Hon. L. Craig: They would be joint lessees.

The CHIEF SECRETARY: And they could enrol for the Legislative Council elections. Why cannot both husband and wife, as partners, vote at elections for this Chamber?

Hon. A. R. Jones: They could still form a partnership.

The CHIEF SECRETARY: The average citizen does not know many of these things.

Hon. L. Craig: Not one of the people in the new flats will be able to vote—

The CHIEF SECRETARY: They may not.

Hon. L. Craig: You are leaving them out.

The PRESIDENT: Order!

The CHIEF SECRETARY: If the hon. member would support us I would bring down a Bill to give those people a vote, but what is the use when the House will not agree to a measure such as this?

Hon. L. Craig: Here you are showing preference to a section.

The CHIEF SECRETARY: No; this would affect people throughout the State and would cover the husband or wife of a freeholder or householder. That is not sectional legislation. I hope that even at this late hour there will be one or two converts to help us to place this measure on the statute book.

Question put.

The PRESIDENT: As this is a Bill to amend the Constitution, in order that the second reading can be carried, it will be necessary to have an absolute majority.

Bells rung and a division taken with the following result:—

Ayes	11
Noes	16
Majority against	5

Ayes.

Hon. C. W. D. Barker	Hon. F. R. H. Lavery
Hon. E. M. Davies	Hon. H. C. Strickland
Hon. G. Fraser	Hon. J. D. Teahan
Hon. J. J. Garrigan	Hon. W. F. Willesseе
Hon. E. M. Heenan	Hon. W. R. Hall
Hon. R. F. Hutchison	*(Teller.)*

Noes.

Hon. L. Craig	Hon. L. A. Logan
Hon. J. Cunningham	Hon. J. Murray
Hon. L. C. Diver	Hon. H. L. Roche
Hon. Sir Frank Gibson	Hon. C. H. Simpson
Hon. H. Hearn	Hon. J. McI. Thomson
Hon. J. G. Hislop	Hon. H. K. Watson
Hon. A. R. Jones	Hon. F. D. Willmott
Hon. Sir Chas. Latham	Hon. A. F. Griffith
	(Teller.)

Pair.

Aye.	No.
Hon. G. Bennetts	Hon. N. E. Baxter

Question thus negatived.

Bill defeated.

House adjourned at 11.20 p.m.

Legislative Assembly

Tuesday, 22nd November, 1955.

CONTENTS.

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

ASSENT TO BILLS.

Message from the Governor received and read notifying assent to the following Bills:—

1, Zoological Gardens Act Amendment.
2, Roman Catholic Bunbury Church Property.
3, Health Act Amendment.
4, University Medical School.

QUESTIONS.

KWINANA.

Applications for Land by Large Companies.

The MINISTER FOR MINES: On a point of explanation regarding a question asked by the member for Mt. Lawley on last Wednesday relating to land at Kwinana, sought by various companies for the purpose of development, I wish to make a correction. The advice given me when I answered the question was that the Fremantle Stevedoring Co. Pty. Ltd. had asked for land in that locality to start a branch of its business. The company named should have been the Fremantle Providoring Co. Ltd.

DRAINAGE.

Bentley Park-Welshpool Area.

Mr. JAMIESON asked the Minister for Works:

(1) Were any plans drawn up by the McLarty-Watts Government for the draining of those areas of Bentley Park-Welshpool, which were recently affected by the abnormal winter conditions?

(2) Were any plans drawn up by the McLarty-Watts Government for draining any of the eastern suburbs?

(3) What plans has the department in mind for future relief of the areas recently flooded?

(4) Are plans being prepared for a comprehensive drainage scheme for the eastern suburbs?

The MINISTER replied:

(1) and (2). In January, 1947, the then Minister for Works (Hon. A. R. G. Hawke) expressed himself as being especially anxious to make some progress regarding the drainage of flood waters in the metropolitan area, and shortly afterwards, following a discussion with officers of the Metropolitan Water Supply Department, approved of an amount of £1,000 being provided immediately to enable survey work to be undertaken with a view to having a start made with a drainage scheme.

Survey work was carried on during the term of the McLarty-Watts Government, preliminary plans were prepared and a report submitted in 1951.

(3) Plans already in existence are being revised in the light of further extension of building activities, with a view to making adequate provision for the drainage of the areas concerned.

(4) Preliminary plans have already been prepared. Detailed plans will be finalised when sufficient funds are available to enable the work to be commenced.

BUNBURY.

Expenditure on Public Works.

Mr. ROBERTS asked the Treasurer:

On the 1st November, 1955, in reply to a question, he indicated that the following moneys were to be spent in Bunbury during the current financial year:—

(a) Loan funds, £2,211,600;

(b) Revenue funds, £745,119;

(c) Main Roads Board funds, £21,750.

(1) What are the details of the projects on which these moneys are to be spent?

(2) What amount has been spent on each project so far in this financial year?

(3) What amount is to be spent on each project for the balance of this financial year?

The TREASURER replied:

(1) Loan Funds.

	£
Bunbury Harbour Improvements	47,000
New School, Carey Park	5,600
Bunbury Hospital	30,000
Power House Construction	1,940,000
New Railway Institute	20,000
New Barracks	20,000
Improvements to Railway Yard	5,000
War Service Homes	13,000
Purchase of Picton Land	1,000
State Houses and Commonwealth-State Rental Homes	130,000
	2,211,600

Revenue Funds.

	£
Harbour Dredging	35,000
Repairs, etc., to Public Buildings	10,000
Drainage 5-Mile Brook	300
Agriculture	20,110
Medical	46,831
Education	92,334
Harbour and Light	4,500
Public Health	906
Fisheries	1,350
Police	27,688
Crown Law	7,200
Railways	495,000
Sundries	3,900
	745,119

Main Roads Board Funds.

	£
Bunbury-Collie Road	7,150
Coast Road	6,420
Collie River Dredging	5,800
General	2,380
	21,750

(2) and (3).

Project.	Approximate Expenditure 4 months to 31/10/55.	Estimated Expenditure for balance of financial year.
	£	£
Bunbury Harbour Improvements	11,198	35,802
New School, Carey Park	4,167	1,433
Bunbury Hospital	—	30,000
Power House Construction	721,486	1,218,514
New Railway Institute ...	—	20,000
New Railway Barracks	—	20,000
Improvements to Railway Yard	415	4,585
War Service Homes	12,581	419
Purchase of Picton Land	—	1,000
State Houses and Commonwealth-State Rental Homes .	29,543	100,457
Harbour Dredging	—	35,000
Repairs to Public Buildings ...	3,000	7,000
Drainage	100	200
Agriculture	7,000	13,110
Medical	15,600	31,231
Education	31,000	61,334
Harbour and Light	1,500	3,000
Public Health	302	604
Fisheries	450	900
Police	9,200	18,488
Crown Law	2,400	4,800
Railways	165,000	330,000
Sundries (Revenue)	1,300	2,600
Bunbury-Collie Road	251	6,699
Coast Road	3,993	2,427
Collie River Dredging	889	4,911
Roads—General	—	2,380
	1,021,375	1,957,094

EDUCATION.

(a) Additional Classrooms, Ewington School.

Mr. MAY asked the Minister for Education:

(1) How many classrooms are to be added to the Ewington school this financial year?

(2) When is it proposed to erect these classrooms, assuming that the reply to No. (1) is in the affirmative?

The MINISTER replied:

This school is listed for one additional classroom, but owing to lack of finance it is impossible to state when this work will be commenced.

(b) Removal of Classrooms, Seaforth Boys' Home.

Mr. WILD asked the Minister for Education:

(1) Is he aware that the prefabricated classrooms at Seaforth Boys' Home are about to be moved to Mt. Pleasant?

(2) In view of the decision to provide extra accommodation at Maddington school, approximately three miles away, would it not be more economical to utilise this spare school at Maddington without taking it the extra distance to Mt. Pleasant.

The MINISTER replied:

(1) Yes.

(2) With the limited supply of Bristol prefabricated classrooms, all such buildings are being erected where this type of classroom already exists.

RETAIL SALES.

Totals, Per Head of Population, etc.

Mr. JOHNSON asked the Treasurer:

The figures for retail sales of the Commonwealth having been published, can he give for Western Australia—

(1) The retail sales total for each of the past six years?

(2) The amount per head of population for each of the same years?

(3) The amount given in No. (2) adjusted by "C" series index movements?

The TREASURER replied:

The following table sets out the information required:

Year ended 30th June.	(1) Total Amount (a) £ Million.	(2) Per Head of Population.	(3) Column 3 deflated by application of "C" Series Index (Metropolitan Area).
		£	£
1950 ...	99·0	182	182
1951 ...	125·9	221	195
1952	155·2	263	190
1953 ...	164·8	269	176
1954 ...	183·8	201	181
1955	198·9	307	179

(a) Source—Commonwealth Statistician.

RAILWAYS.

Locomotives, Dumbleyung-Lake Grace Line.

Mr. PERKINS asked the Minister for Railways:

(1) Did "L" class engine No. 478 pass through Dumbleyung on the 16th November, about 11 a.m.?

(2) Did this engine proceed out to Lake Grace that day?

(3) If the answer to the last question is "Yes," does not this conflict with the reply to my question on the 25th October last, when it was stated that "W" class engines were to be used on this line during November, December, January and February?

The MINISTER replied:

(1) Yes.

(2) Yes.

(3) The answer given on the 25th October, 1955, should have stipulated "as far as practicable". Owing to the slow recovery of a flooded section of the track which has been under water for some months, it has not been practicable to use "W" class locomotives.

With the "L" class locomotive, action is taken immediatedly after passing through the flood waters to remove the water from the axle boxes and similar attention is given to the other vehicles on the train. The "W" class locomotive is fitted with roller bearings and has a different design of axle box, from which it is not possible to drain the water on the spot.

It is anticipated the flood waters will have receded sufficiently to enable the restoration of "W" class locomotives this week.

BUNBURY HARBOUR.

(a) Details of Expenditure.

Mr. ROBERTS asked the Minister for Works:

(1) What were the projects on which the amounts of expenditure were spent on the Bunbury harbour and how much was spent on each project for the years 1947-48, 1948-1949, 1949-50, 1950-51, 1951-52, 1952-53, 1953-54, 1954-55?

(2) What are the details of anticipated expenditure on various projects on the Bunbury harbour for this financial year?

The MINISTER replied:

1.

Year.	Loan Funds. New Works.			Revenue Funds. Maintenance Dredging.	Total Expenditure.
		£	£	£	£
1947-48	Breakwater and groyne	32,049	32,049	....	32,049
1948-49	Breakwater and groyne	58,450	58,450	....	58,450
1949-50	Jetties and wharves	127			
	Breakwater and groyne	114,569	114,696	590	115,286
1950-51	River diversion	42,838			
	Jetties and wharves	20,411			
	Breakwater and groyne	70,512			
	Dredging	52,887	186,648	20,208	206,856
1951-52	River diversion	73,962			
	Jetties and wharves	65,868			
	Breakwater and groyne	62,305			
	Dredging	53,113	255,248	29,870	285,118
1952-53	Jetties and wharves	19,970			
	Breakwater and groyne	52,935	72,905	35,316	108,221
1953-54	Jetties and wharves	36,124			
	Dredging	3,000	39,124	37,856	76,980
	Bulk Handling	....	1,662	....	1,662
1954-55	Jetties and wharves	29,388			
	Breakwater and groyne	962	30,350	35,997	66,347

2. Estimated expenditure during 1955-56 :—

	£	£
Loan Funds—		
Jetty, etc.	39,500	
Transit Shed	12,000	
		51,500
Revenue Funds—		
Maintenance Dredging		35,000

I point out that the total expenditure shown in these tables for the year corresponds with those supplied on the 25th October last in reply to a question asked by the member for Vasse and recorded in Votes and Proceedings, No. 31, but in the printed record, the 1947-48 expenditure has been shown incorrectly as being equal to the 1948-49 total.

(b) Leschenault Estuary, Pollution.

Mr. ROBERTS asked the Minister for Health:

(1) Has the Government details of the degree of pollution and bacterial tests of the Leschenault Estuary, Bunbury, prior to the plugging of the mouth?

(2) Have regular bacterial tests been taken since the plugging of the mouth of the Leschenault Estuary?

(3) If so, what were the dates, the localities and details of such tests and what conclusions can be arrived at in regard to future pollution in this area?

The MINISTER replied:

(1) No.

(2) Yes.

(3) Tests are taken in February and July of each year from 24 sampling points in the estuary. There is no indication of increasing pollution and the overall picture of water purity is satisfactory.

NARROWS BRIDGE.

Dimensions and Costs.

Mr. YATES asked the Minister for Works:

(1) Can he supply the following particulars in connection with the proposed bridge across the Narrows:—

(a) total length;

(b) total width;

(c) height from high water level?

(2) Have tenders been called for the construction of the bridge? If not, when will they be called?

(3) What is the rough estimate of cost in connection with approach roads, river reclamation, and the new bridge?

(4) From the time the successful tender has been accepted, when is it anticipated that the bridge will be open for traffic?

The MINISTER replied:

(1) (a) A total length of approximately 1,300ft. to span the waterway and the underpass roads at each end of the bridge. The exact length will be the subject of a recommendation by the consultants.

(b) Eighty-six feet, which includes a 70ft. vehicular way and two footways each 8ft. wide.

(c) A height of 26ft. between mean summer water level and the underside of the bridge and over a minimum width of 75ft. each side of the centre of the bridge.

(2) No. When plans and specifications have been prepared by the consultants and approved by the Main Roads Department.

(3) £2,000,000.

(4) Within 30 months.

SEWERAGE.

Outstanding Work in Claremont Electorate.

Hon. C. F. J. NORTH asked the Minister for Works:

What sewerage work remains to be done in the Claremont electorate?

The MINISTER replied:

Sewerage work remains to be done at Mt. Claremont; a small area east of Butler's Swamp (Davies-rd.); odd houses south of Butler's Swamp and along the northern fringe of Swanbourne residential area.

HOSPITALS.

Dispensing of Drugs and Medicinal Preparations.

Mr. CORNELL asked the Minister for Health:

As under the National Health Act a hospital authority shall not be approved for pharmaceutical benefit purposes unless the dispensing of drugs and medicinal preparations at that hospital is performed by or under the direct supervision of a medical practitioner or a pharmaceutical chemist, will he give an assurance that in Government and committee-controlled hospitals all medicinal preparations are prepared and/or dispensed under the direct supervision of a medical practitioner or pharmaceutical chemist, having due regard to a legal opinion that it is implied that a medical practitioner or chemist must by label affixed to the medicine, or otherwise, identify the medicine with the appropriate patient and furnish adequate instructions for the administration or use of the medicine?

The MINISTER replied:

Medicinal preparations are not compounded at Government and committee hospitals, but they are dispensed by the nursing staff in accordance with the instructions of the patient's medical adviser.

BILLS (2)—FIRST READING.

1, State Electricity Commission Act Amendment.

Introduced by the Minister for Works.

2, Town Planning and Development Act Amendment.

Introduced by the Minister for Housing.

BILLS (4)—THIRD READING.

1, Fairbridge Farm School Act Amendment.

2, Constitution Acts Amendment (No. 3).

3, Judges' Salaries and Pensions Act Amendment.

4, Acts Amendment (Allowances and Salaries Adjustment).

Transmitted to the Council.

BILL—LICENSING ACT AMENDMENT (No. 4).

In Committee.

Mr. J. Hegney in the Chair; the Minister for Justice in charge of the Bill.

Clause 1—agreed to.

Clause 2—Section 54 amended:

Hon. A. V. R. ABBOTT: On the second reading, I pointed out that I had no objection to the principle that the court should have discretion to allow licensed premises under the conditions of a wayside licence if it considered that that should be done, in spite of the provision in the Act that a wayside licence may not exist within 10 miles of a townsite having 100 or more people. There might be 101 people, and so we would be justified in leaving the matter to the court.

I pointed out that the Bill proposed to remedy the situation not entirely, but only in connection with a wayside licence that had already been granted. If a wayside licence had been granted under the provisions of the Act and perchance had been changed into a publican's general licence because of the stipulations in the Act that it must be such a licence if the population exceeded 100, there was no provision to revert if the population fell below 100. I did not think that fair and the Minister agreed to leave it to the discretion of the court as to whether a publican's general licence should be changed to a wayside licence, irrespective of the number of people in the town-site.

The amendments which I propose to move, will apply the principle desired by the Minister. Since the original Act was passed the positon has remained unaltered, except that the Act was amended to provide that outside the metropolitan area the premises with the wayside licence had to have at least six bedrooms. Often, as in the case of a new mining town, the granting of a new wayside licence would be warranted and if reasonable accommodation were provided—

Hon. J. B. Sleeman: What would you say was reasonable?

Hon. A. V. R. ABBOTT: The Act provides for two bedrooms. A new mining town might start to go downhill after a matter of months or a few years and eventually be abandoned. We have had many examples of that, such as Wiluna where hotels costing up to £50,000 were built—

The Minister for Justice: One there cost £60,000 odd.

Hon. A. V. R. ABBOTT: I think the court should have discretion to grant a wayside licence as a preliminary step and then if a new town seems to be permanent, the court, at the renewal of the licence, could require it to be altered to a publican's general licence and then the publican would have to increase the size of his building. Under my proposed amendments the court could use its discretion as to how long the licensee would have in which to provide the extra accommodation. I move an amendment—

> That after the word "amended" in line 4, page 2, the following passage be added:
>
> (a) by adding after the word, "licence" in line 3 of Subsection (2), the words "the court is of the opinion that for any reason the court thinks fit";
>
> (b) by substituting for the word "is" in line 3 of Subsection (2), the words "should be";
>
> (c) by deleting the passage commencing with the word "on" in line 4 of Subsection (2) and ending with the word "persons" in line 7 of that subsection;
>
> (d) by adding after the word "accordingly" in the last line of Subsection (2) the passage ", and the court may allow, and from time to time extend such period as they think fit, for the provision of accommodation necessary in respect of the publican's general licence."

The MINISTER FOR JUSTICE: The member for Mt. Lawley gave me the opportunity of studying his proposed amendments and having examined them, I agree with them as they will achieve almost exactly what I wanted. I think they are fair and reasonable, particularly in view of the fact that costs of building are so high in the outback and on the Goldfields. I therefore agree with the amendment.

Hon. A. F. WATTS: I am not in the fortunate position of the Minister and have not been able to piece these considerable amendments into the Bill, as I have had no opportunity of doing so and am therefore not completely informed as to what they intend. Had I been in that fortunate position I might have been willing, like the Minister, to support them, but I confess that I did not like the proposal contained in the Bill as it originally was, because it seemed to be a clumsy way of achieving what the Minister intended.

From what I have heard from the member for Mt. Lawley and the Minister, it appears now that the decision as to whether a wayside house can be erected in any place and licensed by the court will lie at the discretion of the court. If that is the position and it is not embodied in any provision at which I can only guess, in the circumstances I have referred to I am quite prepared to support the proposal because I have no desire to see people in outback areas, whether on the Goldfields or in more salubrious areas in the south,

put to any unnecessary expense. There are many small communities where the absence of facilities of any kind in regard to hotel accommodation and so on, is very keenly felt. Unless some discretion is exercised by the Licensing Court as to the type of building to be erected in those parts, it could make the position difficult. I am therefore prepared to support the amendment.

Amendment put and passed.

Hon. A. V. R. ABBOTT: I move an amendment—

That the words "Section thirty-one of this Act in particular, or in any other provision of" in lines 7 and 8, page 2, be struck out.

Amendment put and passed.

Hon. A. V. R. ABBOTT: I move an amendment—

That after the word "Act" in line 8, page 2, the words "in general" be struck out.

Amendment put and passed.

Hon. A. V. R. ABBOTT: I move an amendment—

That, after the word "section" in line 9, page 2, the words "prior to the amendment of that subsection by the Licensing Act Amendment Act, No. (4), 1955," be inserted.

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

New clause:

Hon. A. V. R. ABBOTT: I move—

That the following be inserted to stand as Clause (2)—

Section thirty-one of the principal Act is amended—

(a) by deleting the passage commencing with the word "; but" in line 4 of Subsection (1) and ending with the word "persons" being the last word in that subsection;

(b) by repealing Subsection (2).

New clause put and passed.

Title—agreed to.

Bill reported with amendments and the report adopted.

BILL—GOVERNMENT RAILWAYS ACT AMENDMENT.

Second Reading.

Debate resumed from the 17th November.

HON. A. F. WATTS (Stirling) [5.8]: I have looked carefully through the Bill and I find little or nothing in it to object to. Therefore I propose to support the second reading. The only provision to which I would draw attention is the one to permit the Minister to approve the granting of a lease for a period exceeding 21 but not exceeding 50 years, the term being specified by the Minister in his authorisation. I understand a good many leases have been granted by the Railway Department for various purposes, including some where the erection of buildings of a substantial nature has been allowed on railway property.

To date, it has been necessary to limit the period of these leases to 21 years, and yet the nature of the buildings that have been erected, in some cases, would indicate that, if left alone, they are likely to stand there for a very much longer period than that. So I feel it is extremely desirable that there should be authority residing in someone to authorise the additional period because, in a number of townships where the practice of leasing and the permitting of the erection of buildings has grown up, it is quite obvious that, in most cases, the leases will have to be renewed and there is not a great deal of security of tenure in some of the cases I have in mind that are confined to 21 years.

At the same time, and allowing for all those circumstances, I hope that this amendment is not going to usher in an era of long-term leases of railway property because I do not think that, in the main, it is a desirable practice. Unfortunately, in Western Australia—and I suppose it is not uncommon in other parts—we find that the railway line goes through the centre of a number of townships. In consequence, the streets facing it on either side are virtually one-sided. That has been compensated for by the granting of leases by the Railway Department in a number of places.

While I have already stated that some of the buildings I know of that have been erected on railway land are of a quite permanent nature, there are some other places which are not decorative nor do they give any pleasure to the eye in any other sense. I know the Railway Commissioners seems to like the idea of leasing this land—that is how it has always appeared to me—and I do not want to see too many more of the railway reserves facing these one-sided streets built upon by the Railway Department. I remember when I resided in Katanning—at a time, incidentally, before I became the member for that district—there was a proposal by the Railway Department to erect wooden buildings on the railway reserve on the northern side of Austral Terrace, the main street of that town, whereas, on the other side of the street there were, of course, some very substantial and well-constructed brick buildings.

The members of the local authority of the day were exceedingly concerned at the intention of the Commissioner of Railways to allow the erection of these timber-framed buildings on that reserve and, having an opportunity of meeting him on one of his statutory rounds of inspection shortly after this matter arose—the commissioner of that day being Commissioner

Pope—they approached him with the question of to what extent in the circumstances, he would allow construction to proceed. The commissioner saw their point, and, as a result, the interview ended in an agreement with the local authority to lease to it this portion of land, along the centre of the town, for a parking area and gardens.

The gardens, unfortunately, have been limited in size owing to the unsatisfactory nature of the water supply in that centre for some years. However, the parking area has been a blessing to the community; a blessing which we could very well do with, if we had it, in many places in the metropolitan area. So I feel it would be a grave mistake to enter into any more building leases on railway reserves, and I know of a number of towns where there is vacant land which could be used for this purpose. So I hope the maximum period of 50 years will not be used to permit that era to be opened up. Having made those comments, I have no objection to the Bill as it stands and, as I have said, I support the second reading.

THE MINISTER FOR RAILWAYS (Hon. H. H. Styants — Kalgoorlie — in reply) [5.15]: I can assure the member for Stirling that, as far as I am concerned, as Minister for Railways, there is no intention of granting a number of leases for a period of 21 years. It was only on the special representations of Co-operative Bulk Handling Ltd. that this amendment to the Government Railways Act was agreed to. I do not think any other organisation with the facilities they would require on railway property would have been able to convince Cabinet of the necessity for this particular amendment.

It was brought about solely by the intention of Co-operative Bulk Handling Ltd. to construct a special type of cement storage silo which would have a life, in their estimation, of 100 years. The company made a request for a lease of 100 years. Cabinet, however, was of the opinion that that was altogether too long and has provided that with the authority of the Minister, in cases where there are very substantial structures to be erected, the lease may be for a period of 50 years.

I would say that it would be very unlikely that a lease for more than 21 years would be granted in 99 per cent. of the instances, but should Co-operative Bulk Handling Ltd. make a success of it, or should this particular type of bin prove to be a success and the company makes application for permission to erect them at some other siding where in the foreseeable future the land will not be required for railway purposes, that authority will be given. That only is the intention of the particular amendment to the Bill.

Question put and passed.

Bill read a second time.

In Committee.

Mr. J. Hegney in the Chair; the Minister for Railways in charge of the Bill.

Clause 1—Short title and citation:

The MINISTER FOR RAILWAYS: I do not know whether it has been brought to your notice, Mr. Chairman, but there is a new clause that I wish to insert. I take it that, as usual, the new clause will be considered after the others have been dealt with.

The CHAIRMAN: That is so.

Clause put and passed.

Clauses 2 to 5—agreed to.

New clause—Section 52 amended:

The MINISTER FOR RAILWAYS: I move—

> That the following be inserted to stand as Clause 3:—
>
> > Section fifty-two of the principal Act is amended by deleting the passage "(as defined in Section seventy-seven of this Act)" in line 2 of the proviso.

The reason for the new clause is that when the Bill was being drafted it was overlooked that by striking out Section 77 of the Act, which dealt with the definition of a permanent employee, it would impinge on Section 52 of the Act. If members read Section 52 of the Act they will see that as we propose to strike out the definition of "permanent employee" in Section 77 it is necessary to have those words "as defined in Section 77 of this Act" struck out of Section 52.

Hon. A. F. WATTS: The Minister was good enough to give me a copy of this amendment some time ago. I am satisfied that it does what he says, and I have no objection to it.

New clause put and passed.

Title—agreed to.

Bill reported with an amendment and the report adopted.

BILL—ACTS AMENDMENT (PUBLIC SERVICE).

Second Reading—Rejected.

THE PREMIER (Hon. A. R. G. Hawke —Northam) [5.23] in moving the second reading said: This Bill proposes to place the administration of the Public Service under a public service board to consist of a chairman and two other members. The chairman and one of the members will be appointed by the Governor-in-Council, and the third member of the board will be appointed by the Civil Service Association

after a ballot of members of that association has been taken for the purpose of selecting a representative.

The measure has been drafted after very close consideration was given to similar legislation which has operated in some of the Eastern States for many years. Public Service Boards already operate in New South Wales, Victoria and South Australia. Our own Public Service Commissioner has closely studied the legislation operating in the other States, and he has also visited the other States and has had consultations with those concerned over there in relation to the operation of their respective laws. As a result of this close study of similar legislation in the other States, the Bill has been drafted broadly on the general principles operating in those States, with some alterations to meet the particular needs of the Public Service of Western Australia.

I think all members would agree that the Public Service of Western Australia has grown to such an extent over the last 10 years or so, as to make it impossible for a single public service commissioner to carry out adequately all the duties which the present law places upon his shoulders. Obviously, it is impossible now for one public service commissioner to do all the things necessary to be done under the Public Service Act. Particularly is it impossible for him to care adequately for the efficiency of the Public Service. If I were asked to say what was the main reason which influenced the Government to agree to the introduction of this Bill to set up a public service board of three members I would say it is an anxiety to increase, to the greatest possible extent, the efficiency of the Public Service of Western Australia.

Mr. Ross Hutchinson: Was not that reason apparent to you many months ago?

The PREMIER: What has that to do with it?

Mr. Ross Hutchinson: The Bill could have been introduced earlier.

The PREMIER: I think the member for Cottesloe is a long way ahead of himself. He is talking of circumstances about which he does not know sufficient to warrant his making the statement he has.

Mr. Ross Hutchinson: I asked you a question which you have not answered.

The PREMIER: The members of the Government, therefore, feel that the setting up of this kind of board with three members is urgently required to promote the greatest possible efficiency. I should say that this proposed board would more than anything else, concentrate on the creation of more efficiency in Government departments. I think there is room for a considerable amount of reorganisation of the various departments in order that more efficiency might be developed; that even better service might be given to the public and, generally, that better value than at present might be obtained from the various public servants employed by the Government.

I think we all know from our observations, if not from personal experience, that the bigger a concern becomes as regards the number of persons employed, the more difficult is it to obtain the maximum efficiency from that concern. That would apply perhaps more to the Public Service than to most other organisations. Obviously, Ministers of the Crown cannot carry out properly all the duties which it is their responsibility to discharge and at the same time look after, to the extent necessary, the problem of promoting efficiency in the departments that they control. They have necessarily to depend on the chief executive officers of their departments; and those officers, too, are limited to some extent in what they can do in the field of efficiency.

So it does finally become the responsibility of the Public Service Commissioner under the present set-up, and would become the responsibility of the public service board under the proposed set-up to see that efficiency was being constantly promoted throughout the service, and that the greatest possible value was being received from the money expended in the payment of salaries and other commitments in respect of the carrying on of the Public Service of this State.

I have already mentioned that one of the members of the proposed board will be an elected representative of the Civil Service Association. This proposal gives practical recognition to the principle of employee representation on the proposed board. There is much to be said for the recognition of that principle. In this instance it will give the Public Service generally more confidence in the proposed board when it is set up and is in operation.

A considerable amount of misunderstanding, doubt, suspicion and grievance develops because, on many occasions, those who harbour those feelings or thoughts are not fully informed as to the reasons for certain decisions being taken. The persons concerned are not fully informed —not even well informed—and consequently they arrive at their own conclusions, often upon a basis which is quite wrong in fact. As a result of that, we get dissatisfaction running far and wide; and where dissatisfaction develops in that way, it is impossible to get the type of service from employees which might otherwise be available from them.

Therefore, there seems to be abundant justification for the proposal in the Bill to allow the employees concerned to be given the opportunity, by secret ballot, of electing one of the members of the board. That member of the board, by virtue of the fact that he knows the Civil Service and has had personal association

with many of its employees, will be able to create a much better feeling, a much more confident feeling, in the minds of most public servants regarding the operations of the proposed board and the decisions it has to make from time to time.

Hon. A. V. R. Abbott: What will be his term of office?

The PREMIER: The term of office proposed in the Bill for the chairman is seven years; and for that of each other member, five years.

Hon. Sir Ross McLarty: That is the same term as the present commissioner has, is it not?

The PREMIER: The present commissioner has a term of seven years. It is proposed to give the chairman of the new board a similar term, and a five-year term for the other two members.

Mr. Ackland: Has not the commissioner under the present set-up all the experience of coming up through the Civil Service?

The PREMIER: The present commissioner is due to retire at the end of this year.

Mr. Ackland: But another appointee would be appointed under the same conditions.

The PREMIER: Under the single public service commissioner system?

Mr. Ackland: Yes.

The PREMIER: Not necessarily. There would never be any guarantee at any time that when a new public service commissioner had to be appointed he would be a member of our existing Civil Service. In its wisdom, the Government of the time might choose someone outside the service of this State. In any event, as I was explaining earlier, it seems to members of the Government that our Public Service has now grown to such an extent as to make it impossible in a practical way for one single public service commissioner adequately to administer the whole Public Service, including the promotion of greater efficiency in the service.

From my experience during the last 2½ years, I would say that it is completely impossible for one single public service commissioner to get to know all of the departments and to keep himself well informed regularly about all of them. One commissioner might be able to get to know all the departments in a fairly long period of time; but by the time he well understood the last of them, he could easily be out of touch with the first of them, and so on. So it seems clear that more than one commissioner is required if the service is to be adequately supervised, and if —as I mentioned as being the main consideration by far—efficiency in the Public Service is to be promoted continually.

Mr. Yates: How do they operate in the Eastern States?

The PREMIER: I said early in my speech that in New South Wales, Victoria and South Australia, they have public service boards of the type proposed in this Bill.

Mr. Yates: I missed that.

The PREMIER: As far as we have been able to ascertain, those boards have operated satisfactorily to the Governments in those States and also to the public servants.

Mr. Bovell: Have there been any complaints against the former public service commissioners?

The PREMIER: I am not keen to go into that question. I think that generally the present Public Service Commissioner, who was appointed only on a temporary basis because of age, has given reasonable satisfaction. Naturally, holding the position only on a temporary basis, he has not made any major decisions. Nor is he likely to do so, because of the fact that his appointment is on a temporary basis. The Public Service Commissioner immediately preceding the present one, was, I think, very highly respected by all branches of the Public Service. During the period he was in that position, he did make some major decisions; and generally speaking, I think he gave reasonable all-round satisfaction to the Public Service and to the Governments in office during his period as Public Service Commissioner.

Nevertheless, I emphasise again that the main objective the Government has in mind in sponsoring a public service board of three, as against a single-commissioner system, is to try to create a far greater degree of efficiency throughout all the Government departments; and, in that process, to create closer relationship, where it is necessary, between one department of the Government and another.

The Bill proposes to give to the board more authority in certain respects than is given to the Public Service Commissioner under the existing law. For example, once all rights of appeal have been exercised by members of the Public Service, the board will have power to make appointments, transfers, promotions and retirements of officers up to a maximum salary of £1,658 per annum. At present the Public Service Commissioner has only powers of recommendation to the Governor-in-Executive Council in regard to the matters I have mentioned.

Authority will also be given to the board to hear all appeals in the first instance in regard to classification, promotion and punishment of officers. It is not, however, proposed to dispense with the right of appeal from the public service board to a further tribunal, and appeals will lie to the Public Service Appeal Board in some instances.

Mr. Bovell: Am I to take it that Ministerial control will vanish?

The PREMIER: It will be considerably diminished in many respects.

Mr. Bovell: Is that a wise procedure?

The PREMIER: I think it is a very wise procedure to the extent provided in this Bill. At present, for instance, Ministers have to do many things that Ministers of the Crown should not have to do. It seems to me that those duties are such as should be carried out by the Public Service Commissioner. But as the Public Service Act does not provide for that to be done by the commissioner at present, the Government has taken the opportunity given by the introduction of this Bill to pass some duties over to the proposed new board.

Appeals will lie from the proposed board to the Public Service Appeal Board following a general classification of the service where a decision of the public service board is not unanimous. In other words, where a general classification of the service takes place and an appeal is made to the public service board, and the decision is not unanimous, the officer or officers concerned will then have the legal opportunity and right of taking their appeal to the appeal board.

A similar right would be available in regard to punishments where the penalty is dismissal, a fine of £25 or more, or a reduction in classification of more than one grade for the officer being punished. In other words, a right of appeal from decisions of the public service board is to be given where the punishment emposed by the board upon the officer is considered to be unreasonably severe.

A third right of appeal would be available in regard to promotions where the decision of the board was not unanimous. It is thought that where decisions of the board in regard to promotions and appeals against promotions are not unanimous, the officers concerned should have the right of appeal to the appeal board. For the purpose of hearing any such appeals, the Public Service Appeal Board will consist of a Supreme Court judge as chairman, with a representative of the Government and a representative of the Civil Service Association. It is proposed also to extend the right of appeal on promotions to all officers except those in the administrative division and those in the professional division where the maximum salary exceeds £1,958 per annum.

The Bill would also give to the Governor-in-Council power to add to this list after prior consultation with the Civil Service Association. At the present time a right of appeal exists only in respect of positions in all divisions where the maximum salary is below £1,659 per annum. The measure also provides that all appeals shall lie only in respect of officers who are members of the Civil Service Association. This, at the present time, is the law in regard to promotions, but not in regard to punishments and classifications.

There are many other provisions in the Bill, but most of them are related to the principles which I have already explained. However, some of the other amendments will be of interest to members, and I shall briefly explain them. Decisions regarding the need for temporary assistance in departments will be made under the proposed legislation by the board instead of by the Minister. Statutory provision will be given to officers to request a review where the board proposes to appoint to a vacancy a person other than an officer of the Public Service.

At the present time there is a right of review in this sort of situation in the terms of a gentleman's agreement which exists between the Public Service Commissioner and the Civil Service Association. The principle of that agreement is included in the Bill so that in the event of the measure becoming law, that principle will exist as a legal right and not in pursuance of a gentleman's agreement between the board and the association. The Bill also provides that parties to an appeal from the public service board will not be entitled to be represented by legal counsel.

Hon. Sir Ross McLarty: That applies now, does it?

The PREMIER: I understand it does. Clarity is given in the Bill to such expressions as "seniority", "equal classification" and "promotion". The taking of annual leave will, under the provisions of the measure, require to be approved by the permanent head of the department concerned and not, as at present, by the Minister. Accumulations of annual leave will also, under the proposed new law, be approved by the board in lieu of, as at present, by the Minister. Furthermore, the initial granting of sick leave to officers, up to a maximum period of two months will, under the Bill, require approval by the board instead of, as at present, by the Minister.

The present Public Service Commissioner holds his appointment until the 31st December of this year. In the event of the Bill becoming law during the current session of Parliament, it will not be possible for the board to be set up and operate before the end of December. Therefore, the Bill proposes to extend the power of the Governor-in-Council to appoint a public service commissioner until the 30th June next year. This does not mean that the Governor-in-Council will have to extend the term of office of the Public Service Commissioner up to the 30th June next; the proposal would give the Governor-in-Council the right to extend the

present Public Service Commissioner's term for any period from the 1st January next year to the 30th June next year.

If the Bill becomes law before the present session finishes, and it was found early in the new year that the proposed board could be set up and start to operate by the 1st April or the 31st March, then the Public Service Commissioner's term would be extended from the 31st December this year to the 31st March next year.

Hon. Sir Ross McLarty: Would that require an amendment of the Act?

The PREMIER: The Bill contains a clause to give the Governor-in-Council the power to do that.

Hon. Sir Ross McLarty: To extend it to the 31st March.

The PREMIER: No, to extend the term of the Public Service Commissioner up to any time not exceeding the 31st June next year. In other words, the Governor-in-Council would have a discretion which would extend the term for any period at all, but could not extend it beyond the 30th June, 1956.

The proposals in the Bill have been discussed as between the representatives of the Government, including the Public Service Commissioner, and the representatives of the Civil Service Association. I am not intending to convey that the Bill contains everything which the Civil Service Association has requested, because that is not the case. The Government, on some issues, has not been able to accept the point of view of the association, and in some other respects has been able to accept the association's point of view only to some extent and not to the full extent.

The present Public Service Commissioner has indicated to the Government that he will be prepared to accept an extension of his present term of office for any period up to, but not exceeding the 30th June next, in the event of the Bill becoming law. In other words, Mr. Smith has advised that he is prepared to co-operate with the Government for the purpose of carrying on the duties of Public Service Commissioner until such time as the Government is in a position to bring the proposed new set-up of a public service board into operation.

Mr. Bovell: Is his deadline the 30th June?

The PREMIER: The present appointment of the Public Service Commissioner expires on the 31st December of this year, so there must be some amendment to the existing law to enable it to be extended, no matter what the extension may be.

Mr. Bovell: You misunderstand me. Is the 30th of June Mr. Smith's deadline, or is it an arrangement between him and the Government?

The PREMIER: Mr. Smith's deadline in respect of his present appointment is the 31st December of this year.

Mr. Bovell: I know, but you said an arrangement had been made to carry on until the 30th June. Is that Mr. Smith's ultimatum or the Government's.

The PREMIER: I did not say that.

Mr. Bovell: I understood you to say that.

The PREMIER: I said that the Bill contained a provision which would enable the Government to continue Mr. Smith's appointment for a period in 1956, but not beyond the 30th June, 1956. I then went on to try to explain that Mr. Smith had informed the Government that he was prepared fully to co-operate with the Government by accepting any term of extended appointment in the first half of 1956 to enable the proposed new board to be organised and set in motion. If that objective could be achieved on, say, the 31st March, then Mr. Smith would be quite happy to finish his appointment as Public Service Commissioner on that date.

Mr. Bovell: He is not prepared to go beyond the 30th June?

The PREMIER: I would not say that.

Mr. Bovell: That is what I have been trying to get at.

The PREMIER: If Parliament did not complete its consideration of the Bill in the current session, then obviously the proposed new set-up could not become operative until, say, the beginning of 1957, because the Bill would have to be reintroduced into Parliament next year. In that situation, obviously we would need to have a public service commissioner appointed and operating during the whole of 1956. I have discussed this point with Mr. Smith, and he has indicated to me that he is prepared to meet the convenience of the Government; he is prepared to meet the necessities of the situation and will be willing, if it becomes necessary, to accept an appointment as public service commissioner for the whole of 1956.

In brief, I think we can say that Mr. Smith is completely co-operative; and the members of the Government are appreciative of his attitude in this regard. All members who know Mr. Smith personally would expect him to be as co-operative as, indeed, he has shown himself to be. Some of the provisions in the measure will necessitate the amendment of a number of Acts of Parliament including, of course, the Public Service Act. The other Acts that would be amended automatically by the Bill if it became law are the Industrial Arbitration Act, the Public Service Appeal Board Act and the Government Employees (Promotions Appeal Board) Act. I move—

That the Bill be now read a second time.

HON. SIR ROSS McLARTY (Murray) [5.57]: I feel there is every justification on the part of the Opposition to offer the strongest possible objection to the bringing down of the Bill at this late hour. Even if we agreed with its main principles, we find there are 74 clauses in it; and this is the first opportunity that members have had of seeing it. As we know, there is other important legislation on the notice paper, and it is the present intention of the Government to finish the session some time this week—on Friday next.

As you know, Mr. Speaker, not only has consideration to be given to the Bill in this House, but it has to be considered by another place. The Premier, when speaking to the second reading, told us that the Bill will entail the amendment of four other Acts. So, members will have to look not only at this Bill and the Act, but four other Acts as well. If they are to read the Bill intelligently, that will take some considerable time. The Premier also told us that not all the provisions which the Civil Service Association asked for have been agreed to.

That may well be the case, but I do think that the Opposition and other members should be given the time to see just what those other provisions are that the Civil Service Association asked for. They would be interested to know what they are. When I look at the main provisions of the Bill—I have, by the good offices of the Premier, had a better chance of doing that than have other members—I find there are certain principles with which I agree. I agree with the set-up of the board.

I think the proposed constitution of the board is all right. It is to be composed of a chairman, appointed by the Governor, a representative elected by the Civil Service Association and another member appointed by the Governor. I agree, too, with the Premier that our Public Service has grown to a considerable extent and it would probably be better if it were handled by a board of three rather than by one commissioner. But I do not think there is any excuse for the Government's bringing down this Bill in the dying hours of the session.

Let me quote from a speech which the Premier made on the 18th November, 1954, which is just over a year ago. The Bill then introduced was brought down because of the retirement of the then Public Service Commissioner, Mr. Taylor, and the appointment of the present Public Service Commissioner, who was given a term of appointment which was set out in the Bill then under discussion. The Premier, when moving the second reading of that measure, said—

> The reason for the introduction of this Bill is to be found in approaches made by the Civil Service Association to the Government with the object of having a public service board of three members substituted for the present system of one Public Service Commissioner. For some time the association has been anxious that a board along these lines should be established. The Government has agreed in principle to the submissions of the association, that decision having been made several weeks ago.
>
> In the intervening period, the Government has partly investigated the board systems operating in most of the other States of Australia and the investigation is still proceeding. A good deal of additional thought will be required before the Government can finally reach conclusions that will permit of a Bill being drafted to provide for the suggested board. There is not the slightest hope of the necessary measure being introduced this session.

Those are the Premier's own words. He regarded the proposal as so important that he told Parliament, despite the fact that last year the House did not rise until the 9th December and we had a much longer period to discuss the measure introduced last year, that there was not the slightest hope of the necessary legislation being introduced and passed in that session. Yet, with only a few days to go before the session ends, a measure of this size is presented to Parliament.

In supporting the Bill introduced last year I said—and I quote only the concluding paragraph of my speech—

> When the Bill comes down authorising the appointment of a board of three, members will have a chance of debating the proposition. In view of the circumstances that have arisen, I can see no objection to supporting the Bill.

The Bill which has now been introduced contains 74 clauses and will take a lot of digesting. I suggest to members that the Government has had plenty of time to give full consideration to it if it was to be regarded as one of the important Bills that should be presented this session. Over 12 months ago we were told that consideration was being given to this legislation and in principle the Government agreed to the request that was put before it.

The Premier: If the Leader of the Opposition cares to confer with representatives of the Civil Service Association, he will find that the Bill has been introduced as early as possible.

Hon. Sir ROSS McLARTY: It is extremely difficult for me to understand that.

The Premier: I am inviting you to confer with them.

Hon. Sir ROSS McLARTY: Even before the present Government took office, representations were made to me in regard to the constitution of a board.

The Premier: In what year was that?

Hon. Sir ROSS McLARTY: I cannot remember exactly when it was but those representations were made. If I remember rightly, we were favourably disposed towards the constitution of a board. Even before this Bill was foreshadowed in November last year, the Government must have been giving consideration to the proposals contained in it. As the Government, over 12 months ago, was seeking information from the Eastern States as to how their boards function, I cannot understand why it has taken all this time to find out the advantages of a board and in what direction and with what success those boards work.

For my part, I do not think any great hardship would be placed upon the Public Service if this Bill were held over. I feel quite certain in my own mind that the great majority of public servants would agree that it is not fair to ask Parliament to pick up a Bill such as this—which contains a number of major alterations—and study all of the 74 clauses, plus amendments to four other Acts and deal with them efficiently before Parliament rises in a few days' time.

To the Premier, I suggest that he give the same undertaking as I would give—and as I am sure the Leader of the Country Party would give—to the Civil Service to ensure that this measure gets early priority next session, whichever party is in power. This would give members of the Opposition a chance to confer with the representatives of the civil servants. We might agree with some of the suggestions they have put up and which have been turned down by this Government. I shall not commit myself at this stage, but that could well be the case.

I repeat that I am in agreement with the setting up of a board and some of the other proposals contained in this Bill. Like the Premier, I am anxious to see a contented Civil Service and if greater efficiency can be obtained by the setting up of a board, then by all means let us have it. But when we take into consideration the magnitude of this measure and the many important changes it proposes to make, I think it might well be held over.

Mr. Bovell: Opposition members should have an opportunity of conferring with members of the Civil Service. If this Bill goes through now, we will be denied that right.

The Minister for Housing: You have all day tomorrow.

Hon. Sir ROSS McLARTY: A short amending Bill could be brought down to continue the term of the present commissioner—I presume it would be the present commissioner—and the Opposition would not impede its progress in any way. In fact, it could be introduced by the Premier and agreed to immediately. I think that would be a far more satisfactory way of doing things—more satisfactory than agreeing to this Bill without giving the necessary thought to it. I move an amendment—

> That the word "now" be struck out and the words "14 days hence" inserted in lieu.

The Minister for Housing: You are going to keep us here until Christmas.

THE PREMIER (Hon. A. R. G. Hawke—Northam—on amendment) [6.10]: This amendment, if it were carried, would, of course, kill the Bill. Although there is a large number of clauses in this measure, the number of new principles is small. Naturally when one system is superseded by another, we have to re-enact in the new legislation a large amount of that which has been superseded.

The main principle in this measure is to set up a public service board of three commissioners as against the present system of one public service commissioner. The new angles to be considered are small in number; it is simply a question of deciding whether we favour the principle of a public service board of three to administer the Public Service of the State or whether we prefer to continue with the present system of one commissioner. That is actually what members are called upon to decide.

Hon. A. V. R. Abbott: There is a lot more in it than that.

The PREMIER: That is the major alteration proposed in the Bill.

Hon. A. V. R. Abbott: But there is a lot more to it than that.

The PREMIER: I explained in my second reading speech that there are some other alterations which are important in character. In an endeavour to enable the second reading debate of the Bill to proceed this week, I did, on Thursday last, if I remember rightly, give to the Leader of the Opposition and the Leader of the Country Party an advance copy of the Bill and also a copy of the notes from which I made my second reading speech this afternoon.

Mr. Bovell: Other members have to be considered, too. Private members are entitled to have an opportunity of studying it and conferring with members of the Civil Service.

The PREMIER: I appreciate the point of view of the member for Vasse; but I hope he will not get upset about it.

Mr. Bovell: I was a member of a similar institution for many years and I do not want to see anything done to the Civil Service that may not be to their advantage.

The PREMIER: I was hoping to be able to proceed with the second reading debate. I did not expect the Leader of the Opposition to make a second reading speech today —although in effect he has done that. I would have been quite happy if he had adjourned the debate until tomorrow or Thursday.

Hon. Sir Ross McLarty: What chance would it have then?

The PREMIER: That is not essentially the question. The question is that the Bill is here for consideration and I think we should, as far as lies within our power so to do, give consideration to it. We could debate the main principles in the measure and perhaps decide upon them. Whether we could subsequently get the Bill into Committee, or through Committee, would be a matter of some considerable doubt, I should think.

Hon. Sir Ross McLarty: Very considerable doubt.

The PREMIER: However, I hope that the amendment will be defeated and that we will at least have a debate, and probably conclude a debate upon the second reading of the Bill, which would indicate the views of members upon the new principles contained in the Bill as compared with those which are now in the Public Service Act.

Sitting suspended from 6.15 to 7.30 p.m.

HON. A. F. WATTS (Stirling—on amendment) [7.30]: So far as the principle of appointing a public service board, in lieu of a single public service commissioner, is concerned, I am now, and have been for a long time, in favour thereof. Were the mere appointment of that board all that the Bill now before us contains, I should hold somewhat different views to those I am about to express. I do not think it is a fair proposition that this Bill should be introduced to, at any rate, 40 members of this House at this stage and that they should be expected to deal with it.

I am disallowing the other 10 members who make up the balance in this House because no doubt the Ministers, who number eight, have full knowledge of its contents, and the Leader of the Opposition and I also have had an opportunity of seeing a draft of it in the last two or three days, although I have not, on account of absence from the city, had as much opportunity of looking into it as I would have liked. Had the Bill been introduced normally, there would not have been the slightest objection offered by the Government to its adjournment for one full week. I have no doubt that the second reading would have been adjourned in order that the points raised in debate could be cleared up.

At present, there is not the opportunity for an adjournment for even one week, let alone the extra time for consideration to which I have just referred. In consequence, the measure, which everybody agrees is an important one and which contains the principle of the appointment of a public service board in lieu of a single commissioner, with which I am in full agreement, is one which seems to me to require a great deal more consideration than can be given to it in the limited time available. I would point out, too, that on the notice paper there is a large number of other matters which will take up a great portion of the remaining time of this session. I refer particularly to the Annual Estimates.

I am prepared to agree with the suggestion of the Leader of the Opposition that, whatever be the result of the general election and whatever Government comes into office, all parties should agree to give this measure high priority in the coming year. In fact, I am prepared to go further and say this: As I notice that this measure is not to come into operation until either the 1st July or some more convenient date before that which the Government might be prepared to fix if the Bill were passed and the necessary matters were tidied up, I would be perfectly agreeable to the holding of a session of Parliament about the 1st May next to deal with this Bill in order that, if it is found by Parliament to be acceptable in its details and can be passed at that time, it might be possible to bring it into operation on or about the 1st July, which is the date, so far as the Bill is concerned, that is expressly referred to. That is a very reasonable attitude to adopt towards the Bill.

As I have said, I am in favour of the principles to which I referred. I reiterate that I do not think it is fair that a Bill of 49 pages should be offered to the ordinary members of this House, excepting the limited number to which I have referred, at this stage and they be asked, without the opportunity of consultation and without an opportunity to look at the other legislation which is on the statute book and is affected by this measure—it appears that there are four statutes involved—to form an opinion on the details in this Bill in the very limited time available. If we were to take up the bulk of the time that is apparently left in this session for the purpose of giving this Bill detailed consideration, I very much fear that in those circumstances our efforts would be wasted because there would still not be a reasonable opportunity of its being dealt with in another place.

Here we are asked to deal with a measure in the maximum time of one week which normally would take not less than one month to put through Parliament. It is not as though this was a matter of urgency which has suddenly arisen, because it had

been referred to even before the 18th November last year when the Bill temporarily extending the office of the Public Service Commissioner was introduced and passed in this House. There had been a suggestion before that time from, I think the Premier himself—at least from members of the Government—that there were proposals on foot to have a public service board appointed and it could have been expected, as I quite honestly did expect, that in the earlier stages of this session whatever Bill was to be introduced would have been brought down.

The Bill was referred to in the Governor's Speech as one of the measures intended to be brought before Parliament this session. I am sure that no member, on whichever side of the House he may be sitting, anticipated it would not reach this House until the 22nd November, 1955. I must confess that I did not anticipate it would be a Bill comprising 49 pages. This is a Bill of some magnitude. There have not been many of an equivalent length, that have been introduced in the life of this Parliament. The great majority of those few of that length that have been brought down in recent years, have taken the amount of time for consideration which I mentioned as being reasonable.

While I wish, before too long a time elapses, to see Parliament giving consideration to a measure of this intention with the idea of putting on the statute book a Bill that would work and give satisfaction not only to the Civil Service but the House, I do not feel that we are being treated fairly in having this measure put before us now and being asked to deal with it in quick time, which is what it amounts to, if we look the facts squarely in the face. I reiterate the suggestion that I am quite prepared not only to agree to the priority of consideration suggested by the Leader of the Opposition, but also to agree to a special session of this House being called at an appropriate time earlier next year than usual, with the object of dealing quietly with this measure and putting it on the statute book in a form which will be acceptable to all concerned after we have been able to make such inquiries as we are entitled to make and to offer such amendments, if we have any we feel disposed to put on the notice paper. With those few remarks, I support the amendment.

MR. JOHNSON (Leederville—on amendment) [7.40]: I oppose the amendment. As the majority of members are aware, I have the honour to have been elected by the Civil Service Association to the office of being its mouthpiece in this House when it has something to put forward. I am a regular attendant at its annual general meetings and act on information from and consultation with its members whenever there is something before the House which appears to affect its interests.

Mr. Court Is that an official appointment, or a mutual understanding?

Mr. JOHNSON: As far as the association is concerned, that is an appointment by resolution. Prior to my appointment to the office, if it can be called such, the position was held by Mr. Needham for a great many years. It is not strictly an office; it is an understanding between the parties concerned. I make that point so that the House may be informed that the Civil Service Assocation has an attitude towards this piece of legislation. As the Leader of the Opposition said, when moving the deferment of this Bill, this matter has been under discussion not only with this Government but with the previous one. It would appear, from the words of the Leader of the Opposition and the Leader of the Country Party that they are in agreement with the principles contained in the Bill. Notice of the introduction of this Bill was given last year in legislation to which reference has been made. Everybody was aware it was coming forward.

Mr. Ackland: Did you know the contents of the Bill before it was brought down?

Mr. JOHNSON: No, I did not. I have not been consulted about the contents of the Bill, word for word, but I have had discussions with officers of the Civil Service Association at various times, when I talked to them about the principles concerned. I do not doubt that other members have had discussions with members of that association, particularly when they have had occasion to deal with its officers. It has been mentioned that this Bill contains 49 pages. That is a fairly lengthy piece of legal drafting.

Mr. Ackland: And in two hours have you swallowed and digested properly its contents?

Mr. JOHNSON: If the member for Moore would let me make my own speech in my own way, although he might not understand it, the majority of members would. To return to what I was saying, there have been complaints that this is a Bill of 49 pages which required a considerable amount of legal drafting; there have been complaints that it has taken a long time to arrive in this House. If a Bill were to be of one page, it would not take much drafting, but if a Bill were so involved that it required 49 pages, then it is fairly obvious that some time must be taken in its preparation.

I think that is quite obvious, but seeing that there is general agreement between all parties, as we have been told, regarding the principles contained in the Bill, it should not be necessary to debate that aspect. The Leader of the Opposition said that he had received a prior copy of the Bill and the Leader of the Country Party also said that he had had a prior copy, and as they are both in agreement with the principle, there is no need to debate that matter at any length.

The bulk of the measure, which I read during the tea suspension as well as having a meal and taking a pleasant walk, is reasonably simple, but we have to be aware of the multitude of minor amendments providing for the replacement of the commissioner by a board, and have to decide how the various little amendments will fit in. No doubt the object in supplying prior copies of the Bill to the leaders on the other side of the House was to enable them to check the various amendments and see how they fitted into the Act.

Hon. Sir Ross McLarty: It was only today that we met our members and this afternoon was the only opportunity we had.

The Minister for Lands: How many times did the Leader of the Opposition, when in office, introduce Bills in this manner?

Hon. Sir Ross McLarty: Name some of them!

The Minister for Lands: I could name a lot.

Mr. SPEAKER: Order!

Mr. JOHNSON: It would not appear to be necessary that all members of the Opposition parties should examine every jot and tittle of this legislation. The Leader of the Opposition had a prior copy and he has already stated that he agrees with the principle. All he had to do was check, or to have checked by the legal man sitting alongside of him, how this Bill fits in to existing legislation, and I fancy that 24 hours would have been long enough for a trained legal adviser to do that.

There is no need for any lengthy deferment of this legislation. The leaders of the Opposition parties could at least have consulted the officers of the Civil Service Association upon receiving their prior copies of the Bill.

Hon. Sir Ross McLarty: What chance had we of doing that? We have to leave town on Fridays.

Mr. JOHNSON: The Leader of the Opposition must be particularly obtuse if he does not realise that in these days we have telephones, and that the telephone book would tell him where the officers were to be found, and switchboard attendants would have put him on to them, and that would not have taken days; minutes would have been sufficient.

Hon. Sir Ross McLarty: Consult them on a 49-page Bill over the telephone! Do not be absurd!

Mr. JOHNSON: There was an opportunity to consult those officers had the Leader of the Opposition cared to avail himself of it. Now he is just seizing the opportunity to be difficult at the expense of the civil servant.

Hon. Sir Ross McLarty: Rubbish! You are playing to the gallery.

Mr. JOHNSON: The Civil Service Association for a long time has desired legislation along these lines, even since the time when the Leader of the Opposition was in office, but the presentation of the Bill to Parliament has been delayed, probably on account of the voluminous drafting entailed. However, the Leader of the Opposition and the Leader of the Country Party should not complain about the measure having been introduced in the dying hours of Parliament because we are aware that Parliament is at present moving a little quicker than usual, and it strikes me that they have some responsibility for speeding up. It is just not fair to complain of the result of something that one is doing oneself.

Hon. Sir Ross McLarty: I would like something to shut up a bit quicker.

Mr. JOHNSON: If the hon. member's blood pressure is becoming too high, I remind him that there is a doctor at the other end of the building. A suggestion by the Leader of the Country Party that a special session should be summoned in May next for the purpose of considering this Bill does not show much consideration for the civil servants, and it does not show due consideration for members representing farflung districts, particularly those in the North, who have great difficulty in moving about their electorates at any but certain seasons because of weather conditions. I fancy that that proposition was made more with the object of tickling the ears of the groundlings than of being accepted.

Hon. L. Thorn: I think you have a bad mind.

Mr. JOHNSON: Well, I have been in contact with the hon. member for nearly four years.

Hon. L. Thorn: Then what about it?

Mr. JOHNSON: It is possible that, to give full consideration to this measure, would take a month. However, if members of the Opposition are anxious to have plenty of time to consider it, all that is necessary is for them to co-operate with the Government and we can deal with it next week.

Hon. Sir Ross McLarty: Have you been in consultation with the Premier?

Mr. JOHNSON: No, but I think my suggestion would be agreeable to him. There is plenty of time between now and Christmas, but I understood that members of the Opposition were keen to get away from the House so that their profiles could be displayed to the public.

Mr. Hearman: The Premier stated over the air that he wanted to close the session this week.

Mr. JOHNSON: If the hon. member makes other silly comments, I might reply to them. I wish to make it clear that the

first reaction of the executive officers of the Civil Service Association to the proposal to kill the Bill was one of dismay, and I think we would be wise to try to get the Bill through. This would be in the interests of all concerned, and so I trust that, on second thoughts, the Leader of the Opposition will withdraw his amendment. Then the matter could be studied further this evening and again tomorrow. The Bill is fairly simple and could be perused in the space of a couple of hours, and I think we should be well able to deal with it tomorrow. I offer that suggestion in the hope of making it possible for the Bill to be dealt with in a sensible manner instead of killing it.

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

Ayes	25
Noes	24
Majority for	1

Ayes.

Mr. Abbott	Mr. Nalder
Mr. Ackland	Mr. Nimmo
Mr. Brand	Mr. North
Dame F. Cardell-Oliver	Mr. Oldfield
Mr. Cornell	Mr. Owen
Mr. Court	Mr. Perkins
Mr. Doney	Mr. Roberts
Mr. Hearman	Mr. Thorn
Mr. Hill	Mr. Watts
Mr. Hutchinson	Mr. Wild
Mr. Mann	Mr. Yates
Mr. Manning	Mr. Bovell
Sir Ross McLarty	*(Teller.)*

Noes.

Mr. Andrew	Mr. Lawrence
Mr. Brady	Mr. McCulloch
Mr. Graham	Mr. Moir
Mr. Hawke	Mr. Norton
Mr. Heal	Mr. Nulsen
Mr. J. Hegney	Mr. O'Brien
Mr. W. Hegney	Mr. Rhatigan
Mr. Hoar	Mr. Sewell
Mr. Jamieson	Mr. Sleeman
Mr. Johnson	Mr. Styants
Mr. Kelly	Mr. Tonkin
Mr. Lapham	Mr. May
	(Teller.)

Amendment thus passed.

Bill rejected.

BILLS (3)—RETURNED.

1, Perpetual Executors Trustees and Agency Company (W.A.) Limited Act Amendment (Private).

2, Fairbridge Farm School Act Amendment.

3, West Australian Trustee Executor and Agency Company Limited Act Amendment (Private).

Without amendment.

BILL—PARLIAMENTARY SUPERANNUATION ACT AMENDMENT.

Second Reading.

Debate resumed from the 17th November.

HON. SIR ROSS McLARTY (Murray) [8.0]: I have not much to say in regard to this measure which, as members know, deals with the Parliamentary Superannuation Act. The amendments it contains are the result of discussion between members, when certain suggestions were made to the Treasurer as to what should be done. When introducing the measure, he explained its provisions fully and no doubt all members are aware of them.

The first amendment contained in the Bill seeks to enable a member to date his membership of the superannuation fund back to the 1st January of the year in which he commenced to make contributions to the fund, but he has to exercise the option within three months of the measure becoming law. I believe that is a reasonable provision and do not think there will be any objection to it. Members will have to decide for themselves whether they are prepared to pay their contributions back to the 1st January in the year in which they were elected.

Another amendment provides that where a member dies, leaving no dependants, the trustees shall pay to the estate of the deceased member the amount of the contributions he paid into the fund, plus interest at a rate to be decided upon by the trustees, and I do not think there can be any objection to that. I did feel that the Treasurer might perhaps have fixed, in the Bill, the rate of interest to be paid, but I do not wish to move any amendment in that regard and am prepared to leave the matter to the trustees.

A further provision is for an increase of £26 per year in the pension rate, in common with all other Government pension and superannuation schemes which have been approved this session and in connection with which the same increase has been agreed to. The Treasurer also explained that the Bill seeks to delete Section 12 of the Act. As members know, under the Act as it exists at present, if a member retires before he is 70 years of age, although he may have contributed to the fund over a very lengthy period he has to go before a committee and give satisfactory or adequate reasons why he should retire from parliamentary life.

It is then at the discretion of that committee whether he receives any pension. I am sure it is agreed that if a member has for a lengthy or some stipulated period paid into the fund he should be entitled to a pension by right and should not have to go before a committee and give reasons why he should be paid his pension. I repeat that these amendments have been considered by all members and have been agreed upon. I support the second reading.

Question put and passed.

Bill read second time.

In Committee, etc.

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

Bill read a third time and transmitted to the Council.

BILL—STATE ELECTRICITY COMMISSION ACT AMENDMENT.

Message.

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

Second Reading.

THE MINISTER FOR WORKS (Hon. J. T. Tonkin—Melville) [8.8] in moving the second reading said: The chief purpose of this Bill is to provide increased benefits to people who are now drawing or who may become entitled to draw pensions under the State Electricity Commission superannuation scheme. This scheme was created when the City of Perth electricity and gas undertaking was purchased by the State Electricity Commission. At that time a number of employees of the City of Perth Electricity and Gas Department were contributors to a superannuation fund and it was desired that the same opportunity be afforded those men to continue receiving the benefits of the scheme when the department was taken over by the State Electricity Commission.

Accordingly, provision was incorporated in Section 9 of the City of Perth Electricity and Gas Purchase Act, No. 33 of 1948. Although there has been a considerable amount of inflation since the scheme was first established in that year, no alteration has taken place in the benefits payable under that Act and so the contributors under this scheme have lagged behind most contributors to other schemes, in the matter of benefits.

Hon. D. Brand: How many people are involved in this scheme?

The MINISTER FOR WORKS: I could not say, off-hand, but it is a reducing number. The scheme was so designed that no new members could be admitted to it and so, ultimately, it must lapse and I will come to that point a little later on. I emphasise that since this scheme was first established in 1948, payments under it have remained the same, despite the fact that during that period there has been a considerable amount of inflation, with a corresponding reduction in the value of money. In the City of Perth scheme, the benefits have been increased, as they have under the State superannuation scheme.

It was originally intended that the State Electricity Commission scheme should be similar to the City of Perth superannuation scheme, so that there would be no loss of benefits upon changing over, and this Bill is to bring the payments under the State Electricity Commission scheme into line with those being made under the City of Perth superannuation scheme. The Bill proposes that the part of the pension which does not exceed £4 shall be increased by 50 per cent. and that the part of it which exceeds £4 shall be increased by 25 per cent. Widows of former contributors will be paid half those additional allowances, which are referred to in the Bill as supplementary allowances. Under the existing scheme, contributors have the option of also joining the State scheme.

It is not intended that contributors to both schemes shall be entitled to draw the 50 per cent. supplementary allowance which is available under the State scheme and also the 50 per cent. supplementary allowance under the State Electricity Commission scheme, and so the Bill provides against that. It provides, also, against any person, being a member of both schemes, drawing a pension which, in the aggregate, would exceed the maximum amount for which a contributor could subscribe under the State scheme.

The point I referred to earlier was that the State Electricity Commission scheme is designed to meet the needs of employees of the City of Perth Electricity and Gas Department who were taken over by the State Electricity Commission, and no new members are admitted to that scheme, it being argued that any employee of the State Electricity Commission who is not a member of the commission's scheme has the right to become a member of the State scheme. As ultimately there will be no members left in the State Electricity Commission scheme, it is provided that any balance in the fund after all liabilities have been met shall revert to the funds of the commission. That is considered equitable, because the commission pays more than half the contributions to the scheme. That is all that is involved in the Bill and I commend it to the House as it does no more than justice to the employees concerned.

Hon. D. Brand: Does it provide anything extra for these people over and above any other superannuation scheme?

The MINISTER FOR WORKS: No, it brings the contributors of the State Electricity Commission scheme, who were originally on the same basis as those in the City of Perth scheme, on to a similar basis now, but not in all respects, because there is provision under the City of Perth superannuation scheme for a supplementary allowance of £1 per week. In this scheme provision is not being made for that because it is considered that the employees of the State Electricity Commission can obtain that additional benefit by contributing to the State superannuation scheme. It is further considered that it is only necessary to bring the payments

into line with the City of Perth scheme because, on the original basis, they were equal and as the City of Perth scheme has been improved in the interim, no alteration has been made in regard to the payments to the State Electricity Commission scheme.

The payments are restrospective to March because attention was first given to this matter early in the year. It became necessary to get an actuarial examination of the scheme and as it took a considerable time to arrive at a decision, it is considered fair and equitable that the members of the scheme should have their payments dated back. I move—

That the Bill be now read a second time.

HON. D. BRAND (Greenough) [8.17]: We have had some prior notice of the Minister's intention to introduce this Bill —a draft copy and some explanatory notes. It would seem to me that we can whole-heartedly support this measure which is really dealing with a present anomaly. Employees who were taken over from the City of Perth electricity and gas undertaking by the State Electricity Commission were covered by special provisions in the Act which ratified the agreement between the City of Perth and the commission. Therefore, I should think that, under no circumstances, should they stand to lose any benefit provided under their superannuation scheme which would not be lost by their colleagues who are still employees of the Perth City Council or members of the State superannuation scheme. I support the second reading.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Bill read a third time and transmitted to the Council.

BILL—RESERVES.

Second Reading.

THE MINISTER FOR LANDS (Hon. E. K. Hoar—Warren) [8.21] in moving the second reading said: This is the usual type of Reserves Bill that is brought forward every year. In this measure, there are 15 separate reserves that have been amended in one form or another and for the information of members I will now proceed to deal with each one in turn.

Reserve No. A.17863—Bicton: This reserve is set apart for the purpose of recreation and is vested in the Melville Road Board. Portion was excised from the reserve by the operation of Section 10 of the Reserves Act, No. 4 of 1939, and was surveyed as Cockburn Sound Location 873 of 34, 3/10ths perches, which was set apart as Reserve No. 22098 for the purpose of an infant health clinic. Reserve No. 22098 was subsequently found to be unsuitable for the purpose and a better site for the clinic was located further north in the recreation reserve. The new site has been surveyed as Cockburn Sound Location 1726, which it is desired to excise from Reserve No. 17863 and it is proposed to reinclude Location 873. Reserve No. 22098 will then be amended to comprise Location 1726 in lieu of Location 873.

Reserve No. A20165—Byford: In the year 1914, freehold land at Byford was subdivided to an attractive design, evidently for residential purposes, but its distance from the city rendered the subdivision unsuitable for those purposes. A central area of six acres was provided for recreation and the land was surrendered to the Crown and was set apart as Reserve No. 20165 for recreation and classified as of Class "A". Surveyed roads were provided around the circular reserve, but when the main road to the State Brick Works was constructed, it was taken straight through the reserve, separating it into two equal portions neither of which has been developed for recreational purposes. All the south-western portion is low-lying land and is more suitable for gardening than as a recreation ground. It is proposed that the land required to provide a surveyed road one chain wide to include the existing formation, be excised from the reserve and that the portion on the south-western side of the proposed road be excised also, with the intention that the land be subdivided and sold. Provision has been made in the Road Closure Bill for the closure of certain roads and rights-of-way. The land in the road on the south-western side of the reserve will be included in the proposed subdivision of that portion of the reserve.

Reserve No. A1203—Cottesloe: The Cottesloe Municipal Council constructed a bituminised road through the south-eastern corner of this reserve to connect up Hamersley and Hawkestone-sts., which previously dead-ended at the reserve. For the purpose of dedicating the connecting road under the Municipal Corporations Act, 1906, it is necessary to excise the land from the reserve. The area of the proposed excision is one rood 27, 9/10ths perches, which exceeds 1/20th of the total area of the reserve referred to in Section 31, Subsection (4) of the Land Act, which prevents the amendment of the reserve to provide a road in the ordinary way.

Reserve No. 10925—Greenbushes: In 1914 the land comprised in Reserve No. 10925—Greenbushes Lot 181 of one quarter acre—was leased to certain trustees of the General Workers' Union of Western Australia, for a term of 999 years in trust for the purpose of a hall site for the union. The reserve was created in 1907, but has

not been used for its purpose and is still undeveloped. The General Workers' Union no longer exists and the Australian Workers' Union has no objection to the cancellation of both the reserve and the lease. It is proposed to revest the land in Her Majesty as of Her former estate, with a view to its disposal, if it is not required for any other public purpose.

Reserve No. A. 7276—Greenough: For the purpose of creating a separate reserve for camping and recreation near the mouth of the Greenough River, it is necessary to excise an area of about 30 acres from Reserve A. 7276, which is set apart for parklands. The new reserve will be placed under the control of the Geraldton-Greenough Roads Board. It is also proposed to excise from Reserve A. 7276 a further small area of about one half acre, which is isolated by a road from the remainder of the reserve, and is of no value to it. It is intended that the small area will be made available to the holder of the adjoining Location 2466 to square up his boundaries.

Reserve No. A. 5324 at Kalgoorlie: This reserve comprises five separate lots which do not adjoin and is situated partly within the Kalgoorlie Municipal District and partly within the Kalgoorlie Road District. The reserve is set apart for the purpose of recreation, but the Kalgoorlie Municipal Council has utilised the portion comprising Kalgoorlie Lot 2967 as a kindergarten site. It is proposed to excise this lot from the main reserve and set it apart as a separate reserve for the purpose of a kindergarten site.

Mr. Ross Hutchinson: Have all relevant local governing authorities been contacted in regard to these reserves?

The MINISTER FOR LANDS: Yes, the whole of this work is done in collaboration with all local governing bodies.

Mr. Ross Hutchinson: There will be no objections to them?

The MINISTER FOR LANDS: Whatever objections that might have been raised over the past 12 months have been ironed out between the local governing authority and the organisation concerned; if there is any real objection, the excision of the land is not proceeded with.

Reserve No. A. 15593 at Kellerberrin: This reserve is at present set apart for the purpose of recreation and picnic ground and is under the control of the Kellerberrin Road Board. The board has not yet developed the reserve for recreation purposes and considers it unsuitable for a picnic ground, but desires to lease the land to the local golf club for use as a golf course. It is proposed that the purpose of the reserve be altered accordingly, and that the reserve be vested in the Kellerberrin Road Board with power to lease for any term not exceeding 21 years, subject to the approval of the Minister for Lands being obtained to any proposed lease.

Reserve No. 13736 at Kojonup: This reserve is set apart for the purposes of showground, racecourse and recreation and is held in fee simple in trust for those purposes by the Kojonup Road Board. Portion of the reserve was utilised for the purpose of a water supply, comprising a dam and catchment area. It is now desired that a separate reserve be created for that purpose. An area of 3 acres 8 perches used for the water supply has been surveyed as Kojonup Location No. 9076, which it is intended shall be excised from the main reserve.

Reserve No. 15309 at Kumminin: This reserve, comprising Avon Location 20498 of 4 acres 3 roods 14 perches, was set apart in 1916 for the purposes of a hallsite and a Crown grant was later issued to certain trustees recommended by the Kumminin branch of the Farmers and Settlers' Association of W.A. The three trustees, Messrs. R. A. Allen, S. Bourne and R. J. P. Clarke are reported to be deceased, and no new trustees have been registered. The hall building was demolished in 1947, and the reserve is no longer required for its purpose. The local authority—the Bruce Rock Road Board—desires that the land be reserved for another purpose.

Reserve No. A.20838 at Nedlands: This reserve is set apart for the purpose of recreation, and is vested in the Nedlands Road Board which has developed the reserve accordingly. It is imperative that the adjoining schoolsite, Reserve No. 21498 be increased, as its present area of four acres is inadequate. It is proposed to excise from Reserve No. A.20838 an area of 2 acres 2 roods 30 perches, which will be included in Reserve No. 21498. Agreement has been reached between the Public Works Department and the Nedlands Road Board regarding payment of compensation to the board for the cost of improvements effected on the portion of the reserve required for the schoolsite.

Reserve No. A.21116 at Pemberton: This reserve is set apart for the purpose of park lands and is classified as Class "A". By the operation of Section 9 of the Reserves Act, 1948 (No. 50 of 1948), portion of the reserve was excised with the intention that the portion so excised should be subdivided into sites for public and institutional buildings with the necessary road access thereto. Portions of the excised land have been surveyed as Pemberton Lots 204 and 205 and reserved for the respective purposes of a hallsite for the Returned Sailors, Soldiers and Airmen's Imperial League of Australia, and for an infant health centre. Other portions have been applied for by the Country Women's Association, the Ex-Imperial Servicemen's Association and the Royal Antedeluvian Order of Buffaloes, and there is doubt as to whether the purposes for which the land is required would come within the intentions expressed in Section 9 of the 1948 Act. It is desired to clarify

the position by authorising the Governor to reserve any of the land excised from Reserve No. 21116 for any of the purposes mentioned in Section 29 of the Land Act, 1933, which would permit the present applications to receive further consideration.

Reserve No. A.1720, King's Park, Perth: Authority is sought to enable the King's Park Board to lease portions of Reserve No. A.1720 to certain sporting bodies, which have been in possession for many years and have already carried out extensive improvements, which have added much to the beauty and amenities of the park. The first board to control King's Park was appointed in January, 1896, and, in 1899, this board, under the chairmanship of Sir John Forrest (later Lord Forrest) authorised the Mount Tennis Club to occupy portion of the reserve, to establish a tennis club and work on the project commenced forthwith. The club later changed its name to King's Park Tennis Club and was subsequently permitted to adopt the name of Royal King's Park Tennis Club.

The area occupied by the club has been extended from time to time with the permission of the board of control without any established legal tenure, and has been improved at considerable expense to the club, which is regarded by many as the finest club in the southern hemisphere. For many years past the club's courts have been used for all international matches, exhibitions and State championships, and the club has recently been adopted as the headquarters of the Western Australian Lawn Tennis Association by arrangement with Royal King's Park Tennis Club Incorporated, both of which propose to collaborate in a very extensive scheme for further improvements to comprise mainly, new stands and incidental buildings and additional seating accommodation around the main exhibition courts.

Mr. Court: This does not represent any extension of the area they use at present.

The MINISTER FOR LANDS: This is only the permission so far as the actual work is concerned. The ultimate aim is to provide seating for 14,000 spectators at an estimated total cost of about £70,000. The first stage of the programme which it is desired to commence at an early date will entail an expenditure of £7,000 to £8,000. The Western Australian Lawn Tennis Association is hopeful of obtaining the right to conduct the interzone final of the 1956 Davis Cup competition on Royal King's Park Club's courts, and it is important that work on the proposed improvements be facilitated. The obtaining of legal tenure to the site now surveyed as Perth Lot 784 will give general satisfaction to both the club and the association and stimulate them in efforts to foster good tennis for the benefit of the Western Australian public. The King's Park Bowling Club Incorporated has been occupying portion of the park reserve since 1904, and has well established bowling facilities thereon. It is desired that the board of control be empowered to also lease to the bowling club the area surveyed as Perth Lot 785. This will place the bowling club on an equal footing with the tennis club in the matter of tenure.

Reserve No. A.1720, King's Park, Perth: By the operation of Section 22 of the Reserves Act, 1952, portion of Class "A" Reserve No. 1720, King's Park, Perth, being the portion surveyed as Perth Lot 722, was vested under the provisions of Section 33 of the Land Act, 1933, in the members for the time being of the board appointed under the provisions of the Parks and Reserves Act, 1895, to control and manage Reserve A.1720, with power to lease the portion for the purpose of a tearoom site for any term not exceeding 21 years and under such terms and conditions as the Governor may approve.

The King's Park Board now desires to call applications for a lease of the tearoom site under conditions that will require the lessee to erect new tearoom buildings and it may be necessary for the new buildings to be placed off the surveyed position of Perth Lot 772 in order to retain the existing buildings in their present position to carry on business during the erection of the new premises. The extra land needed for the purpose has now been surveyed as Perth Lot 786, containing 1 rood 14.4 perches, and it is proposed that this lot be vested also in the members for the time being of the King's Park Board under the provisions of Section 33 of the Land Act with power to lease for the same purpose and on the same terms as Lot 772.

Reserve No. A.20833 at South Perth: This reserve is at present set apart for the purpose of park lands and recreation, but has not been used for those purposes. The land has been planted with pine trees as part of the Collier Pine Plantation by authority given to the Conservator of Forests in 1925. It was intended that, when the first crop of pines matured, the reserve would be vested in the South Perth Road Board in trust for the original purposes. Present-day circumstances require that some of this land be utilised for Government buildings and departmental purposes and a tentative plan has been prepared for a town planning scheme for the available Crown land in this area. The plan provides for portions of the reserve to be utilised for public and Government establishments, State housing and for public open spaces. To facilitate the replanning of the area, it is desirable that the reserve be cancelled, so that the land may be utilised in such manner as the Governor may approve.

Reserve No. 1859 at Swanbourne: This reserve comprising Swan Location 1063 containing 9 acres and 32 perches has a frontage to Servetus-st., Swanbourne. It

was set apart in the year 1891 as a reserve for recreation and park lands, and in 1900 was vested in the Municipality of Claremont in trust for those purposes under the provisions of Section 42 of the Land Act, 1898. No development of the reserve was commenced until 1950 when the municipality provided a children's playground comprising an area of 1 acre 3 roods 15.5 perches for the benefit of the children of the Swanbourne school where the playing area was restricted.

The municipality regards the balance of the reserve as more suitable for residential purposes than for recreation and desires to concentrate its resources in the development of the area acquired for recreation purposes at Lake Claremont (formerly Butler's Swamp). The municipality has requested that the land in the reserve be granted to it free of trust with authority to subdivide and sell the majority of the area with the object of using the proceeds in the development of the Lake Claremont recreation centre. It is proposed to authorise the Governor to grant the land to the municipality as an endowment with authority to sell, subject to certain provisions regarding the surrender of the portion used for the children's playground which will be proclaimed a Class "A" reserve and to the dedication of certain road widenings and extensions. It is also specified that the net proceeds of any sale of the land will be used by the municipality in the development of another reserve vested in or under the control of the municipality. I move—

That the Bill be now read a second time.

HON. L. THORN (Toodyay) [8.40]: This is the usual Bill that comes before the House each session. I know that most of the clauses in it have been drafted after consultation with the local authorities concerned. As the measure relates to King's Park, the board has been consulted and is in agreement. The member for Cottesloe raised the point and asked whether the local authorities concerned were consulted. I know from experience that they are consulted and that agreement is arrived at. In many cases the Minister or the Lands Department is approached by the local authorities asking for these alienations for different purposes.

Members will see that some of the amending clauses in the Bill will enable reserves to be put to very good uses. For instance, where reserves have been lying idle for many years and where they are of no use at all except for the purpose of breeding vermin, they will now be used for R.S.L. halls, kindergartens and other useful purposes. These files have been in circulation in the Chamber for a fortnight and members have had an opportunity to check any reserves within their own electorates. The Minister has read the particulars of the various proposals and members have had the Bill before them, so if there is any point they would like to clarify, now is their opportunity.

My experience is that the measure is introduced each year and that full consultation takes place and complete agreement is arrived at with the authorities concerned. As the Minister said, if there are any strong objections raised by a local authority or an association or organisation within the area, then the matter is dropped.

Mr. Nalder: It is generally recommended by the local authorities.

Hon. L. THORN: That is so. The Government may wish to alter the purpose of a reserve; the local authority is consulted and if any strong objections are raised, the matter is dropped. It is not forced on anyone. I have no objection to the Bill and I support the second reading.

MR. BOVELL (Vasse) [8.43]: The member for Toodyay has said that, generally speaking, the contents of this Bill are restricted to agreements reached between local authorities and the Government. But there is something in the measure which does not usually come before the House, and that relates to King's Park. I do not raise any objections to the portions of the Bill that deal with the Royal King's Park Tennis Club, the King's Park Bowling Club and the tea-rooms.

I would like an assurance from the Minister that although the King's Park Board may be in full agreement with the provisions in the Bill there will not be any further encroachment in relation to the establishment of clubs, which are restricted in their membership. I am raising no objection to the Minister's proposals; but King's Park was established for all the people of the State, and I will oppose any further move to establish clubs that are restricted in membership. If there were a proposal for a club in which every man, woman and child in the State could be accommodated, it would receive my favourable consideration. But I am opposed to excising any further portion of King's Park for clubs with a restricted membership.

HON. C. F. J. NORTH (Claremont) [8.46]: I support the Bill, particularly the last clause. I understand that the Minister was approached in connection with this matter only during the last two or three days, and the Bill was held back so that the clause might be added. On behalf of the Claremont Municipal Council, I wish to thank the Minister, because this is a very important matter for the district. It will enable the raising, after the Christmas holidays, of £20,000 from some empty land now being eroded by wind, and that money will go towards the commencement of a plan for beautifying Butler's Swamp and converting it into a lake and municipal

gardens. I am pleased indeed that the clause was included at the eleventh hour, and I support the second reading of the Bill.

THE MINISTER FOR LANDS (Hon. E. K. Hoar—Warren—in reply) [8.47]: In reply to the member for Vasse, I would point out that he need have no alarm concerning this Government making any of the land in King's Park available for the purpose he specified, in view of the debate we had only last year as to whether an aquatic centre should be established there. The hon. member said he would give favourable consideration to any sporting club that was not restricted in its membership. The one proposed last year was very unrestricted, but I remember that he opposed it most strenuously. Nevertheless, I can give him my assurance concerning the two areas in King's Park. In one instance, the area will not be interfered with but the development of the existing area of the King's Park Tennis Club is embraced. The other provision refers to tea-room facilities being provided alongside those now existing, while another building is being erected.

Hon. D. Brand: Has a decision been made to go on with the building in King's Park?

The MINISTER FOR LANDS: Which building?

Hon. D. Brand: The tea-rooms.

The MINISTER FOR LANDS: Yes. This measure provides authority for it.

Question put and passed.

Bill read a second time.

In Committee.

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

Clauses 1 to 10—agreed to.

Clause 11—Reserve No. 2083 at Nedlands:

Mr. COURT: In dealing with this clause in his second reading speech, the Minister said an agreement has been reached between the Public Works Department and the Nedlands Road Board regarding payment of compensation to the board for the cost of improvements affecting that portion of the reserve required for the school site. I was wondering whether he has with him any information about the nature of the settlement reached, because my understanding is that a lot has still to be done before finality is reached between the department and the road board.

The adjustment to this reserve is very desirable because it provides the necessary facilities to extend the Hollywood school. Those facilities are all the more necessary because the school has been extended from an infants' school to a sixth-standard school. The main area involved is at present the Hollywood Tennis Club, and that club is very concerned about its future. The arrangement made by mutual agreement after conferences between the Minister for Lands, the Minister for Works and the respective departmental officers was payment of compensation for the transfer of those facilities to another site. If the Minister has that information with him, I would be very grateful to receive it. Otherwise, I could seek it from the department, if he would prefer that.

The MINISTER FOR LANDS: I would prefer it because I have not any detailed information as to what the file contains in regard to discussions between the authorities mentioned. I was connected with the matter to some extent, but could not tell the hon. member exactly what was agreed to between the parties by way of compensation or just where the position now rests. But I do know that I have the authority of the department to say that an agreement has been reached; and if the hon. member would like me to make a note of the matter and get further information for his satisfaction, I am willing to do so.

Clause put and passed.

Clauses 12 to 15, Title—agreed to.

Bill reported without amendment and the report adopted.

Third Reading.

Bill read a third time and transmitted to the Council.

BILL—CHILD WELFARE ACT AMENDMENT.

Returned from the Council without amendment.

BILL—ROAD CLOSURE.

Second Reading.

THE MINISTER FOR LANDS (Hon. E. K. Hoar—Warren) [8.56] in moving the second reading said: This is another Bill that has annual application to this House and affects road closures. I must apologise for the length of some of the explanations of the clauses, both of this and the previous Bill. But it is much better to take a little time over this matter and let every member know what is happening in his own district than to skimp the discussion and have complaints afterwards.

Closure of a private road at Albany: In a private subdivision of Albany Suburban Lot 38 a road was provided in the centre of the subdivision and shown on the plan as Hope-st. Its only access to the public road system is by a 25-links right-of-way. Large rock formations make it entirely unsuitable for a road. The Municipality of Albany has recommended that, if the road is closed, the majority of the land therein be made available to adjoining holders after provision is made for an extension

of an abutting right-of-way. The section provides for the revestment of the land in Her Majesty as of Her former estate with the intention that the land be disposed of in such manner as the Governor may approve. It is necessary that further investigation be made and certain survey work be carried out before final recommendation can be submitted regarding the ultimate disposal of the land.

Closure of Peter-st., Albany: This small road 2 chains 76 links long was provided in a private subdivision, but was dedicated as a public road in October, 1954. A resubdivision of the land at the south-western end of the road provides access to Denham-rd., rendering Peter-st. unnecessary. The Albany Municipal Council has recommended closure of Peter-st. and the sale of the contained land in equal shares to the two abutting owners. It is proposed to revest the land in Her Majesty as of Her former estate with the intention that it be disposed of in such manner as the Governor may approve after certain necessary survey work has been completed.

Closure of certain roads and rights-of-way at Byford: In the year 1914, freehold land at Byford was subdivided to an attractive design, evidently for residential purposes, but its distance from the city rendered the subdivision unsuitable for those purposes. Provision was made for various roads and rights-of-way, some of which are now considered unnecessary because many of the adjoining lots are in one ownership, and the registered proprietors are desirous of consolidating their holdings by acquiring the land contained in the dividing roads or rights-of-way. The road mentioned in Clause 5 is to be closed and the land revested in Her Majesty as of Her former estate with the intention that it be added to the land, which the Reserves Bill provides shall be excised from Recreation Reserve No. A.20165 for subsequent subdivision into four lots to be made available for selection. The portion of Blythewood Avenue mentioned in Clause 4 will be vested in the owners of the contiguous lots in equal shares. The land in the right-of-way, for which closure is provided in Clause 6, will be vested in the owners of the contiguous lots.

Closure of portion of a road at Margaret River: To connect up Town View Terrace and Forrest-rd. at Margaret River, an area of 1 rood 2-1/10th perches was excised from the adjoining freehold land and was dedicated as a public road. As the result of the straightening of Forrest-rd. and its direct extension to Bussell Highway, the connecting road is no longer required, and the Augusta-Margaret River Road Board has requested its closure. The road board desires to use the land as a public park and gardens. It is proposed to revest the land in Her Majesty with the intention that it be so reserved.

Closure of Road No. 9943 at Margaret River: This road was originally part of a right-of-way in a private subdivision of freehold land on Land Titles Office plan No. 4977. It provided legal road access along the southern side of Lot 65, which is held by the Augusta-Margaret River road board and is used for a children's play centre. Forrest-rd. has since been extended from Town View Terrace to Bussell Highway, and the new road is contiguous to Road No. 9943, which is no longer necessary. It is proposed to dispose of the land in the road, when closed, by including it in the adjoining Lot 65 and vesting it in the owner of that lot.

Closure of portion of Hamilton-st., Bassendean: For the purpose of extending Hamilton-st. from Bridson to Watson-sts. the Bassendean Road Board acquired Lots 155 and 156 in a private subdivision on Land Titles Plan 2789. The lots were subsequently resumed by the Crown for road extension. Only portion of the land was required for the road and the board desires that the balance be made available for sale. The surplus area has now been surveyed as Swan Location No. 5623 on Lands and Surveys diagram No. 63853. It is intended that the land be sold either to the adjoining holder or by public auction at the Governor's discretion, and that the net proceeds be paid to the Bassendean Road Board.

Closure of a certain right-of-way at Bayswater: The Bayswater Road Board and all the appurtenant owners have consented to the closure of a right-of-way in a private subdivision of freehold land at Bayswater. The holders of the lots to the south-eastern side of the right-of-way have substantial fences erected on their boundaries and have signified that they are not interested in acquiring any portion of the land in the right-of-way. The Water Supply, Sewerage and Drainage Department has a sewer up the centre of the right-of-way and agreed to the closure provided all the land was included in the one holding and not divided up the centre-line. The holder of Lot 47 on the north-western side of the right-of-way desires to acquire the whole of the land therein. It is proposed to revest the contained land in Her Majesty as of Her former estate and dispose of it to the holder of Lot 47 under the provisions of the Closed Roads Alienation Act, 1932.

Closure of portions of Coolgardie and Dumond-sts. at Bentley: These two streets in the Canning Road District were provided in a subdivision for the State Housing Commission known as Bentley, but portions of them are required no longer. It is not intended to use for housing purposes two sections of lots numbered as Lots 557 to 580 inclusive on Land Titles Office plan 6419 and Lots 613 to 637 inclusive on plan 6421, but the commission proposes to obliterate the survey of these

lots and re-subdivide the land into larger lots for other purposes. Private land in this vicinity is being used as sand pits by two companies, viz. Dunbriks Pty. Ltd. and F. A. Moore Pty. Ltd., supplying sand to the building industry. The State Housing Commission desires to make available additional land for the purpose by disposing of lots in the new subdivisions to the two companies concerned. To consolidate the area for re-subdivision it is necessary to close the portions of Coolgardie and Dumond-sts. and to vest the land contained therein in the State Housing Commission.

Closure of portion of Wood-st., Claremont: The Swanbourne schoolsite reserve No. 9111, comprises land on either side of the eastern extremity of Wood-st., which dead-ends at this point. To consolidate the schoolsite it is desired to close the intervening portion of Wood-st., and include the land in the school reserve.

Closure of road No. 4161 and certain rights-of-way at Hamilton Hill: The State Housing Commission acquired an extensive area of freehold land at Hamilton Hill, known as Baker Estate. The area had been the subject of an old private subdivision which is not acceptable from a modern town-planning viewpoint. A re-subdivision was made of the land to an approved design, and a considerable number of homes have been built on the new lots. So that the new subdivisional plan may be approved, it is essential that the road and various rights-of-way on the old plan be closed and the contained land vested in the State Housing Commission. A reserve one link wide down the western side of the old subdivision has been regarded as portion of the contiguous right-of-way for the purpose of closure.

Closure of Raymond-st., Geraldton: The Christian Brothers of St. Patrick's College, Geraldton, have requested the closure of Raymond-st., Geraldton, with a view to consolidating their property, which extends on either side of the road. The Municipality of Geraldton and the Town Planning Board have approved of the proposed closure. The street was originally known as Rowe-st., but is known locally as Raymond-st. It is not dedicated as a public road but was provided in a private subdivision of freehold land. Provision is made for the vesting of the contained land in the trustees of the Christian Brothers as owners for the time being of the adjoining land.

Closure of portion of road No. 9768 at Lake Preston: The Harvey Road Board holds in fee simple portion of Wellington Location 698 and in 1937 the Board provided a road through the property for public access to Myalup Beach. A subdivision of portion of the board's land was made and involves a slight alteration to the position of the existing road. Closure of portion of the road is required and it is desired to vest the land comprised in the portion in the Harvey Road Board as the owner of the contiguous land. The new portion of the road has recently been included as a road widening under the provision of the Road Districts Act.

Closure of portion of Holly-st. and certain rights-of-way at Katanning: The State Housing Commission acquired certain areas at Katanning which had been subdivided to a design providing for rights-of-way at the rear of the lots. The commission re-subdivided the land to better advantage providing new roads and dispensing with the rights-of-way. Approval to the closure of portion of Holly-st. is required and similar approval to the closure of the various rights-of-way is requested. The new roads have already been constructed by the Katanning Road Board at the expense of the State Housing Commission. The land in the road and rights-of-way is to be vested in the commission so that it will hold all the land, the subject of the new plans.

Closure of certain private roads at North Dandalup: In a subdivision of freehold land at North Dandalup, 80 lots of half an acre each were surveyed with necessary roadways, named on the plan as Lovett, Humphreys, Shenton, Pollards and Menzies Avenues. Seventy-four of the lots have been revested in Her Majesty for non-payment of rates under the provisions of Section 286 E.A. of the Road Districts Act. The land cannot be made reavailable for sale, either as surveyed or as a composite area, because the land has no legal access. The holders of the six lots, not revested for non-payment of rates, have surrendered their certificate of title to the Crown so that the land can be included in a composite area which can then be made available for selection by adjoining holders. It is necessary to close the various roads on the plan and to revest the contained land in Her Majesty as of Her former estate so that it can also be included in the composite area.

Closure of a certain right-of-way at Nedlands: In a private subdivision of freehold land at Nedlands a right-of-way was provided for the use of appurtenant owners but is no longer required. The Nedlands Road Board has no objection to the closure of the right-of-way, but if the right-of-way were to be closed under the Road Districts Act, it would be necessary to resume the land therein and declare it a public way. Then upon closure the land would revert to the holders of the contiguous lots and would be divided at the centre line. All the contiguous lots are held by members of the Oliver family but the holder of the lot adjoining the eastern side of the right-of-way has notified in writing that he is not interested in acquiring any portion of the land in the right-of-way.

The Water Supply, Sewerage and Drainage Department has a pipeline down the centre of the right-of-way and was opposed to the division of the land at the centre line. The holder of the lots on the western side of the right-of-way has entered into an agreement with the Minister for Water Supplies regarding access to the pipeline when the land in the right-of-way is included in those lots. The section provides for the closure of the right-of-way and the revesting of the contained land in Her Majesty as of Her former estate with the intention that it be disposed of to the owner of Lots 264, 265 and 266 on Land Titles Office Plan 2668 under the provisions of the Closed Roads Alienation Act, 1932, in such manner as the Governor may approve.

Closure of a right-of-way at Swanbourne: In a private subdivision of freehold land at Swanbourne a right-of-way was provided down the western side of the land, which is now considered unnecessary. The appurtenant owners have requested its closure and the Nedlands Road Board has no objection. The land on the Western side of the right-of-way is held by the trustees of the Public Education Endowment Trust and leased by them to the Cottesloe Golf Club Incorporated, neither of which body has any rights-of-carriageway over the right-of-way. It is proposed to dispose of the land comprising the right-of-way by vesting it in the holders of the adjoining lots in the subdivision.

Closure of portion of Bishopsgate-st., Victoria Park: The portion of Bishopsgate-st., between Cohn and Briggs-sts. separates Lots 7 and 8 on Land Titles Office plan 6101, which are part of a subdivision of land acquired under the Industrial Development (Resumption of Land) Act, 1945. Lot 8 has already been sold under the provisions of the Act to Hearn Bros & Stead Pty, Ltd., the Hearn Manufacturing Co. Pty. Ltd. and the Dale Manufacturing Co. Pty. Ltd. Arrangements have been made to sell Lot 7 also to the same three companies and to include in the sale the land comprised in the intervening portion of Bishopsgate-st. in order that the whole area may be consolidated.

Closure of portions of Letchworth Centre Avenue and portions of certain rights-of-way in the South Perth Road District: The State Housing Commission acquired certain land at Salter Point, which the commission desires to re-subdivide to better advantage and to provide a shopping centre. The subdivision provides for a reduction in width of Letchworth Centre Avenue from one chain fifty links to one chain, excepting the portion adjoining the shopping centre which will be one chain twenty-five links wide. It is also necessary to close two rights-of-way in the existing subdivision and to vest the land comprised therein in the State Housing Commission. A new right-of-way is being provided at the rear and side of the shopping area, but no right-of-way is considered necessary for the residential sites.

Closure of portions of Bowler and Watson-sts., Wagin: To consolidate Reserve 23829 at Wagin it is desired to close portions of Bowler and Watson-sts., which are undeveloped and are not required for public use. The reserve is set apart for the use of natives and it is desirable that it comprise one compact area and that public access through the reserve be discontinued. It is proposed that the land in the roads when closed be added to the reserve. I move—

That the Bill be now read a second time.

HON. L. THORN (Toodyay) [9.13]: I support the second reading of the Bill. As members will note, a good many of its clauses deal with road and right-of-way closures after consultation with the local authorities concerned. Similar clauses in the Bill deal with re-surveys for the State Housing Commission. A good many of the old surveys provided for rights-of-way but today, with modern town planning, it is considered that many of these rights-of-way are not necessary but are absolutely useless. A number of the clauses deal with re-subdivisions under modern town planning methods which, undoubtedly, improve the layout of different areas where the State Housing Commission is building. It is a matter for members of this Chamber to object to any clause dealing with their own areas, but I can see no objection to the measure. What is proposed here is all done by agreement, and I support the second reading.

Question put and passed.

Bill read a second time.

In Committee.

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

Clauses 1 to 6—agreed to.

Clause 7—Closure of portion of public road at Margaret River:

Mr. BOVELL: I understood the Minister to say that the arrangements dealt with in this clause had been agreed to by the Augusta-Margaret River Road Board, although he did not say anything in regard to Clause 8. I have had no advice from the local authority which, of course, is in the Vasse electorate, and I would like an assurance from the Minister that both this and the following clause have the approval of the local authority.

The MINISTER FOR LANDS: The file does not specifically state that in regard to Clause 8; but the same thing applies to

a number of other clauses. An outside body at Margaret River worked in conjunction with the local authority on this point and, in effect, it was a combined effort. The matter is quite in order.

Mr. BOVELL: Thank you. The local authority usually advises me in regard to these matters, but on this ocaasion I had no forward information. However, it would appear that the proposal has the approval of the local authority.

Clause put and passed.

Clauses 8 to 18—agreed to.

Clause 19—Closure of portion of a certain right-of-way in Nedlands:

Mr. COURT: When the Minister was speaking on the second reading in regard to this clause he referred to the fact that in respect of this right-of-way which is to be closed, the Water Supply, Sewerage and Drainage Department has a pipeline down the centre and was opposed to the division of the land at the centre-line. He further said that the holder of the lots on the western side of the right-of-way had entered into an agreement with the Minister for Water Supply, Sewerage and Drainage regarding access to the right-of-way when it is included in those lots. Do I take it that as a matter of policy, if agreement can be reached with the owner or owners of land affected and they will permit access by the Water Supply, Sewerage and Drainage Department, the necessary approval for the closing of the right-of-way would be agreed to?

At the moment I have requests from several people in Nedlands where they are most anxious to close rights-of-way because of the accumulation of rubbish and the fact that they are not used, no one seems to own them and no one wants to do anything about them. But some opposition has been met. The local authority advised one group of owners at the eastern end of Waratah Avenue that under no circumstances would they be able to get the agreement of the Metropolitan Water Supply, Sewerage and Drainage Department to the closing of the right-of-way because the pipeline went down the centre. I notice that, in respect to this clause, agreement has been reached with the owner of the land on the western side of the way. Can it be taken that it is departmental policy?

The MINISTER FOR LANDS: I do not know the policy of the Metropolitan Water Supply, Sewerage and Drainage Department in this connection, but I know the policy of the Lands Department. Where there is an opportunity of co-operating with another Government department in respect to the use of land or the closing and making available of what was once a right-of-way, which in many cases is no longer used for sanitation or other purposes, that opportunity is taken. Where the Water Supply Department does not need the area it is normally divided equally between the adjoining landholders. I do not know the details in regard to the case mentioned by the hon. member and I have not seen the Public Works Department file in this connection.

Clause put and passed.

Clauses 20 to 24, Title—agreed to.

Bill reported without amendment and the report adopted.

Third Reading.

Bill read a third time and transmitted to the Council.

BILL—PUBLIC WORKS ACT AMENDMENT.

Second Reading.

Debate resumed from the 15th November.

HON. D. BRAND (Greenough) [9.25]: I suppose of all the Bills introduced this session this is among the most controversial; at least it is here as a result of a good deal of controversy and certainly as a result of wholesale public protest. The Bill was introduced so late in the session that it may well deserve the fate of being laid aside for some time to enable every member in this House to express his opinion on what in latter years has become of vital interest throughout the whole of Australia—that is, the rights of the citizen and the real meaning of a land title.

Of course, I appreciate the difficulties of the Minister for Works in getting this Bill before the House but I would have appreciated it had it been introduced earlier than in the last few days of the session, particularly as the political situation is now so difficult and to some extent unbalanced.

Mr. Ross Hutchinson: Too balanced.

Hon. D. BRAND: Yes. The Opposition has given consideration as to whether we should proceed with the Bill but I would say that whatever its shortcomings may be, the proposals contained in it are a big improvement on the conditions that exist at present. Perhaps it could be said that the people mainly responsible for the introduction of this measure are those folk who are members of the Land Resumption Protest Federation. They have been most vocal and have certainly been vitally interested. They could claim some credit inasmuch as we on this side of the House made certain statements in regard to what we would do if we were returned to power.

Mr. Brady: Why did not you do that before?

Hon. D. BRAND: The Government then decided that it should do something, I suppose as a result of similar protests from people like the member for Canning and the member for Guildford-Midland.

I am glad that some attempt has been made to deal with the anomalies and difficulties with which people are faced in the event of wholesale land resumption. I think it is fair to say that originally the legislation was introduced in order that we would have an Act to enable land to be resumed from private people where the need arose for the building of hospitals, schools, railways, roads and water supply works, but certainly it did not envisage the wholesale resumptions which have taken place over the years—and this applies to the last two or three Governments—for housing needs. I say to the Minister for Works that had it not been for the wholesale resumptions by the Minister for Housing, there would not have been the great amount of protest at the present time.

The Minister for Works: Which Minister for Housing?

Hon. D. BRAND: The present one. Let me say this: Over the past few years many resumptions have taken place and there was the resumption of a large tract of land by our own Minister. I refer to Wanneroo. There was a great deal of protest and much fear as a result of the resumptions. There was a growing feeling that we should delete from the authority of the State Housing Act any power to resume land.

But when that Act came before this House some time ago—a year before the power was deleted—the Minister for Housing said that if the powers of resumption were to continue—and the Chief Secretary also assured members in the other place—there was no further need to resume land because there was so much land available for that purpose already. I feel that at that stage people were generally satisfied with the position, but very quickly following the assurance by the Minister for Housing, the Minister for Works found himself in the position of having to approve of wholesale resumptions for localities like Maniana.

As a result of that, and that only, there were wide spread protestations and much pressure that something should be done about this matter of resumption. I do not think that the public have much to protest against regarding the resumption of land provided it is fair and reasonable and they are fairly compensated when the land resumed is required for schools, hospitals and such public works. But they are aggrieved, and rightly so, that such action has taken place in localities like Maniana, where land was taken overnight, where parts of building blocks were taken over and where poultry farms and the like were destroyed, while just across the road there were 22 acres of private land up for sale.

I do not know the story behind that resumption, but the people felt that sufficient consideration had not been given to the alternative to resuming their land and that the resumption cut across what they thought the title of the land meant to them. As a result of such action, the Minister for Works finds himself with a Bill to amend the Public Works Act. The Minister, in a preview and a lead up to what he had to say on the Bill, declared that our Government resumed many thousands of acres of land and he gave figures which I assume to be basically correct.

The fact remains that in spite of those thousands of acres which were resumed, there was no public protest and there was not the hardening of public opinion as there was later against the resuming overnight of land. In all those years there were many resumptions which occurred all over the State comprising such areas as Kwinana and Wanneroo, and including the chord line resumptions for which our Government set up a special committee.

The Minister for Works: But with no right of appeal.

Hon. D. BRAND: Nevertheless the majority of those owners were very fairly treated. The Minister for Housing has said that we pulled down a partly built house, but he will find that in his own actions subsequently many part buildings were resumed. I would say that of the people affected by the chord line resumptions, about 85 per cent. were satisfied; the others were anxious to hang on to their land and homes in spite of everything. Nothing could have satisfied them.

The Minister for Housing: You should know that the present Minister for Housing did not resume one house, whereas your Government resumed 125 houses.

Hon. D. BRAND: That is not so.

The Minister for Housing: That is absolutely factual.

Hon. D. BRAND: The present Government resumed houses on land in the area known as Maniana, and the Minister knows that to be a fact.

The Minister for Housing: I do not.

Hon. D. BRAND: The Minister does. I repeat he does.

The Minister for Housing: You will tell any sort of lie in this place.

Hon. Sir Ross McLarty: You tell them outside.

Hon. D. BRAND: If by any chance we do then it was taking a lead from the Minister. If the Minister had not assured this House that in the event of Parliament giving further authority under the State Housing Act for resumptions, no further land was required, I honestly believe there

would not have been the present trouble that has embarrassed the Minister for Works and the Government generally.

The Minister for Housing: I do not think you can read straight apart from anything else.

Hon. D. BRAND: I know it for a fact that the Government has been embarrassed since. I say that because I believe that is the reason why we are debating the Bill to amend the Public Works Act. I want now to read a letter from the Land Resumption Protest Federation which throws some light on its opinion regarding this Bill. It is addressed to the Leader of the Opposition and reads as follows:—

> At the last meeting of the central committee of my federation, Nov. 17th, '55, The Bill for an Act to amend the Public Works Act, 1902-1954, was discussed and very vigorously debated at some length. After all aspects of the proposed changes, whether deletions, alterations or additions had been given earnest consideration, it was resolved that we make an appeal to you, as recognised Leader of the Opposition that, the measure as submitted be drastically amended, or if as it appears to us the lateness in the session debars lengthy debate and amendment, it be moved, that: The Bill to amend the Public Works Act 1902-54 lay on the Table until the next session.
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> It is thought that such an important and far reaching Bill should be thoroughly investigated by an all party Select Committee, with power to call on evidence of past failures of the parent Act, and suggestions from organisations, or persons interested (for the public good) in the Act, at least called for, and given consideration.
>
> The total absence of any mention of those former owners still awaiting payment for land resumed over the years, and the lack of improvement as regards the small owner being able to approach any court for relief if not satisfied with the Minister's ruling on points, is a disappointment to the members of my federation.
>
> Frankly it does appear that the measure is a hastily conceived one, and to make it commendable, requires fully redrafting.
>
> R. C. Chalkley, Hon. Sec.

I feel that I can support the second reading of the Bill. Some very worthwhile amendments have been included in the measure. The first one, as mentioned by the Minister for Works, when he summarised the main points of the Bill, provides that notice of intention must be given. Notice must be given in the local newspaper and the notice forwarded to the Commissioner of Titles. He also pointed out that there is a right of appeal against the resumption to the Minister, who, in turn, may approve or dismiss the objection. Any land resumed must, if it is not required, be made available to the previous owner.

By way of interjection, the Minister suggested a return at the price for which it was resumed. That seems to be very fair. An option must be given to the previous owner for three months, after which time it can be held as Crown land or sold by public auction and interest at the ruling rate must be paid at the time of the notice of intention to resume until finality has been reached. In cases of compensation, the owner has a right of action to go to court if he is not satisfied with the compensation being offered. He also has a right to approach a court of competent jurisdiction in order to get a determination.

The question of costs received some consideration from the Minister, but he felt that that matter should still be left to the discretion of the court. In respect of rates and taxes involved, it was considered that these should be paid between the claimant and the resuming authority. It could be a local authority or it could be the Government itself. Then the Minister went on to suggest that one of the main points put forward by the people who have been unfortunate enough to have land resumed was the right of appeal against resumptions.

I feel that special endeavour should be made to ensure that there is not merely an appeal from Caesar to Caesar, as would be the case in an appeal to the Minister for Public Works. It was thought by members on this side of the House that if the claimant or objector under this particular amendment could appeal to the court, he would feel satisfied that someone outside of the Minister and the department had had a say in the matter. I would imagine that would not very often involve an appeal.

There are certain amendments on the notice paper which I shall move in the Committee stage. Certain grounds are laid down on which an appeal can be made. They include such points as hardship compared with the priority of the public works; that in the event of a resumption being made there is no alternative in respect of Crown land; that private land is available in the vicinity; and that the public work for which the land is to be taken is of such a nature that it can be satisfactorily carried out somewhere else. Those are some of the points laid down under which an appeal can be made.

It may be that the Minister has other suggestions for grounds under which an appeal can be made. Nevertheless I believe that the proposed right of appeal would give the community generally a feeling of security and that at least they have some further appeal from the Minister's decision. We consider that this should be

final. Some members might think that a claimant ought to be able to carry an appeal to the Supreme Court. I am indifferent as to that, but I do say that there should be some right of appeal. In the Committee stage I shall deal with the suggested amendments.

During the time I was Minister for Works, I found that the officers of the department who had to carry out the resumptions were most co-operative and helpful. From time to time they have been accused of being difficult and have even been blamed for lots of the resumptions, but those of us who have been behind the scenes realise that, when requests for resumptions came forward from various departments, the letter of the law was observed and negotiations were not always possible.

I found often that somebody had discovered on receiving his mail that morning that he no longer had the land he originally owned, although he thought is was his for ever. I felt that this was most nauseating, and when it came to my notice, I requested the officers to obviate the difficulties as far as possible and I found them anxious to co-operate. I recognise the difficulties that the Minister has in dealing with the problem. I believe we have reached the stage where the Crown owns sufficient land to keep it going for a long time, except in special circumstances. I support the second reading.

HON. A. V. R. ABBOTT (Mt. Lawley) [9.47]: I regard the Bill as being very much like the curate's egg—good in parts. It could have been carried further by omitting some of the provisions that have been included. In the Public Works Act there are 23 definitions of a public work, and amongst others is one for a public work which His Majesty or the Governor or the Government of Western Australia or any Minister of the Crown or any local authority is authorised to undertake "under this or any other Act." That in itself is a very wide definition, because it means that if an Act of Parliament authorises something to be done, the Public Works Act can be used for the resumption of the necessary land.

The Act sets out various definitions, railways, tramways etc., totalling 23 in all, including this one—

> Any building or structure of whatsoever kind which in the opinion of the Governor is necessary for public purposes.

So everything that one can possibly imagine is set out, and then the Act goes on to stipulate that anything else the Governor considers essential for a public work may be resumed. That wide authority might well have been repealed under this Bill, especially as the evident wish of the Minister is to lighten the burden of resumptions.

There are one or two other points to which I wish to refer. The process is that notice of intention to resume is served, and then the Bill provides that once notice has been given, a copy shall be posted to the owner, and from that time on the owner may not deal with the land. If he does, the transaction will be void. Not only that, but a notice has duration for 12 months, and not even then does it end, because the Minister may, at his own discretion, extend the time. That is not reasonable. The Minister should make up his mind sooner as the whole transaction should be capable of being concluded within six months.

The Minister for Works: Do you really think that?

Hon. A. V. R. ABBOTT: Yes.

The Minister for Works: I shall show you how that is impossible.

Hon. A. V. R. ABBOTT: If the Minister can do that, I shall be satisfied. The period of 12 months and longer is too much.

The Minister for Works: Suppose there is not a clear title; suppose there is a caveat against the land.

Hon. A. V. R. ABBOTT: So what?

The Minister for Works: Does not it occasion delay, or is it possible to go straight through?

Hon. A. V. R. ABBOTT: The land could still be resumed.

The Minister for Works: The Government would want a title for the land it was resuming.

Hon. A. V. R. ABBOTT: The resumption wipes out everything.

The Minister for Works: Does it?

Hon. A. V. R. ABBOTT: Yes. The payment of compensation is another matter, but once land is resumed, it wipes out the interest and title of every person in the land.

The Minister for Works: That is most interesting. Suppose you were resuming portion of certain land against which there was a caveat and had to provide for the transfer of the residue, would not that cause any delay?

Hon. A. V. R. ABBOTT: The Minister could resume the other portion and no delay would be necessary. The man's land would be tied up by giving him notice of intention to resume, and tied up for a period of 12 months or for any extended period, as the Minister might desire.

The Minister for Works: You had the wrong portfolio in the previous Government. You should have been Minister for Works, and you would have saved a lot of trouble.

Hon. A. V. R. ABBOTT: I might have done so; on the other hand, I might not. Another provision in connection with which

the Minister could have been more reasonable is that dealing with costs. Section 68 of the Act deals with costs and provides that the costs shall be as directed by the court. That is the usual procedure. The court has a discretion which it exercises in a judicial manner. A subsection to Section 68 makes certain provision as to what shall happen under certain conditions. It says—

> If the compensation awarded does not exceed the amount offered by the respondent or one-half of the amount claimed, the claimant shall pay the respondent's costs.

So, as the Act stands, although the court has a discretion which it exercises judicially, if the claimant does not recover more than the Crown offers, he must pay the Crown's costs or if he makes a claim and nothing is offered by the Crown and he gets less than 50 per cent.—

The Minister for Works: There would not be any costs if the Crown was offering more than the claimant was asking. How could there be any costs in that case?

Hon. A. V. R. ABBOTT: If the compensation awarded does not exceed the amount offered or one half of the amount claimed, the claimant has to pay the costs.

The Minister for Works: That is right.

Hon. A. V. R. ABBOTT: Then if the claimant is awarded less than the Crown has offered, he must pay the costs.

The Minister for Works: How could he get less than the Crown had offered?

Hon. A. V. R. ABBOTT: That is the provision in the Act.

Hon. A. F. Watts: The claimant would not be under the necessity of accepting the offer. He could elect to go to the court.

Hon. A. V. R. ABBOTT: That happens quite often. The offer would be made without prejudice. If the court awards a claimant less than half of what he claimed, he must pay the Crown's costs.

The Minister for Works: That is fair enough.

Hon. A. V. R. ABBOTT: But the Bill will wipe out that provision and leave the costs to the discretion of the court. In my view, the court will follow the usual procedure and exercise its discretion judicially. In other words, very little protection will be given to the claimant.

The Minister for Works: Is that the position now?

Hon. A. V. R. ABBOTT: Yes.

The Minister for Works: Then a claimant is at the mercy of the court and has very little chance.

Hon. A. V. R. ABBOTT: I think he is at the mercy of the court.

The Minister for Works: Then the court must be a pretty tough place.

Hon. A. V. R. ABBOTT: The court exercises discretion judicially; it follows the line of custom. If a claimant gets less than the amount paid into the court in satisfaction of an ordinary action, he has to pay the costs. If, on the other hand, he succeeds in recovering more than was paid into court, costs are awarded to him. It is possible that under this proposal the court will follow its usual practice of awarding costs according to the custom that has prevailed for many years.

The Minister for Works: You think that would always be a disadvantage for claimants.

Hon. A. V. R. ABBOTT: I do. The Crown is always at an advantage where claims by small owners are concerned. If the property resumed is valued at some thousands of pounds, the costs may not be out of proportion to the amount involved. Suppose the land were worth several thousands of pounds, perhaps £300 or £400 one way or the other would not influence a claimant and he might go for what he considered was reasonable. On the other hand, the man who has land worth say £300 is at a disadvantage if the Crown offers him £250 and he considers it worth £300. He would probably reason that if he went to court, he might become involved in costs amounting to £100. That position is unreasonable.

The Minister for Works: You are not prepared to leave it to the court?

Hon. A. V. R. ABBOTT: No.

The Minister for Works: You do not trust the court?

Hon. A. V. R. ABBOTT: I do not trust the law.

The Minister for Works: What has the law to do with the enforcement of costs?

Hon. A. V. R. ABBOTT: The Minister will find that the law has to do with the the enforcement of costs. However, I am not disposed to teach him the law.

The Minister for Works: This will not be a question of law. It will be a question whether the judge considers that the claimant was justified in taking the case to the court.

Hon. A. V. R. ABBOTT: I would not be too sure of that.

The Minister for Works: That is what I should hope.

Hon. A. V. R. ABBOTT: Quite so, but I am not too sure that it would be so, because costs have always been awarded in the discretion of the court, and over the years the court has adopted certain methods of exercising that discretion.

The Minister for Works: You do not think much of the court's discretion.

Hon. A. V. R. ABBOTT: I think it may be influenced by practices that have been followed for a long time.

Hon. A. F. Watts: You do not think that what applies in ordinary litigation is suitable in a case of this nature?

Hon. A. V. R. ABBOTT: I am suggesting that if the amount recovered does not exceed one-half of the sum claimed, the claimant shall pay the respondent's costs.

The Minister for Works: Half of what amount?

Hon. A. V. R. ABBOTT: The amount claimed. If the claim is so wild that the recovery is less than 50 per cent., I think the Crown would be put to a great deal of expense and the claimant should pay the Crown's costs. If, on the other hand, the compensation awarded equals 75 per cent. of the amount claimed, the Crown should pay the costs. That gives a margin of 25 per cent.

The Minister for Works: That is the discretion you would give the court—between 50 per cent. and 75 per cent. I would not insult the court like that.

Hon. A. V. R. ABBOTT: I will not argue with the Minister now but have given warning of the amendments I propose to move when the Bill is in Committee Subject to that, I support the Bill.

MR. JAMIESON (Canning) [10.2]: Over the past several years, much play has been made respecting the resumptions that have taken place, and several members opposite who have spoken tonight have stated clearly that during the time when their Government resumed considerable acreages for various reasons, there was not nearly the outcry that has been caused by these recent resumptions. That clearly indicates something which must be obvious to members opposite—that members now sitting behind the Government made sincere representations to the then Minister on behalf of constituents whose land had been resumed, and they did not conduct an agitation campaign such as the present members of the Opposition have carried out in relation to these later resumptions.

Hon. D. Brand: If the Opposition of the day could have embarrassed us, it would have done so.

Hon. Sir Ross McLarty: Members on this side did not encourage those meetings.

Mr. JAMIESON: We know that members opposite were the principal speakers called to address those meetings.

Hon. Sir Ross McLarty: You were invited, also.

Mr. JAMIESON: I was not. Members opposite have endeavoured to cause trouble among the people affected by the resumptions—

Mr. Yates: A lot of poppycock.

Mr. JAMIESON: The member for South Perth knows nothing about it. There is no land worth resuming in his electorate.

Mr. Yates: I know more about it than you do.

Mr. JAMIESON: The member for South Perth knows quite well that of the resumptions which took place under his Government, for housing purposes alone, 9,604 acres were resumed. There were just as many people involved, and many meetings of protest were called—

Hon. Sir Ross McLarty: I do not think there was one meeting held.

Mr. JAMIESON: The member for Guildford-Midland and the member for Middle Swan attended meetings in regard to resumptions when the Leader of the Opposition was Premier.

Mr. Brady: There were 500 people at a protest meeting in Bassendean town hall.

Mr. JAMIESON: Those people had cause to be displeased seeing that the then Government was paying them only an average of £45 per acre, a ridiculously low figure. Land has increased in value since then, but not to the extent that land which is probably poorer than that resumed by the previous Government has been paid for by this Government at an average of £300 per acre.

Hon. Sir Ross McLarty: It depends where the land is.

Mr. JAMIESON: Irrespective of the situation, that is the average price paid by the hon. member's Government, mostly for land in the northern suburbs. Much of the land resumed by the present Government was probably not as good as that. When the matter was debated earlier in the session in regard to resumptions for various purposes, the examples quoted against the Government turned out to be resumptions made by the previous Government.

The Maniana resumptions have been mentioned a number of times and it is a pity the member for Dale is not present. The Maniana resumptions had nothing to do with the later resumptions in the Queen's Park area, where 22.5 acres were resumed to give access to the area already held by the Housing Commission behind Wharf-st. At that time, there was no thought of additional resumptions there, and I had not been approached by any elector in that district in regard to resumptions made in that specific area at Maniana, yet the member for Dale conveniently brought to light a number of complaints.

On the other hand, when there was a genuine outcry over the last resumptions, I did receive a number of complaints. I took them to the right quarter, and no doubt those people were well treated by the department. As has been implied here earlier this evening, there are some people

who would not be happy in any circumstances. Admittedly, people have a moral right to think that the land is theirs for all time, but we know only too well that developments which take place make resumptions necessary from time to time. No matter what Government is in power, certain resumptions become necessary and when they are put into effect we find the people concerned saying, "There are 22 acres across the street being offered for sale. Why was that land not taken instead of ours?"

It does not matter that that 22 acres may be part and parcel of what is planned as an industrial area for the near future, because the Minister cannot divulge what is intended in that regard. We know what the position is now, but at that stage we did not know, nor did the people concerned, and so they thought they were being harshly treated. We are now faced with further developments which will no doubt mean additional resumptions and some hardship, but we, as a responsible Parliament, must face up to the position and give these people just compensation for their land. Even if they are not happy, I am sure their descendants will be when they see a well-planned area rather than the results of haphazard development such as would be the case if we allowed development to take place in the absence of planning.

The Queen's Park area, which the member for Greenough referred to as Maniana, is a classic example of how an unplanned area can progress to the stage where there are a number of houses facing the roads with a great deal of bush behind them. The only possible way to make an economic proposition of such a district and provide essential services is by planning, yet we have seen on a number of occasions what has happened to measures brought down to provide for planning. There has been little success in that direction in the past.

One thing that the Housing Commission has done by resumptions under the Public Works Act is to tidy up areas that otherwise would not have been tidied up. I feel that the people temporarily inconvenienced will eventually benefit by the proper designing of these areas. I know of people who said that they had no intention at any time of selling their property but now, with the housing developments that have taken place, they have endeavoured to get rid of orchards and other property because of the danger of people looting their trees, and so on. They are now facing the position that they were warned of at the time the resumptions were made.

To have aggravated the position as some members opposite have done, was to rub salt into the wounds of the people affected by resumptions. In all fairness, they should have been made aware that they were being taken for a ride, and I feel that anything which can improve their lot and which can be done by this Bill, should be done. So I have pleasure in supporting the second reading.

THE MINISTER FOR HOUSING (Hon. H. E. Graham—East Perth) [10.15]: As some of the remarks during the debate have turned towards the activities of the State Housing Commission and the acquisition of land by it for housing purposes, it is probably necessary that I should say something on this measure. One would imagine that this Government had done something new and dreadful in the way of resuming land in comparison with the virtuous path trodden by the Opposition when it was sitting on the Treasury benches. The facts are that the McLarty-Watts Government, during its term of office, resumed no less than 16,986 acres.

Mr. O'Brien: Dear, oh dear!

The MINISTER FOR HOUSING: It resumed that land from no less than 3,258 owners. Since it has been in office the present Government acquired 2,988 acres; less than 3,000 acres as against almost 17,000 acres resumed by the McLarty-Watts Government. Whereas that Government seized large tracts of land from 3,258 owners, the number of people affected by the action of this Government was 500.

Hon. A. V. R. Abbott: Some of that land resumed by the previous Government was for railway purposes.

The MINISTER FOR HOUSING: The figures I have given relate to the resumption of land for all purposes.

Hon. A. V. R. Abbott: And quite a deal of it was resumed for railway purposes.

The MINISTER FOR HOUSING: It was for all sorts of purposes, and I repeat that no less than 3,258 owners had their land taken away from them by the previous Government. Yet opposite are the people who are shedding crocodile tears and pointing the finger of scorn at this Government, when its resumption activities pale into significance compared with the grab made left, right and centre by the Opposition, when it was in office, for resumption purposes. No Government has the shameful record that the McLarty-Watts Government built up in the matter of seizure of land.

Hon. Sir Ross McLarty: You brought them to your feet all right with your actions.

The MINISTER FOR HOUSING: I have said on a previous occasion that it is more than passing strange that there is this outcry against the present Government when only 500 owners are affected, but apparently everyone is happy with the position when over 3,000 people are denied their properties.

Hon. Sir Ross McLarty: What made them unhappy with your action?

The MINISTER FOR HOUSING: I have already outlined that and I do not want to go over the same ground in detail again, but obviously there is a campaign by a certain newspaper against the present Minister for Housing and his activities —and the Leader of the Opposition will agree with me.

Hon. Sir Ross McLarty: No, I will not!

The MINISTER FOR HOUSING: He will agree with me that there has been, in the last twelve months, more space given to matters relating to resumption than there has been to the whole of the deliberation of this Parliament.

Hon. Sir Ross McLarty: That is because of public indignation.

The MINISTER FOR HOUSING: It is because only a comparative handful of people have been affected against the thousands affected under the McLarty-Watts Government. So I think it is necessary to get this whole picture into proper perspective. The member for Canning has already given figures relating to land resumption for housing and I think they can bear repeating. The McLarty-Watts Government resumed 9,604 acres for housing and subsequently released 138 acres. So its net acquisition of land for housing was 9,466 acres.

Hon. Sir Ross McLarty: Nearly all in one block.

The MINISTER FOR HOUSING: It does not matter whether it is in one block or a number of blocks. That was land seized by the McLarty-Watts Government and it was taken from private owners. This Government, for housing purposes, after the release of certain land, acquired 2,298 acres.

Hon. D. Brand: Was not that seized?

The MINISTER FOR HOUSING: Seized or grabbed, whatever word the hon. member cares to use. The fault made by the McLarty-Watts Government, amongst others, was that it took over the best part of 8,000 acres in the Wanneroo locality and everybody who gives a moment's thought to housing development appreciates that it is impossible to have all one's eggs in one basket. Persons who are working at Bassendean, Welshpool, Fremantle and 101 other places would have no use for homes built in the Wanneroo-Mt. Yokine area. Under the present Government, the State Housing Commission found it necessary—particularly because of the new trend in the metropolitan area and the growth of industrial activity in the Welshpool-Belmont area, Fremantle and extending right through to Kwinana—to acquire land that would be suitable for the erection of homes to service the people who would be working in those localities.

Hon. Sir Ross McLarty: Did not we build homes there? Thousands of houses!

The MINISTER FOR HOUSING: Not too many thousands. There were only trickles of them then.

Hon. Sir Ross McLarty: No, not trickles.

The MINISTER FOR HOUSING: In the last 2½ years this Government has already erected more homes than the previous Government did in six years.

Hon. Sir Ross McLarty: That is wonderful! Who provided the bricks, timber and other building requirements?

The MINISTER FOR HOUSING: Apparently the Opposition becomes very resentful when one quotes history.

Hon. D. Brand: How many of those houses have you built in the country?

Mr. SPEAKER: Order! There must be no debate on housing during the discussion on this Bill.

The MINISTER FOR HOUSING: I agree with you, Mr. Speaker. I was hoping that the hon. member would ask some questions in that direction and I was certain I would be able to give some information to him that would be illuminating, but perhaps I may have the opportunity on some future occasion. So we see that there was a drive to acquire land by the present Opposition when it was the Government. Yet it conveniently forgets, and because it has a sympathetic Press which has waged an unceasing campaign for more than twelve months, it is seeking to hoodwink the public in connection with land resumption.

Hon. D. Brand: No Government had a better run from the Press than the Labor Government.

The MINISTER FOR HOUSING: I think that this legislation, with whatever imperfections it may have, is essential in order to protect the people from the possible return of another Liberal Party Government. The McLarty-Watts Government was in office for six years and it grabbed all these tens of thousands of acres of land from the people concerned, but made no attempt to liberalise the provisions of the Public Works Act. In addition to this legislation, there are several statutes that provide for the acquisition of land, including the State Housing Act which uses a portion of the Public Works Act as machinery provisions, but there is still power under the former Act to acquire land.

The previous Government approached Parliament for an extension of the period during which resumptions could be made by the State Housing Commission for housing purposes. It is true that in 1953 I introduced legislation for a continuation of that power which I felt—because housing will surely be with us as a government activity, the same as the government provision of schools, hospitals and so on—that

there should not be any limitation but, from time to time, as a gradual process and as circumstances demanded it, the Housing Commission should have the power to acquire new areas.

[*Mr. Moir took the Chair.*]

Hon. D. Brand: Did you not give some assurance to us?

The MINISTER FOR HOUSING: Perhaps the hon. member is showing too much enthusiasm. The member for Greenough need have no fear whatsoever that I will not touch on the points raised by him. The Bill was introduced without a time limitation. It was returned from the Legislative Council with the powers of acquisition restricted to a period of twelve months. In this Chamber I spoke against that proposal and in Committee I said that there would be a tendency, where the power was to be terminated on a given date, for an authority to take advantage of its powers and acquire considerable areas because of the possibility of its subsequently losing that power.

At the time the Bill was introduced there was no intention to acquire large estates. Land was acquired in some seven different localities widely spread over the metropolitan area. The overwhelming percentage of it was entirely undeveloped; it was in its original, natural bush state. As a matter of fact, half of the properties did not have any improvements made to them and in some instances there may have been a 10-acre block which only had a house erected on it, with no attempt having been made to develop the land into a farm or a farmlet.

But it was the coming into operation of the regional plan and the provision of these industrial areas, of which I made mention a few minutes ago, that made it imperative, if the State Housing Commission was to carry out its duties adequately, to have land on which to build homes near the areas that were to be set aside for industrial purposes under the plan. Accordingly, that was farsightedness on the part of the State Housing Commission. After all is said and done, it is impossible to build at the rate of 3,000 or 3,500 homes per year in the metropolitan area unless there is land upon which to build those homes.

Whilst there is some discomfiture for the time being, it does permit some authority to take action for the proper planning of an area. Where there are some scores of small owners, each with two, five or ten acres as the case may be, who of them is going to set aside an area sufficient for a playing field so that people may play the Australian rules game of football or any other sport of a similar nature? If that were not done, we would have all these new areas developing somewhat similar to the way Victoria Park has developed. That suburb is the largest in the metropolitan area yet no provision whatsoever has been made for playing fields and proper amenities for the people. Conversely, when an area is now acquired in a large estate, it can be properly planned in regard to roads and streets to conform to modern requirements and conceptions.

Instead of shops growing up higgledy-piggledy, as has been the case for many years in the metropolitan area and other localities, proper shopping facilities can be provided. So it is to the advantage of the State that this should be done. It is also of advantage to the people in the locality. Instead of the area developing slowly and disjointedly with an isolated dwelling here and there, which would be insufficient to warrant the extension of water mains; in some cases, electric light mains; in some cases, transport services and probably schooling facilities, in comparison with the rapid development made by the State Housing Commission, all these amenities appear almost overnight, together with the establishment of a theatre and so on. So it was a definite advantage to the people of the State and to those people in the affected areas that those resumptions were made in October of last year.

An undertaking was given in the Press several weeks before the resumptions were gazetted that all homes which were embraced in the blanket resumption would be returned to the people and that all substantial improvements would also be returned. They were told that they would not in any way be disturbed from their homes. Within 90 days every one of those dwellings was returned to the erstwhile owners, except the few isolated cases that asked the Housing Commission to retain them, and in such cases an ordinary sale was made. Here I might mention what I said by way of interjection, that the previous Government, beating the air and bleating as it is at the present moment as an Opposition, in the course of its existence resumed and acquired no less than 125 houses—newly completed homes and others in the course of erection.

Hon. Sir Ross McLarty: You are talking about the chord line.

The MINISTER FOR HOUSING: I am talking about the houses resumed by the McLarty-Watts Government. Even in my electorate of East Perth they were resumed for the parking of omnibuses. Today houses can be seen in Adelaide-st. and in Hay-st. East; practically every one of which is unoccupied. They have been broken into; they are deserted and portions of them have been removed. The late Government not only resumed 17,000 acres but they actually took homes from 125 people.

Hon. Sir Ross McLarty: And never created the outcry you did!

The MINISTER FOR HOUSING: That was created by the Press.

Hon. Sir Ross McLarty: Nonsense! It was created by the public.

The MINISTER FOR HOUSING: All that it is necessary for the Press to do is to cease publishing these stories and immediately the agitation would die down. Mention has been made tonight of some association or other, the secretary of which is Mrs. Chalkley. Mrs. Chalkley's property was portion of that which came within the blanket area resumed. Every single square inch of Mrs. Chalkley's land was returned to her.

Hon. A. V. R. Abbott: What about the unfortunate owner on the other side of the road? She has not got her land.

The MINISTER FOR HOUSING: I do not know the owner to whom the member for Mt. Lawley is referring, but I do know that the land was returned on a more generous scale than ever before in the history of Western Australia. I know that a limited number—I think about 20—decided that they would appeal to the Supreme Court. It was either case No. 1 or case No. 2 which was the classic selected by these people to be a trial or test case. This case was one of a new Australian. He and his wife were driven distracted because of all the tommy rot that was told them by mischief makers.

Mr. Andrew: Hear, hear!

The MINISTER FOR HOUSING: It was on account of a fortuitous circumstance that the member for Canning happened to call at that person's place only a few days before the cases were listed to come before the Supreme Court. The member for Canning suggested to this couple who had been worried for a period of 12 months that they go with him to the State Housing Commission to find out what it was all about. They had been told that they would waste their time if they did so.

That man and his wife went to the commission in the company of the member for Canning. The position was explained to them and an offer was submitted to them. They walked out of the Housing Commission completely satisfied and they swore as they walked out of the building that they would do everything in their power financially to keep this Government in office and to keep out of office those people who had caused them worry and concern for 12 months.

Hon. Sir Ross McLarty: I know there is politics in it.

The MINISTER FOR HOUSING: Such is the necessity of these people. Members opposite do not like all that is being said, but it is a fact. There was a woman who complained about the resumption of her land because she had almost completed negotiations for the sale of portion of it to another individual for £1,000. She felt that by this resumption she was being badly treated by the State Housing Commission and the Government generally.

It might surprise members to know that the valuation placed on it by the Housing Commission was not £1,000 or less, but approximately £2,500. So, because of the action of the State Housing Commission in acquiring her land, that woman has received 2½ times the amount for which she intended to sell it. These are the valuations based on figures supplied by the Taxation Department. As members should know, all inquiries are made by the Public Works Department's land resumption officer. The State Housing Commission does not make its own valuations or have anything to do with them.

Not only is there the case of this woman I have just mentioned but many others. Members will be surprised at the number who have had land returned to them and who have subsequently come to the State Housing Commission asking it to take more land because of the price they have received. There are others outside the affected areas who have invited the Housing Commission to purchase their properties because of the valuation received.

Mr. Nalder: You would not have to resume any more land.

The MINISTER FOR HOUSING: I am unable to say whether there will be the necessity to resume any more land. The member for Katanning can accept it from me that no department or Minister is likely to set about resuming land for the fun of it. That land is acquired for a definite and specific purpose. Land that is acquired is secured for a worthy cause and on the most generous terms that are available. It has been said here before that perhaps the greatest bulwark against communism and other imported ideologies is to have people happily housed in their homes with the security of a job.

Mr. O'Brien: Hear, hear!

The MINISTER FOR HOUSING: This Government is doing it to a degree never before thought possible by any Government in Australia.

Hon. Sir Ross McLarty: Sez you!

The MINISTER FOR HOUSING: The Government is building homes for sale under the old workers' homes scheme. More than 1,500 of them have been built by the present Government as against only a handful by the previous Administration at a time when it had loan moneys it could not spend, and when it could therefore have been building houses for purchase instead of erecting houses for rental. Of course, the present Opposition does a lot of talking but when it was in office as the Government, it did not do much about these matters. I have said

that, in my opinion, there are many safeguards necessary in case there is such a plethora of resuming as was undertaken by the previous Government.

Hon. Sir Ross McLarty: And it never created the outcry that your Government did by its resumptions.

The MINISTER FOR HOUSING: We should ask of course, "Who created the outcry".

Hon. Sir Ross McLarty: It never created a public outcry.

The MINISTER FOR HOUSING: If the newspaper keeps on publishing the story day after day and week after week and keeps on banging the drum, it will naturally keep things alive. Certain individuals who have never had any land taken from them and never had a blanket resumption thrown over their properties have found new fame and importance, and "The Worst Australian" will feature every event it can and will keep the campaign going. That is the reason for it.

When previously I dealt with resumptions I spoke extempore. This evening I have details of a case and if anyone cares for them I have all the documents here as well. There were two ex-Ministers who interjected on a couple of occasions and thought their hands were perfectly clean. Perhaps I should tell the full story. There was a person by the name of C. F. Paul who owned a block of land in Beaufort-st., a little north of Bulwer-st. The land comprised 27.9 perches and on it was erected a substantial building built of pressed bricks.

It had an iron roof, oregon timbers, steel supports and an overhead crane. There was a concrete floor on this structure and it was let to a tenant for £5 a week. This person, Paul, had a mortgage of approximately £3,000 on this property in Beaufort-st., the mortgage being with the Union Bank. He was astounded when he was called into his bank one day and informed—this was in 1948—that he had to make immediate repayment of that £3,000. He said, "I have not got it and what is it all about anyway?" The bank said, "Your property has been resumed and we want that £3,000 mortgage."

Hon. A. V. R. Abbott: Was that resumed under the Public Works Act?

The MINISTER FOR HOUSING: That was resumed under the powers relating to industrial development.

Hon. A. V. R. Abbott: That is the Act the Premier tried to extend.

The MINISTER FOR HOUSING: That is the Act to which the Premier made some minor amendments and they were supported by members of the Opposition.

Hon. A. V. R. Abbott: I remember something about that.

The MINISTER FOR HOUSING: Let us not be sidetracked. This man had demanded from him the immediate repayment of this £3,000 mortgage. This, of course, was a tremendous shock to the individual concerned. Members can appreciate the situation in 1948. The man had no alternative in order to meet the immediate and insistent demand of the Union Bank but to sell his home in Mt. Lawley. He sold a fine brick home with floorcoverings and refrigerator for £2,750. He received no notification from the Government—which at that time was the Liberal-Country Party Government—that his land had been resumed; he heard that from his banking officer.

Hon. A. V. R. Abbott: You know you are not stating the case fairly.

The MINISTER FOR HOUSING: It is perfectly obvious that as this story of fact is related, it becomes more and more distasteful to the member for Mt. Lawley and those who sit beside him.

Hon. A. V. R. Abbott: Not at all. It is under an Act the Premier supported. It is automatic, and you know it.

The MINISTER FOR HOUSING: This property was resumed by the Land Resumption for Industries Committee for W. O. Johnson and Sons, and the principal of that firm was a gentleman who was sitting in the Speaker's Gallery this evening urging the Opposition on to do what it could to oust this Government from office.

Hon. Sir Ross McLarty: That is not true. It is a straightout lie.

The MINISTER FOR HOUSING: We can say something pertinent to that in a moment, and perhaps the Leader of the Opposition will not feel so confident about himself then. I repeat that it is obvious members of the Opposition are most anxious that this story should not be told.

Hon. Sir Ross McLarty: Oh, tell it!

The MINISTER FOR HOUSING: Then for God's sake shut up for a minute!

Hon. Sir Ross McLarty: Try to be truthful! I know it is difficult for you.

The ACTING SPEAKER: Order!

The MINISTER FOR HOUSING: The Leader of the Opposition can make those extreme statements as long as he likes. I have stated I have all the documents in front of me at present, and he can check as to whether any of the factual statements I am giving is, in fact, a true statement. This man, in order to satisfy the call from the bank, had to sell his home, lock, stock and barrel, and so paid off that mortgage. He had nowhere to live, but he found accommodation for himself and his wife in a caravan for a short period. Then he finished up living in a

shed, and finally was able to buy a rickety old weatherboard place at Parkerville, for £300.

Mr. Bovell: Did he get any money for the resumption?

Hon. A. V. R. Abbott: Was it ever resumed?

The MINISTER FOR HOUSING: Mr. Acting Speaker, I wish I could be allowed to proceed and tell the story!

Hon. A. V. R. Abbott: You are not telling the true story; that is the trouble.

The MINISTER FOR HOUSING: This sort of thing can go on all night; this business of, "I am; you are not!"

The Minister for Lands: What does the member for Mt. Lawley know about it? He has had his head in the sand all his life.

The MINISTER FOR HOUSING: These notes are taken from the files of the Department of Industrial Development and the Crown Law Department, and also from notes of evidence of the magistrate who heard the subsequent case. It was sworn evidence. This distracted landowner, who had not received notification of the resumption but learned of it through his banker, and who was called upon to pay £3,000 overdraft, and finished up living in a £300 shack at Parkerville, notwithstanding that he was working in Perth—and members know what the housing position was like in 1948—

Hon. A. V. R. Abbott: Is there a committee which considers these applications?

The MINISTER FOR HOUSING: This man who had had a mortgage of £3,000 was offered first of all £1,350 for the resumption. That must be right, because it is taken from the evidence given on oath by F. A. Johnson. Then there was a second offer of £1,500. This was for a property on which there was a mortgage of £3,000, don't forget! Finally, there was an offer of £2,000.

These approaches had been made prior to the resumption taking effect. This person, who was naturally worried, and who had had, on paper at any rate, his property resumed from him; this man, who had to sacrifice his home and live in a shed, went to see a few people in order to ascertain what he could do about the matter. He called on the member for Subiaco. He called on the member for Darling Range, who said that he would see the member for Stirling in connection with the matter—and no doubt he did. Mr. Paul called on the member for Toodyay, who was then a Minister.

The Minister for Lands: What for?

The MINISTER FOR HOUSING: In addition, he called on the member for Mt. Lawley. As a matter of fact, he remembers vividly one sentence uttered by the member for Mt. Lawley; and this is what the member for Mt. Lawley said, as recounted to me by Mr. Paul: "This is awkward! Johnson is a strong Liberal man."

Hon. A. V. R. Abbott: I would not think I would be so foolish as to make that statement. I do not think I would be so silly.

The MINISTER FOR HOUSING: There is this to be said for the member for Mt. Lawley; that he advised Mr. Paul to call and see Mr. Frank Downing.

Hon. A. V. R. Abbott: Also a strong Liberal supporter!

The MINISTER FOR HOUSING: I did not want to say that. But the advice of the member for Mt. Lawley was that as Mr. Downing was a strong Liberal man—

Hon. A. V. R. Abbott: No.

The MINISTER FOR HOUSING: —perhaps he could have some effect with regard to the case.

Hon. A. V. R. Abbott: Mr. Downing is a very able lawyer.

Mr. J. Hegney: Was not the member for Mt. Lawley?

Hon. A. V. R. Abbott: I was then a Minister of the Crown.

The MINISTER FOR HOUSING: Mr. Paul accepted the advice of the member for Mt. Lawley and called to see Mr. Downing; and two things were done. An application was made to the Supreme Court for an injunction to restrain the then Minister for Lands, the member for Toodyay; and an appeal was lodged to the local court against the action of the Land Resumption for Industries Committee, which was joined in the case with W. O. Johnson and Sons. That case was heard by Magistrate J. F. McMillan on the 21st June, 1951.

Hon. A. V. R. Abbott: What this has to do with the Bill, I would not know.

The MINISTER FOR HOUSING: The magistrate found in favour of Mr. Paul, and held that the Land Resumptions for Industries Committee had exceeded its power.

Mr. Bovell: That is Mr. Downing for you!

The MINISTER FOR HOUSING: He did a very good job indeed! Here was a resumption undertaken by the previous Government in respect of which there had been offers of £1,350, £1,500 and, finally, £2,000. Within six months of the court case being heard, this property was put up for sale by auction, and the sale price was £7,000! Yet that Government was a party to an action to deny this man his property, which resulted in his losing his home; and no action was taken—as should

have been taken by the then Ministry—to do something. It appears that half of the Ministry were personally approached, either directly or indirectly, in connection with the matter. It is all very well for the member for Mt. Lawley to suggest that there was a committee responsible for this.

Hon. A. V. R. Abbott: For the whole thing.

The MINISTER FOR HOUSING: Have I ever sought to hide behind the fact that there is a board of the State Housing Commission behind all this?

Hon. A. V. R. Abbott: There is a proper form of appeal to a court, is there not?

The MINISTER FOR HOUSING: Yes.

Hon. A. V. R. Abbott: So there is a proper procedure to be followed?

The MINISTER FOR HOUSING: I do not know to what the member for Mt. Lawley refers. But it is perfectly obvious that in connection with industrial development there is an appeal to the court, just as it is perfectly obvious that in connection with the State Housing Commission there are appeals to the court. In the one case the Minister is advised by the Land Resumption for Industries Committee; and in the other, the Minister is advised by the State Housing Commission.

Mr. Court: The circumstances in the two cases are entirely different.

The Minister for Works: The results are the same.

The MINISTER FOR HOUSING: Different in this respect: Here was a man who was being robbed of his land and offered only a fraction of what it was worth.

Mr. Court: Had he gone to any solicitor of repute in Perth, he would have been told the position.

The MINISTER FOR HOUSING: In the case of resumptions carried out by the present Government, the position was so attractive that others have been offering their land. In the case I have quoted, it was to extend another man's business. In connection with the Housing Commission resumptions all the people have had their homes returned to them. Where there have been substantial improvements, they have been returned; and where there have been lesser improvements, payment has been made for the improvements as well as for the value of the land, at a better price than the owners could get at present.

Mr. Court: You would have been fairer in telling your story if you had said that under the Industrial Development Act it is almost impossible to get a property for industrial purposes. I think the Premier tried to get the Act amended to make it easier.

Hon. A. V. R. Abbott: He did.

The Premier: No, to give land-owners a bit more protection; to give local authorities a representative on the committee.

The MINISTER FOR HOUSING: It will be seen how short are memories. It is only a few years ago since it was the devil's own job to get a house in Western Australia. There has been a remarkable transformation in the last three years. It will be remembered that housing had a prominent place in the policy speeches of party leaders. Housing occupied many hours of members of both Houses of Parliament who discussed the problem at some length.

On this occasion we had the Address-in-reply, and there was scarcely a word on the subject. We have also had many speakers on the Estimates, and up to date there has not been any criticism in connection with the housing shortage. Just as it has been difficult to find sites for industrial purposes, so it has been difficult to find sites for the erection of homes. Finally—

Hon. Sir Ross McLarty: You will say something about the Bill, will you?

Hon. L. Thorn: Why are you stonewalling?

The Minister for Lands: Does the Leader of the Opposition not like it?

Hon. Sir Ross McLarty: I do not mind.

The ACTING SPEAKER: Order!

The MINISTER FOR HOUSING: I have been endeavouring to explode this myth, this self-righteousness on the part of members of the Opposition who have been creating the impression that this Government has been doing terrible things in connection with the acquistion of land, whereas less than 3,000 acres have been resumed as against almost 17,000 by the previous Government; and only 500 persons have been affected, as against 3,258. Yet people are asked to believe that they can expect sympathy from the greatest land resumers of all time! This Government at least, apart from its generous attitude, is taking action to make certain that Governments in future, of whatever political colour, will be more generous and make dealings more expeditious and give certain rights to the landholders, which they do not possess at present.

It is possible to beat the drum and shout from the housetops in connection with this matter when it is a case of deciding the merits of resumptions made by this Government as against those made by the previous Government. The present Government has nothing to fear. I am informed—I cannot give first-hand evidence—that because of this incessant campaign by the morning newspaper, Professor Stephenson—for whom I hold no special brief, as I think many members know—left here sick at heart and disgusted because, in his view, if it was possible for the morning newspaper to create

such a campaign over a comparatively insignificant resumption operation such as that which occurred last year then, "Good God!" he said, "What chance is there of any practical effect being given to this regional plan which has occupied so many hundreds and thousands of working hours in thinking and putting those thoughts on paper?" I say that it is a shocking state of affairs when one or two persons, because of personal hate, can do this sort of thing and create a totally false impression.

Hon. D. Brand: One or two persons?

The MINISTER FOR HOUSING: Yes, in a certain newspaper office.

Mr. Court: When did Professor Stephenson say that?

The MINISTER FOR HOUSING: Prior to his departure from Western Australia, I am informed by a responsible Government officer.

Mr. Court: I would be amazed, if he did, knowing him.

The MINISTER FOR HOUSING: Everybody knows—and I have said this before, and the Leader of the Opposition did not like it at the time—that if this regional plan means anything, and if it is going to be given any practical application, not necessarily wholly but in part, it will require many thousands of resumptions running into many millions of pounds, not for residential purposes only, but for practically every conceivable purpose anybody could imagine. We have to face up to that. I say it is cowardly to conduct a campaign which has the effect of making no difference whatsoever to the physical facts of the situation but which, unfortunately, condemns persons who do not know any better to be filled with dread and fear and have broken hearts because of the terrible things that they are told are being done and will be done to them by this Government. I am personally aware of some of the tripe and the lies told around the East Bentley Park-Welshpool-Queen's Park part of the world.

Many of the people there were, unfortunately, new Australians who did not know any better. When someone who had the appearance of being a Liberal Party organiser told them in all seriousness that all sorts of tragic things were about to overtake them, they naturally accepted what he said. But I am certain that many of them, like the individual I quoted earlier, will turn against those who have told them these lies for mischievous purposes and to gain political capital, so that in a short time, as they see these areas develop with new services and amenities and indeed civilisation going there, they will be thankful. In any event they will realise that the best thing possible for the State was done for a very good purpose, namely, that of providing accommodation for thousands of people who were in dire need of it.

MR. WILD (Dale) [11.1]: I am afraid I rise as a very humble speaker after the Molotov-like dissertation from our friend opposite.

Mr. Bovell: I thought it was shades of Adolf Hitler.

Mr. WILD: I did too.

The Minister for Housing: You would know all about him.

Mr. WILD: I am not going into a tirade at this stage about housing, but the Minister can expect it at any particular tick of the clock. It is coming on the Estimates. Let us confine ourselves to the Bill, which he did not.

Hon. Sir Ross McLarty: The Minister did not know anything about the Bill.

The Minister for Housing: You are reflecting on the Acting Speaker.

The ACTING SPEAKER: Order!

Mr. WILD: There is no doubt that the amending Bill would not be before us today if it had not been for the wholesale resumptions which took place in the last few months by the present Minister for Housing. He made many statements in that Domain-like fashion of his which we know so well in this House, and 90 per cent. of which I would say is utter cock. I am only going to touch on a few points —that is, in relation to the State Housing Commission.

During his remarks, the Minister talked about the 9,000 acres at Mt. Yokine that I resumed, and in respect of which I have no hesitation in saying that I resumed on behalf of the McLarty-Watts Government. Before the House rises, I challenge the Minister to lay on the Table of the House anything where he can show that I, as the Minister for Housing, told the State Housing Commission to resume that land. I tell him that the boot was on the other foot. The State Housing Commission—eight good, honourable men—recommended to the Minister that the land be resumed. In a few months' time when we have the opportunity to see these papers, I think I shall find I will not be very far out if I say that when he occupied the position of Minister for Housing he told the State Housing Commission to resume the land that he did, around Bentley Park, Queen's Park and St. James' Park, which is the subject of all this trouble.

The Minister for Housing: You have a mind like a sewer.

Mr. WILD: Fancy your saying I have a mind like that; you, you rat, who hid behind the counter of the Forests Department during the war so that you would not have to go and fight for your country!

The Minister for Works: I thought you were going to talk about the Bill.

The ACTING SPEAKER: Order!

The Minister for Works: He has not said a word about it yet.

The Minister for Housing: The member for Dale is a disgrace to this institution.

Hon. A. V. R. Abbott: You were not so clean yourself.

The Minister for Housing: I quoted from official documents.

Mr. Lawrence: He is as clean as you are.

The Minister for Housing: I could still be dirty.

The ACTING SPEAKER: Order!

The Minister for Housing: As usual, he does not mean what he says.

Mr. WILD: I also challenge the Minister on the score of seeing the people concerned in the Mt. Yokine resumption. Some 9,000 acres were resumed there and, to the best of my memory, at least 3,000 acres were held by three owners, namely, T. M. Burke Pty. Ltd.; the late Mr. Hicks; and, I think, Estates Development Ltd.

The Minister for Housing: And 666 other owners were out there, too.

Mr. WILD: I challenge the Minister to say whether the files disclose that I did not see anyone who wanted to see me on those resumptions; but did he see everyone who wanted to see him on the resumptions that took place last year? He knows full well that he did not.

The Minister for Housing: There was no occasion to see them.

Mr. WILD: There is the question of having all the eggs in one basket; the 9,000 acres at Yokine.

The Minister for Lands: Do not talk about eggs, for goodness' sake!

Mr. WILD: There was no need for the Minister to indicate to this Chamber that he could build only at Mt. Yokine, and therefore he had to resume this other land.

The Minister for Works: I thought you were going to talk about the Bill.

Hon. Sir Ross McLarty: You let the Acting Speaker decide that!

Mr. WILD: The Minister could have built at Willagee; he could have built there any of the 500 homes that he wanted, and he still could today. He also built on land owned by the Government at Brentwood. In addition, he owns large tracts of land at St. James's Park. So, the land was already there and there was no necessity for him to do as he suggested we wanted to do, and that is carry out all our building at Mt. Yokine.

Mr. Lawrence: Where could he build 500 homes at Willagee?

Mr. WILD: On land there already serviced with roads.

Mr. Lawrence: I do not think you have had a look at it.

Mr. WILD: I have; I was there last Sunday week and had a look at it. Here we have a measure that has been brought to the House perforce of circumstances and I repeat what I said here three or four months ago, that is surely because the Minister, for political reasons, wanted to build large blocks of houses in certain areas. We have only to get hold of the map and we can pinpoint them.

The Minister for Housing: There is not one house built on them.

Mr. WILD: That is why the Bill is here; there is no doubt about that.

The Minister for Housing: You are off your rocker.

Mr. WILD: I say there is every necessity for this legislation if we are going to have Hitler-like Ministers as we have here at the moment. They are going to sweep through the land without giving any rights at all.

The Minister for Housing: Better than dumb Doras who do not do anything.

Mr. WILD: I wonder if the Minister can remember the land that he or the Housing Commission resumed from Mr. Knox in Wharf-st. Queen's Park.

The Minister for Housing: There were 22.5 acres altogether.

Mr. WILD: Does the Minister remember that when this land was resumed and the men were surveying it and putting in the pegs, Mr. Knox went outside his door and asked them what they were doing. In the mail, the following morning, he got his notice of resumption. So do not talk to the Opposition about resuming in the time of the McLarty-Watts Government. I suggest that the Minister have a talk with Mr. Knox to find out all about his own omissions.

The Minister for Works: Still not one word about the Bill.

Mr. WILD: The reason for the Bill comes from the things we are talking about—the large scale resumptions that took place last year purely for political reasons; and the Minister for Works knows that as well as the other Ministers. I support the second reading for the same reasons as were outlined by the Deputy Leader of the Opposition but I shall support the amendment he foreshadowed that will give these unfortunate people the right to appeal to some court.

HON. A. F. WATTS (Stirling) [11.10]: I had not the slightest intention of speaking to the Bill until the Minister for Housing made his contribution. I had intended

to content myself with voting for the second reading and probably voting for the amendments mentioned by the member for Greenough. In view of what was said by the Minister for Housing, I think I would be well advised, firstly, to say a few words about what I think about the Bill and then a few words about what I think about the Minister for Housing.

The Minister for Housing: We will reciprocate there later, too.

Hon. A. F. WATTS: We will start with the Bill. It seems by the Bill that half a loaf is better than no bread because it goes a long way towards improving the Public Works Act. I think it is open to some of the objections that were mentioned by the member for Mt. Lawley. I think also it is very much open to the objection that it does not provide for the right of appeal which the member for Greenough considers he will move to have included, and which, if I remember rightly, the Minister for Works, when addressing the House on the motion moved by the member for Toodyay, gave us to understand he was prepared to consider.

It is true, if I remember his remarks aright when moving the second reading, that he had announced he had cause to change his mind on that subject. I still think, however, that such an amendment to the Act is well justified so long as it is drawn in reasonable terms which provide grounds of appeal which the objectors would be justified in taking up with the court; and provided, too, that it does not lead either party into endless litigation which, as I see the amendment of the member for Greenough, it certainly will not do.

There is, of course, the question of whether such an appeal should be taken to a local court or to the Supreme Court. I would be inclined, subject to hearing further argument, to favour the Local Court because there I think in these days with skilled magistrates, we would probably get a pretty fair assessment of the position, and a considerable reduction in the expenses might be entailed. This would be a considerable achievement because in some cases the value of the properties under discussion would not be very great. The natural inclination of a man who is fighting for his rights for an amount which is not very great is to compromise against himself if he is afraid of the expense of taking the matter before the recognised tribunal.

I am glad the Government has seen fit to bring down this Bill. I do not think that at any time during the course of the debates that have taken place in the House I have questioned the bona fides of the Minister for Works in regard to this matter. I have disagreed with him, perhaps, in some of the things he has seen fit to say, but that did not make his statements any the less bona fide. I felt, even when he moved an amendment to the motion of the member for Toodyay, some weeks ago—upon which amendment we saw fit to disagree—that he was still prepared to work along the lines that he considered justified in improving the state of the law in regard to this particular matter.

As a matter of fact, we thrashed it out pretty well on that occasion. We discussed the responsibilities of the Crown in regard to the resumption of land and the necessity for the powers of resumption, and we also went into the question of what one might call modern thought on the question and on the necessity for reviewing legislation which has stood upon the statute book for 50 years or more, from a time when the needs of the Crown and the developmental needs of the community were very much different from those that exist today.

So it is quite obvious that the law has to be amended, and I have no hesitation in supporting the second reading of the Bill. I think that the Act will require further review before this matter is settled to everybody's satisfaction. I do not think that, as I started off by saying in effect, the Bill is entirely satisfactory but it is a contribution towards bringing the matter into line with more modern ideas, taking into consideration the responsibilities imposed on us by modern conditions and, as such, we should be prepared to accept it. Therefore, so far as the Bill is concerned, I will leave the matter at that.

However, so far as the Minister for Housing is concerned, the greater part of his utterances had nothing whatever to do with the Bill.

Mr. Heal: The same as the member for Dale.

Hon. A. F. WATTS: Naturally, after the outburst of the Minister for Housing, one could hardly expect the hon. member to refrain from making some comment and, indeed, I think it is quite within our Standing Orders when one member has raised a subject which is collateral to the measure, but not actually bearing directly upon it, for other members to discuss that collateral matter in reply, as we might call it. During his speech, the Minister for Housing saw fit to deal with a matter which is not operative under the Public Works Act and which could have been conducted only under the Industrial Development Resumption of Land Act, 1945.

Hon. A. V. R. Abbott: I think that was introduced by the present Premier.

Hon. A. F. WATTS: It was.

The Premier: It certainly was.

Hon. A. F. WATTS: It was introduced by the present Premier who was a Minister of the Crown at the time. In all the circumstances, it did not meet with much opposition—

The Premier: That is right.

Hon. A. F. WATTS:—from members on this side of the House because, at that time, I was Leader of the Opposition and I was quite able to understand the difficulties which then faced the industrial community in regard to the obtaining of land for industrial purposes and the reasons which actuated the Minister of the day, the present Premier, in bringing down the Bill.

But the point I want to emphasise is that the terms of the measure, and the action taken under it, are substantially governed by the committee set up under it. That committee consists of some very responsible people, for, under Section 4 of the Act, it is provided that the Land Resumption for Industries Committee shall consist of four members ex officio, namely, the persons for the time being, and from time to time holding the offices respectively of Surveyor General, Director of Industrial Development, and chairman of the Town Planning Board, as well as a representative of the Chamber of Manufactures. Is it to be believed that the members of that committee would, as was implied, for reasons that I will state more clearly in a moment or two, by the Minister for Housing, make a recommendation which was not bona fide?

Most members would know the Surveyor General. He has been Surveyor General during the whole of the period which was covered by the Ministers of the Crown. The same applies to the present Director of Industrial Development and the chairman of the Town Planning Board, the late David L. Davidson. He was a man I think everybody will say, whether they agreed with some of his activities or not, of great moral rectitude, and one who would be unlikely to lend himself to anything of an improper character. The last person, I do not know who it would be, would belong to the Chamber of Manufactures and would be most unlikely to indulge in such activities.

The Minister for Housing: Could not you say the same thing about members of the State Housing Commission?

Hon. A. F. WATTS: Of course I could, but I am not abusing members of the State Housing Commission. The Minister for Housing has implied that something of a snide nature was done by Ministers of the Crown.

The Minister for Housing: That has been the charge against me.

Hon. A. F. WATTS: There has been no charge against the Minister, except perhaps a charge of excess of zeal.

The Minister for Housing: You heard what the member for Dale said.

Hon. A. F. WATTS: So far as I am concerned the Minister made his speech and that charge had not been made, so far as I knew, at that time. The major charge amounted to an excess of zeal. The situation is that the functions of the department were to receive, examine and consider applications made under the Act, and to do other things which relate to that. Section 6 goes on to say —

> (1) Subject to this Act, any person engaged in or about to engage in any industry within the State who requires land for the establishment and carrying on of his business in such industry may make application in writing on the prescribed form to the Minister for the acquisition of such land.
>
> (2) Every application shall be accompanied by a statement in writing, verified by the statutory declaration of the applicant, furnishing full particulars of the land required, and establishing the following facts, that is to say:—
>
> (a) It is in the interest of the industrial development of the State that he shall be enabled to establish and carry on his said business; and
>
> (b) that after he acquires the said land he will be able to establish and carry on the said business; and
>
> (c) the acquisition and use by him of such land is essential to the establishment and carrying on of his said business; and
>
> (d) the locality in which he proposes to establish and carry on his said business is, in relation to the industrial development of the State, the most suitable locality for the establishment and carrying on of his said business; and
>
> (e) (i) he is unable to purchase land in the said locality which he requires as aforesaid for the reason that the owner of such land is unwilling to sell or to sell at a reasonable price the said land; or
>
> (ii) the use of the land (if acquired by such person) for the purposes of establishing and carrying on his said business is limited or prohibited by the provisions of a town planning scheme or by a by-law of the local authority made with respect

to any of the matters prescribed in the Second Schedule to the Town Planning Act.

(3) Every applicant shall state in his application whether he desires to acquire an estate in fee simple or a leasehold estate in the said land.

Section 7 states—

On receipt of an application under Section 6 of the Act, the Minister shall refer the same to the committee for consideration.

So the Minister has nothing whatever to do with it, except to get hold of the application and give it to the committee.

Subsection (4) continues—

If in the opinion of the committee the application should be rejected, the committee may reject the application, and its decision shall be final. The committee shall report such rejection to the Minister.

The committee has complete power to reject the application, and if it does so its decision is final, and the Minister has no power whatever. Let us see what happens if the committee agrees.

Subsection (5) of Section 7 reads—

If in the opinion of the committee, the application should be recommended for approval, the following provisions shall apply; that is to say:—

(a) before the committee makes any report or recommendation to the Minister in respect of the application it shall cause at least thirty days' notice in writing of its intention to recommend that the application be approved to be given to the local authority in which district the land mentioned in the application is situated, to the Town Planning Board, and to the registered proprietor and all persons interested, as appears from the register at the Lands Titles Office, the Lands Office, or the Mines Office, as the case may be of such land;

Mr. Lawrence: Would that be binding on the Minister legally?

Hon. A. F. WATTS: The hon. member should wait and see. So if the committee is going to recommend an application, before it says one word to the Minister; before it tells him anything about it, or makes any report or recommendation, it sends out these notices. Therefore unless the Minister for Housing is suggesting that the committee in question—occupied by these reputable persons to whom I have referred—dismally failed in its duty to send out notices, then, of course, the applicant got notice and should have taken advantage of the following provision in that section which says—

Within 30 days after the receipt of a notice given under paragraph (a) hereof, the registered proprietor of the land mentioned in the application may appeal to the local court held nearest to the land aforesaid against the decision of the committee to recommend the approval of the application.

So he has the right once again before the committee makes its recommendation to the Minister and after the committee has given him notice, to go to the local court within 30 days. The local court under the subparagraph had the right to issue an injunction or make such order as it thought proper in regard to the property. When all those objections are completed and done with, then the committee makes its recommendation to the Minister to grant the application. He may then reject it or agree to it and send it forward to the Treasurer.

Therefore, I suggest that in making the accusations he did the Minister for Housing did not make them so much against the Minister of the day but against a responsible committee composed mainly of very responsible civil servants who, I suggest, would no more forget under a statute of this kind to carry out their obligations than they would forget that they were civil servants. Accordingly, I suggest to the Minister for Housing that he goes and finds a better case.

The Minister for Housing: The man did not get notice and that is the end of that.

MR. J. HEGNEY (Middle Swan) [11.29]: I have listened to the debate that has taken place and I have heard the statements made by members on the other side of the House. I have had experience of land being resumed in the district I represent, and I know it does not work out as they would have us believe. The member for Dale stated that the Minister for Housing resumed land for political purposes but that is wide of the mark for the reason that the resumptions were made in my electorate, in Bayswater and Morley Park. The member for Dale would not imply that the Minister was doing that for political purposes. Resumptions were made in South Belmont and Kewdale, which are in a Labour-held constituency. If I remember correctly, resumptions were also made in the electorate of South Fremantle, another Labour seat.

Personally, I know the reason why the land was resumed in my electorate; it was to develop housing areas for the benefit of workers in that locality, having particular regard to the Midland Junction

Railway Workshops. There is much low-lying and water-logged land in the Midland-Guildford district and, in my opinion, the Housing Commission made a great mistake in developing housing projects at Midvale because the land is water-logged and is unsuitable. The land resumed in my electorate is quite suitable for home-building. It was to a large extent held by Gold Estates.

It is also true there were people covered by the blanket resumptions who subsequently, as pointed out by the Minister, had their land returned to them because it was not intended to resume the properties on which they lived. I attended a protest meeting at Morley Park when I told the people that they could better apply themselves to making application to the Housing Commission to look after their own interests than to place their faith in the land resumption committees. Many members of such a committee in Morley Park resigned because they found that the committee was being used for political purposes.

For the most part, the people whom I interviewed in my electorate and on whose behalf I made representations to the department were satisfied with the consideration they received. Some were not prepared to settle or to negotiate, but in most instances the people were very well satisfied. I made very strong representations on behalf of the secretary of the present committee, and as the Minister said, her property was released from the blanket order because it was fully improved. In other instances where the properties resumed were improved, they were also released.

During the war years I had some experience of what the Commonwealth Government did to resume the land required for the civil airport. I pleaded with the Commonwealth Resumption Officer on behalf of many of the owners. I would point out that about four years ago the present Opposition, which was then the Government, resumed land for the Bassendean chord railway line. The Leader of the Opposition has stated that there were more protests over the recent resumptions than at any other time, but what was the position in regard to the Bayswater, Belmont and Bassendean resumptions? I had never before seen so many people attending protest meetings. The halls were full. The people present protested that they had no knowledge that their properties were to be resumed.

The same applied to the Bassendean resumption. Neither the member for Guildford-Midland nor I were given even 24 hours within which to consult the road boards in Bayswater and Belmont, or the owners of the resumed land. The resumptions were made. For more than two years the owners of resumed land continually lodged complaints and my phone did not stop ringing at various times because the owners were asking when the land would be released or when compensation would be paid. I took the matter up with the department but the officer concerned, not being aware of the decision of the Government, could not give me any final reply.

On that occasion a Bill was thrown into Parliament. It was stated tonight that this Bill has been introduced in the dying hours of the session. On that earlier occasion the Bill also reached the House in the dying hours and it involved millions of pounds worth of land that was resumed. When the Opposition was on this side of the House, it adopted a different view from that it displays at present. A good deal of politics has been brought into this debate. We should face up to the position by trying to do the right thing for the State and the people generally.

It must be realised that the proposal by Professor Stephenson to develop a regional plan for the future will involve many resumptions. If we are to have all this hue cry arising and protests being made for political purposes, this State will not make the progress that it should. The Bill introduced by the Minister is a basis for discussion. He is not wedded to every word or line of it. Let us use our commonsense not only to protect the rights of individuals but also to look after the interests of Western Australia. I support the second reading.

THE MINISTER FOR WORKS (Hon. J. T. Tonkin—Melville—in reply) [11.35]: I was very surprised to hear of the contents of the letter read out by the member for Greenough which indicated that the Land Resumption Protest Federation considered that insufficient time had been given to the preparation of this Bill and that it would prefer that the legislation be not proceeded with.

Hon. D. Brand: With a view to having it brought up with more favourable amendments.

The MINISTER FOR WORKS: As a matter of fact, careful consideration has been given to the Bill by the officers of the department and by myself. I announced within a few days of the opening of this session that it was the Government's intention to bring down legislation to amend the Public Works Act to deal with land resumptions. Officers of my department have been working diligently on the preparation of this legislation in consultation with myself from time to time in order to provide what we consider were reasonable and good amendments to the existing Act. I am disappointed that more careful thought has not been bestowed on this Bill by those people in whose interests the amendments were designed.

The speech made by the member for Dale was a most remarkable one. I would not have minded in the least if he had

said anything about the Bill. If he had attempted to reply to the Minister for Housing he would have been within his rights, but when the member for Dale commenced to speak he said that he was not going to deliver a speech such as has been delivered by the Minister for Housing He thought he was going to talk about Bill. That is what he said. What did he say about the Bill?

At the finish of his speech he said he would support it and that is all he said. It is pretty clear that he had no clue as to what he was going to say when he rose. He thought he was going to talk about the Bill, but he did not know anything about it so he could not talk on the subject. Instead, he attempted to follow what the Minister for Housing had been talking about. I think I was entitled to remind the member for Dale that he had not been talking about the Bill because he had declared that that was his intention.

The member for Greenough did address himself to the Bill, and I am grateful to him for the attitude he adopted. Still, I think he is on the wrong track in the matter of appeals. If he succeeds with his amendments and there is a change of Government in due course, he will have made a rod for his own back and will rue the day. He knows this, too, but I shall endeavour to show him the effect before it is too late.

There is only one State in the Commonwealth where an appeal in these circumstances is allowed and that is in Queensland. To whom does the appeal lie there? It lies to the construction authority; the person from whom the land is resumed can appeal to the authority that is going to carry out the construction. Nowhere else in Australia is there provision for an appeal against the Minister in the matter of resumptions, and a little thought will show the reason why.

The taking of land for public purposes is an executive act. It represents an authority that the Parliament has imposed upon a Minister, and Parliament believes that he will properly exercise that authority. To set up an outside body to tell a Minister that he does not know what he is doing when resuming land is just too ridiculous. The Minister, by virtue of his oath of office, accepts full responsibility for the taking of land for public purposes, and some Ministers have fallen because, having taken land for specific purposes, they have diverted its use to other purposes. Within recent months there was a case in England that brought about the downfall of a Minister for this very reason. So why make administration more difficult by setting up some outside authority which would not have the requisite knowledge possessed by the department to determine whether a resumption was justified or not?

It is fortunate for us that this very question was recently under discussion in the Federal Parliament where there is Liberal-Country Party Government in office and where, if this principle were a good one, the Government had a majority in both Houses to give it legislative effect. What was done there? Senator Wright sought to introduce an amendment to the Act to provide that in certain cases an appeal could lie to a board to be set up. Having proposed the amendment, the Senator had a second thought and modified his proposal by a proviso reading—

> This section shall not apply in any case in which the Minister certifies that there are special reasons why the section should not apply.

Of course that nullified the whole thing; it came back to relying upon the Minister. If the Minister certified that the section which could allow an appeal over his decision should not operate, then it could not operate. That was the proposition finally put up in the Federal Parliament, but no decision was made. The Parliament is going to an election without having decided the question. It is interesting to note the opinion of members on both sides of the House on this proposal.

Mr. Court: Are those the opinions you quoted the other night.

The MINISTER FOR WORKS: Yes, but I do not intend to read the whole of them. Senator Byrne said the amendment might greatly impede practical public administration, as undoubtedly it would. Senator Vincent said that like Senator Byrne he was somewhat troubled by this proposed amendment. He went on to say—

> First, with great respect to Senator Wright, I suggest it is, to a point, an attempt to take away some executive function from the Government.

Senator McKenna said—

> I have been greatly interested in the answers given to the questions that were asked by the honourable senators who preceded me in this debate . . . It is proposed that the chairman of the board of inquiry should be a person who is a chairman of a valuation board under the Taxation Administration Act. He is a governmental officer at a governmental level and, as chairman, has to join with two others—who are unspecified—to pronounce on whether a particular acquisition is in accordance with the public interest . . . It is rather difficult to find a body, whether it be a board of inquiry or otherwise, which would be competent to set itself up to determine whether a Government or a Minister had acted in the public interest.

I agree with him absolutely. On this question of resuming land for schools, hospitals, water supplies, roads and railways, who knows better what is required than the departmental officers and the Minister charged with the responsibility of

administering the department? Can anyone tell me that a magistrate sitting in a local court would be in a better position to determine what land should be resumed for schools, hospitals, roads or railways than the advisers to the Minister? If the Minister cannot be trusted to exercise his authority properly, there is a remedy, and the remedy should be exercised, but we should not hamstring the Minister in his administration by stipulating that, before he may move with regard to resumptions, the matter must be referred to a judicial inquiry.

How far would the previous Government have got with regard to encouraging the oil refinery people to go to Kwinana if it had had to tell them, "We think we can get this site for you and it is our intention to give it to you, but before we can guarantee it, the owners will have the right of appeal to a magistrate. We shall get into touch with the owners of the land in the vicinity, and if the magistrate says we cannot have the land, we cannot give it to you and you must build your refinery in the Eastern States."

That would have been the position of the previous Government under this proposition, and I ask the member for Greenough whether he would have felt happy in those circumstances. Could he have gone about inducing those people to establish their refinery here had he been in doubt whether he could make the Cockburn Sound site available to them or not? Do we want to create a situation like that, because that is the way to do it?

If we want to build a railway in a certain position, we cannot build it until all the owners of the land along the track proposed to be traversed have had the opportunity of appealing to the magistrate of the Local Court who shall tell the Government where the railway is to go; or the magistrate in the Local Court shall tell the Commissioner of Main Roads where he is to put his road. That is what this appeal boils down to. I ask members to measure up to the situation and realise what is involved in the administration of land resumption.

The safeguards for the individual are in the Bill. It goes a long way further than most of the existing legislation; it breaks new ground. Take the notice of intention to resume. The person will be advised beforehand that his land will be required for a certain purpose and an opportunity will be given for negotiation and settlement. The ordinary processes will proceed, and if resumption takes place compensation will be offered upon the claim, and if it is not satisfactory there will be a right of appeal to the court on the compensation issue.

During my second reading speech, the Leader of the Opposition interjected that even when claims for compensation were settled, there were months and months of delay. I took him up on that statement and issued a challenge to him then and there to produce a single case. I said to him, "You have ample opportunity, before this debate is resumed, to find one case that you are now talking about where there have been months and months of delay." Members have all had their opportunities tonight. The member for Greenough spoke of the difficult position, but did he mention any cases? Not a single one.

I am entitled to say to the Leader of the Opposition that he did not know what he was talking about. He vehemently repeated that he knew what he was talking about and that there had been months and months of delay after a decision had been made. I said to him, as he sat there, "I challenge you to quote a single instance. Where is it?" It is easy to sit down after saying things like that ad lib, but when one has to stand up to them and prove them, it is a different matter.

There were two cases mentioned during the discussion. The member for Blackwood mentioned one. He wanted to know about a transaction in connection with Mill Stream. I undertook to get the information about both the cases that were mentioned, and I have it here. The member for Blackwood implied that a lot of delay had occurred after agreement had been reached in regard to compensation.

Hon. A. V. R. Abbott: Did he say that?

The MINISTER FOR WORKS: Yes, he did; and I have the "Hansard" notes here if the hon. member wants me to read them. This case, the settlement of a claim which was approved on the 14th June, involved the discharge of the claim and the transfer of the residue of the property injuriously affected by the resumption. It was suggested that the claim could have been effected immediately, but the transfer of the residue was complicated by the existence of a caveat against the title. This would not mean anything to the member for Mt. Lawley who would just sweep it aside; but unfortunately for my officers, they are mere humans, and it did hold them up.

This caveat protected an arrangement for a timber mill on the property, and as the claimants could make no progress in securing the title, I authorised the Crown Law Department—the land resumption officer was advising me—on the 8th September to proceed with the transfer, subject to the caveat. The Crown Law Department then made the necessary alteration to the transfer and, following execution by the transferors on or about the 12th October, 1955, forwarded the document for completion by me on the 25th October.

Prior to the settlement, the land resumption officer suggested to the claimant's representative that a definite payment of £2,500 could be made. Agreement

was reached shortly thereafter. Despite the delay, the claimants have not made any request for an advance, or even for partial payment on the basis of the discharge claim for the land actually resumed. The land resumption officer said that had he been aware that such partial payment had been imposed and made, he would have apportioned the assessment so that this could have been done.

He authorised the purchase, subject to the caveat as neither Government department was interested in the residue of the property; and there was patently no reason why the timber mill should be allowed to remain until exploration of the arrangements with the transferor. So far as the department is concerned, it went out of its way to overcome the legal difficulties which existed.

Mr. Court: I cannot quite follow that one. Apparently they have not yet been paid, although you are prepared to make an advance payment.

The MINISTER FOR WORKS: The purchase has been authorised subject to the caveat and there is nothing to prevent the payment of the full sum required: but no request has been made for even partial payment in connection with it.

Mr. Hearman: I mentioned it to you 12 months ago.

The MINISTER FOR WORKS: Why did the hon. member not write a letter?

Mr. Hearman: You said you would fix it up and I left it at that. It has not been fixed up.

The MINISTER FOR WORKS: I think this indicates that we did everything possible to fix it up; even to the extent of not waiting for the legal formalities to go through but proceeding in our transfer with the caveat against it. Surely that is a good enough explanation. The only other case was one mentioned by the member for Mt. Marshall. This property was entered early in 1946 for the construction of a road deviation. This was during the term of the Wise Government, so that the McLarty-Watts Government had plenty of time to fix it up.

The Premier: It was not fixed up for six years.

The MINISTER FOR WORKS: The property was entered for the construction of a road deviation in 1946 under the powers in the Act whereby property can be entered for a public work prior to resumption. It was entered in 1946. When is it thought that the resumption was gazetted? After the McLarty-Watts Government went out of office and we came in to do it, so the McLarty-Watts Government was there for a full six years and did nothing! Talk about delay!

Hon. Sir Ross McLarty: I believe there was one claim 14 years old.

The MINISTER FOR WORKS: Talk about delay and public outcry! Here was a case when the actual entering of the land took place before the McLarty-Watts Government came into office. That Government was there a full six years and did nothing about resuming this land. No resumption was actually gazetted until it went out of office.

Hon. A. V. R. Abbott: They probably had to—

The MINISTER FOR WORKS: They "probably" a lot of things! Let us see why the delay occurred. There can be legitimate reasons for delay, which I want members opposite to appreciate. If one cannot get surveyors, one cannot survey the land, however desirous one is of taking it over.

Mr. Cornell: Six years is a damned long time.

The MINISTER FOR WORKS: It is, and it covers the full period of the McLarty-Watts Government. Naturally, the member for Mt. Marshall got hot under the collar about all this delay and asked a few questions in Parliament.

Mr. Cornell: I think he wrote a letter, too.

The MINISTER FOR WORKS: Yes, and not a bad one, either, and he got an apologia in reply, from the member for Greenough.

Hon. D. Brand: What was that?

The MINISTER FOR WORKS: I propose to read it.

The Premier: It should be good.

Hon. D. Brand: Not half as good as those written by the present Minister.

The MINISTER FOR WORKS: Question No. 1, asked by the member for Mt. Marshall on the 22nd November, 1951, was—

> On what date was the work of altering Scott's Crossing on the Great Eastern Highway west of Kellerberrin commenced?

The answer was—

> March, 1946.

Question No. 2 was—

> What area of land was resumed for the purpose?

The answer was—

> Seven acres, 12 perches approximately.

Question No. 3 was—

> Has any compensation been paid to the owner of the land resumed?

The answer was—

No.

Five years afterwards, the answer was No! Question No. 4 was—

If the answer to Question No. 3 is in the negative—

The member for Mt. Marshall already knew the answer—

—does he regard the interminable delay—

I agree with him there.

Hon. D. Brand: You carried it on for another three years.

The MINISTER FOR WORKS: No, we were out of office. We gazetted the resumption as soon as we came in, in February. It was gazetted in May. The question continued—

—in settling the compensation claim to be justified?

The answer—it is a beauty—was

Yes—

It was justified—

—by reason of the demands of higher priority work, such as soldier settlement subdivision and housing subdivision, which delayed the formal resumption by the Department of Lands and Surveys. The formal resumption is a necessary preliminary to payment of compensation, and recent inquiries indicate that this resumption will be published in the "Government Gazette" early in the new year, following which the owners will be supplied with the necessary form of claim.

Now we will have the Minister's reply to the member for Mt. Marshall by letter—

22nd Nov., 1951. Dear Mr. Cornell, In reply to your verbal inquiry with regard to a resumption of land which remains outstanding on account of Scott's Crossing, I would advise that road works are normally given the lowest priority and there are in the vicinity of 150 main road resumptions outstanding at the present time. You are well aware, of course, that this is because of the high priority granted for more urgent resumptions and the fact that the Department of Lands and Surveys finds it impossible to pick up the lag occasioned by the very heavy programmes of land settlement and housing, particularly, which the Government is carrying out. The difficulties of the Lands Department are aggravated by the shortage of staff and on account of the impossibility of obtaining sufficient numbers of trained personnel for this kind of work. While I must agree that the owner has been most patient in this matter, you will appreciate that it is not possible to clear all of these 150 resumptions immediately. I am advised, however, that in exceptional cases where an owner is pressing for payment for his land, it is possible to make a settlement in anticipation of resumption subject to adjustment when formal resumption is made. It would appear that formal resumption in this case may be finalised within a month or two, following which owners will be supplied with the necessary form of claim.

That was on the 22nd November, 1951, and this was going to be settled in a month or two.

Mr. Hearman: At least, he got a letter in reply to his verbal query.

Hon. D. Brand: Did you talk to the Commissioner of Main Roads about it?

The MINISTER FOR WORKS: That is an indication of what did take place under the then Government, members of which are now protesting vehemently and referring to the public outcry. If ever a public outcry was justified in regard to resumptions, it was during the term of the previous Government.

It is significant that all the examples quoted in this House while this subject has been under debate, concerned resumptions under the previous Government. When the member for Toodyay was speaking on his motion, he quoted two cases upon which he based the motion, and both of them were resumptions during the time of the McLarty-Watts Government. It will be seen that there is not much to argue about, so far as we are concerned because, when members opposite had their opportunity to prepare their ammunition, all they could get was what they had made for themselves. This suggests that they are trying to whip up a lot of opposition without the slightest justification.

Let me proceed to show what the full history is. A formal claim for £45 10s. was lodged on the 11th May, 1953, and payment in full was approved on the 13th May, 1953. The McLarty-Watts Government had six years to do something about it, after we had commenced the work, and within three months of our coming into office we had the notice of resumption and the payment approved. It might have been fortuitous, but that is how it worked out.

Hon. D. Brand: Was not it a question of surveys and nothing else?

The MINISTER FOR WORKS: I said that it was a question of surveys; the hon. member said it, too, in his letter.

He could not get surveyors and he said that road works had a very low priority. That was one of the things the hon. member attended to last of all. So, although this chap had been patient—

Mr. Owen: Do they still have a low priority?

The MINISTER FOR WORKS: No; with this Government roads have a high priority, as the hon. member ought to know.

Hon. D. Brand: Why are you able to give a high priority to surveys? Are more surveyors available?

The MINISTER FOR WORKS: Of course they are! But that is not an excuse for the previous Government's making complaints about this one whose record is far better, with regard to resumptions, than that of its predecessor. That is the whole point about this, and it is as well that we should have the matter in its proper perspective.

The payment for this was approved on the 13th May, 1953, and the file was forwarded through the Treasury to the Crown Law Department on the 11th June, 1953. The form of discharge was dispatched to Mr. Scott on the 22nd June, 1953, and returned through the National Bank, the mortgagee, one month later and received on the 22nd July, 1953. The cheque was then dispatched on the 12th August. So it followed in reasonable course immediately this Government came into office. I think that answers all the criticisms that could be legitimately levelled against our proposals and against the administration of the department.

This Bill represents an honest and sincere attempt to improve the Public Works Act, to safeguard the rights of owners of property and at the same time to have proper regard for the welfare of the State and what must be done in the public interest. The principle upon which the Bill is drafted is that no person shall be deprived of his property without adequate compensation; that if land is to be taken in the public interest, it shall not be taken at the individual's expense. The individual who owns land shall not be called upon to undergo some sacrifice in the public interest, but is to be adequately compensated for what is taken. That is the whole underlying principle of this amending Bill.

I can deal more specifically with suggested amendments when we come to them in Committee. I am glad that generally members have indicated their acceptance of the measure and their intention to support the second reading because I believe, in view of the resumptions which will undoubtedly be involved in the implementation of the regional plan, it is most desirable, if not altogether essential, that we should bring our Act more up to date in order to facilitate the settlements and to give greater protection to property owners.

Question put and passed.

Bill read a second time.

In Committee.

Mr. J. Hegney in the Chair; the Minister for Works in charge of the Bill.

Clause 1—Short title and citation:

Hon. A. V. R. ABBOTT: I request a little latitude because I think a great deal has been given on this Bill. I desire to correct the statement made by the Minister for Housing in connection with myself and Mr. Paul. The facts of the matter were that I acted, over some years, for Mr. Paul. On this occasion he saw me in my legal office, professionally, and I told him that as I was now a member of the Government I could not act professionally for him on this occasion. It would be very awkward. He asked me to recommend another lawyer and I recommended Mr. Downing. Any hearsay statements that the Minister for Housing has received are incorrect.

The Minister for Housing: It was direct from the man concerned.

Hon. A. V. R. ABBOTT: That might be so, but what I have said is absolutely correct. I told him that I could not act for him on this occasion and he asked me to recommend another lawyer. I recommended the lawyer I thought most suitable for the case.

The Minister for Housing: I think you gave him sound advice, too. Results proved that.

Clause put and passed.

Clause 2—Section 17 amended:

Hon. D. BRAND: Members will notice from the addendum to the notice paper that I propose to delete paragraph (d), which commences on page 3. This paragraph refers to Section 112 of the parent Act and if members read that section they will readily understand what I am driving at. Evidently the Minister felt that where he was temporarily occupying land, it was not necessary to carry out the provisions of paragraphs (b) and (c) of the proposed new subsection.

In the interests of the owner some safeguard should be provided because whilst the Minister is occupying the land only temporarily he has authority to manufacture bricks, erect workshops and other buildings. It could be that he might occupy the land for a lengthy period only on a temporary basis. In view of that it was thought he should carry out the provisions of the amending Bill by giving notice of his intention to resume temporarily, as well as publishing a notice in the local Press. Therefore, I move an amendment—

That paragraph (d), pages 3 and 4, be struck out.

The MINISTER FOR WORKS: I expected that the member for Greenough would give some cogent reasons why this paragraph should be struck out, but, in my opinion, he did not advance anything that would justify this step. What is the use of telling a person who has already agreed that we can take his land, that the Minister intends to resume it? That is one of the implications of the amendment because the paragraph that is proposed to be struck out says, "Where land is entered." So one is already on the land. The hon. member then wants the Minister to send out a notice informing the owner that resumption is intended even although the land has already been entered.

Hon. D. Brand: If it has already been entered, why did you not mention it in the Bill?

The MINISTER FOR WORKS: There is provision for exemption in the Bill. It sets out that where we are already on his land and working upon it and where the owner has consented to the taking of his land, then in those two circumstances we can dispense with the obligation of publishing in the Press a notice of the intention to resume. Just imagine publishing a notice to resume land when one has already entered it! The owner would say, "What sort of a fool is this? I have already agreed that he can have my land." Where the department has entered a man's land and has commenced work, it is a bit late then to give the owner notice of intention to resume. The very idea of giving notice of intention to resume land is to give him some time to be aware of such intention, but in cases of emergency, where there is no time to do that, and the department must enter the land before giving notice, what is the use of giving notice subsequently? I suggest to the member for Greenough that he is a little off the track with his amendment and I hope the Committee will not accept it.

Hon. D. BRAND: The fact remains that the intention is there as a wordy amendment in the Bill. If the amendment I propose is so completely foolish, where the department has occupied the land before notice has been given to occupy it, it is strange that the Minister has seen fit to include in the Bill a provision that the Governor can do this. If it is not necessary, why is it provided for in the Bill?

Hon. A. F. WATTS: It seems to me the Minister might be able to justify, to some degree, his case in the instance where the owner consents to his land being taken, but I cannot for the life of me see how his argument can apply in the instance where the land is entered under the powers conferred upon him by Section 112 of the principal Act. Those powers enable the Minister for Works or the Minister for Railways to enter upon the land, but even in such instance it is provided that the engineer or the person in charge shall give notice to the owner before proceeding to dig and carry away gravel or commence to erect buildings and so on which, as the member for Greenough has said, might easily be of a very permanent nature.

When I consider the use of the word "temporary" by the architectural branch of the Public Works Department in connection with the cases that have come under my notice, I can well remember one building regarding which, when the question was asked, it was alleged that it would stand for a period of 75 years. Therefore, it is unreasonable to suggest that the required notice should not be given in those cases mentioned in paragraphs (b) and (c) in respect of the powers granted under Section 112 of the Act which is a sort of speedy system of resumption with a considerable power to completely upset the owner's property. If the Act is left in its present shape, and this total exemption as provided in paragraph (d) is inserted, the owner will be subject to a provision which is extremely severe.

The Minister's reference to the amendment as being ridiculous because it is only to apply in the case of land that has already been entered, seems to be untenable. Section 112 relates to the powers of the Minister to enter on land and in doing so to possibly spoil the property for some time. Short notice is to be given by the engineer in charge of his intention to enter. I accept to some degree the first part of the proposed new subsection but not that portion dealing with peremptory resumption under Section 112.

The MINISTER FOR WORKS: To me the words convey physical entry. If it means what the member for Stirling has said it does, I would agree that I have not much of a case, but this seems to me to be actual physical entry under the powers conferred by Section 112. It does not seem to be sensible to send a notice out of an intention to resume when there is no intention of doing so. One would be up for trespassing and damages.

Hon. A. F. Watts: Not under Section 112.

The MINISTER FOR WORKS: That gives the right of entry prior to resumption.

Hon. A. V. R. Abbott: Yes, but you have to pay compensation.

The MINISTER FOR WORKS: But that implies resumption. If one enters under that section, one is bound to resume.

Hon. A. F. Watts: Not necessarily.

The MINISTER FOR WORKS: The power is being exercised without legal authority. If the power to resume is exercised and there is no intention of resuming, the power is not exercised correctly. I

would particularly refer members to Section 112. If one goes on without intention of resuming, what is the good of giving notice that one is going to resume?

Hon. A. V. R. Abbott: You might want to prevent damage being done by the removal of stone or the creation of a brickworks.

The MINISTER FOR WORKS: Why make one give notice of doing something one has no intention of doing?

Hon. A. V. R. Abbott: There is the intention of damaging the land.

The MINISTER FOR WORKS: That is not what the notice says. We are arguing as to whether there should be an obligation on the Minister to give notice of intention to resume in all cases without exception.

Hon. A. V. R. Abbott: The draftsman put that reference in because he thought this might be included.

The MINISTER FOR WORKS: He thought there would be certain cases where there would not be much sense in giving notice of intention to resume, and in such circumstances notice could be dispensed with. If land is entered under Section 112 for the purpose of taking stone or gravel and there is no intention of resuming, why should notice of intention to resume be sent out?

Hon. A. V. R. Abbott: He is exercising his authority under the Act. I agree it is not a resumption in the ordinary sense of the word.

The MINISTER FOR WORKS: Let us be sensible. We are trying to mould a statute for all time. Are we going to provide that where the Minister has no intention of resuming land he is to tell the owner that he will resume? Previously there was no such thing as giving notice of intention to resume. A notice was put in the "Government Gazette" and after it had been printed, a notice would be posted, telling a man that his land was resumed.

It is proposed to amend that law by making it obligatory on the Minister to send a notice to the owner of an intention to resume, before he gazettes the resumption. The suggestion now is that the Minister shall be obliged to do that in all cases even when he has no intention of resuming land. Surely the Government cannot be expected to accept it! If the Minister has no intention of resuming and he is already on the land, what can be gained by giving notice of resumption?

Hon. A. V. R. Abbott: If this paragraph is not inserted there might be an implication.

The MINISTER FOR WORKS: I oppose the amendment.

Hon. A. F. WATTS: The Minister said that he will be compelled to give notice of resumption even when he has no intention of resuming land. The difference is between the interpretation of "resumption" and what is contained in Section 112. If an army of workmen were to enter my property and proceed to build roads, brickworks and structures thereon, or to dig out gravel and stone, I would begin to regard my land as being resumed although from the strict interpretation of the word "resumption" that might not be the case.

If paragraph (d) is deleted it will not prevent a person whose land is dealt with under Section 112 in that manner from having a right of appeal to the Minister. The inclusion of the paragraph will mean that the person whose land is being "semi" resumed will be unable to appeal to the Minister no matter what disadvantage or inconvenience he may be subjected to by the activities permitted under Section 112. I feel it would be far better if the paragraph were omitted from the Bill.

Amendment put and passed.

Hon. D. BRAND: I move an amendment—

> That after subparagraph (iii), page 5, the following be inserted to stand as subparagraph (iv):—
>
> > If the Minister does not cancel the notice of intention or where the Minister amends the same and the objector is dissatisfied with the amendment of the Minister the objector may within fourteen days of receiving notice of his decision from the Minister (which notice the Minister is hereby required to give) appeal in the manner prescribed to the Local Court held at the place nearest to where the land is situated on all or any of the following grounds of appeal—
> >
> > (a) that there is suitable Crown land available in the vicinity of the land to be taken or resumed;
> >
> > (b) where the land to be taken is land on which the residence of the objector is situated that there is suitable unoccupied land in the vicinity;
> >
> > (c) that the public work for which the land is to be taken is of such a nature that it could satisfactorily be erected or carried out in some other area where Crown land or unoccupied land is available;
> >
> > (d) that so much hardship would be inflicted on the objector by the taking of the land that it would be unjust and inequitable to allow it to be taken, having regard to the urgency or otherwise of the public work.

The decision of the Local Court hearing the appeal shall be final and there shall be no further appeal and the Minister shall give effect to such decision.

The Governor may make such regulations as may be necessary for carrying out the provisions of and effecting the objects of this paragraph.

This amendment will provide for an appeal to a magistrate against a resumption and making that appeal final. It is felt that if the objector were allowed to proceed further, in the case of small landholders a great deal of money could be involved, and the Government is in a much better position to appeal to a higher court and face the greater costs. In view of the fact that a decision must be made at some stage, it would be some satisfaction to the objector to have his case dealt with outside the realm of the department or the Minister.

Certain grounds are laid down for magistrates upon which to make their decisions. They are very fair and can be justified. They include provisions that a resumption shall not be allowed if there is suitable Crown land in the vicinity of the land to be resumed. From what I can gather, a great deal of the trouble that has arisen in regard to resumptions not being fair and just transactions, has been on the ground that resumptions were made when suitable Crown land or other private land was available. One often hears of land being resumed for a public work or the erection of a school and it is not proceeded with. To ensure that land is not resumed before alternatives have been fully investigated, this particular ground of appeal has been included.

The last ground refers to hardship that would be inflicted on the objector compared with the importance of the public work itself. It is thought necessary to provide that the Governor may make such regulations as may be necessary because the appeal must be made in a manner prescribed and certain forms would be required. In spite of all that has been said, I consider that this amendment should be accepted in order to satisfy people that they had some appeal outside of Government circles.

The MINISTER FOR WORKS: This amendment comes from the Land Resumption Protest Committee. It was submitted to me for consideration, but the people concerned are viewing the matter from the point of view of owners only. If the hon. member succeeds in his amendment, he and Ministers in future will rue the day it was carried. It will not work, and I repeat that had such a provision been in the Act when the oil people were contemplating coming here, it would not have been so easy to offer them a site.

Hon. D. Brand: I admit that.

The MINISTER FOR WORKS: In fact, it would have been impossible to give them any guarantee whatever.

Hon. D. Brand: I do not agree with that.

The MINISTER FOR WORKS: All that the hon. member could have said would have been that he would endeavour to have a site made available provided that the magistrate, in the circumstances, saw eye to eye with him. The effect of the amendment would be to take away an executive power that the Government is entitled to exercise. It is an executive function of high order and great responsibility and should not be given to a magistrate of a local court.

I quote the case in the Federal House where the Minister for Aviation would decide that in a certain area he required a landing ground. If he were not allowed to resume the land until the owners had appealed to the local court, to whom would the court be likely to listen on the question of the desirability of the landing ground? What would the magistrate know about it? The best judge would be the Minister, who would be advised by his experts. Surely we should not provide against the carrying out of a public work involving land resumption until the proposition had run the gauntlet of a magistrate! Because of hardship to an individual, we might have to put a road elsewhere, regardless of the expense involved to the community or interference with the general plan. If it caused hardship to the owner, it would be justification for stopping the whole project.

There is always hardship involved when a man's land is resumed, and the hardship varies according to the circumstances. A man might have occupied an ancestral home for many years, and would it not cause him hardship if he were turned out? Would it not be possible to put a case against resumption there?

Mr. Court: Not to come within the meaning of the amendment.

The MINISTER FOR WORKS: It would come within the meaning of the amendment.

Mr. Court: Then you could not have read the amendment.

The MINISTER FOR WORKS: I have read it very carefully. If the hon. member ever becomes Minister for Works, he will rue the day when such a provision was accepted. Surely we have to consider that a Minister would be reasonable and would act with a sense of responsibility! He would not rush in and resume land without first being convinced that the resumption was necessary. He would have the best advice as to the desirability of making the resumption. It might be better to appeal from Caesar to Caesar than from

Cassius to Cassius. The Minister will be advised by his experts as to what is required, and the owner may appeal against the intention to resume. Then the Minister would investigate the matter carefully and would have to be convinced that the resumption was justified and necessary. After the Minister had exercised caution and consideration, would it be fair to require him to go to the local court and prove that he should be allowed to proceed?

Earlier this evening, the member for Mt. Lawley said he would not have too much faith in the exercise of the discretion of a magistrate so far as costs were concerned because the magistrate was likely to be influenced by the general procedure of law. He might be influenced by the fact that the Minister needed the land and that the claimant was an ordinary man who did not want him to take it, and so the Minister would probably get the verdict. In that case, it would become an anachronism.

This principle operates only in Queensland and the appeal there is to the constructing authority. I think I would prefer to appeal to the Minister, because the constructing authority might be a private company with the job of carrying out the work. So far as I am aware, this principle does not apply anywhere else in the world, and it is mighty strange that all of a sudden it should be regarded in certain quarters here as being so virtuous. It would certainly slow up the administration and make it extremely difficult. In some cases if we had magistrates who were not giving it the attention it deserved, we might get decisions which would make the work impossible.

Unless we abdicate completely from the idea of responsibility in government, the Government ought to retain executive power; and this is executive power of a high order. It belittles a Minister to suggest that he cannot be relied upon to exercise judgment and equity in resuming land for a public purpose. Although the Land Resumption Protest Committee has asked for this, I do not think we ought to yield to pressure groups unless we are convinced that their propositions are sound and in the interests of good government. I do not think this is in the interests of good government. It will not assist in administration, but will have the opposite effect.

Mr. Ross Hutchinson: It could be in the interests of the rights of the individual.

The MINISTER FOR WORKS: The individual is not allowed to do a lot of things when he comes in conflict with the rights of the community as a whole. The generally accepted principle in democratic countries is that although we respect the rights of the individual, where they conflict with the rights of the general community, the rights of the latter are paramount.

Hon. A. F. Watts: With the possible exception of paragraph (d), there is nothing in these appeal grounds to justify that thought.

The MINISTER FOR WORKS: Maybe, but then we would only be going through the motions because the Minister would not have the slightest difficulty, in my view, in being able to submit to the magistrate far more evidence to prove that the land he wants is the only land that will suit his purposes.

Mr. Court: Paragraph (d) is the Government's safeguard.

The MINISTER FOR WORKS: There can be no safeguards in matters of this kind where outside authorities are allowed to usurp executive functions. What is the good of being hypocritical about it? If members of the Opposition were on this side they would not have a bar of this. The Federal Parliament has a Liberal-Country Party Government with a big majority, and there is a majority in the Senate, and it will not swallow this pill.

Mr. Court: It might do so.

The MINISTER FOR WORKS: No, it will not.

Mr. Court: You said they had not reached a decision on it.

The MINISTER FOR WORKS: No, they jumped over it.

Mr. Court: They have to face up to it.

The MINISTER FOR WORKS: Why?

Mr. Court: When the Menzies Government goes back again.

The MINISTER FOR WORKS: It will take up the legislation where it was dropped? No. The discussion in the Senate showed that the proposition did not find favour with either side. The senators were addressing themselves to the crux of the matter realising that this was taking away the executive function which reposed in the Government. If a Government is to be justified in a democracy, it should be allowed to retain these executive functions. If they are whittled away one by one, they will be usurped by outside bodies and organisations, and that is the antithesis of democratic government.

Who should be more entitled to exercise this power than the Ministers who are responsible to Parliament and the people? It should not be the magistrate or the judges; they can make what decisions they like, and some are a bit difficult to follow at times and get upset on appeal. The Ministers, however, are responsible to Parliament and to the electors for what they do. If members of the Opposition succeed in putting this into the Bill they will live

to be sorry for it. This is a function which should lie with the Government and not left to veto by some outside person or body. That is the whole principle here.

Hon. A. F. WATTS: I am not discussing the amendment in the light of any communication from any protest committee, but on what I believe are its merits. The main ground of any objection that can be taken to the amendment would be the grounds of appeal, because it seems to me to be quite useless to put in a right of appeal without specifying the grounds. If we did not do that, we would leave the appellant with the right to bring up any and every ground which he cared to think of; or, alternatively, not to be allowed to bring up any ground at all, both of which positions would be entirely unsatisfactory. Therefore if any right of appeal from the Minister, is to be put in, it is necessary to specify what the grounds are. In the amendment there are four of them.

I refer the Committee to the first. If there is suitable Crown land in the vicinity, such as would satisfy a court that it was suitable for the purpose, then it should have been known to the department before the resumption notice was issued, or before the matter had got to the stage where the appellant had the right of appeal to the court. If there is suitable Crown land in the vicinity it seems to me undoubtedly the duty of the Crown to make use of it because I think the word "suitable" indicates that it must be satisfactory for the purpose; and in the vicinity, as I understand it, means that it must be close to the place where the land was to be taken.

These two considerations together indicate that if there is such land there, either the Crown should have known of it and not proceeded with the resumption of the particular block; or that the appellant is entitled to have his appeal given favourable consideration. I do not think there is the slightest objection by anybody to (a) of the appeal grounds.

The next is (b). I support it on two grounds. Firstly, because it seems that the Crown should not seek to incur expense by resuming land upon which there is a dwelling if suitable unoccupied land is close at hand. On the other hand, the Crown should not seek to resume land upon which there is a dwelling, in order to avoid the dispossession of a person, if it is at all possible, from such dwelling. I again say that the fact that this ground of appeal was in the Act would place the department immediately on its guard to make sure that it did not resume land upon which there was a dwelling when there was vacant land suitable and available in the vicinity.

In regard to those two grounds of appeal I suggest further that if the Crown was properly on its guard—as it should be—the possibility of there being an appeal—and certainly a successful appeal—on those grounds would be very remote.

Mr. Lawrence: What if there was a dwelling on the ground which had to be resumed?

Hon. A. F. WATTS: I think the court would direct that the appeal should be dismissed, because if it was decided that the other land was not suitable, on the evidence presented by the department, it, being on its guard in the face of this ground of appeal, would have gone into the matter with the utmost care—

Mr. Lawrence: Could it not be that it was necessary for a road to go through there?

Hon. A. F. WATTS: That would be a public work and if that was so and the court was satisfied that the road must go through the place where the dwelling was, it would necessarily, on the evidence, direct that the people be dispossessed of their house and I do not think there is any sound argument against that.

The next is (c). Without entering into any discussion as to the relevant merits of the resumptions which took place in regard to the housing position, and which have been so much discussed in this Chamber in recent times, I would suggest that if the provision in (c) had been in the Act, there would not have been any argument because there would have been a determination on the part of the responsible authorities to use up the unoccupied or Crown lands where available and suitable to the purpose rather than take land on which dwellings had been erected and improvements effected.

The presence of that provision as a ground of appeal would have placed the department so much on its guard that we would have had none of the argument that has taken place, and yet there would have been ample land available, in reasonably suitable areas, for the erection of the Crown's dwellings for letting or sale to the public. And so I believe there is no sound objection to these three grounds of appeal.

I do not know that there is the strong reason for exception that the Minister took to the last one, (d). On first reading this suggested ground of appeal, I was under the impression that the words in the last two lines, "having regard to the urgency or otherwise of the public work," effectively put into the hands of the magistrate or court a weapon which, if the department had established the urgency of the work—as in many cases it could—would effectively deprive the objector of any claim on hardship grounds, while if the Crown could not establish the urgency of the work the relative hardship of the objector would, of course, have to be taken into consideration.

There would not be many cases, I submit where the Crown could—I trust—not establish its case as to the urgency of the work, if it was resuming land from a private person which would, without that urgency, inflict such hardship on him that the court would have to order in his favour. I do not think that with these grounds of appeal in it, the Act would be unworkable.

I am absolutely certain of it in regard to the first three and as to the last one, I feel pretty satisfied that the court would certainly take into account the urgency or otherwise of the public work and, if it were satisfied that the work was urgent, that would be the end of the matter. So I do not hold the view that the Minister does in regard to these amendments and feel quite willing to support them.

The MINISTER FOR WORKS: It is not that I am afraid the court would not uphold the Minister in practically every case, because what is set out here is really what takes place. The department does not unnecessarily expend its funds on buying houses when it can get vacant land. It naturally looks for the cheapest suitable land for its purpose and it is extremely unlikely that under any circumstances the department would resume land with residences on it if vacant land were available.

One can be sure that if it resumed land on which there was a residence it would be able to justify that course before any court, and that would apply to other categories. But all this means delay. The Committee has succeeded in providing that notice of intention to resume must be given in all cases. That was a prerequisite to this amendment and having made that provision, one can now not do any urgent work. One cannot go in at the right time to do water supply work when the ground is suitable. One must give notice of intention to resume and 30 days after that there is 14 days for the person concerned to lodge an appeal to the magistrate. Then one awaits the convenience of the court to hear the appeal, before proceeding with the work. If that is what is wanted, go for it by all means, but it will not assist governments or administration, or reduce costs.

Mr. Yates: The same process obtains in many other appeals.

The MINISTER FOR WORKS: Parliament contemplated—although the member for South Perth cannot—that there may be matters of extreme urgency. Otherwise Parliament would never have given power to enter without notice of resumption. I cannot conceive that a responsible Parliament would be likely to give that power to a Government department unless convinced that there could be circumstances of great urgency where it would be necessary to go ahead and go through the formalities of resumption subsequently.

This amendment makes such a course impossible as in every case notice of intention to resume must be given. Then 30 days elapse, during which the owner of the land can lodge an appeal. Then there is time for the Minister to go into the question and give his decision on the appeal, followed by a further 14 days to appeal to the court and then one must wait the pleasure of the court until the decision is given.

Suppose the appeal is lodged at the time when the court is in recess. It could be months before the matter is determined, although the result is a foregone conclusion. The Minister knows full well that he will have no difficulty in justifying his course before the court. Yet he will have to wait week after week and month after month so that the process can be gone through with the same result as if he did not have to follow it. If that is the idea of good administration, by all means let members opposite grasp it.

Hon. D. Brand: It adds only 14 days, excluding when the court is on vacation.

The MINISTER FOR WORKS: They have 14 days in which to appeal and does the hon. member think that the court will sit the following day to suit his convenience?

Mr. Yates: It does happen.

The MINISTER FOR WORKS: It will be listed in the ordinary way. I would assume that there could be some weeks of delay, during which time nothing could be done about the public work. That is a wonderful idea, but it makes no appeal to me.

Hon. A. F. Watts: The Government could make regulations.

Amendment put and passed.

Hon. D. BRAND: I move an amendment—

> That in paragraph (f) all words from and including the word "where" in line 13, page 5, down to and including the word "or" first appearing in line 18, page 5, be struck out.

This is a consequential amendment.

Amendment put and passed.

Hon. D. BRAND: I move an amendment—

> That after the word "notice" in line 27, page 5, the words "or where no appeal to the court has been lodged or if such an appeal has been lodged it has been dismissed" be inserted.

This is also a consequential amendment.

Amendment put and passed.

Hon. A. V. R. ABBOTT: I move an amendment—

> That the words "one year" in line 34, page 6, be struck out and the words "six months" inserted in lieu.

I think a period of one year is too long and that six months would be sufficient in this instance.

The MINISTER FOR WORKS: I hope the hon. member will make his purpose clear. What is he seeking to achieve? What is his objection to the existing provision?

Hon. A. V. R. Abbott: A person cannot deal with his land for 12 months.

The MINISTER FOR WORKS: Because of the amendments that have been carried, six months could elapse before the department had a chance to do anything.

Hon. A. V. R. Abbott: I do not think so.

The MINISTER FOR WORKS: I do, because notice of intention to resume is given and then the owner of the land has 30 days in which to appeal to the Minister.

Hon. A. V. R. Abbott: That is one month.

The MINISTER FOR WORKS: The Minister has to hear the appeal and within 14 days the owner can lodge his appeal to the court and then the pleasure of the court must be awaited. Let us suppose that that could take six months, and conceivably it could. It would depend upon the season of the year and the length of the court list; it could take six months before a decision was given but in the meantime, if this amendment is carried, the notice of intention to resume would have expired. That is another wonderful proposition!

Hon. A. V. R. ABBOTT: I do not think the Minister is quite correct. As the member for Stirling said, regulations have to be made and they would provide that the hearing had to be taken within so many days.

The Minister for Works: I did not think you could push magistrates around like that.

Hon. A. V. R. ABBOTT: Why should a man have his land tied up for 12 months? Surely six months is sufficient.

The Minister for Works: He knows that it is the intention of the Government to take it.

Hon. A. V. R. ABBOTT: But the Government may not take it.

The Minister for Works: You mean the Government may not be allowed to take it.

Hon. A. V. R. ABBOTT: If, after 12 months, the Government does not take it, the notice of intention lapses. There is nothing to compel the Government to resume it.

The MINISTER FOR WORKS: This shows how much thought the Opposition has given to this matter. The existing legislation allows the position to drag on for years and years and I quoted a case this evening where land was entered in 1946 and for six years the McLarty-Watts Government took no steps in regard to it. It was to stop that sort of thing that this amendment was inserted. I have given the Government 12 months to make up its mind, whereas in the past it has been a Kathleen Mavourneen arrangement. It is wonderful what a transformation takes place in regard to certain questions. Surely the Government is entitled to 12 months to make up its mind.

Hon. A. V. R. Abbott: Why tie up a man's land for 12 months?

The MINISTER FOR WORKS: The hon. member had it tied up for years and did nothing.

Hon. D. Brand: Is that right?

The MINISTER FOR WORKS: That is the position.

Hon. A. V. R. Abbott: It was not tied up. The man could have sold the land.

The MINISTER FOR WORKS: Could he?

Hon. A. V. R. Abbott: Yes.

The MINISTER FOR WORKS: I thought the hon. member said that he could not deal with it.

Hon. A. V. R. Abbott: I said that under the old Act a man could do what he liked with the land until it was resumed.

The MINISTER FOR WORKS: Oh yes, until it was resumed! He would have had a great chance of doing what he liked with it if the department had entered the land!

Hon. A. V. R. Abbott: The department is only supposed to enter it for temporary work.

The MINISTER FOR WORKS: Oh no, it is not, because the Act reads—

> Where it is necessary and is intended to take land for a public work which the Minister is authorised to undertake, construct, or provide, the Minister and persons authorised generally or specially by him to do so, may from time to time—
>
> (a) lawfully enter the land with such assistants and things as the Minister or authorised persons think fit for the purpose of undertaking, constructing, or providing the public work; and
>
> (b) do such things as the Minister is empowered by this Act to do in order to undertake, construct, or provide the public work, and such things as are, in the Minister's opinion, necessary as preliminary or ancillary to undertaking, constructing, or providing, the public work;

That is temporary, is it? If that be so, there is a new meaning of the word.

Hon. A. V. R. Abbott: Is that Section 112 you are quoting?

The MINISTER FOR WORKS: Yes. So the hon. member knows only half of the story and his amendment is farcical, because it intends that the notice of intention to resume shall expire in six months.

Amendment put and negatived.

Hon. A. V. R. ABBOTT: The Minister has succeeded in getting a period of 12 months, but does he want a longer period?

The Minister for Works: No, that is enough for me.

Hon. A. V. R. ABBOTT: Because paragraph (d) of proposed new Subsection (3) says—

> . . . but where, before a notice of intention loses its force or effect, the Minister, by further notice in the "Gazette," extends the operation of that notice of intention, the notice of intention shall continue in force for the period for which its operation is so extended.

Therefore, I move an amendment—

> That after the word "Gazette" in line 35, page 6, all words to the end of the paragraph be struck out.

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

Clauses 3 to 20—agreed to.

Clause 21—Section 68 amended:

Hon. A. V. R. ABBOTT: As Section 68 now stands, the court has power to direct where and how the costs shall be paid. After the word "party" the Minister proposes to add the words, "are in the discretion of the Compensation court and" The court already has discretion if the amount is paid as the court directs. I feel that this amendment is not reasonable to the small man because the clause further intends to repeal subsection (2).

I want to amend the provision so that the following words can be struck out of the Act, "amount offered by the respondent or" with a view to inserting the words, "and if the compensation awarded is equal to 75 per cent. of the amount claimed the respondent shall pay the claimant costs." The effect of that would be that if the claimant received less than 50 per cent. of his claim the court would have to award the Crown the costs. If, on the other hand, the claimant were covered up to 75 per cent. of his claim, the court would have to award him all costs. In any other circumstances the court could do as it thinks fit.

The Minister for Works: This is pretty wide. We think it is worth £3,000 and the owner claims £4,000.

Hon. A. V. R. ABBOTT: The Minister thinks that 75 per cent. is too much?

The Minister for Works: Yes, he claims £4,000 and it is only worth £3,000.

Hon. A. V. R. ABBOTT: I think he should have some margin. Will the Minister agree to 80 per cent.?

The Minister for Works: Yes.

Hon. A. V. R. ABBOTT: In view of the Minister's response, I move an amendment—

> That the words "repealing Subsection (2)" in line 37, page 27, be struck out and the following words inserted in lieu:—
>
> > Deleting the words "the amount offered by the respondent or" in line 2 of Subsection (2), and by adding after the word "costs," being the last word in the subsection, the words "and if the compensation awarded is equal to eighty per centum of the amount claimed, the respondent shall pay the claimant costs."

Amendment put and passed.

Clauses 22 to 29—agreed to.

New clause—Section 52 amended:

The MINISTER FOR WORKS: I move—

> That the following be inserted to stand as Clause 13:—
>
> > Section fifty-two of the principal Act is amended—
> >
> > (a) By adding after Subsection (1) the following subsection—
> >
> > > (1a) Where the claimant and respondent fail to agree as provided in Subsection (1) of this section a judge may, on the application of the claimant appoint a person to hear and determine the claim and specify the fee to be paid to him for his services.
> >
> > (b) by adding after Subsection (3) the following subsection—
> >
> > > (3a) (a) If the determination of the person appointed to hear and determine the claim under this section is not acceptable to a party, that party may, after giving, within thirty days after the determination is made known to him, notice to the other party, apply to a court of competent jurisdiction, in which an action for compensation might be instituted, to determine the claim.

(b) Where the party giving notice under paragraph (a) of this subsection fails so to apply to a court of competent jurisdiction within sixty days after the notice was given to the other party, the other party may apply to a court of competent jurisdiction to determine the claim.

(c) Where an application is made by either party to a court of competent jurisdiction under this section the court shall hear and determine the claim and the provisions of Section 47D of this Act shall apply mutatis mutandis.

The section of the Act which this amends provides that where two parties agree, a single person may be appointed in order to determine the compensation. In practice, this is rarely availed of because the department does not desire the appointment of a single person and there is no agreement. So the section is virtually inoperative. The new clause will make it operative, and I think that is desirable.

Hon. A. V. R. ABBOTT: I have not had a chance to consider the proposed new clause thoroughly. The Minister said that under the Act a person may agree to a single arbitrator being appointed; then it provides that where the claimant and respondent fail to agree, the claimant has the right to appeal to a judge. I see no objection to that because it is in favour of the claimant. Under the proposed new clause, although the judge may appoint a single arbitrator to hear the claim, if the other party is not satisfied with the decision he can apply to a court of competent jurisdiction.

The Minister for Works: The proposed new clause gives the right of appeal against the decision of such an arbitrator if the determination is not acceptable.

Hon. A. V. R. ABBOTT: I have no very strong views on this amendment although I do not think there should be this right of appeal. Before the judge makes an appointment he would hear every aspect of the case, and he would appoint a competent person to deal with the matter. After that person had dealt with the matter, there is the right of appeal to the compensation court. It is proposed to permit the appointment of an independent arbitrator but his decision is not to be final.

The MINISTER FOR WORKS: The proposal in the new clause gives the claimant a right to compel the respondent to appear before an arbitrator, subject to the approval of the judge. If the respondent feels that the decision of the arbitrator is unsound and he has not agreed to the appointment, he should have the right of appeal to the court. A few moments ago the member for Mt. Lawley fought strongly for the claimant to have the right of appeal to a magistrate.

Mr. Court: There is no appeal from the magistrate under that amendment.

The MINISTER FOR WORKS: There must be an end to appeal some time.

Mr. Court: It gives the right of appeal from the Minister. The appeal to the Minister against a resumption is not counted.

The MINISTER FOR WORKS: The hon. member assumes that in every case the decision will be against the claimant. Of course, the contrary is more often the case. In cases where an appeal to the Minister does not succeed, the owner has a further appeal. The new clause is to give one appeal to the department, but an objector does not want that. There is provision in the Act to simplify matters so that instead of going to a court constituted of more than one person—

Hon. A. V. R. Abbott: If the parties agree under the Act, that decision would be final.

The MINISTER FOR WORKS: If a person is compelled to go before an arbitrator, to which he does not agree, it is unfair to force him to accept the decision. I thought this proposal would be agreed to because it reacts in favour of the claimant and not the department.

Mr. COURT: There is nothing wrong with the amendment except that it could make a farce of the person appointed by the judge because neither party is bound by the decision and both can appeal. Seeing that both parties are protected, I raise no objection to the amendment.

New clause—put and passed.

Title—agreed to.

Bill reported with amendments and the report adopted.

RESOLUTION—STATE FORESTS.

Council's Message.

Message from the Council received and read notifying that it had concurred in the Assembly's resolution.

BILLS (2)—RETURNED.

1, Education Act Amendment.

2, Main Roads Act (Funds Appropriation).

Without amendment.

House adjourned at 2.1 a.m. (Wednesday).