Legislative Council

Tuesday, 25th September, 1951.

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

BILL—PETROLEUM ACT AMENDMENT.

Read a third time and transmitted to the Assembly.

BILL—INCREASE OF RENT (WAR RESTRICTIONS) ACT AMENDMENT AND CONTINUANCE.

Second Reading.—Amendment "six months"—Bill rejected.

Debate resumed from the 20th September.

HON. H. K. WATSON (Metropolitan) [4.34]: I can find nothing in the Bill to commend it to the House. On the other hand, I think there is much in it to warrant its complete rejection. During the debate on the Address-in-reply, I expressed the view, and the hope, that the Government would not tinker with the Act during this session of Parliament, but that it would give a fair and reasonable trial to the amendments which Parliament made last session. I find I might just as well have saved my breath. On that occasion, too, I suggested that if any amendments were to be made one that really called for attention was that of giving a reasonable increase in rents in respect to dwellings. Again I might have saved my breath.

If the Bill does pass this House, I trust that someone who is suitably equipped will be found to offer a prayer to the effect, "Lord forgive them, for they know not what they do." An Act of Parliament should at least be capable of being conveniently read and be readable, but if this Bill becomes law I think I can say without fear of contradiction that it will not comply even with that elementary requirement. We have the consolidated Act of 1939-49; we also have the Act of 1950 and on top of that we have this Bill which is being introduced now. I challenge any member to take up these three documents and try to make head or tail of them. Is it any wonder when he was addressing himself to this question Mr. Gray spent 10 per cent. of his time on the Bill and 90 per cent. of his time on a circular of the Property Owners' Association?

I am afraid that during the course of my speech I may be rather critical of the Minister's remarks during his second reading speech, but I would like to say by way of explanation that I appreciate that this Bill is not one which is administered by the Minister, and that he was speaking to his brief. He told us that this Bill would remove anomalies in the existing Act. If members will throw their minds back to 12 months ago when we were dealing with the 1950 Bill to amend the Act, they will remember that just after the Bill had passed the Committee stage, it was pointed out that it contained one glaring anomaly which we had omitted to remove last year. That was that the Bill still omitted to remove farms from the Act. I think Sir Charles Latham drew attention to the fact. It was agreed between us that at the very first opportunity the anomaly of the farms still being included in the Act should be removed. But does this Bill remove that anomaly? It does not, Sir. Farms are still left in the Act.

As a result of the Bill going to and fro between this House and another place last session, the permitted rent increase to the owners of dwellings was reduced to 20 per cent., even though the Bill as originally introduced provided for 25 per cent., and even though members felt that 30 per cent. or a higher figure was warranted. Is that injustice corrected in this Bill? It is not.

The House may remember that Section 15A of the principal Act said that any person who required property for his own use should be allowed to repossess it upon the conditions set out in that section. When the Bill was introduced in another place it provided that any person should have the right to obtain possession of his own property if he required it—and that was intended to apply to a company no less than to an individual, because there were several companies—illustrations were cited in this House—that were being denied the right to get into their own premises.

During the passage through Parliament of last year's measure, we provided that any person who had resided in the Commonwealth for two years and who re-

quired the premises for a married son or married daughter and so forth might obtain repossession, but inasmuch as it is difficult to find a company with a married son or married daughter, it was doubtful whether, on a legal interpretation, a company would be covered by Section 15A. That is a point which could well have been clarified in the measure now before us. Again I ask: Has that point been cleared up? Again the answer is "No."

Then there is the lack of clarity as to the category into which the combined shop and dwelling fall. Are these business premises or are they dwellings? A few words in the Bill one way or the other would have made the position quite clear. I care not whether they be declared dwellings or business premises but the point should certainly have been cleared up. Again I say that that matter has been left unattended to. It has remained for a private member to put amendments on the notice paper to direct attention to these matters and endeavour to get them rectified.

I would say that this Bill, although it has been presented to us as a measure designed to remove anomalies, will not do so, but what it will do is to create many more anomalies. I shall demonstrate that fact to the House.

Hon. G. Fraser: Would you say that there are no anomalies in the Act of 1939-50?

Hon. H. K. WATSON: I have already dealt with four anomalies that might well have been cleared up.

Hon. G. Fraser: Yet you say we should not have an amending Bill.

Hon. H. K. WATSON: I say that if we are to have an amending Bill, it should clear up the anomalies to which I have referred and not introduce more anomalies. Take for example the new definition in Clause 3 dealing with leave or license: The Minister has told us that the inclusion of leave or license in accordance with the proposed definition is necessary in order to prevent landlord and tenant from contracting out of the Act by taking a leave or license of premises instead of a tenancy. That might be the intention, but the definition goes very much further. If the provision is passed in these terms, it will have the effect of making every boarder and every lodger in Western Australia a tenant within the meaning of the Act, and it will also have the effect of making every boarding-house keeper and every lodging-house keeper a landlord within the meaning of the Act and subject to the provisions of the Act. This may not be intended, but that will be the position on the express wording of the measure.

If that comes about, where shall we be? Every boarder and every lodger will be protected under the eviction provisions. The keeper of a boarding-house or lodging house will not have the right to evict a boarder or lodger inasmuch as boarders and lodgers will be brought under the Act. Further, it will bring the fees they pay into the category of rent, and this means that every lodging-house keeper and every boarding-house keeper must immediately revert to the charges of 1939.

At the moment, as members are probably aware, the fees charged by boarding-houses and lodging-houses are governed by the Prices Department, but if this definition is passed, the control will be taken from the Prices Department and transferred to the rent inspector. Although the Prices Department has permitted an increase in those fees during the last 10 or 12 years, the position will be that under this measure, the amounts payable by boarders and lodgers will automatically revert to those of 1939, and anyone who charges more than the 1939 fees will automatically become liable to the heavy penalties provided under this law.

Hon. H. L. Roche: Have you a legal opinion on that?

Hon. H. K. WATSON: That is the opinion of a lawyer, but one has only to read the provision to appreciate what the position will be. The Prices Department exercises control at the moment, but regardless of that, this is not a Bill into which at this stage 10 or 12 years after the original Act was passed we should bring boarders and lodgers. Then take the definition of "shared accommodation": The scheme as it has existed since 1939 is that the fixing of rent in respect of dwellings and flats has come under the jurisdiction of the magistrate, while the fixing of rents in respect of shared accommodation—that is, apartment houses and rooms let in private houses and so on—has come under the jurisdiction of the rent inspector. The Minister has told us that this definition is necessary to correct an anomaly that occurred in the definition of last year, but I remind the Minister that the definition of last year was inserted on the motion of the Minister and on a draft submitted by the Law Society of Western Australia. If the definition of "shared accommodation" is inserted in the Act, all flats will be transferred from the jurisdiction of the magistrate to the jurisdiction of the rent inspector. I submit that that would be very undesirable.

Hon. G. Fraser: He would be a more proper person than the magistrate.

Hon. H. K. WATSON: The magistrate is the only person who has power to fix the rent of a dwelling-house, which I suppose would average 30s. a week or something like that amount. We are reaching a ridiculous stage when we say that only the magistrate has the right to fix the rent of dwellings, involving 20s. to 40s. a week, and yet in the case of flats, where the rent is £2 to £10 a week, the rent

inspector, and not the magistrate, is to have the jurisdiction. The definite intention of the Act, since its commencement, has been that the magistrate shall have the more responsible duties, and the rent inspector the lesser. The magistrate has had to control dwellings and flats, and the rent inspector the apartment houses, rooms to let, and similar shared accommodation. The Bill also proposes that the rent inspector may, without an application by either the landlord or the tenant, fix the rent of any place.

Hon. E. M. Davies: That is to protect the tenant.

Hon. H. K. WATSON: How can that protect the tenant?

Hon. E. M. Davies: If the tenant asks, he gets notice of eviction.

Hon. H. K. WATSON: Does the hon. member mean to say that if this were passed and the rent inspector did increase the rent, the tenant would not get some of the repercussions? In any event, is it not a ridiculous state of affairs that, without a request from the tenant or the landlord, a public servant can go all round the countryside poking his nose into business which is really no concern of his at all?

If the clause is agreed to we will have not one rent inspector, but half a dozen, and the position in the rent inspector's office will become just the same as that in other departments. The rent inspector will decide, during the Christmas season, that several places in Albany want looking into and he will go there for a fortnight. We will have numerous rent inspectors, and they will want motor cars and all the usual paraphernalia. My principal objection, however, is that the rent inspector should not interfere in any premises, or matter, unless at the request of either the landlord or the tenant.

Last year we amended Section 15 of the Act so as to provide that the owner of shared accommodation, who resided on the premises, should have control of the premises and be able to evict his tenants therefrom. The Minister now tells us that that amendment was intended to be confined to cases where there was only one tenant in the house, and the Bill seeks to amend the Act accordingly. If the amendment is carried, what will be the position of a house-owner who has two tenants, both of whom are undesirable? He will not be able to evict either of them. The clause as drawn will mean that all boarders will be protected against eviction. The keeper of an apartment house with two tenants, or 50 tenants, will have no control over them, and will be unable to evict them, no matter how undesirable they may be.

I suggest that would be an intolerable state of affairs. When we dealt with this particular provision last year it was made very clear—and we all understood it—that it was without any limitation. It was inserted for the express purpose of giving landlords and landladies of shared accommodation, the right to control their premises and evict undesirable tenants.

Hon. G. Fraser: It has been abused, has it not?

Hon. H. K. WATSON: No.

Hon. N. E. Baxter: No more than it has been abused by the tenants.

Hon. H. K. WATSON: Talking of abuse, I have here a letter which will afford the House a pretty fair indication of the abuse that will be permitted and the injustice inflicted if this clause is passed. The owner of a property writes in these terms—

> Under the section amended last year, and operative from January this year, I have given notice to two tenants who are extremely objectionable. One of the tenants threatened me with assault. These tenants use gas and electricity indiscriminately, and when spoken to about economy in the use of these amenities, they adopt a threatening attitude. My bill for gas and electricity for the quarter March to June was more than £22. If the clauses as drafted are passed, all my efforts in evicting will be nullified.

That is my point. Last year Parliament decided to do certain things. The people affected acted in good faith because they thought Parliament meant what it said, and that it would not stultify itself at the first opportunity; yet that is precisely what the Minister is asking us to do.

Last year we also amended Section 15 to provide that protection from eviction should not exist in respect of any premises, a lease whereof was granted after the 31st December, 1950. The idea there was to start unwinding the Act, and to say that if any lease was granted after the 31st December, 1950, the tenancy so created should be exempt from the provisions of the Act, so far as evictions were concerned. The Minister now asks us to believe that the provision was intended to apply only in cases where the premises were first leased after the 31st December, 1950; and Clause 6 of the Bill proposes to amend the Act accordingly.

If the Minister really believes the position is as he assured the House in his second reading speech, all I can say is that the Minister's Cabinet colleagues and his officers, have led him right up the garden path. Parliament, when it amended the Act last session, meant precisely what it said. To demonstrate my point clearly, I would like to quote from page 2369 of the 1950 "Hansard," because there is the record of when I moved the insertion of these words—

In respect of premises, a lease or tenancy whereof is entered into after the thirty-first day of December, one thousand nine hundred and fifty.

The Minister for Transport said this—

Perhaps Mr. Watson would accept a small addendum, that is, that after the word "fifty" insert the words "that any person who was not a lessee on that date." There is a distinction there, as an old tenant might automatically carry forward a tenancy after that date whereas a new tenant would enter into a new lease.

Hon. H. K. Watson: I appreciate the Minister's point, but I would ask the Committee not to agree to the insertion of the words he proposes because while they will cover any complete and fresh tenancy between a landlord and a new lessee after the 31st December, they would not cover, but would expressly exclude, a class of case which I think should be provided for in the Act—that is, the case of the tenant who is there at the moment, particularly in city premises.

Without the words suggested by the Minister, my amendment would make it possible for the landlord and tenant to come to an agreement. The landlord would be able to secure for himself an adequate rent and the tenant adequate security of tenure. My idea is to bring this into line with the South Australian Act which already has a similar provision. The position in South Australia is such that over a period of years 90 per cent. of the landlords and tenants have solved their own problems—the landlord has obtained a satisfactory rental and the tenant has got his five- or ten-year security of tenure.

The Minister for Transport: In the circumstances, I am quite prepared not to move an amendment on the amendment.

There is clearly no doubt about what we intended last session when we put that section into the Act. The Bill now before the House seeks to put in precisely the limitation which the House, in its wisdom, clearly and definitely decided last year should not be inserted. Another reason offered for this amendment is that owners are using this section, and the section regarding evictions, to get in new tenants at increased rentals. That is utter nonsense.

While the Act does give the owner, in certain cases, and the landlord of shared accommodation in other cases, the right to evict undesirable tenants and to take in new ones, nowhere in the Act does it give them the right to take in those new tenants at increased rentals. The Act is very clear that the rental continues at the same figure, even though the tenant changes. No landlord can get an increase in his rent simply by evicting one tenant and admitting another.

The next anomaly that the Bill purports to remove is in connection with the amendment we made last year whereby we caught up with that class of individual who was a tenant and who was doing a lot of subletting, surreptitiously or otherwise, and who was escaping the consequences of subletting by taking the view, "I am not subletting; I have only a friend with me who is staying for six or 12 months," and so on. Although it was quite clear that for all practical purposes that tenant was subletting, the landlord had no legal rights against him.

So, in order to catch up with that person, and to give the landlord some control over him, Parliament last year agreed that the provisions of the Act protecting tenants from eviction should not apply to any person who had sublet or who had granted leave or license and who had invited into those premises some person without the consent of the landlord. It is now proposed to add the words, "except in the case of leave or license granted without consideration in money or money's worth for the temporary, and casual, or occasional, use of the whole or part of the premises." In this clause, as in all other clauses in the Bill, there is a legal problem in every line. What is meant by the word "temporary"? I think there should be a much clearer definition than that. If "temporary," as it stands in the Bill, is to be as permanent as the temporary building erected on Parliament House grounds—

Hon. Sir Charles Latham: For 21 years!

Hon. H. Hearn: It will be there for life, if that is the position.

Hon. H. K. WATSON: That is the point.

Hon. Sir Charles Latham: Or the temporary building attached to Parliament House itself.

Hon. H. K. WATSON: In every line of this Bill there is a legal problem.

Hon. G. Fraser: It was designed to let ma-in-law stay with them.

Hon. H. K. WATSON: Ma-in-law can stay with them under the Act as it stands at the moment because, although when we put that definition in last session it was appreciated that, read literally, it was very wide, we realised that it meant either putting it in that way and leaving it to the good sense of the court to interpret, or to restrict its terms and continue the injustice which had been carried on for so many years. Parliament, in its wisdom, decided to take the lesser of the two evils. But under the section as it has existed for the past 12 months, ma-in-law has not suffered, because she can still go there without placing the tenancy in jeopardy. Friends, visitors and even the butcher and baker can still call without placing the

tenancy in jeopardy. That provision was there for the case where it was actually needed.

Hon. G. Fraser: It is to be hoped that the call of the butcher and baker would be only temporary.

Hon. H. K. WATSON: Last session we also inserted Section 15A. which provided that if a person "requires" the property for his own use and occupation, he was, subject to the conditions we imposed, entitled to have it. When we said, "if he requires it," we knew what it meant. This word has been the subject of a Full Court judgment in which the Chief Justice made it very clear that Parliament meant what it said when it used the word "requires." Having inserted that word, and having had a clarification by the court and a confirmation by the court, we find that the ink is no sooner dry on the judgment of the court than a Bill is brought down to delete the word "requires" and to substitute the words "reasonably needs."

Hon. Sir Charles Latham: That is a good one for the lawyers.

Hon. H. K. WATSON: Yes. What is meant by the words "reasonably needs"? I think members will agree with me that we used the word "requires" last year to make the law as definite as we could to let the landlord and the tenant know just where they stood; for Parliament to exercise the discretion and not to leave the discretion with the magistrate. That was the guiding principle which prompted us to use the word "requires." But now it is proposed to insert the words "reasonably needs" and to have a court case on every application to decide whether the landlord "reasonably needs" his premises or not.

The Minister for Transport: That is following an Act in force in another State. It is the same wording.

Hon. H. K. WATSON: That leaves me entirely unimpressed.

Hon. N. E. Baxter: Completely cold.

Hon. H. K. WATSON: If the Acts of other States contain words which are ambiguous, that is no reason why this State should follow them. On the contrary, it was with the example—the bad example—of the Acts of other States that we improved upon our Act last session. Notwithstanding that, we are now asked to get back to the bad example of the Acts of other States.

It is also proposed that in future a copy of the declaration which is made by a person who requires premises for his own use, or the use of his married son or daughter, shall be sent to the rent inspector and that the rent inspector shall return an acknowledgment. That should provide happy employment for at least three more classified civil servants, plus a typist, a filing clerk, and so on. If something like this is wanted, then all that is necessary is that the document should be stamped at the time when the declaration is made. It is a statutory declaration and must be stamped in any case. Therefore nothing more is required than the stamping of the document. Then, in respect of those persons who have been exercising their rights under Section 15A. during the last nine months, it is proposed that they shall, as soon as reasonably practicable after this Bill comes into operation, also forward a copy of the declarations they have made during the last nine months. That is highly impracticable.

While lawyers read these Acts, we must bear in mind that other citizens do not know what is contained in an Act of Parliament. I suppose there are many of us in this House who do not know what is contained in certain Acts of Parliament. The fact that these people may not know that Parliament has looped the loop in regard to these requirements, and their failure to notice it and carry out those requirements, will render all their proceedings null and void. That is a highly impracticable requirement.

Summing up the position, I say the Bill is not one to remove anomalies at all. It is a Bill which contains a subtle attempt to try to get Parliament to undo what it did last session. Last year we decided that there should be an unwinding of the Act; that there should be a reasonable increase in rents; that owners should have the right to go into their own homes, and should have some control over their own premises. But this Bill is designed to get us to undo most of what we did then. I have also shown that this Bill introduces some fresh absurdities and injustices.

When he addressed himself to this Bill last week, Mr. Gray expressed the opinion that it was essentially a Bill for the Committee stage. I sincerely trust it will never reach the Committee stage. If we pass this Bill and so graft it on to all the other legislation which has preceded it, then we shall proclaim ourselves as the greatest hill-billy show on earth. The owners and tenants will not know where they are and the people and the courts will be more perplexed than ever.

I feel very strongly on this point and consider that the House should kill this Bill. For reasons which I have explained and for further reasons which I will give in a moment, I feel it should be rejected by positive action rather than by a mere negative vote. Therefore, at the conclusion of my remarks I propose moving an amendment to the effect that this Bill be read a second time this day six months. If such an amendment is carried it will, in accordance with Standing Order 183, finally dispose of the Bill.

My reason for taking this course is to afford the House an opportunity of showing its attitude on my proposals which I shall state briefly. If a measure of this

description is to continue after the 31st December next, at which date the existing Act itself expires, that legislation should take the form of an entirely new Act to be entitled "The Landlord and Tenant Act." There will be ample opportunity for the Government to bring down a Bill between now and the 31st December next and such Bill should, in my opinion,—I refer to the new legislation I suggest—be a brief, orderly, simple and precise piece of legislation, the basic features of which should be as follows:—

1. No landlord shall, without permission of the court, charge a rent in excess of the standard rent.

2. The "standard rent" shall mean—

In the case of business premises, the rent at which the premises were let on the 1st September, 1951, or the last date of tenancy before the 1st September, 1951.

In the case of residential premises, the rent at which the premises were let on the 1st September, 1951, or the last date of tenancy before the 1st September, 1951, plus 15 per cent. thereof.

In the case of any premises first let after the 1st September, 1951, the rent as mutually agreed on between the landlord and the tenant at the time of the letting.

3. Subject to any conditions in any lease, any landlord or any tenant may, from time to time and at any time (at periods of not less than six months), apply to the court for a fair rent and the court at its discretion may fix a fair rent which is higher or lower than the standard rent.

4. In respect to termination of tenancies and evictions, it shall not be competent for a landlord to exercise his rights under the common law until after the expiration of a warning notice of 12 months, or until after the earlier expiration of any notice to quit duly given pursuant to Section 15A of the Increase of Rent (War Restrictions) Act, 1939-50 and current prior to the commencement of the new Act.

This limitation shall not apply—

(a) in respect to premises the rent whereof is in arrears or in respect to which an eviction order has been granted by the court prior to the commencement of the new Act;

(b) in respect to premises a lease whereof has been granted after the 31st December, 1950;

(c) in respect to any shared accommodation, a portion of which is occupied by the landlord.

5. In respect to the rent of shared accommodation (other than flats the rent of which is in excess of £1 per week) the powers of the court may be exercised by the rent inspector.

6. The new Act shall be confined to tenancies and shall not apply to boarders and lodgers.

7. The new Act to commence on the 31st December, 1951, and to expire on the 31st December, 1953.

I submit the whole measure I propose need not be very much longer than the document I have just read out. It could provide a clear, simple and brief proposition. I feel there should be a rental increase—I have suggested 15 per cent.—for dwellings. The cost of maintenance, repairs and so on in respect of dwellings has increased out of all proportion during the last ten years, and I feel that at the very least the owner of a dwelling should be able to look for a further increase in rental of 15 per cent. Apart from that, I suggest that we should get right away from any question of refinement in trying to deal with special cases that crop up. It is futile trying to deal with such cases because there are so many of them and they are of such a variety that it is impossible to contemplate meeting all the difficulties involved.

My proposal is that we simply put everyone back under common law, subject to the condition that the owner of a property can exercise his rights thereunder by giving 12 months' warning notice. Some members may think that a period of 12 months is too long. I am not concerned whether it be three, six or twelve months, but I am concerned that some definite period should be fixed without providing any discretion for a magistrate or anyone else to exercise. I have suggested twelve months as being an extremely reasonable time for any landlord to give his tenant notice of his intention to exercise his rights at common law. That is the proposal I advance after giving this matter much earnest consideration and investigation.

I invite members to accept my amendment as an indication and invitation to the Government to bring down an altogether new Bill and suggest that it should present a simple piece of legislation along the lines I have just indicated. I am not averse to rents being controlled, but I feel the time has arrived when we should, as far as possible, refrain from denying owners of proper-

ties the reasonable rights and duties which go with such ownership and allow them some reasonable measure of control over their own properties. It is regrettable, but unavoidable, that there will be some hard cases. It has been said many times that hard cases make bad law. I suggest, therefore, that the duty of this House is to stick to first principles. If we do that, then in the long run we will not go far wrong. I move an amendment—

> That the word "now" be struck out and the words "this day six months" be added.

HON. G. FRASER (West—on amendment) [5.23]: I hope the amendment will not be agreed to. In the course of his remarks, Mr. Watson suggested that instead of agreeing to the amendments embodied in the Bill, we should get down to something definite. The amendment he has now suggested would accomplish the exact opposite of what he proposes. We would not be getting down to anything definite at all. In my opinion, Mr. Watson's amendment is nothing more nor less than a cowardly way of defeating the Bill. Let the debate on the second reading of the Bill go on and let us deal with the measure on its merits or demerits.

Let us have a vote on the second reading of the Bill. I suggest we should agree to the second reading, even those who are hostile to its provisions. We all know that it is at the Committee stage that we can discuss effectively various points in connection with the Bill. Let us get to that stage. We can then deal with the various points of view respecting the several amendments proposed to the Act I suggest that that is the only fair way in which the Bill can be dealt with. I agree with Mr. Watson that there are anomalies that we desire to eradicate. I will help the hon. member in any attempt he makes to achieve that objective.

I hope Mr. Watson will remember that justice is wanted by both sides to this problem. We will not achieve that by simply putting off the decision till another day. Let us deal with the problems affected by this amending legislation. Let us get down to tin tacks and see if we cannot straighten matters out. Some seem to think that in dealing with this legislation it is a question of Labour versus Liberal; it is nothing of the kind.

Hon. H. Hearn: Who thinks that?

Hon. G. FRASER: There is nothing party political about the Bill at all. I certainly do not approach it from any such angle. I view it in the light of the fact that owing to the unfortunate years of war, we are faced with the situation that extreme sacrifices have to be made by some people. I want to support a Bill that will give a fair deal, as nearly as Parliament can do so, to all concerned. This is not a one-sided matter, although I know Mr. Watson views the matter from one angle only. He can see only the property-owner's point of view.

Hon. H. K. Watson: I object to that statement. It is not fair.

Hon. G. FRASER: That is how I view it in the light of the hon. member's action. Mr. Watson's attitude is that because a person owns property no one else must have any say about it. I take a different view. In ordinary circumstances, I would agree with him and say that his attitude was correct. On the other hand, however, because of what has happened in consequence of the war years, various difficulties have cropped up and sacrifices have to be made by everyone in the community.

Hon. H. K. Watson: It is now five years since the war ended.

Hon. G. FRASER: That may be so, but it will probably be ten years before the difficulties, due to the war, have been overcome.

Hon. H. L. Roche: Why not make it a permanency?

Hon. G. FRASER: There is no necessity for that. On the other hand, there is necessity to amend the legislation so that various difficulties can be overcome. All I ask is that we do something in the interests of the people concerned, and I repeat that I view Mr. Watson's move as a cowardly way of dealing with the question. To put off the second reading of the Bill for six months is a subterfuge resorted to for the purpose of rejecting the Bill. I would certainly prefer the measure to be defeated at the second reading rather than by the unsatisfactory method proposed by Mr. Watson. Even at this late stage, I appeal to him to think better of the action he proposes to take and urge him to withdraw his amendment.

Hon. H. K. Watson: There is nothing to prevent the debate from proceeding.

Hon. G. FRASER: We should not be wrangling about how we shall deal with the question. Let us face up to the problem straight-forwardly.

Hon. H. K. Watson: My proposal is straight-forward enough.

Hon. G. FRASER: To put it off for six months!

Hon. H. K. Watson: No, to kill it as I suggest.

Hon. G. FRASER: If we are to kill it, let us do it in a decent way.

Hon. H. Hearn: Let it bleed to death!

Hon. G. FRASER: Let us do it in a decent way—if there can be anything decent about killing anything. I appeal to Mr. Watson to withdraw his amendment and let the second reading debate proceed. Let us iron out any matters that crop up, at the Committee stage. The

hon. member does not need me to tell him that difficulties have arisen under the Act of 1939 and that of 1950. Let us continue with the discussion of the Bill and straighten matters out as we go.

Hon. H. K. Watson: I remind the hon. member that if the Bill were rejected at the second reading stage, the whole Act would expire at the 31st December next and there would be nothing to take its place. I have moved the amendment to the question that the Bill be now read a second time as an indication that the House is prepared to put something in its place in the shape of a Bill along the lines I have suggested.

Hon. G. FRASER: A number of excuses can be made for actions taken; but we have to remember that, if possible, we must place something definite on the statute book by the 30th September. The hon. member knows that.

Hon. H. K. Watson: My proposal is definite enough.

Hon. G. FRASER: No; the result of the hon. member's proposal will be that nothing will be done by the 30th Septembr. On the other hand, if we proceed with this debate we can put the Bill in order this week. At the Committee stage, the hon. member may be able to give me some information on various points and I may even be able to give him some information.

Hon. H. K. Watson: I have no doubt of that.

Hon. G. FRASER: We need that exchange of views between members so that we can arrive at some fair and equitable decision. I know the hon. member cannot see anything wrong with the Bill which was passed last year. He was the father of that measure and he treats it as an indulgent father would deal with a child.

Hon. H. K. Watson: I told you that there were half a dozen things wrong with it, and they are still wrong.

Hon. G. FRASER: Yet the hon. member will not attempt to remedy them! That is why I say he is contradictory, even to himself. He knows things are wrong, but he will not do anything about them. He wants to put the matter off and allow wrong practices to continue. I do not think that is the right attitude. I hope the hon. member will do the fair thing and withdraw the amendment. But, if he will not, I hope it will be defeated, and that we shall be able to proceed to the second reading and Committee stages.

HON. SIR CHARLES LATHAM (Central—on amendment) [5.32]: There is a question that I would like you, Sir, to decide. We know that the measure will normally expire on the 31st December. Would the passing of the amendment mean that the operations of the Act would be extended for another three months, since the hon. member suggests that this Bill shall not be read until March? What he really wants to do is to have an amendment passed so that at the end of December we will be able to continue the operations of the Act. I am not too sure what will happen.

I am sick and tired of controls, and if there is a way to overcome them I would like to see it adopted. Personally, I am inclined to vote against the second reading of the Bill, but I do not like defeating it in the way suggested by the hon. member. I would rather it be dealt with by a straight-out vote against the second reading or else by a vote in favour of the continuance of the measure, with amendments. I am concerned about existing controls, and I am satisfied that the sooner we get back to allowing things to adjust themselves in the ordinary course of business, the quicker will everybody be satisfied. If we could have a fresh Bill introduced, as suggested by Mr. Watson—

Hon. E. H. Gray: It could not be done.

Hon. Sir CHARLES LATHAM: That is what I am worrying about. I do not see how we can have another Bill introduced. It could not have effect until after the 31st December, in any case, because this measure will still be on the statute book. That is the point I want you to clear up for us, Mr. President. What will be the position? If you cannot advise us, perhaps Mr. Watson will be able to do so, or the Minister himself.

The PRESIDENT: If members will turn to Standing Order 183, they will see the exact position. That Standing Order reads as follows:—

> Amendment may be moved to such question—

That is the question that the Bill be now read a second time—

> —by leaving out the word "now" and by adding the words "this day six months"; or the previous question may be moved. In either case, a vote in the affirmative shall finally dispose of the Bill.

HON. H. S. W. PARKER (Suburban—on amendment) [5.35]: If members will look at the Standing Orders, I think they will agree that it is doubtful whether another Bill can be introduced if this one is defeated.

Hon. Sir Charles Latham: That is what I am fearful about.

Hon. H. S. W. PARKER: Standing Order 120 reads—

> Subject to Standing Order No. 178—

which says that a Bill may amend or repeal an Act of the same session—

> —no question or amendment shall be proposed which is the same in substance as any question or amendment

which, during the same session, has been resolved in the affirmative or negative, unless the order, resolution, or vote on such question or amendment has been rescinded. This Standing Order shall not be suspended.

It seems to me that if we carry this amendment, we shall have voted against the Bill. It means that the Bill will have been disposed of by a vote of the House, and we cannot introduce another Bill dealing with the same matters as those dealt with by this measure, which would include the extension of the Act for another 12 months.

Hon. H. K. Watson: But if that is the position, it is so regardless of whether the Bill is disposed of by my amendment or by a straight-out vote on the second reading.

Hon. H. S. W. PARKER: That is so. I will vote against the amendment. I will also vote for the second reading, because I believe there are certain amendments required to the Act and I am hoping that at the Committee stage we will amend the Bill so as to give effect to the Act. We shall still have the opportunity of voting out the measure at the third reading if what is done at the second reading and Committee stages does not meet with our approval. If we vote for this amendment, no other Bill dealing with the same subject can be introduced this session. That is how it appears to me. It is subject, of course, to your ruling, Sir, and to the House not disagreeing with that ruling. For that reason, I propose to vote against the amendment.

HON. E. M. HEENAN (North-East—on amendment) [5.38]: The immediate question is that this Bill be read in six months' time. The obvious and direct implication of that is that the acceptance of the amendment will mean the end of the Bill.

Hon. Sir Charles Latham: The Act will remain in force till the 31st December.

Hon. E. M. HEENAN: Yes. That is my opinion. I think this measure deserves more consideration from members of this House than Mr. Watson's proposal allows. If his amendment is carried, that will be the end of this measure, which the Government has gone to some trouble to contrive with the object of remedying the injustices and—as a magistrate and a judge have said—the absurdities in the present Act. I for one do not propose to support Mr. Watson's amendment. I think that if a majority of members of this House are unwise enough to support him, it will make us appear very ridiculous in the eyes of the people of Western Australia.

Hon. H. K. Watson: Why?

Hon. E. M. HEENAN: I say further that it would be tantamount to betraying a trust which we owe to the people of this State. Mr. Watson himself, in his caustic criticism of the measure, said it will only introduce fresh absurdities and injustices. Those were his words. By using them, he admits that there are already absurdities and injustices in the Act.

Hon. H. K. Watson: Of course there are! The Act is reeking with them.

Hon. E. M. HEENAN: That is his reason for wanting us to behead this measure right now. I do not suppose members have properly made up their minds. No debate of any degree has occurred up to date. Facts and figures should be placed before us; and, in the light of our best endeavours through debate, we should decide whether to pass the second reading or not.

I give the Government credit for trying to do something in the best interests of all concerned. We passed a measure last year of which I do not think any of us is very proud. The magistrate who has had the daily job of trying to implement it has criticised it very severely, and a judge of the Supreme Court, of very high standing, has criticised it even more severely. That is the measure we passed last year, and I am sure none of us can take great pride in it. If this Bill will in some way improve that legislation by remedying some of the absurdities, injustices and imperfections it contains, I shall vote for the second reading, but I think we will be most unwise and most unfair to carry the amendment, which I hope will be unanimously defeated.

THE MINISTER FOR TRANSPORT (Hon. C. H. Simpson—Midland—on amendment) [5.45]: I oppose the amendment. There are many members who have not yet had an opportunity of contributing to the debate and who would probably like to express their views on the merits or demerits of the Bill that is now before the House. I think members will agree that we would all welcome a state of affairs that would enable us to do away with restrictive legislation and return to common law conditions, but we are the victims of circumstance inasmuch as there is still an urgent need to provide housing and to have some control over those things that aggravate the present position.

Until affairs take a turn for the better we must have legislation to control evictions and make the lot of many people a little easier. I wonder whether those who are so critical of the present state of affairs realise how our population has increased in the last three years. It is that unparalleled increase in population that has brought about the position, control of which we now seek to continue. In the last year our population has increased by

29,000—the greatest increase in our history. Had the rate of increase remained at the level of prewar years our housing difficulty would by now have solved itself and the necessity for control legislation would have vanished.

We are faced not only with the problem of finding houses for people but also that of providing commercial and other buildings which are necessary as part and parcel of our efforts to cope with the increasing population of the State. During the last three years we have had to find school accommodation for 12,000 extra children, as compared with 5,000 in the immediately preceding period. It is because of those conditions that we are asking for the right to continue this legislation which provides orderly control of tenants and landlords in respect of rents and accommodation. I hope that the amendment will be rejected so that the Bill may be debated fully and then, when the House is called upon to accept or reject the measure, members will at least have heard all the arguments both for and against it.

HON. L. A. LOGAN (Midland—on amendment) [5.48]: I am trying to work out what Mr. Watson has in mind, and I presume that he is of the opinion that the measure passed by this House last year should be allowed to stand the test of time for a little longer before being further amended. The amendment that is now before the House would, if agreed to, allow the present legislation to continue for at least a further three months. I do not say that Mr. Watson's view is the correct one, but I am trying to work out what he has in mind.

I feel that the only way in which we can do what is necessary will be to agree to the second reading and then, when the Bill is in Committee, defeat every provision except that which seeks to continue the legislation until the end of 1952. If that is done we can, in the meantime, debate the measure as much as we like. I would remind the Minister, however, that the passing of the Bill will not provide a single extra house.

The Minister for Transport: No, but it would bring pressure on the Housing Commission to provide as many houses as possible for those affected.

Hon. L. A. LOGAN: If we wipe this Bill out altogether houses will still have to be built. I will vote against the amendment because I feel that, if we wish to leave the legislation in its present form we should, as I have said, vote against all the amendments contained in the Bill with the exception of that which seeks to continue the legislation until the end of 1952. Mention has been made of criticism by the courts of the legislation passed by this House last year. Despite the criticism they have voiced, the judges and magistrates have not given us any lead as to how the Act should be improved, and I do not think that to continue it in its present form for a further 12 months would do any harm.

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

Ayes	12
Noes	12
A tie	0

Ayes.

Hon. N. E. Baxter	Hon. A. R. Jones
Hon. J. A. Dimmitt	Hon. J. Murray
Hon. R. M. Forrest	Hon. H. L. Roche
Hon. H. Hearn	Hon. H. K. Watson
Hon. C. H. Henning	Hon. F. R. Welsh
Hon. J. G. Hislop	Hon. Sir Chas. Latham
	(Teller.)

Noes.

Hon. G. Bennetts	Hon. E. H. Gray
Hon. R. J. Boylen	Hon. L. A. Logan
Hon. J. Cunningham	Hon. H. S. W. Parker
Hon. E. M. Davies	Hon. C. H. Simpson
Hon. G. Fraser	Hon. J. M. Thomson
Hon. Sir Frank Gibson	Hon. E. M. Heenan
	(Teller.)

The PRESIDENT: The voting being equal, I give my casting vote with the ayes.

Amendment (six months) thus passed: Bill rejected.

BILL—PIG INDUSTRY COMPENSATION ACT AMENDMENT.

Received from the Assembly and read a first time.

SUSPENSION OF SITTING.

Lighting Failure, etc.

The MINISTER FOR TRANSPORT: I move—

That the sitting be suspended until 7.30 p.m.

My reason for this, Mr. President, is partly because the lights have failed for the time being and partly because the Minister for Agriculture expects to be here by 7.30 and will then be able to proceed with those measures of which he is in charge. It is my desire—and I think that of members—to try to complete our current business by the close of the week in order that we may, if possible, adjourn over the whole of Show Week. That will depend, of course, entirely on the progress made with the legislation in hand and that which will be received from another place.

Question put and passed.

Sitting suspended from 5.57 p.m. to 7.30 p.m.

BILL—PUBLIC BUILDINGS ACT (VALIDATION OF PAYMENTS).

Second Reading.

Order of the Day read for the resumption from the 20th September of the debate on the second reading.

Question put and passed.

Bill read a second time.

In Committee.

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

BILL—PUBLIC BUILDINGS ACT REPEAL.

Second Reading.

Order of the Day read for the resumption from the 20th September of the debate on the second reading.

Question put and passed.

Bill read a second time.

In Committee.

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

BILL—PARLIAMENT HOUSE SITE PERMANENT RESERVE (A1162).

Second Reading.

Debate resumed from the 20th September.

HON. H. HEARN (Metropolitan) [7.37]: As one of the stupid members of the Joint House Committee, I wish to pass a few remarks on this Bill! In the first place, I believe it is the earnest intention of every member of the Joint House Committee, despite intellectual shortcomings, to do his best for his fellow members of Parliament and to preserve some of the rights and privileges belonging to a real democracy in the question of Parliament House, its land and its buildings. I say quite frankly that that has been the guiding principle of my association with quite a lot of reasonably intelligent people since I have been a member of the Joint House Committee.

When I tell the House that I believe the Joint House Committee is one of the committees that work very regularly and most assiduously to improve the general position in the hope that it might be able to give Parliament a really good account of its activities, then I think that you, Mr. President, and all the members of this House, will agree that I should take exception to the attack made by an hon. member, who is not present here tonight, on the Joint House Committee the other day. I believe he said that we were holding the democratic institutions up to ridicule. I think that is a very serious statement. If it were true, and if it could be proved, then I would say that no member of the Joint House Committee should continue to act on that committee. The members should put in a mass resignation and allow some of these people who think that we have not acted correctly to take our places and see what they would do in the circumstances.

It has been my privilege recently to visit again the land of my birth. If one goes to England at the present time, one will find all over the length and breadth of the United Kingdom common lands that are open to the people; they are there in order that the common man might enjoy that which has been bequeathed to him down the ages. I well remember when I was a lad the number of times these common lands were in jeopardy; they were fenced round by the squire of the village, and had it not been for the public-spirited humble citizen—who very often through his action lost his means of livelihood—today those common lands in England would have been fenced in and would have become private property.

On this issue, we are dealing with a Class "A" reserve especially dedicated, after due consideration by Parliament, to parliamentary purposes. I know full well that in the past there have been some violations of a sacred trust, but I suggest that because it has happened in the past is no reason why we should agree to it now. It is tantamount to saying to a burglar, "Well, you have had two goes; you have been successful and got away with it. Tonight you can come to my place and we will call it square."

I have heard a good deal about the unreasonableness of the Joint House Committee. May I say that I do not know of another body of people who have been as long suffering and who have gone more out of their way to explain their position to the Government regarding this last encroachment on its property than has the Joint House Committee. Before I go on with that aspect, I want to remind members that if this building goes on, then we can say goodbye to the completion of Parliament House—

Hon. E. M. Davies: We have already said that.

Hon. H. HEARN: —because this building goes right across the main entrance to the building when it is completed. I have heard it said by some members that though it is wrong, we must permit this thing to go on because some money has been spent. What are the facts? I listened with a great deal of interest to the Minister when he introduced the Bill, and was waiting to get some clue as to why the Joint House Committee should have been disregarded in the way it was ignored. But all we heard was the extreme need of the Government to find extra accommodation. I believe every member of this House will subscribe to the fact that that is necessary, but is it necessary to the extent of violating one of the grave democratic principles of our existence? I take it that the Government is the custodian of law and order. If I entered anyone else's premises, the Government, through its services, such as the police and detectives, would soon catch up with me. Is there any real difference between my

entering, say, Mr. Gray's premises, and taking some of his riches which he is afraid to put into the bank, and the Government's taking a Class "A" reserve, dedicated to parliamentary purposes, and saying, "We are going to take this land and commence building on it a temporary building to cost £65,000"? It would be a very good building in 100 years from now.

I believe that if we are, as we claim to be, Liberals and Democrats, we should examine this question very carefully. The Government, in its wisdom, has reserved certain lands for the building of offices for the various departments of the State. That, I believe, was a very wise decision. Can anyone tell me why the Government has not had the moral courage to erect some of those buildings, but must perforce turn round and filch—I use the word "filch" deliberately—property belonging to the Parliament? Are we, as members, going to say, "You may take it?"

Hon. J. A. Dimmitt: But your charge applies not only to the present Government. Previous Governments have done the same thing.

Hon. H. HEARN: I shall refer to that presently. No matter what has happened in the past, it is quite an immoral act for any Government to start a building without first obtaining permission. What actually happened? May I claim the attention of the House for a few moments while I give details of a diary that explains the exact position? We have been told in this House that the members of the Joint House Committee are stupid people and that we are bringing every parliamentary institution into ridicule by the attitude we have adopted. For the benefit of members, let me explain what the Joint House Committee has done to show whether the charge made by the hon. member is really justified.

On the 14th March, 1951, the proposed new building was referred to at a regular meeting of the Joint House Committee, the ground then having been pegged. We instructed the secretary to ask the Lands Department for a search to be made to determine under what authority the land was held. On the following day a letter to that effect was sent to the Lands Department. On the 11th April, at the regular meeting of the Joint House Committee, a verbal report was received from the Lands Department and further consideration was deferred. On the 19th April a written report was received from the Lands Department. At about that time, excavations for the proposed temporary building were commenced.

On the 14th May, the report was referred to at the Joint House Committee meeting and the committee, being jealous of its privileges and those of every member of Parliament, decided to approach the Solicitor General to ascertain who controlled the land. On the following day the secretary interviewed the Solicitor General. On the 24th May, the Solicitor General advised the Attorney General of the position. On the 6th June, the Solicitor General's report to the Attorney General was received. On the 13th June, the report was considered by the committee, and it was resolved that the President and Speaker should see the Minister for Works, pointing out the legal position and advising him that it would be unwise to proceed with the building without formal authority. On the 18th June, the President and Speaker saw the Minister for Works and also advised him in writing of the position. On the 18th June, a letter was received from the Under Secretary for Works requesting the committee's general sanction of the work.

On the 26th June, the Minister for Works was advised that the committee was not in a position to give the necessary sanction. The foundation stone was laid at the end of June; those responsible were in such a great hurry. Knowing that all these negotiations had been going on and knowing the attitude of general hostility, the Government still proceeded with the building. This suggests to me—I may be wrong and I hope I am—that the Minister for Works was led astray by some senior departmental officer.

On the 19th July, the committee again informed the Minister for Works that it had no authority to sanction the work and pointed out that Cabinet did not have authority to order the building to proceed. In the light of subsequent events, I suggest that our advice was quite correct. On the 26th July, we advised the Premier that unless building operations were terminated within seven days, steps would be taken by the committee to obtain an injunction to restrain the Public Works Department from proceeding with the building. On the 31st July, an acknowledgment was received from the Premier asking the committee to abandon its stand. On the 6th August the committee, in a letter to the Premier, confirmed its previous attitude.

Until we, as a Joint House Committee, threatened to proceed with the injunction, building operations were continued. As soon as we threatened, the Government realised that it was in a false position, withdrew the workmen from the building and had the material carted away. I have been given to understand that some members adopt the view, "The committee has made an excellent stand and entered a protest. Now let the building go on." I trust that that will not be the attitude of members here because it would be a violation of one of the main tenets of democracy.

If we are prepared to allow this building to be proceeded with after the way we of the Joint House Committee have been ignored and after having given the Government due warning, then I say that Parliament does not need or desire a Joint

House Committee worthy of the name. Mr. Dimmitt interjected that the same thing had been done by previous Governments. I am aware that those things have happened and that whatever we do, we cannot alter what has already occurred. But let us show our earnest of good intentions by saying that this shall be the finish and that we shall not permit these buildings to be proceeded with.

I suggest that we have a sacred duty to the community. This is a Class "A" reserve, dedicated to parliamentary services. Suppose that in some place far away from the madding crowd there is a Class "A" reserve and some commercial body wanted it, we should be setting a very bad precedent for the people in the backblocks to act similarly. We are here as custodians for posterity, and I should hate to think what future generations would say about a Parliament that permitted its birthright to be filched, as will happen if this main approach to Parliament House is taken for building purposes in the face of the protestations of the Joint House Committee. I ask the House to support the committee, and I trust that when the time arrives for us to vote on the Bill, we shall remember that we are the custodians for the future of this city of Perth.

HON. SIR CHARLES LATHAM (Central) [7.57]: I fully expected that some members, other than those on the Joint House Committee, would have expressed an opinion so that we would have had some idea of the views held generally by members of this House. I was rather surprised at the remarks of Mr. Craig last week because evidently he knew nothing of what he was speaking about; otherwise he would not have chastised the House Committee to the extent he did. I wish to point out that the Executive has very great powers, and exercises those powers between the sessions of Parliament. When Parliament meets, Parliament is the master. The representatives of the people in the two Houses are the masters, and it is for them to direct the Executive and endorse or reject the work done by the Executive.

I had better give the House some idea of what a Class "A" reserve is and how it came into existence. I do not propose to weary the House by reading a lot of detail, but after listening to Mr. Craig, who has been chairman of a road board and who holds a responsible position in a trustee company, I considered that he should have given a little more thought to his opinions before uttering them in the House. Section 31 of the Land Act provides—

> (1) Whenever the Governor has reserved or may hereafter reserve to His Majesty any lands of the Crown for the purposes of parks, squares, or otherwise for the embellishment of towns, or for the recreation or amusement of the inhabitants, or for cemeteries, or for any other public purposes, the Governor may, by proclamation, and subject to such conditions as may be expressed therein, classify such lands as of Class A; and if so classified, such lands shall for ever remain dedicated to the purposes declared in such proclamation, until by an Act of Parliament in which such lands are specified it is otherwise enacted.

That is very clear. My reason for quoting that passage is that the Joint House Committee is the custodian of this building and this land.

Hon. H. Hearn: Hear, hear!

Hon. Sir CHARLES LATHAM: I shall verify that statement. It may not have statutory power, but for a long time its authority has been recognised. Custom and usage give us the right to say that we have control of the area. I want to refer to two instances that have already been dealt with where land has been excised from this Class "A" reserve. An Act of Parliament was passed in 1924 which excised portion of the reserve for the purpose of widening Hay-st. The excision was made by Section 2 of the Act which states—

> That portion of Reserve A1162 (Perth Town Lot H55, Parliament House site) described in the schedule to this Act may, with the approval of the Joint House Committee, be excised from the reserve for the purpose of widening Hay-street.

Subsequently in 1933 an almost identical Bill was passed by both Houses of Parliament for the purpose of widening Malcolm-st., so members will note that the House Committee must have been recognised then as the authority to deal with the reserve. I am not going to say anything about what past Governments have done.

I was in another place when the Act was passed, and I had something to say on it. I do not propose to repeat what I then said, but it was certainly for the purpose of giving protection to this land for the object for which it was dedicated. I believe that when the Metropolitan Water Supply Department's building was erected, and subsequently the architect's section—I was not in the House at the time—the authorities had the idea that the land there was not included in the reserve for parliamentary buildings; that only the high land was the Class "A" reserve. I say that, because it is possible.

As a matter of fact, I was unaware, until I ascertained from the plans in the Lands Department, exactly what the boundaries of this Class "A" reserve were. I found that it is bounded by the four streets—Harvest Terrace, Hay-st.,

Malcolm-st. and St. George's Place. When the dedication took place, the old Barracks were included in the reserve and handed over with the land. Mr. Craig would have had some reason to express his disgust had the House Committee suggested that the building should be pulled down. After all, the Joint House Committee is composed of commonsense men.

We have not at any time interfered with the buildings that have been erected; and we are not responsible for the actions of the House Committees when the other buildings were constructed, although they knew very well that about the same time two Acts of Parliament had been passed to excise portion of the land. For some time the Joint House Committee has tried hard to have some alterations made to Parliament House for the benefit of the staff and members, but particularly the staff which for 43 years has been housed in a galvanised structure—a temporary building.

Hon. H. Hearn: With a new roof.

Hon. Sir CHARLES LATHAM: In the winter that building is so cold that it is practically freezing, and in the summer it is so hot that we have had requests to have the roof covered with water to enable the men and women working there to carry out their duties. No accommodation provided for any Government department, that I know of, is so unfortunately fitted out as are the rooms where our staff works. The position is disgraceful and you, Mr. President, and the rest of the House Committee have tried hard to have alterations made. We have had the Principal Architect here to talk over the matter with a view to putting up a reasonable request to have some money made available so that necessary alterations can be carried out.

The Principal Architect saw us a few times, and it seems most remarkable to me, that, knowing we were pressing for something to be done which would mean, to some extent, building on portion of the front of the building facing the Terrace, we should find subsequently that pegs were put in. We were not consulted in any way. I believe that you, Mr. President, were the first one to mention the pegs. It was then we decided to find out just what the position was with regard to the Class "A" reserve, and from that day onwards we did our best to prevent the departmental officers from continuing with their programme. They, foolishly, asked the Joint House Committee to agree to what they were doing. We had no authority to agree—none whatever—any more than the Premier or his Ministers have to alter the dedication of this land. Only Parliament itself has the authority.

Hon. J. M. A. Cunningham: You were asked to be an accessory.

Hon Sir CHARLES LATHAM: Yes. We would then have been guilty and entitled to be charged. I propose to quote some of Mr. Craig's remarks, because I think they were very unfair and showed a lack of knowledge and responsibility on his part. I think the Minister was reasonable in submitting the Bill. The only objection I have to his remarks is where he said—

> As a result of these earlier constructions, the necessity to obtain parliamentary sanction for the erection of the unfinished building was entirely overlooked.

No responsible member of the Government, or senior departmental officer, should overlook the law. They know the trouble they got into because they erected a building in King's Park, on one occasion, without authority. That was a paltry excuse. Mr. Craig started off by saying—

> I consider the Joint House Committee acted unfairly and stupidly.

What could the House Committee do? As custodian of the land, should it have sat down and said, "You may do as you like?" What would the other members of Parliament have said to us?

Hon. H. L. Roche: You could have asked Mr. Craig.

Hon. Sir CHARLES LATHAM: We would be lacking in our responsibility if we did not do something. During the few years I have been on the Joint House Committee it has acted in every way possible for the benefit of members, also in the work entrusted to it as custodian of the House and grounds. Members will agree that the expenditure of some of our money, which is obtained from members themselves, is for the benefit of members. Mr. Craig went on to say—

> The building is necessary. Had the members of the Joint House Committee made inquiries previously, which they have since made, there would have been no necessity for the Bill. Action such as this causes feeling of contempt among the public for the folly of parliamentary institutions.

First of all, the Joint House Committee could not give authority as it had not the power. Had the hon. member made inquiries from any member of the Joint House Committee, he would have found that immediately the pegs were put in the land, there was no let-up by the committee. It did its best to point out to the Government its foolishness in proceeding as it did. The hon. member went on to say—

> The fault might lie with the Government for erecting previous buildings, but to stop the work on a structure, which we all knew would be

> completed, is absolute folly, especially when the work already done has cost approximately £3,000.

What a wonderful statement that is! Any person can start putting up a building and because it is started we have to approve of it, and hide our heads.

Hon. H. Hearn: Because it costs money.

Hon. Sir CHARLES LATHAM: That is wrong. The hon. member has been chairman of a road board, and he then had under his custody many Class "A" reserves located in the Dardanup road district. Would he have agreed to what he says here? If so, he would have been lacking in his responsibilities. He went on to say—

> To raise this objection when buildings have been in existence for so long, and when the one under criticism has already been started, is perfectly unjustified. Had proper inquiries been made there may have been some reason for the objection, but to object after the building had been commenced, and everyone knew it would be completed, is wrong. There was not one person who did not believe that the work would proceed. We will all approve of this Bill and let the work go on.

He first said we were responsible—evidently for the other buildings. It has never been suggested—and I have attended most meetings of the House Committee—that we should order the demolition of any building that has been erected. It is accepted that the mistake has been made, and there is no suggestion that the House Committee would be so foolish as to ask that public money should be wasted in this way. I excuse the House Committees of the past, because they might have thought the land was reserved for public buildings, outside of parliamentary buildings. The hon. member continued—

> The publicity that this matter has received has had a detrimental effect on the people who have shrugged their shoulders and said, "Mucking Parliaments again."

I object to these remarks. Parliament is the greatest authority—Parliament, not the Ministers. The Ministers are there only because they have a majority of members in each House supporting them; and they know it, and accept their responsibilities. What is Parliament for? We, in this House and another place, are the elect of the people, and are charged with the responsibility of seeing that the laws that we pass are observed and not set aside at the whim or fancy of any one member. So I resent statements like this, made by a man who has been longer in the House than I have. It shows a lack of responsibility on his part. He went on further—

> I hope that the House supports the Bill. I do not see what else it can do unless members are prepared to see unsightly bricks and other materials left there. It made me extremely angry to see bricks being carted away when we all knew they would have to be carted back again. The knowledge that tradesmen engaged on the work and officers employed on the drafting of plans, etc., were diverted to other avenues has done a great deal of harm, and I greatly regret it.
>
> It may be true, but it is not right that parliamentarians, through their folly, should be brought into ridicule. It is a pity that the matter has been brought into the limelight at this particular moment because people are becoming increasingly contemptuous of parliamentary institutions. I repeat that there is not one person who believes that the work will not go on. They have all said it must proceed and that it will conceal other extremely unsightly buildings. To stop the work on the building was, in my opinion, great folly.

If I know anyone who has done anything to bring Parliament into contempt, it is an irresponsible member of this House, and I am sorry he is not present. I do not mind what this House does, or another place, in respect to the matter, as it is its responsibility, and a proper Bill has been introduced. This is nothing new. The hon. gentleman will remember that it is a long time—11 years, I think—since we authorised the excision of a piece of land from the Government House grounds. That was done legally.

The Government knew it had to introduce a Bill for the purpose. No attempt has been made to put any structure on that land, although it was expressly excised for the purpose of public buildings. Why were not some temporary buildings put on one end of that area? They would be more conveniently situated there for the public. I do not mean the frontage to St. George's Terrace. The land runs from St. George's Terrace to the new street by Riverside Drive. The Government could have put some of its buildings down there. If these buildings are to be so decorative to this ground then they could have been put among the beautiful trees in that area.

I do not mind whether the buildings are erected or not, but I object to the Joint House Committee being blamed for something which it did in good faith. I strongly object to a member of this House chastising a body of men for taking the action it did. So long as I am a member of the Joint House Committee, and I am sure I express the opinion of other members, I will try, as far as possible, to see that the laws of this land are observed. If we do not observe the laws then we cannot expect anybody else to observe them and it will merely bring the laws of this country into contempt.

So I leave it entirely to the House to say whether we should be chastised and whether the House is to endorse the remarks of Mr. Craig. I say that the Joint House Committee has done its work well and now the responsibility is handed over to members of this House. It seems a terrible thing to me that Ministers, and also senior officers of the department, forced us even to exert ourselves to the extent of warning the Government that we would have to apply to the court for an injunction to restrain it from proceeding with the job. It was only after we did that that work on the building ceased.

We went as far as we could with the Government and we did so in an honest way. We have nothing to hide and I do not mind what is done now. As far as I am concerned, members are entirely at liberty to do just what they like without any feeling towards the Joint House Committee. But, do not let us chastise the members of the committee because they were only doing their duty and looking after the interests of the public which they were sent here to do. I reserve to myself the right to say whether I support the Bill or not.

HON. G. BENNETTS (South-East) [8.18]: Although I am not a member of the Joint House Committee I am one of those who elected certain of its members to look after our interests; therefore I intend to support those members because if we do not support them in their actions we are not showing much faith in them. Members have stated that we must find accommodation for the Public Works staff. If we are going to provide a building which is to cost £69,000 it is time something was also done to accommodate members of Parliament.

As Sir Charles Latham mentioned, we should at least do something for country members. If we want country members to live in their districts then it is up to the Government to see that some accommodation in the city is provided for them. I will give members an instance: If the House is sitting next week then I will be unable to find accommodation in Perth, because all the hotels in the city are booked out.

Hon. H. S. W. Parker: Would you favour the building down there being used for accommodation for members?

Hon. G. BENNETTS: No, I would not. I have been told, although I do not know whether it is correct, that a building which could have been used for the same purpose as the building that was being erected on the parliamentary reserve was offered to the Government. I support the Joint House Committee in its actions and I think it is up to all members in this House to give it their support.

HON. J. M. A. CUNNINGHAM (South-East) [8.20]: I accept the little reproach that I noticed in Sir Charles Latham's opening remarks about the apparent lack of any support from members of this House. I do not think the apparent lack was caused by absence of interest. However, I will make a few remarks on the subject although I will not speak at any length. I feel that the attitude adopted by Governments in the past has been wrong; our own Government is acting wrongly, I believe. The building that was to be erected on this reserve, the buildings erected in Plain-st. and the temporary buildings erected on the other portion of this reserve, by previous Governments, should not have been proceeded with. Although they are supposed to be temporary, on the Government's own admission they are to last for at least 21 years which is the best part of a quarter of a century.

The materials being used in these buildings are such as could be used, and are needed, for homes for working people. Materials such as weatherboard, asbestos, timber, roofing, bricks and cement are all being used in the so-called temporary buildings and yet these materials are essentially required for home building. The hundreds or thousands of pounds expended in the erection of these temporary buildings could have been put, in the first instance, towards the erection of the ground floor of the proposed new Government offices. Only a very small proportion of building materials would have been required for such a structure because it would have consisted mostly of granite, local sandstone or limestone, or some such other building material. By that means we would not have interfered with the supply of building materials so desperately needed for our home-building programme.

If the members of the Joint House Committee feel that they have been censured by members of this House then I do not think that thought is in any of our minds. I think that the committee did the right thing in bringing to our notice this encroachment on the parliamentary reserve and I intend to support the committee in any action it takes. I will take my lead from the members of the committee. I cannot help but feel that the so-called temporary buildings are wrong in principle. The time has come, after all these years, for us to build a permanent and modern structure for our civil servants. This temporary building that is being erected will not meet all our requirements because we have so many other departmental officers accommodated in old, gloomy buildings. Because there was a shortage of space in Canberra the Government over there took courage in its hands and erected the buildings required. It is time that we did the same thing.

Hon. Sir Charles Latham: And every senator has a room to himself in the building.

Hon. J. M. A. CUNNINGHAM: Now is the time for us to do something and not persist with these temporary structures. We should take the courage in our hands and at least make a start on the lines I have mentioned.

HON. H. S. W. PARKER (Suburban) [8.23]: To my mind this is a very serious matter indeed. We have statutes and the people who must obey those laws punctiliously are the Government in power and, of course, the individual members of the Government. Of course we cannot know all about every statute, but I think censure should be passed on those who were responsible for desecrating a Class "A" reserve. It is a serious matter and someone should be brought to book over it. Unfortunately this sort of thing has been growing over past years and certain officials are ignoring our laws. Government servants go straight ahead without caring two straws about the law. The Government cannot flout the law.

Every session a Bill is brought forward to delete certain portions of reserves. We have a Bill to close roads and so on because the law says that those roads must remain open until Parliament decides otherwise. Therefore I think the Joint House Committee is to be commended for having taken the action it did irrespective of whether the building is good, bad or indifferent. To erect it was a breach of the law and probably any member of Parliament could have brought up the matter before the House. Therefore in my opinion the Joint House Committee did the right thing.

I trust that if the debate is adjourned the committee will place on the Table of the House the completed plans for Parliament House. It would be interesting to see in what way the temporary structure now being erected affects that proposal. It seems to me that some Government official has been most negligent in not finding out, when he decided to put up the building, whether he had authority to go ahead with the erection of a structure such as that on a Class "A" reserve.

The first thing a person does when he builds a house is to find out exactly who owns the land. Cases have been known of men building houses on other people's blocks. In those cases the men lose those houses because the houses go with the blocks. In this case, the first thing that the responsible people should have done was to find out whether they had any right to build there. If they did, or did not, do that, then some action should be taken about it. As far as I can gather the Minister was not advised as to the true position and I think the Joint House Committee took the correct and proper attitude in preventing the building from proceeding. I trust that it will stop any future desecration of Class "A" reserves by responsible—I was going to say irresponsible—civil servants, officers of the Government or even Ministers. Ministers must obey the law the same as everyone else and I trust that we will not, during my time or the time of my grandchildren, see any such thing ever happen again.

HON. L. A. LOGAN (Midland) [8.28]: While admitting that the Government may, in the first place, have endeavoured to build this structure in ignorance of the fact that it was a Class "A" reserve, there was still no need for that ignorance. Those of us who have dealings with both the Public Works Department and the Lands Department, in respect of reserves in country areas, know full well that the responsible men in charge of those departments know exactly what to do. If that is the case why should the Government plead ignorance when the same thing happens with a Class "A" reserve in the city?

There is no difference and the plea of ignorance cannot be upheld. This is a damning indictment of the Cabinet and the dates given to us by Mr. Hearn are most revealing. The Joint House Committee took steps to stop this work and yet the committee was defied. The Cabinet in its wisdom tried to force the issue and go ahead with the building; therefore it is time that we, as members of this House, made the Cabinet realise just what responsibilities it carries because the Cabinet knew full well that it should not have proceeded with this work. I have copied most of the dates given by Mr. Hearn and I have followed the whole procedure through. One can almost fail to understand how any Cabinet, with any sense of responsibility, decided to push on with this work.

If, for no other reason, we should turn this Bill down and make this Government and any other Government in the future realise that it cannot carry on in a manner such as this. It should understand that we have a responsibility to carry and that it has a responsibility also. I also take strong exception to the remarks made by Mr. Craig. I do not know whether he thought that by his blustering Hitlerite attitude he was going to make every member of the House think along the same lines as he does, because whatever he thought I would think the opposite. I commend the Joint House Committee for the action it took and strongly condemn the Cabinet in continuing with the work when it knew it was in the wrong.

On motion by Hon. E. M. Davies, debate adjourned.

BILL—ROAD CLOSURE (WANNEROO).

Second Reading.

HON. N. E. BAXTER (Central) [8.32] in moving the second reading said: In introducing this Bill, I would say that it appears to be a simple measure, although

it is rather an unusual one. Normally, as members know, there is an annual road closure Bill introduced to deal with such matters, but this is something that is outside the province of that particular type of measure because of the circumstances surrounding it. To put the case clearly, and in order that members will understand the issue, I have had prepared a diagram of the area the road cuts through, which will be circulated around the House. Before dealing with the diagram I would like to read a letter to the House from the Wanneroo Road, Health and Vermin Board which is concerned in this matter. The letter is dated the 18th June, 1951, and is addressed to myself. It reads—

Re Carraburra-rd.

In explanation of that name, which I will use fairly frequently in dealing with the Bill, I would point out that the original road is named Carraburra-rd. What has been referred to by the Lands Department as a delineation of the Carraburra-rd. is not really a delineation, but a new road entirely. If members will refer to the Road Districts Act, it will be found that when a delineation of a road is made, automatically the old road is closed. So this could not, in any sense, be a delineation of that road. It is entirely a new road that has been opened up across certain lands. To continue with the letter from the road board—

> I am directed by my board to seek your assistance in connection with the above road, and if possible, to obtain by special Act of Parliament, the closure of the deviation which affects the properties of V. Dhimitri and V. Susac.
>
> Members would be grateful for any help which you can give in this matter, the full details of which were explained to you at the last annual inspection of the district.
>
> The matter has been the subject of correspondence with the Department of Lands, but the Hon. Minister has advised that the decision on the new survey cannot be varied.

In these matters of road resumption and closure, the Minister for Lands has extremely wide powers and upon application from a road board for a road closure, providing it complies with Section 151 of the Road Districts Act, the Minister can, without reference to Parliament,. close that road and then pass the necessary legislation at a later date.

This story dates back to 1949 when an application was lodged with the then Wanneroo Road Board by five persons, not all of whom resided in Wanneroo. The blocks concerned as will be noted from the diagram, were firstly, Lot 3, of Location 785, and Lot 5, of Location 113; that is the bottom location almost enclosed by the road. On that lot, the name of Mr. Spacich will be noted. Mr. Trajanavich holds Lot 3. Those are two of the applicants for the closure of this new road, which runs through Lots 1, 2 and 3.

The other applicants consisted of a young gentleman who was employed in delivering bread along this road and held no property at all in this area. He makes the third applicant. The fourth was Mr. Abbott, who lived further down on Location 113 and who was not the least bit interested in the deviation of the road. The application was made to the board and owing to the fact that the people concerned were of Greek nationality before they were naturalised, namely, Mr. Susac and Mr. Dhimitri, they did not understand, in the first place, what was going on.

When they did, they applied to the board for the closure of this road. Of course, that was after it had been surveyed and then gazetted. There was such an upset in the area over this and other road board matters that all the members of the board resigned in a body with the result that there was a re-election and, of the ten members of the board previously holding office, six who supported the new road being put through lost their seats on the board and six new members were elected in their place. The other four members who had opposed the road going through were returned with increased majorities.

So the matter was dealt with by the ratepayers in the Wanneroo Road Board area in a democratic manner. One can understand that it was not an easy job to vote on this matter. Members of road boards are not easily upset and people who had taken an interest in the district were naturally incensed that a road could be cut through the property of people in that manner and, as can be observed from the map, it appears to be very unnecessary. It will be noted from the map that the road starts at point A, and goes right through to point B, which is only a short distance of seven chains. There is no sense in putting a road through for that distance and at the same time cutting up three properties.

Hon. H. S. W. Parker: What access to the road has Lot 3?

Hon. N. E. BAXTER: Lot 3 has access straight across, running from east to west. It has access across the stock route, which is about 200 yards distant. It is much more simple for Mr. Trajanavich to travel by that route than by going to the bottom of the property. His house is situated on the west side of the property near the Perth-Yanchep-rd. He has about 200 yards to travel on the existing route, but if he were to go the other way he would have to go to the bottom of the property, then turn south, follow the road round and then go west again in order to reach the

same point he would get to by going due west from his house and travelling along a good bitumen road to Perth.

The excuse put up by these people for acquiring this road was that they were friends and would be able to assist each other in their gardens and in carrying their produce to market. In addition, the wives would be able to visit each other. The two gentlemen most concerned are Mr. Spacich, and Mr. Trajanavich, on Lot 3. No one else is interested in having this road through his property. The property originally owned by Tonich is now owned by Tsallis. The latter person is not the least interested in the road because he can reach the road by following the boundary of Lot 113.

Hon. E. M. Davies: Can you tell us what portion of the road is a made road?

Hon. N. E. BAXTER: Of the two roads travelling from point A. to point B., neither is a made road, except for one small portion in Lot 4 on Location 113, running north-west to the boundary of Lot 2. That is the only strip of made road. The original surveyed road was from A. to B. on the east side and the new road surveyed and gazetted is from A. to B. on the west side.

These men are primary producers and they obtain concessions with respect to their licences from the local road board in connection with the carting of their produce to market, but under the Transport Act they cannot cart produce belonging to anyone else. That disposes of one of their reasons for the new road. As regards their other reason for the road, that of enabling their wives to visit each other, is it right for anyone to request the provision of a road through other persons' properties for that purpose? It is most unreasonable. From B. on the chart to the point at the sharp angle on Lot 3 is the only part of the road they intend to use.

If a person takes the roundabout routes I have explained instead of taking the shorter one direct to a made road, there is something wrong with him. The proposition is ridiculous. Another angle to the matter is that some of these properties are badly cut up by the road which runs down to swamp land that is some of the best garden land in the vicinity.

Hon. R. M. Forrest: Who put the road through in the first place?

Hon. N. E. BAXTER: At the request of these people, the road board made application to the Lands Department, which agreed to it. In the Wanneroo district, mostly strip roads are put down. A trench is cut in the sand and is filled up with limestone for roadmaking purposes. That is the cheapest method. On the other hand, the original road, which was surveyed after the blocks were split up, runs through fairly heavy sand to a limestone ridge which provides a natural foundation for the road. The diagram shows what a ridiculous proposition it is.

Others have seen the whole setup there and, with me, cannot understand why the road board ever took action to open such a road. I would mention Mr. Wilkins, who was a member of the Bruce Rock Road Board for many years. He is a responsible man and is a Justice of the Peace for the whole State. He is an executive member of the R.S.L. He has inspected this locality and is prepared to give anyone his opinion of what he saw there. He is an entirely independent party and says that never before in all his experience as a road board member has he seen a worse situation than has arisen in this instance.

In addition to what I have indicated, two of those who are applying for closure of the road are willing to give an easement to the other two concerned, and will enable them to proceed along the boundary from east to west. There could not be a more fair offer than that. There are other private properties which must have means of egress, so there is no reason at all for closing the original road.

Hon. A. R. Jones: How many people want this road kept open?

Hon. N. E. BAXTER: Two want it kept open and two want it closed. There is another man who is affected, but I have not included any provision regarding him in the Bill because at the time the property concerned had not been sold to the present owner. As there might be some complications, I left out any reference to him. If the Bill is passed, the way will be open for an application to be made to the board for forwarding to the Lands Department for closure of a section of the road so that the whole position will be brought back to the original state. As the Minister will probably have something to say about the matter, I shall reserve any further comment until my reply. I move—

That the Bill be now read a second time.

On motion by Hon. H. L. Roche, debate adjourned.

BILL—NOXIOUS WEEDS ACT AMENDMENT.

In Committee.

Resumed from the 19th September.

Hon. J. A. Dimmitt in the Chair; the Minister for Agriculture in charge of the Bill.

Clause 12—Section 46 amended (partly considered):

Hon. L. A. LOGAN: When the clause was previously before members, I expressed my objection to the Minister transferring powers to the Agriculture

Protection Board. Since then, I have obtained further evidence to indicate why he should not do so. At present, endeavours are being made to spread myxomatosis among the rabbits in the Geraldton area, and yet notices have appeared in the Press advising every farmer in that area, which includes four road districts, to proceed with the destruction of rabbits by fumigation, trapping and poisoning. If control passes from the Minister to the board, we can do nothing about it. While that power remains with the Minister, we have some redress. I urge that this matter be given further consideration. It might be better to throw out the Bill so that the Government could present another in more acceptable form.

The MINISTER FOR AGRICULTURE: The Minister already has power to delegate his powers and Parliament has approved of the principle—not to the Agriculture Protection Board but to the chief weed control officer. If the Minister has power to delegate his authority to the weed control officer, surely power should be given to the protection board. Throughout the whole Act, the Minister can veto anything, so no responsibility is taken from him. The object of the delegation of powers in this instance is to facilitate administration and any such delegation is revocable at will. Nothing will prevent the exercise of power by the Minister.

Hon. L. A. Logan: Then why alter the Act?

The MINISTER FOR AGRICULTURE: For the purpose of facilitating administration. As the Agriculture Protection Board is doing the work, surely we should facilitate its administration. Similar powers are included in the Vermin Act and the provision in the Bill will merely make for uniformity. No exception was taken by Parliament when the Vermin Act was amended accordingly. I think Sir Charles Latham spoke about accounts. The Agriculture Protection Board is an executive and not an advisory body. I repeat that it should have quite a lot of power. Section 6 of the Agriculture Protection Board Act uses the phrase "subject to the Minister," so the Minister is still responsible. These accounts are subject to audit inspection. What more protection could anybody require?

Clause put and passed.

Clauses 13 to 19, Title—agreed to.

Bill reported without amendment and the report adopted.

BILL—RURAL AND INDUSTRIES BANK ACT AMENDMENT.

In Committee.

Resumed from the 19th September. Hon. J. A. Dimmitt in the Chair; the Minister for Agriculture in charge of the Bill.

Clause 5—Section 67 repealed (partly considered):

Hon. Sir CHARLES LATHAM: I do not offer any objection to the clause. I find the position is that, after two years, the bank would be able to hand over security to the Lands Department which, in turn would protect the bank. It is proposed that, when property has been forfeited it shall remain with the bank until the bank sells it.

Clause put and passed.

Title—agreed to.

Bill reported without amendment and the report adopted.

BILL—VERMIN ACT AMENDMENT.

Second Reading.

THE MINISTER FOR AGRICULTURE (Hon. G. B. Wood—Central) [9.5] in moving the second reading said: This is a small Bill to correct anomalies in the Act. Most of the amendments are required to remove errors in phraseology which became apparent after last session. Provision is also made for consequential amendments following the handing over of certain powers from the Minister to the Agriculture Protection Board. It is already provided in the Act that there may be a certain delegation of powers. Section 13 stipulates that the Minister may in his discretion delegate to the chief inspector any of the powers conferred by the Act on the Minister, so what I am suggesting to the House is nothing new.

The most important amendment is that relating to an increase in the maximum of the State vermin tax. On account of greatly increased costs and the expanding activities of the protection board, it has been found necessary to increase the rate in the case of pastoral holdings from one penny to twopence in the £ on the unimproved value and from a half-penny to a penny in the £ in the case of other holdings. In addition to the protection board the Pastoralists' Association, the Farmers' Union of Western Australia and the Road Board Association all consider an increase necessary. These increases will apply to the next financial year.

Through the amendments made to Section 103 last session, the Taxation Department has found that many properties owned by public institutions, such as the University of Western Australia, public parks, reserves, cemeteries and commons etc., are at present taxable. In order to remove this anomaly, an amendment is necessary to bring the rating provisions into line with those in force for the land tax and so exclude from the vermin tax such places as I have mentioned. In framing the amendment to this section last year, the advice of the Taxation Department, which has the necessary machinery to perform this duty for the State, was

sought and accepted. It was not until the actual assessing was commenced that this anomaly was revealed.

There is a second anomaly in regard to the State vermin tax, which at present is required to be paid to the Minister and to be fixed by the Minister, whereas the same section states that the funds received are to be kept at the Treasury and applied under the direction of the protection board. The Bill provides for the tax to be paid to the protection board, and the rate to be fixed by the board. This is subject to the Minister, in accordance with Sections 6 and 8 of the Agriculture Protection Board Act. For the same reasons, it is proposed to substitute "Protection Board" for "Governor" in Section 103, Subsection (3), paragraph (d). I move—

That the Bill be now read a second time.

On motion by Hon. A. L. Loton, debate adjourned.

House adjourned at 9.10 p.m.

Legislative Assembly

Tuesday, 25th September, 1951.

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

QUESTIONS.

SUPERPHOSPHATE.

As to Rail and Road Haulage.

Mr. STYANTS asked the Minister representing the Minister for Railways:

(1) What is the estimated loss to the Railway Department on the haulage of superphosphate for the 12 months ended the 30th June, 1951?

(2) What is the average cost per ton mile haulage on the railways?

(3) What is the freight rate per ton mile charged for superphosphate?

(4) What is the average cost of haulage per ton mile for superphosphate by road transport?

(5) What was the total tonnage of superphosphate hauled by the railways and road transport, respectively, for the above-mentioned period?

The MINISTER FOR EDUCATION replied:

(1) and (2) It is difficult to estimate this loss with any accuracy. It is unreasonable to base an estimate on the average cost of haulage of all commodities in view of the facts, among others, that a large proportion of super now hauled is in train lots whereby handling and other costs are minimised and full truck loads are carried, and the rates of haulage vary with the distance owing to application of "telescopic" rates. But the average cost per ton mile (including overheads and interest) of all commodities carried is calculated at 3.56d.

(3) On average haul of 146 miles—2.35d.

(4) To the 15th April, 1951, 4.25d.; the 30th June, 1951, 4.9d.

(5) 202,115 tons rail; 44,968 tons normal road; 181,070 tons subsidised road. As the railways carried mainly the longer distance hauls taken in terms of ton miles, the ton milage was substantially greater than is evident from these figures.

BRICKS.

(a) As to State Works, Release and Delivery.

Hon. J. T. TONKIN asked the Minister for Housing:

As the time lag in the delivery of bricks at the State Brick Works was from six to eight months at the 30th June, 1950, why did it take until August, 1951, before bricks were issued against the release dated the 22nd July, 1949, of P. W. and W. Larke?

The MINISTER replied:

The release dated the 22nd July, 1949, was lodged with the State Brick Works on the 18th August, 1949, but the bricks were not applied for by the builder until August, 1951.