a select committee of five members, and requests the Council to appoint a committee of the same number of members with power to confer with the committee of the Assembly.

Hon. F. J. S. Wise: Does that word "confer" mean what it says? Does it mean that they will have the authority to act with us?

Mr. SPEAKER: Yes.

Hon. F. J. S. Wise: And to act in conjunction with us?

Mr. SPEAKER: Yes.

MR. RODOREDA (Pilbara) [10.0]: I do not know whether the Premier realises what he is doing—

The Premier: I think he does.

Mr. RODOREDA: —in asking that a joint select committee be appointed. It will inevitably delay the consideration of the whole matter, and it will not go the least bit further towards achieving the objective he desires. We have had previous experience of Joint Select Committees. I remind the Premier of the joint committee appointed to deal with the Electoral Act. That committee's recommendations were brought before both Houses and its recommendations were accepted by this House, but in the Legislative Council the members of the Committee voted against all the provisions in the Bill. Who is to say that they will not do the same thing in regard to this matter?

Mr. Oliver: There is no accounting for what they will do.

Mr. RODOREDA: No, as the member for Boulder says, we do not know what course the Legislative Council will take, especially in view of our previous experience. I think the Premier would be well advised to withdraw his motion and permit the Select Committee to be appointed from this House, and take a chance upon what happens to the Bill when it reaches the Council. The Premier has no guarantee, nor can he give this House a guarantee, as to what the Council will do in this matter, irrespective of what the report of a Joint Select Committee will be. We have had previous experience and the Premier knows all about it. This will only delay the Bill.

THE PREMIER (Hon. D. R. McLarty—Murray—in reply) [10.3]: I think the carrying of this motion would have the opposite effect to that suggested by the member for Pilbara.

Mr. Rodoreda: It has happened before.

The PREMIER: I think it necessary that members of the Council should have a full knowledge of what is proposed. So that those members may gain that knowledge, they should have a report from a Joint Select Committee. I have not any idea what the Legislative Council will do.

Hon. A. H. Panton: Nor has anybody else.

The PREMIER: But I feel that if we have this Joint Select Committee members of the Council will be better informed, and earlier informed, of the proposals in this Bill.

Hon. F. J. S. Wise: You do not mind how hard I work them?

The PREMIER: Not a bit. I wish the hon. member all the luck possible in regard to the work he proposes.

Hon. F. J. S. Wise: If I get a quorum and they are not there, they miss out.

The PREMIER: The hon. member should go on if they are not there. I hope the House will agree to my proposal.

Question put and passed, and a message accordingly transmitted to the Council.

BILL—INCREASE OF RENT (WAR RESTRICTIONS) ACT AMENDMENT (No. 2).

Message.

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

Second Reading.

THE CHIEF SECRETARY (Hon. V. Doney—Narrogin) [10.4] in moving the second reading said: This Bill, which I now wish to present to the House and which seeks to amend and continue the operations of the Increase of Rent (War Restrictions) Act, is of substantial interest to every member in this House.

Mr. Oliver: And to the people in the gallery.

The CHIEF SECRETARY: I make no mention of them but I will say that it is also of special importance to two large groups of people in this State, namely, tenants and landlords. It would be no exaggeration to say that so many and so varied are the ramifications of this Bill that it might be looked upon as involving nearly every household in this State. I fully realise that the Bill will not suit everybody and that a measure of this type has not one chance in a thousand of pleasing everybody or of pleasing even a majority. Members know that it matters not by what percentage rents are raised, the landlords will complain that the rise is not steep enough; the tenants will equally assert that it is too high. That is natural and I am not complaining about it for it was ever thus. As members know, it will be the same until every householder has his or her own home. What does the Government do in those, what might be termed, stubborn conditions? It draws up a Bill on give and take lines, by which I mean that under this measure the landlord will need to yield something to the tenant and the tenant equally will need to yield something to the landlord.

Hon. J. T. Tonkin: If a tenant is in and does not want to get out and the landlord is out and wants to get in, what happens?

The CHIEF SECRETARY: I would rather deal with that problem when the Bill reaches the Committee stage. If I dealt with it now it would delay the introduction of the Bill. I was on the point of asserting that the Bill is drawn up on give and take lines and that it will be necessary for this Chamber, when debating it, to act in a similar way, otherwise its passage will be very slow.

Hon. F. J. S. Wise: The tenant will give and the landlord will take. That is about what it is.

The CHIEF SECRETARY: I am not prepared to be too argumentative on that point at this stage. There is one other point that needs to be made quite plain and that is that no party policy is involved in the contents of the Bill or in the attitude of the Government towards it. I make that statement so that the House may know that when the Bill finally leaves this Chamber all parties will be equally responsible for its condition.

Mr. J. Hegney: Are you delegating your responsibility?

The CHIEF SECRETARY: The hon. member can hold what views he likes on that matter. The original Act was passed in 1939 and was one of the first control measures deemed to be necessary because of war conditions. Many wartime control laws, both Commonwealth and State, have ceased to exist, but that dealing with rents and other matters affecting landlord and tenant relationships, remains on the statute book, and just as well, too. Precisely the same thing applies in all the other States and members are well aware of the reason for it.

There is a tremendous shortage of homes for our people and, as members will admit, that is due to the great effort made in the conduct of the war. This shortage of homes is an inevitable result of that war effort. Neither this Government, nor any other Government, whether composed of members on this side of the House or on the other side, could afford to remove such legislation in these difficult post-war times. Until such time as the housing condition returns to normal it is in my judgment absolutely essential that the fixation of rents and matters incidental thereto should remain under some form of control. Not until we arrive at the stage when we have 100 houses for every 100 applicants can we safely set these controls to one side.

Since 1939 there have been many amendments to the original Act which, right from its inception, pegged rents as at the 31st August, 1939, or at the particular rent at which premises were first let after that date. I mention this matter for the reason that it is basic to the consideration of many of the important clauses in the Bill. Generally speaking, the Act provides for the stabilisation of rents and for the protection of tenants and landlords. It applies to all types of premises and covers leases, whether those leases be written or oral.

Mr. May: Do you say it covers all premises?

The CHIEF SECRETARY: Yes.

Mr. May: Hotels, and so on?

The CHIEF SECRETRAY: No. If they are to be regarded as premises, as I presume they reasonably might be, they will be excluded.

Mr. Oliver: Why?

The CHIEF SECRETARY: When the Act was first passed it did not provide for recovery of possession or eviction procedure, as this was dealt with, at that time, by the Commonwealth National Security regulations. With the lapsing of those regulations in 1948, the State Act was amended to incorporate those principles, so that today evictions are, and of course will continue to be, the subject of State law. The protection of ex-Servicemen in this regard was continued by the Commonwealth under National Security regulations for a further period of 12 months but last year the regulations lapsed and were afterwards incorporated in the State Act. But as members are aware, those protective provisions do not now exist.

Hon. A. H. Panton: They lapsed again.

The CHIEF SECRETARY: I make no comment on that.

Hon. A. R. G. Hawke: Why?

The CHIEF SECRETARY: Amendments made to the original Act were the result of experience in administration and, in many instances, were designed to rectify anomalies and simplify procedure in approaches to the court and, for that matter, in approaches to the rent inspectors. The provisions of this Bill are similarly designed and, like their predecessors, have been found necessary because of changing circumstances and especially of changes as affecting values and court decisions. In 1947 when this Government first came into office, it investigated many complaints in connection with the law of rent stabilisation. One of such complaints was that by lower income groups, including pensioners, in regard to court procedure to determine a fair rent. They said it was too expensive and that there was altogether too much delay in the procedure involved.

Mr. May: It was one of your claims that you were going to control rents.

The CHIEF SECRETARY: I think it is a trifle late in the day to refer to what we might have said, two, three or fifty years ago.

Mr. May: You do not like to be reminded of it today.

The CHIEF SERCETARY: I do not mind at all except that it is a waste of time. As I was saying, one of the complaints made was that the court procedure to determine a fair rent was too expensive and that there was too much delay in regard to procedure. This applied particularly to shared accommodation such as apartments, rooms and so forth.

The limitation period of three months during which application could be made to the court for determination of a fair rent had also become the subject of considerable criticism. It became evident, therefore, that amendments in that direction were of some urgency. These matters were rectified by the Government at the earliest opportunity in its 1947 session. Since that time a rent inspector may, for a very small charge, determine for both landlord or tenant a fair rental in respect of shared accommodation without recourse to court action, but with, of course, a right of appeal, as members are aware, by either party to the court. Those provisions have been appreciated by the general public, and to date somewhat over 1,000 determinations have been made by the rent inspector in respect of premises in all parts of the State. This, I might add, does not include the tremendous number of personal inquiries by landlords and tenants, and very many others made of the rent control staff, all of which have resulted, on almost every occasion, to the satisfaction of both parties.

I think it might not be amiss at this juncture to explain that the services of the senior inspector, Mr. Stewart, and his very small staff, have been of inestimable value and help to the Western Australian public because of the reliability of his determinations—that is, determinations of rent fixation—and his very sound advice upon housing and eviction problems. Some thousands of inquirers have been satisfied and naturally sent away happy.

Hon. A. H. Panton: Did you say happy?

The CHIEF SECRETARY: I am asserting it, anyhow.

Hon. A. H. Panton: Sent away is right, but I would not say happy.

The CHIEF SECRETARY: Sent away in the knowledge that what they came for they received, namely, sound advice. Although this is not relevant to the Bill, I would like to say that Mr. Stewart's duties have been so extremely onerous that six weeks ago he suffered a very serious breakdown and is still off duty, although he is now improving quickly. As a tribute to Mr. Stewart I want to add that in respect of his rent decisions, extremely few—indeed I am told the number is nil, but not wishing to exaggerate I say extremely few—have been appealed against by any member of the public. I imagine there are few of us in this House who hear such flattering comment upon our decisions. Country people, too, have had the benefit of personal advice by the rent inspector on matters affecting the Act.

A point not generally known is this: That Mr. Stewart, together with another officer in 1949, for the first time visited the main country towns down in the South-West and Great Southern where interviews were freely availed of, and where the trip was regarded by a number who have spoken to me as extraordinary serviceable. Such interviews will continue as circumstances permit and where they are required. Under the rent inspector's authority an officer has been detailed to deal with complaints regarding offences under the Act and also to investigate interferences with tenancy rights and privileges. I understand that the interferences to which I have just been referring are very often brought about by reprisals because of a rent reduction. I am unable to assert that this is so; I only say I am told it is.

Hon. A. H. Panton: Just as well you did not say anything else. You do not believe there were rent reductions, do you?

The CHIEF SECRETARY: When I come to that particular section of the Bill I do not mind if the hon. member interjects. Recently there has been considerable confusion as to whether a person occupying a room in certain circumstances is a tenant or a lodger, or, as is the case on some occasions, a licensee. Members have noticed the decisions and opinions expressed by magistrates and members of the legal profession on this matter, and it must be admitted that the decisions have varied somewhat. But I think in the circumstances that can hardly be wondered at. The cause of this is that the Act applies only to leases and does not concern itself with licenses. The term "leases" has been held by the court not to include cases where rooms are let merely by the leave or license or, if a more explanatory term is preferred, by the permission of the landlord.

There have been many instances of owners of property avoiding the application of the principal Act by expressly agreeing that the occupier, when he occupies premises or part thereof, does so merely by the license or by the permission of the landlord. When those cases appear at court the magistrate or judge, as the case may be, will not now go beyond the expressed terms of the agreement to which I have just been referring, and thus they deny to themselves by that means the ability to study circumstances under which the occupier is in occupation. On the contrary, they now have a rule that he is not a tenant but a licensee and not, therefore,

entitled to the protection of the Act; that is to say, the Act as it stands now without the amendments to which I am referring.

Similarly, it is difficult in many cases to decide whether a person occupying a room does so as a tenant or a lodger as the legal distinction is a very fine one and in many cases is of uncertain application to the facts of any one case. However, the position is that if the occupier is either a licensee or a lodger, neither the court nor the rent inspector at present has any jurisdiction entitling him to determine a fair rent. That, of course, is quite contrary to the intention of the Act and, in order to remedy that defect and to overcome the confusion I have mentioned, it has been decided to bring the parties within the scope of the Act and that is what is provided for in the Bill now before the House.

Another important amendment is that deemed necessary because of a recent decision which undermines the authority of the rent inspector with regard to shared accommodation. Members may be aware —I daresay they are—that shared accommodation is defined as any premises leased or intended to be leased for the purpose of residence, including premises leased with goods, and forming part of any premises but does not include any rooms forming a complete residence in themselves. It has been held by the Full Court in this State, following certain English decisions, that where a tenant occupies certain living rooms, but shares with another tenant such facilities as laundry, bathrooms and so forth, such sharing of facilities does not prevent accommodation being a complete residence in itself.

The point is that once it is a complete residence in itself it is no longer shared accommodation and, consequently, is outside the jurisdiction of the rent inspector. The Chief Justice also expressed the opinion that, in view of a recent decision of the House of Lords, there could be no sharing of accommodation between a landlord and a tenant even though the tenant shared with a landlord the use of rooms such as the kitchen or a living room, as the landlord in all such cases retained rights over many rooms not shared with the tenant. I am afraid I cannot say I am satisfied with that determination; it is just that I cannot understand it. I will leave it at that for the moment. The effect of the decision of the Full Court is that in such cases the rent inspector has, as I have already explained, no jurisdiction, and it has been thought desirable to delete from the Act the words "premises forming a complete residence in themselves." It is thought thereby to remove what is obviously a loophole in the Act.

In case members are a little dubious as to the propriety of deleting those words, I inform them that I have the assurance of the Crown Law Department that it is the presence of those words that is held to justify the Full Court in arriving at the decision to which I have referred. I have already mentioned that the rent inspector has made over 1,000 determinations in respect of shared accommodation. Many of these are now questionable, I am sorry to say, and it has led to a lot of trouble because of the ruling of the Chief Justice. The situation is giving us a good deal of concern. In every respect the rent inspector acted in good faith and invariably was supported by Crown Law opinion. There is no doubt whatever about the intention of the Act regarding the rent inspector having authority to fix the rent of shared accommodation.

Obviously something must be done to protect the tenants whose rentals have been reduced and to deal with the position of the rent inspector who has now to face up to the very costly decision of the Full Court. Some of the adjustments were made early in 1948 and already there is quite a considerable number of applications in hand challenging the rent inspector's jurisdiction and determinations that he made in 1949. As the assessments of the rent inspector were made in accordance with the spirit and intention of the Act, and as obviously it would be wrong in equity to force tenants to refund large amounts where rents were reduced, there is provision in the Bill validating past decisions of the rent inspector with the exception, of course, of those cases upon which the court, if it should so happen, has in the meantime given adverse decisions.

Another proposal set out in the Bill is that the Act is not to apply in respect of premises in connection with which there subsist publicans' general licenses, hotel licenses, wayside house licenses, Australian wine and beer licenses or Australian wine licenses issued periodically under the provisions of the Licensing Act, 1911-1949. After consideration the Government is of the opinion that such premises should be removed from the provisions of the Act. The Bill also provides that where land tax is payable by the lessor he may increase the standard rent by the amount of land tax in respect of property he lets after the Bill has become law. In other words, this will enable the landlord to pass on to the tenant the increase in question.

The next amendment is one of considerable importance and of widespread interest. At the outset of my remarks I mentioned that when the Act was passed in 1939 rents were pegged as at the 31st August of that year and the rent so pegged is known as the standard rent. The Bill provides that—

> A landlord may charge rent in excess of the standard rent by such sum not exceeding twenty-five per centum of the standard rent as may be agreed in writing signed by the tenant, but failing such agreement, the landlord or the tenant may at any time make

an application for the determination of a fair rent of the premises and the Court shall have jurisdiction to hear the application and to determine the fair rent as if the premises had first been leased after the thirty-first day of August, 1939;

Mr. Marshall: They can do that now.

The CHIEF SECRETARY: It just happens that it cannot be done now.

Mr. Marshall: But they are doing it.

The CHIEF SECRETARY: I do not mind the hon. member holding that opinion, but it is just wrong.

Mr. Marshall: But it is not.

The CHIEF SECRETARY: If the hon. member is satisfied that it is being done now, then the Bill provides no change in the procedure, but I am asserting to the contrary. I cannot imagine the Crown Law Department getting hold of an Act and providing in an amending Bill something that is already in the Act.

Mr. Marshall: I am going on the decisions of the court.

The CHIEF SECRETARY: I made reference to a decision of the court a few minutes ago and I am not questioning its propriety at all. I feel sorry that it is leading to such dire results.

Mr. Grayden: Do not different sets of principles apply and does not the court have to determine them?

The CHIEF SECRETARY: I do not propose to enter into arguments, bearing in mind the lateness of the hour.

Mr. Marshall: You will have to answer some arguments before the Bill is passed.

The CHIEF SECRETARY: As the hon. member can well imagine, I am not one to dodge an argument.

Mr. Brady: Can the Minister say how the 25 per cent. was arrived at?

The CHIEF SECRETARY: I was referring to the provision in the Bill, which the member for Murchison says was there before—

Mr. Marshall: I do not care what was there, but I have in mind what the courts did.

The CHIEF SECRETARY: —permitting a landlord and his tenant to enter into an agreement to increase the rent by anything up to 25 per cent.

Mr. Brady: How was that 25 per cent. arrived at?

The CHIEF SECRETARY: I will not stop to tell the hon. member that now, but in Committee will be pleased to give him that information. This provision will enable the landlord and tenant to agree to an increase in the standard rent of any sum up to 25 per cent.; so it may be five per cent. or 15 per cent. or 25 per cent.

Mr. Marshall: What a fool the tenant would be!

The CHIEF SECRETARY: Listen to what I have to say next! If the parties cannot agree, either may apply to the court for a decision; and in the event of court action being necessary there is nothing, so the Crown Law Department informs me, to limit the fixation of the rent beyond the percentage that has been mentioned. So the 25 per cent. may go down to five per cent. or nothing, in which case there is no agreement, I presume; but at the same time it may exceed the 25 per cent. and go to 30 per cent., though I do not anticipate there will be many occasions when it will rise that high. There is no doubt in my mind or, I believe, in the mind of anybody here, if my private conversations can be relied upon, that the costs and expenses incurred by landlords in respect of dwellings let to tenants have increased very substantially since the passing of the original Act in 1939, and that some increase is in decency necessary. We should all admit that.

Hon. J. T. Tonkin: The schedule you tabled in response to my question is at variance with that statement.

The CHIEF SECRETARY: It may be. I am not recalling it at the moment, nor am I going to make any attempt to recall it; but I will let the hon. member know that, since this measure went into construction, it has gone through five drafts.

Hon. A. H. Panton: It looks as though it was blown away!

The CHIEF SECRETARY: I did not get the final draft until late today; and, if there is any item upon which I am unable to advise the hon. member, he will know the reason. I would not have submitted it so hurriedly but for the fact that the session is moving on and we have to make use of all the time there is. I was saying that some increase is necessary in rents and I think that the increase proposed might be considered by the House to be a reasonable adjustment as between those parties. The percentage proposed has been arrived at only after a great deal of consideration day after day by the Government.

Hon. A. R. G. Hawke: It reads a bit like a stab in the dark.

The CHIEF SECRETARY: If the hon. member can make out a case by and by when he takes part in the debate, showing that it is like a stab in the dark, I will not mind; I will not grumble at all. Returning to the Bill, the Act gives little guidance to the court as to the factors the court should take into consideration in determining a fair rent. There have been quite a number of complaints on this aspect of the law. It is considered more satisfactory for Parliament to give the ne-

cessary guidance to the court as to matters which it considers of importance, for this reason: That when it is left in its entirety to the court to lay down its own conditions, that leads to a bigger variation in the several judgments that ensue. A part of the Bill to which I now intend to make reference repeals the existing section and provides that in determining a fair rent consideration shall be given to the following:—

(a) the annual rates and insurance premiums paid in respect of the premises;

(b) the estimated annual cost of repairs, maintenance and renewals of the premises and fixtures thereon;

(c) the estimated amount of annual depreciation in the value of the premises and the estimated time per annum during which the premises may be vacant;

(d) the rents of comparable premises in the locality of the premises the subject of the application;

There are five other conditions which have to be met, but I think they might be reserved for treatment in Committee.

Mr. Marshall: One of the conditions you were responsible for is not in the Bill—the increase of 60 to 100 per cent. in electricity and gas costs.

The CHIEF SECRETARY: The hon. member must realise that we cannot take all these matters into account. The owner may make his own private arrangements. He knows the average cost of the gas which each householder uses; but if we bring those things into the Bill and make provision for them there, we will strike more trouble than by leaving them to the discretion of the houseowner and the tenant. There is a provision that where a determination of the fair rent of premises, including lodgings, is made, no further proceedings for the determination of a fair rent shall be commenced until after a period of six months from the time the determination is made. That is for the purpose of setting aside the possibility of quite a number of frivolous applications, which would do no more than waste the time of the court or of the rent inspector as the case may be.

Mr. Marshall: You have certain stipulations set down there, too.

The CHIEF SECRETARY: Yes, I read four or five of them, stating that there were more that could be dealt with in Committee, and no doubt will be. Another very important proposal deals with the question of eviction. We are all interested in that.

Hon. A. R. G. Hawke: The Government itself should be very deeply interested in it.

Mr. Yates: Why?

Hon. A. R. G. Hawke: It is likely to be evicted at any time.

The CHIEF SECRETARY: It is composed of citizens of the State, and as such we are all interested. It has to be admitted by everybody that much distress is caused by the inabiilty of owners of premises—many of whom we have been told often enough and have read frequently enough in the Press are retired people or folk living on small pensions—to occupy or re-occupy their premises.

Hon. A. H. Panton: You do not give them much chance of getting in under this Bill. In nine months!

The CHIEF SECRETARY: I am reading out the provisions of the Bill. Members who do not agree with those provisions will have the fullest opportunity of submitting, by way of amendment, any views they find in conflict with what is stated here. I said over half an hour ago that when the Bill finally leaves this Chamber it will be the responsibility, quite equally divided, of all the parties in this Chamber. Obviously that could mean nothing more than that the fullest opportunity will be allowed members of getting away with such amendments as the majority agrees to give.

Mr. Marshall: You introduce a skeleton and expect us to put the flesh on it.

The CHIEF SECRETARY: The hon. member need not move any amendments, but when the time comes I know he will, the same as will everybody else who feels disposed to do so. The Bill will enable an owner to give a tenant three months' notice to quit.

Hon. A. H. Panton: What goes on at the end of three months?

The CHIEF SECRETARY: Where a person has been an owner for six months he will be able to give the tenant three months' notice to quit. At any time within that three months the tenant may apply to the court for an extension of time up to a further six months, and the court will have jurisdiction to grant an extension up to that maximum period. But the court need not grant the extension of six months, but may make it one, two, or any other number of months.

Mr. Yates: The court will, nine time out 10, give that extension.

The CHIEF SECRETARY: At the moment the Act contains no provisions permitting of this at all. There are references to evictions in the regulations, and I am quite agreeable to the power remaining in the regulations, but I think it is fair to the House that such an important matter as this should become the subject of debate.

Mr. Marshall: Some people have been waiting years for their houses, and now they will have to wait another nine months.

The CHIEF SECRETARY: The hon. member and I are agreeing. If the tenant does not apply for an extension within the three months, or at the expiration of the time limited by the court, or in any event, the expiration of nine months after the original service of the notice, the owner may apply to the court for an order for the recovery of the possession of the premises, and the court is required to grant him the order applied for. Once an owner has recovered possession it will be an offence for him to part with possession at any time during the 12 months following recovery, except by leave of the court upon good cause being shown. There is one other provision, and it is an important one, with which I wish to deal. It seeks to give authority to make regulations for the protection of certain ex-Servicemen and their dependants.

Hon. A. H. Panton: I wonder what the Legislative Council will say about that.

The CHIEF SECRETARY: Here again I do not anticipate getting a majority viewpoint, although I may. The provision here is certainly an improvement upon what existed in the previous regulations. The protection to be provided will be applied to a person receiving a pension pursuant to the provisions of the Australian Soldiers Repatriation Act, 1920-1949, for total and permanent incapacitation, and to the widow of a Serviceman killed during his war service if and while she has any child of his under the age of 21 years dependent upon and residing with her, and while she remains a widow.

It is necessary to define "war service" as it is of considerable consequence here. The expression means, service as a member of the armed forces of the Commonwealth under the Defence Act, 1902-1949, the Naval Defence Act, 1910-1949, or the Air Force Act, 1923-1941, during any war or during any operation prescribed by regulation to be an operation of the nature of war in which His Majesty became or becomes engaged on or after the third day of September, 1939. The Bill, therefore, proposes to protect two classes of persons, namely, the totally and permanently incapacitated returned ex-Serviceman, and the widow of a person killed during war service. The reference there is from the 1939-1945 war onwards, not backwards.

Hon. A. H. Panton: If he is not totally and permanently incapacitated by war he does not get any protection.

The CHIEF SECRETARY: That is what the position is now.

Hon. A. H. Panton: Is that what the Bill means?

The CHIEF SECRETARY: Yes. There is a further provision which is that on the hearing of any proceedings for an order for the recovery of possession of premises from a protected person, the court shall not make an order against him unless it is satisfied that a refusal to make the order would cause substantially greater hardship to the lessor and his interests than to the protected person and his interests.

Mr. Marshall: It is protection in perpetuity because we shall never again be without war the way things are going.

The CHIEF SECRETARY: I suppose the hon. member is just as responsible for that as I am. I had intended making other comments, but because of the lateness of the hour I shall refrain. I move—

That the Bill be now read a second time.

On motion by Hon. A. R. G. Hawke, debate adjourned.

RESOLUTION—THE KAURI TIMBER COMPANY LIMITED AGREEMENT BILL.

To Inquire by Joint Select Committee—Council's Message.

Message from the Council received and read notifying that it had agreed to the Assembly's request to appoint a Select Committee of five members; and had accordingly appointed Hon. W. J. Mann, Hon. J. M. Thomson, Hon. H. Hearn, Hon. E. M. Heenan and Hon. H. C. Strickland to confer with the Select Committee of the Assembly on The Kauri Timber Company Limited Agreement Bill.

House adjourned at 10.59 p.m.