Legislative Council

Tuesday, the 3rd September, 1968

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

QUESTIONS (2): ON NOTICE

ROAD MAINTENANCE TAX

Payment by Northern Operators

1. The Hon. H. C. STRICKLAND asked the Minister for Mines:

   Will the Minister obtain from the Minister for Transport—

   (a) a list of names of hauliers and transport companies operating from or to, Wyndham, Kununurra, Derby, Halls Creek, and Broome, who pay road maintenance tax;

   (b) the average monthly contribution of each operator to the road maintenance tax fund; and

   (c) the gross total paid by all persons and companies mentioned in (a) to the fund for the year ended the 30th June, 1968?

   The Hon. A. F. GRIFFITH replied:

   (a) The appended list marked "A" shows the names of road maintenance tax contributors who are owners of vehicles registered in Broome, Derby, Halls Creek, and Wyndham and who are known to be engaged in business as hauliers.

   (b) Information showing payments made by individual contributors is confidential.

   (c) The total road maintenance tax paid during the year ended the 30th June, 1968, by owners of vehicles in the appended list marked "A" amounted to $27,168.28. It is not known whether all these vehicles operated in the places referred to in (a) throughout the full year or whether vehicles registered elsewhere may have also operated in these places.

   List of known hauliers and transport companies with vehicles registered with the shire councils of Wyndham (includes Kununurra), West Kimberley (Derby), Halls Creek, and Broome who paid road maintenance charges during the period the 1st July, 1967, to the 30th June, 1968, are as follows:—

   Banks, G. H.
   Birkdale Transport.
   Campbells Transport.
   Csikos, J.
   East Kimberley Transport Co. Pty. Ltd.
   East Transport Kununurra.
   Elliot, T. J.
   Fitzroy Freighters.
   Flinders Transport.
   Forster, J. E.
   Granville, E.
   Griffiths, J. J. & E.
   Guerinoni, C.
   Guerinoni, M.
   Gugeri Transport.
   Gulyas, J.
   Hanks, A. M.
   Jones, D. E.
   Kenwick Trucking & Plant Operating Co. Pty. Ltd.
   K. W. K. Transport.
   Moulsdale, M. L. & G. R.
   Quaresimin, L.
   Sharpe, D. B. & M.
   Stein, K. F. (Great Northern Cattle Transport Co.),
   Threel's Transport Co.
   Weaber Plains Transport.
   Westergaard, R. E.
   White, W. R. & J.
   Young, H. R. & Co.

2. *This question was postponed.*

BILLS (4): RECEIPT AND FIRST READING

1. Superannuation and Family Benefits Act Amendment Bill.

   Bill received from the Assembly; and, on motion by The Hon. L. A. Logan (Minister for Local Government), read a first time.

2. Rural and Industries Bank Act Amendment Bill.

3. Road and Air Transport Commission Act Amendment Bill.

   Bills received from the Assembly; and, on motions by The Hon. G. C. MacKinnon (Minister for Health), read a first time.

4. Geraldton Port Authority Bill.

   Bill received from the Assembly; and, on motion by The Hon. L. A. Logan (Minister for Local Government), read a first time.

BILLS (2): INTRODUCTION AND FIRST READING

1. Medical Act Amendment Bill.

   Bill introduced, on motion by The Hon. G. C. MacKinnon (Minister for Health), and read a first time.

2. Medical Termination of Pregnancy Bill.

   Bill introduced, on motion by The Hon. J. G. Hislop, and read a first time.

MOTOR VEHICLE (THIRD PARTY INSURANCE) ACT AMENDMENT BILL

Second Reading

THE HON. L. A. LOGAN (Upper West—Minister for Local Government) [4.43 p.m.]: I move—

That the Bill be now read a second time.

This Bill contains only one substantive clause and is designed to give effect to the intention of the 1966 amendment that when a spouse is injured because of the negligence of a driver-spouse of a vehicle which is not insured, the injured spouse would be entitled to claim only to the extent of the degree of negligence which might be attributable to a third party.

Previously, if a wife were injured in a collision between a car driven by her husband and another vehicle driven by a third party, she could not sue her husband, but had the right of action against the third party if she could establish any degree of negligence on his part, and could recover the full amount of the claim. In other words, if the husband were 99 per cent. at fault and the third party 1 per cent. the trust was called upon to pay the full amount of the claim on behalf of the third party as though he were 100 per cent. negligent.

Under the 1966 amendment, the wife can now sue both husband and third party if both are insured with the trust and the proportion of negligence between them is immaterial. The trust pays the claim in full—99 per cent. against the husband's policy and 1 per cent. against the third party.

It has now been agreed that the words "the Trust shall not be liable" in section 8A(1), as it now stands, places the third party in exactly the same position as before the amendment; that is, he can be called upon to meet the full claim but the trust is not liable to indemnify him for the portion of the claim not attributable to his negligence. In order to provide for the intention that a spouse may not claim in full when injury is caused by the negligence of an uninsured husband, it is proposed to replace the words "the Trust shall not" in lines 8 and 9 of section 8A(1) with the words "neither the Trust nor that other person shall."

This explanation may sound a little confusing. However, the question was raised by an eminent Q.C. and was studied at length. The question raised by the Q.C. was, in our opinion, found to be right and this legislation is the result.

Debate adjourned, on motion by The Hon. W. F. Willesee (Leader of the Opposition).

METROPOLITAN REGION TOWN PLANNING SCHEME ACT AMENDMENT BILL

Second Reading

THE HON. L. A. LOGAN (Upper West—Minister for Town Planning) [4.47 p.m.]: I move—

That the Bill be now read a second time.

This Bill proposes four changes to the compensation provisions contained in sections 36 and 368 of the Act. They are administrative amendments designed to clarify the provisions, and to afford a measure of protection to the purchasers of land that is reserved under the metropolitan region scheme. Clauses 1 and 2 are the essential administrative clauses of the Bill.

Paragraph (a) of clause 3 is designed to amplify the provisions of section 36 of the Act, which provide for the Metropolitan Region Planning Authority to elect to buy property in lieu of paying compensation for injurious affection when an application to develop land has been refused, or approved subject to conditions that are unacceptable to the owner. The present provisions do not set out how the purchase price is to be arrived at if the owner and the authority cannot agree on a figure.

The amendment proposes that in such a case the price to be paid shall be determined in accordance with the provisions of the Arbitration Act, 1895. Compensation for injurious affection is normally determined by arbitration when agreement cannot be reached and is a satisfactory procedure to adopt. The authority and some owners have voluntarily adopted this practice. Inclusion of the provisions in the legislation will ensure that an owner has recourse to a statutory method of determining a settlement.

Paragraph (b) clarifies a provision of subsection (3) of section 36. The wording of the present section leaves some doubt as to the intent of the provision, which indicates that compensation for injurious affection does not become payable—in the case of land reserved under the provisions of the metropolitan region scheme—until the land is first sold.

The provision for the payment of compensation in such cases was designed to protect the owner of land at the time the scheme—or an amendment—included land in a reservation so that when he later sells the property he is compensated by the authority if he is unable to realise the full market value. Subsequent purchasers are aware of the scheme provisions at the time of purchase—section 36A sets out procedures—and would not be at the same disadvantage as the original owner.

Paragraph (c) provides for a *caveat* to be registered when the authority has paid compensation as the result of a sale by an

owner at a price less than current market value. This amendment is proposed so that any subsequent purchaser is aware that compensation has been paid and that when the property is subsequently acquired by the authority the amount to be paid will be reduced by an amount that has a relationship to the compensation previously paid.

Clause 4 proposes an alteration to the provisions under which valuations are made when properties that are reserved under the scheme are being sold by owners. Experience in operating the provisions enacted in 1966 indicates that, on a rising land market, an owner is at a financial disadvantage if he is unable to sell his property readily. Legal advice indicates that the present provisions do not allow for a review of the board of valuers' figure. The amendment makes this provision and sets out the steps to be taken by the board of valuers and the authority when such a review is made.

Debate adjourned, on motion by The Hon. W. F. Willesee (Leader of the Opposition).

TRUSTEES ACT AMENDMENT BILL

Second Reading

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Justice) [4.51 p.m.]: I move—

That the Bill be now read a second time.

This Bill has been drafted, in response to a recommendation of the Law Reform Committee of the Law Society, to amend existing trustee legislation in three respects. The first of these is to authorise the common funds of the two statutory trustee companies and the Public Trustee as modes of investment permitted to trustees. The second is to clarify some wording in that section of the Act containing miscellaneous powers in respect of property and with particular reference to appropriation of any part of the property in or towards satisfaction of any legacy. The third amendment is to make it clear that a trustee is entitled to be allowed commission on the greatest gross value of the property occurring at any time during the existence of a trust.

In sponsoring the first amendment the President of the Law Society of Western Australia advised me that, for some time now, the Law Reform Committee has been studying the position of the common funds of the two companies in relation to investments authorised by law for trustees to make. Mention was also made that the Public Trustee, it was believed, had a similar fund. It was pointed out to me that the companies invited investors to deposit money in their respective common funds and paid to the depositor a dividend which, in the case of the Perpetual Trustee Company, was usually in the vicinity of 7 per cent. Further, that the fund itself is not an investment in which trust moneys may be deposited, but the 1951 amendments to the Perpetual Executors, Trustees and Agency Company (W.A.) Limited Act and the West Australian Trustee Executor and Agency Company Limited Act provided that the moneys held in the common fund can only be invested in the modes of investment permitted to trustees.

While the committee felt that there were certain details in the administration of the funds which might cause trustees to reflect a little before investing in principal, these funds were considered very suitable investment for trustees. The main administrative detail, which caused some concern, was the restriction which at least one of the companies places on the amount which it will accept for deposit. At present, this company is not prepared to accept less than $3,000. However, this restriction need not always apply and can be altered by the company itself at any time. It was presented to me that, if trustees can invest in this fund, the restriction may be removed.

I believed that the proposal merited favourable consideration and it would remove the difficulty faced by trustees in finding authorised investment for particular amounts. The trustee companies are jealous of their reputation and therefore would ensure that investments of their common funds would be on a conservative basis and, no doubt, be restricted to authorised trustee investments. Under these circumstances, it is considered there would be no risk in authorising their common funds as trustee investments. They provide a very secure investment but, at the present time, the Act does not authorise such investment of many sums that a trustee would want to invest which, in themselves are too small to permit investment but, when combined with other trust moneys, would amount to a considerable sum capable of being invested in the common funds, the profits of which are distributed *pro rata* among the various contributors.

The second amendment—that affecting section 30 of the Act—will clarify certain wording which appears in paragraph (k) of subsection (1). This section, dealing with miscellaneous powers in respect of property, permits every trustee, in respect of any property for the time being vested in him, to appropriate any part of the property in or towards satisfaction of any legacy payable thereout or any share thereof to which any person is entitled. The words, "or any share thereof," have no clear application and consequently some doubt has arisen as to the proper construction of the paragraph.

Opportunity is therefore being taken to remove an ambiguity in the interpretation of the section as to whether "share" is restricted to share or part share in a

legacy only or to a beneficiary's entitlement to part of the estate. Secondly, paragraph (k) requires a trustee, who is appropriating property, to give notice to all persons of full age and full mental capacity who are interested in the appropriation, and to the parent or guardian of an infant who is interested in the appropriation. In many cases, the trustee is the guardian, so is required to give notice to himself. The Law Society considers, where the trustee is required to give notice to himself in another capacity, an application should be made to the court for an order confirming the appropriation. The new subsection is being added to eliminate the former requirement and to require the trustee to obtain leave of the court in those cases. While there have not been any instances which might give rise for concern, the proposal submitted by the society would avoid any appropriation contrary to the interests of other beneficiaries, particularly minors.

Some doubt has arisen concerning the interpretation of "gross value" of an estate on which commission to trustees may be allowed by the court. Under the existing provision, "gross value" may possibly be assessed by adding to the value of assets remaining the value of any which have been dispersed in payment of debts, liabilities, etc., at the date of application for payment of commission. Alternatively, gross value might be regarded as the value only of those assets which the trustee has in hand at the time of the application.

If this interpretation should be correct, a trustee who, by diligent management of a large estate encumbered by heavy debts has paid the debts and then applied for his commission, could not be allowed more than 5 per cent. of the value of what remains, even though the assets realised to pay the debts exceeds the worth of this remainder. The amendment proposed will make it clear that the trustee is entitled to be allowed commission on the greatest gross value of the property occurring at any time during the existence of the trust—as provided by section 143 of the Administration Act, 1903, which section was repealed in 1962.

Then again, the section does not allow interim payments of commission to be made, as section 143 of the Administration Act provided before repeal. It is normal practice for trustees to obtain interim payments of commission, not exceeding in the aggregate, the maximum amount allowable. The fact that the maximum commission is not to exceed 5 per cent. does not mean that trustees receive that maximum percentage because the practice of the court is to vary commission according to the complexity of the work that the trust entails. Thus, where all assets consist of money in a bank account, the trustee might be allowed only a fraction of the maximum commission.

It is therefore proposed that "gross value" be described as the assets of an estate, which would include the assets and payment of debts, liabilities, etc., which have been distributed at the date of application for payment of commission. I commend the Bill to the House.

Debate adjourned, on motion by The Hon. N. E. Baxter.

DRIED FRUITS ACT AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by The Hon. A. F. Griffith (Minister for Mines), read a first time.

LOCAL GOVERNMENT ACT AMENDMENT BILL

Second Reading

THE HON. L. A. LOGAN (Upper West —Minister for Local Government) [5.1 p.m.]: I move—

That the Bill be now read a second time.

This Bill contains nine clauses and is designed to amend the Local Government Act in respect of matters which have arisen during the past 12 months, mainly on representations from the Local Government Association or the Country Shire Councils' Association. It is intended that a second Bill be submitted before the conclusion of this session further to amend the Act.

Clause 1 is designed to make the necessary adjustments to the title of the Act.

Clause 2 amends subsection (10) of section 45 by substituting for the word "first" in line 15, the word "fifteenth." This amendment has been submitted following a request from the Avon-Midland ward of the Country Shire Councils' Association, and is designed to enable companies to nominate representatives, to be effective at the same time as other enrolments.

As regards clause 3, section 281 at present enables a council to enter land within a district, other than that specified, to take road-making material for use within a mile of the land so entered upon. The executive of the Country Shire Councils' Association has requested that the Local Government Act should be amended to delete the one-mile limit. Delegates to the association expressed the view that so long as the landowner is compensated for damage, and for the material taken, the needs of the public should be met and therefore no limit should be placed on the locality from which the material may be obtained.

Clause 4 deals with street levels and has been requested by the Local Government Association to ensure that when a road

has been constructed and levels have not been fixed by a council, the level of a pavement of the road shall be deemed to be the established level, and any change will give rise to the right of compensation.

The next clause, clause 5, is designed to provide authority for a council within the metropolitan area to utilise its borrowing powers to construct sewers and works connected with sewerage, and to sell these works to the Metropolitan Water Supply, Sewerage and Drainage Board.

The Local Government Association has expressed the opinion that the provisions of section 525A make it doubtful, because of the present phraseology, whether a council could borrow to establish the function of providing parking facilities and to recoup itself from the revenue of the undertaking instead of from loan rates. The amendment is designed to make it plain that parking funds may be expended for the repayment of loans and advances made to the council for the actual construction and provision of parking facilities.

Clause 7 is designed to provide for the increase in the limits of rating on unimproved value, with the approval of the Minister. The reason for the amendment is that in rural townsites, because of low values, councils cannot raise sufficient revenue from the rates on unimproved value and are obliged to change to annual values. Many councils, however, prefer the unimproved value system, and the fact that the higher rating can only be levied with the approval of the Minister will ensure that this power will not be used without good reason.

The next clause, clause 8, amends section 592, which provides that if at the expiration of 12 months from the date of the delivery to the Registrar of Titles of the memorial of the advertisement mentioned in section 584, the land is not sold when submitted for sale for unpaid rates, the advertisement and subsequent proceedings cease to have effect, and the land ceases to be bound by the noting of the memorial. The conference of the South-West Shire Councils' Association has recommended that the Act should be amended to provide for the reregistration of the memorial from time to time. The provision enables this to be done only with the consent of the Minister to recommence proceedings for the sale of the land.

Clause 9 contains a consequential amendment following the amendment to section 364 in Act No. 90 of 1964. The reference to subsection (6) should be to subsection (8).

Debate adjourned, on motion by The Hon. W. F. Willesee (Leader of the Opposition).

LAND RESUMPTIONS

Inquiry by Royal Commission: Motion

Debate resumed, from the 21st August, on the following motion by The Hon. R. Thompson:—

> That this House requests the Government to appoint a Royal Commissioner to inquire into and report upon the question of compensation for land resumed since 1950 under the Public Works Act, the Metropolitan Region Town Planning Scheme Act (No. 2), 1965, and any other related Acts, and in particular—
>
> (a) whether there has been undue delay in the payment of compensation; and
>
> (b) whether and to what extent the compensation paid has been inadequate to enable those persons whose land has been resumed to re-establish themselves in new locations without personal hardship, loss of residential or business status, or financial disadvantage.

THE HON. L. A. LOGAN (Upper West—Minister for Local Government) [5.7 p.m.]: The other evening I listened for, I think, some two hours when the honourable member moved the motion for the appointment of a Royal Commission. Since that time I have studied the honourable member's speech and, frankly, I cannot find anything in it which warrants the appointment of a Royal Commission.

I think it is fair to say that Parliament has examined and amended the Public Works Act from time to time, particularly the sections dealing with land resumptions and compensation; and I think I can claim that Western Australia probably has one of the best Public Works Acts in existence. Members might say that this is a rather wide statement, but it is a fact. The compensation and resumption sections of our Public Works Act are recognised throughout the world as being some of the best so far as the individuals affected are concerned.

Mr. Ron Thompson read at length from the minutes of a meeting held at Kwinana; he read at length from *Hansard* speeches which can be read at any time. I am quite prepared to stand up to everything I said and as was recorded in *Hansard*. The honourable member also went to a great deal of trouble to read from newspaper extracts. However, I think it is necessary to comment on one or two of the statements he made.

In his motion the honourable member makes reference to the year 1950, and he wants the Royal Commission to make inquiries into resumptions since that date. He did not give any reason for selecting the year 1950, but when one realises the

number of negotiations that have been entered into between individuals and the department over the last 18 years, one can appreciate that for a Royal Commission to inquire into all of them would take a great deal of time.

Over the last eight or nine years negotiations have been conducted in about 8,000 cases, and yet in his speech the honourable member referred to some 13 letters from people in one particular area and about half a dozen in other areas—that is out of some 8,000 cases which have been dealt with. Surely that does not warrant the appointment of a Royal Commission!

Also, during the course of his speech, the honourable member said I had acted contrary to the Act, and that he intended to prove it. As I said, I have read through the honourable member's speech; I listened to what he had to say; and the only other reference he made—

The Hon. R. Thompson: I did not say you had acted contrary to the Act. Get it right. I said you have misled the House.

The Hon. L. A. LOGAN: Why did I mislead the House? The honourable member said he would prove it.

The Hon. R. Thompson: I did prove it.

The Hon. L. A. LOGAN: You did not. The only reference the honourable member made, after the remarks to which I have already referred, was in regard to a leading article from *The West Australian* where it said that the Town Planning Minister might be technically right in defending the legality of the Metropolitan Region Planning Authority's role in the Kwinana resumptions. So in effect the honourable member proved that I was right and not wrong.

The Hon. R. Thompson: I will have to point it out to you again. I can see that.

The Hon. L. A. LOGAN: The honourable member said—

> The problem has been caused by the Department of Industrial Development, through the Minister for Local Government, using the Metropolitan Region Town Planning Scheme Act, threatening to resume land from some 22 landholders in the Kwinana area. It was considered that this action was contrary to the Act, and I will prove that this is so as I progress.

Am I right?

The Hon. R. Thompson: I will reply.

The Hon. L. A. LOGAN: Good. The only thing the honourable member said to prove I was wrong was to quote what a leading article in *The West Australian* had stated —that I was technically correct.

As regards the meeting held at Kwinana, as with any other meeting—such as the one held at Boyup Brook last Saturday, when some 700 people attended—if one cares to raise a controversial issue one has no trouble getting people to attend. Therefore I do not think I need dwell on that issue except to refer to a letter dated the 23rd May which the Premier received from the Shire of Kwinana. I do not know whether I have this straight or not, but the letter is addressed to the Premier, The Hon. David Brand, and is headed, "Land Resumptions—Kwinana Area" and reads as follows:—

> At a meeting of my Council held last evening, 22nd instant; the Minutes of a Special Meeting of Electors held in the Medina Hall, Medina, on Monday evening, 20th instant, were considered.
>
> The Special Meeting of Electors had been convened by my Council subsequent on a Petition received, calling for such, to discuss land resumptions in the area.
>
> My Council resolved to adopt the Minutes of the Meeting under consideration and I was directed to forward them to you for your personal perusal and immediate action.
>
> My Council would be pleased to have your comments in due course.

I cannot find anything in that letter to indicate what the Shire of Kwinana thought about the matter; and I cannot find any expressions of opinion. The letter simply stated that the shire had adopted the minutes of a special meeting which had been called in response to requests by certain petitioners. The minutes were adopted and forwarded to the Premier. As far as I am concerned the shire has not expressed its thoughts on the matter.

The Hon. R. Thompson: If you read the minutes you will find they are there.

The Hon. L. A. LOGAN: The minutes were for a special meeting of petitioners. Those people were at the meeting, and the honourable member and a few other people were there, too.

The Hon. R. Thompson: I was there by invitation, I might add.

The Hon. L. A. LOGAN: I think it would be silly to go through everything the honourable member said.

The Hon. R. Thompson: It would be hard to answer.

The Hon. L. A. LOGAN: There is nothing to answer, of course.

The Hon. R. Thompson: It would be hard to answer.

The Hon. L. A. LOGAN: It would not be hard to answer. Mr. Ron Thompson said that towards the end of the meeting in question, resolutions, and the rest, were moved. He went on to say—

> The values being offered at Kwinana are not in line with recent increases for the area.

I would point out that valuations must be made in accordance with the standard valuation practice. This is an accepted fact, and a standard must be set. The basis of settlements must be related to authentic valuation, and the prime criteria of value are current sales of comparable land. It is unlikely that any case can be cited where departmental valuations have not been so based and any relevant current sales have been disregarded. Claimants and their valuers are invited to assist the department and themselves in this respect, but are seldom able to adduce any such evidence not already considered.

Reference is made to the substantial increase of land tax throughout Kwinana and to the fact that values adopted by the Public Works Department have not been increased by the same percentage. The honourable member was careful not to quote the actual taxation values, but made many references to percentages of increase. The facts are that the taxation values were ridiculously low as they had not been revised for many years, because there was little movement in land dealings at Kwinana until the Government purchased land for industrial development.

After these purchases at $6,000 an acre had been made, the taxation values were increased, although they are still well below the prices being offered by the Public Works Department. I defy anyone to produce evidence of land transactions in the Kwinana area where as much as $6,000 an acre was paid, prior to the purchases made by the Metropolitan Region Planning Authority.

The honourable member then went on to say—and this was one of his most irresponsible statements—that the Government had deliberately depressed the price of land in the area to which he referred. That is not only an indictment of the Government, but is also an attack upon the integrity of Mr. Jarvis and the officers of his department. It cannot be otherwise, because the honourable member said the Government had deliberately depressed the price of land. To do that Mr. Jarvis and his officers would have to value the land at depressed prices. To me this is an unnecessary attack upon the integrity of the officers of the department.

To deal with the value of land in the Kwinana area, the other day I sighted one particular deal: A syndicate of three purchased 132 acres of land in the industrial area of Kwinana in the middle of 1965 for $340 an acre. At the end of 1967 this syndicate sold the land to another syndicate at a price of $760 an acre.

In his speech Mr. Ron Thompson referred to the letter which Mr. Tonkin had written to the shire council in respect of consultations. He implied in no uncertain terms that there had not been any consultation with the shire. In the letter which the Shire Clerk of Kwinana wrote in reply to Mr. Tonkin the following appeared:—

> The foregoing indicates to what extent this council was consulted.

Mr. Ron Thompson then said, "Members can see to what extent the council was consulted."

The Shire Clerk of Kwinana, in the letter to Mr. Tonkin dated the 29th May, admitted that as early as the 18th January, 1968, he had been notified of the intention to establish a refinery in the Kwinana area. A telephone call was made to the shire clerk to the effect that this would take place.

The Hon. R. Thompson: What date was the agreement signed?

The Hon. L. A. LOGAN: In March—

The Hon. R. Thompson: The agreement was signed on the 19th January.

The Hon. L. A. LOGAN: As early as the 18th January, 1968, the Shire Clerk of Kwinana was notified of the intention; on the 8th February, both shire clerks were shown in detail what was proposed; and on the 12th February, 1968, the group "A" district planning committee for the area was consulted in detail. As far as I am aware neither of the affected shires took advantage of this notice to them to object to the proposed plan, and the representative of the group "A" district planning committee was present on the 29th February, 1968, when the proposal was endorsed unanimously by the M.R.P.A. In fact, I have every reason to believe that both shires were in favour of the plan.

When I replied to the interjection of Mr. Ron Thompson as to the date when the agreement was signed, I was referring to the plan. As I have pointed out, the shires concerned were consulted on the 18th January, the 8th February, the 12th February, and the 29th February. As far as the improvement plan goes, this is a pretty good effort of consultation.

The Hon. R. Thompson: What would have happened if they had not agreed?

The Hon. L. A. LOGAN: That did not arise, because what the honourable member has suggested did not happen.

The Hon. R. Thompson: By then the agreement was signed and sealed.

The Hon. L. A. LOGAN: In the letter written by Mr. Tonkin to the Shire of Kwinana, there is no mention of any complaint by the shire; Mr. Tonkin thought that something might be wrong, and he had written to find out.

The Hon. R. Thompson: You must appreciate the position in which Mr. Tonkin was placed. He was representing Mr. Taylor who was attending the conference sponsored by the Duke of Edinburgh.

The Hon. L. A. LOGAN: When Mr. Thompson said, "I was told by Mr. Lloyd that the first plan was not put into operation because it fell flat," I interjected very vehemently at the time. How silly is it for him to make a statement such as that! Here is the Town Planning Commissioner of Western Australia, who is a member of the Kewdale development authority which is charged with putting into effect the No. 1 plan passed by Parliament; yet Mr. Ron Thompson said Mr. Lloyd told him the plan had fallen flat! I leave members to judge the position for themselves.

The No. 1 improvement plan is progressing very satisfactorily. Most of the properties have been purchased, some of them have been resold, roads and drainage are being provided, and eventually this will be a first class industrial estate.

Then we were told the Metropolitan Region Planning Authority would be responsible for drawing up a plan. However, that was not the case. The planners of the Department of Industrial Development drew up this plan in January. That was a silly statement of the honourable member. Does he expect the 12 members of the M.R.P.A., who are not technical men, to sit down and draw up plans? If Mr. Ron Thompson reads the Act he will find that the M.R.P.A. uses the technical officers of the Town Planning Department for that purpose. This is laid down in the Act.

The Hon. R. Thompson: You are being ridiculous.

The Hon. L. A. LOGAN: The honourable member made the statement that he expected the M.R.P.A. to do the planning. He said the M.R.P.A. with its responsible officers, and the technical officers of the Town Planning Department, together with the officers of the Department of Industrial Development, drafted the rough plan. This is obviously the only way it can be done; and this is the procedure laid down.

But the M.R.P.A. did not accept the first plan which was presented by its technical officers. It made many amendments to the plan, before it was satisfied that it was a proper improvement plan. No doubt, the technical officers of the Town Planning Department used the services of the technical officers of the Department of Industrial Development, because this is, after all, an industrial development project. Why should they not do that in forming a plan such as this?

The Hon. F. R. H. Lavery: Probably that was the only co-operation going on in many Government departments.

The Hon. L. A. LOGAN: They co-operated very well on this occasion, as they always do. Mr. Ron Thompson went on to say that it could be seen the resumptions were about to take place, but at that stage no effort had been made to inform the people concerned. The honourable member implies that the Government is prepared to put the resumption order into effect, before making valuations or offers. He knows the Public Works Act as well as, and probably better than, I do. He must be aware that the Act provides for compulsory acquisition only in default of agreement to purchase.

However, every effort is being made to expedite the process in order of priority of requirement, and I submit the following progress statement: The No. 3 plan was divided into three parts, because of the time schedule and the necessity to get the land ready for the building of the refinery. Perhaps at this stage I might mention why improvement plan No. 3 was put into effect and as I go along members will realise why such a plan was absolutely necessary.

First of all, there is a multiplicity of owners to deal with. I know, and I think every member in this House knows, that when any company—irrespective of what type of company it is—starts to buy land in that area, with everybody knowing the specific purpose for which the land is to be used, what a difficult job it has, without resumption control. I can give figures to show what is going on now, and the need for resumption power to enable this job to be done, because under the Act—

The Hon. R. Thompson: I have a copy in my pocket.

The Hon. L. A. LOGAN: —a timetable is set down. It is very necessary to have a timetable. In the case of companies, such as the one in question, which have worldwide organisations, orders, and markets, and which meet severe competition from other organisations in Australia, the time factor is most essential.

The Hon. R. Thompson: Should they count, in preference to the people?

The Hon. L. A. LOGAN: Not necessarily. The fact is it was necessary, after a decision had been made to build a refinery at Kwinana, to establish it in the right place. The right place is alongside C.S.B.P., because there is need for the exchange of materials, chemicals, etc., in order that one might help the other. It was necessary for a plan to be put into effect, because of the need for railway extensions, road closures, roads to be constructed, and the shifting of services. It is very difficult to do all that when the company has 40 to 50 landowners to deal with—and some of them are not even resident in this State.

According to a newspaper report of last week, C.I.G. will now establish its works in an area alongside the refinery, so that these two industries can exchange the chemicals they produce. This illustrates it is necessary to have good and proper planning in dealing with industries such as these.

Mention has been made that the company is a great financial organisation in this State. Mr. Stubbs and Mr. Garrigan were happy to work for it, and they received very good treatment from it.

As I mentioned before, when one talks about people and the rights of the individual, these are safeguarded under the Public Works Act. People do not have to accept the price they are offered as they have the right to go to court.

The Hon. R. Thompson: That is laughable, isn't it?

The Hon. L. A. LOGAN: The honourable member may think so.

The Hon. R. Thompson: How can a small house owner go to court?

The Hon. L. A. LOGAN: Why not?

The Hon. R. Thompson: Costs are prohibitive.

The Hon. L. A. LOGAN: It will not be costly if a person has a case.

The Hon. R. Thompson: Costs are prohibitive.

The Hon. L. A. LOGAN: In respect of the refinery site, I have given reasons for the necessity for a plan and have shown why time is important. There were a number of owners to deal with and, undoubtedly, some of these people would have dug their toes in and said, "We will not negotiate." I have had years of experience in town planning and of the negotiations that took place in connection with the Mitchell Freeway. After three years of negotiating it was necessary finally to place resumption orders over six properties. The same thing happened in connection with the Kewdale marshalling yards. One can negotiate for so long, but eventually a resumption order is necessary to get people to come to the party. It is necessary to have this power and function.

In respect of the first part of the area —we call it No. 1—of the refinery site, the possession of which is urgently required for construction to commence, 11 properties have been paid for and two claims remain to be settled.

In respect of the remainder of the refinery site, 19 properties have been purchased and six remain to be negotiated, or if negotiations are not completed by a certain time, final resumption orders will be issued.

In respect of land for railway extensions, which will be required in the near future, four properties are in course of purchase and eight remain to be negotiated, or resumed. In respect of the remainder of the plan, 10 properties have been purchased, leaving 11 to be negotiated or resumed. In all cases valuations and offers must be made before action can be taken for compulsory acquisition. Some of the owners referred to by the honourable member have already indicated their willingness to accept the assessment of the Department of Industrial Development.

I do not know quite what the honourable member meant when he made reference to Mr. Court. The honourable member said—

> The eagerness to help giant industries get land cheaply is in sorry contrast with the Brand Government's failure so far to do as much for citizens who want to build a home.

The Hon. R. Thompson: That was a quotation from a newspaper.

The Hon. L. A. LOGAN: The honourable member used it and must have done so in support of his argument.

The Hon. R. Thompson: It is public opinion.

The Hon. L. A. LOGAN: The honourable member went on to say—

> What is especially disturbing about Mr. Court's explanation is his calm assumption that he can tell the town planning authority to implement a political decision.

I repeat that the Government has exercised its right.

The Hon. R. Thompson: I told the truth.

The Hon. L. A. LOGAN: The honourable member did not.

The Hon. R. Thompson: Where did I not?

The Hon. L. A. LOGAN: The honourable member said the M.R.P.A. was told what to do.

The Hon. R. Thompson: Where did I tell a lie?

The PRESIDENT: Order! Will the Minister address himself to the Chair and not invite interjections from across the Chamber?

The Hon. L. A. LOGAN: I was not inviting interjections.

The Hon. W. F. Willesee: I would not like to see you when you are trying, then.

The Hon. L. A. LOGAN: I think it is strange, too, that after all this, and after a period of time, it was necessary for two members, Mr. Ron Thompson and Mr. Taylor, to write to people asking what their grievances were. The people did not go to the two members; they were written to and asked for their grievances. Out of 30 letters sent out, 13 replies were received

The Hon. R. Thompson: You are on your misinterpretation again.

The Hon. L. A. LOGAN: I am not.

The Hon. R. Thompson: You want to start telling the truth. Your lies are wearing a bit thin.

The Hon. L. A. LOGAN: The honourable member said this after quoting from *The West Australian* or some other paper—

> How true that statement is. So much for newspaper cuttings of which I have several dozen. Let us now have a look at what the people think. A colleague in another place and I prepared a letter which we sent on the 30th July. From memory I think about 30 copies were despatched, but I do not know the exact number.

The Hon. R. Thompson: The letter was not asking for grievances.

The Hon. L. A. LOGAN: Not much!

The Hon. R. Thompson: I will give you a copy of the letter.

The Hon. L. A. LOGAN: The honourable member mentioned the cases of Mr. Rose and Mr. Roedel. Let us have a look at what the honourable member had to say on the hustings in Forrest Place, as reported in *The West Australian* of the 14th March, 1968. He said—

> The company had six acres of land at the corner of Patterson Road and Ocean Street.
>
> In 1959 it had been granted freehold land in First Street but two years ago it had to move when a new road was built. The State Government had not paid compensation.
>
> The company had paid $36,000 for its present land and built a new factory worth $50,000. It moved in last year.

That is what the honourable member said at Forrest Place. He did not say that here when he was speaking the other night. He said this—

> At Mr. Rose's request, about last March—from memory—I went down to see him. He told me that in 1959 he had been granted a leasehold factory site in the vicinity of the standard gauge railway line where the bridge crosses the line at Kwinana. As I have said, he had it on a leasehold basis and had to provide electricity and everything else for the property.

They are two entirely different statements.

The Hon. R. Thompson: What I said in both places was exactly the same.

The Hon. L. A. LOGAN: How can they be the same? In one statement the honourable member said the property was freehold.

The Hon. R. Thompson: No, I did not.

The Hon. A. F. Griffith: You must have been incorrectly reported in the Legislative Council.

The Hon. R. Thompson: No, at Forrest Place.

The Hon. L. A. LOGAN: Now let us see what happened in regard to that particular situation. This is a note from the Acting Director of the Department of Industrial Development to his Minister on the 20th March, 1968—

> While it is true that H. Rose & Co. will have to move again to make room for the proposed nickel refinery, the press cutting dated 14th March, 1968, contains serious inaccuracies concerning the first shift, and makes no reference to the fact that H. Rose & Co. will be fully compensated for having to move the second time because of different circumstances.
>
> In the first instance the company did not have the freehold of land in First Street, Medina. It had a monthly tenancy of a factory constructed by the Department of Industrial Development on Crown land reserved for industrial purposes. Therefore no compensation was payable when the tenancy was terminated to make way for the approach to the new bridge over the railway.

The Hon. R. Thompson: I told you the truth, didn't I?

The Hon. L. A. LOGAN: No, the honourable member did not. Continuing—

> Every consideration was extended to the tenants at the time of the first shift, and financial assistance by way of a Government guarantee was even approved and offered to them.

Many of these negotiations are confidential and should never be brought into the light of day because of the circumstances surrounding them. Continuing—

> According to the transfer document registered in the Land Titles Office the present site (Lot 408) cost $20,680 and not $36,000 as stated in the press, and, incidentally, the surname of one of the partners is Roedel and not Rodel as reported.

The honourable member went on to say—

> It is stated that careful attention will obviously have to be given to any problems that this industry may encounter and that the Department of Industrial Development has already given this undertaking.
>
> The Department of Industrial Development has given no undertaking whatsoever. Members will judge how truthful is the plan which was presented to us, and also how truthful are some of the things which have been printed . . . .

The honourable member said the Department of Industrial Development had given no undertaking whatever.

The Hon. R. Thompson: I would rather believe Mr. Rose than your adviser.

The Hon. L. A. LOGAN: This is what the acting director (Mr. T. J. Lewis) wrote to his Minister on the 28th March, 1968—

> I have been in contact with Mr. Roedel, a principal of the above company, regarding the article in this evening's "Daily News."

If I remember rightly, I think that *Daily News* was dated the 14th March, 1968. Continuing—

> According to Mr. Roedel the story in the newspaper arose out of a visit to his factory this morning of a newspaper reporter. This gentleman came into the factory and asked Mr. Roedel and his partner "did they have to shift because of the nickel refinery."
>
> From Mr. Roedel's reply the story was built up.
>
> You will recall, before the announcement of the nickel refinery, you instructed me to visit the firm and advise them of the impending announcement of a nickel refinery. This I did and assured the principals that, as far as possible, the Department would do what it could to prevent disruption of their business through transferring their activities to a new factory, and furthermore that the firm would be adequately compensated for their land and improvements.
>
> This visit was made shortly before the public announcement, and immediately after the press release Mr. Roedel contacted me to see if he could see you. I queried his purpose, and he informed me that he wished to know from you the date when he would have to vacate his factory. I explained that you did not, at that stage, have this information, and assured him that he would be given at least six months' notice. At the time he seemed satisfied with this information and no further approach was made to me or anyone else in this Department for an interview with you.
>
> Mr. Roedel informed me today that he still wants to know the date when he will have to vacate the existing premises. He explained that it is essential he have this information if he is to enter into contracts. I can appreciate this, and I recommend that we inform him of a deadline date by which he will have to vacate his premises so that he can plan accordingly.

This minute to the Minister was dated the 28th March, and would be after the discussion with Western Mining Corporation.

Now I will quote a letter dated the 13th May, 1968, addressed to Mr. F. Roedel, and H. Rose & Co., Patterson Road, Kwinana. It reads as follows:—

> Re: Lot 408 Patterson Road, Kwinana
>
> Since your recent discussions with Mr. T. J. Lewis of this Department concerning acquisition of your factory site, an investigation has been made into phasing of development of the proposed nickel refinery and widening of Patterson Road, and I am now able to inform you that vacation of your factory will not be necessary before 30th June, 1970.

The Hon. R. Thompson: What date?

The Hon. L. A. LOGAN: The 30th June, 1970. Continuing—

> Previous verbal advice that you can be assured of at least six months' notice is also confirmed, and I trust this knowledge will assist you in future planning.

That letter was sent on the 13th May, 1968. Mr. Ron Thompson said—

> The Department of Industrial Development has given no indication whatever.

The Hon. A. F. Griffith: He would not know!

The Hon. L. A. LOGAN: Now we come to a few of the cases mentioned in regard to purchasers, what they paid, what they were offered, and what they accepted. Mr. Ron Thompson mentioned names, so I can, too. The first was Noelle Cynthia Hughes, who purchased four lots—Lots 7 to 10—in May, 1948, the purchase price being $540. She sold Lot 10 for $300 in 1951, and Lot 9 in 1966 for $1,220. The remaining land—two vacant quarter-acre lots—were valued by the Public Works Department at $3,520.

The Hon. R. Thompson: For both?

The Hon. L. A. LOGAN: Yes, for the two. This is, in effect, $7,000, or a little more, an acre. Negotiations have broken down because of a request for $6,000 compensation. No settlement can be effected until the matter is taken to court, but an immediate advance payment of most of the lesser amount can be arranged if required; otherwise interest will accrue under the provisions of the Act, and this would be at 7¼ per cent. The question whether or not adequate compensation was paid should not be prejudged because it is still a matter for the court to indicate whether it is fair and reasonable.

Another case involved M. & J. Hughes. I want members to listen to this one. This block was purchased, it is claimed, as a residential block only two years ago. To be precise, it was on the 29th March, 1966. The purchase price was $1,250. Since 1956 this land has been zoned for industry, yet these people said they bought it for residential purposes.

The Hon. R. Thompson: That is right.

The Hon. L. A. LOGAN: How could it have been bought for residential purposes when it has been zoned as an industrial site since 1956?

The Hon. R. Thompson: Because it is being sold as residential.

The Hon. L. A. LOGAN: The block is still vacant and unimproved. Is it reasonable that such a cheap purchase of land of doubtful value for residential use should be used as a stepping-stone to a more valuable site in another beach suburb? The Government has already directed that special consideration be given to *bona fide* occupiers subject to acquisitions in this area; but surely it could not be expected that any such concessions be extended to owners of vacant land in the former category, especially as the land was purchased in a known heavy industrial area where its residential status was non-existent. I might mention that these people paid $1,250 in March, 1966, and have been offered $1,950.

The Hon. R. Thompson: They did not know that when they wrote to me.

The Hon. L. A. LOGAN: The honourable member rushed into this too quickly. He did not wait. With regard to Mrs. Carolina Wilton, here again the honourable member has attacked the integrity of certain people. I think he ought to stop and consider sometimes before he makes these statements. An allegation was made that two estate agents made the inference that "'You had better accept his offer or resumption will certainly follow probably at a lower price.'"

This is a serious charge. Both agents deny any such inference. Had Mrs. Wilton brought this to light before accepting the $29,020 for her five acres, it would have been investigated immediately. With regard to the fact that Mrs. Wilton bought the land for industrial development purposes, we assure her that if she writes to the Department of Industrial Development the department will help her with land elsewhere for these purposes.

I am not suggesting that the honourable member said all these things himself. However, they were in letters written to him, which he has read to this House as part of his argument for the setting up of a Royal Commission. Therefore, one can only come to the conclusion that he is agreeing with what has been said because he has used the arguments in support of his case.

He mentioned the case of N. E. and E. M. Waters, and here again the letter they received was purely a notice of intention to resume and not a resumption order.

The case of McWhirter has been mentioned a few times. I happened to see the TV interview; and, when the interviewer asked Mr. McWhirter what he had been offered and he said he had been offered $17,500, the interviewer asked in no uncertain terms, "Don't you think that is a very good price?" However, Mr. McWhirter wanted $22,500; but now settlement has been completed and he has agreed to accept $19,750.

The Hon. R. Thompson: When I quote the right figures you reckon it is good.

The Hon. A. F. Griffith: What sort of argument is that?

The Hon. L. A. LOGAN: These are the figures accepted.

The Hon. R. Thompson: That is what I quoted.

The Hon. L. A. LOGAN: The honourable member said he wanted $22,000.

The Hon. R. Thompson: That is right.

The Hon. L. A. LOGAN: I am not arguing with the honourable member at this stage. I am merely stating what Mr. McWhirter wanted, what he said on TV, and the surprise of the TV interviewer when he was told of the price offered.

With regard to the case of Mr. Crook, he did not, of course, buy the property. It was a gift from his parent, and the stamp duty adjudicated on it when it was transferred in December, 1963, was $1,050. Negotiations are proceeding. He has been offered $6,500. I want members to keep in mind that the block involved is only three-quarters of an acre. For this three-quarters of an acre he wants $20,000. When dealing with people such as this, it is essential that those concerned should have resumption powers. He is not the only one. A few others are involved as well.

I want members to take notice of the next case which concerns a person unnamed. I can imagine the person had very good reason for not wanting his name mentioned. He purchased his six acres six years ago for $1,200. That was the then current market value. The present taxation value is $20,400 against the department's offer of $40,150. It was valued at $36,000 plus the 10 per cent. However this person is demanding $72,000. He bought the land six years ago for $1,200 and is now demanding $72,000.

The Hon. R. Thompson: You did not get up and talk about other land speculators like this.

The Hon. L. A. LOGAN: The honourable member put these cases up. I am merely answering them.

The Hon. R. Thompson: They are true, too.

The Hon. A. F. Griffith: You are in sympathy with the chap who wants the $72,000?

The Hon. L. A. LOGAN: That is what I want to know. Does Mr. Ron Thompson think he ought to get $72,000?

The Hon. R. Thompson: I did not say he should.

The Hon. L. A. LOGAN: No! Then why use it?

The Hon. R. Thompson: I dealt with all the cases.

The Hon. L. A. LOGAN: The next case quoted was in a different category. This fellow had an area of 12 acres and wanted $80,000 for it. However, this other person wanted $72,000 for six acres which he purchased six years ago for $1,200.

Mr. Godwin, of course, has been mentioned in the news quite considerably. He was, I believe, the instigator of the special meeting down there.

The Hon. R. Thompson: I am waiting for you to deal with this one.

The Hon. L. A. LOGAN: He finished up receiving no more than he was offered four months ago. He was living in a four-bedroomed house with two bedrooms in lean-tos. He was offered $12,000. I understand he has now been supplied with a replacement: a four-bedroomed brick and tiled home in Rockingham; and it is not going to cost the department any more than the original $12,500 offered to him. He has accepted the offer of a replacement.

Mention was made of the State Electricity Commission, and a few gentlemen concerned. I am only going to read what Mr. Jukes has submitted. Here again the honourable member has implied that very respected valuers with a high reputation have done something wrong by placing a low valuation on these properties.

The Hon. A. F. Griffith: Sworn valuers.

The Hon. L. A. LOGAN: That is right. Mr. Jukes said—

> The following notes deal with the matters mentioned by the Hon. R. Thompson as far as they affect the State Electricity Commission. The areas mentioned include blocks which the Commission purchased near the Kwinana Power Station to enable the Commission to construct transmission lines out of the station.
>
> Milner & Co. were engaged by the Commission to value the properties.

These are very highly respected valuers. To continue—

> The Commission has not resumed any land in this area. All land that has been acquired has been purchased by private treaty.
>
> Reference No. 1:
>
> In one sentence the Hon. Mr. Thompson refers to a corner block. It seems that this corner block may be one formerly owned by Mr. E. Golebiowski. That is Lot 51, corner of Old Rockingham Road and Burlington Street, Naval Base. The transaction between the Commission and Mr. Golebiowski is as follows:—
>
> May 1967—At the Commission's request a valuation for land and improvements was made by Milner & Co. This valuation was $2,200. An offer to purchase for this figure was made to Mr. Golebiowski. He refused this offer and he was then asked to have his own valuation made.
>
> September 1967—At Mr. Golebiowski's request a valuation of land and improvements was made by Higham & Son. This valuation was $4,000.

So the commission offered him $4,000, but he refused it. He did not accept the first valuation or the valuation of his own valuers.

The Hon. R. Thompson: Milner is not too good a valuer, is he?

The Hon. L. A. LOGAN: I will come back to that in a minute to show how good he is. This was in September, 1967. To continue—

> As this valuation was higher the Commission settled on this basis, plus 10 per cent. plus $100 for removal expenses—total $4,500.

The buildings were then sold back. I do not know what was paid for them, but they were sold back to this person for $125.

The Hon. R. Thompson: They were not worth that much.

> The following are the details of the negotiations between the Commission and Mr. Maschowsky and his agent:—
>
> September 1966—At the Commission's request the land was valued by Milner & Co. at $2,300.
>
> November 1966—The Commission offered to purchase from Mr. Maschowsky for this figure. The offer was refused by Mr. Maschowsky.
>
> December 1966—At Mr. Maschowsky's request the land was valued by Higham & Son at $2,500. The Commission offered to purchase from Mr. Maschowsky for this figure. The offer was refused by him.

It was valued by Milner & Co. in September, 1966, and by Higham & Son in December, 1966. The difference in valuation was only $200. However, Mr. Maschowsky refused the offer, despite the fact that the two valuations were almost identical. Do not tell me it was not a fair and reasonable valuation when the two were so close!

In June, 1967 the commission again offered to purchase the land for $2,500 plus $250 to cover the cost of shifting and general inconvenience, plus $50 for part use of the land, making a total of $2,800. The commission did not even receive a reply to that offer.

In September, 1967, Mr. Maschowsky engaged Peet & Co. who valued the property at $4,200. The honourable member should not forget that the original valuation was made in September 1966, and this valuation was made 12 months afterwards. Peet & Co. valued the inconvenience at $420, and rent at $50, making a total of $4,670. The commission offered, through Peet & Co., to purchase the property for $3,820 and offered $380 for inconvenience and rent, making a total of $4,200.

In February, 1968, Peet & Co. advised the commission that the offer had been accepted, but requested further compensation, which included their fees. In March, 1968, the commission's final offer through Peet & Co. was $4,200 for land, $100 for removal expenses, and $142.50 for rent to the 31st March, 1968, making a total of $4,442.50. Mr. Maschowsky had the right of removal of sheds and structures. In June, 1968, a settlement was made on the basis of $4,200 plus $550 for improvements. Mr. Maschowsky is still living on the property, rent free.

Reference was made to another property, but the commission says it cannot identify the property and consequently has made no comment.

I think it is fair to say that these are sworn valuers of very high integrity. They cannot afford to make valuations which are not consistent with good valuations.

The Hon. R. Thompson: It is strange how the commission paid double the original valuations.

The Hon. L. A. LOGAN: Do not forget that this is because of negotiations. The final valuation was made 12 or 14 months after the original valuation, at a time when the Government had started buying land in the area. If the Government had not bought land there, probably the property could have been bought for half the price.

The question was raised that the commission would also require the resultant transfer to be engrossed with the consideration of $4,000 less 10 per cent. Mr. Ron Thompson raised the query whether this should or should not be done. In regard to the question raised by the honourable member, Mr. Jarvis comments that it is not standard practice, but inclusion in transfers of elements of compensation over and above values is misleading inasmuch as unwary valuers are prone to accept the full price as value in seeking comparable sales and unless corrected by investigation this can lead to inflated values. Likewise, if stamp duty were payable on Government purchase, segregation might be necessary.

The honourable member then mentioned Mr. Bailey and, at the time, he said he could go on until midnight if he gave all the details. Of course, he did not tell us that back in 1953 when The Hon. J. T. Tonkin was Minister for Works, he signed resumption orders taking some of Mr. Bailey's land, or the fact that Mr. Bailey purchased 75 acres, 1 rood, 28 perches on the 10th February, 1947, for $1,296.

The Hon. F. R. H. Lavery: How many acres?

The Hon. L. A. LOGAN: The area was 75 acres, 1 rood, and 28 perches. He bought it in 1947 for a total price of $1,296, or $17 an acre. In the *Government Gazette* of the 31st December, 1953, the then Minister for Works (The Hon. J. T. Tonkin) gave notice of intention to resume, under the Industrial Development (Kwinana Area) Act and the Public Works Act, an area of 30 acres, 2 roods, and 19.4 perches. In the *Government Gazette* of the 24th December, 1953, under the Industrial Development (Kwinana Area) Act—

The Hon. R. Thompson: Under section 6 of the Act.

The Hon. L. A. LOGAN: —the State Electricity Commission Act, and the Public Works Act, The Hon. J. T. Tonkin gave notice of intention to resume 1 acre, 3 roods, and 2.4 perches for the electricity transmission line to Kwinana.

Again, in the *Government Gazette* of the 24th December, 1953, under the Industrial Development (Kwinana Area) Act, and the Public Works Act, he gave notice of intention to resume 4 acres, 1 rood, and 19 perches for the Coogee-Kwinana railway. For these parcels Mr. Bailey received, respectively, £2,630 or $176 an acre, £80 or $80 an acre, £200 or $94 an acre. Settlement was reached in March, 1955. The reason for the delay, which was mentioned by the honourable member, was that Mr. Bailey was working on the State ships and negotiations only had a chance of proceeding when he was in port.

The Hon. R. Thompson: I think the Minister should put the record straight. Mr. Tonkin resumed the land under the McLarty-Watts agreement of 1950.

The Hon. L. A. LOGAN: I am just saying that Mr. Tonkin signed the resumption order.

The Hon. R. Thompson: He had to sign it under the agreement.

The PRESIDENT: Order!

The Hon. L. A. LOGAN: Mr. Tonkin signed the orders for the purposes of industrial development, railways, and State Electricity Commission requirements.

The Hon. R. Thompson: He had to, under section 6 of the Act.

The Hon. L. A. LOGAN: Mr Ron Thompson then mentioned Mr. Caratti; but, again, he did not give the full facts. At the time he said—

> It will be realised that what people say about the valuers going to their properties is quite true. They use bluff.

Again, Mr. Ron Thompson was talking about the integrity of valuers, and he said that they go onto the properties and use bluff to persuade people to accept a lower valuation instead of a proper valuation. Let me say that Mr. Jarvis and his officers are extremely jealous of the ethics employed in these matters, and I believe they have every justification to be very upset at the charges being made against them. They strongly deprecate any implication by negotiators purporting to threaten resumption in order to obtain settlement. Similarly, any imputations of bluff tactics are vigorously rejected.

The honourable member talks about telling the truth, but he did not tell us the truth about this case. In the case of Mr. Caratti the facts are that the initial assessment of $15,000 was subsequently amended to include purchase of a sewered area of 2 acres, 3 roods, and 29 perches fronting Moylan Road—

The Hon. R. Thompson: I told you that.

The Hon. L. A. LOGAN: —the cost of an internal development subdivisional road which the owner undertook to construct, and allowance for relocation of access from Moylan Road across the railway to the major residue at the rear. Negotiations were conducted on an amicable basis throughout, frequently in Mr. Ron Thompson's presence, and there was no suspicion of bluff.

The Hon. F. R. H. Lavery: It certainly took some raising, and many weeks.

Sitting suspended from 6.8 to 7.30 p.m.

The Hon. L. A. LOGAN: At the outset I wish to make it plain that improvement plan No. 3 was divided into three sections. Some resumption notices were issued in respect of the first section. No resumption notices were issued in respect of the other two sections, but notices of intention to resume had been issued. So it can be seen there is a difference between the action taken on the first section and that taken on the other two.

Mr. Ron Thompson went on to refer to the Minister for Police not granting permission for a home to be transported. To me, this seems to be quite outside the motion before the House and I do not intend to make any reference to it.

In regard to the Mandogalup area I am informed that the contributors to the electric light scheme will have all their expenses recouped, and the Public Works Department is still negotiating with the owners of properties in that district.

The only other property mentioned by Mr. Ron Thompson was Lot 1190 situated in Johnson Road. He said—

> The Department of Industrial Development wants to purchase the land, if possible; and under the agreement the company is required to supply top soil for fill, because the department wants to contour.

I do not know what that means. The situation in this instance is that the owner of Lot 1190 was advised by the Department of Industrial Development that only part of his land was to be resumed and that the house would not be affected in any way whatsoever. A plan was forwarded to him to ensure he was aware of the situation. No action has been taken to acquire the land as the area has not been accurately defined for this purpose. The negotiations were confined to whole lots which did not require subdivision. So, in effect, he was advised of the plan of the work and was told that his house would not be affected.

The Hon. R. Thompson: How long ago is it since he was advised?

The Hon. L. A. LOGAN: I have not the information here, but the Department of Industrial Development forwarded a plan to him and advised the house would not be affected.

The Hon. R. Thompson: He did not have it a week ago.

The Hon. L. A. LOGAN: No date is given on the information I have so I cannot enlighten the honourable member. That is all the comment I wish to make on the remarks that have been made by Mr. Ron Thompson on various properties, but I now wish to refer to the statement made by him that the Government was deliberately depreciating the value of land for the benefit of the Western Mining Corporation. In regard to improvement plan No. 3 I have compiled some information concerning the owner of every property that is likely to be affected, including the date the property was bought, the purchase price, the year in which it was purchased, the price that was accepted, or the price which is still being negotiated with the department concerned.

After supplying this information to the House I think it will prove conclusively that the statement made by Mr. Ron Thompson was out of character and was certainly unjustified. The first person I wish to mention purchased six acres in 1946 for $144, and settlement has now been made with the Public Works Department for $40,150. This is vacant land. I would not say that this is an instance of land being devalued to enable Western Mining Corporation to make a settlement with any owner. I have already referred to the Hughes' case, so I will not deal with it again.

There is another property mentioned which has an area of 1 rood, 5.6 perches. It was purchased in 1950 for $80. It is vacant land, and the owner has been offered $1,840. Another property of the same area was bought in 1950 for $110, and the owner has been offered $1,840. Another owner of a block of the same size purchased the land in 1956 for $300, and has been offered $1,900. That is vacant land. A block just over one rood in area was bought in 1956 for $300, and

the owner has settled with the Public Works Department for $1,900. This is also vacant land. Another owner of a block of 1 rood, 1 perch, which was bought in 1958 for $3,940, accepted settlement of $13,000 from the Public Works Department. That property has a house on it.

In 1959 another person bought just over 10 acres for $1,800. That is vacant land and it has now been purchased by the Public Works Department for $73,250. Another block, of an area of 1 rood, 4 perches was purchased by the owner, in 1961, for $1,600. This block has a house erected on it and settlement has been made with the Public Works Department for $10,000.

The Hon. F. R. H. Lavery: All of these properties have been purchased by the Government?

The Hon. L. A. LOGAN: Yes. Another person purchased 1 rood, 8 perches of land in 1962 for $1,680. The Public Works Department has offered $11,320 for the land, including the house erected on it. A block of 1 rood, 5.6 perches, was purchased in 1963 for $680, and the Public Works Department has now offered the owner $14,800 for the property, which includes a house. Three blocks of land, consisting of 1 rood, 5.6 perches; 1 rood, 5.4 perches; and 1 rood, 5.6 perches, belong to Mr. Crook of Merredin. He was offered $6,500 by the Public Works Department, but he wants $20,000, and negotiations are still proceeding.

Another block of six acres was purchased by the owners in 1964 for $5,400 and they have now been paid $40,000 for this land by the Public Works Department.

The Hon. S. T. J. Thompson: What improvements have they done in the meantime?

The Hon. L. A. LOGAN: None; it is vacant land.

The Hon. F. D. Willmott: Not a bad cop!

The Hon. R. Thompson: Moreover, they have not been allowed to make any improvements.

The Hon. L. A. LOGAN: Another block of six acres was purchased in July, 1965, for $4,750. This is vacant land and the Public Works Department has made a settlement of $40,150.

The Hon. F. R. H. Lavery: There must be a special reason for that.

The Hon. L. A. LOGAN: In 1966 a block of five acres was bought for $12,000. It is still vacant land and the Public Works Department has paid the owner $34,375. Another block of 4 acres, 1 rood, 20 perches, purchased in August, 1966, for $13,000 is the subject of an offer—which includes a house—by the Public Works Department of $36,000. I have already referred to Mr. Rose as one of the owners of the property concerned, so I will not mention him again. Another property of 1 rood, 12 perches, was purchased in November, 1966, for $1,220. This is vacant land and it was purchased by the Public Works Department for $1,870.

On the 5th December, 1966, an owner bought six acres for $4,250 and has now made a settlement with the Public Works Department of $40,150 for this land. The owner of a block of just over five acres, purchased in February, 1967, for $19,000, has now been paid $29,020 for it, and it is still vacant land. That is not bad in 12 months.

The Hon. F. D. Willmott: I am in the wrong business.

The Hon. L. A. LOGAN: Another owner purchased six acres a month later—that is, in March, 1967—for $25,000, and the Public Works Department has offered $45,650. However, the owner wants $70,000 for the property.

The Hon. F. R. H. Lavery: What was the area of the property?

The Hon. L. A. LOGAN: Six acres. It was purchased on the 16th March, 1967, for $25,000, but now, 12 months later, he wants $70,000 after having been offered $45,650. The claim, of course, has not yet been settled. Another block of six acres was purchased for $40,000. That also was vacant land.

The Hon. R. Thompson: In regard to the owner who is asking $70,000 for his land, what did he want it for?

The Hon. L. A. LOGAN: There are about six tenants in common.

The Hon. R. Thompson: It was bought for industrial purposes, but the owners are not allowed to construct a factory on it.

The Hon. L. A. LOGAN: But they want a lot of money for it now. They bought it for $25,000, and now they want $70,000. Another owner bought an area of six acres in June, 1967, for $30,900, and the Department of Industrial Development has purchased it for $36,000.

I could go on quoting several more cases and the figures relating to them to discount the statement made by the honourable member that the Government is devaluing the price of land for the benefit of a large organisation. I would also mention that it was the same department and the same valuers who dealt with the Kewdale development authority and who paid $76,000 for a property of 8½ acres that was bought in 1966 for $54,000. That was an improved property.

Other properties the subject of negotiation with the Kewdale development authority included one block of 8½ acres purchased in 1967 for $43,500 and bought by the authority for $62,000. That was vacant land. In 1962, 15 acres were purchased for $20,000, and the authority paid $122,450 for that vacant land. Ten acres

were purchased in 1956 for $3,500. This was an improved property, and the owners were paid $90,000 for it by the authority. In 1963, 37½ acres were purchased for $41,700, and the owners were paid $287,500 for the property, partly improved.

In 1964, 8½ acres were purchased for $13,500, and the owners were paid $73,183 for the unimproved land. In 1964, 7½ acres were purchased for $17,000, and the owners were paid $60,000 for the unimproved land.

The Hon. R. Thompson: They are Kewdale values which are much higher than the values in Kwinana.

The Hon. L. A. LOGAN: Not very much, at the moment.

The Hon. R. Thompson: Kwinana values have been depressed.

The Hon. L. A. LOGAN: The next case did not involve much land. The owner paid $6,200 for the half-acre, but he received $8,340 for it. In another case an area comprising 4 acres, 3 roods was purchased in 1966 for $23,500, but in 1966 the owner was paid $40,000 for it. One area comprising 2 acres, 1 rood was purchased for $2,900 in 1963, but the owner received $20,850 for it. An area comprising 6 acres, 3 roods was purchased for $2,000 in 1962, but the owner received $55,100, this being an improved property. The last case concerns an area of five acres which was bought for $20,500 in 1964, but the owner received $45,250 for it.

I think I have said enough in giving those figures to justify fully the actions of the department and its officers, and their approach to the problem of dealing with the owners of property, when it comes to the question of resumption for industrial or other purposes.

In the motion Mr. Ron Thompson proposes going back to 1950. Every person whose claim has been settled has signed to the effect that he has no further claim to make. There is no outcry from any of the people concerned to go back to 1950, in order to find out what has taken place. I have mentioned the thousands and thousands of negotiations and settlements which have been transacted; and I have given the figures relating to the amendment of improvement plan No. 2. There is no secrecy about the figures, and they can be supplied to any member who wishes to have them. A Royal Commission could not obtain any more figures than those I have given. Under the circumstances I can see no useful purpose being served by proceeding with the motion, and therefore I oppose it.

THE HON. F. R. H. LAVERY (South Metropolitan) [7.47 p.m.]: Before I speak to the motion I would like to point out, despite the information given by the Minister, that the case was put up by Mr. Ron Thompson after a very thorough and careful examination of the situation. The information which he produced was as supplied to him, and in many cases it was also supplied to me. The two of us are members for the same province, and to a certain extent we know what has been going on. However, there is a limit to the amount of information we can obtain, when it is a matter of finding out the real facts of each individual case. We can only get the information as supplied by the persons concerned.

I would point out to the Minister that while it might seem to him that Mr. Ron Thompson was somewhat extravagant in some of his remarks, I can assure him that the facts outlined by the honourable member were as supplied to him by the people concerned; admittedly the information was not given on oath.

The Hon. R. Thompson: It was given in black and white.

The Hon. F. R. H. LAVERY: Yes, in many cases in black and white. When the previous member for Cockburn (Mr. Curran) was ill, Mr. Ron Thompson looked after the Cockburn and Kwinana areas of that electorate, while I looked after the area further north around Applecross and Fremantle. At all times we have discussed between ourselves the common problems. When Mr. Ron Thompson put up the case in support of his motion he did so in accordance with the information supplied to him.

The Minister for Local Government asked why we are seeking to go back as far as 1950; and maybe I can answer that. The Industrial Development (Kwinana Area) Act of 1952, as shown in vol. 15 of the reprinted Acts, was an Act to authorise, subject to special conditions, the acquisition of and dealing with certain land for industry and for other purposes; and for incidental matters. What some of the incidental matters are is anybody's guess.

Section 3 is as follows:—

> Subject to section two of this Act, this Act shall apply and have effect in relation to the whole of the land within the area delineated and coloured green on the plan in the Schedule to this Act,
>
> > except land of the Commonwealth and the land within the area delineated and coloured pink and green on the plan in the Schedual to the Agreement mentioned in the Oil Refinery Industry (Anglo-Iranian Oil Company Limited) Act, 1952,
>
> and shall so apply and have effect notwithstanding the provisions of any other Act and notwithstanding anything done, suffered or decided under any other Act.

In section 4, "Interpretation" the following appears:—

> In this Act, unless inconsistent with the context—"industry" includes any trade, profession or business.

In section 5, the provision relating to power to take lands, the following appears:—

> (1) At any time and from time to time within a period expiring on the thirty-first day of December, one thousand nine hundred and fifty-three, the Governor on the recommendation of the Minister, may set apart, take or resume any part or parts of the land in relation to which this Act applies, as in the opinion of the Minister is or may be, either immediately or in the future, required for an industry or industry generally, or a public work, or for any purpose of town planning mentioned in the First Schedule to the Town Planning and Development Act, 1928-1947.

Subsection (2)(b) of that section is as follows:—

> For the purpose of determining the amount of compensation, if any, to be awarded for land taken or resumed under this section, the value of the land with any improvements thereon, or the estate or interest of the claimant therein, shall, for the purposes of paragraph (a) of section sixty-three of the Public Works Act, 1902-1950, be regarded as the value as on the first day of January, one thousand nine hundred and fifty-two, notwithstanding that the notice in the *Gazette* of the taking of the land is gazetted at any time during the period expiring on the thirty-first day of December, one thousand nine hundred and fifty-three.

I read that to show that the industrial area at Kwinana was developed as a result of the Oil Refinery Industry (Anglo-Iranian Oil Company Limited) Act of 1952. The State did what it believed to be right —I do not doubt it was the correct decision—in developing a vast area of land in this locality—land which prior to this was almost undeveloped. Most of the owners of land in that area had properties comprising five, 10, and up to 70 acres. On some of these properties cottages had been erected, and on some of them the owners were working part-time. Quite a number of the owners were waterside workers who had taken up their properties before the stevedoring commission came into being, when on many occasions work was not available for two or three days at a time. During those slack periods they worked on their properties.

Although the Minister has given us some information which was supplied to him by various departments, I still support the proposal in the motion to go back to 1950. Unfortunately I have to point out that three of the men who were involved in these negotiations died before their properties were finalised under the Industrial Development (Kwinana Area) Act. I well remember the late Mr. Vic Riseley who was well known in this Parliament in the earlier years as a reporter—during the term of office of the Collier Government, and even before. He was a well-known journalist; and at the time he was the freehold owner of the Naval Base Hotel property. This is the area in which the alumina refinery now stands.

Because he was offered only £4, or $8, an acre, he and some other landowners of the area arranged through the late Mr. Evan Davies and myself for a deputation to wait on the then Minister for Works (Mr. Tonkin). Soon after the site for the refinery was decided upon, and the company was brought to this State by the then Minister for Works (Mr. Brand) and the then Premier (Sir Ross McLarty) there was a change of Government. It was left to the incoming Labor Government to complete the arrangements for the establishment of the industry in this area.

I took Mr. Riseley on a deputation to the Public Works Department offices which were then established in front of Parliament House. As is usual with deputations, its members were invited to come to Parliament House afterwards to partake of some refreshments. Mr. Riseley submitted the case on behalf of himself and 10 other landowners, and after that had been done he climbed the steps leading from the Government offices to Parliament House; but later that afternoon he suffered a severe heart attack and died. I felt that he would have lived for a number of years longer had I not taken him up those steps. I am sure Dr. Hislop will agree that a man with a heart condition should not climb so many steps.

There was the case of another person who took his own life, because of the worries he had with land resumptions in the Coolbellup area. This person received some money, and other land in Thompson Road, in exchange for his land.

Another case concerned a Mr. Brown who had a fair amount of land in the Naval Base-Kwinana area, and 20 subdivided building blocks in the Rockingham area. After many years of negotiations that man finally passed on without the matter being resolved. So there is no doubt that the earlier resumptions by the departments concerned did involve a great deal of negotiation.

When the Minister spoke tonight he mentioned that people had bought land in 1947, and he mentioned a Mr. Bailey who bought 75 acres on the 10th February, 1947, at a cost of $1,296. Some time later —something like five or six years— approximately 40 acres of that land were

resumed and the owner received $5,260 for it. That is a different story from the facts supplied by the Minister regarding the compensation received these days.

Mr. Ron Thompson referred back to 1950 because in those days the average price paid by the Government was £8 and £9 an acre. The B.H.P. company paid £75 an acre, after the land had been developed and electricity, and so on, supplied. These are facts which cannot be denied. I would like to mention what has happened in these areas in recent times.

We have heard a great deal about the firm which had to shift three times. However, a Mr. McKelvie, who had property situated slightly east of where Medina is now situated, had it taken from him when the first resumptions in the area were undertaken. He requested that he be paid some compensation because he had five young children and he wanted to stay where he was. I was instrumental in getting that man a fair area of land, as compensation, on the southern side of Thomas Road, in a place which is known as The "Specks." Some of his land was resumed a second time when a large piece was taken to build Thomas Road. He is now situated in McLaughlan Road, and a 90-acre sewerage plant is to be built in front of his property, 22 feet from his front gate.

So, he has to move again. This is his third move and he has given up. He has said that he is not wanted in the district, and the Government does not want any improvements carried out. He said he had reared his children and would simply have to give up. The land resumption office has given him notice, as it has given notice to other people in Johnson Road, Mandogalup. Those people were asked if they were prepared to sell, and with the request there was a proviso that within the next few days two valuers would arrive from the department to discuss the values of the properties.

That land is now required for use as a sludge dump by Western Aluminium N.L.. The people in the district concerned have been asked if they will sell their properties, and in a second paragraph they are told that they are to lose the land anyway. Mr. Ron Thompson and Mr. Taylor suggested that we should go out and seek the views of the people who would be affected. The Minister for Mines agreed that this was a wonderful idea. I will read to the House two documents which show what occurred.

A meeting was called by the Medina Shire on behalf of the ratepayers who petitioned for the meeting. The members for the district were invited, including senators and also Mr. Rushton, M.L.A. the member for Dale, which electorate includes Rockingham. Because Mr. Taylor was away in the Eastern States attending the Duke of Endinburgh conference, it was suggested that Mr. Tonkin, who was looking after Mr. Taylor's affairs, should attend the meeting. I attended another meeting in Melville on behalf of Mr. Tonkin.

As a result of the meeting, which has been referred to by the Minister, a copy of the minutes was sent to the Premier (Mr. Brand). A copy was also sent to all the members of Parliament who attended. In view of the resolution passed, Mr. Taylor and Mr. Ron Thompson sent out the following letter:—

Parliament House,
PERTH.
30th July, 1968

Dear

Re: Land Resumptions—Kwinana

In the Medina Hall, on Monday, 20th May, 1968, a Special Meeting attended by some 200 ratepayers of the Kwinana Shire, passed a motion that "Our representatives for the district move, through Parliament, for the appointment of a Royal Commission to enquire into past and present resumptions and recommendations for the future."

On the 28th May the Kwinana Shire Council advised us that it had adopted the Minutes of the Special Meeting in their entirety, and recommended their content for our attention.

Accordingly, in compliance with the wishes of the ratepayers and the Shire Council, Notice of Motion was given in both Houses, on Thursday last, 25th July, the Opening Day of Parliament:—

> "That this House requests the Government to appoint a Royal Commissioner to inquire into and report upon the question of compensation for land resumed since 1950 under the Public Works Act, the Metropolitan Region Town Planning Scheme Act, (No. 2) 1965, and any other related Acts, and in particular—
>
> (a) whether there has been undue delay in the payment of compensation; and—
>
> (b) whether, and to what extent, the compensation paid has been inadequate to enable those persons whose land has been resumed, to re-establish themselves in new locations without personal hardship, loss of residential or business status, or financial disadvantage."

So that we may make ourselves fully aware of all resumption problems within the area, and thus be in a position to adequately deal with this matter on your behalf, we would appreciate your kindly completing the

attached form and returning it to either of the undersigned, care of Parliament House, Perth, within the next 10 days.

Yours faithfully,

R. THOMPSON, M.L.C.
A. D. TAYLOR, M.L.A.

If there is anything wrong with sending that letter to the residents, and the people concerned with the resumptions, I would like to know what it is. To please the Minister, I will now read the document which was enclosed with the above letter. It contains 14 items, and is as follows:—

LAND RESUMPTIONS—KWINANA

(1) FULL NAME OF OWNER: .....
.....

(2) ADDRESS: .....
.....

(3) LOCATION OF PROPERTY: (Area, street, etc.) .....
.....

(4) LOT No. ..... LOCATION No. .....

(5) AREA OF PROPERTY: ..... acres ..... roods ..... perches

(6) IMPROVEMENTS: (House, sheds, reticulation, well, etc.): .....
.....
.....

(7) PERIOD OF OWNERSHIP: .....
.....

(8) FOR WHAT PURPOSE DID YOU PURCHASE PROPERTY? .....
.....

(9) PRICE OFFERED BY NEGOTIATION: $.....

(10) PRICE REQUIRED: $.....

(11) ESTIMATED REPLACEMENT COST IN DISTRICT OF ..... $.....

(12) HAS PUBLIC WORKS DEPARTMENT MADE A WRITTEN OFFER TO YOU FOR ACQUISITION OR RESUMPTION?
YES/NO PRICE OFFERED
$ .....

(13) ANY OTHER INFORMATION YOU WOULD LIKE TO GIVE:
.....

(14) HAVE WE YOUR PERMISSION TO USE THE ABOVE INFORMATION IN PARLIAMENT, IF NECESSARY? (Strike out whichever of the following is not applicable):—

(a) No.

(b) Yes, but not using my name.

(c) Yes. Use my name, if you wish.

I ask: Is there anything wrong with that procedure? I think Mr. Taylar and Mr. Ron Thompson are to be commended for the businesslike way they went about this, in view of the resolution passed by 200 residents of the Kwinana area.

I will not deal with all the matters raised by Mr. Ron Thompson previously, but I will refer to the latest action which has been taken in the electorate concerned. I refer to Johnson Road, Mandogalup, where some of the 10 owners of properties, who should have been notified of the intention of the department to acquire their properties for the alumina refinery, have not yet received such notice. I intend to quote three cases where notices were received.

It is very easy for the Minister, who has access to departmental records, to attack the mover of the motion, but Mr. Ron Thompson had access only to the persons concerned.

Another man owned a property where the Jandakot airport is now established. He had a fair area, which I think amounted to 90 acres—but I may be wrong. It took three years of negotiation before he received his money for the land. He moved and bought a property in Johnson Road, but he has now been told that he has to get out.

This letter, written from 40 Davilak Road, Hamilton Hill, is addressed to me and reads as follows:—

Dear Fred,

Thanks for your interest in Mandogalup acquisition. I've already written Mr. Tonkin on matter in opening stages. Sorry I missed you on Sunday but hereunder details of our property.

(1) Ernest Warren and Wilma Grace Longson, 40 Davilak Road, Hamilton Hill.

(2) Peel Estate Lots 1151, 1140, 1141, 1142, 1144, 1146.

(3) Total area 0 r. 8 p.

There must be an error in the figures as I know the property comprises 120 acres. To continue—

(4) Improvements: 100 acres cleared and seeded to permanent pasture. Boundary fenced and subdivided to 20 paddocks, each reticulated by piping and watering point in each paddock, two wells equipped, mills and tanks, one deep bore 6 in. steel bore casing screened and developed and equipped electric motor and pump for irrigation. Two sets stockyards, 40 ft. steel framed shed and 40 ft. lean-to hay shed.

(5) First block bought 1958, others 1964.

(6) The blocks originally purchased to develop as small farm for beef cattle and horses and as a long-term investment. Over last four years a change to thoroughbred horse stud has been made.

(7) Approach has been made to acquire by P.W.D. but as yet no price has been offered.

(8) Price asked is $2,500 per acre.

(9) I know of no similar blocks available in the district as replacement. 10 acre blocks of banksia sand virgin land are on offer at $1,000-$1,200 per acre. These are not suitable.

(10) The subject land is in six distinct surveyed blocks with a good balance between dry land and summer land, about 20 acres being under water in winter. Between them there are 142 chains of frontage to made or gazetted roads. The blocks vary in size from 14 acres to 27 acres and four of them each have two road frontages. I do not believe that the property can be replaced within 14 miles of Fremantle with six blocks having the same present high agricultural production plus the future investment potential and road frontage at $2,500 per acre.

(11) You have our permission to use this information and our names in Parliament at your discretion.

(12) I should add that to date both P.W.D. valuer Mr. Robertson and D.I.D. officer Mr. Rossling have been both helpful and courteous on every occasion I've rung them in connection with this acquisition. Mr. Rossling has indicated that his department may be able to make an offer within the next two weeks.

(13) In general I would like to see the action speeded up dramatically. It is now two months since we were notified and we still have no idea on department offer. We can do nothing about replacement, can raise no money on our asset whatsoever and can do no work on our properties. I have to build a house and stables within the next 4-5 months and have nowhere to build them.

> The last resumption you and I were in took from 1958 to 1962 to settle. I don't want to go through the same slow misery for next four years.

The letter is signed "Warren Longson."

The next letter I wish to read is not as long as the one I have just read, because all the details of the property, the subject of the letter, are set out in the questionnaire which was sent out by Mr. Ron Thompson and Mr. Taylor. The people concerned with this case are Dutch and, although they speak reasonably good English, the facts in the letter may not be expressed as clearly as they might be. The letter reads—

> Since we own this property, it has never been for sale, and it never would be for sale for any price offered. But there the Government got the resumption rights, we consider the price of $2,500 per acre not more than a reasonable compensation. Because the hardship to build up this property suffered by the whole family is to our estimation not payable in money, only by the satisfaction of building up a good living for us all in a combined modern atmosphere by creating something for which we have worked hard and planned for years. An illustration of this desire is seen in the Manura-irrigation system by which we can supply the Manura from chuck to crop without manual labor. This not only cost money and hard work, but also planning research and experimentation, this is why it is impossible to estimate any replacement anywhere else. We also were of the belief that we were safe here from any resumption because this property was given by the Government to the person from which we bought it, as a replacement for land resumed in Medina for housing. So what guarantee do we get if we should start again anywhere else that this will not happen again. So we feel that we are taken for a ride by a Government who believes in free enterprise in a free country.

That letter is signed "M. A. Van Donger."

The third case also concerns a Dutch family who, on their 20 acres of land, have established a very nice home and these people have experimented in the establishment of a nursery. The person's name is "Arnoldus Fransiscus Leyser" and the property is in Johnson Road, Mandogalup. This person states that he has an asbestos timber-framed weatherboard house of six rooms which has just been completed. He also has a machine shed and a poultry shed of good quality, with all new materials, with a workshop; and

in addition he has electric pumps and other equipment for a reticulated water supply.

These people have been building this property up over the last eight or nine years. They have established a home and they also wish to start a nursery. They have completed all the necessary preparations, and although they have not been told they have to sell they have not been offered a price for their property. They estimate it would not be possible to re-establish themselves in the area because blocks of approximately 20 acres are not available. There are many 10-acre blocks, as the Minister for Local Government will tell us, but not any of them are suitable for the establishment of a nursery. This man said he has not received a price from the Government but he has been requested to submit a price. In his statement he said—

> We came here to establish a home and a nursery as this is my vocation and require a fairly large area of suitable garden land (which there is) and therefore have spent a considerable sum of money on reticulation of the area and on pumping equipment. As can be seen by my home, we have spent a lot of money to build a sound type of house for permanent use by us. We have planted fruit trees and also have stock started for sale in nursery. We had planned to stay here for years and certainly do not want to leave under any circumstances.

He said that when he made an approach to sell 10 acres of his land he was not permitted by the town planning authorities to subdivide the area. The people in the areas to which I have been referring have been told that they have to sell or have their properties resumed. There is no argument about it because that is what the letter states.

I just want to make one final quote. It is from page 6 of *News Review*, May issue. This is a publication which all members of Parliament receive, and the heading is, "Expanding Kwinana." It states—

> Western Australia's continued growth and expansion is news all over the world today.

Further on the article states—

> The Kwinana Alumina Refinery in Western Australia is to increase its present annual output of alumina by 50 per cent. to 830,000 metric tons.
>
> This latest expansion programme—the third since the refinery began production in late 1963—will make the plant four times its original size, and will boost the company's export commitments.
>
> When the refinery first began processing Western Australian bauxite to alumina, it had a capacity of 210,000 metric tons. The second unit, which increased capacity to 410,000 tons, went into production in the third quarter of 1966. Construction of the third unit, raising capacity to 620,000 tons, began in the fourth quarter of 1966. That unit will come into operation by the third quarter of 1968.

The article goes on to state—

> Construction would begin soon, and the refinery as a whole would be producing at the rate of 830,000 metric tons in the second half of 1969.

All of us are proud and are pleased to know that Western Australia has been able to get firms of the magnitude of Western Aluminium NL to produce the goods which we require and which can be exported, too. However, the alumina company needs a large area of land for the disposal of its sludge and, because of this, farmers who are now living in the Johnson Road area—or "The Specks" as it was known in the old Peel Estate days—are to be moved.

The old question of whether or not resumptions are fair also applies in the Hope Valley Road area. I have spoken of this on many occasions previously, and I would refer particularly to a property owned by a man named Walmsley. He was badly hurt in an accident at the Kwinana Oil Refinery and the Town Planning Department agreed to a subdivision of his property into eight or nine 10-acre blocks. Five of these blocks were sold by Barton & Company, and then the Minister for Industrial Development asked that the area no longer be permitted to be used for agriculture but that the land be resumed on behalf of the alumina refinery for the disposal of sludge.

The result is that the people in Mandogalup, who had already suffered over a period of five years, were denied the extension of electricity to their properties. The State Electricity Commission could not go on with its proposals to supply electricity to that area. So despite the fact that some people may have made a good profit, I would like the Minister to tell the House—and I am sure he would explain to me if I were to ask him privately—what people over the last couple of years received something like $100,000 for properties that cost them $20,000. I have never known of any Government—even a Labor Government—to be as benevolent as that.

The Hon. L. A. Logan: They are the facts.

The Hon. F. R. H. LAVERY: I am sure the Liberal Government is not that benevolent. Therefore there must be some facts the Minister has not given the House tonight, or there are some facts that have not been given to him for him to give to us tonight to show how these people received this unearned increment.

The Hon. L. A. Logan: Because the Government started to buy land, and away she went.

The Hon. F. R. H. LAVERY: I think it is a very weak argument. Before I close I would like to quote an editorial which appeared in the *Daily News* of the 1st May, 1968. It remarked on the artificial shortage of land and used the following words:—

> While the Government is prepared to shock a substantial proportion of West Australians by its willingness to resume land in the Kwinana area to cut the costs of one of Australia's biggest companies in establishing a plant there, it shies away from similar acquisition to solve one of our most grievous social problems.

That is for housing.

The Hon. L. A. Logan: How can you resume at this price for housing?

The Hon. F. R. H. LAVERY: Last Wednesday I asked a question of the Minister for Mines and he said he was unable to give me an answer until tomorrow. I would like publicly to acknowledge the fact that Mr. Cooper of the Department of Industrial Development rang me this morning and pointed out the difficulty being experienced in securing the answers and the plan for which I asked, but said that I would receive these in the next couple of days. Mr. Court also told me this during the tea suspension.

This is most unfortunate, however, because I wished to produce the information to show the area of land which is being resumed for industrial purposes; to show how the private people are being moved out of this industrial area which must eventually be established. The Kwinana Shire Council is, however, still in the position in which it has been ever since this Government came to office. It is only given information when something is a *fait accompli*.

The figure I wish to quote could possibly be argued, but I have done a great deal of research into the amount of land acquired by the Government for the Department of Industrial Development. Nobody will deny that the department is doing a magnificent job, but the Kwinana Shire Council will, as a result of the acquisition of land on behalf of the Western Mining Corporation, lose approximately $5,000 in rates.

Some time ago I received a letter from Mr. Court in reply to my question as to what help could be given to the Kwinana Shire Council for the lighting of Pioneer Road. The council had already paid for the lighting of Rockingham Road, which was closed, and I was told the council should be able to meet the commitment itself out of the increased rates it would receive as a result of industrial development that would take place in the area.

This is not denied, but it is a very sad thing—at least from the information that I have—that for one company alone 200 acres will be taken of which perhaps 45 acres will be used. The rest will remain undeveloped for some years, perhaps, and the whole of the undeveloped area will be on a peppercorn rental. Because this land is to be taken for the Western Mining Corporation the Kwinana Shire Council is to lose as a result of the resumption. The Government will own the land and the council will not receive any rates from it.

The Hon. L. A. Logan: Your reference to Western Mining is not correct.

The Hon. F. R. H. LAVERY: That is the information I have from the great amount of research I have undertaken.

The Hon. L. A. Logan: You are getting mixed up with Alcoa and Western Mining.

The Hon. F. R. H. LAVERY: We know that 800 acres of most valuable land has been resumed on behalf of Alcoa. I do not know whether the figures given by the Minister are correct, but if they are the Kwinana Shire Council does not know their implications.

The Hon. A. F. Griffith: Mr. Court has given the second reading speech on the Nickel Refinery (Western Mining Corporation Limited) Agreement Bill in the Legislative Assembly and has explained the processes that occurred in regard to the land. Mr. Ron Thompson has a copy of the agreement in his pocket as a result of that.

The Hon. F. R. H. LAVERY: I thank the Minister for that information, but it is all news to me. I have not been able to obtain the map for which I have been waiting since last Thursday. This map is something that the Kwinana Shire Council, and we as members of Parliament for the district, have been trying to obtain for the last five years. We now find that it will be presented by the Minister for Mines.

The Minister for Local Government has seen fit to ridicule some of the remarks made by the mover of the motion. I have a full knowledge of what has been going on in the area and whether Mr. Ron Thompson has certain facts which are not quite correct is completely beside the point. The motion represents the desire of the people of Kwinana expressed at a properly constituted public meeting; it was endorsed by the shire council and the members for the district were asked to move this motion in Parliament.

I support the motion moved by Mr. Ron Thompson and hope it will be appreciated that we as members for the district would not use the time of Parliament as we have done, if we did not feel it was in the interests of the public, in the interests of industrial development in the area, and in the interests of the Kwinana Shire Council. I support the motion.

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the Opposition) [8.38 p.m.]: I would like briefly to support the motion, because I believe there is sufficient material in it, as it appears on the notice paper, for us to seek a comprehensive review of the situation as outlined. As a result of such a review we will be in a better position to improve our legislation in this regard. The motion is broken into two parts, and the first deals specifically with the question whether there has been undue delay in the payment of compensation.

It can be argued justifiably that there are cases where the person involved with a particular department is convinced that undue delay has taken place. It is a frustrating delay in the case of the person who has suffered a long wait and who has lost money as a result of it; and I refer to the person who had a problem in 1960 and has not been able to have it cleared up eight years later and who, as a result, has lost the opportunity to re-establish himself in another area.

It would certainly be to the good if this undue delay could be obviated as a result of a Royal Commission taking evidence from witnesses who had specific cases to present. In all fairness to those involved in negotiations, it is true to say that 10 years ago nobody could have anticipated the increases in value that have taken place, particularly in the metropolitan area; though this has also been the case in other areas of the State. Nevertheless we are beset with these problems and it seems that in some of the cases quoted by the Minister people are doing very well.

The Hon. L. A. Logan: Too well.

The Hon. W. F. WILLESEE: Some of them, however, find themselves in a deadlock as a result of the present machinery, and that is bad. So on the question of delay alone this motion warrants every consideration.

The second part of the motion deals with four particular points which arise as a result of the machinery of the Act being implemented. At this point I might say I have no intention of offering the slightest criticism of the department concerned. The land resumption office has a job to do which we as members of Parliament are responsible for setting it. It is in that spirit I approach the motion. It is our bounden duty to try to extricate ourselves from the process of being bogged down.

One of the facets of the motion is to try to discover by means of a Royal Commission the adequacy of the compensation paid. That is a clear exercise. If the position were handled in that way, on a question and answer basis, with evidence adduced, we surely could arrive at a conclusion which would be of benefit to the community.

Surely people who have to give up their land for the purposes of development, whether it be for roads or railways, should be given the opportunity to re-establish themselves in other areas without loss. In many specific cases that has not occurred. It is not happening today; people have got out of small industries and have had to go to work. Here again these people have the right and are entitled to state their case to a tribunal which will look at the issue impartially with a view to improving the situation in which we find ourselves.

The question of personal hardship is also implicit in the motion. None of us would wish to see personal hardship inflicted on anybody who has been subjected to the machinery of government. We agree that the cost of a project should be an overall cost; we agree there could be some machinery to overcome the position which has arisen as a result of the increased price of land. This has been done in a piecemeal fashion up to date, and nothing has been undertaken by way of legislation. Accordingly we find people are aggrieved because of resumptions, values increase, and the deadlock continues.

Therefore I think it quite fitting that the motion should be comprehensive and should cover the period of time with which it seeks to deal. In the type of objection raised, it seems to matter little whether someone who was wronged in 1950 should be excluded if the situation were being judged in 1968; he would have waited a long time for some justice to prevail so that he could air his case before an impartial tribunal.

Many residents have been mentioned in connection with this motion; and it is one of the most heartrending things that one comes across to find aged people, in particular, paid less than replacement value for the loss of their homes. This is one of the most serious disabilities we have to face; and quite frequently, under the machinery we now adopt, people are paid depreciated values and they have to buy another area of land and build a new home.

It does not mean anything to me to say that this is right because the Act says so. But it is immoral to take the possessions of people, particularly when they are too old to do something about it. They should be given replacement value for their properties to enable them to move into homes similar to those which they have purchased over a lifetime.

Many of these people built their homes some miles out of town after clearing the land themselves; and this work should be compensated for by the Government of the day. Then we have the personal issue of a financial disadvantage which should be considered at all times when resumptions take place.

So, if we look at the motion in its true perspective, take away the personalities raised in regard to some people here and there, and look at it in its broadest sense we will see that it is well worth while, and I would like the House to support it.

THE HON. R. THOMPSON (South Metropolitan) [8.48 p.m.]: I thank Mr. Lavery and Mr. Willesee for their support of the motion. However, I cannot thank the Minister because he did not deal truthfully with the motion as I presented it to the House. He started off by saying that I had no justification for moving the motion and that I put forward nothing of any substance. If the Minister read my speech in detail, or if he had listened intently to me, he would have known there was every justification in the world for such a motion.

The Minister said that our Public Works Act is possibly the best in the world. I would not deny that it is a good Public Works Act if it were used solely for the purpose of public works; but I do not know of many other places in the world where the Public Works' Act is used against individuals to enable substantial companies to acquire the land of those people for industrial purposes.

It is no good the Minister grizzling, crying, and saying land values have increased and that people have been paid "X" number of dollars an acre for areas of land they bought cheaply many years ago; because land values have risen over the past 10 or 15 years. I think last year Mr. Strickland stated that the only two items which had not increased in price were mousetraps and bananas; and he was fairly right. Land prices have increased to such an incredible degree that young people cannot buy a block of land; but when it comes to industry, and a multi-millionaire company, the Government uses the Public Works Act in a manner which was not intended when it was passed in 1902. The Government finances large companies to the detriment of people who have struggled to pay the costs involved in acquiring land. If any benefit is to be derived, I say it is these people who are entitled to it. The Minister is not concerned about land for housing—and he is the Minister concerned with this Act. He resumes the land, and asks why I went as far back as 1950 in the wording of the motion.

I did so because of some of the things mentioned by Mr. Lavery and Mr. Willesee. There has been discontent all along the line. I know of one chap who went to his grave a bankrupt. This man, prior to 1950, had his land resumed by the McLarty-Watts Government. He was a wealthy man in his own right as he was a successful primary producer. But the McLarty-Watts Government placed a resumption order on his land, as was the case with the land owned by Mr. Bailey.

Mr. Logan made great play of the fact that in 1953 Mr. Tonkin signed the resumption order in regard to Mr. Bailey's land. This was quite true; but I would draw the attention of the Minister to section 6 of the Public Works Act, which states—

> Where the Minister enters into any contract or agreement, under seal or otherwise, or makes any lease or grants any easement, under this or any other Act, all the rights and liabilities in respect thereof, and all benefit and advantage thereunder, or interest therein, shall vest in and be enforceable by and against his successor or successors in office, without the necessity of any transfer or assignment whatsoever.

So, if there were a change of Government tomorrow, we would have to go along with the agreement signed on the 19th January, this year, and resume the land, but we would do it in a more equitable manner.

In regard to my criticism of what he said, as reported in *Hansard*, Mr. Logan stated he was prepared to stand up to everything he had said. I say now—as I said the other evening when I introduced the motion—that the local authority was not taken into confidence and it was virtually ridiculed. It was notified by telephone a day prior to the agreement being signed by the company.

The Hon L. A. Logan: You are dealing with two different things; there is the agreement and there is the plan.

The Hon. R. THOMPSON: Of course they are two different things. I have the agreement here in front of me; but the agreement and the plan are virtually the same. The text states that the company, through the Government, shall resume the land. Long before the existence of the M.R.P.A., or this plan, this area of land was earmarked for industry; and reference to the land was written into the agreement long before any plan was presented to the M.R.P.A. or to the local authority. I do not know when the local authority received the plan, but it was some time late in March.

I would say without fear of contradiction that the Minister did mislead the House. When I moved this motion I quoted from *Hansard* portions of the Minister's speech and will not quote him so extensively this evening.

When he introduced his amending Bill in 1965, the Minister was reported on page 1836 of *Hansard*. I do not think the Minister wants me to quote the whole of his speech as he was in a flow-on mood.

The Hon. L. A. Logan: In good form, was I?

The Hon. R. THOMPSON: The Minister did not write his speech, because he would not have made the statements contained therein and later not keep to them. He said—

> By its unavoidable nature, resumption is a clumsy instrument, costly and time-consuming for both the public sector and the private owner. It must not be further bedevilled by the slightest uncertainty in the official mind and in the public mind.

He said this when he was asking us to amend the Metropolitan Region Town Planning Scheme Act, particularly section 37A. At that time he admitted the Act was a clumsy instrument and he wanted to make it more progressive. Continuing to quote from the Minister's introductory speech—

> There is an awareness that it really is technologically possible for us to take from an improvident past the uncomfortable legacy of a sprawling, uncoordinated, irritating, and messy environment that is unnecessarily expensive to keep going, and to change it for ourselves and for our children into a place that is cheaper to run, because it is efficient, and that is pleasant and even beautiful because it has been designed in the large with loving care. And there is a dawning vision that these things are also political and economic possibilities.

What flowery words! Even as Minister for Child Welfare, he has never brought loving care into child welfare Bills; yet in regard to the legislation I have been discussing the Minister made flowery and extravagant statements as to how beautiful land could be redeveloped.

Now what happened in regard to the plans relating to Kewdale and Kwinana? They simply brought frustration to the people who owned land. The Minister went on to say—

> In many of the improvement plans it will be consistent with the public's interest that land can be returned in rearranged form to the original owners in proportion to their former holdings. In other cases it may not be possible, and these owners will, of course, be fully compensated.

The Minister accused me tonight of saying that the Government had depressed the value of land at Kwinana. Of course it has. On the Minister's own admission, this land has been blanketed since 1950, while the Kewdale area has been blanketed for six or seven years at the most.

On the Minister's figures in relation to resumptions and negotiations in the Kewdale area, the value of land would now be approximately 50 per cent. higher than at Kwinana where the land has been sacrificed for big industry.

I have read the submissions of various people who own land in the area; and the case of one person who has been trying to construct a factory over a period of years. I understand he is being frustrated all along the line. The Minister also said that people bought housing land, probably two or three years ago, well knowing it was industrial land. That is not true. They did not know it was industrial land, otherwise they would not have bought the blocks. The Minister for Local Government and Town Planning should have some say, or take some action to protect the rights of individuals. However, one can go to Kwinana tomorrow and buy a block of industrial land which the agents will sell as a residential site.

The Hon. L. A. Logan: You are again accusing the land agents of improper practices.

The Hon. R. THOMPSON: I am saying that one can go and buy a house on a block of land which is zoned "Industrial," and one will not be told that it is industrial land. One of the couples, whose name is Hughes, from Cabramatta, said they bought the block of land two and a half years ago for the purpose of retiring. They would not have bought industrial land on which to retire; people are not that silly.

At the present time the Department of Industrial Development—on Mr. Cooper's admission—is buying residential land in the Kwinana area as it comes up for sale. He said that at the public meeting, and this land is in the complex. It extends to Boundary Road, just before Rockingham, and all that land comes under the Department of Industrial Development.

The Hon. A. F. Griffith: Can one build an industrial project on a housing block?

The Hon. R. THOMPSON: Yes, provided it complies with the local government by-laws.

The Hon. L. A. Logan: So long as it is zoned industrial.

The Hon. R. THOMPSON: Yes.

The Hon. A. F. Griffith: Whether it is zoned industrial or not, a house can be built on it, but would you do that without finding out whether the land was for housing or industrial purposes?

The Hon. R. THOMPSON: Certainly not; but when one sees several hundred houses in a locality, with a vacant block in the middle or adjacent to them, I would say the average person would not query whether the block was industrial.

The Hon. A. F. Griffith: You would not, but do you think the average person would?

The Hon. R. THOMPSON: Many people ring me from Rockingham when they intend to buy land which is at present zoned urban. Houses are being built on it. They ask me where the railway will run. These blocks of land are still on the market so

it can be seen that if the Government and the departments do not want to be criticised, they have it in their own hands to rectify the situation.

The Government should publish a plan of the area and inform the local authority of the proposed works and the land which will be affected. That is the answer. However, there is too much secrecy because nobody—not even the shire councils—know what is going on. I am getting away from the argument, but I have to take advantage of every opportunity to show the shortcomings of the Minister who tried to defend the departments concerned.

On page 2838 of *Hansard*, 1965, the Minister concluded his opening remarks at the introduction of the Bill by saying—

> In conclusion, it is believed that the optimum balance between private rights and public interests has been struck, while keeping in mind the absolute need to keep the red tape within reasonable bounds. Procedures must be careful and fair, but they must not be unduly complicated and prolonged. The most splendid schemes can all too easily be frustrated by unnecessary delays.

There are no delays in this instance, so far as the company is concerned; the department turned a back somersault straightaway. The public were not informed. The company was informed, but the landowners were not. To continue—

> The authority must by the presentation of a detailed improvement plan convince the Minister—

Of course, the Minister did not see this plan; the Department of Industrial Development drew it up.

The Hon. L. A. Logan: Don't talk rot!

The Hon. R. THOMPSON: To continue the Minister's remarks—

> —and, through him, the Government that the proposal is sound in principle. The Minister must then receive and consider the interested party's representations—

Which he did not do.

The Hon. L. A. Logan: I had only one appeal.

The Hon. R. THOMPSON: After the land had been given away.

The Hon. L. A. Logan: I had only one appeal.

The Hon. R. THOMPSON: The land was cleared before anyone could appeal, and the Minister knows that to be true.

The Hon. L. A. Logan: I had only one appeal.

The Hon R. THOMPSON: To continue the Minister's remarks—

> —and review in their light the precise effect that the improvement plan would have on individuals.

The Hon. L. A. Logan: I have given you that information with the figures.

The Hon. R. THOMPSON: A number of the people concerned have said they do not want to sell because they bought the blocks for specific purposes. But let me continue—

> Only after all these preliminaries—

That is a good "misleader." To continue—

> —will the plan reach the stage of final approval—

The Hon. L. A. Logan: We went through all the requirements.

The Hon. R. THOMPSON: If that is not a pack of lies, I have never heard lies. To continue—

> ——and, if it is approved, the land allocations under it to the private sector will become public knowledge, obviating unnecessary and undesirable secrecy.

How false can one be?

The Hon. L. A. Logan: Was that plan not published?

The Hon. R. THOMPSON: The plan was not published, of course. It was not made available for the public, and has never been published yet.

The Hon. L. A. Logan: Ask the Press whether it was published or not.

The Hon. R. THOMPSON: I would like to know from the Press if it was published.

The Hon. L. A. Logan: The Press has never failed to reproduce a plan yet, to my knowledge.

The Hon. R. THOMPSON: This plan was sent by the Chairman of the M.R.P.A. on the 5th March, 1968. The agreement was signed on the 19th January, 1968. So it can be seen that the Minister misled us by what he said. He did not mislead me, because I voted against the proposal. The Minister said that local authorities would be taken into consultation.

The Hon. L. A. Logan: They were, with that plan. I have told you that four times.

The Hon. R. THOMPSON: Of course, but what does the shire council say?

The Hon. L. A. Logan: The shire council agrees.

The Hon. R. THOMPSON: Yes; there was a telephone message on the 18th January, and on the 8th February the representatives of the shire council went to the M.R.P.A. office. At that stage, the shire clerk had some knowledge, but the councillors had no knowledge.

On the 12th February, Dr. Carr, Mr. Morris, Cr. Mercer, and the shire clerk, attended a meeting of the group "A" district planning committee—which is the Fremantle district planning committee. The shire clerk stated that the foregoing indicates to what extent the council was consulted.

The Hon. L. A. Logan: It was consulted four times.

The Hon. R. THOMPSON: It was not consulted at all; this was drawn up in a signed agreement.

The Hon. L. A. Logan: The plan was not drawn up at that time; we are dealing with the plan.

The Hon. R. THOMPSON: I am talking about the agreement which was drawn up.

The Hon. L. A. Logan: My Bill dealt with the plan.

The Hon. R. THOMPSON: The agreement was drawn up.

The Hon. L. A. Logan: Stick to the plan.

The Hon. R. THOMPSON: If the shire had objected, what could have been done? It was a *fait accompli* because the agreement was already signed. I know the Minister must feel uncomfortable at being caught out.

The Hon. L. A. Logan: I am not uncomfortable. The honourable member knows, as well as I do, that they could have refused.

The Hon. R. THOMPSON: The Minister also said the Premier was advised, by letter, of this meeting held in the Kwinana public hall, and he was sent a copy of the minutes. However, the Minister said he could not see where there was any official complaint. I take it that the Premier would have read the minutes, and I would imagine that the letter would have stated that the resolution was passed at a public meeting. All the councillors endorsed the resolution in its entirety; that is true.

The minutes of the meeting stated that a resolution was moved by Cr. Mercer, and seconded by Mr. D. Nelson, that the minutes of the meeting be forwarded to the Premier. The Premier was also informed that it was the desire of the meeting that no further resumptions take place, and that a Select Committee be appointed so that the whole matter could be ventilated and the unfair and unjust treatment at present taking place be terminated. That is as clear as clear can be.

The Premier received notice that the councillors did not want any further resumptions to take place. Further on in the minutes it was requested that a Royal Commission be appointed. The Minister accused me of sending out a letter asking for people's grizzles. I do not know how I could get the information, from all over Australia, without sending out a letter. It contained no political content; I asked for plain straight hard facts. The people filled in the enclosed questionnaire. Some more have been returned since I raised this matter, but as I did not have them at the time I could not deal with them. However, the latest letters I have received are in line with most of the others, and I would like to deal with them also.

People are completely dissatisfied. The Minister said that the public sector—the landowners—would be taken into consideration before any resumptions took place. It was said that some of the people did not receive notices of intention to resume land until the 4th August. So we go from the 5th May, when the plan was presented to the Minister, to the 5th August. The land is now being cleared. How can the people concerned put their objections to the Minister.

The Hon. L. A. Logan: You have been told that the plan has been divided into three sections.

The Hon. R. THOMPSON: I can read. I will now personally see that these people object to the Minister. I know some of them personally and I will advise them to object. I will bet a pound to a gooseberry that the Minister will say it is too late now because the company is starting to build. So it will be seen how sincere the Government is, and how much notice we can take of the Minister's words.

The Hon. L. A. Logan: None of those are affected by the present refinery building.

The Hon. R. THOMPSON: I was criticised and it was said I made outlandish statements. It was said that Mr. Lloyd did not answer the way I said he did when he replied to my question at the meeting. He might not have answered the way it appears here. It is stated, in regard to the scheme plans mentioned at the meeting, that Mr. Thompson asked Mr. Lloyd if any other areas had been dealt with in a similar manner. It is also stated that Mr. Lloyd said, "No, the Kwinana area was somewhat different and the area concerned was already industrial." That is the statement, but I am accused of telling lies.

The Hon. L. A. Logan: You should look at what you said in your speech.

The Hon. R. THOMPSON: I did not write this.

The Hon. L. A. Logan: You should read what you said in your speech.

The Hon. R. THOMPSON: I know what I said in my speech.

The Hon. L. A. Logan: That is what I referred to.

The Hon. R. THOMPSON: The Minister seems to forget what he said in 1965, and what he said in 1968.

The Hon. L. A. Logan: I read it the other day.

The Hon. R. THOMPSON: The Minister should read it many times.

The Hon. L. A. Logan: I read it on Sunday morning for exercise.

The Hon. R. THOMPSON: The Minister must have felt guilty, that is all I can say. The Minister made reference to Mr.

Jarvis. Mr. McWhirter asked Mr. Jarvis whether in arriving at resumption figures could not the price offered be consistent with values in Rockingham or Safety Bay, where these people wanted to re-establish themselves? Mr. Jarvis stated it was quite true that values in the Rockingham-Safety Bay area were higher, but that it was necessary, however, for valuers to draw the line somewhere. He said that whatever was done must be within reason and he was aware that the Kwinana Beach valuations were below the Rockingham-Safety Bay valuations.

The areas are about two miles apart. Members will see that what I said in connection with the depression of land values in the area has been substantiated by Mr. Jarvis.

I do not have any complaints against any valuers in the Public Works Department or in the Taxation Department. I do not have one personal complaint, because those people have a very hard job to do under what the Minister describes as the best Public Works Act in the world. I would say the valuers of the Public Works Department would welcome amendments to the Public Works Act so that they could mete out justice when a person is being dispossessed of his home. I know that statement to be factual, because the valuers can only value on sales which have taken place for land adjacent to the property to be resumed.

The Minister went on to say that this is good and proper planning. No-one would deny that it is good and proper planning to have an industrial area set aside. He then went on to state that C.I.G. would be next door to the refinery. Although it has been known from the 5th March, the Minister said that some properties have been acquired and that several are still under negotiation in Area No. 1. This is the area to which the Minister drew my attention a short while ago. I said the area was being cleared and the Minister stated that it is split up into different sections. However, the Government is still negotiating in this area which is being cleared. In Area No. 2, 19 properties have been acquired and six are under negotiation. In the other area, I think the Minister said that 10 have been purchased and 11 are under negotiation. He quoted so many figures it was rather hard to follow.

Members will see that the Government has completely ridden roughshod over the people, who have had no say at all. I say that kind of action is against all forms of democracy. Mr. Lavery, in fact, read out letters, many of which had been written by newcomers to our country. They are not used to this type of law; in the older countries it does not exist.

The Hon. F. R. H. Lavery: In Holland, title deeds are title deeds.

The Hon. R. THOMPSON: This kind of law just does not exist. I wish all members, and particularly country members, knew what takes place in areas such as Mandogalup. They should realise how much sweat is lost by the whole family in developing rather poor country, as it is in this case, and bringing it up to production. After all this work, the Government steps in when the property has just reached a satisfactory stage of development and has just begun to pay its way. I mention the case of Bill Van Donegen, whom I have known since 1950. I know how hard this man has worked; he and his family have worked day and night on the property only to have everything wiped away just because the Government entered into a contract with Alcoa and now wants to take the property away from him. Alcoa purchased some properties which were near to the works and there is nothing to stop the firm from moving in and purchasing the other properties so that justice can be done and the people can re-establish themselves in another area. That is one of the points of the motion, Mr. President.

The Hon. L. A. Logan: You object when we buy it for Western Mining, and now you are objecting because we are buying it for ourselves for the future.

The Hon. R. THOMPSON: The Government is not buying it for its future requirements. What is being bought is covered in the plan which the Government agreed to and which the Metropolitan Region Planning Authority agreed to. This was written into the agreement practically word for word three months before the plan hit the Minister's office.

The Hon. L. A. Logan: We are buying it to sell back on a freehold basis. We are not buying land over which we will have no control.

The Hon. R. THOMPSON: The Minister is not buying it at all; he is seizing it.

The Hon. L. A. Logan: On the values I have read out!

The Hon. R. THOMPSON: Mr. President, what is a resumption if it is not a seizure of property? Of course it is. The Minister made play of this. He said that the Government was negotiating and not resuming. When it is published in the *Government Gazette* that the Government is resuming land under the Public Works Act of 1902, then the Government is resuming property.

What happens after that? If the price is not negotiated, to receive compensation it is necessary to go through sections 33 to 84 of the Public Works Act. That is the number of sections involved and they represent the formalities which have to be gone through. If someone with a simple dwelling worth, say, in the vicinity of $10,000 or $12,000, went through all

the formalities he would finish up with nothing, even if he won the case, because the legal and court costs would have taken the lot.

It is stupid and ridiculous to say people can go to court and arbitrate if they are not satisfied. There have been only two major cases before the court in the past 10 years; namely, Prendiville and Lucas. In each case there was quite a stake involved and it was very worth while; in fact those people won their cases.

The Hon. L. A. Logan: No they did not.

The Hon. R. THOMPSON: In any event, the Public Works Department and the Metropolitan Region Planning Authority got a hiding. The people concerned came out of it twice as well as when they went into court.

Several members in the House have mentioned cases which have come to their attention. Mr. Baxter mentioned the resumption offers in Gosnells, and Mr. Clive Griffiths complained about the resumption offers in the Kewdale area. When Mr. Ray Jones was alive he complained about resumption offers on land owned by a friend of his in Belmont. As a matter of fact, last time I moved a similar motion Mr. Jones supported me. It can be seen that other members in the House have complained consistently and if any member of Parliament in the metropolitan area has not had any resumption problems, he is not close to his electors.

The Hon. A. F. Griffith: I had a lot of complaints when the party with which you are associated was in government.

The Hon. R. THOMPSON: When I introduced the motion the other night, the Minister interjected and said, "What happened in 1955?" I asked him what had happened and he replied, "The Coolbellup area." I went on to say that as Minister for Housing he was responsible for the building of State homes and, from memory, I think he said that he did not like the dirty way that it was done.

If the Minister does not like the dirty way it was done, he can open it up under my motion, if the House will carry it, and give justice to the people concerned. If it was done in a dirty way, let us open it up. The Ministers have control of the Treasury bench. If anyone was wronged, they could take it up—it was only a few years ago.

The Hon. A. F. Griffith: I am not sure about this, but I think the word "dirty" belongs to your vocabulary and not mine.

The Hon. R. THOMPSON: I feel sure that is what the Minister said. However, if it belongs to my vocabulary, I have learnt it in the past few years from listening to some of the debates in which members opposite have participated.

Mr. Logan went on to mention the value of land in the Naval Base area, trying to argue that justice was done. He mentioned the case of Mr. Maschowsky and his neighbour.

The Hon. L. A. Logan: Can't you pronounce it, either?

The Hon. R. THOMPSON: I am in a fortunate position, because I have it written down. The Minister said how prices went up and people got justice. As truly as I stand here, I went out to see these people one Saturday afternoon and they produced the valuation from Milner & Co. My first reaction was to say, "Did you get these valuations done?" They replied, "No; it was a Government valuer."

This is what goes on. If valuers are working for the Government they assess on a set of figures. This is so, because in the agreement which was signed on the 19th January this year for the Kwinana project a figure of $6,000 per acre is mentioned. The Minister knew how much land he was going to take and was not concerned about the value of the land. The Minister was not concerned with the value of land which had been sold, because the company was prepared to pay $6,000 an acre. It was written into the agreement before the plan was produced.

In the Naval Base area in all cases Milner's valuation was doubled. How was it doubled? It was doubled because independent valuers valued on the price of land which had been sold in close proximity to that being resumed.

The Hon. L. A. Logan: Higham's valuation was only $200 different.

The Hon. R. THOMPSON: Higham probably thought he was valuing for the Government!

The Hon. L. A. Logan: He was valuing for the individual.

The PRESIDENT: Order!

The Hon. R. THOMPSON: When Peet & Co. did a valuation, after a lot of argument, the people claimed $4,750, which was the final price paid for the property against the original valuation of $2,050.

In this instance Peet & Co. could establish a valuation, because it sold industrial land in close proximity for $5,590. The blocks were half an acre in area. This other land is zoned residential, but at least a legitimate figure was established so that compensation could be claimed, and the State Electricity Commission paid up. There was no argument about it. If Maschowsky and Golebiowski had accepted the valuation offered by the Government they would have been only half as well off as they are today. Is there any justice in that?

The Minister mentioned Caratti. When I went through all the phases of the Caratti negotiations, I found that the

offer made over 12 months ago was a final one. I do not blame the valuers for that, because they have to purchase land within a budget, and that is all there is about it. However, if one is strong enough to beat down the departmental heads and keep on coming back, apparently one can obtain justice. We all know that is the true position.

Let us have a look at the people who have been dispossessed of their homes. I am doing this for the benefit of the new members, Mr. President, because I think you have heard it before. Hundreds of resumptions have been made around the Fremantle area for railways and other purposes and, in fact, North Fremantle has virtually disappeared. The homes there were not of a very good type, but they housed pensioners and elderly people. They not only lived in those homes but they owned them. Each year their only expense was the cost of minor repairs, because the properties were virtually exempt from other charges. The owners were pensioners and they were completely exempt from the payment of land tax, and water rates and municipal rates built up as a charge against the estates.

Nevertheless, these properties were homes to those who occupied them, but most of the owners were evicted after being paid an average price of $4,000. But that was not the first offer. The first offer was only half that amount, but eventually we were successful in having the offer increased by about $2,000. It was impossible for these people to purchase a property to call their own and in which to reside for $4,000. They would have had to spend double that amount at that time for a substantial dwelling.

To build the Alma Street School, Attfield Street went by the board. The owners of homes in that street went out of them with a few hundred dollars in their pockets, but with no homes in which to reside. Within 12 months or so possibly we will be faced with the prospect of 400 people being evicted from their homes. The Minister has told us that the people know what is going on, but there is complete secrecy surrounding the number of houses that will be resumed to make way for the approaches to the East Fremantle traffic bridge and the work that is involved.

We know the general direction in which the roadway will go, but whether it is going to King, Duke or Silas Street, or the other way, we do not know. We do know it will go in the vicinity of King Street and will meet up with Curedale Street, and we also know it will meet up with Mather Road some 3½ miles away. However, we do not know the houses or the owners who will be affected. This information should be disclosed so that those who are likely to be affected can make arrangements for alternative accommodation and to enable compensation to be offered to them now instead of issuing a resumption notice which they will first read about in *The Sunday Times*. From that source they usually learn that their land is to be resumed.

It can be seen it is most necessary that people should be informed of any proposed resumption and be given an opportunity to appear before the Royal Commissioner so that he may investigate and ascertain the true position, and whether they have been unjustly treated. All the Government can be frightened of is that hundreds of people will come forward to give evidence; they would not come in twos and threes, but in hundreds. Only recently a gentleman from West Perth came to see me in regard to another resumption. Another was in to see me last Tuesday, and I am aware that some members in the Chamber know of these resumptions, because reference to them appeared in last Sunday's issue of *The Sunday Times*.

Admittedly notices of resumption have been sent out, but one readily realises how ridiculous are the offers that are made by the department. If any such offer can bear investigation it is the one that has been made for a property close to Parliament House. It is situated in Havelock Street. All members know the value of properties in Havelock Street, yet the offer made for this house in Havelock Street would not be sufficient to enable the owner to purchase a home in Applecross or Mt. Pleasant. Possibly the offer will be doubled, but only after months and months of haggling and negotiations, because the departmental officers have to commence their negotiations at the bottom and work their way up, as they did with Caratti.

One of the cases I have cited, which the Minister knows only too well, concerns an owner who has been trying for six years to have his property subdivided. During the whole of this period he has been under threat of resumption, but the Town Planning Department refused to compensate him for the cost of the subdivision which had to be drawn up by town planners. This land was wanted for road works, and 32 residential blocks would have been in the subdivision. The offer by the Public Works Department, made about October, 1967, was $65,000 for 32 residential blocks in Hamilton Hill. That man was foolish in the extreme to accept the offer, but he had to accept it because he was committed and knew he had to get out. That was a Metropolitan Region Planning Authority resumption.

It can be seen, therefore, that justice is not being done to the people of Western Australia. Democracy is virtually dead when it comes to land acquisition or resumption. It is a different story when

young people want to buy a block of land. When replying to me the Minister said he has no worries in that regard; he said it was the sign of an affluent society. The Minister said that in this House this year, implying that young people can pay the high prices.

The Hon. L. A. Logan: That was last year.

The Hon. R. THOMPSON: Yes; but I think the Minister will find he also said it this year. I think the members who will support me in this motion have feelings for the people. They are conscious of the injustices that have been done to people in all walks of life; not only those on the bottom rung of the social ladder, but also those who bought industrial land at Kwinana for the purpose of establishing small industrial plants. However, they have been denied that right. I am referring to men such as Rose who wanted to build factories on the land they had bought for that purpose and now they have to start again. They did not receive any compensation whatsoever from their previous resumptions.

We have the case of a lady in Hamilton Hill who has had property resumed on two occasions. Her new house was no sooner built than she was under threat of resumption. Members will see the mess we are in, and I think it is about time the people were given the right to air their grievances, and the right to be paid just compensation for the uncertainty and the worry they must experience.

If my fellow members have any compassion for the people who are suffering this inconvenience because of the activities of the Government, and if they feel that justice should be done, they will support the motion.

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

Ayes—8.

Hon. R. F. Claughton	Hon. R. Thompson
Hon. R. F. Hutchison	Hon. W. F. Willesee
Hon. F. R. H. Lavery	Hon. F. J. S. Wise
Hon. H. C. Strickland	Hon. J. Dolan

(Teller)

Noes—15

Hon. C. R. Abbey	Hon. N. McNeill
Hon. N. E. Baxter	Mr. I. G. Medcalf
Hon. V. J. Ferry	Hon. T. O. Perry
Hon. A. F. Griffith	Hon. S. T. J. Thompson
Hon. C. E. Griffiths	Hon. F. R. White
Hon. J. G. Hislop	Hon. F. D. Willmott
Hon. L. A. Logan	Hon. J. Heitman
Hon. G. C. MacKinnon	*(Teller)*

Pairs

Ayes	Noes
Hon. J. J. Garrigan	Hon. G. W. Berry
Hon. R. H. C. Stubbs	Hon. G. E. D. Brand

Question thus negatived.

Motion defeated.

House adjourned at 9.45 p.m.

Legislative Assembly

Tuesday, the 3rd September, 1968

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

QUESTIONS (29): ON NOTICE

WHEAT PRODUCTS PRICES COMMITTEE

Reconstitution

1. Mr. T. D. EVANS asked the Minister for Labour:

   (1) Will the Government give consideration to reconstituting the Wheat Products Prices Committee pursuant to section 6 (1) of the Wheat Products (Prices Fixation) Act, 1938-1964?

   (2) If not, why not?

   Mr. O'NEIL replied:

   (1) and (2) There is considered to be no need at the present time to constitute the committee to which the question refers.

WORKERS' COMPENSATION

Industrial Deafness

2. Mr. T. D. EVANS asked the Minister for Labour:

   Will the Government give consideration to having industrial deafness (due to gradual onset) declared as an item of the third schedule to the Workers' Compensation Act, 1912, as amended, pursuant to section 8 (10) of that Act?

   Mr. O'NEIL replied:

   The question of compensation for industrial deafness is among the submissions currently under consideration by the committee appointed to examine the provisions of the Workers' Compensation Act.

QUARANTINE RESTRICTIONS

Kimberley Area

3. Mr. RIDGE asked the Minister for Agriculture:

   (1) Will his department's activities in relation to the vaccination of cattle in the pleuro-pneumonia endemic area eventually result in the abolition of quarantine restrictions on Kimberley cattle?

   (2) If "Yes," can he predict when this will become effective?

   Mr. NALDER replied:

   (1) Yes.

   (2) Not before 1973.