

Legislative Council

Friday, 11th December, 1953.

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The PRESIDENT took the Chair at 2.30 p.m., and read prayers.

ASSENT TO BILLS.

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

1. Local Authorities, Royal Visit Expenditure Authorisation.
2. Matrimonial Causes and Personal Status Code Amendment.
3. Rural and Industries Bank Act Amendment.

QUESTIONS.

STATE GOVERNMENT INSURANCE OFFICE.

As to Calling Tenders for New Building.

Hon. J. McL. THOMSON asked the Chief Secretary:

(1) Will he tell the House the estimated cost of the new State Insurance Office building?

(2) Is the Government of the opinion that it will prove more economical to carry out the construction of this building by the day labour method?

(3) As competitive tendering among the private contractors for this type of work would undoubtedly be very keen, thus ensuring a sound fixed price, would the Government, even at this date, afford the opportunity to private enterprise to tender, and if a tender is submitted, lower than the estimated Public Works Department cost, give urgent consideration to the acceptance of such a tender?

(4) Is it the intention of the Government to carry out all public works on the day labour system?

The CHIEF SECRETARY replied:

(1) £375,000.

(2) Yes.

(3) No.

(4) No.

MINING.

As to Water Supplies for Kimberley Goldfields.

Hon. C. W. D. BARKER asked the Chief Secretary:

(1) Is he aware that the lack of permanent water is retarding production on the Kimberley Goldfields?

(2) Is he also aware that the newly formed Prospectors' Association has a membership of 60—the majority of whom can work the field only during the wet season?

(3) Will he have an investigation made regarding the condition of—

(a) Dockrell well;

(b) Western Lead well;
(Both of these wells are situated on the Willy-Willy field.)

(c) Thompson well, on the Mary Goldfield;

(d) Three Mile well, on McPhee's Patch;

(e) Grant's Creek Well, on Grant's Creek;

(f) Dry Creek well, situated on Dry Creek Goldfield?

(4) Will he inform the House how much it will cost approximately, to renovate these wells, and if it is the responsibility of the Mines Department or the Public Works Department?

(5) Will he undertake to have this work done as soon as possible, as the availability of water would treble the output of gold on the Kimberley Goldfields and keep the men in the North?

The **CHIEF SECRETARY** replied:

(1) and (2) Recently an inspection was made by the Assistant State Mining Engineer and the District Mining Inspector.

(3) The Minister for Works has been requested by the Minister for Mines to improve the Dockrell well, Thompson well and Mary well and to provide water resources at Grant's Creek. Instructions have already been issued for inspection to be made and suitable repairs undertaken. No requests have been previously submitted for Western Lead Well, Three Mile Well (McPhee's Creek) and Dry Creek Well, but these will be referred to the Mines Department.

(4) Costs cannot be assessed, as complete information is not available. The Public Works Department accepts responsibility when work of this nature is considered justified by the Mines Department.

(5) Answered by (3).

WATER SUPPLIES.

As to Relieving Shortage at Quairading.

Hon. Sir **CHARLES LATHAM** asked the Chief Secretary:

Will he ascertain from the Minister for Works and Water Supplies and advise the House, what, if anything, is being done to relieve the severe water shortage which takes place every summer at Quairading, and which is more pronounced this year than ever before?

The **CHIEF SECRETARY** replied:

Negotiations are taking place between the department and the Quairading Water Board regarding an additional dam to augment the present supply from Toapin Rocks Dam.

BILL—ROYAL POWERS.

Second Reading.

THE CHIEF SECRETARY (Hon. G. Fraser—West) [2.38] in moving the second reading said: This very small Bill is to ensure that during the visit to this State of Her Majesty Queen Elizabeth II, she may undertake any of the duties exercisable under any Act by His Excellency the Governor. In the main, this would enable the Queen to preside at any meeting of the Executive Council, and to sign Executive Council papers.

There is a certain doubt whether legally Her Majesty can undertake these duties, even although the Governor is exercising them only as her representative. This Bill will remove any doubt that exists. The Commonwealth Parliament recently passed a similar measure, and I understand that other State Parliaments are taking the same action. I move—

That the Bill be now read a second time.

HON. C. H. SIMPSON (Midland) [2.39]: This Bill is very formal, and will put beyond any shadow of doubt the question whether Her Majesty the Queen can take her place at an opening of Parliament, or any other official function, as does the State Governor. Every one of us would like to think that if and when such an occasion arises in this State, Her Majesty can officiate in that capacity. All members will no doubt accept the Bill as I do, with pleasure.

HON. L. CRAIG (South-West) [2.40]: I hope that during Her Majesty's visit to this State, the opportunity will be taken to get her to sign some documents. It is highly desirable that some important documents should bear the signature of the reigning Monarch, and the Government should make every effort to arrange for this to be done.

THE CHIEF SECRETARY (Hon. G. Fraser—West—in reply) [2.41]: I understand that one of the main objects in introducing this measure was to enable Her Majesty to sign some documents at a meeting of the Executive Council.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Bill read a third time and *passed*.

BILL—TRADE DESCRIPTIONS AND FALSE ADVERTISEMENTS ACT AMENDMENT (No. 1).

Received from the Assembly and read a first time.

BILL—RENTS AND TENANCIES EMERGENCY PROVISIONS ACT AMENDMENT.

Read a third time and returned to the Assembly with amendments.

BILL—INDUSTRIAL DEVELOPMENT (RESUMPTION OF LAND) ACT AMENDMENT (No. 1).

Second Reading.

THE CHIEF SECRETARY (Hon. G. Fraser—West) [2.45] in moving the second reading said: The principal reason for the introduction of this measure lies in a decision given by one of our stipendiary magistrates some little while ago. This decision has affected appeals to the Local Court under Section 7 of the principal Act. Such appeals refer to cases where persons who require for industrial purposes certain land, which is in other ownership, have appealed to the Minister for the resumption of that land. If the committee appointed under the Act agrees that the land should

be resumed for this purpose, the owner of the land may, if he wishes, appeal to the Local Court against the recommendation of the committee. The Local Court's decision in such a matter is final.

Although the long title of the principal Act gives authority to the Governor for the resumption and disposal of land on behalf of persons engaged in industry, the appropriate provisions in the Act do not make it clear whether land can be resumed for persons who are already established in business and who require land for the expansion and carrying on of their business. In his decision on an appeal, to which I have already referred, the magistrate held that land could only be resumed, under the principal Act, for a person who wished to establish a new business, and not for a person with an established business who required the land for an expansion of his business.

The magistrate suggested that the Act should have been worded in another manner. On reflection, the Crown Law Department has agreed with him, and the Bill seeks to alter the wording in Sections 6 and 12 of the Act. This would ensure that a person requiring land for the establishment of a business or for the carrying on of an established business came within the ambit of the Act.

The next amendment is also to Section 12 of the Act which provides that any person applying for the use of land resumed and dedicated under the Act for industrial purposes must, among other things, establish the fact that such land is the most suitable site for the business, and that he has been unable by his own efforts to obtain land in the locality because of the refusal of owners to sell, or to accept a reasonable price.

The committee appointed under the Act—the Surveyor General, the Director of Industrial Development, the Chairman of the Town Planning Board, and a representative of the Chamber of Manufactures—considers that these requirements confer unnecessary restrictive obligations upon an applicant. The committee states that the strict observance of these requirements could bring about a situation where land dedicated under the Act could not be developed for industrial purposes until all surrounding land or land in the general locality had been developed. The Bill, therefore, seeks to repeal these restrictions.

Section 14 of the Act provides that no person who has obtained the use of land under the Act, either as a proprietor or a lessee, may sell, exchange, transfer, assign or encumber the land, or part with possession of it, without the Minister's written authority. Nor may the land be used for any other purpose than that for which it was obtained, without the written consent of the Minister. The Act provides a fine of £100 for a breach of these requirements, as well as a continuing daily

penalty of £5 for the continuance of the breach after the offender has been warned by the Minister.

These requirements are felt to be too restrictive. The committee appointed under the Act does not recommend an application unless it is satisfied that the applicant will develop the land in question to a satisfactory degree within a reasonable time. It is felt that once the land has been used or developed to a certain degree to satisfy the Minister of the bona fides of the applicant and to justify the resumption or the dealing in dedicated land, there should be no need for the restrictions imposed by Section 14.

If the restrictions were maintained for too long a period, the whole indirect purpose of the Act could be defeated, because the life-blood of industry is finance; and once the land has been so improved for the purpose for which it was granted to justify a mortgage, etc., being taken over it the owner should be able to deal with the land free from any restrictions. The Bill provides, therefore, that where the Minister is satisfied that a person is developing or using the land for the purpose for which he obtained it, the Minister may exempt him from the restrictions I have quoted.

The object of the penultimate amendment is to provide that if a mortgagee enters into possession and sells or forecloses land which is being mortgaged with the consent of the Minister, he will get the title to the land free of all restrictions, conditions, limitations, etc., which may be created or imposed under the provisions of the principal Act. This is considered necessary because, I am advised, financial houses will not advance money on the security of land which would be subject to certain restrictions, conditions, or limitations imposed by the principal Act, even when they become registered proprietors of the land by virtue of the powers of sale or foreclosure; and as finance is necessary to further industry, it is considered that unless a person about to establish a business or desiring to expand a business can arrange finance, the object of the Act may be defeated.

The final amendment is considered necessary, as there is no power at present in the principal Act to set apart any land which has been resumed or dedicated under the principal Act for the purpose of providing roads or reserves. Where a large portion of Crown land is dedicated, and it is desired to allocate many portions of it to various industries, it is, of course, essential that the land be provided with the necessary roads to give ingress and egress to the various industries, and in some cases to provide reserves for the purpose of furthering proper town planning. I move—

That the Bill be now read a second time.

On motion by Hon. L. Craig, debate adjourned.

BILL—FIREARMS AND GUNS ACT AMENDMENT.

In Committee.

Hon. W. R. Hall in the Chair; the Chief Secretary in charge of the Bill.

Clause 1—agreed to.

Clause 2—Section 5 amended:

Hon. Sir CHARLES LATHAM: I move an amendment—

That in line 5 of paragraph (a) of proposed new Subsection (4), after the word "testing" the word "it" be inserted.

The CHIEF SECRETARY: I would like to report progress for the time being. Perhaps Sir Charles would agree to withdraw his amendment.

Amendment, by leave, withdrawn.

Progress reported.

BILL—BUILDERS REGISTRATION ACT AMENDMENT.

Second Reading.

Order of the Day read for the resumption from the 3rd December of the debate on the second reading.

Question put and passed.

Bill read a second time.

In Committee.

Hon. W. R. Hall in the Chair; the Chief Secretary in charge of the Bill.

Clauses 1 to 14—agreed to.

New clause:

Hon. H. K. WATSON: The Act at present defines "building". As the Chief Secretary explained during the debate on the second reading, it was designed primarily to protect the general public in respect of the purchase of jerry-built houses. However, the legislation went much further than that. Since then there has developed an entirely new type of building, namely the prefabricated building. With local manufacture on the one hand and importations on the other there has been a large turnover in prefabricated steel buildings in recent years. Their erection is not a job for a builder, but that of a rigger. In fact, the suppliers of this type of building generally erect them. They are not builders in the true sense of the word, nor do they desire to become builders.

However, as the Act stands at the moment no one is entitled to erect a prefabricated building, except a registered builder, even although the suppliers of a building would have more knowledge of putting them together than any builder. To conform with the legislation, the erection of prefabricated buildings has had to be handed over to a registered builder; and,

as a result, the cost to the owner has been much more than was warranted. Therefore, I desire to provide, in the definition of "building" that structures of this nature can be erected by people who are competent to erect them. I move—

That the following be inserted to stand as Clause 2:—

Section two of the principal Act is amended by adding at the end of the definition "Building" the words "but the term does not include the erection either by the supplier or by any other person, of a completely prefabricated steel framework or building".

Hon. J. M. A. CUNNINGHAM: Is Mr. Watson of the opinion that the wording of his amendment would cover those buildings that are not made of steel, but of alloys such as duralumin, or aluminium, or plastic, because buildings manufactured with such materials are now being introduced.

Hon. H. K. WATSON: I am afraid that the wording would cover only those buildings made of steel. Therefore, with the permission of the Committee, I ask that the word "steel" be deleted from the amendment.

Hon. H. HEARN: I hope the Committee will agree to the amendment. These buildings have come into being as a result of the progress that has been made during the war and in the years following the war. There is no doubt that the type of building Mr. Watson has in mind could be erected just as well by the suppliers of them as by a registered builder.

The CHIEF SECRETARY: I hope the Committee will not agree to the amendment. Its acceptance would mean that all prefabricated buildings would be removed from the control of the board. Further, it would defeat the provisions of new Section 4A, which was passed in 1948. That section has the effect of preventing local authorities from granting building permits to unregistered builders. If registration were not necessary for the erection of prefabricated steel structures, local authorities would feel free to grant permits to anyone who desired to erect them. The board has a duty to the people with respect to public safety.

The amending legislation, while permitting conditional registration without preliminary examination, still enables the board to carry out inspections of work, which would include steel prefabricated structures up to a cost of £4,000. The bolting together of a few uprights and cross members is not by any means all that is required in the erection of such a structure.

Hon. H. Hearn: With the deletion of the word "steel" from the amendment we would have no need to worry about that.

The CHIEF SECRETARY: Foundations, for instance, are the most essential factor in successful building construction. A builder needs to have a proper appreciation of local authority requirements with respect to foundations, grading of the building site, reinforced concrete construction, mixture and strength. Why differentiate between prefabricated steel and prefabricated timber? Quite large prefabricated timber buildings can be turned out by the manufacturing millers—all to be bolted up, and advertised as being easy to assemble.

Construction of a building does not finish with the erection of the four walls, the laying of the floors, and roofing. Consider the huge prefabricated steel storehouses, workshops, and factories which are obtainable commercially today. The huge workshop at the oil refinery at Kwinana may be mentioned. That is as large as a loco. shop. It is inconceivable that the erection of such a structure would be best placed in the hands of persons who are not able even to pass the reasonable tests of practical skill and examination set by the board.

One wonders who would desire such work to be carried out by incompetent men. The manufacturers need only employ one registered builder under existing legislation to supervise the erection of their products. As indicated previously, the erection of the shell is but the preliminary to construction. Probably tradesmen would be needed for windows, doors, and internal subdivisions and, most important of all, the provisions of services. Constructors need to take into account proximity of sewers and water supplies and to make proper provision, especially industrially, for the accommodation of electric power.

When every effort is being made to encourage tradesmen with any semblance of ability to carry out building works, there is even less reason than heretofore for excluding prefabricated buildings from the guiding influence of the board. For those reasons I hope the Committee will not agree to the amendment.

Hon. H. K. WATSON: I think the Chief Secretary has over-stated his case in opposing the amendment, which covers only the erection of a prefabricated building. As he has mentioned, it has been necessary to have one registered builder present when such buildings were erected, in order to conform to the law. However, the suppliers have found that they have been more competent than a registered builder when the work has been undertaken. The suppliers of such buildings would still have to conform to the requirements of any local authority if they were permitted to construct them. The amendment will merely relieve them from the obligation of having to employ a registered builder to supervise the work, even although they still do the work themselves. The installation of sewerage, water and so on would still have to be done by competent tradesmen.

Hon. C. H. SIMPSON: I favour the amendment introduced by Mr. Watson. I remember paying a visit some years ago to the section of the State Housing Commission which had designed some prefabricated units which were being sent out in truck lots to the various points where they were to be erected; particularly for farmers who came under the war service land settlement scheme. One of the virtues of those units was that they could be erected by people who were not necessarily carpenters or builders, because at that time there was a dearth of builders, most of whom were completely occupied in trying to overcome the shortage of houses in the metropolitan area.

As a matter of common sense, I am inclined to allow the individual who is competent, although not holding the full qualifications of a tradesman, to do that work, which he can do equally as well as a qualified tradesman. For that reason, and believing that Mr. Watson's amendment covers only the ground it sets out to cover, I favour it.

Hon. J. McI. THOMSON: The amendment deals with the framework of the building and the internal fittings are not involved. Plumbing work and sewerage would have to be carried out by a licensed plumber and electrical work by a licensed electrician. It should not necessitate the engagement of a registered builder to be on the job. I see nothing wrong with the amendment.

The CHIEF SECRETARY: If the words suggested by Mr. Watson were added, the building would be removed from the provisions of the Act. There is more involved than just the structure. Who will see that everything else is safeguarded?

Hon. H. Hearn: The architect.

Hon. J. McI. Thomson: The owner would engage tradesmen if necessary.

The CHIEF SECRETARY: Is that so? Where does it say that that will be done? Something is being taken out of the measure, and nothing is being inserted to provide safeguards for everything that has to be done. If the amendment is carried, no one will have any control over the building in any respect. The framework is only a small part of the building. Everything else has to be supervised as well. I want to provide for as much freedom as I can, but if the Committee agrees to this amendment, it will be going too far. There is nothing very hard to comply with under the Bill. It is not like the old Act, under which men had to sit for big examinations, to which I took exception. By means of this Bill, the situation has been considerably eased.

Hon. H. K. WATSON: I would point out that we are dealing with the Builders Registration Act. Anyone who erects a building is subject to the local authorities,

the Scaffolding Act, the Public Health Act, and all the other Acts involved. Here we are merely dealing with a person who can erect a building, and I suggest that the Chief Secretary is over-stating the case.

The CHIEF SECRETARY: I am not over-stating the case. When a permit is granted by a local authority, that body does not supervise the electrician and everyone else. The permit is granted, and then the local authority has an inspector who sees that everything is going according to plan. If the local authority had to supervise tradesmen doing individual jobs, it would need an army of inspectors.

Hon. J. McI. Thomson: The local authorities guard themselves by insisting that the regulations laid down must be complied with.

The CHIEF SECRETARY: The local authority sees that the building is erected according to the plan submitted to it.

Hon. L. A. Logan: I think we are at cross-purposes. All that Mr. Watson requires is that certain types of buildings, such as prefabricated structures, should be removed from the provisions of the measure. I do not think there is anything to worry about.

Hon. C. W. D. Barker: The Bill is designed to make the regulations easier so that the builder will not have to undergo such a rigid examination. I think that those who erect prefabricated buildings would have little difficulty in securing a licence. As the Chief Secretary has said, there are certain things to be safeguarded, particularly the foundations and things of which a builder has a general knowledge. I agree with Mr. Watson that a tradesman is not necessarily required to erect a prefabricated steel building. But when we look at the problem and realise that prefabricated hangars and factories are being built, we have to think of the foundations and the scaffolding.

Hon. H. K. Watson: That comes under the Scaffolding Act.

Hon. C. W. D. Barker: I agree. It is a matter of knowledge obtained by a builder, which is to be tested by examination, and that will be simple. Proficient people will find it easy to acquire a builder's licence.

Hon. J. McI. Thomson: We are losing sight of the fact that the amendment deals entirely with the framework of the building, and I imagine that there is a standard with which suppliers of steel-framed buildings must comply. They must observe the conditions regarding stress and strain. Mr. Barker has referred to hangars, but we know that the suppliers of steel-framed, prefabricated structures of that kind are strictly supervised. Con-

cerning the Chief Secretary's remarks about local authorities, I would point out that a local authority has jurisdiction over the issue of permits and the responsibilities of the person doing the construction work are laid down. Licensed plumbers and electricians would need to be employed.

Hon. A. F. Griffith: Why is there a reference to "framework or building"?

Hon. J. McI. Thomson: Does the hon. member mean that because the word "building" appears it means that all the internal fittings of the structure are included?

Hon. A. F. Griffith: I am trying to get some information from you.

Hon. J. McI. Thomson: I say, definitely not, because whatever is done after the erection of the framework must be carried out in accordance with rules and regulations.

Hon. L. C. Diver: From your experience as a builder and with local authorities, who has to look at the building?

Hon. J. McI. Thomson: The local authority has a building inspector, and he is guided by the Act under which he is empowered.

Hon. L. C. Diver: I have never heard of a building inspector.

Hon. Sir Charles Latham: I think that is a bit of an exaggeration.

Hon. J. McI. Thomson: I do not see how it is an exaggeration. The road board employs a building inspector cum health inspector. Where does he obtain his authority? He has something to be guided by. There are certain things laid down with which a builder must comply.

Hon. G. Bennetts: When a builder makes an application to a local governing body on the prescribed form, that is inspected by the engineer and his report is submitted to the Works Committee. With regard to prefabricated buildings, a rigger would be required for the erection of the framework. If there was any woodwork to be done in the way of windows, floors and so on, it could be done by tradesmen.

Hon. A. F. Griffith: I am not satisfied with the explanation that has been given of the last three words of the amendment. What would be wrong with including something like this, "the term does not include the erection either by the supplier or any other person of the complete framework of a prefabricated metal building?"

Hon. Sir Charles Latham: There is too much interference in these matters. Legally, we cannot put a washer on a tap without sending for a plumber, or put an electrical fuse in a fuse-box. People in the country have to do these things, but

they are hemmed around with all sorts of restrictions. The amendment is clear enough, and I support it.

Hon. J. M. A. CUNNINGHAM: The wording Mr. Griffith is objecting to is not as sinister as it appears. Today the prefabrication of buildings covers a wide field. Recently, on the trans-line I saw a building being erected, and the whole roof structure was in one piece. I do not see anything to object to in this. In future, we will find more and more prefabricated buildings being erected, and the less we interfere, the better for the State.

The Chief Secretary: Wipe everything out.

Hon. J. M. A. CUNNINGHAM: No; I do not agree with that. We must have reasonable safeguards.

Hon. C. W. D. BARKER: I agree with Sir Charles Latham that today we are hampered by all kinds of restrictions; but this goes much further. In the future, most of our buildings are going to be prefabricated. At Kwinana the other day, we saw an example of a prefabricated town. Each house there comes under the description of a prefabricated house. If we agree to the amendment, we will take away protection that is provided for the public.

Hon. H. HEARN: I move—

That the Committee do now divide.

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

Ayes	17
Noes	9

Majority for	8
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Ayes.

Hon. N. E. Baxter	Hon. J. Murray
Hon. G. Bennetts	Hon. H. S. W. Parker
Hon. L. C. Diver	Hon. H. L. Roche
Hon. H. Hearn	Hon. C. H. Simpson
Hon. E. M. Heenan	Hon. J. McI. Thomson
Hon. C. H. Henning	Hon. H. K. Watson
Hon. J. G. Hislop	Hon. F. R. Welsh
Hon. A. R. Jones	Hon. R. J. Boylen
Hon. F. R. H. Lavery	(Teller.)

Noes.

Hon. C. W. D. Barker	Hon. Sir C. G. Latham
Hon. L. Craig	Hon. L. A. Logan
Hon. L. C. Diver	Hon. A. L. Loton
Hon. G. Fraser	Hon. H. C. Strickland
Hon. A. F. Griffith	(Teller.)

Motion thus passed.

New clause put and a division taken with the following result:—

Ayes	12
Noes	13

Majority against	1
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Ayes.

Hon. N. E. Baxter	Hon. J. Murray
Hon. J. Cunningham	Hon. H. S. W. Parker
Hon. H. Hearn	Hon. C. H. Simpson
Hon. J. G. Hislop	Hon. H. K. Watson
Hon. L. A. Logan	Hon. F. R. Welsh
Hon. A. L. Loton	Hon. J. McI. Thomson
	(Teller.)

Noes.

Hon. C. W. D. Barker	Hon. A. F. Griffith
Hon. G. Bennetts	Hon. E. M. Heenan
Hon. R. J. Boylen	Hon. C. H. Henning
Hon. L. Craig	Hon. Sir Chas. Latham
Hon. E. M. Davies	Hon. H. C. Strickland
Hon. L. C. Diver	Hon. F. R. H. Lavery
Hon. G. Fraser	(Teller.)

New clause thus negatived.

Title—agreed to.

Bill reported without amendment and the report adopted.

Third Reading.

Bill read a third time and passed.

BILL—WESTERN AUSTRALIAN MARINE ACT AMENDMENT.

Second Reading.

Debate resumed from the 4th December.

HON. C. H. SIMPSON (Midland) [3.51]: This Bill seems to be a step in the right direction and in line with the need to give increased consideration to the build-up of shipping and particularly the increase in the number of operators who are carrying out whaling and those who are engaged in the fishing industry. I hope we can visualise in the course of a few years greatly increased shipping traffic around our coasts, and for that and other reasons it is most desirable that attention should be given, at this stage, to bringing all the units that carry out the business of shipping under some form of co-ordinated control.

There have been occasions when accidents have occurred; and although everyone realises that an inquiry into those accidents was most necessary there was, under our own Marine Act regulations, no authority for that to be done. That is one of the matters which this Bill seeks to clarify.

It also sets out the qualifications of seamen, licences, certificates, and the necessary fees in regard to those who will be invested with the responsibility of taking small craft to sea. This measure will ensure that those people are thoroughly competent so that the safety of our shipping lanes will be maintained. The Commonwealth Act and the State Act leave a good deal to be desired in the way they dovetail with each other, but the provisions included in the Bill do not in any way conflict with those contained in Commonwealth shipping acts. The only point we must watch is that the zone of operations which will come within the ambit of the Harbour and Light Department, which administers the Marine Act, do not at some points impinge on the established responsibilities of such bodies as the Fremantle Harbour Trust.

The trust has a specific zone of operations in certain areas. The relations between the two bodies are all that could be desired, and I cannot visualise the possibility of a conflict in any way; but, at

the same time, when the provisions of Bills which may become Acts are taken into account, it is necessary to survey them to see that the responsibility of certain bodies is not infringed by the powers contained in the provisions of another Act under review.

I have some notes which mention cases that could have been dealt with if these powers had been included in the Act. Within the last year or two a case arose within the precincts of the port of Fremantle when two whaling vessels under foreign masters broke adrift from their moorings and became a hazard to shipping before finally running aground. It was found that neither the port authority, nor the Harbour and Light Department, had any jurisdiction; the latter because the masters were foreign. In cases such as that, no department such as the Harbour and Light Department should have power to operate within the area governed by the port authority, except at the request of that body. That is the usual custom in most parts of the world.

Actually, the recommendation to which effect will be given under this Bill has been discussed from time to time at port authority conferences, and practically all of the provisions are embodied in the Bill. I have examined the contents of the measure and the way in which the different provisions apply. They will be a distinct improvement on the present position, and I have no hesitation in supporting the second reading.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Bill read a third time and transmitted to the Assembly.

Sitting suspended from 4 to 4.23 p.m.

BILL—ADMINISTRATION ACT AMENDMENT (No. 2).

Second Reading.

Debate resumed from the 3rd December.

HON. L. A. LOGAN (Midland) [4.23]: To some extent this Bill gives relief in the case of an estate valued up to £6,000. While I appreciate that the Government has endeavoured to provide that relief, in certain cases it could act as a "boomerang"; because, under these provisions, probate duty could be deferred during the lifetime of a surviving spouse, but then, on the death of the surviving spouse, the liability for payment of further probate duties would fall on to the beneficiaries, who in fact would be called upon to pay two amounts of probate duties. That could cause considerable hardship.

In giving relief to an estate valued up to £6,000, some allowance should be made for property other than a dwelling-house, because very often property consists of goods, chattels, motorcars and the like. There may be no ready cash available, but the beneficiaries would be compelled to find the probate duty in cash. Mr. Watson has given notice of an amendment which appears to afford some relief in the direction I have suggested. The first portion gives relief in the final balance to the extent of £3,000. In the second portion, the value of a dwelling-house would be exempted up to £6,000.

Something along these lines is necessary; and, although the Government has endeavoured to give some relief, in my opinion it has not gone far enough. In affording relief we should give consideration to ensuring that the measure will not cause any hardship to the beneficiaries on the death of the surviving spouse. I support the second reading and trust that adjustments may be made.

Question put and passed.

Bill read a second time.

BILL—WAR SERVICE LAND SETTLEMENT SCHEME.

Second Reading.

Debate resumed from the previous day.

HON. A. R. JONES (Midland) [4.30]: I intend to vote for the second reading. There are one or two observations I desire to make in support of the amendment outlined by Mr. Loton. It seems to me that we must grant whatever protection is possible to these settlers so that Western Australia as well as Australia will be honouring an obligation to them for their services to the country.

Some of these settlers have held their locations for a number of years and, so far as we can judge, when they apply for the freehold after having been in possession for 10 years, there is a possibility of additional charges being placed on their properties on account of administrative costs which, under the original arrangement, should be borne by the Commonwealth and the State. One point I wish to make clear is that these men have no real knowledge of the agreement between themselves and the scheme owing to the many changes that have been made over the last few years.

Men have been allotted farms and have been keen to develop their properties. In my district there are quite a number of these settlers and each of them has gone in for an intensive pasture development plan. It is a good thing to find them taking such interest, which is manifested by their purchasing seed, particularly subterranean clover seed, and feeding the ground with much-needed phosphate. Within a space of four, five or six years,

those men will increase the carrying capacity of their farms considerably. However, according to my reading of the Bill, when these men receive their final assessments, they will find that their property is valued at the figure then applicable. It might be a matter of £2,000, £3,000 or £4,000 which they have spent in development and renovation and supplying phosphate, etc., to enhance the carrying capacity of the land and thus the settler may be making a rod for his own back.

Hon. C. H. Simpson: You mean that he would be charged for the value that he himself had created.

Hon. A. R. JONES: Yes.

The Minister for the North-West: That is not so.

Hon. A. R. JONES: Quite a few of these settlers feel a sense of insecurity under their agreement and one or two have told me they have not much faith in the arrangement. In fact so little is their faith that they intend to work the farms allotted to them, get the utmost possible out of the properties, put as little as possible into them, and then go further afield and buy other farms. While in one way it may be foolish for them to leave their holdings, we cannot well blame them if they do not feel secure and if the agreement is one upon which they cannot rely. Evidently, if they put money into the holdings, they will have to pay through the nose for their farms when the final valuations are made.

The Minister for the North-West: You mean that they would try to make sufficient money in order to take up another property.

Hon. A. R. JONES: Yes. A man might put £4,000 or £5,000 into a property and, by his own diligence, build it up, only to find at the final settlement that the value of his work is not compensated for.

The Minister for the North-West: I do not think that is the case.

Hon. A. R. JONES: To take action along those lines would be quite wrong, and we want to remove the impression from the minds of the settlers that such a thing could happen. I am hopeful that the amendment by Mr. Loton will be accepted, because it will afford protection against that sort of thing. Quite a few of these farms have been allocated and have been worked by the settlers for a number of years. If they feel they are not getting the consideration that is due to them, some of them might take as much from the land as they possibly can, leaving it in a very unfit state for future farming and exposed to the risk of erosion. Thus the State should feel concerned if any evidence exists of happenings such as I have indicated. One man told me that he would take all he could from his property as quickly as he could, and then get out

and buy another place. His reason was that the agreement originally laid down is not being honoured.

The Minister for the North-West: Would he be one who started without capital?

Hon. A. R. JONES: He could be. I ask the House to take a serious view of the matter. I consider that the Commonwealth and the State promised these men certain conditions, and the promise ought to be honoured. We also want these settlers to feel that, when they go on to a property, they will be working under an agreement that will be an incentive to them to do their best as farmers and return to the State the greatest possible benefit in the way of production in future years. They ought to be made to feel that by the time they are granted their freehold, they will have been able to build up sufficient credit to pay off the whole of their indebtedness or at least a substantial part of it.

Unless they are satisfied with the conditions of the agreement under which they are working, the scheme will never be satisfactory. It is true that some of the settlers now have sufficient money to purchase their properties. We hope that many more of them will reach the same happy position by the time the freeholds are due to be granted. I hope that members will make a close study of the Bill and appreciate that the amendment of which Mr. Loton has given notice is one that will afford protection to the settlers already on the land, and to those who may come under the scheme at a later date.

HON. J. McI. THOMSON (South) [4.40]: I wish to offer a few remarks in support of the second reading because I desire to refer to the amendment of which Mr. Loton has given notice. At first I felt inclined to vote against the second reading, but I have concluded that to do so would be wrong because there is much virtue in the proposed amendment. A breach of faith has been committed, inasmuch as these settlers were assured that the Commonwealth would bear three-fifths of the losses and the State would bear the remaining two-fifths. Yet we find that under the new agreement, this is not so. These settlers need a clarification of what is intended, and under the amendment I believe their interests will be fully protected.

On motion by the Minister for the North-West, debate adjourned.

BILL—AGRICULTURE PROTECTION BOARD ACT AMENDMENT.

Second Reading.

Debate resumed from the 9th December.

HON. J. McI. THOMSON (South) [4.43]: I wish to offer a few remarks on the Bill. Because of the appreciation that has been expressed throughout the State for the work of the board during the com-

paratively short time it has been in operation, I feel that there is no necessity for the change proposed in the measure. The board has functioned with much credit to itself and great benefit to the State, and I see no reason why it should not be permitted to continue as at present constituted. I repeat that I see no necessity for making a change such as is suggested.

I understand that the Director of Agriculture is doing a very good job in attending to the most responsible office that he has to administer, and I feel that to add this extra duty to his present burden would be asking too much of him. I think the disposal of the moneys advanced by the Treasury to the board should be left to the discretion of that body which should be given power to allocate the money as it deems necessary. Members of the board are the people most competent to determine how the money should be used. As I think this is a Bill which can best be dealt with in Committee, I support the second reading.

HON. L. CRAIG (South-West) [4.46]: I do not think the objections raised by Mr. Thomson are very serious, and I feel that the proposed alteration to the board is a machinery matter, and one to be determined by the department. It does not matter much as long as the board is constituted of members of the Department of Agriculture most suited to the job.

An important part of the Bill deals with the allocation of moneys for the destruction of pests, both botanical and animal. At present, money is allocated by the Treasury for the destruction of specific pests; and it can happen that, for instance in a dry season, a lot of money is required to deal with grasshoppers. Yet there may be no funds available for that purpose, while thousands of pounds lie idle, having been allocated to the destruction of weeds or some other pest. The present allocation is as follows:—

	£
Noxious weeds	7,000
Vermin	44,000
Vermin in particular areas	12,000
Grasshoppers	30,000
General expenses of the board	12,000

The Bill proposes that that money shall be grouped into a sum which shall be used for the destruction of any pests which may at the time be a menace to the agricultural industry, and that the committee appointed shall determine where and how the money shall be spent. That seems a very reasonable arrangement. In those circumstances, I see no objection to the Bill, and support the second reading.

THE MINISTER FOR THE NORTH-WEST (Hon. H. C. Strickland—North—in reply) [4.48]: There seems to be abroad an idea that the Bill is designed to take

the present chairman away from the board altogether and replace him by the Director of Agriculture.

Hon. N. E. Baxter: Is that not so?

The MINISTER FOR THE NORTH-WEST: That is how it appears in the Bill. There seems to be an impression that this may have been originated by the director, but I can assure the House that that is not the case. This measure resulted from an inquiry by the Public Service Commissioner, who set up a committee to investigate the staff position of the Agriculture Protection Board and the Department of Agriculture; and it is purely an administrative matter. At present, the position is that half the executive officers of the board are employed by the board and the other half by the Department of Agriculture; but the board is directly responsible to the Minister, and none of the administration comes under the director or the Department of Agriculture. That means that there is no liaison whatever between the director and the Agriculture Protection Board. The object of the Bill is purely to overcome that aspect of the position.

Hon. N. E. Baxter: The Minister is splitting straws.

The MINISTER FOR THE NORTH-WEST: If the hon. member waits until I have explained the Bill, he will find that no straws are being split. The Agriculture Protection Board has a number of employees, many of whom come under the Public Service Commissioner. There are 17 officers who do section board work, who come under the Public Service Commissioner, and who are paid by the Department of Agriculture. They are as follows:—

Eight vermin control officers.

Six clerical officers.

Three professional and technical.

There are 52 officers paid by the Agriculture Protection Board from its funds, and of them, eight do work similar to that of the eight officers paid by the Department of Agriculture. The 52 are made up as follows:—

Eight vermin control officers.

One technical research officer.

Five doggers.

Twenty-eight rabbit-proof fence attendants.

Ten myxomatosis attendants.

I recall Mr. Jones having suggested that more inspectors and officers should be put on that work. Mr. Diver said that these men should be asked to treat the rabbits, and that suggestion will be brought under the notice of the board, though what view it will take I do not know.

Hon. L. A. Logan: Our inspector has inoculated 4,800 rabbits.

The MINISTER FOR THE NORTH-WEST: That is very good, and I understand that in the hon. member's district they are getting very good results. There are 25 doggers paid from the trust funds under the Vermin Act, which is under the control of the Department of Agriculture, legally, but in practice under the Agriculture Protection Board, as the Chief Vermin Control Officer operates as an officer of and chairman of the board. We know that he is appointed in that way under the Agriculture Protection Board Act.

It should be obvious to members that the staff position is difficult at present. Either the board should assume control of all the staff, or they should be under the administration of the Minister. I cannot imagine those employed under civil service conditions wanting to be transferred to the board staff. If the Act were administered by the Minister, he would be able to delegate some of his administrative duties, particularly in regard to staff and finance. Should an attempt to amend the Bill so that the Director of Agriculture does not become chairman and the Chief Vermin Control Officer remains in the position of chairman under the Act be successful, the staff position will remain unaltered.

I have here a file which goes back a long way and will explain the origin of the Bill. On the 19th May, 1953, the chief administrative officer asked for a report on employees under the Vermin Board, Vermin Control Branch, from the Chief Veterinary Control Officer, who supplied him with a long detailed list of the staff and salaries paid. From there, a report was made by the Public Service Commissioner to the Director of Agriculture, and in it he said—

The information given by the Chief Vermin Control Officer in his minute of the 15th instant increased very considerably the feelings of perturbation at the rapid growth of this branch, which were expressed in my minute of the 28th, on S. M. Harvey's personal file. Seemingly, there are altogether 22 inspectors and sub-inspectors now employed, of whom only seven come under the Public Service Act; the remaining 15 are wages employees and seven of those are in receipt of wage margins in excess of the margins fixed by me for the seven officers who are under my control. This does not make sense, as obviously any control which I may attempt to exercise under the Public Service Act can be completely destroyed by the wages appointments made by the board. The position, in my view, and, I should say, the Treasurer's also, is most unsatisfactory and calls for a thorough overhaul. This, I suggest, should be made by a committee representative of your department, the

Treasury and my office, and might properly include consideration of the Act itself. (Sgd.) S. A. Taylor, Public Service Commissioner, 25th May, 1953.

That is the genesis of the Bill. It began simply for the administration point of view, and the question that arose regarding wages and salaries of staff.

Hon. N. E. Baxter: Who originated it?

The MINISTER FOR THE NORTH-WEST: It came from the chief administrative officer, Mr. Hillary, who has just retired. The director then sent a minute to the Minister, on the 5th June last, and appraised him of the position that obtained, and said—

I recommend that you approve of a committee being formed as suggested by the Public Service Commissioner, of representatives of the Department of Agriculture, the Treasury and the Public Service Commissioner.

The Minister approved and we find that three officers were appointed to report, and that is the report which Mr. Henning desires to know something about. The three officers appointed were Mr. Hillary, Chief Administrative Officer of the Department of Agriculture, Mr. Townsing, Assistant Under Treasurer, and Mr. R. A. Wood, Secretary of the Public Service Commissioner's Office. They made a lengthy report, of which I will read the most important parts. It leads up with a lot of administrative comments, and I will commence with paragraph 6, which says—

It appears that prior to the introduction of the Agriculture Protection Board Act, the vermin and weeds branches of the department were actively engaged, through the Director of Agriculture, in the administration of the Vermin Act, and the Noxious Weeds Act, but that since the appointment of the board, the co-ordination of the administration of the Vermin and Noxious Weeds Acts has entirely passed to the Agriculture Protection Board which is only responsible to the Minister.

Hon. Sir Charles Latham: That is what the Act intended should be done.

The MINISTER FOR THE NORTH-WEST: Yes, that is so. These are the findings of the committee of inquiry which go on to say—

It therefore follows that the activities of the branches of the Department engaged in the administration of those Acts is now no longer the responsibility of the Director of Agriculture—with the exception of those officers of the Weeds Branch who are engaged for approximately 50% of their time in seed certification. The Department of Agriculture is therefore responsible for the salaries of the officers of the branches although—

with the exception of the Weeds Branch—the officers themselves carry out and perform no duties or functions for the Department of Agriculture and the Director of Agriculture is also in no way responsible. In effect the Board, in addition to the grants made by the Treasury and Railways Commission, receives an extra grant equal to the salaries of any officers, appointed under the Public Service Act.

By that they mean that one department is paying the salaries of the officers who are working for the board. They go on to say—

The result of the introduction of the Board is that the Department as such is divorced from any matters relating to vermin and noxious weeds and that the Director, as Permanent Head of the Department, can only, if he so desires, initiate matters by way of suggestion and not by instruction. Conversely, the Board has not direct contact with departmental policy as interpreted by the Director. Likewise the Director is not acquainted with the policy of the Board. The Chief Vermin Control Officer who is ex-officio chairman of the Board is a Public Servant, with intermediate classification. It would perhaps be better for a more senior officer to be Chairman, preferably one who is in intimate touch with policy matters. It is known in this connection that the Royal Commission recommended that the Minister be Chairman, or his Deputy, to act as member in his absence. Having taken all factors into consideration, the Committee is of the opinion that the Director of Agriculture, or his Deputy, should be Chairman, thus ensuring that, as far as may be necessary, the Board and the Department work on the same level and that satisfactory liaison is established.

That is one portion of the recommendations. Having taken all factors into consideration, the committee is of the opinion that the Director of Agriculture or his deputy should be chairman. I have discussed that point with the Minister since the Bill was introduced in this House and he assures me that the sole purpose of the Bill is to bring the administration or control into the correct channels; that is, through the Department of Agriculture. However, if the committee is not satisfied with the director as chairman—and I can assure members that the director is not anxious to be chairman—

Hon. Sir Charles Latham: I should think that he would not have the time.

The MINISTER FOR THE NORTH-WEST: That is quite right. The Minister assures me that, with his authority, I can say that if the committee at a later stage will accept this recommendation, namely, that the Director of Agriculture or

his deputy shall be chairman, actually the position would be in reverse because the Minister would nominate Mr. Tomlinson as his deputy and, in fact he would act as chairman. The Minister appoints the deputy and the deputy would become chairman in his absence and would take the chair. If that proposition suits the committee better, neither the Minister nor the director has any objection to it; in fact, they would welcome it. That is the position. I will carry on with what is in the report. It reads—

As indicated in the previous paragraph, the Act specifically mentions that the Chief Weed Control Officer and the Government Entomologist shall be members of the Committee. The practice of nominating specific officers is not considered to be satisfactory from an administrative point of view and the Committee is therefore of the opinion that it would be preferable to provide that "two officers of the Department of Agriculture shall be members" leaving the Minister or the Director with the power to nominate such officers as are considered necessary. It may so happen that the Chief Weed Control Officer and the Government Entomologist may be nominated, but if not, their advice and services would, at all times, be available to the Board by virtue of the provisions of Section 8(n) of the Act.

Hon. L. A. Logan: He would be more suitable than those two men to occupy that position.

The MINISTER FOR THE NORTH-WEST: There is no question of suitability; it is purely a question of administration. There is no doubt about the competence of the chairman; everybody recognises his ability and the excellent work he is doing. Continuing—

It has been reported that vermin matters are, in the main, the chief items dealt with by the Board and it is therefore considered that the advice of the Chief Vermin Control Officer is particularly valuable and consequently, he should, by virtue of his office, be the Chief Executive Officer of the Board. In this manner he will, at all times, be in touch with both policy and administrative matters. The present occupant of this position is a keen and efficient officer and, because of his experience, in the opinion of the Committee, he would be a capable deputy to the Director of Agriculture as Chairman of the Agriculture Protection Board.

So it can be seen that the committee dealt with the question at length. I will now quote its recommendations, which read as follows:—

The Committee therefore recommends—

- (a) That Section 5 of the Agriculture Protection Board Act, 1950, as amended, should be amended to provide—

- (i) That the Director of Agriculture shall be Chairman of the Board, or his Deputy, to act as a member in his absence.

As I said before, both he and the Minister are quite prepared to have it the other way; that is, to have the deputy acting more or less as chairman, with the Director of Agriculture taking the chair only in his absence. The idea of appointing the director is to bring the control back to the department. At present all matters have to come to the Minister, who has the power of veto only; and, as a result, every little matter is brought before him, and naturally he has to go outside to obtain advice.

Hon. Sir Charles Latham: Is Mr. Meadley on the board?

The MINISTER FOR THE NORTH-WEST: Yes. Continuing with the recommendations—

- (ii) That the Chief Weed Officer and the Government Entomologist should not be specifically mentioned as members but that provision be made for two officers of the Department of Agriculture to be members.

Which means that when one is away the other can take his place on the board. Continuing—

- (iii) That there is no need specifically to mention an Officer as being the Deputy Chairman or Acting Deputy Chairman.

Of course, the committee recommended earlier that the Director of Agriculture should be the chairman of the board, or his deputy. In the latter recommendation it mentions that there is no need to specify who shall be the chairman or the deputy chairman. Continuing—

- (iv) That the Chief Vermin Control Officer for the time being shall be nominated as the Chief Executive Officer of the Board.

- (v) That in future all officers employed on full-time duties for the Board shall be appointed by the Board in accordance with the

provisions of Section 8 (m) of the Agriculture Protection Board Act, 1950, as amended, and that those officers who are at present employed on full-time duties and appointed under the Public Service Act shall be seconded to the Board.

If necessary the Act should be amended to preserve to any officers seconded to the Board from the Public Service any rights and entitlements that may have accrued to such officers whilst in the Public Service.

Dated at Perth this 29th day of September, 1953.

(Sgd.) R. A. WOOD,
Chairman of the Committee.

I read the report and the recommendations of the committee to the House to remove any impression that members may have held that this Bill originated from the Director of Agriculture in order that he might be in control of all matters. That is not so. He is the man who should be appointed because he is the head of the department. Also, his appointment is necessary if the administrative work is to be carried out by the department. At present it is a "shandy-gaff" arrangement. The committee has recommended that way, or that the officers should be seconded to the board.

I cannot see any objection to the Bill. I am quite prepared to amend it to provide for the appointment of the Director of Agriculture or his deputy as chairman. As the position stands at present, the Chief Vermin Control Officer is the chairman, but there is no liaison from the Board back to the department when needed.

Question put and passed.

Bill read a second time.

BILLS (2)—FIRST READING.

- 1, Aborigines Welfare.
 - 2, Industrial Development (Resumption of Land) Act Amendment (No. 2).
- Received from the Assembly.

BILL—STATE HOUSING ACT AMENDMENT.

Second Reading.

Debate resumed from the 4th December.

HON. H. K. WATSON (Metropolitan) [5.15]: Under Section 23 of the State Housing Act of 1946, the State Housing Commission was given power compulsorily to

resume land. That power was restricted to a term of five years from the commencement of the Act, and would normally have expired in 1951. The provision was extended for a further two years, and in normal circumstances would have come to an end on the 31st of this month. The Bill proposes to continue this power of resumption for another two years; and in introducing the measure, the Chief Secretary gave a very definite assurance that it would be used only in extreme and essential cases. In view of that definite assurance, I do not intend to oppose the second reading; but I hope that this is the last time we will be asked to grant an extension.

In recent years the commission has resumed 13,000 blocks, which are subdivided; and, in addition, another 9,000 acres, or 44,000 blocks that have not been subdivided. So it will be seen that the commission, to say the least of it, has not been hesitant in using the very wide power it has possessed under this measure. It seems to me that it has resumed land sufficient to last it for very many years; but although I think it has resumed all that is necessary, the fact remains that in redesigning whole estates it may be found that an extra block here or there has to be resumed in order to make a satisfactory and comprehensive subdivision. It is for that reason it is suggested the power of resumption is required for another two years, and on that account I am prepared to support the Bill.

I would be very sorry to see this extension of the power of resumption utilised for the purpose of acquiring still further land in highly industrialised centres such as Subiaco, for no other purpose than the erection of flats. I think we need to be assured that that will not be done. My idea in supporting the Bill is to see that the commission is not left without power to clean up in a satisfactory manner estates which are at present in its possession.

HON. A. F. GRIFFITH (Suburban) [5.20]: Some little time ago I asked the Chief Secretary a number of questions regarding the ownership of land by the State Housing Commission. The questions were as follows:—

(1) How many acres of land does the State Housing Commission possess up to the present date?

(2) How many effective building blocks does the State Housing Commission possess at the present date?

(3) When giving this information, would the Minister include the effective number of blocks held by the War Service Homes Department?

To those questions the Chief Secretary gave the following answers:—

(1) Approximately 12,400 acres, including land acquired on behalf of the Director of War Service Homes. This embraces 9,000 acres of land acquired in the Wanneroo district for long-term

development. The land held includes future school sites, playgrounds, parks, roads and other amenities to be provided for in subdivisions.

(2) This information is not ascertainable until subdivisions are completed.

(3) Answered by No. (1).

If we take 12,400 acres divided into quarter-acre blocks, we find that the commission at present possesses 49,000 blocks.

Hon. H. S. W. Parker: What about roads?

Hon. A. F. GRIFFITH: If we multiply the number of acres by four we find that there are nearly 50,000 quarter-acre blocks. I appreciate that in some of the subdivisions areas would have to be set aside for roads, parks, schools, etc. However, it strikes me that the Housing Commission now holds very large tracts of land, and desires to continue for a further period of two years resuming more land from people.

When the Government came out with its plan to build the Subiaco flats, it also had a proposition to erect a number of flats at Queen's Park. I asked a series of questions regarding the land at Queen's Park. I inquired whether it was a fact that Government surveyors, acting on the instructions of the Housing Commission, were surveying land in that district. The answers to my questions were quite evasive. I imagine that the Act was passed in order that the commission could obtain areas of land on which houses could be erected, but the very great objection I have to the powers exercised by the commission under the Act is the manner adopted in resuming land by those people in charge of the resumption. Queen's Park is in the province I represent, and the first thing some of the people there knew about the proposed resumptions was that a man walked through the area putting pegs into the ground. One of the residents asked him, "What are you doing on my property?" The answer was, "We are surveying it for the purpose of resumption."

I am not wanting to be critical of the Government; but I think that officers responsible for actions of this kind would be well advised to show the courtesy of going to the owners of houses in the land to be resumed and telling them why they are entering the land, and chopping down trees, and driving pegs into the ground, instead of taking action that, but for the provisions of the Act, would be regarded as trespassing.

Hon. F. R. H. Lavery: I agree with every word you have said. That occurs almost everywhere.

Hon. A. F. GRIFFITH: I do not want to give my vote for a Bill that will allow the commission to resume further large tracts of land in order that it can continue to be the biggest landlord the State

has ever known. It has taken to itself the power and authority to become the principal builder of houses in this State. Furthermore, land that is resumed is taken at the Housing Commission's price, although objections can be made to the Land Resumption Office. An appeal can be lodged with the Minister, and an aggrieved person can even proceed to the Supreme Court, but the extra amount of money that might be thus secured would be absorbed in the costs of the action.

It is common knowledge that a great deal of the land that has been resumed under this Act has been taken at a figure far less than that at which it has been subsequently sold to the people now occupying the houses erected on it under the State Housing Agreement or under the War Service Homes Act. I have had a couple of blocks taken from me, but this is not a personal grumble on my part. I gave my blocks willingly; but the price paid for land taken from me was much less than the ruling price in the district, and will prove to be very much less than the amount fixed for the subsequent occupier of the property.

What right has the Housing Commission to step in and take a man's land, and say, "We will give you this price. We know you have the right of appeal to the Minister and to a higher authority, but this is our price."? And under the Public Works Act the price is always very much lower than the actual value of the land. It is about time the Housing Commission was obliged to compete on a basis somewhere near the marketable value of the land.

I am not at all happy to see this measure continued for another two years, though it is pleasing to have the undertaking by the Government that the provisions of the Act will not be extended beyond that time. It is also good to know that the resumption of land will not be on an indiscriminate basis. But there is nothing to stop any Government, whether it be this or another that might be in power next year, from rushing in with wholesale resumptions before the Act expires. I shall not be at all happy to see the measure go through in its present form.

HON. SIR CHARLES LATHAM (Central) [5.31]: A little while ago I also asked a question, and I learnt that already the Government owed close on £1,000,000 for land it has resumed. I am doubtful whether it is wise to give this additional power to the State Housing Commission. It has been pointed out that it might be necessary to acquire bits and pieces to join up settlements or something like that. The department has a terrific area of land, and it owes a large amount of money. It has sufficient work ahead, if it puts houses on the land, to keep it occupied for the next

10 or 15 years. It is surprising that we should be asked to extend the measure for another year.

I endorse the remarks about the values offered for these properties. They are far below what they should be. It is all right to say that the owners can appeal, but it is extraordinary that if the Government compulsorily resumes land, the owner has to make a claim to the magistrate for a fair price for it.

Hon. L. Craig: Not for a fair price, but for price higher than that offered.

Hon. Sir CHARLES LATHAM: For a fair price. I say that because I know something about this matter. A widow who owned five acres of land at Scarborough was offered £300 for it, and she took this amount because she was afraid to go to the magistrate. The blocks of land are now being sold for about £300 a quarter-acre. The widow, who was terrified, came to me, but she did not do so until after the land had been acquired. She bought this property years ago, and she paid rates and taxes on it far in excess of the amount she ultimately received. This sort of thing makes me very cautious. The State Housing Commission will have friends on both sides of the House.

There seems to be an idea that the Government should be permitted to take land away from the individual "as long as it is not from me." That is the attitude I object to. I suggest that we limit this power to another year, and in the meantime, if the commission wants any land to join up holdings or streets, it can resume it and I shall have no objection. But first I say to the Government that it ought to pay the money that it owes—between £900,000 and £1,000,000.

Hon. L. Craig: It pays interest on that money.

Hon. Sir CHARLES LATHAM: No. It will pay it if the vendor asks for it, but not otherwise. As I said, the commission got five acres of land from the widow for £300. That is unfair.

Hon. C. W. D. Barker: Can she not appeal?

Hon. Sir CHARLES LATHAM: Of course, but Mr. Heenan, who is sitting alongside the hon. member, knows how reluctant women are to go to a magistrate or a court. Courts are not popular places.

The Chief Secretary: They were popular enough in another Bill last night.

Hon. Sir CHARLES LATHAM: I do not understand the Chief Secretary.

The Chief Secretary: I am talking about the rent inspector and the court.

Hon. Sir CHARLES LATHAM: Yes, but that is quite a different matter. Getting back to the Bill, I hope members will agree with me that we should limit it to one year, and in the meantime the House should issue

a definite instruction to the State Housing Commission that the commission is expected to make the payments for the land it has already resumed.

Also, I do not think it is right that people should be asked to wait for an indefinite period for their money. Originally the Government probably gave this land away, or sold it cheaply, and eventually the purchaser sold it to the people who are now holding it. They have paid rates and taxes over the years, and now the Government can come along and resume the land at any old price it likes. If you and I, Mr. Deputy President, only had the same power, we would be wealthy indeed. Petroleum shares would not be in it with the right to acquire land in this way!

Whilst I do not object to the second reading of the Bill, I do think it is a fair thing for the House to say, "We will restrict the operations of the measure to another year, and in the meantime the commission can tidy up the bits and pieces that it wants to deal with." I am afraid the commission does not give much confidence to people. Not long ago it was going to build on a Class "A" reserve at Subiaco—subject to the will of Parliament as it was a Class "A" reserve—a block of flats to house, I think, 600 people.

Hon. C. W. D. Barker: It may do so yet.

Hon. Sir CHARLES LATHAM: It will be a sad day if it does. Fancy a woman with youngsters living on the fourth or fifth floor of a block of flats! The hon. member cannot have had a family.

Hon. F. R. H. Lavery: He cannot have been in New York.

Hon. Sir CHARLES LATHAM: It is bad enough in a congested area like New York, but here we have plenty of land. Does the hon. member suggest we should house people like we do dogs, in kennels?

Hon. F. R. H. Lavery: No, but there are business couples.

Hon. Sir CHARLES LATHAM: If there are business couples, they should do what nature intended they should.

Hon. F. R. H. Lavery: What about the hundreds of two-unit families?

The Chief Secretary: The Bill is to resume some open spaces for the people.

Hon. Sir CHARLES LATHAM: The commission already has enough land to build 40,000 houses. It is my intention to try to have the operations of the Bill limited to one year.

HON. L. CRAIG (South-West) [5.40]: In the next day or two, we shall be considering four Bills dealing with powers of resumption. We have this one which concerns the Housing Commission, and there is one dealing with resumptions for industrial purposes, and another dealing with resumptions for public works. I am enough of a socialist to say that no one should be

allowed to impede the proper planning and development of a city, suburb or any other area, so that people may be housed in comfort and have all the roads and other amenities which a modern city needs.

Some philosopher said that—

New times demand new measures and new men. The world advances and in time outgrows the laws that in our fathers' time were best. After us some better scheme will be devised by wiser men than we; made wiser by our experience and the constant search for truth.

Those are marvellous words, and set out what I think we have to do. We have to be reasonable and compensate people for being pushed aside so that development shall go on for the good of all. We cannot allow the schemes of a town planner to be destroyed because someone is unwilling to make way. We have, in the Public Works Department, plans for the resumption of land for the straightening of rivers, the cleaning up of streams and so on.

When I acquired my own property, pegs were put into the land quite a distance from the river to define my boundary. The rest was Crown land, and the river belonged to the people. As time went on, the banks of the river washed away until they are now inside my boundary. It would be quite wrong if I could say to any authority, "You shall not touch the bank of this river, because it is mine." No one should prevent development of an area or arrest progress through some petty meanness. I believe that we should plan ahead for the building of houses and all the requirements of new suburbs, and these requirements should include decent playing fields. New times demand new measures.

I am all for this, although it might be hard on some people. There are provisions, however, whereby if they feel they have been injured they can claim compensation. The Commonwealth Constitution says that property can be acquired only at a just price; and the High Court has ruled that a "just price" is the market price at the time of resumption.

Hon. A. F. Griffith: Yes, but the position is different when you come to the Public Works Act.

Hon. L. CRAIG: The Commonwealth Constitution overrides any State Act. No one can have property taken from him except at a just price.

Hon. L. A. Logan: What do you think a just price would be?

Hon. L. CRAIG: It is one that the court determines as the market price existing at that time.

Hon. Sir Charles Latham: That has nothing to do with State laws. It is the Commonwealth Constitution.

Hon. L. CRAIG: Yes; but it overrides any State Act.

Hon. Sir Charles Latham: Not so far as State resumptions are concerned.

Hon. L. CRAIG: It is a Commonwealth Constitution.

Hon. Sir Charles Latham: Yes; but it deals only with resumptions under Commonwealth Acts.

Hon. L. CRAIG: I think it covers all laws.

Hon. Sir Charles Latham: No; it does not.

Hon. L. CRAIG: However, I am not in a position to debate that point.

Hon. Sir Charles Latham: No; but you get away with it sometimes.

The DEPUTY PRESIDENT: Order!

The Chief Secretary: There are a lot of bush lawyers about.

Hon. L. CRAIG: Sir Charles Latham says that I get away with it sometimes. I can never remember getting away with anything in this House unless it was completely justified.

Hon. H. L. Roche: He may have been asleep.

Hon. L. CRAIG: I have been here for a long time, and I do not think he has been asleep on every occasion. I think we must be easy about this, because I am most anxious that this country of ours, with the hordes of people that are coming to it, shall be planned and developed properly. The only way to do that is by granting reasonable powers of resumption to a governing authority so that they can be used when absolutely necessary. I support the second reading.

On motion by Hon. C. H. Simpson, debate adjourned.

BILLS (3)—FIRST READING.

- 1, Parliamentary Superannuation Act Amendment.
- 2, Government Employees (Promotions Appeal Board) Act Amendment (No. 2).
- 3, Bulk Handling Act Amendment (No. 1).

Received from the Assembly.

BILL—TRADE DESCRIPTIONS AND FALSE ADVERTISEMENTS ACT AMENDMENT (No. 2).

Returned from the Assembly with an amendment.

BILL—PUBLIC WORKS ACT AMENDMENT.

Second Reading.

Debate resumed from the previous day.

HON. L. CRAIG (South-West) [5.52]: This is another one of those resumption Bills and gives powers to the Government to resume land for public works. There is not much one can say about the Bill

because it merely provides for progress as we know it today. It will grant, through the Government, power to enter upon people's land for the development of any scheme which is of benefit to a community and this measure deals mainly with rural communities. If it is passed, any works of a public nature will be able to be carried out on private land and the owner will not be able to hold up or interfere with those works; and it will grant power to Government officials to undertake or commence work even before the land has been resumed.

It even includes authority for Government employees to go on to private land for the purpose of searching for water for public purposes. This means that if a town increases in size and it is necessary to provide a water supply, and the Government has reason to believe that water can or may be found on someone's land, it will have authority to go on to that land and search for water and shall not be held up, as has been done, by the whim or objection of the landholder. It is another move towards socialism.

Hon. Sir Charles Latham: I am glad you admit it.

Hon. L. CRAIG: I admit that it is, but I think it could be called progressive socialism. I do not think any one individual who, by good judgment or perhaps good luck, happens to have a commodity which he is not using and which would be of great benefit to the community, should be permitted, for all time, to withhold that commodity from public use, so long as the owner is adequately compensated. There is nothing wrong with that idea, whatever it may be called. This Bill does grant to the Government considerable power for public works purposes, but the only part about which I am a little perturbed is that provision which will limit the payment of interest to six months when negotiations are not completed between the owner of the land and the Government.

The Act provides that interest shall be paid until negotiations are completed, but the Government claims that some owners have deliberately withheld title deeds saying that they cannot be found, there is a Bill of Sale in existence or a mortgage and, in fact, all sorts of subterfuges have been used so that the owners can continue to receive interest. I have no time for that sort of thing, but where delays are due to actions of the Government I think the interest should be paid until negotiations are completed. I have not examined the Bill sufficiently closely to determine exactly where we could amend it in that direction but I think we ought to overcome the position.

Hon. J. G. Hislop: In some cases the Government has not paid for years.

Hon. L. CRAIG: If the Government, of its own volition, holds up payment, the owner of the property should be entitled

to interest until the negotiations are completed and the payment should not be limited to a six-monthly period. With that one objection, I support the Bill.

All these four resumption Bills are, as far as I can see, part of a plan for the progressive development of the State, and I do not think we should hinder that development in any way. Each one works within the other. There is the Housing Commission planning ahead with proper housing schemes, and, as a result there is a necessity to carry out certain public works. Land has to be resumed for those public works and that goes hand in hand with the housing schemes.

Hon. J. G. Hislop: Even though they do not pay for it.

Hon. L. CRAIG: The Government must pay for it.

Hon. J. G. Hislop: They have not paid for some of the land for years and years.

Hon. L. CRAIG: If the owner of the property is not responsible for the delay, I think the Government should pay interest until negotiations are completed; and if an owner has not received compensation, he should not hand over the title deeds.

Hon. J. G. Hislop: On some of the resumed land houses have been constructed and no payment has yet been made.

Hon. L. CRAIG: But the law protects those people.

Hon. Sir Charles Latham: The law again!

Hon. L. CRAIG: The law is a good thing, because it protects the afflicted; I have a great admiration for it. The Government may have something on its side, but the law protects the individual, even from the Government. I support the second reading.

HON. C. H. SIMPSON (Midland) [5.59]: I shall speak only briefly on this measure. I want to discuss one or two points raised by Mr. Craig: no doubt other speakers will follow. The Bill definitely has some effect on rural areas; and although some of that effect will be beneficial, there will be a possibility, if the measure is passed, of legal trespass on private property. That is something which members who represent country interests should examine before they agree to the second reading. In the various schemes that we envisage—such as the comprehensive water scheme, and the State electricity scheme, and the necessity for roads to develop our country—it is inevitable that some people will be disturbed by the carrying out of those schemes. I do not think that can be avoided. It is not desirable that those entrusted with the task of carrying out these jobs should find their work impeded or delayed. The fact remains, however, that it was only in 1945 that the powers of resumption were first vested in the Government, and there have been great strides in exercising those powers in those comparatively few years.

Years ago, private property was considered sacrosanct, and if it was desired to construct a road or build a railway, then it was necessary to pass an Act of Parliament to enable that to be done. But we are gradually entrusting more and more power to the heads of various departments, and I think the time may come when we shall have to pass an Act controlling those powers, so that there will be safeguards to the individual.

Only recently, a friend of mine who had bought 90 acres of land in the Cannington area was very disturbed by the possibility of a railway line going through on its way to Kwinana. Surveyors had gone on to the property and put down pegs. The people concerned had started a programme of improvements on the property which ran into several thousands of pounds, and they were naturally concerned because of these developments. They felt that the possibility of developing that property as they desired, or of selling it at a reasonable figure, was being jeopardised by the possible construction of that line. I was able to make some inquiries, which tended to reassure them.

But as long as schemes like this are in the air, and there is the possibility of disturbance to properties, so long will people continue to live in an atmosphere of uncertainty, and I think there should be some well-defined powers, or a controlling authority in relation to these matters. In some cases, these powers are perhaps necessary, but if their exercise goes too far, then unnecessary land might be resumed, payments could be held up for some considerable time, and people would not know where they were. My main purpose in mentioning the matter at this stage was that some members for our rural areas might be able to examine the implications of the Bill in regard to its possible effect on the residents of the areas which they represent. I am inclined to support the Bill, and to deal at the Committee stage with any points I have mentioned.

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

ADJOURNMENT—SPECIAL.

THE CHIEF SECRETARY (Hon. G. Fraser—West): I move—

That the House at its rising adjourn till Tuesday, the 15th December, at 3 p.m.

I would like to inform members that the intention is to sit at 5.30 p.m. on Wednesday, and an early sitting on Tuesday will enable us to make up the time then lost.

Hon. Sir Charles Latham: I hope some Press announcement will be made, because a number of members have gone home.

The CHIEF SECRETARY: A few of them have been informed.

Question put and passed.

House adjourned at 6.5 p.m.