Legislative Assembly

Thursday, 19th August, 1954.

CONTENTS.

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

QUESTIONS.

STATE HOUSING COMMISSION.

As to Duties and Work of Chairman.

Hon. D. BRAND asked the Minister for Works:

(1) Does he not consider that the present duties of the Principal Architect constitute a very full-time job?

(2) What time per week is involved in the work of the chairman of the State Housing Commission?

(3) Has he considered giving some relief to the Principal Architect in his present position?

The MINISTER replied:

(1) Yes.

(2) The arrangement has not been functioning sufficiently long to permit of an accurate estimate, but at present the time involved approximates the equivalent of one and a half days per week. Reorganisation within the commission will ensure that the chairman will deal with only the most important matters.

(3) Yes. A reorganisation within the Principal Architect's Division has relieved Mr. Clare of considerable detailed work.

WATER SUPPLIES.

As to Rivers Gauged.

Hon. D. BRAND asked the Minister for Water Supplies:

(1) What rivers likely to be utilised for public water supplies are at present gauged?

(2) What are the results to date as to output?

(3) What was the date in each case of the installation of the gauging?

The MINISTER replied:

(1) Disregarding those rivers already fully developed for public water supplies, and those regarded as too saline, there are 27 rivers being gauged from Gingin to east of Albany. Gauging stations have not yet been established on some of the fresh water tributaries of the more saline streams. There is at least one station established on all the major drainage basins.

(2) The yield of a stream can only be determined after several years' gaugings. Some of the above stations have only recently been established. The total yield of the rivers is of the order of 300,000 million gallons.

(3) Dates vary from 1908 to 1954. The metropolitan streams were generally established quite early, but the major gaugings of the South-West streams did not commence till 1939. New stations are constantly being established.

HARBOURS.

As to Wharf Handling Charges.

Mr. OLDFIELD asked the Minister representing the Minister for Supply and Shipping:

What are the comparative costs of wharf handling charges in all ports throughout Australia?

The MINISTER FOR MINES replied:

Inquiries reveal that it will take a considerable time to collect the information requested, but the Minister will furnish the hon. member with whatever details can be obtained.

EDUCATION.

As to Promotion of Trade Class Instructors.

Mr. JOHNSON asked the Minister for Education:

Further to the reply to my question of the 12th August relative to promotion of instructors in trade sections of technical education, what promotional opportunities are available—

(a) when an instructor reaches the limit of the instructors' salary range?

(b) when an instructor has become instructor-in-charge?

The MINISTER replied:

(a) Promotion to instructor-in-charge, if such a position becomes vacant.

(b) At present the only position beyond instructor-in-charge is the lecturer-in-charge—trades.

POLICE FORCE.

As to Strength and Resignations.

Mr. CORNELL asked the Minister for Police:

(1) What was the strength of the Police Force at—

The 30th June, 1951;
The 30th June, 1952;
The 30th June, 1953;
The 30th June, 1954?

(2) How many members of the Police Force resigned during the following periods:—

From the 1st July to the 31st December, 1950;
From the 1st January to the 30th June, 1951;
From the 1st July to the 31st December, 1951;
From the 1st January to the 30th June, 1952;
From the 1st July to the 31st December, 1952;
From the 1st January to the 30th June, 1953;
From the 1st July to the 31st December, 1953;
From the 1st January to the 30th June, 1954?

The MINISTER replied:

(1)	1951	787
	1952	872
	1953	929
	1954	936
(2)	July-December, 1950	16
	January-June, 1951	17
	July-December, 1951	14
	January-June, 1952	17
	July-December, 1952	18
	January-June, 1953	23
	July-December, 1953	20
	January-June, 1954	30

ARBITRATION COURT.

As to Premier's Remarks.

Mr. HEARMAN asked the Premier:

(1) Is he aware that in "Hansard," 1952, pages 167-168, he is credited with the following statement:—

> I am not here to suggest that any Arbitration Court is directly influenced by any Government policy, but I can say from my experience over the years some members of Arbitration Courts are unconsciously influenced by the Government of the day and the policy of that Government.

Can he reconcile that statement with his claim made during the second reading debate on the Industrial Arbitration Act Amendment Bill on the 17th August, namely:—

> I am positive in my own mind that the court cannot be influenced and is beyond influence?

(2) Does he agree that had this Bill been dealt with earlier this session, any suggestion of influencing the court would have been unfounded, and that the Bill could have become law in time to have benefited the workers at the present quarterly adjustment?

The PREMIER replied:

(1) The answer to each of the two questions contained in this one question is "Yes."

(2) The answer to the first of the two queries in this question is that any suggestion of trying to influence the court could only develop in a mind which is ultra-suspicious.

The answer to the second query in the question is that the Bill could only become law by virtue of first receiving approval from both Houses of Parliament.

HOSPITALS.

As to Regional Building, Albany.

Mr. HILL asked the Minister for Health:

(1) Will he advise what progress has been made to provide the regional hospital at Albany?

(2) Will he indicate—

(a) when the construction of the hospital is likely to commence;

(b) when will the hospital be in a position to take patients?

The MINISTER replied:

(1) A site has been fixed.

(2) (a) Impossible to indicate. This depends on the availability of funds.

(b) See answer to No. (2) (a).

PUBLIC LIBRARY, MUSEUM AND ART GALLERY.

As to Employees.

Mr. BRADY asked the Premier:

(1) How many employees are employed in the Public Library, Museum and Art Gallery?

(2) How many employees are over 70 years of age?

(3) What is the policy in regard to retirements due to age in the above departments?

The PREMIER replied:

(1) Twenty-eight.

(2) One.

(3) Under the Act, the trustees may appoint and dismiss such officers as deemed necessary. Normal procedure is to retire officers at 70 years of age.

ROADS.

As to Coast Road to Bunbury.

Mr. MANNING asked the Minister for Works:

(1) What sum of money has been allotted to the various road boards for construction work on the coast road between Mandurah and Bunbury?

(2) What distance of the road can be constructed with this money?

The MINISTER replied:

(1) The total funds allotted on the 1954-55 programme of works for construction, improvements to structures, and surfacing in the various road board districts on the coast road between Mandurah and Bunbury are as under:—

	£
Mandurah Road Board	7,000
Drakesbrook Road Board	1,000
Harvey Road Board	5,550
Bunbury Municipal Council	2,000

(2) The distance to be constructed in each local authority area will be determined when detailed schedules of work are prepared. The lengths will vary in accordance with the type of work to be undertaken.

DERBY FIRE.

As to Building Materials for Replacements.

Hon. Sir ROSS McLARTY (without notice) asked the Minister for Housing:

I did intend to discuss this matter with the member for Kimberley, but I understand he is unavoidably absent from the House. However, in cases such as the recent fire in Derby, where the hotel and other buildings were destroyed, could the Minister indicate whether any special provision could be made for the supply of building materials in order that the structures destroyed might be replaced as quickly as possible?

The MINISTER replied:

I will be prepared to give the matter consideration. The Leader of the Opposition will appreciate that there is no legislation controlling building supplies and materials at present in force, and therefore it would be largely a matter for the owners of the premises or the building contractors to make their own arrangements. If, however, it comes within the ambit of my responsibility as Minister controlling the State Saw Mills or the State Brick Works, to give some assistance, I am prepared to give the matter sympathetic consideration; but this, of course, is to be taken in conjunction with requirements in those areas so far as housing and other essential works are concerned.

WHOLEMILK PRODUCERS.

As to Request for Deputation.

Mr. WILD (without notice) asked the Minister for Agriculture:

Has he had a request to receive a deputation from the wholemilk section of the Farmers' Union and, if so, when is he to receive the deputation?

The MINISTER replied:

I do not recollect having received such a request in recent times, although there was one, I believe, last year. I am always willing to receive such a deputation if a request is made to me.

BILLS (2)—THIRD READING.

1. Prices Control.
2. Government Railways Act Amendment.

Transmitted to the Council.

BILL—DROVING ACT AMENDMENT.

Report of Committee adopted.

BILL—CRIMINAL CODE AMENDMENT.

Second Reading.

Debate resumed from the 27th July.

MR. HUTCHINSON (Cottesloe) [2.28]: I have no criticism of any of the provisions in this Bill but feel that it does not go far enough towards the objective outlined by the Minister, who said it was hoped that the measure would tidy up the Criminal Code so that it could be reprinted in the near future. As he stated, the principal purpose behind the Bill is to correct and adjust some of the anomalies in the Code. Looking at the amendments that have been included in the Bill, it appears that the measure is well justified. I am in entire agreement with one of the provisions, although, as regards another of them, I think there should have been a follow-up action on the section immediately after that proposed to be amended. However, more of that anon.

As I pointed out, the Minister said that following upon the ironing out of anomalies in the Code, by means of this amending Bill, and once certain validation of existing procedure had been carried out, the Code would be consolidated and reprinted. Of course, this will be of general benefit to the legal profession and will be of great benefit to the law students at the University who desire up-to-date copies of this Code.

My principal criticism of the measure is that it does not tidy up the Code sufficiently. As far as it goes the Bill is excellent, but it falls short of the objective

the Minister sought to achieve. At a later date I wish to introduce a private Bill to endeavour, as far as I am able, to add a few more tidying up points and I hope that these will receive the approval of the House. The first provision in the Bill widens the definition of "fraudulent conversion" and concerns bank credits and the illegal use of those credits. There is nothing to cavil at in this proposed amendment; I feel it is necessary to clear up any doubts that may exist about the section. The new definition of "property," to bring the present definition into line with that in the English Act, appears to be an excellent proposition.

There is another clause which tidies up the Code to make it an offence for anyone knowingly to receive the proceeds of a theft. As far as I can make out, this appears to be wise and should have no detrimental effect upon an accused person where an offence is committed. Yet another provision deals with false statements in the registration of births, deaths, and marriages. I feel that this is an amendment which could have been followed up with a similar amendment to the next section of the Code. The amendment in this measure is designed to allow justices to deal with certain cases. It is designed to cut down the severity of sentences for trivial cases and, where they can be established as trivial cases, for them to be dealt with by summary jurisdiction.

I think that will meet with general approval, but it appears that a similar amendment to the following section has been overlooked. Section 486 of the Code, which is amended under the Bill, provides that—

> Any person who, knowingly and with intent to procure the same to be inserted in a register of births, deaths, and marriages, makes any false statement touching any matter required by law to be registered in any such register, is guilty of a misdemeanour, and is liable to imprisonment with hard labour for two years, and to a fine of two hundred pounds.

The amendment in the Bill makes it possible for trivial cases to be dealt with by summary jurisdiction. This will have the effect of speeding up the processes of the law and, in general, of catering in a better way for justice where trivial cases are concerned. The following section, 487, is not dealt with in the Bill and as the two are analagous. I contend that a similar amendment should have been made. Section 487 reads—

> Every person required or permitted by the law relating to the registration of births, deaths, or marriages, or the law relating to cemeteries or burials, to give or supply to any person any certificate, information, or particulars, who wilfully gives or supplies any such certificate, information or particulars which is or are false, misleading, or defective in any material respect, is guilty of a misdemeanour and is liable to imprisonment with hard labour for two years, and to a fine of two hundred pounds.

From that, members can see the relationship between the two sections of the Code. The former refers to false statements for the purpose of registration of births, deaths and marriages and the following section deals with false statements relating to registration of births, deaths or marriages. If that point has not been overlooked, I contend that trivial cases could occur under Section 487 and such cases could be, and should be, dealt with by summary jurisdiction. If it is right for the one, I claim that it should be right for the other, and it is up to a magistrate to say whether or not a case is trivial and whether or not it should be tried by summary jurisdiction, and not by some other party.

Another provision has to do with the validation of procedure regarding ex officio indictments or information. It appears as though there can be no quibble regarding this because it is only a validation of a procedure that has been followed for some time. I have been informed that it seems rather doubtful whether there would be any query as to the procedure that has been followed, but if the amendment clears up the position, well and good; I have no criticism of it.

A further amendment enables one indictment to include several distinct and separate offences which form part of a series of offences of the same character. It enables one indictment to include all those of a similar nature. At first, this appeared to be one provision that could be controversial, but further research and inquiries have elicited the information that there should be no opposition to it because the defence of a person will not be jeopardised by the inclusion of this amendment in the Act. It proposes to bring the procedure in this State into line with existing English law, and I do not think it would be detrimental to the practice, by and large, and in fact, inquiries show that it would prove to be beneficial.

I mentioned earlier that I do not think the Bill goes far enough to achieve the objective of tidying up the Code, and there are one or two other points that could have been covered, which you, Sir, will not allow me to mention, because they are outside the scope of the Bill. I mentioned that one of the principal objects of the Bill was to tidy up the Code with a view to its improvement. I have no criticism of the Bill itself, but I hope in the future to discuss with the Minister the drafting of a private Bill aimed at tidying up the Code still further.

HON. J. B. SLEEMAN (Fremantle) [2.42]: In glancing through the Bill, I think there is only one point that might

be wrong and that is the one raised by the previous speaker relating to Section 486 of the Criminal Code. It does not make sense to me, and I hope the Minister will be able to explain what is intended. Section 486 provides for the registration of births, marriages and deaths, and the relevant portion reads as follows:—

> Any person who, knowingly and with intent to procure the same to be inserted in a register of births, deaths, and marriages, makes any false statement . . .

The Bill proposes to add a new subsection, as follows:—

> (2) If on the hearing before justices of a charge made under this section the justices are of opinion that a case has been made out against the accused person but that the case is of a trivial nature or, in the circumstances of the case, the offender may be adequately punished upon summary conviction . . .

And then it sets out that he is liable to a fine of £100. In the first instance, and in my opinion, the committing of an offence of this nature would be a serious matter. The offence generally involves the making of a false statement in regard to a death or a birth so that a huge sum of money can be received.

The section states that if it is of a trivial nature, the fine can be reduced to £100. In the first place, I do not think it could be very trivial, but if it is so considered, the offender should not be fined £100. It is wrong, one way or the other. If it is regarded as an offence under this section, then it is serious; but if it is proved that it is only a trivial offence, the penalty should not be £100. I would like to have a further explanation from the Minister before the Bill goes into Committee.

THE PREMIER (Hon. A. R. G. Hawke—Northam—in reply) [2.44]: On behalf of the Minister for Justice, I thank the member for Cottesloe and the member for Fremantle for what they have said on the Bill. The measure is based mainly on recommendations from the Chief Justice, Sir John Dwyer, and from others associated with the operation of this law.

I was interested to hear the member for Cottesloe say that there are some additional points that should receive serious consideration. He suggested that they might justify, at a later stage, the introduction of another Bill. I suggest to him that he should discuss his ideas with the Minister for Justice, and they could, as a result of their discussion, agree on whether the Minister will take the responsibility of introducing a second Bill or whether the member for Cottesloe might take steps in that direction. I am not informed at the moment upon the point raised by the member for Fremantle.

On the surface, it could appear that there might be some merit in the contention he has put forward. However, I would be prepared to have progress reported at the Committee stage after Clause 3 has been agreed to, so that the points raised by the member for Cottesloe and the member for Fremantle on Clause 4 might be investigated before this and subsequent clauses are proceeded with.

Mr. Hutchinson: I do not think the Chairman, in Committee, would allow us to amend that clause to make it fall into line with the section of the Act because it is outside the scope of the Bill.

The PREMIER: Well, as I have said, I am prepared to report progress in Committee after we have dealt with Clauses 1, 2 and 3.

Question put and passed.

Bill read a second time.

In Committee.

Mr. Moir in the Chair; the Premier (for the Minister for Justice) in charge of the Bill.

Clauses 1 to 3—agreed to.

Clause 4—Section 486 amended:

Hon. A. V. R. ABBOTT: I was interested in what the member for Fremantle said in regard to the penalty. At first sight, the penalty of £100 seems to be rather severe. However, the whole object of the clause is to facilitate punishment for a rather serious offence. There are two offences of this nature. Section 486 deals with statements that have to be actually entered in the register, and Section 487 deals with false statements, which section has not been mentioned in the Bill. That section was referred to by the member for Cottesloe. It deals with false statements relating to the registration of births, that is, matters on which information is required to be furnished, but not put in the register. This is of major importance because, if a false entry is made in the register, it might have a serious effect and it would be an offence of a grave nature.

It is not the intention that a woman may register, for instance, a child in the name of the man whom she claims to be its father without any reference to him at all. That could be serious. Under English law the registration of a birth could possibly entail a peerage, so it is not unimportant. These are the entries that actually go into the register. The penalty for the offence provided in the Criminal Code is £200 and two years' imprisonment. The penalty seems substantial and I do not think it is too great when we halve the offence that is under contemplation. I support the penalty of £100.

Hon. J. B. SLEEMAN: I cannot see that a case could be trivial where a certificate of birth is deliberately falsified.

Hon. A. V. R. Abbott: It could not be.

Hon. J. B. SLEEMAN: If it could be proved to be trivial then £100 would be too great a fine. But it cannot be trivial because it is done wilfully with some ulterior motive, perhaps to obtain money or property or, as the member for Mt. Lawley has said, for the purpose of a peerage. But it would be a deliberate case and I think we should report progress and wait until the Minister for Justice returns.

Mr. HUTCHINSON: I can appreciate the member for Fremantle wanting to reduce the penalty, but I do not see the necessity to report progress for a mere reduction of the penalty. As the member for Mt. Lawley pointed out, if this Bill is passed it will effect a substantial reform. It has apparently been noted that an offence which, at the time the Bill was drafted, could be regarded as serious and carrying a penalty of two years' imprisonment and £200 fine, now would be serious enough to warrant a penalty of sorts even though the offence might be of a trivial nature. It is a maximum penalty.

If we give greater responsibility to a court of summary jurisdiction we should ensure that that responsibility carries with it the measure of punishment proportionate to the responsibility. There is no need to report progress. If the member for Fremantle wants to reduce the penalty, that is another matter. I think we should proceed.

Progress reported.

BILL—RENTS AND TENANCIES EMERGENCY PROVISIONS ACT AMENDMENT.

Council's Message.

Message from the Council notifying that it insisted on its amendments Nos. 14 and 15; that it did not insist on its amendment No. 16; that it agreed to further amendments Nos. (1), (2), (3), and (4) made by the Legislative Assembly to Council's amendment No. 26, but disagreed to further amendment No. (5) to the Council's amendment No. 26; that it disagreed with the alternative amendment to Council's Amendment No. 29 and that it insisted on its amendment No. 29, now considered.

In Committee.

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

The MINISTER FOR HOUSING: I trust you will be indulgent, Mr. Chairman, to enable me to review the position because it is so confused on account of the number of amendments, proposals and counter proposals that have been made. In the first place the Government is by no means enthusiastic about the proposals that now confront it. Everybody will agree that the Bill has been gradually whittled away with the Government conceding points all the time to effect some agreement. I think it has pointed perhaps more clearly than anything else just where the power of government really lies. I will say no more than that. Any member who has doubt in the matter has only to refer to the original document and compare it with what is before us at the moment to obtain a full appreciation of what I mean.

Hon. A. V. R. Abbott: What about dealing with the amendment?

The MINISTER FOR HOUSING: After studying the debates that took place in the Legislative Council, it is obvious to me that that Chamber is in no mood to concede anything beyond what is contained in the present message. I say that because there was discussion and three or four divisions were taken, and not one member of the Opposition in the Legislative Council agreed with the propositions submitted by the Chief Secretary. For that reason, it would be a waste of time and futile in the extreme for the Legislative Assembly to contemplate going into conference on the Bill.

Hon. J. B. Sleeman: Hear, hear—two hear, hears!

The MINISTER FOR HOUSING: Within the past 8½ months I have already spent a total of 17 hours in conference, with others of course, apart from the many hours spent in consideration of the Bill, and I repeat it would be utterly futile to continue that process. I therefore indicate that I am confronted with the position that I have no alternative but to accept the proposals of the Legislative Council. So as to be able to follow them in turn, I can in a few moments indicate what the chief provisions will mean. First of all, all leases for a term of three years or more will be completely outside the Act in every respect.

Hon. A. V. R. Abbott: Entered into when?

The MINISTER FOR HOUSING: I do not want to go into too great detail in respect of this matter, otherwise I shall impose too much on your indulgence, Mr. Chairman. So far as other tenancies are concerned, all lessees will be subject to 28 days' notice, without any grounds or reasons having to be advanced by the lessors. The court will have limited jurisdiction where the lessee is able to prove to the court any condition of severe hardship.

Hon. A. V. R. Abbott: That is in the terms of your amendment.

The MINISTER FOR HOUSING: Allow me to finish. I am not arguing the question. I am endeavouring to make a factual statement. The court will have a limited discretion of postponing the day of enforcement of the order to a total of three months. In respect of that, the Legislative Assembly asked that the period of

the court's discretion should be limited to a maximum of six months; the Legislative Council, however, would not agree to that proposition. I cannot understand this because a period of four months was first submitted by Opposition members here after consultation with their colleagues in the Legislative Council. Anyhow, the fact is that the period is limited to a maximum of three months' discretion.

There is some other limiting protection. Where a tenant applies to the court for the determination of a fair rental, the lessor will be debarred for a period of three months from giving notice to quit. A further concession is that where the fair rent determined by the court is less than 80 per cent. of the rent being charged, then the lessor is denied the right to institute proceedings to evict for 12 months. It is my hope that this will have the effect of making all landlords cautious in the matter of raising rentals, because of the disqualification that will follow if upon determination being made by the court it is found that they have gone to excesses.

So far as rents are concerned, there will be no control over the amount charged where leases have been entered into which have a life of two years or more. In other cases the rent will be as agreed upon by both parties, but subject to an approach to the court. Those rentals which have been increased since the 30th April are legalised under the provisions as proposed, but, of course, they are subject to an approach by the lessee to the fair rents court for determination of a fair rental. This is counter to the proposals of the Government which sought to revert in all cases to the April level of rentals, unless within a short period the lessee agreed in writing to the increased amount or until the court had made a determination otherwise.

The only other observation I have to make in a general sense is that there will be no redress whatsoever against eviction proceedings or against rentals charged on account of action taken since the 30th April and up to the 1st August of this year. Now we come to consideration of the message from the Legislative Council. I do not know if you, Mr. Chairman, desire to treat each separately. It might be preferable that way because differences of opinion might arise, or further information might be desired.

The CHAIRMAN: The first amendments insisted on by the Council affect Clause 10 and are as follows:—

> No. 14. Clause 10, page 5—After the word "fifty-four" in line 16 insert the following words and brackets:—"(and before the thirty-first day of August, one thousand nine hundred and fifty-five)."
>
> No. 15. Clause 10, page 5—After the word "notice" in line 19, insert the following words:—"or the first day of August, one thousand nine hundred and fifty-four (whichever is the later)."

The MINISTER FOR HOUSING: The Legislative Council insists upon these two amendments. These are the amendments which were not understood by members on this side of the Chamber when considered in Committee. They deal with the position where notice to quit is given, and the rent is not to exceed the April figure. I am still uncertain as to precisely what is meant, but I think, in the first instance, they infer that all rent controls will expire in August, 1955, and, secondly, they legalise all rentals that have been charged between the 30th April and the 1st August. That is my interpretation. Bearing in mind the position that confronts the Government in respect to this matter, I move—

> That the amendments be no longer disagreed to.

Question put and passed; the Council's amendments agreed to.

Council's amendment No. 26. Clause 18, page 8—After the word "repealed" in line 28 add the following words:—"and re-enacted as follows:—

> 20B. (1) On and after the first day of May, one thousand nine hundred and fifty-four, the lessor of premises (other than premises in respect of which there subsists a lease entered into after the thirty-first day of December, one thousand nine hundred and fifty) shall not during the operation of this Act commence proceedings to recover possession of, or eject the lessee from, premises unless he has given to the lessee notice to quit of at least twenty-eight days or such longer period as that to which the lessee is entitled at law.
>
> (2) Upon any application pursuant to the provisions of section thirteen of this Act being lodged by a lessee (other than a lessee under notice to quit or to terminate the tenancy of premises) with a Fair Rents Court or an inspector (as the case may be) for the amount of the rent of the premises to be determined, a notice to quit or terminate the tenancy shall not thereafter be issued in respect of those premises until after such application has been determined by a Fair Rents Court or the inspector (as the case may be) or the expiration of a period of three months from the date of lodgment of such application whichever is the sooner.
>
> (3) Upon the hearing by the Supreme Court or a Local Court of any summons for the recovery of possession of premises (other than premises in respect of which there subsists a lease entered into after the thirty-first day of December, one thousand nine hundred and fifty) the Court

hearing such summons may at its discretion, on account of any special reason of severe hardship which may be proved by the lessee, suspend the operation of any judgment or order thereon for such period not exceeding three months from the date of the hearing as the Court may determine.

(4) The provisions of subsections (2) and (3) of this section shall continue in force until the thirty-first day of August, one thousand nine hundred and fifty-five and no longer."

Assembly's amendment No. (5) disagreed to by Council. New Section 20B. Subsection (3), line 16—Delete the word "three" and insert the word "six" in lieu.

The CHAIRMAN: The Council's reason for disagreeing to the further amendment made by the Assembly is—

This amendment is disagreed to because it is considered that with the requisite twenty-eight days' notice to quit, the further delay in the hearing of the summons founded on such notice to quit, and a discretion to the court to suspend its order for a period of up to three months, the lessee is thereby afforded reasonable protection; and that to give the court a discretion to suspend its order for a period of up to six months, would unduly prolong the course of justice.

The MINISTER FOR HOUSING: To this long amendment proposed by the Council, we suggested five amendments. The Council has accepted four of them. Where a tenant has applied for the determination of a fair rental, he shall have three months' protection from eviction. There is the penalty of 12 months so far as ability to evict is concerned, where the fair rent is determined to be less than 80 per cent. of the rent being charged, and it was proposed that there should be a period of three months for the determination of a fair rent, whichever was the sooner. We deleted the words "whichever is the sooner."

The Council has agreed to that, and also to the deletion of the word "special" relating to a reason of severe hardship, in which circumstances the court could suspend the order for a time. The Assembly wanted that discretion to extend over a period of six months, but the Council insists upon its original term of three months.

I was rather amused at reading the reason given by the Council for disagreeing to amendment No. (5), where it states—

To give the court a discretion to suspend its order for a period up to six months would unduly prolong the course of justice.

When, at the whim of a landlord, a tenant might be evicted without any real reason or excuse, thus causing mental torment and upset to a family where there might be sickness or other considerations that ought to be taken into account, to say that a maximum period of six months would unduly prolong the course of justice is just a little absurb. I move—

That the Council's amendment, as further amended by the Assembly, be agreed to.

Mr. WILD: There is no need for me to traverse the remarks made by the Minister, but they call for one or two observations. He is endeavouring to throw the whole blame for the present form of the Bill upon another place, but I repeat for the third or fourth time that the measure has been sent back to us more or less as the Opposition in this Chamber would have framed it had it had the numbers. The measure as originally introduced in this Chamber was, in the view of the Opposition, very radical, and what has emanated from the many movements of the Bill between the two Houses in the past month or six weeks, represents a very fair compromise for both landlord and tenant.

Mr. Andrew: We do not think so.

Mr. WILD: An observation was made by the Minister that I consider was not fair, namely, that not one member of the Opposition in another place raised his voice in support of any amendment moved on behalf of the Government. I suggest that he look at the division list in "Hansard" at page 1027, where he will find that four members of the Opposition—Hon. Sir Frank Gibson, Hon. H. Hearn, Hon. J. G. Hislop and Hon. L. A. Logan—voted with the Chief Secretary. Further, at page 1020 the Chief Secretary is reported as follows:—

I want to draw attention to the fact that, when I introduced this measure, I said I hoped, and I honestly believed, that this would be the last time this Act would be before us.

Then he made this comment—

I will be the most surprised man in Western Australia if there is any need to bring in a similar measure next year.

Those were the words of the Minister handling this legislation. Yet we here were trying to insist upon a date that would have been beyond that. Thus it is evident that the Chief Secretary has his feet on the ground much more than have some members of this Chamber.

Another statement by the Minister for Housing was that he intends to accept the amendments more or less under protest. Such a statement is unfair and unkind to another place. Members of the Council have devoted as much, if not more, time to consideration of the measure as we have. I have read the report of the debates in that Chamber. Looking at the measure from a practical point of view, I say it is going to be equally fair to landlords and

tenants, and I say, with the Chief Secretary, that if the matter is handled properly, I shall be greatly surprised if there is any necessity for further legislation along these lines next year.

The MINISTER FOR HOUSING: I am pleased that the member for Dale said what he did in his concluding remarks. He, on behalf of the Opposition, has accepted full responsibility for any circumstances that may arise following the passing of this legislation. He has indicated that he agrees with it; he considers it a fair and reasonable proposition that will adequately meet the situation. Quite a few of us will remind the public of those statements when some of the so-called benefits under this legislation are experienced by tenants.

Apparently the member for Dale has a very short memory. He will recall that I have stated in this Chamber on three different occasions that, if he would give the Government until the end of next year, I, speaking for myself, did not think there would be any necessity to introduce further legislation dealing with evictions. We asked the Opposition for that, but our request was refused.

Mr. Wild: The time is stated in the measure.

The MINISTER FOR HOUSING: The time is August of next year and the provisions are practically worthless. If it had been the intention of the Opposition to embarrass the Government in its endeavour to solve the housing problem, this has been achieved, because since the 1st July there has been in the metropolitan area an average of 33 evictions per week as affecting houses. The member for Dale should have some appreciation of the implications of these evictions and their effect upon the activities of the State Housing Commission. No one need have any fears that this Government is going to precipitate a situation at the sacrifice of people who have been waiting for accommodation for years. The Housing Commission, for this Government, is going to do everything possible to see that no person suffers undue physical hardship because of this piece of legislation. It is, however, unfair to other people.

I want to correct the impression that the member for Dale sought to convey with respect to divisions. The sense of what I said was that where the Legislative Council has insisted on its point of view, on every occasion that a division was taken, the Opposition was unanimously against the proposals of the Government. The hon. member can point to a division where several members of the Opposition voted with the Government, but I can go further and point to occasions where there were no divisions at all, and where on the voices the decisions were unanimous. But surely the only questions in dispute are those in connection with which the Legislative Council does not agree with the Government. I repeat they were unanimous. For that reason it is futile to proceed any further. The proviso insisted on by the Legislative Council is that there shall be a limited period of discretion of three months, and I have already moved that that be agreed to.

Question put and passed; the Council's amendment, as further amended by the Assembly, agreed to.

No. 29. Clause 21—Delete.

The MINISTER FOR HOUSING: This appears to be the grand finale as far as the rents and tenancies legislation is concerned, apropos of which, I want to make just one remark. As a matter of necessity and urgency, the Government convened Parliament some six weeks or so earlier than usual, and as a result we met, this session, on the 17th June. Members know what the date is today. A period of more than two months has been occupied in deliberations on the Bill to meet a state of emergency. Perhaps that is not a very happy reflection on our democratic system when a Government feels that something really needs doing with speed.

This final amendment was one in which the Government felt there should be a proviso in the Act to cover the situation between April and the coming into operation of the provisions of this measure. It will be recalled that initially the Government sought to cancel notices to quit, orders of the court and so on, and it desired that refunds of the amounts over and above the April level of rentals should be made to the tenants. Finally, after the Bill had been to the Council, all that the Government sought to do was to forget the past between April and the present moment and to lay down that all rentals from the coming into operation of this measure should revert to the April figure, unless the higher amount being charged was agreed to by the tenant or was fixed by a determination of the fair rents court. That was a just and equitable provision. However, it has been disregarded by the Legislative Council, and, because there is no alternative, I move—

> That the amendment be no longer disagreed to.

Question put and passed; the Council's amendment agreed to.

Resolutions reported, the report adopted and a message accordingly returned to the Council.

BILL—POLICE ACT AMENDMENT (No. 2).

Second Reading.

Debate resumed from the 10th August.

HON. A. V. R. ABBOTT (Mt. Lawley) [3.28]: As the Minister said when introducing the Bill, the Police Act, with respect to the sections proposed to be dealt

with by this measure, has not been considered by Parliament for many years. I do not quite know how many, but I think possibly not since 1892.

I am of the opinion that it is essential that not only should justice be done in the Police Force, but that every member of the force should be satisfied that justice is being done. It has been customary to ensure this by enabling an employee, who has been accused of an offence under conditions where discipline has been exercised, to have a right of appeal from the punishment which may be imposed by the authority charged with running the particular organisation. It might be the Commissioners of Railways or, as in the present instance, the Commissioner of Police.

The original Act provided that a constable could have his charge referred to what was known as a police board, if he so wished. But that did not prevent the commissioner exercising a form of discipline over and above any penalty that might be imposed, which in itself could result in a severe punishment of the constable or non-commissioned officer being dealt with, because although in the case of a non-commissioned officer the board could impose a fine of only up to an amount of £5, the officer could subsequently be reduced in rank and that, of course, would be a much more severe penalty than the imposition of the maximum fine permitted.

The Minister for Police: But the police have not the right to appeal against either penalty at present.

Hon. A. V. R. ABBOTT: No, there is no right of appeal, but I was pointing out that, although the board is an independent body to consider a fitting form of punishment, that does not prevent the commissioner exercising disciplinary action, which could amount to a much more severe penalty than the board has power to impose. If the commissioner reduced an officer to the ranks, there could be no appeal against that penalty, other than through ministerial action. Subject to what I am going to say, I feel that the suggestions contained in the measure are an advance on the provisions of the existing law, but I do say that the Police Force must necessarily be subject to discipline.

I do not think the normal relationship of employer and employee can be applied entirely in this instance. The Police Force is the only civil authority to enforce compliance with the law. Admittedly, the courts of the land say what must be done, but we have only the Police Force to ensure that the decisions of the courts are implemented. Again, there may be conditions under which it is necessary for the Police Force to ensure that the law is observed, as it stands, and in those conditions great discipline may be required. I have therefore always held the view that those requirements should be realised in the employment, rewards and remuneration of members of the Police Force but, while I believe they are entitled to a recognition of the difficulties of their duties under certain circumstances, they, in turn, must realise that it is necessary that they be subjected to certain disadvantages in order that the community may be properly served.

When the Bill is in Committee, I propose to move certain amendments which will seek to ensure that power to enforce the necessary discipline shall repose in the commissioner, subject always to the Minister who, in turn, must accept final responsibility for the conduct of the Police Force, or any other Government department under his jurisdiction. The Bill proposes to give the commissioner power virtually to inquire into any offence by a non-commissioned officer and impose certain punishments. It is suggested that he should have power to impose a penalty of £5, or a reduction in rank, or dismissal from the force, but I feel that there is too much disparity between a penalty of £5 and a reduction in rank, as the latter is an extremely severe penalty which, in my view, should be imposed only for an offence of considerable magnitude, unless the commissioner is convinced that the officer concerned is no longer fit to carry out the duties of the rank he holds.

It is my intention, therefore, when the Bill is in Committee, to move an amendment seeking to give the commissioner power to impose an increased penalty by way of fine, the increase to be from £5 to £20. In some instances, the offence may be of such a nature that it does not warrant a formal inquiry under oath, and in that regard I shall seek to give the commissioner power to inform himself by such methods as he thinks are most applicable to the situation. In a minor offence, the commissioner may be satisfied, from inquiries he has made, and which may not necessarily have been conducted under oath, that certain action should be taken. I will therefore suggest that the commissioner be given power to conduct inquiries as he thinks fit.

The Bill contains provisions relating to the punishment of constables, and in that regard I think I should have placed certain amendments on the notice paper, but perhaps the Minister may agree to report progress after the provision relating to non-commissioned officers has been dealt with. From the decision of the commissioner, it is proposed that there shall be an appeal to an independent board. The provisions relating to the existing board are to be repealed and there is to be created an appeal board which, in the terms of the Bill, is to consist of a stipendiary magistrate, or a police or resident magistrate, as chairman, to be appointed by the Minister, a person to be appointed by the commissioner and a member of

the Police Force elected by members of the force by the taking of a ballot of all members of the force.

I am not quite happy about the proposed constitution of that board, as I think the Minister should be given some discretion. The representative appointed by the commissioner might not, for reasons best known to the Government, be approved by the Minister. I think he should have the right to reject any such nomination. That applies with the Civil Service and it is the duty of the Public Service Commissioner to make recommendations for appointments within the service to the Executive, which means the Government, and the Government has the right to reject any such recommendations and ask for further nominations. That is a suitable procedure because the Government may have a different point of view from the Public Service Commissioner, and it is right that the Government should have the final say. Under exceptional circumstances that prerogative has been exercised by Governments.

In my opinion, the Minister should have a discretion here and I propose to give the Minister that discretion, if my amendments are accepted, and apply the same system as prevails in the Civil Service. In other words, recommendations will be made by the Commissioner of Police and will have to be accepted by the Minister, which virtually means the Government. Regarding the member to represent the Police Force, I do not like the idea of a popular ballot. I do not approve of electing judges by popular ballot and it has not proved a success in America.

In most of the States of that country the judiciary is elected from time to time, and turned out from time to time, according to the political views of the party in power. Of course that does not apply to the Supreme Court of America and appointments to that court are made by the Executive. I do not approve of a system under which the judiciary is elected by popular vote. It is all very well to be popular; but if one is in a judicial position, there are many occasions when one's mind should not be conditioned by the fact that one must remain popular to retain one's position.

The Minister for Police: Sometimes one gets into that stage in a political sense.

Hon. A. V. R. ABBOTT: That is so; that is part of our political life. I had that experience as a Minister and it is hard for one not to be influenced, or to have one's mind conditioned to some degree by something that might affect one's personal popularity and one's job. In my amendments I have endeavoured to avoid that and instead of the member being elected by the whole force, I think he should be one of the governing body of the union. The men who comprise the executive of the union are usually men of responsibility and have other work to do; and in my opinion the person to represent the force should be a member of the executive and elected by that body.

If a man is elected purely for the one job—to ensure, if possible, that the accused person gets off or is not punished—they might select a different type of man from the one who is selected for an executive position on a union. A man who is selected as an executive of the union is usually one who has a strong character and is undoubtedly fair, because the union wants such men to look after its interests.

Sitting suspended from 3.45 to 4.9 p.m.

Hon. A. V. R. ABBOTT: I was dealing with the constitution of the proposed appeal board and with the appointment of the person to represent the accused to ensure that justice will be done. I added that he should be elected by the executive. An officer should not be elected merely to sit on the board. He should be appointed as a member of the board in conjunction with his ordinary duties.

The next point I wish to make is that there is provision in the Bill for the payment of such remuneration as the Minister thinks fit. I am opposed to the payment of extra remuneration to Government officers who are required to perform certain duties. This applies particularly to police magistrates. If they are not carrying out their duties in one place, they carry it out in another. They should receive no increased remuneration because they occupy a certain position. Nor do I agree that a police officer nominated by the commissioner should receive extra remuneration for sitting on a board like this. He should receive his ordinary remuneration as a police officer, and no more or less while sitting on the board. No inducement should be made to officers for sitting as members of this board. It is a duty rather than a privilege. I shall therefore propose an amendment to enable the Minister to compensate police officers for any expenses they may incur.

The Minister for Police: The word "remuneration" is not used in the Bill.

Hon. A. V. R. ABBOTT: It is inferred.

The Minister for Police: If it is, that was not intended.

Hon. A. V. R. ABBOTT: I am glad to hear the Minister express his intention. Those are the only comments I wish to make. I shall discuss some of the matters to which I have referred in Committee. I support the second reading.

THE MINISTER FOR POLICE (Hon. H. H. Styants—Kalgoorlie—in reply) [4.14]: I am pleased that the member for Mt. Lawley has agreed to the principle embodied in the Bill. There is no doubt that members of the Police Force have been at a disadvantage in not having the same right of appeal against punishments

whether they were inflicted by a board or by the commissioner, as other Government employees possess. I propose to accept, either wholly or in part, some of the amendments appearing on the notice paper. I cannot see sufficient merit in some of the amendments in the name of the member for Mt. Lawley, to induce me to agree to them.

The point was raised by the member for Mt. Lawley whether the commissioner's representative should be appointed by him, or whether the representative should be recommended by him and appointed by the Minister; and, in the case of the union's representative, whether he should be elected by ballot of all members of the Police Union or whether he should be recommended to the Minister by the executive or council of the Police Union for appointment. There is some merit, no doubt in the proposal he has embodied in the amendment he will submit, and I intend to give it further consideration. If we reach the Committee stage today, I propose to report progress to enable me to give more consideration to the various suggestions over the week-end.

The other matter mentioned by the member for Mt. Lawley had reference to the additional remuneration for members of the board. The word "remuneration" is not mentioned in the Bill; the word "allowance" appears in it. That is intended to convey the same meaning as the proposed amendment. There is no intention to pay any additional salary. If a member of the board is put to travelling or out-of-pocket expenses, it is intended that he shall be fully reimbursed.

There is no intention to pay members additional remuneration above their salaries. They are all members of the Civil or Government Service—the magistrate, the commissioner's representative, and the Police Union's representative. The intention is that the word "allowance" should cover all out-of-pocket expenses incurred. What was in my mind and in the mind of the Parliamentary Draftsman was that they should be granted a daily travelling allowance on the same scale as other public servants, or as in the Police Department.

Question put and passed.

Bill read a second time.

In Committee.

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

Clauses 1 to 3—agreed to.

Clause 4—Section 23 repealed and re-enacted:

Hon. A. V. R. ABBOTT: This clause provides for the commissioner virtually to inquire into any alleged offence by a non-commissioned police officer. I feel that the provision should be amended to provide that the commissioner may examine on oath and may inflict a fine or punishment, and that he can only inflict a fine after he has examined on oath. He may do nothing at all if he does not wish to, but if he wants to inflict a penalty, then he must examine on oath. That should not be necessary. In many cases, even a caution or reprimand could be imposed. A reprimand is the lightest punishment meted out under the army code, and we would do well to include it. The clause could be read to mean that the commissioner might examine and thereupon inflict a fine, but that after examining on oath, he could not inflict a fine. I move an amendment—

> That the word "examine" in line 13, page 2, be struck out and the following words inserted in lieu:—"make such inquiries as he may think fit, and if in his opinion it is necessary or desirable so to do, may take evidence."

The amendment would make it clear that the commissioner may impose a penalty without taking evidence on oath.

The MINISTER FOR POLICE: The amendment, except that it is expressed in more words, really amounts to what is stated in the Bill. If we provided that the commissioner shall examine on oath, the hon. member's view would be correct, but the Bill provides that he may examine on oath, and "may" permits the exercise of discretion. As the wording in the Bill has appeared in Section 23 of the Act for many years and stood the test of time, there is no need to alter it. If the commissioner was inquiring into a trivial charge, such as a man's being asleep on duty, and was able to get the evidence, he could make the inquiry as suggested in the amendment, but if it were a more involved case, there might be difficulty in obtaining evidence and reaching a decision unless the evidence were taken on oath. For these reasons, I cannot accept the amendment.

Amendment put and negatived.

Hon. A. V. R. ABBOTT: The charges set out in the clause may be insubordination or misconduct against the discipline of the force. I suggest that "neglect of duty" should also be included. Malfeasance means that a man does something, and misfeasance means that he neglects to do something. A constable might neglect to make certain entries and, under the clause, he would have to be charged with misconduct in that he neglected to do something, which would not be expressing the matter very well. I move an amendment—

> That after the word "insubordination" in lines 13 and 14, page 2, the words "neglect of duty" be inserted.

The MINISTER FOR POLICE: The amendment is not necessary, but I see no objection to including those words.

Amendment put and passed.

Hon. A. V. R. ABBOTT: The proposed penalties set out in the clause are the infliction of a fine not exceeding £5, reduction in rank or discharge or dismissal from the force. There is a big difference between a fine of £5 and reduction in rank. I move an amendment—

> That after the word "inflict" in line 17, page 2, the words "a reprimand or" be inserted

This would be only fair to a non-commissioned officer because, if he were charged, a record would be made on his file. The commissioner might say, "I shall not fine you this time, but you should not have done that." Thus, he might virtually consider the charge proved and yet not impose a penalty.

This could be a serious matter for a man because his file would be considered when promotions were pending. It might be well to give the commissioner power to reprimand if he thinks it right to do so. Then the man, having been officially reprimanded, would have the way open to appeal if he considered the reprimand unjust, but if the commissioner unofficially reprimands him, there is no appeal, because he has not been punished. I have no strong views about this matter, but I do not think a man should be reprimanded, and have it shown on the file, without his having the right of appeal. I would like to hear the Minister's views on this matter.

The MINISTER FOR POLICE: It is pretty trivial to appeal over a reprimand. It means nothing. I do not like this proposal at all. I had 25 years' experience of the railways and in that service the reprimand is known as a caution. It has always been a sore point, and still is, with the railway unions that there is no appeal against the caution. After all, a caution is, perhaps, a face-saving proposition as far as the department is concerned.

The most objectionable feature about the caution is that unless the person concerned has the right to appeal against it he may at some future time be charged with another offence and then his file comes out and it shows that he has had a caution; but he has never had the opportunity of testing the justice of the caution. I have always contended that it was not advisable with respect to a trivial matter such as a reprimand or a caution, to bring into operation the machinery of an appeal board. I hope the Committee will not agree to the amendment.

Hon. A. V. R. ABBOTT: The Minister has had a lot more experience than I have had in this matter. I therefore ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Hon. A. V. R. ABBOTT: At present the maximum amount that a man can be fined is £5. I think the amount should be larger because there is too much discrepancy between £5 and a reduction in rank. I understand the Minister will agree to £15, so, although my amendment on the notice paper refers to £20, I now move an amendment—

> That the word "five" in line 18, page 2, be struck out and the word "fifteen" inserted in lieu.

The MINISTER FOR POLICE: I am prepared to agree to the amendment. The penalty of £5 has been in the Act for many years, and 25 years ago it would have been slightly under a week's wages. I think that in the case of a non-commissioned officer a penalty of £5 is not adequate, and it might, if it were allowed to remain, act as an inducement for the commissioner to inflict a much severer penalty of some other nature. The commissioner might, however, consider that £15 was the correct penalty to inflict, and if a non-commissioned officer suffers accordingly he has the right to go to the appeal board to see whether, in the first place, he was rightly found guilty of the offence and, secondly, whether a fine of £15 was a fair penalty.

For these reasons I think there is justification for raising the amount of the fine, particularly as the commissioner, even though the non-commissioned officer has been fined, at present also has the right to reduce him to the ranks, without the right of appeal against his decision. Whilst I would not agree to the amount of £20, I have indicated to the member for Mt. Lawley that I will agree to £15.

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

Clause 5—Section 24 amended:

The MINISTER FOR POLICE: In view of the fact that the member for Mt. Lawley has indicated that he has overlooked an amendment to this clause, I am prepared to report progress.

Progress reported.

BILL—BUSH FIRES.

Second Reading.

Debate resumed from the 10th August.

HON. L. THORN (Toodyay) [4.40]: This is a most important measure and one which should interest all members of this Chamber. It is an absolutely non-party political Bill which has been framed to assist and ensure co-operation in the prevention of bush fires. As the Minister said, the consolidation of the Act is long overdue. I have a clear recollection of the scrap-book in the Minister's office in which, year after year, have been placed the amendments made, until it is now very much the worse for wear.

Undoubtedly it is high time that the Act was consolidated. The bush fires legislation was first introduced in 1937 and, resulting from that, a rural bush fires committee was appointed. Now, in 1954, we have the benefit of the experience of that committee over the intervening years. Members of that committee are men who have given their services voluntarily in the interests of the prevention of bush fires. It has now been decided to change the name of the committee from the rural bush fires committee to the bush fires board, and I think that is a good idea.

Hon. Sir Ross McLarty: We are more concerned about grass fires than bush fires.

Hon. L. THORN: Generally speaking, a grass fire is a bush fire and if a bush fire does not start a grass fire, the grass fire usually starts a bush fire.

The Minister for Education: Where is the difference?

Hon. L. THORN: I think the representation provided for the board is fair. Provision is made for the Under Secretary for Lands to act as chairman. I have known him for many years—since long before I entered the office of the Lands Department—and know him to be a most conscientious officer who, as a high Government official, applies himself to his job. The Bill provides that four members of the committee shall be nominated by the road board's council and that there will be another representative of the road boards which are, to have in all, five representatives.

There is also a member to be nominated by the Minister for Forests. It is essential that a man with experience in forestry should be on the board to advise how best to deal with fires occurring in forests. A representative is also to be nominated by the Minister for Agriculture, and one by the Western Australian Government Railways Commission. As severe penalties are provided for any person guilty of starting a fire, I hope the Railway Department will stand up to its responsibility and pay strict attention to firebreaks.

The Minister for Railways: The ploughing of firebreaks cost £38,000 last year.

Hon. L. THORN: I know it costs a lot, but I believe it to be well worth while in an endeavour to prevent fires from occurring.

The Minister for Railways: So do I.

Hon. L. THORN: I know the difficulties involved and realise that when goods or passenger trains, well loaded, are climbing a steep incline they have a full pressure of steam, with the result that sparks are liable to get away. I am not speaking in criticism of the railways but am hoping that the appointment of this new board, on which there is to be a representative of the railways, will result in everything possible being done to prevent the occurrence of fires. I do not suppose that I could suggest that if the railways start a fire, the department should be fined just as would be anyone else guilty of starting one.

As the local authorities are now to be well represented on the board, absolute co-operation between all concerned should be possible and it is essential that in a set-up of this nature there should be good feeling and a spirit of co-operation. If that can be achieved, this board will play a most important part and will go a long way towards overcoming the menace of bush fires. It is well known that fires are subject to climatic conditions and, with the appointment of this board, the wardens and bush fire control officers should be given a considerable amount of authority.

Although permission may be given to burn on a certain date, when the time arrives the fire hazard may be too great and in such circumstances the fire control officer has authority to prevent burning being done on that day. That is a most reasonable provision. Often there occurs a spell of wet weather, which delays burning, and I therefore feel that it would be of great assistance if the fire control officers were given the power to say when burning was to take place.

Another interesting point mentioned by the Minister was that there are 500 bush fire brigades in existence today. That figure represents a considerable increase and the existence of so many brigades should be of great assistance. There are throughout the State many farmers who have provided fire-fighting units at their own expense, and they are always prepared to make their equipment available in case of fire. I was going to ask the Minister whether all these fire brigades have been approved, because under the Act when a district reaches the position of having an official fire-fighting unit or brigade, it receives notice of approval signed by the Minister and that, under the Act, entitles those concerned to a 10 per cent reduction in their insurance premiums.

The Minister also said that at present there are 1,000 bush fire control officers registered under the Act. That should indicate to the House that in the areas where bush fire-fighting units and controls are necessary, there are at least 1,000 men giving their services voluntarily to assist in the prevention of bush fires.

Hon. J. B. Sleeman: If a man burns on a particular day, having taken all the necessary precautions, is he still liable if the fire gets away?

Hon. L. THORN: Yes, and in one way that may be a bit hard. Having received the permit to burn, the person concerned might light the fire on that day and then, perhaps, neglect to look after the smouldering logs on his boundaries.

Hon. J. B. Sleeman: What is the position if he has not neglected the fire?

Hon. L. THORN: If he is not guilty of neglect, I do not see how the fire could get away. Of course, there might be a nasty easterly or north wind which would fan the flames and make it possible for the fire to get away. I admit that it is hard on the farmer.

The Minister for Lands: It would be harder on the victim.

Hon. L. THORN: Yes. We say that it would be hard on the farmer, but if I were his next-door neighbour and were burnt out because of his negligence, I would take another view. It is all a matter for supervision and control, and if the farmer realises that he has some liability in the matter, he may ride his boundary fences occasionally to see how things are going. Generally speaking, the farmer attends to these matters; he is fire-conscious and he does all in his power to ensure that a fire is kept under control. But there is always the other fellow who has no sense of responsibility at all. If he decides he wants to burn off, he drops a match, and I know that in the old days the big land-holders were keen to burn off the coastal areas so that they would get fresh feed in the following year.

Hon. J. B. Sleeman: Around Pinjarra?

Hon. L. THORN: No, I do not think the McLarty family at Pinjarra were responsible for doing that.

Hon. Sir Ross McLarty: We should not bring personalities into a matter such as this.

Hon. L. THORN: I have a good idea of how it was done. When the fire started, the squatter would be back home and would have a good alibi. He would light candles —as a sort of time-fuse—and by the time the candle burned down and started a fire, he would be at home, probably 10 miles away.

Hon. J. B. Sleeman: At Pinjarra?

Hon. L. THORN: No, down in the Busselton area. The member for Vasse is not here, so I will say along the coast from Busselton but not as far as Pinjarra.

Hon. Sir Ross McLarty: We have no coast-line at Pinjarra.

Hon. L. THORN: Controls are necessary to see that that sort of thing does not happen. Provision is made in the Bill for burning-off on Sundays. The reason for this amendment is that in some districts more men are at home and are available for fire-fighting on Sundays than on weekdays.

Hon. Sir Ross McLarty: I think most of them would be on the golf course or playing football or cricket on Sundays.

Hon. L. THORN: But they are not far away. On Sundays, in most districts, there are people available to fight fires, whereas, through the week—they might be sawmill employees or other workers—they may be well away from the district.

Mr. Nalder: That is a poor argument.

Hon. L. THORN: It may be from the hon. member's point of view, but that is the provision in the Bill. Burning-off on Sundays was prohibited, but, under this measure, a fire can be lit if the permission of the control officer is obtained.

Hon. A. F. Watts: Climatic conditions come into the picture, too.

Hon. L. THORN: Yes, and the personnel available.

Mr. Nalder: Up to date this provision has not been necessary, so why should it be required now?

Hon. L. THORN: That may be the opinion of the member for Wagin, and I do not want to disagree with him; but, as I have already stated, this is an important Bill, particularly to country members, and no doubt they will all express their own opinions.

The Minister for Lands: It would be permitted only after requests from certain people in the locality had been received.

Hon. L. THORN: That is so. But coming nearer home, I would like to discuss the electorates represented by the member for Darling Range and myself—and other members who represent areas adjacent to the city. Disastrous fires have occurred in the hills districts and have destroyed homes in those areas. The more control we have over fire-lighting, the better it will be, and severe penalties are needed to stop people from lighting fires. I do not know whether I am an example of a person who obeys the law, but if regulations regarding the lighting of fires are laid down and we are prepared to obey them, we have nothing to fear.

Hon. J. B. Sleeman: Yes, but what if the fire gets away and the person responsible has taken all precautions?

Hon. L. THORN: That is another matter; it is one provision in the Bill which is rather severe. Another severe penalty is for wilfully lighting a fire, and up to five years' imprisonment can be awarded. It sounds severe, but when one considers the damage that a fire may cause, one can see the reason for it. Not long ago there was a disastrous fire in the Cranbrook district and valuable wool-sheds, homes and machinery were burnt out; in fact, the fire made almost a clean sweep of the district and thousands of pounds worth of equipment was lost. So we must have these severe penalties to prevent irresponsible people from lighting fires.

This is undoubtedly a Committee Bill, and many members in this Chamber are keenly interested in it. They have sent copies of the measure to the local governing authorities in their districts for their

comments. As yet those bodies have not had much time to consider it, but no doubt replies will be received shortly. I am sure that those people will show a keen interest in the Bill, too, and if they consider that it can be improved by certain amendments, they will advise us of their suggestions. It is an important measure because it consolidates the present Act and includes other necessary amendments. I think we can all show the greatest interest in it and probably in Committee we can amend it in certain directions so as to effect some improvement. I support the second reading.

On motion by Mr. Manning, debate adjourned.

BILL—LAND ACT AMENDMENT.

Second Reading.

Debate resumed from the 10th August.

HON. L. THORN (Toodyay) [4.58]: In introducing the Bill the Minister said that it was only a small measure. That is so, but it contains a most important principle. As the Act now stands, the board can dispose of land only by the conditional purchase method, and only from 1s. to 15s. an acre can be charged for it. I believe this Bill has been introduced because a lot of land in the North Stirlings that has not been taken up by the Commonwealth, has been improved.

As the Minister mentioned in his speech, fairly extensive improvements have been made and, in this area, which consists of 22,880 acres, there are nine farms and the individual farms range in size from 2,200 to 3,570 acres. Approximately 1,000 acres on each farm are cleared and all farms have been provided with dams. I think that is the first and most important point in improving a farm. Sheds have been erected on four farms, while three have been put down in clover.

In connection with war service land settlement it was necessary, on many occasions, for the board to expend large sums of money on the development of an area to make it suitable enough to convince the Commonwealth Government that the land was capable of production and should be taken over for soldier settlement. During the six years I was Minister for Lands, large sums of money were advanced by the Treasury from time to time to enable the board to carry out this development. The Commonwealth Government was rather hard at times as to what it would take over and what it would not take over.

Great development was undertaken in the North Stirlings. I refer to Mt. Many Peaks. The Commonwealth would not even consider Mt. Many Peaks until certain work was done. Analyses of the soil were taken and the soil deficiencies were made up by fertilisers. In spite of criticism, many experiments were carried out which proved to be most valuable for soldier land settlement. I know that in the hinterland of Mt. Many Peaks experimental plots of various cereals and fodders were put down. On one plot super only was used, on another super and copper and on a third super, copper and zinc.

The cereals and fodders responded very well to super, copper and zinc, but where super alone had been used they blackened off and faded away. The oats planted with the three chemical fertilisers responded particularly well. As a result, although the Commonwealth Government had shied away from the Stirlings, as time went on and the land responded to soil treatment, eventually it approved of the South Stirlings area.

I will never forget that during my travels in that district I met a farmer and he said to me, "There is a lot of criticism of your South Stirlings area, but do not be disappointed because you are on the right wicket and it will come good. Many of your critics do not understand that it is slow country and whereas pastures are generally grown after two years in ordinary country, you will find it will take three years for them to develop in the South Stirlings and to achieve the results you want." I understand the Commonwealth Government was amazed at the results in that area and it has asked us to allot smaller areas to the settlers.

In referring to the special case that the Minister mentioned and the provisions in the Bill for selling this land by tender or auction, I would point out that the sum of £67,000 was well spent. Without a doubt most of it will be recouped. In any case, what does it matter if there is a slight loss? It does not matter at all. This undertaking will prove what that country can produce. Overall, soldier land settlement has been most valuable to the State and to the Commonwealth as a whole. It is indeed gratifying to think that we were able to get this money to develop huge areas of the State, which the Government itself could never have provided, because it has not sufficient funds. The war service land settlement scheme has opened up large areas which undoubtedly will prove to be of value to the State in the future. Large undertakings are costly and in many cases huge sums of money are lost on them, so why should we worry about £67,000? Even if the Lands Department does not recover all of that sum, the expenditure will be well worth while.

The Minister for Lands: It does not expect to recover the lot.

Hon. L. THORN: No, it would not be reasonable to think that it would, and I will give the reasons why. With big undertakings it is generally found that there is always something going off the rails and at times the cost can become very great. Anyone who has had experience of such works can understand why. For example,

foremen are appointed and they let the administration down. That is the way costs mount up. If the department recovers a large portion of this sum, it will do very well.

I have placed an amendment on the notice paper, but not with a view to embarrass the Minister. It struck me that by selling land by tender or auction, the man with the most money is going to obtain the holding that is up for sale. Many men who hold large tracts of country at present and who are looking for some way whereby they can invest their surplus finance, will say, "This is a good investment and I will put my money into this land." I thought that if the Land Board had a say in the matter—as it does with the conditional purchase properties—it could examine these war service holdings and allot them to the most worthy. I was wondering whether I could draft an amendment that would prove satisfactory to the Minister or, if not, whether something could be done to ensure that the Land Board will make the allotment. I do not intend to say anything further.

The principle embodied in the Act has been regarded by the Lands Department and the Land Board as necessary for the selling of any land. We know that it cannot be sold for 15s. an acre because of the improvements that have been made to the properties, such as dams, fences, sheds and machinery. Therefore, the board must have power to place a fair valuation on the land. I think an amendment such as I have suggested should be put forward for consideration when the Bill reaches the Committee stage, because I would like to take the precaution of ensuring that the man who is anxious to make a start has a fair chance of getting the opportunity to do so.

HON. A. F. WATTS (Stirling) [5.10]: I also intend to support the second reading of the Bill. I have listened to my colleage, the member for Toodyay, with great interest because with almost all he has said I am in agreement. But I would like to point out one or two things, particularly in support of his point of view, and partly to demonstrate to members that it is not only the proposed area which has been so much discussed, namely, North Stirling, that this Bill, if it becomes an Act, will apply. It could apply in future to any area where anything like similar circumstances exist. In my opinion, there will be considerable demand for this land in the North Stirlings. I know it pretty well. It is in my electoral district and is within convenient reach of Gnowangerup and Borden. There are good roads to it from both those centres, particularly from the former. There are a number of people, not only in the immediate vicinity but also in the surrounding districts, who would be interested in taking up this land, quite a number of them sons of existing farmers. They would be interested if they could get some finance from their fathers, or some other general assistance; for up to the present time they have found difficulty in taking up land near their fathers' properties since they became of age owing to the considerable expansion of land settlement, and the great amount of land reserved for selection by the Land Settlement Board.

Accordingly, I have not the faintest doubt that if this land is thrown open for selection, the Minister will receive quite a number of applications from persons who will be sufficiently well equipped—and who are holding at present no other land—to develop the piece for which they apply, if they can obtain it. I agree with the member for Toodyay that it would be undesirable to submit the land by public auction or tender because I am satisfied, as the hon. member indicated, that a number of established farmers in the vicinity already having considerable areas of land and substantial sums available for investment from time to time, would feel themselves impelled to attend the auction and make a bid or submit a tender which, if it happened to be the highest, would exclude other more deserving persons who have no land and who are situated in the category to which I referred a few moments ago, with whom I must confess that, like the Minister and his departmental officers, I have every sympathy.

I say that because I had reason to discuss the matter with some of the Minister's departmental officers, and they do realise that there are many cases where it has been difficult for people such as I have named to obtain land in the vicinity of or near their parents in the districts in which they have been brought up, and in which they are accustomed to farming. At the conclusion of hostilities, many of these people were only youths, but nine years have now passed and, of course, they have reached what we are pleased to call the age of discretion and are anxious to take on their own responsibilities in the world but do not want to be too far from the parental roof because of the obvious financial and other assistance that can be made available to them. I want these people and all those interested to be able to put in an application, and that is why I hope the Minister will agree to some such amendment, even if it is not in the actual words of that which appears on the notice paper.

Incidentally, I notice from the amendment that, instead of submitting this type of land to public auction or tender, the Minister is entitled to fix a price that he considers fair and reasonable. That, of course, takes him right away from the maximum fixed by the Land Act, and enables him, on the advice of his skilled officials, to determine a price that is fair and proper. The land should be thrown open and applicants should be required to make application on that basis.

The price the Minister would fix would involve not only the unimproved value of the land but also the improved value as decided by his departmental officers. It would give the Minister complete power to deal with the problem of price to the utmost extent practicable. It would give him every opportunity of recouping as much of the State's expenditure as he considers the land and its improvements are worth in the maximum. Yet at the same time it would ensure that there was no possibility of a limited few coming into possession of the land, who might not have the justification for possessing it that others might have, if they were able to apply for it as suggested in the amendment.

I realise very well that the Minister must have an amendment to the Act, and I would be the last to oppose an effort being made to amend the Act. But, for the reason given by the member for Toodyay and amplified, I hope, by me, I do not want to see public auction and tender left as the only means. I feel certain the discretion of the Minister and his officers can be exercised to determine what price ought to be charged for the land. As I am convinced that there will be more than one applicant for a number of these blocks, obviously the intervention of a land board or some such organisation would be necessary in order to determine which applicant should have a particular block where there is more than one applicant for it.

Despite the fact that the Commonwealth Government decided that this land was not suitable for ex-service land settlement, I know there are farmers who have been on land identical to it for a great number of years, whose properties today are almost, one might say, in the middle of the area of the land of which this forms part, and who have at all times done quite well because their production has been considerable, even if prices were not particularly profitable, but who, in more recent times, when prices have been profitable, have been able to maintain their production, and do extremely well. They would be the first to admit that they have done so. In fact, one of them quite recently told me that he regarded the property on which he had been working for upwards of 20 years as being no better than that portion of the North Stirling land settlement area which almost adjoined him, a mile or two to the north.

I must confess it is not easy for me to understand why, in the last decision, the Commonwealth rejected this portion of land because I think, bearing in mind not only its possibilities of production but also its accessibility and nearness to amenities and the like, it would probably have made as good an ex-service settlement area as any land anywhere else. It might possibly have been better than some. The fact remains that it was turned down, and for that reason has placed the Minister and the department in the present difficulty. I want to help them to overcome that difficulty, but I want them to overcome it in a manner which will not raise other difficulties for people who may want their paths towards becoming settlers made a little easier, for one reason or another.

So I appeal to the Minister to give greater consideration to some of the amendments suggested by the member for Toodyay because I am certain they will bring about the essential thing which he wants done, while at the same time making certain that the best is done for the people who are likely to take up this land. I support the second reading.

MR. PERKINS (Roe) [5.21]: I realise that some amendment to the Act is necessary so as to deal with this situation. I would ask the Minister when replying to the debate to give more details as to how much has been spent by the department in developing the land to its present stage, and how much the department must receive to recoup itself. I take it the departmental officers have examined the position fairly closely. Does the Minister consider that the department will be recouped on the sale of the land?

The normal upset price for that type of land including the amount spent on development work is not known to me. I am not aware of the reasons why the Commonwealth Government refused to approve of this land for soldier settlement. In recent times I have been through these areas, and I realise there are some problems in developing them. I understand that settlers on some portions of this land are doing reasonably well. I would like the opinion of the departmental officers regarding the value of the land and whether they envisage the whole of the moneys being spent by the Government in its development up to the present being recouped.

MR. MAY (Collie) [5.23]: I would like an assurance from the Minister on one or two features of this Bill. If the measure is passed will the Lands Department use it as a means by which the price of all land may be increased?

Hon. A. F. Watts: It cannot be, except under special circumstances.

Mr. MAY: That may be so, but I want an assurance from the Minister. Will virgin land on which no development has taken place be sold on the same basis as in the past? If not, it will mean that in future, those who have the money will be able to obtain the land and those on the lower rungs of the financial ladder desiring to take up virgin land or land under the proposed scheme, will not be able to secure it.

I can understand the desire of the Minister to recoup money which has been spent on the development of this land, which had been set aside for war service land settlement but of which the Commonwealth Government refused to approve. In regard to land put up for auction or to be sold by tender, some scheme should be devised to enable the person with little finance at his disposal to submit a tender, and if it is accepted then the conditional purchase conditions could apply after he has secured the land.

If the Minister can give me an assurance that the provisions of the Bill, if it becomes part of the Land Act, will not interfere with the present conditions of purchase of virgin land, and that applicants tendering for land formerly set aside for war service land settlement will be able to pay a small deposit in accordance with the means at their disposal, then I shall vote for the second reading. I ask for the Minister's assurance that these points will be safeguarded.

THE MINISTER FOR LANDS (Hon. E. K. Hoar—Warren—in reply) [5.27]: This rather small Bill has developed some interesting opinions. The best way I can handle it is, first of all to assure the member for Collie that under no circumstances will the provisions of this Bill interfere with the normal processes of land settlement under the Land Act. There are two ways under the parent Act by which land can be disposed of, one for town or urban areas under Section 45A, and the other by conditional purchase, which is generally spread over 25 to 30 years and refers exclusively to agricultural areas.

The previous Government—certainly not the Labour Government which occupied these benches in the past, because the details of war service land settlement had not been gone into in those days to the same extent as in the six years of the McLarty-Watts Government—in keeping its promise to all parties to establish returned men on the land, found it necessary to take measures under that section of the Act, which has been operative for many years, to open up those areas. In almost every case this was done satisfactorily.

But where the Commonwealth Government refused to approve of what the member for Toodyay has described as excellent land, or land which will respond to treatment, the present Government was compelled, as would have been any Government in office, to dispose of this land under the arrangements mentioned, which lay down certain financial conditions, the maximum amount chargeable being 15s. When the department arrived at that price, it took into consideration the quality of the soil, distance from railways, suitable roads, and whether the land in question had a great deal of poison on it.

All these factors were taken into account in the schedule used by the Lands Department to determine the price of land offered for selection. Under that schedule, the price at which the land would be offered would be 15s. This could not recoup anything like the amount of money that the Government has expended in the area at North Stirling, so it became necessary for that reason, apart from any other reason that may occur in future if the Government decided to embark upon other great land settlement projects, to have power in the Act for the special disposal of land of this description.

In disposing of it, the Government would take particular care to ensure that not necessarily the richest applicant obtained the land. It might seem rather strange that we are asking power to dispose of the land by auction or tender—in this case it would be tender, not auction—in that we would perhaps be assisting the man with the most money to obtain the land, but imagine what would happen if the amendment indicated by the member of Toodyay were accepted. It would place upon the Minister of the day the full responsibility of deciding how much should be charged for the land in order to recoup the Government for its outlay. That is a big responsibility to place on anyone's shoulders.

No matter who the Minister might be, he would almost certainly ask for a complete recoup in order that the Government of the day should not suffer any loss or disability whatsoever. If there were more than one applicant for land in this parcel, the applications would go before the Land Board, and if the Minister had not previously determined a high figure to ensure a complete recoup, the policy of the Land Board must of necessity lead to the land being made available to the man who could do the best job. Thus it automatically follows that the land would go to the man having the most capital and the best equipment for doing the work.

Mr. Nalder: You do not expect to be fully recouped for the expenditure, do you?

The MINISTER FOR LANDS: No. The cost is over £67,000, and I think we would stand to lose £17,000; that is, if we conformed to the parent Act on the basis of 15s. per acre plus the cost of development, we would stand to lose £17,000. The department feels that if this land were thrown open to tender it would not receive £67,000 or £50,000, but some figure between those two amounts because of the demand that is known to exist for land in that area.

Mr. May: What would be the position of the speculator with money?

The MINISTER FOR LANDS: A speculator could not come in and buy the whole of the land. That is provided for by the Act, which lays down that an applicant may obtain a total of only 5,000 acres.

Mr. Nalder: It will be surveyed in blocks?

The MINISTER FOR LANDS: Blocks of some 2,500 acres have been prepared, and work has been done on them. There is no law to prevent a speculator or any other man with money buying up all the private land he wants, but when it comes to purchasing Crown land, which this is, a purchaser would be limited to an area of 5,000 acres.

Incidentally, if the Bill be passed in its present form, I can guarantee that, as far as any tenders are concerned or even if the land were auctioned, which I do not think will happen, we would lay it down that only one block per person would be allowed, which would cover the situation mentioned by the member for Collie. We do not offer any apologies for trying to make this land available and asking for a considerable sum in return. The member for Toodyay, the member for Collie and I, believe that we should have some scheme to assist the person who has limited capital, but something more than limited capital is required in this area. There is no doubt of that.

It would be most unfair to encourage people possessed of very little capital to undertake the development of the nine blocks in the North Stirling area when we knew for sure that they did not have the wherewithal to undertake the development. I know this class of country to some extent, though not so well as do the member for Stirling and others, but I do know how quickly it can revert to bush, and a person with little money trying to scratch a living there would become so disgusted that he would probably walk off, and the whole of the Government money would be lost because of the regrowth that would occur in a short space of time.

I have no hesitation in saying that, if there were a large number of people—as I believe there are—possessed of limited capital and requiring land, we should adopt some other method of settlement. I am certain that this is a reasonable way of disposing of this land. In reply to the member for Roe, I may say that I do not think we shall recover the full amount of money that has been expended on the area, but we hope by the method proposed to obtain a return for it somewhere between what we could reasonably charge under the Land Act and the total cost. It might be £60,000, or it might be somewhere between that and £67,000, because of the heavy demand for this class of country at present. The Government believes in closer settlement, and I assure members that these farms will be distributed amongst nine different people.

Question put and passed.

Bill read a second time.

In Committee.

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

Clauses 1 and 2—agreed to.

Clause 3—Section 86 amended:

Hon. L. THORN: I placed my amendment on the notice paper in order to provide for those people who really require land and to ensure that those who do not hold land will have an opportunity to get it. Under the amendment, the Minister would have all the power he needs. He would be able to place a value on the land.

The Minster for Lands: That is the difficulty.

Hon. L. THORN: The Minister would have the responsibility, but he has officers who understand land values to advise him. Under this arrangement, there would be a reasonable chance of the Government's getting most of the money back. Suppose only some of the blocks were sold, the Minister would then have power to re-examine the position and reduce the price somewhat and then he could still succeed in selling the blocks. I agree with the member for Collie that the under-dog should have some opportunity of getting possession of these properties.

The Minister for Lands: What do you mean by the under-dog? Do you mean a man with no money at all?

Hon. L. THORN: No. I would advise no man to take up this type of land unless he has money to develop it. A man would have no chance of getting assistance from the Rural & Industries Bank.

Mr. May: A man on the lower rung could have someone to back him.

Hon. L. THORN: Yes. I am not criticising the Rural & Industries Bank, but it is getting far away from the old Agricultural Bank. I suppose it is just as hard and tough as any other bank in this State. We cannot get a penny out of it unless we have security.

Mr. May: You must have tried.

Hon. L. THORN: I have, and, along with other members, I have endeavoured to get some assistance for the struggling settlers in the hills districts. The Minister has given some encouragement, but I will bet a gooseberry to a penny that they get no assistance from the Rural & Industries Bank—and I hope I have to pay! This might put the Minister on his toes, and

he might see that the bank does give some assistance. My amendment gives the Minister all the power he wants.

My main object is to bring the Land Board into operation. I had one or two sad experiences in my own electorate with the Land Board. One man worked very hard to have certain land thrown open, and when the Lands Department said it could be made available for settlement, he came before the board and stated his case and said he had the necessary machinery, etc., to develop the land. Another old and reputable settler, with two soldier sons, who had only a small holding, applied for the land and the board said this man with the two soldier sons should have the land, and it was allotted to them.

Mr. May: At least it showed you did not use your influence.

Hon. L. THORN: I would not do such a thing. That proved that the most deserving case got the land. All my amendment provides is that the Minister, through his officers, will place a fair valuation on the land, and will then call applications for it. This competent board will then decide the most deserving case. Undoubtedly the applicants will need to have money, and the board will ascertain their financial position. It will adopt the correct procedure with a view to ensuring that whoever gets the land will have some chance of success. I move an amendment—

> That the words "either by public auction or by public tender but in either case," in new paragraph (aa), lines 11 and 12, page 2, be struck out with a view to inserting other words.

Mr. MAY: The hon. member has spoilt his amendment, as appearing on the notice paper, by including the first two paragraphs. The job of pricing the land would be too big a responsibility to place upon the Minister, even though he had some discretion.

Mr. Oldfield: You have not much confidence in the Minister.

The Minister for Lands: That is not the point, which is that this will be on the statute book for all time, and it is a decided weakness.

Mr. MAY: The amending Bill, as it stands in regard to the question of public auction and public tender, is quite good. I am not in favour of the amendment moved by the member for Toodyay. We already have a board set up for this purpose. I am, however, rather in favour of his subsequent amendment, which deals with the position where two or more tenders are the same for any particular parcel of land.

I do not know of any body better than the present Land Board to deal with that situation, but I do not know how it would apply in regard to auction. I take it that when land is auctioned it goes to the highest bidder, but if two or more tenderers are the same, then there should be some deciding body to determine which of them shall get the land. I am not in favour of the amendment that has been moved, but I am prepared to support the next amendment that appears on the notice paper.

Hon. L. THORN: I can see quite a lot of merit in what the member for Collie has said. Would it suit him if I were to strike out of my amendment the words "either by public auction or"? The Minister then could put the valuation on the land, but it would not be necessary for him to deal with the tenders, because they would come under the jurisdiction of the board which would allot the land to the most deserving case. I am prepared to delete the words, "either by public auction or".

Hon. A. V. R. Abbott: They would have to accept the highest tender.

Hon. L. THORN: Not necessarily. May I amend the amendment as I have suggested?

The CHAIRMAN: The hon. member will have to withdraw his present amendment, but first other members must have an opportunity to express their views.

The MINISTER FOR LANDS: I think there is little difference of opinion in this matter between the member for Toodyay, the member for Collie and myself. The desire is to dispose of this land without financial embarrassment to the Government and at the same time ensure that the right type of person gets it. It is easy to bring the Land Board into the matter, but I would point out that if at any time the Government prepared an area of land and for some reason decided to dispose of it, power would have to be provided to sell the land by auction.

We do not want to be compelled to come back to Parliament at some future date to secure that power. If there are a number of tenders for the land, some authority will have to determine the matter and in this instance that will be done by the Land Board. The Government does not want the land to be disposed of under conditional purchase requirements, because under those conditions payment is spread over 25 or 30 years. The highest tender will not be the deciding factor in the disposal of the land, and I think that the personal factor should be one of the most important matters to be considered.

Mr. PERKINS: All that is necessary is an amendment of the Act to enable the Minister to fix a higher upset price for this land than is already provided for in the Act, so as to recoup the Government for the money already spent on it. If the upset price in this case is 15s. per acre, the amount spent on developmental work might also be 15s. per acre and in those

circumstances the Minister would require power to fix the upset price of the land in question at 30s. per acre.

Mr. Nalder: But the Government wants to get its money back immediately.

The Minister for Lands: We cannot dispose of land all over the State under this provision, as it applies only to special settlement areas.

Mr. PERKINS: I think the Crown Law Department should draft the provisions necessary to cover the points in question. Provision could be made for a certain proportion of the purchase price to be paid immediately after allotment, just as survey fees, which are an expense incurred by the Government, now have to be paid on allotment.

Mr. May: I take it the land would have a reserve placed on it?

Mr. PERKINS: This would be a reserve. I do not like the provision for the land to be auctioned and I think the other angle should be explored first. As the Minister desires to recoup the Government for the money already spent on the land, I think that if two or three parties in the area concerned all want the land, the allotment should be made by the Land Board, rather than that the parties should bid against each other, and that might require some amendment other than that moved by the member for Toodyay. I cannot express an opinion on that, however, and feel that the Crown Law Department should examine the position further.

If the Minister has power to auction it, obviously that eliminates the other competitors because one party will bid until he gets it. On the other hand if there are two or three parties who are prepared to pay sufficient money to recoup the Government for what is fixed under the Land Act as the proper price to be paid for the land in that particular area, plus the actual amount of cash which the Government has expended in developing it, the allotment should be by the Land Board.

The MINISTER FOR LANDS: I think the hon. member has lost sight of the fact that this is a special land settlement area. There has been a lot of special land settlement in the history of this State. For instance, there was the old group settlement scheme. But in those cases it was entirely different from what it is today. In those days, when they developed large areas of land for settlement they had to take into account the cost of roads, surveys and everything else. We settled people on the land, and they either succeeded or failed.

But this is an area that has been created as a farming area by the Government, which has been unable to sell its products to the Commonwealth Government, because this was created under a section of the Act which deals with special settlement areas and the land has to be disposed of under that section. No part of the section allows for proper disposal of the land. On the present basis, it would be unacceptable to any Government, so it was necessary to have a special amendment to deal with the situation. The member for Toodyay wants to place on the Minister's shoulders the responsibility of saying what the upset price of the land shall be. As I have said before, one could easily arrive at a price which would be unacceptable to the public, due to one's desire to get as much back as possible for one's outlay, and one would not receive an offer for the land.

Hon. A. F. Watts: That is pretty unlikely.

The MINISTER FOR LANDS: I should say it would be most likely.

Hon. A. F. Watts: Unlikely, in this country.

The MINISTER FOR LANDS: If we are to follow out that argument, the Government would have to make a decision as to what figure lower than £67,000 would be acceptable and knowingly stand the loss, and then fix the upset figure. If the Government of the day asked for £67,000, divided among nine farms, I doubt very much whether an offer would be made.

Mr. Perkins: Why not?

The MINISTER FOR LANDS: This land was developed for soldier settlement, and when developing land under that scheme, a tremendous sum of money is spent—probably far more than would be spent for ordinary civilian settlement where the men themselves do a lot of the work. In the development of the North Stirling area, a large sum of money has been spent in addition to what would have been expended had it been thrown open in the normal way under conditional purchase conditions. We ought to recover as much as we reasonably can of the £67,000. We say we will call for tenders. A tenderer will be given full details of the work done, the price of the land, and so on. Can there be anything fairer than that? We expect to suffer a loss, but I do not think as much as if we did it the other way. When tenders are received, they go before people competent to determine who should have the land. So I must oppose the proposition of the member for Toodyay.

Mr. HEARMAN: I would like some further information from the Minister. The member for Toodyay has indicated that he proposes to strike out the words "for public auction," and the Minister has suggested that we should leave them in. The Minister indicates that he is in general sympathy with the sentiments expressed by the member for Toodyay, but it seems to me this argument is developing largely about a particular area. Yet, if this Bill goes on the statute book it could obviously

have application at a future date to some other area that perhaps has not been given consideration.

If we accept the suggestion of the member for Toodyay and the land is disposed of more or less by selection, we cannot leave the words "by public auction" in the Bill because, by those words, I think we are morally obliged to accept the highest bid, provided it reaches the reserve price. The Minister has asked us to leave the words "by public auction" in the clause, but if by doing so we find ourselves, at a future date, in the position of being unable to agree to the principles enunciated by the member for Toodyay and approved by the Minister, it does not seem to make sense to me. The department will bind itself to accepting the highest bid on the one hand and on the other will bind itself to granting the selection to the person who pays a lower sum.

I was wondering whether the Minister, when introducing the Bill, was advised that the highest possible amount could be recouped by selling the land by auction, but now feels that he has given an assurance that it will only be done by tender. If that is so, it seems to me that he should wipe out the provision for the sale of the land by auction. However, he now says that he wants to retain the words "by public auction." I would like the point clarified by the Minister.

The MINISTER FOR LANDS: I can see the point in the objection raised by the hon. member. As I said earlier, there will be no occasion for this land to come up for sale by public auction. However, the day could arrive when the disposal of a special settlement area would not be so easy as the one mentioned. The department could call for tenders for this land and get such a poor response that the only way it could dispose of it would be to sell it in the same way as land is sold under the conditional purchase system, or, by public auction. The hon. member now wants us to do away with the principle of selling the land by public auction. In the case under review the question of selling the land by public auction would not arise. However, I think that future Governments should have the right to sell it by public auction should they so desire.

Progress reported.

House adjourned at 6.10 p.m.

Legislative Council

Tuesday, 24th August, 1954.

CONTENTS.

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

QUESTIONS.

DAIRYING.

As to Artificial Insemination of Herds.

Hon. C. H. HENNING asked the Minister for the North-West:

When is it anticipated that a plan for artificial insemination will be sufficiently advanced to enable the Minister to supply a detailed answer to my question of the 17th August?

The MINISTER replied:

The Superintendent of Dairying is at present in the Eastern States, but it is expected that a scheme sufficient to explore the possibilities in Western Australia can be finalised shortly after his return.

TRANSPORT.

As to Continuation of Bus Route, Maylands.

Hon. R. F. HUTCHISON asked the Chief Secretary:

Would the Minister for Transport consider having the bus along Lisle-st. to Susan-st. and Caledonian Avenue, Maylands, continue around the block instead of reversing at the corner, to avoid more accidents at this terminus?

The CHIEF SECRETARY replied:

The local authority has under consideration the necessary widening of road pavement to permit of looping buses.