

Legislative Council

Tuesday, 26th October, 1954.

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

ASSENT TO BILL.

Message from the Governor received and read notifying assent to the Police Act Amendment Bill (No. 2).

MOTION—STATE HOUSING COMMISSION.

As to Resumptions of Land.

Order of the Day read for the resumption from the 21st October of the debate on the following motion by Hon. A. F. Griffith:—

That, in the opinion of this House, the recent resumptions of land, as announced in "The West Australian" on the 19th October, and contained in "Government Gazette" No. 49 of the 8th October, by the State Housing Commission, are unnecessary in view of the very large areas of land held by the commission, and in many cases grossly unfair to small individual land holders, and this House requests the Government to review the recent resumptions with a view to the cancellation of the majority of them.

As to Deferment of Order.

The CHIEF SECRETARY: I move—

That this Order be taken after Order of the Day No. 10.

Hon. A. F. GRIFFITH: A move of this nature on the part of the Chief Secretary does not take me by surprise. Perhaps he would be good enough to give the House the reason for moving that a motion of

this description, the result of which so many people in the metropolitan area are anxiously awaiting, should be moved so far down the list. If the motion reaches a successful conclusion, I intend to ask this Chamber to submit it to another place for consideration.

The Chief Secretary: Do not anticipate.

Hon. A. F. GRIFFITH: There is no need for me to anticipate in regard to what I am going to do. This is not anticipation on my part.

The Chief Secretary: I think it is wishful thinking.

Hon. A. F. GRIFFITH: In view of the circumstances, I think it is improper for the Chief Secretary to move that my motion, which is important not only in my view but because of the activities that have been taking place in the metropolitan area in the last two or three weeks—

The Chief Secretary: By your political activities!

Hon. A. F. GRIFFITH: That is a charge the Chief Secretary can make if he wants to.

The Chief Secretary: It is very definite, too.

Hon. A. F. GRIFFITH: If the Chief Secretary wants to say that, he can do so; but I would caution him to be just a little bit careful in regard to what he says.

The Chief Secretary: I intend to tell you that.

Hon. A. F. GRIFFITH: Remarks like this make me determined to ask the House not to agree to the displacement of item No. 1 until after item No. 10.

The CHIEF SECRETARY: In all my experience in politics, this is the first occasion on which I have known this sort of thing to happen. Here we have the Minister who is in control of the House, desirous that an item be put down to some other part of the notice paper, and he is immediately asked for an explanation. I admit that whenever possible the Minister should take the House into his confidence. I merely want, for certain reasons which are best known to myself, not to deal with this item at this stage, so I am asking that it be transferred. If the hon. member looks at the Standing Orders, he will find that the Leader of the House has the right to decide the order of the notice paper.

Hon. A. F. Griffith: What Standing Order is it?

The CHIEF SECRETARY: I want to know from the hon. member why it is that anything he likes to be concerned with must be the most urgent business before the House. The hon. member has no reason to believe that, even though it is moved down the notice paper now, it will not, after two or three items have been dealt with, be

moved up again. This is a most astounding position that we have come to. I did, by interjection, mention to the hon. member that, because of his political activities in this regard, he is making it so important. Let me assure the hon. member, and the House too, that when I speak to his motion I will give an answer which I am satisfied that the House, unless it goes politically wild, will accept.

Hon. H. K. Watson: You are doing a bit of anticipating now.

The CHIEF SECRETARY: If the hon. member can anticipate, I should have the right to do so, too.

Hon. L. C. Diver: You should set a good example.

The CHIEF SECRETARY: When I give my reply to the hon. member's statements, it will blow to smithereens the matter put forward by him.

Hon. N. E. Baxter: That is for us to judge.

The CHIEF SECRETARY: That is admitted. I am so confident of my reply that I feel that even if members try to be whipped up from a political point of view, they will see there is justice in what I say, and will refuse to carry the hon. member's motion.

Point of Order.

Hon. A. F. Griffith: On a point of order, Mr. President, I must ask that the Chief Secretary withdraw the remark he keeps reiterating that I have whipped up political feeling.

The President: Mr. Griffith has asked that the Chief Secretary withdraw his remark about the hon. member's whipping up political feeling.

The Chief Secretary: Mr. President, I know that under the Standing Orders I have no option; and it is just as well, because otherwise I would not withdraw. However, because of the Standing Orders, I withdraw those remarks.

Debate Resumed.

Hon. H. K. Watson: Could the Chief Secretary inform the House when he expects to speak to Mr. Griffith's motion?

The CHIEF SECRETARY: I may speak later tonight or first thing tomorrow afternoon. At the moment I am not in a position to decide whether it shall be tonight or tomorrow afternoon; but I can assure the House that I want to clean this matter up as quickly as possible, because there has been so much agitation about it, and so many falsehoods have been told and wild rumours spread among the people concerned, that the quicker it is cleaned up the better it will be. The hon. member is no more anxious than I am to see that that is done. He threw a spanner into the works, and I want that spanner pulled out as quickly as possible.

Hon. L. C. Diver: I thought the chairman of the Housing Commission was the man who threw in the spanner.

The CHIEF SECRETARY: No; the hon. member threw a spanner in the works here, and the newspapers have played it up. When I have the opportunity to speak to the motion—and I will speak as soon as I can—I shall give members the true facts. But there is a limit to which human beings can go, and I am not in a position to reply at the moment. That is why I asked that Order of the Day No. 1 be taken after Order of the Day No. 10.

Hon. N. E. Baxter: Why did not you tell us that in the first place?

The CHIEF SECRETARY: I was not in a position to do so. Mr. Griffith is the most impatient man in the House; he wants one to tell him everything in about two words.

Hon. N. E. Baxter: You could have said that you did not have the information to enable you to reply.

The CHIEF SECRETARY: If the hon. member could teach me how to do these things, I would be only too happy to learn. After all, I am only a human being.

Hon. F. R. H. Lavery: You are doing a good job.

Hon. N. E. Baxter: Why did not you make the statement when you asked that the Order of the Day be taken at a later stage?

The CHIEF SECRETARY: I am making the statement, but the hon. member is so impatient that he will not let me finish.

Hon. N. E. Baxter: I am not impatient.

The CHIEF SECRETARY: This is one of the most unusual incidents I have seen during the many years I have been in this Chamber. One would think that the bottom was going to drop out of everything if I did not speak to the motion tonight.

Hon. L. C. Diver: A few people are worried about it.

The CHIEF SECRETARY: The hon. member is trying to keep this agitation going until the next elections. But fortunately the people will be able to judge for themselves by the actions of this Government, and not by what the hon. member tells them. Whether I speak to the motion tonight or next week will not make any difference to what will happen to the people concerned.

Hon. N. E. Baxter: You are only presuming.

The CHIEF SECRETARY: The people concerned will be the judges. This Government will not be stampeded by Mr. Griffith or anybody else into doing other than what it thinks is a fair thing for all concerned. So Mr. Griffith can whip

up and make as much political capital as he likes out of it; it will not make any difference to the generosity of the Government and its proper handling of the situation.

Hon. J. McI. Thomson: Why are you so concerned about it?

The CHIEF SECRETARY: Do I not know what is going on? I am not dumb, blind, or deaf.

Hon. J. McI. Thomson: I just asked.

The CHIEF SECRETARY: I know what political capital the hon. member is trying to make out of it. Since Mr. Griffith has been in Parliament, has he ever raised his voice in protest about previous resump-tions?

The PRESIDENT: Order!

Hon. N. E. Baxter: Mr. President, is the Chief Secretary speaking to Mr. Griffith's motion or to his own motion that Order of the Day No. 1 be taken after Order of the Day No. 10?

The PRESIDENT: I think the Chief Secretary is replying partly to the inter-jections made by the hon. member, and partly to the debate that took place on the motion that Order of the Day No. 1 be taken after Order of the Day No. 10.

The CHIEF SECRETARY: Mr. Griffith has moved a motion regarding land res-umptions, and I am asked why I think it is political. I ask Mr. Griffith whether he at any stage during his political career in either House moved against resumptions being made by the Government which he supported. In one instance alone more acres and more homes were concerned in one subdivision made by his own Govern-ment than are concerned in the whole eight subdivisions which now seem to worry the hon. member so much, and about which he has moved a motion in this Chamber.

The PRESIDENT: Order! I must ask the Chief Secretary to confine his remarks to the postponement motion.

Hon. C. H. Simpson: I should like to ask the Chief Secretary if his earlier as-surance stands good, that he will debate this matter tonight or tomorrow afternoon.

The CHIEF SECRETARY: Yes; I am most anxious to debate it, because I want to explode the many inaccuracies and wrong statements that have been made by the hon. member in dealing with this question. I do not want to delay it any longer than necessary, because I know that once falsehoods are spread they take a lot of catching. I do not want to give the hon. member another 24 hours or 48 hours start if I can avoid it; so I can assure members that if it is possible for me to go on with the debate this evening I shall

do so. At the moment it looks as though it will be tomorrow afternoon, but it will certainly not be later than that.

Hon. C. H. SIMPSON: I am sorry that so much heat has been generated about what, after all, was simply a motion which the Leader of the House, by custom and usage, if not by actual direction of Stand-ing Orders, has the right to move. He can arrange the business of the House in whatever order he likes, and that has been generally accepted without question. I am not saying that Mr. Griffith was wrong; but in view of the Leader's assurance that there will be no undue delay in debating the hon. member's motion, I think the ex-planation should be accepted. For the sake of harmony and the good relation-ships that exist in the House, I agree with the explanation.

Hon. A. F. GRIFFITH: I cannot under-stand the Chief Secretary's whipping him-self into such a state that he pours forth a tirade of words.

The Chief Secretary: I was not doing that.

Hon. A. F. GRIFFITH: The Chief Sec-retary got very excited and he knows jolly well that he did.

Hon. Sir Charles Latham: That was only make-believe.

Hon. A. F. GRIFFITH: The Chief Sec-retary said that he arranged his notice paper, and there was no opportunity for him to discuss the matter with me. I passed the Chief Secretary in the corridor this afternoon, and I walked through the House at a quarter past four while he was talking to his secretary. He could have said to me, "If you do not mind, I will put this motion of yours further down the notice paper, because I am not quite ready to speak to it." The Chief Secretary knows, as well as I do, that as Whip for the Liberal members in this House, I have co-operated in every way possible. The Government Whip, Mr. Boylen, could sup-port that remark. As a result, it makes one annoyed to hear this sort of stuff being used for the benefit of members. All I sought was an explanation as to why the Chief Secretary wanted to place my motion after No. 10 on the notice paper.

The Chief Secretary: You got it.

Hon. A. F. GRIFFITH: The Chief Sec-retary could have given me the explanation when I walked through the corridor, or at 4.15 p.m. when I walked through the House. It could have been done in five words. I would have called him by his Christian name and said, "Very well. Per-haps you are not ready to go on with it; but will you give me an assurance that it will be dealt with later and not forgotten, and go down to the end of the notice paper?" The Chief Secretary tries to take

advantage of me and suggests that I am endeavouring to whip up political feelings. There is no necessity for me to do that.

The PRESIDENT: The hon. member should be speaking to the postponement of Order of the Day No. 1, till after Order of the Day No. 10 has been taken.

Hon. A. F. GRIFFITH: I know that it is the privilege of the Leader of the House to arrange the notice paper as he wishes. I was not intending to oppose him in this; I only asked for an explanation. After getting into a froth about it—

The Chief Secretary: I never did.

Hon. A. F. GRIFFITH:—he said that when he was ready to deal with it, he would blast me off the face of the earth. But having had an assurance from the Chief Secretary that the matter will be dealt with later tonight or tomorrow, I am quite satisfied. I think it was unfair of him, however, to have done what he has, particularly when he has had every opportunity in the world of discussing the matter with me before the ringing of the bells, as he has done in the past.

Motion put and passed.

Order postponed.

BILL—HEALTH ACT AMENDMENT (No. 2).

Recommittal.

On motion by Hon. J. G. Hislop, Bill re-committed for the further consideration of Clause 7.

In Committee.

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

Clause 7—Division 3B added to Part VIII:

Hon. J. G. HISLOP: I move an amendment—

That Subsection (4) of proposed new Section 241F be struck out.

When last considering the Bill, the Committee deleted the words at the end of Subsection (4) which read, "pursuant to a prescription of a medical practitioner." This was done because it was felt it could be an interference with the ordinary practice of a pharmacist. Since then I have had an opportunity of discussing the matter with the department; and I am informed that now we have taken out the words I refer to, we must delete the whole subsection or restore it as originally printed in the Bill. I have tried to understand the attitude of the department, but I am still at a loss to do so. I think the department has gone beyond what was originally intended in drawing up this measure. I feel that it set out to make certain that drugs supplied to the public

through the Pharmacy and Poisons Act were up to standard. The department has gone so far concerning the manufacture of therapeutical substances that it has got lost.

If the subsection is left in it will mean that the medical practitioner will not be subject to the provisions of the Bill if he makes up a therapeutic substance which has been prescribed; and the pharmacist will only be eliminated from control under the Bill if he makes up something in the ordinary course of his business which is written out on a doctor's prescription. It would be better to eliminate this clause altogether if the department wants anything.

The CHAIRMAN: I take it the hon. member is speaking about Subsection (4).

Hon. J. G. HISLOP: That is so. I cannot see any value in this, because I believe that if a doctor wants to make up something which is prescribed by the committee, and which, if it is made up by a manufacturing chemist, would have to be submitted to the control of the committee, it is wise that the doctor himself should be controlled in the making up of the substance. I have discussed it with a number of people who are interested, and they all say it would be better to take this provision out. I do not think that the medical and pharmaceutical professions need be mentioned, because substances which come under these provisions would have to be prescribed. It is only ethical substances that will be prescribed; unless there is some wild idea of prescribing the whole set of conditions. If that is so, I would vote against the Bill on the third reading, because it would mean that this committee would have control of anything that was ordered for a sick person.

The CHIEF SECRETARY: I agree with Dr. Hislop. Actually the department inserted this provision thinking it would be suitable to the doctors. But if they say they do not want it, I have no hesitation in supporting Dr. Hislop.

Hon. R. J. BOYLEN: I think the provision is better left in, because, as Dr. Hislop has said, the committee may go mad and prescribe anything as a therapeutic substance. We have no assurance that the time will not come when it will prescribe something other than what we presumed it would prescribe. It will certainly affect chemists, and it could affect medical practitioners. All the provision does is to exclude medical practitioners and pharmacists from the Bill. What harm is there in that? There is ample provision from the chemists' point of view in the Pharmacy and Poisons Act. I do not think there is any harm in medical practitioners and chemists being outside the scope of the measure.

Hon. J. G. HISLOP: On Government advice, I know that if this clause is left as it is, it will not be accepted in another

place, and will come back to us to be handed once more. So we might as well make up our minds whether to restore it to its original condition or to delete it. I would prefer to see another clause inserted simply stating that this Bill shall not apply to the medical profession or the pharmaceutical profession in the ordinary course of their business. That is what is wanted instead of all this nonsense.

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

Bill again reported with a further amendment.

BILL—TRAFFIC ACT AMENDMENT

(No. 2).

Second Reading.

Debate resumed from the 21st October.

HON. L. A. LOGAN (Midland) [5.7]: The Bill does not contain many amendments of the principal Act, but some of them have far-reaching effects. In introducing the measure, the Minister said that the first proposal was to restrict concessional licences to one for each farm or holding, irrespective of the number of vehicles used in connection with the farm or holding concerned. He went on to say that there was a request from the local authorities that effect should be given to this proposal.

While I might agree that there was a request from the local authorities, I can assure the Minister this was not requested by the farmers, and they are very much opposed to it. I am afraid the Minister was rather misleading in his statement that the restriction of one concessional licence to each farm would not stop a farmer from having a licence for each vehicle used exclusively on his farm. Anyone reading the provision must be led to the conclusion that a concessional licence would be granted for only one vehicle.

We should consider the reasons for granting concessional licences in the first instance. I believe that the conditions that applied then apply today, perhaps more so now because of the extra large vehicles which one finds on farms, particularly those used for carting produce to and from sidings or ports. Whereas in the old days the largest vehicle on a farm was of 30 cwt. or one ton, today there are trucks of four or five tons which are used exclusively for transport purposes, or perhaps around the farm itself. Probably such vehicles would not travel more than 1,500 or 1,600 miles—or, at the outside, 2,000 miles—in any one year. To apply a full licence fee to those vehicles is unnecessary. When they are used exclusively for transport, for private purposes, that is entirely different.

With the advent of larger trucks, many farms have also a utility for lighter running, and it pays farmers to have utilities especially for that purpose. To provide that only one of the vehicles should be allowed a concession means that on every other vehicle a full licence fee must be payable, irrespective of the mileage covered in any one year or the amount of work done, provided it is used off the farm. We would be failing in our representation if we allowed this Bill to go through in its present form. Having in mind that the owners of these vehicles pay rates for the upkeep of roads, and their share of the petrol tax, and excise duty on petrol which they use in the vehicles, and tax on petrol used in lighting plant or shearing plant, on the whole there is some merit in these concessions being granted. I would therefore ask the House to give serious thought to this part of the Bill.

There should be some clarification of the wording of the provision. It provides for the restriction of a concessional licence to one vehicle used in connection with each farm or holding. Very often a man owns a farm which comprised two separate farms before being bought by him. Whether the property is still to be recognised as consisting of one farm or two farms is a matter for discussion. Often, also, farms consist of many small holdings separated by three or four miles. I think we need some clarification of those points.

The other portion of the Bill with which I do not agree—and I do not subscribe to the Minister's interpretation of it, either—is that dealing with amendments relating to overwidth vehicles. The Minister used these words—

It would empower the Minister to authorise a local authority to issue permanent permits for farm implements provided the usual safeguards were complied with.

I am afraid I cannot read anything in this proposed amendment which allows a local authority to issue a permanent permit, and I think the Minister was rather misleading in his statement. A local authority is certainly given the right to issue a permit, instead of the Commissioner of Police having to do so; and I think that is how it should be. But do not let us mislead people into thinking that if they obtain one permit they are covered for the rest of their lives. As I interpret the provision, the permit would have to be applied for every 12 months. It is only natural that any licence would be issued for a 12-monthly period.

The provision goes as far as allowing a local authority to issue a permit for that period instead of a man having to obtain one every time he wishes to take a vehicle across a road. That overcomes a lot of the problems, and the difficulty which

made it necessary for Mr. Jones to introduce his measure providing for an amendment to the Traffic Act. If it is only necessary for the local authority to give that permission once every 12 months, I do not think we need growl very much.

Although the Minister stated that no alteration was to be made in the fees, I cannot subscribe to that statement, because a new definition is added covering a trailer or semi-trailer, or a tractor other than a prime mover. Under the heading of a tractor other than a prime mover—reference to which I cannot find in the Act itself—there are something like 30 items in connection with which licence fees must be paid for registration. Those fees range from £2 to £50. The Minister may be able to tell me where these fees are mentioned in the principal Act; I cannot find them. Here is the definition of "Tractor other than prime mover type":—

That class of motor-vehicle, which not being designed for use primarily for the carriage on roads of passengers or goods, is designed for use primarily in industry, including, without limiting the meaning of the expression, "industry", agricultural pursuits, earth moving, forestry pursuits, industrial pursuits generally, and road making, maintenance, and cleansing, and including, without limiting the generality of the description of the class of vehicle, tractors, rollers, flushers, sweepers, sprayers, excavators, elevators, graders, dozers, fork lifts, and scoops.

It appears to me that that definition would apply to the majority of tractors used in agricultural pursuits, and the licence could be as high as £50 for a vehicle weighing more than 240 cwt. I think the Minister should let us know to what this provision is applicable, and whether it covers, as I have suggested, tractors used outside the farm.

I have had representations from the farmers; and, as I stated earlier, they are not happy about the restriction of a concessional licence to only one vehicle. That is why I stated that although local authorities desire this amendment, the farmers themselves do not. We can see the reason for the local authorities requesting it when we realise that the salaries of the secretaries of these bodies depend on the income received by the local authorities. There will naturally be anxiety to boost the revenue received by such bodies. The secretary of a board would be anxious for that provision to be part of the Bill; but I think we have to look further than at what the income of the secretary will be, and study the effect on the industry itself. I ask the Minister to give consideration to the points I have raised, and I trust he will give us more information when replying to the debate. In the meantime, I support the second reading.

HON. L. C. DIVER (Central) [5.16]: It is understandable that some local authorities want the concessional licence to apply to one vehicle only—the vehicle of the farmer's own choosing. But in reality the point means almost nothing, because in the vast majority of instances the farmers will be able to arrange for the purchasing and licensing of their vehicles in a manner such as to enable them to avoid having to license more than one vehicle at the half rate. A further point is that it is the same set of individuals who have to find the money required by the local authority of a district.

The rural areas of Western Australia all follow a similar pattern in this regard; and it is the farmers, in the main, who have to find the wherewithal for the local authority to build its roads and do other necessary work. Consequently, if the local authority does not derive the required amount of finance from motor-vehicle licences, it takes the obvious step of increasing the rates. I believe this provision of the Bill is more or less futile, as the difficulty can be so easily overcome in the way I have mentioned, without an amendment to the Traffic Act.

Another portion of the measure which intrigues me is that which Mr. Logan mentioned; and it relates to the Third Schedule. I distrust the wording of that schedule, and would like clarification of the point by the Minister; because it appears to me that every farmer who uses his tractor for hauling implements from one part of his property to another would become liable for the payment of a substantial licence fee, to be determined by the weight of his vehicle, as set out in the Third Schedule, if the Bill became law in its present form.

If my supposition is correct, it would be indeed a hardship for the farmer, particularly in view of the fact that the movement of machines from one portion of a farm to another would mean a negligible amount of wear and tear on the roads even over a 20-year period. I trust that when replying to the debate, the Minister will set our minds at rest, one way or the other, with regard to the implications of the wording of the Third Schedule, so that we may know definitely whether we should support or oppose the measure before we are called upon to vote. I support the second reading.

On motion by Hon. A. R. Jones, debate adjourned.

BILL—CITY OF PERTH SCHEME FOR SUPERANNUATION (AMENDMENTS AUTHORISATION).

Received from the Assembly and, on motion by Hon. E. M. Davies, read a first time.

**BILL—MINES REGULATION ACT
AMENDMENT (No. 2).**

Second Reading.

Debate resumed from the 21st October.

HON. C. H. SIMPSON (Midland) [5.21]: As explained by the Minister, when introducing the Bill, it seeks principally to do two things, the first of which is to provide that the management of a mine shall notify the secretary of the A.W.U. when an accident has occurred. The second objective, which is covered by the provisions of Clauses 3, 4 and 5, is to amend Sections 36, 37 and 39 of the Act so as to bring about conformity of the stipulated working hours, as set out in the Mines Regulation Act, with those specified under the award of the Industrial Arbitration Court.

I would like members to understand that the passing of this Bill would have no real effect, nor would its rejection, either. Passing the measure will not alter by one iota the hours now being worked in mines, nor will it alter the practice, now current, of mine managements notifying the union officials, as a matter of courtesy, when an accident occurs. Because it would do neither good nor harm, I intend to oppose the Bill, as there are certain reasons why it should not be proceeded with.

Clause 2 seeks to alter the Act by making it obligatory on a mine management to notify the secretary of the mining branch of the body known as the Australian Workers' Union, W.A. Branch, Industrial Union of Workers, at Boulder, when an accident has occurred. Section 31 (1) of the Act states—

Accidents. The manager shall, on the occurrence of any accident in the mine involving loss of time to the worker concerned, give notice thereof to the inspector or in the absence of the inspector to the warden or mining registrar or Under Secretary for Mines within one week of the occurrence of such accident. When an accident results in serious or apparently serious injury being received it shall be reported forthwith.

Subsection (2) states—

Any manager who omits to give such notice shall, unless such notice was given by the owner or agent, be deemed guilty of an offence under the Act.

It will be seen that there is no provision obliging the management to communicate the facts to the union secretary, but as a rule, in practice, the union secretary—if it is a big mine—is handy and knows all about what has happened, and there is no objection to his being acquainted fully with the facts as soon as possible. There is also provision in the Mining Act for a workman's inspector to be appointed. He represents the men, and has all the powers of a departmental inspector in going

around and inspecting mines and workings. There is also the inspector of machinery, who looks after the aspect of mine operations; and so the workmen are properly safeguarded, which is a good thing. I might add that there is the utmost co-operation between all sections of the mining industry in order that the work of gold production may proceed with the least possible friction.

As I have said, all accidents must be notified to those specified in the Act; and, in the case of a fatal accident, notification is immediate. I would say that the union representatives are notified also, as a matter of courtesy; and they have the right to inspect the scene and to do all that is necessary—in the case of a fatal accident—in regard to the notification of the relatives, and matters of that kind. In addition to that, the Mines Department issues a monthly summary of accidents. Many of the accidents are of a very minor nature, and it would be almost a waste of time if those concerned had to make out different sets of forms and notify a multiplicity of people who might feel they were concerned also.

As I say, periodical returns are furnished; and, on the information so provided, the Mines Department makes out its monthly summary. Further, representatives of the mine managements, the Mines Department, and the workers constitute a safety council which meets as often as is necessary, and is continually on the watch for any measures that might promote safe working in mines. There, again, the interests of those engaged in the industry are always being carefully watched. To put all that into an Act and make it obligatory, and possibly subject to penalties, would be only a source of irritation to the mine managements, as it would compel them to do what in actual fact they are already doing.

The second objective of the Bill relates to the question of hours; and, as I said earlier, the passing of the Bill would not in any way alter the hours being worked—nor would its rejection—but there is a principle at stake. By agreeing to the amendment sought in the Bill, we might be establishing a bad principle, inasmuch as we would be legislating in the Mining Act—it could be any other Act—to bring pressure to bear on the Arbitration Court in the matter of hours, or perhaps conditions or something else, which is purely the prerogative of the court.

In 1946 the Mines Regulation Act was amended to approve an arrangement which had been agreed upon, and under which five and a half days were being worked per week, five of the days being of seven hours 12 minutes, giving a total of 36 hours—I am speaking about work underground—and one half-day of four hours, making a total of 40 hours for the week. Then the Arbitration Court issued an award—again by consent—based on the

arrangement agreed upon, that the underground workers should work a shift of 7½ hours for five days a week, making a total of 37½ hours per week, which is what they are working now. Apparently, those two sets of hours are in conflict; but Section 5 of the Mines Regulation Act reads as follows:—

(1) This Act shall not apply, except as hereinafter expressly provided, to any coal mines within the meaning of the Coal Mines Regulation Act, 1946.

(2) The Governor may from time to time exempt from the operation of this Act, or any of the provisions thereof, any mine or class of mines, for such period and on such conditions (if any) as he may think fit.

So, under the powers which the Act conferred upon the Governor, a regulation was promulgated on the 15th March, 1949, which appeared in the "Government Gazette" on the 4th April, 1949, and reads as follows:—

It is hereby published, for general information, that His Excellency the Governor in Executive Council has been pleased, under Section 5 (2) of the Mines Regulation Act, 1946, and in relation to every mine to which the Act applies and concerning which there is or shall become in force an award or industrial agreement made under the provisions of the Industrial Arbitration Act, 1912-1948, affecting the hours of work or employment in or on that mine, to exempt the mine from the operation of Sections 36, 37 and 39 of the Act during the currency of the provisions of the award or industrial agreement affecting the hours of work or employment in or on that mine.

Therefore, it can be seen that, as a result of the publication in the "Government Gazette" of that regulation, which Section 5 (2) of the Mines Regulation Act empowered the Governor to proclaim, the operations of that Act did not apply to the hours being worked in mines. While there is an attempt under this Bill to alter that arrangement now, when that regulation was gazetted no protest of any kind was made. The regulation has continued in force from that time until now, so I do not think that there is any need to alter it.

As I have said, the passing of the Bill or its rejection will not make any difference to the conditions under which the men work. However, there is this principle at stake. It is the function of the Arbitration Court to determine the hours of work, after hearing all the evidence produced by both sides; and I think it would be entirely wrong if we established the principle that, by passing an Act of Parliament, we could, even if only by inference, affect the powers possessed by the Arbitration Court. What I am suggesting is that, at some time or

other, if we followed that procedure, it could be held as a precedent and possibly used as evidence against us.

As far as I can see, there is only one particular regarding which the passing of the Bill should make the slightest difference. The Bill would, I believe, prevent men who use machinery on mines from working extra hours over and above those provided in the award. The actual number of hours they would work in excess of those specified in the Arbitration Court award would not be many, and the times they would be called upon to work overtime would be very infrequent. When I worked on the mines, for a period of 11 years on and off, most of the time I worked seven days a week, and at special times of the month I worked hours considerably in excess of those laid down under the Act, which says, in one instance, that the shift shall be 7 hours 12 minutes; and, in another, 7 hours 30 minutes.

When we changed shifts each week, we worked 12-hour shifts as part of the process of the change from afternoon to night shift and from night shift to day shift. Again, if a man fell sick, it was quite common for his mates to work two 12-hour shifts to help him out. In a small mining centre where men were not readily available, we found in practice that it was far better for a competent man, thoroughly familiar with the routine of the job, to carry on working an extra shift than to bring in a stranger to the job who would not be able to handle it. At times, I worked considerably more than 12 hours a day; and, on one occasion, I worked 31 hours. Although I was not continually engaged watching machines, there were times—every hour or so—when the machines had to be put into operation as part of the job and watched very carefully. On one occasion I worked for 19 hours, and went to a dance afterwards.

Hon. N. E. Baxter: You are tough!

Hon. C. H. SIMPSON: So I am suggesting that the idea of preventing men from working in excess of 7 hours 12 minutes is something which is not necessary, because the average man can work for that period easily and feel no ill effects whatsoever. In fact, when it comes to working an extra shift for his mate who may be sick, the average man can and will do it. Also, he obtains more pay for working extra hours, and the average man welcomes that opportunity with open arms. I know I did.

Hon. J. J. Garrigan: Nowadays they do not.

Hon. C. H. SIMPSON: I think that nowadays the average man would be only too pleased to work extra hours if his pay envelope contained more money on pay day.

Hon. J. J. Garrigan: Not now.

Hon. C. H. SIMPSON: Well, human nature has changed considerably.

Hon. J. J. Garrigan: How long since you worked on the mines?

Hon. C. H. SIMPSON: I left in 1914. Till then I worked seven days a week; and if I worked 12 hours a day, I knew I would get overtime rates. I am merely telling members what the attitude of the men was towards working overtime. If a man had to work in a hot place like the Goldfields and, by working harder and working longer hours, he could save enough money to buy a business or a farm, he regarded it as being worth while; and that is what many men did do. A great many of them also took on contract work because the remuneration was even greater. Therefore, I do not think human nature has changed to any extent. For that reason, and because the Bill does not achieve anything—it does not alter in any way a system that is in force at the moment, or change the hours of work either up or down—I think the House would be well advised not to accept the Bill.

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

BILL—FAUNA PROTECTION ACT AMENDMENT.

Second Reading.

Debate resumed from the 21st October.

HON. C. H. HENNING (South-West) [5.40]: I have little to say on the Bill, because the Minister explained its provisions extremely well. I consider that it is only natural, after an Act has been in operation for three or four years, for certain shortcomings to be found in it; and this Bill, in the main, seeks to remedy whatever defects have been discovered in the Fauna Protection Act.

Nevertheless, there are provisions—one in particular—regarding which I would like a little more information. I agree with that portion of the Bill which places more responsibility on the board and also enables it to take the initiative where it is considered necessary, particularly in regard to its research on the conservation of fauna. It is also proposed to grant the board the right to vest in itself certain sanctuaries for the protection of fauna.

One provision, however—although probably necessary—seems to vest very great powers in wardens. That allows them to enter any property, other than a dwelling-house, to carry out a search without taking out a warrant beforehand. As I have said, that is probably necessary because, between the time when they discover that something is wrong on a particular property and the time when they obtain a search warrant, whatever evidence may have existed could have disappeared.

Another provision is that dealing with the native who, in the past, has been allowed to kill for food, but is not permitted to sell the skin of the animal that has been killed. Provision is now made for him to sell the skin. How anybody is going to tell whether that animal has been killed for food without the skin having been sold, or killed for the skin alone, I do not know. I can see the Minister has his answer ready.

The one provision that can be cavilled at is the final one. It reads—

Where the defendant or person charged with an offence against this Act, pleads in answer to the charge any exemption contained in this Act, the proof thereof is upon the defendant or person charged.

To me this means that it is possible, if a person is exempted, or has a permit under this Act and produces that permit, he thereby complies with this provision. I hope that the Minister will give the real interpretation of this clause in his reply. I am not legally minded, but that is the way it reads to me. If the person charged has to prove his innocence, then I believe it is against the normal legal procedure; but if this clause deals with the necessity for a person to produce the permit which has been granted him under this Act, I shall have no cause to oppose this provision.

By and large, the Bill will assist in the conservation of fauna; and at the same time, the inclusion of these new provisions should prevent any fauna which may become pests, particularly birds, from coming into this country. In the past we have allowed various birds to be brought into this State which could prove to be great pests. Only the other day there was a fair amount of news in the Press concerning the Ceylon crows at Fremantle. Those pests could have been disposed of very quickly if the Government had made the reward sufficiently great.

Sixty years ago the kookaburra was introduced into this State from the Eastern States, at a place about half a mile from where I live. Quite a number of people say that this bird preys greatly on the smaller birds which used to get rid of so many of the insect pests. This Bill attempts to tighten up the legislation dealing with fauna, and I support the second reading.

HON. L. A. LOGAN (Midland) [5.48]: This Bill introduces machinery clauses to tighten up the Act, which was introduced in 1950. I want to comment on three or four of the provisions. The first deals with the power of the Minister to exempt persons from paying royalties in certain parts of the State. I am very pleased with this clause. When the Bill was introduced in 1950 I spoke very strongly—and I have

done so since—of the fact that although in some areas fauna were declared as vermin, people did not have the right to shoot them or, if they did, they had to pay royalties on the skins. I have objected to this provision throughout; and it is pleasing to see that at last my representations have met with success, and the Minister will now have power to exempt certain portions of this State from payment of royalties.

If the Government can see its way to agree to some reduction in the price of ammunition, it will assist in the extermination of pests, especially kangaroos, in the northern part of the State, and so reduce the vast amount of damage caused by them. I assure the Minister that a step in this direction would be of great help to the people in my electorate. I have referred to the kangaroo pest as existing in the North-West; but unfortunately it has journeyed South, and in the top portion of my province, around the Mullewa area, it is causing untold damage. The destruction caused by this pest, together with that done by grasshoppers, has reduced the present anticipated 80 per cent. season down to about a 50 per cent. one. These things cannot be taken lightly, and I am pleased that the provision to exempt certain areas from the payment of royalties on skins has been included in the Bill.

There are two provisions to which I object. The first provides that a person can be convicted under this Act and fined up to £50 for assault. It seems that under this Act a person can be charged once, and he can be charged again for the same offence under common law. He can be fined £50 for assault; and then he can be taken before a civil court for damages. This is not in accordance with the principles of British justice. This clause would enable a person to be charged twice for the same offence.

Hon. E. M. Heenan: That can be done in many other instances.

Hon. L. A. LOGAN: That may be so, but I do not think it is right. Another clause gives the chief warden of fauna the right to dispose of illegal devices. If devices are illegal they should be destroyed and not sold. Power should not be given to the warden to sell them, and I intend to move for the deletion of the word "illegal." It seems ridiculous that illegal devices can be confiscated, and then put back on to the market through sale by the chief warden. This might be a good way of getting revenue, but I cannot agree with it. Like Mr. Henning, I object to proposed Section 27C, dealing with proof to be given by a defendant. This also seems to be against the principles of British justice, in that a defendant must prove his innocence. I always thought that a person was considered innocent unless proved guilty.

The Minister for the North-West: The person charged must prove that he has an exemption.

Hon. L. A. LOGAN: He pleads not guilty to a certain portion of the charge.

The Minister for the North-West: He can plead not guilty and then prove an exemption.

Hon. L. A. LOGAN: The Minister may be correct, but I would like some clarification of this clause. I do not think that a person should have to prove his innocence. The other clauses in the Bill are mainly machinery ones to tighten up the provisions which were omitted from the Act of 1950. I support the second reading.

On motion by Hon. F. R. H. Lavery, debate adjourned.

BILL—GUARDIANSHIP OF INFANTS ACT AMENDMENT.

Second Reading.

HON. E. M. HEENAN (North-East) [5.53]: I have not very much to add to what has already been said. This small measure proposes to bring the parent Act into line with an amendment made to the Child Welfare Act a couple of years ago. It might surprise members to know that as recently as 1947 the Child Welfare Act provided that the maximum amount which could be ordered by the court for the maintenance of a child was £1 a week. About two years ago the Act was amended and the amount increased to £2 10s.

Hon. C. H. Simpson: That was done in 1952.

Hon. E. M. HEENAN: And the Bill proposes to amend the Guardianship of Infants Act to bring it into line with the Child Welfare Act. I might mention that most applications for maintenance for children are dealt with under the Child Welfare Act. Almost 90 per cent. of the applications are dealt with by the Children's Court under the Act. This Bill refers to the Guardianship of Infants Act, and most applications under that statute are considered by the Supreme Court which can order whatever amount it deems expedient.

The section which the Bill proposes to amend is that dealing with the jurisdiction of courts of summary jurisdiction, or police courts, so as to correct an anomaly which has existed for two years. It is only right and proper that courts of summary jurisdiction should have similar powers as are given under the Child Welfare Act, when dealing with maintenance cases under the Guardianship of Infants Act. This small amending Bill proposes to bring that about. It should have been introduced when the Child Welfare Act was amended two years ago. It is now proposed to rectify that anomaly. I support the second reading and hope that the House will agree to it.

THE CHIEF SECRETARY (Hon. G. Fraser—West—in reply) [5.58]: When introducing the Bill, I mentioned what I felt was the need to amalgamate the various Acts dealing with the care of children. I saw that there were two Guardianship of Infants Acts and a Child Welfare Act. It appears, however, that I was not alone in this opinion. I find that consideration is being given to this matter, and that it is probable that a consolidated piece of legislation will be presented to Parliament at a later date. In the meantime it is considered the proposal in the Bill is very necessary.

I am informed that, at present, women apply under the Guardianship of Infants Act for the custody of children. In such cases no order for maintenance is usually requested as the maximum the court could allow would be £1 for each child. The applicant then lists further proceedings under the Child Welfare Act for maintenance of £2 10s. per week. This is unnecessary litigation, and is a waste of time and money. It is a reason why the maximum in the principal Act should be increased to the same amount as is provided under the Child Welfare Act; that is, £2 10s. per week.

If the Bill is passed in its present form, it will mean that when a wife applies for the custody of her children, she will at the same time be able to apply for maintenance and be able to get £2 10s. a week, the same amount as is prescribed under the Child Welfare Act. This amendment will obviate the unnecessary litigation which must be taken under the Child Welfare Act today where the amount of maintenance claimed is in excess of £1. Mr. Watson was of the opinion that this maximum was too low, and he suggested a figure of £4. He stated by way of interjection, when I was speaking, that we were dealing with the amount that could be ordered by the court for a deserted wife. This, however, is not correct. I do not know if the hon. member had that in mind.

Hon. H. K. Watson: Purely in regard to maintenance.

THE CHIEF SECRETARY: From the way the interjection was made, it appeared that the hon. member had in mind a deserted wife. I assume that that is what the hon. member meant when he interjected.

Hon. H. K. Watson: Yes.

THE CHIEF SECRETARY: This Bill and the principal Act deal with the custody and maintenance of children. A deserted wife would apply for maintenance under the Married Women's Protection Act, under which the amount of maintenance that may be ordered is not limited but is adjudged according to means. I do not intend to advance reasons for restricting the amount to £2 10s., but evidently those responsible for dealing with the

problem considered that this was the maximum necessary. As careful thought is being given to the consolidation of the principal Act and other legislation dealing with children and maintenance, I suggest that, for the time being, in order to achieve uniformity, this Bill be agreed to.

Probably that is the strongest justification for the Bill. The Child Welfare Act having been amended to make the amount £2 10s., this legislation should be brought into line. Then, when a consolidated measure dealing with the care of children is brought before us, we can give serious consideration to fixing a more suitable maximum. The consolidated measure may not reach us until next year and meanwhile money values might change considerably.

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.

Clause 1—agreed to.

Clause 2—Section 8 of Act No. 23 of 1926 amended:

Hon. H. K. WATSON: I suggest to the Chief Secretary that in the consolidation Bill which is being prepared, the question of increasing the amount from £2 10s. be given serious consideration.

THE CHIEF SECRETARY: I shall be pleased to direct the attention of the Minister concerned to the hon. member's remarks and endeavour to get him to see the reason for increasing the amount. The sum of £2 10s. would be a large amount for the ordinary working man, but this measure would cover more than working men. If Mr. Watson were sued for maintenance, I should like the magistrate to have discretion to award more than £2 10s.

If a working man had a wife and three children and the amount were £4, a sympathetic magistrate might consider himself justified in awarding that sum, which would total £12 a week, apart from what the wife could claim, and thus the husband would be left with nothing to live on. On the other hand, if the children of a professional man were to be given a chance in life by obtaining education beyond the State school standard, there would be point in empowering the magistrate to award a larger sum. Of course, we would not expect a magistrate to give a decision that would embarrass the man concerned.

Hon. H. K. Watson: Quite so.

THE CHIEF SECRETARY: However, it is much better to provide the power so that it may be used when necessary. I think there is quite a lot in what the hon. member has said.

Clause put and passed.

Title—agreed to.

Bill reported without amendment and the report adopted.

BILL—RADIOACTIVE SUBSTANCES.

Second Reading.

Debate resumed from the 19th October.

THE CHIEF SECRETARY (Hon. G. Fraser—West—in reply) [6.7]: I expected this Bill to arouse quite a lot of debate. Several points were raised during the second reading and I have a reply to them. The purpose of this Bill is to control the safe usage of x-ray equipment and radioactive substances, not only in medicines and research, but also in industry and commerce, for which purpose they are being extensively used.

Clause 17 (g) is meant to control the use of these things in industry and commerce. The purposes for which radioactive substances are used in medicine are under the control of the Therapeutics Trial Committee and there is no intention to alter this by the Bill. As, however, the purpose of Clause 17 (g) can be misunderstood, it can be omitted from the Bill, as sufficient authority for regulations to control radioactive substances and irradiating apparatus can be obtained from the other clauses. I think Dr. Hislop raised a point regarding this paragraph.

It is unusual to specify in an Act the qualifications of the inspector who will police the requirements of the Act. The authority for the appointment of an inspector is stated, and it is assumed that the authority will be competent to appoint an inspector with adequate qualifications. In the Bill, the Governor is the authority for the appointment of the inspector. It would be extremely undesirable to specify the qualifications of the inspector, and thereby limit the selection, when dealing with a wide variety of inspectorial duties in an ever-expanding field.

Clause 9 (b) contains these words—"take with him on any inspection a member of the council or such other person as he thinks fit." These words do not imply that he can take him willy-nilly whether he wants to go or not. I think that was the construction Dr. Hislop put upon the passage. The purpose of the clause is to give the inspector the assistance of other experts on the technical matters he is investigating without the constant necessity of having such persons appointed by the Governor as inspectors in order to obtain power of entry and inspection. Otherwise, before a member of the council or anyone else could accompany an inspector, that person would have to be appointed an inspector. He could be an employer and would have to come down to the level of the inspector.

Hon. J. G. Hislop: It means that the employer could go only with the consent of the inspector.

The CHIEF SECRETARY: When the model Bill was drafted—I like the word "model"; we have had it several times lately—

Hon. H. K. Watson: We have a model Chief Secretary.

The CHIEF SECRETARY: Thanks! When the model Bill was drafted, the members of the committee from the other States insisted that dentists be allowed to apply for a licence to administer radioactive substances to human beings. Dental research is already employing radioactive isotopes, and these are being administered by dentists. Oral surgeons use radioactive materials, and they may be only dentally qualified.

Only a medical practitioner who is licensed may prescribe radioactive substances, and only a licensed medical practitioner or a licensed dentist may use them on a human being. For normal hospital practice to function, it is necessary to allow the administration to be done by others under the supervision of the licensed practitioner; otherwise biochemists, nurses, etc., would be excluded, and the medical practitioner would have to be in attendance at the giving of every individual dose.

The model Bill was prepared by the National Health and Medical Research Council for adoption in all States. It was not drafted in legal terms. Of course, we could not present a Bill that was not couched in legal terms, because such a measure would be too easily understood! Such modifications as have been introduced have largely been made by the Parliamentary Draftsman to facilitate the administration of the Act and to put into effect the requirements of the model Bill. For those reasons, I submit the measure.

Question put and passed.

Bill read a second time.

Sitting suspended from 6.15 to 7.30 p.m.

BILL—PLANT DISEASES ACT AMENDMENT.

In Committee.

Resumed from the 20th October. **Hon. W. R. Hall** in the Chair; the Minister for the North-West in charge of the Bill.

Clause 2—Section 12C amended (partly considered):

The MINISTER FOR THE NORTH-WEST: We reported progress because we discovered that the amendments would affect the Act itself, and some cleaning up was necessary. In order to achieve this I move an amendment—

That after the word "plants" in line 13, page 2, the following words be added:—"and by deleting the words

'either' in line 2 and 'one and one-half pence per plant or' in lines 3 and 4 and 'whichever of those charges shall be the greater' in lines 9, 10 and 11."

Hon. L. C. DIVER: The Minister's amendment puts this portion of the Bill in order.

Amendment put and passed.

Hon. L. C. DIVER: I move an amendment—

That the word "six" in line 18, page 2, be struck out and the word "four" inserted in lieu.

If this amendment is agreed to, it will mean that a person who has four fruit trees will pay the minimum of 1s., but that people with five and six trees will pay 1s. 3d. and 1s. 6d. respectively. This will bring in considerably more finance to assist the committees. This is most expensive work, and the people concerned will pay more under my amendment. The amount of 3d. per tree is not very much.

The MINISTER FOR THE NORTH-WEST: I hope the Committee will not agree to the amendment. The Bill has gone a long way to raise the permissible charge on the small fruit-grower. Prior to the introduction of the Bill, there was no mention of any number of trees excepting that it be less than 100. By reducing the number of trees to six, on which the charge can be levied, the Government thinks it is meeting the position fairly. Mr. Diver's amendment would widen the scope and would allow the charge to be made on the small domestic or backyard grower. The number of six trees is not very great. If a person has a couple of citrus trees, a couple of grape vines, and two stone fruit trees, he has six. I hope the Committee will not raise the charge on the home-owner.

Hon. L. C. DIVER: I am advised that in the south suburban area alone the number of people who grow four trees or less amounts to 850 out of a total of 1,360 fruit-growers. The matter is very important. The question hinges on whether it is right for these small growers to be charged an extra 3d. or 6d., as the case may be. The total income from this group will be considerable at the end of the year, and will make up the leeway.

The Minister for the North-West: Which group?

Hon. L. C. DIVER: The group which comprises the difference between 850 and 1,360. Our greatest costs occur in regard to this category. If the Minister were to ask his department to contract to do this work, I think it would want 4s., rather than this amount. These people get at least one case of fruit from each tree, or a total of four from four trees, and each case is worth £1. Surely it is worth this little extra expense because otherwise the fruit would be destroyed by the fruit-fly.

The MINISTER FOR THE NORTH-WEST: I cannot agree that it is so expensive to go into these backyards, because they will all be adjoining.

Hon. N. E. Baxter: No.

Hon. Sir Charles Latham: Some will be isolated.

The MINISTER FOR THE NORTH-WEST: In any case, who wants to slug the home-owner or the family man who grows a little fruit for his children?

Hon. Sir Charles Latham: He has no right to have fruit trees if he does not keep them clean.

The MINISTER FOR THE NORTH-WEST: He is quite prepared to pay reasonable amount. Some members desire to extend the scope of the Bill in regard to the small man who grows only for himself. He could not be considered as a commercial grower. We think that up to six trees is reasonable. I have six or seven trees in my small backyard, and I would not object to paying; but I think that everybody should spray. We take precautions, even though they are not compulsory, because we want the fruit.

Hon. Sir Charles Latham: You would not mind paying 6s. to have them sprayed?

The MINISTER FOR THE NORTH-WEST: Probably it would not be necessary to go into many of these backyard orchards because the people themselves would spray.

Hon. L. C. Diver: Is that the case in the metropolitan area where the scheme does not apply?

The MINISTER FOR THE NORTH-WEST: In the majority of cases. I think the same thing would apply in the south suburban area. Therefore I hope the Committee will not agree to the amendment.

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

| | | | | | |
|------------------|------|------|------|------|----|
| Ayes | | | | | 12 |
| Noes | | | | | 14 |
| Majority against | | | | | 2 |

Ayes.

| | |
|---------------------|-----------------------|
| Hon. N. E. Baxter | Hon. Sir Chas. Latham |
| Hon. L. C. Diver | Hon. L. A. Logan |
| Hon. A. F. Griffith | Hon. J. Murray |
| Hon. C. H. Henning | Hon. H. L. Roche |
| Hon. J. G. Hislop | Hon. C. H. Simpson |
| Hon. A. R. Jones | Hon. J. McI. Thomson |

(Teller.)

Noes.

| | |
|-----------------------|-----------------------|
| Hon. C. W. D. Barker | Hon. R. F. Hutchison |
| Hon. R. J. Boylen | Hon. F. R. H. Lavery |
| Hon. L. Craig | Hon. H. C. Strickland |
| Hon. E. M. Davies | Hon. J. D. Teahan |
| Hon. G. Fraser | Hon. H. K. Watson |
| Hon. J. J. Garrigan | Hon. W. F. Willesee |
| Hon. Sir Frank Gibson | Hon. E. M. Heenan |

(Teller.)

Pair.

| | |
|---------------|------------------|
| Aye. | No. |
| Hon. H. Hearn | Hon. G. Bennetts |

Amendment thus negatived; the clause, as previously amended, agreed to.

Title—agreed to.

Bill reported with an amendment.

MOTION—STATE HOUSING COMMISSION.

As to Resumptions of Land.

Debate resumed from the 21st October on the following motion by Hon. A. F. Griffith:—

That, in the opinion of this House, the recent resumptions of land, as announced in "The West Australian" on the 19th October, and contained in "Government Gazette" No. 49 of the 8th October, by the State Housing Commission, are unnecessary in view of the very large areas of land held by the commission, and in many cases grossly unfair to small individual land holders, and this House requests the Government to review the recent resumptions with a view to the cancellation of the majority of them.

THE CHIEF SECRETARY (Hon. G. Fraser—West) [7.52]: Last Thursday, when drawing up today's notice paper, I placed this motion in the first position. However, it might be as well, at this stage, if I remind members that a notice of motion has priority when it is first moved; but that, once it has been moved, it becomes just another Order of the Day, and the Leader of the House can place it on the notice paper in whatever position he thinks fit. I was so concerned about the motion last Thursday that, after it was moved, I decided to give it first priority for today's business, anticipating that I would have all the information I required by that time.

I am just as anxious as anybody else to reply to the matter; but unfortunately it was not until half a minute before the President entered the Chamber this afternoon that I had all the information I required. I had not had an opportunity of looking at it, and it was not possible for me to go on with the debate. So I adopted the usual procedure, when not ready to go on with an Order of the Day, of placing it lower down on the list.

During the tea suspension I had an opportunity of looking at the information given to me, and I now wish to reply to the motion. As many points were raised by the hon. member, I have a written reply to them and I feel quite confident that by the time I have finished I will have satisfied the majority, if not all members in the Chamber, regarding the action that has been taken.

The effective administration of the country necessitates that there should be some means whereby land may be acquired, if necessary, by compulsory process, in order to carry out public works for the benefit of the community.

Hon. Sir Charles Latham: The Public Works Act provides for it.

THE CHIEF SECRETARY: If it were not possible to take land without the consent of the owner, an intolerable position would arise, in that a selfish owner would be in a position to delay or prevent completely the development of an area. If the owner of the only suitable site for a public work could not be compelled to transfer his land to the State, sound administration would be impossible. In civilised communities there must be provision for the compulsory acquisition of land by the Government, and by such authorities and corporations as are authorised by statute.

It would be unjust to deprive an owner of his property without adequate compensation; but, on the other hand, he should not be permitted to profit from the needs of the community. So a fair assessment of the position should be the value to the owner as at the date of acquisition. Compensation for land resumed under the State Housing Act is determined under the provisions of the Public Works Act; and it provides that the value shall be as at the 1st January or the 1st July immediately preceding the gazettal notice. In this case the value of the land will be taken as at the 1st July.

When deprived of his property, the owner is entitled to secure compensation based on the value of that property to him, but excluding any sentimental value. The measure of compensation is that his assets should not be diminished but compulsorily changed in form by placing him in the same financial position as he enjoyed before the acquisition. It is the value to the dispossessed owner and not the value to the acquiring authority that must be found, and the value must be assessed without any reference to any increase in value received from the proposed public work; but any potentiality which the land possesses and which gives it a value, even though there is only one possible purchaser, must be taken into account. If the property is subject to any restrictions, these must be kept in view; but the chances of the restrictions being discharged must also be kept in view.

The statements I have made are those set down in decisions over the years by learned judges who have been called upon to settle compensation claims arising from compulsory acquisition and resumption of land. In my opinion, those considerations would certainly be taken into account by the Land Resumption Officer, Public Works Department, in assessing the amount of compensation to be paid for land resumed under the State Housing Act. It is pointed out that the power to resume for a public work has always existed under the Public Works Act since its inception but specific power was

made under the State Housing Act to enable the commission to so acquire land for housing purposes.

The original State Housing Act was assented to on the 24th January, 1947, when a Labour Government was in office; although then, as now, the Upper House had an L.C.L. majority. So for whatever is in the Act, this House must accept its responsibility.

Hon. C. H. Simpson: I do not think we ever envisaged the actions that have been and are now being taken.

Hon. L. C. Diver: That was seven years ago.

The CHIEF SECRETARY: In 1952—that is not long ago—this Act was extended for a further two years and, again, for a further two years in 1954—the expiry date now being January, 1956.

Hon. A. F. Griffith: It is a funny thing that up to date you are repeating everything that I told you.

The CHIEF SECRETARY: Strangely enough, in regard to that particular phase, the hon. member must have been right.

Hon. F. R. H. Lavery: He read it out of "Hansard," so he must have been right.

Hon. L. A. Logan: It must have been the truth.

The CHIEF SECRETARY: Yes; but I will tell him about the untruths before I finish.

Hon. L. A. Logan: Perhaps.

Hon. A. F. Griffith: You will read out the untruths, will you?

The CHIEF SECRETARY: Yes; I will not miss them. In seeking this last extension from January, 1954 to January, 1956, it was stated that it was not the intention of the commission to undertake any large-scale resumptions.

Hon. Sir Charles Latham: Yes; that statement was made.

The CHIEF SECRETARY: The hon. member emphasised it.

Hon. A. F. Griffith: Wouldn't you?

The CHIEF SECRETARY: Because of this statement, the present Government and the commission are being accused of gaining this extension by a dishonest practice. A fairly strong statement, is it not?

Hon. N. E. Baxter: Is it not a true one?

The CHIEF SECRETARY: This accusation is unwarranted for reasons I shall indicate.

At the time the extension was requested it was the intention of the commission to develop the Wanneroo area, which it was envisaged would become a satellite city to Perth, with its own heavy and light industries, etc.

The commission then had the potential of some 25,000 house sites in the area, and it was felt the housing activities required to meet developments would be considerable and would comprise a major part of the commission's activities.

We believe that we will receive the metropolitan regional plan in December. I was supposed to have received the plan in October, but my latest advice is that I will have it in December. In dealing with the regional plan, the professor has on numerous occasions discussed the matter with a number of committees and various associations; and, although the plan will not be available until December, we have some idea of the lines along which it might be presented. It is believed that under the provisions of the metropolitan regional plan the commission will be required to contribute land for regional hospital, large regional parks, schools, industry, and a new air-port. The commission's potential of 25,000 sites will, therefore, be considerably reduced.

Hon. H. K. Watson: Reduced!

The CHIEF SECRETARY: Yes, after all these things are allowed for in the regional plan; that is, the recreation grounds, etc.

Hon. N. E. Baxter: Reduced to what extent?

The CHIEF SECRETARY: We shall not know until we get the plan. But it is believed that the sites intended to be used for houses will now be used for other purposes as well.

Hon. H. L. Roche: These resumptions were to be used for houses.

The CHIEF SECRETARY: I believe so; but I think the hon. member will agree that when land is acquired for housing, it is useless merely to put houses up on it; provision must also be made for reserves, parks and recreation facilities.

Hon. H. L. Roche: And industrial areas.

The CHIEF SECRETARY: That may be so. While we did not intend to have industrial areas there when the land was resumed, we believe the professor will provide for industrial areas in that locality.

Hon. N. E. Baxter: He is a poor old town planner if he provides for industrial areas after seeing the metropolitan area.

The CHIEF SECRETARY: The hon. member can pass an opinion when the plan is published.

Hon. A. F. Griffith: What area are you talking about?

The CHIEF SECRETARY: I am referring to Wanneroo.

Hon. A. F. Griffith: You believe there will be industrial areas in Wanneroo?

The CHIEF SECRETARY: We believe so. With the advent of the Kwinana project, and the emphasis on the Cockburn

Sound and East Belmont areas for large industry, it was anticipated that the demand for future housing operations would switch to these latter areas, the Wanneroo project therefore assuming a lesser role.

Due to the considerable activities in housing by the present Government—it is now 4,000 houses a year—and the greater number being built in the metropolitan area, the commission's land holdings in the eastern and southern quadrants of the metropolitan area, from Belmont to Midland, then south of the river through to Fremantle, were being rapidly exhausted. Further housing activities in these areas will certainly be of greater volume in the future than in the northern and western quadrants; that is, Wanneroo and Scarborough. Urgent action to obtain further land to meet this demand was therefore necessary. It is well known that the population of Perth is expected to reach 1,000,000 during the next 25 years; and the residential areas to meet this demand will be situated, to a large extent, in the locality of the areas resumed by the commission.

Hon. Sir Charles Latham: What are they going to do for water? Will you make the rain fall?

The CHIEF SECRETARY: Being a good Government, we will see to that. Like previous Labour Governments, we will make provision for water supply in the metropolitan area.

Hon. H. L. Roche: How long did it take you to build Canning Dam?

The CHIEF SECRETARY: That does not enter into it, but if the hon. member cared to look at the records, he would find that experts of the day contended that the provision of water for the metropolitan area, made by the Labour Governments of 1927-28, placed the city in a more favourable state than any other city in Australia. What the previous Labour Government did, this one will do.

Hon. Sir Charles Latham: We did the cleaning in 1930-33.

The CHIEF SECRETARY: We were under way long before 1930.

Hon. C. H. Simpson: Were not those estimates revised and brought up to date three or four years ago?

The CHIEF SECRETARY: I am speaking about something that was done by a Labour Government 25 years before it was necessary. The fact that the State Housing Act resumption provision was due to expire so soon also made it imperative that urgent action be taken to acquire land for immediate and future use. All areas were chosen after a lengthy consultation with the regional planning office. The contention that the commission should acquire undeveloped land on the outskirts of the metropolitan area is unsound.

Hon. A. F. Griffith: How long would it take to confer with the town planning authorities?

The CHIEF SECRETARY: I cannot say; but the length of time taken was sufficient to let them know what was expected. This contention was unsound in that with so much scattered development in inner areas—as in the land resumption—the costly extension of utility services in a period of high costs, short supply, and heavy demand, would be a wasteful and heavy expense. It is also considered that a considerable amount of the land resumed was being held by profit speculators who had no intention of commencing the immediate development of their areas.

Hon. A. F. Griffith: You had better tell that to the people in Queen's Park.

The CHIEF SECRETARY: I said some, not all; and if the hon. member investigates the position, he will find I am right. Consequently the State would have been required to make a large capital outlay in road construction and other developmental works in areas that were more remote from favourable services and amenities. From inquiries received from dispossessed owners, I would say that by far their greatest concern is their present financial position, following the gazettal of resumption. These owners, by their statements, are usually resigned to the fact that the commission's action was necessary; but most appear to be under a very grave misapprehension in regard to the compensation they are likely to receive, particularly in regard to the Welshpool and Cannington resumptions, owners having stated that they have been advised that only a fraction of the "real" value can be expected by way of compensation. Others are worried because they feel they will only receive taxation valuation for their land.

Hon. L. A. Logan: They are only going on what has taken place in the past.

The CHIEF SECRETARY: By this Government or by previous Governments?

Hon. L. A. Logan: By both.

The CHIEF SECRETARY: When has this Government done anything which would give these people the impression the hon. member says they have? The hon. member is merely making a wild statement.

Hon. L. A. Logan: It is not wild at all.

The CHIEF SECRETARY: There appears to be an organised group in these areas who, for their own purposes, are intent upon embarrassing the Government and the commission, by making untrue statements and causing already disconcerted owners unnecessary worry and misgiving. I cannot emphasise that strongly enough. Apart from these misapprehensions, I feel that the full reasons for the commission's action, if given wide publicity on the lines I have mentioned, would have immeasurable benefit not only to the

Government and the commission, but to the people who have, unfortunately, found themselves involved in resumptions. Above all, emphasis should be given to the point that attention should not be paid to rumours from unformed sources.

Hon. A. R. Jones: You said, unfortunately.

The CHIEF SECRETARY: It is unfortunate for people to have anything taken away from them, whether it be land or anything else. The hon. member must realise that a lot of unfortunate things must happen in every country when something is being done for the good of the country itself. I used the word advisedly because I do sympathise with these people who are having their land taken away from them.

The commission's action in the Maniana resumption was queried by Mr. Griffith who claimed that the commission acted in a high-handed manner in allowing Government officers to enter upon the land for inspection and survey work, etc. It seems that nothing can be done right in the opinion of some members. This area was resumed under Section 21 (2) (d) of the State Housing Act, and provides that owners shall have no appeal against the taking of their land. The hon. member complains about that. When land was resumed under the other Act he still complained. Nothing seems to satisfy the hon. member. Both those Acts were agreed to by both Houses of Parliament.

Hon. A. F. Griffith: I complained about Government surveyors going on to the land without mentioning it to the owners.

The CHIEF SECRETARY: If the hon. member is not satisfied with the Act, he should bring down amendments and alter it that way.

Hon. A. F. Griffith: Have I not asked you about that on several occasions?

The CHIEF SECRETARY: It is no use asking; what is required is action. The hon. member should get down to it and bring forward the necessary amendments. But he has done nothing about it.

Hon. L. A. Logan: The Government should have advised the people that the surveyors were coming on to the land.

The CHIEF SECRETARY: To implement Section 21 (2) (d) of the State Housing Act it was necessary to have a surveyed diagram or plan prepared for approval by the Town Planning Board and for examination by the Lands Department. Under the present resumption it was not necessary in one instance for any Government officer to enter upon private land to effect this resumption. We have adopted both ideas, but neither is satisfactory to members.

Hon. A. F. Griffith: What is wrong with the surveyor knocking on a man's door and saying, "We want to have a look at your land"?

The CHIEF SECRETARY: There is nothing wrong with it; and I would like to know why the previous Government did not follow the course suggested by the hon. member.

Hon. A. F. Griffith: Do not try to find a scapegoat.

The CHIEF SECRETARY: It is all very well for the hon. member to say that.

Hon. A. F. Griffith: Your judgment is that if it was not wrong for my Government to do it, it is O.K. for yours to do it.

The CHIEF SECRETARY: If the hon. member holds up the Government he supported as being wonderful, we cannot be wrong if we follow in its footsteps.

Hon. A. F. Griffith: You had better go on reading your notes or you will lose the place.

The CHIEF SECRETARY: I will never lose the place on that matter. In reply also to the hon. member's query on outstanding claims in Maniana, the information from a completely reliable source—that is, the Public Works Department's land resumption office; now I am coming to some of the wrong information which early this afternoon I accused the hon. member of having given—is to the effect that all claims received have been settled. How does that square up with what the hon. member said? All claims received by the Public Works Department in connection with Maniana have been settled. That is different from the wild statements made by the hon. member. As a matter of fact, to give the true information, there are only two claims in Maniana that have not been settled; and the reason is that they have not been submitted.

Hon. H. K. Watson: You mean all but two?

The CHIEF SECRETARY: All the claims received have been settled. Only two claims have not been finalised, because they have not been submitted.

Hon. H. K. Watson: They are probably settled!

The CHIEF SECRETARY: Two years are allowed for the submission of claims, and those two claims have not been submitted. That is a little different from the statements made by the hon. member that the claims had not been settled and that the State Housing Commission owed £1,000,000. I will deal with that aspect shortly; but that is the true answer, and I challenge the hon. member to dispute it. There are only two people who have not had claims settled. Every claim that has been submitted has been settled. I would like members to check that statement with the statements made by the hon. member.

The hon. member also asked why the commission did not notify owners of its intention to compulsorily acquire their land. If it is intended to notify owners that the commission requires their

land, then compulsory acquisition would be unnecessary. However, from past experience, it is known that when sufficient area is required for a large subdivisional project, there are, invariably, owners who would not agree to sell under any circumstances—hence the necessity for resumption. Under the present resumptions, fruitless negotiations were carried out with land-owners in the Bayswater and Bassendean area prior to the resumption action.

The hon. member also referred to the amount of £1,000,000 allegedly owed by the Housing Commission for past resumptions. Does the hon. member dispute that statement?

Hon. A. F. Griffith: Obviously the Chief Secretary has not ears to listen with, and a mind to understand. I said the Government owed the money.

The CHIEF SECRETARY: I thought the hon. member would query that. Here is the "Hansard" proof of what I am saying. Here is the written word—

Members might also be interested to know that the Housing Commission already owes people in this State £1,000,000 for land acquisition.

That is in "Hansard." Does the hon. member still deny it?

Hon. A. F. Griffith: I intended to say that the Government owed it.

The CHIEF SECRETARY: I cannot say what the hon. member meant, but only what he stated.

Hon. A. F. Griffith: I will remind you of what you said in this book.

The CHIEF SECRETARY: I know all about that. The hon. member has reminded us of it. I am saying that the wild statements the hon. member made can easily be exploded.

Hon. A. F. Griffith: You carry on and you will find—

The PRESIDENT: Order!

The CHIEF SECRETARY: There is the statement in "Hansard," and not in a newspaper or any publication like that. This is a case of fools rushing in where angels fear to tread. The statement is incorrect and came, I think, from the following sources:—Approximately 12 months ago Sir Charles Latham requested the Public Works Department to supply data relating to the number of outstanding unsettled claims for the State's land resumptions and the amount of such claims. The answers were—

(a) 300;

(b) approximately £1,000,000.

The hon. member assumed it was the State Housing Commission, and made his statement without investigating the position. It was explained, however, that the £1,000,000

was made up of claims which would probably be settled at their value—approximately £200,000. Of this figure, the commission's settlements would not exceed £75,000. So there is a little bit of difference between the amount of £75,000 which is owing, and the £1,000,000 stated by the hon. member.

Hon. A. R. Jones: You mean there is a bit of difference between the value the owner puts on the land, and that which the commission places on it.

The CHIEF SECRETARY: No. I am saying that in order to bolster up his case, the hon. member said that the Housing Commission owes £1,000,000 when, at the very most, it is only £75,000. He piles the debt on the Housing Commission in order to make a good case. When a case is built on rotten reeds like that, it is pretty unsound.

Hon. N. E. Baxter: Does that include the Wanneroo resumptions?

The CHIEF SECRETARY: It includes everything up to the stage concerning which the hon. member asked questions.

Hon. N. E. Baxter: What about Wanneroo?

The CHIEF SECRETARY: I cannot say whether the Wanneroo resumptions are included. I do not know when they took place.

Hon. J. G. Hislop: Have they been paid for?

The CHIEF SECRETARY: I could not say that either. But what is happening there is happening everywhere else that the Housing Commission goes.

Hon. A. R. Jones: They will be paid for in two years' time.

The CHIEF SECRETARY: I want to inform the hon. member that claims submitted in connection with the new area to be resumed will be paid within a week.

Hon. A. R. Jones: That is heartening news.

Hon. H. K. Watson: They will be paid the amounts they claim?

The CHIEF SECRETARY: No; I did not say that.

Hon. H. K. Watson: On what basis will they be paid?

The CHIEF SECRETARY: Does the hon. member think the Government would sign a blank cheque? They will be paid on values assessed on the 1st July of this year. I emphasised that earlier.

Hon. H. K. Watson: Assessed by whom?

The CHIEF SECRETARY: There can be an argument over the value. But whatever is paid, if the amount offered—

Hon. H. K. Watson: Ah, now!

The CHIEF SECRETARY: Wait a minute! If the amount is satisfactory—and quite a number of people will settle

that way; I would say the biggest percentage will—then cheques will be forwarded within a week. So do not let members make wild statements about payments in two years. People are allowed two years in which to submit claims. Two people in the Maniana area have exercised that right to submit a claim before the expiration of the two years. If claims were not submitted, neither the Housing Commission, nor the Government, nor anyone else could be blamed because there was no settlement. That is the true position.

Hon. N. E. Baxter: What would be the position if people were not satisfied with the price offered?

The CHIEF SECRETARY: The point could be argued.

Hon. N. E. Baxter: They would not get anywhere.

The CHIEF SECRETARY: Suppose I wanted to buy a block from the hon. member. He knows as well as I do there are always two prices—that at which one buys and that at which one sells, and it is a matter of adjudicating between the two and deciding what is the more reasonable.

Hon. C. H. Simpson: Does that apply to the Government, too?

The CHIEF SECRETARY: It applies to everyone. I do not know that the Government is any different from any individual. The hon. member also raised a query relating to the number of blocks already held by the commission. Previous advice given by the commission was that, at the 12th August, 1953, the commission had 40,000 blocks of land, which were made up as follows:—

| | |
|---|--------|
| (a) Metropolitan area (including Wanneroo and other potential sites from broad acres) approximately | 37,000 |
| (b) Country (including potential sites from broad acres) approximately | 3,000 |
| Total | 40,000 |

The total number of vacant suitable residential sites ready and in course of development in the metropolitan area at that time was approximately 11,000. On the 1st September, 1954, Mr. Wild, M.L.A., was advised, in answer to a query, that the total number of such vacant sites in the metropolitan area was approximately 9,300. This figure would now be below 7,000.

Hon. A. R. Jones: Where does the discrepancy come in?

Hon. N. E. Baxter: That is excluding Wanneroo?

The CHIEF SECRETARY: Yes. The original 7,000 included Wanneroo.

Hon. N. E. Baxter: Of the total sites available.

The CHIEF SECRETARY: That is true. Wanneroo is not available yet.

Hon. A. R. Jones: You are not sticking to facts.

The CHIEF SECRETARY: When the hon. member is replying, I would like him to say where I am wrong.

Hon. A. F. Griffith: He will not be replying. I will be.

The CHIEF SECRETARY: But the hon. member is not gagged; he can speak.

Hon. A. F. Griffith: I am trying to keep you to facts.

The CHIEF SECRETARY: There are a couple I have given the hon. member that will take a bit of explaining away. It is necessary in the latter part of this financial year, to allot a further 1,200 to 1,500 sites for continuity of building operations. With the current programme of 4,000 houses per annum, the resumption of 5,500 sites will rapidly be depleted and will necessitate some of the newly-resumed areas being ready for building operations 18 months from now—that is, in July, 1956.

Hon. A. R. Jones: How many houses will be built?

The CHIEF SECRETARY: We are building 4,000 a year.

Hon. A. R. Jones: The idea is to get land cheaply now so that you can make a profit in 10 years' time.

The CHIEF SECRETARY: Is that so? That is wonderful, it is not? The hon. member referred to the commission's public auction, querying the manner of the disposal and the reserve prices, etc. All lots sold by public auction obtained the reserve and many were above the reserve price, except for some land subject to high ground water levels in Midland and Cannington.

Hon. A. F. Griffith: Do you deny that some were passed in at the auction sale?

The CHIEF SECRETARY: The commission's reserve prices are considered to be in all cases lower than the market value of the lots and represent unimproved taxation value.

Hon. A. F. Griffith: Will you answer the question I asked?

The CHIEF SECRETARY: If the hon. member will put it on the notice paper.

Hon. A. F. Griffith: You are trying to avoid answering me.

The CHIEF SECRETARY: I am not allowed to answer. You have given me a lot of latitude, Mr. President, and I do not want to take advantage of your generosity. Some lots were purchased at low figures, but this was in 1950 and earlier. Surely it is not advocated they should have been sold at the acquisition price? Would the hon. member suggest that?

Hon. A. R. Jones: Do not answer him!

The CHIEF SECRETARY: I am sorry. I should not have asked that question. The commission realises that it held land which was not required for its building operations, and therefore made this land available to the general public. A fair way to give all those interested a chance to obtain a site was to submit the lots for public auction; and it is contended, on the principle of fair competition between buyers, that the prices paid for the lots would have been realised, even if no reserve price had been fixed.

Hon. A. F. Griffith: Do you know that some of them were passed in?

The CHIEF SECRETARY: I would not have the faintest knowledge.

Hon. A. F. Griffith: No, you would not!

The CHIEF SECRETARY: One usual reason for reserve prices is to save auctioneers and prospective buyers wasting time in unnecessary bidding. This procedure has always been adopted by the S.H.C., including the period when the hon. member's Government was in power. But we did not hear any complaints at that time!

Reference was made by the hon. member to the sale of the Manning Park theatre site. It is contended that private enterprise was perfectly happy to pay £2,700 for that site to gain the lucrative advantage of a monopoly of this amenity in the area. The value of this site had been created by Government enterprise and development in the area and the Housing Commission was perfectly entitled to obtain in this manner a recoup on its outlay. Does the hon. member advocate that this site should have been sold at cost by the commission; and if so, to whom?

He queried why the notices of resumption were sent so late to owners; but I can inform him that all were despatched within one week of the date of gazettal, which I consider was excellent service. He also raised the question of secrecy in resumption. It was necessary to maintain secrecy because past experience shows that where the commission attempts to purchase by negotiation, sales are made for the purpose of establishing fictitious values, in anticipation of resumptions following a refusal of owners to sell.

What a sitting shot the Housing Commission would be if it adopted the procedure suggested by the hon. member! One man would sell his block to another for a very high price; and when it was resumed by the Housing Commission, the commission would have to pay the price of that fictitious sale. That is why the resumptions are always kept secret. Because of the size of the resumption proposals, and the fact that in both the Bassendean and Bayswater areas owners had refused to sell, no success could have been anticipated to follow private negotiations

for the land required. Because of the urgent need for land, arising from the rapid increase in the activities of the commission, speedy acquisition was necessary, but opposition and delay were to be expected if the owners were aware beforehand of the commission's proposals. This is simply the same action as was taken by the McLarty-Watts Government in connection with the Wanneroo-Mt. Yokine area, but I heard no protests from the hon. member then.

Hon. H. K. Watson: I protested.

The CHIEF SECRETARY: I was referring to the hon. member opposite me. He mentioned the Wanneroo resumption, which he said was the largest in history. He said that it did not upset the little people who owned half an acre or an acre of land. In the Wanneroo resumption, as well as broad acres, approximately 2,300 residential sites of one-quarter acre or less were resumed.

Hon. A. F. Griffith: Were there any houses on them?

The CHIEF SECRETARY: I am dealing with the lots. I could not say.

Hon. A. F. Griffith: Why not give me the information?

The CHIEF SECRETARY: I am telling the hon. member the size of the blocks. He said the resumption did not upset the little people who owned half an acre or an acre of land. I repeat that there were approximately 2,300 residential sites.

Hon. J. G. Hislop: All owned by one owner?

The CHIEF SECRETARY: No. As against that, in the present resumption, except in isolated instances, all the lots are in excess of half an acre, the greatest proportion being of one acre or more. That shows the truth of the statement about the small owner. I am giving the facts about the little man, and I repeat that at Wanneroo there were 2,300—

Hon. H. K. Watson: Little men?

The CHIEF SECRETARY: No, lots of under one-quarter acre.

Hon. N. E. Baxter: But not resumed from individual owners.

The CHIEF SECRETARY: I will give the information in due course. In the present resumption of land, except in isolated instances, the blocks are in excess of half an acre. We will now see how the hon. member squares up to the facts. The Wanneroo resumption of 8,250 acres was more than three times as large as the whole of these resumptions.

Hon. A. F. Griffith: And owned by how many people?

The CHIEF SECRETARY: I will come to that. But first let the hon. member answer me. He has been squealing about the Housing Commission taking blocks of

land from the people, but there are the facts: 2,300 lots of a quarter acre or less, and including altogether 8,200 acres in one resumption. The whole of the resumptions in this area did not approximate that—

Hon. N. E. Baxter: How many blocks had the commission at that time?

The CHIEF SECRETARY: I assume it had many more than it has today.

Hon. N. E. Baxter: No fear it didn't!

The CHIEF SECRETARY: I am answering the hon. member's question about the little owners.

Hon. A. F. Griffith: You will not tell me how many people owned the land. You cannot.

The CHIEF SECRETARY: I can. I repeat that the Wanneroo resumption was three times the size of the present resumptions, and the number of owners involved was 660 as against 450 in the present instance. How do those figures suit the hon. member? There is the truth about the little owners; 660 as against 450. In spite of that, we heard no squeal from the hon. member when that land was resumed.

Hon. N. E. Baxter: He did not represent that area then.

The CHIEF SECRETARY: There were 660 owners involved—

Hon. N. E. Baxter: And 8,000 odd acres.

The CHIEF SECRETARY: No squeal then, but a terrible squeal now. The hon. member also asked why other land in the vicinity was not acquired. The reasons were: Firstly, that it was too low for building purposes by the commission and was subject to a recurring rising subsoil water table during the winter months; and, secondly, that it was of insufficient area to provide a housing estate, and would not warrant the extension of services to it.

Hon. H. K. Watson: What land was that?

The CHIEF SECRETARY: Land in the vicinity of the present resumptions. When a resumption is gazetted, the title of the land so resumed immediately vests in the State Housing Commission, and the land cannot be bought, sold, or exchanged, following resumption, except by the commission. The people from whom the land has been resumed no longer own it or any improvements thereon. I want the hon. member to remember what I am going to say now. Providing a resumption notice is amended before 90 days elapse from the date of gazettal, land sufficient to cover improvements can be released without the Crown being liable for compensation for such improvements. This action is now proposed under the present resumption with regard to dwelling houses at least. All other land not required for re-subdivision would also be returned to the owners at the commission's expense if they so desire. And all this will happen within 90

days. If, however, a man loses his business such as a poultry farm, he will be fully compensated for his loss, as has been explained.

The fact is that it is not the intention of the commission to retain any houses in the areas resumed and every effort will be made to return the homes and as much land as possible within the next few weeks. It is, however, not possible to determine the amount of land which would be finally required for housing until the areas have been fully planned for roads and other facilities. Up to date a number of owners have been interviewed by the commission—owners from each of the resumption areas—and when the full position was explained, they invariably expressed satisfaction at the way in which they are to be treated.

Hon. A. F. Griffith: When were they interviewed?

The CHIEF SECRETARY: They have been to the commission and have been interviewed during the past week. On one day ten people from the area about which the hon. member is complaining, went to the commission. They went there to pull the place to pieces, but came away with nothing but praise for it.

Hon. Sir Charles Latham: Did they attend the meeting last night?

The CHIEF SECRETARY: I do not know. When the position was explained to them eight of them went away congratulating the Housing Commission on the excellent job it is going to do in that area, and the other two said they wanted more time to think it over. Those are the facts.

Hon. A. F. Griffith: More time to think what over?

The CHIEF SECRETARY: The details of the resumption, I suppose.

Hon. A. F. Griffith: To think over the fact that the Housing Commission, in your own words, now owns their land.

The CHIEF SECRETARY: No. The hon. member always tries to put a kink or a twist into one's words to alter the meaning. They discussed their position with the commission, and eight of them went away praising the commission. That is what will happen in 99 per cent. of the cases concerned in this resumption. In several instances persons who have been operating poultry farms and so on, when advised of the position regarding release, replacement, or compensation for their properties, have indicated their willingness to proceed along the lines suggested by the commission.

In the Bayswater and Queen's Park areas, the land to be returned has been determined; and it is emphasised that these sites to be released, upon which the

dwelling-houses are situated, are the minimum areas to be returned by the commission. When the subdivisional designs are completed, all land not required for subdivisional purposes will be returned to the owners from whom it was taken. In the commission's dealings with owners, a sympathetic approach will at all times be observed; and, subject to the purposes of the resumption, every effort will be made to alleviate any hardship or inconvenience experienced by the owners. I would point out that the owners have the right of appeal under Section 21 (2) (a) (b) (c) of the Act, which reads as follows:—

Subject to paragraph (d) of this subsection, any owner, at law or in equity, of land sought to be compulsorily acquired by the commission under the provisions of this section may, within the time and in the manner prescribed, appeal to the Minister against such acquisition on the ground that the land so compulsorily acquired—

- (i) is being used by the appellant as his principal place of residence; or
- (ii) is intended by the appellant to be used as the principal place of residence and that he owns no other land suitable for such purpose; or
- (iii) is intended by the appellant to be used as the principal place of residence of his child or of a near relative mainly dependent on him, and that neither the appellant nor the child or near dependant relative, as the case may be, owns any other land suitable for such purpose; or
- (iv) is being used for commercial, manufacturing, or primary producing purposes, and its acquisition would impose great hardship on the owner. For the purposes of this subparagraph, any person using the land for any of the purposes aforesaid shall have and may exercise, subject to the provisions of this subsection, the owner's right of appeal under this subsection.

The Minister may in his discretion allow or dismiss such appeal either wholly or in part and subject to such terms and conditions (if any) as he thinks fit, and, subject to the next succeeding paragraph, effect shall be given to his decision according to its tenor.

And so it goes on. If an owner lodges an appeal on any of the grounds I have mentioned, every effort will be made to settle the compensation quickly, release the land,

or make available replacements in these or other areas. The action that has been taken and will be taken by the commission is fully justified.

Quite a lot of controversy has been stirred up by the Press and by the hon. member, to make the people think that something terrible is going to happen. The hon. member has made his statements not only in this House, but also outside. So, by his action, he is not alleviating the position in any shape or form, but instead is causing great worry to people who have no occasion to worry.

Some exception has been taken to the large areas which have been resumed. Of course, where any resumptions are made, it is impossible to pick out one piece here and another there. The usual procedure is to make a blanket resumption, and then cull out what is not required. Those blocks are then handed back to the individuals concerned, and a true valuation of the land that has been kept is made.

A letter was sent out by the Public Works Department to those people who were affected by the resumptions. Just in case members may think that letter may have been harsh or mandatory, I propose to read portion of it to the House.

Hon. F. R. H. Lavery: Why not read all of it?

The CHIEF SECRETARY: I did not want to weary members by reading the whole of it. It reads as follows:—

Dear Sir/Madam,

I forward herewith copy of Notice of Resumption under the Public Works Act, 1902-1954, as published in the "Government Gazette" of the 8th October, 1954, of certain land of which you are the registered owner, and which has been acquired for the purposes of State Housing.

It is the intention of the State Housing Commission not to disturb the occupancy of any homes and immediate consideration will be given to amendment of the resumption, as far as possible, to enable the owner of such to retain an area at least equivalent to that necessary as a normal residential site.

This action will be treated as an emergency measure and every effort will be made to reduce to a minimum any inconvenience caused to such owners.

If you desire to appeal against this resumption of your land as provided in Section 21 (2) of the State Housing Act, 1946, would you please communicate with the State Housing Commission immediately by first ringing the State Housing Commission BF1931, Extension 54, and making an appointment with Mr. Prince.

All such appeals should be lodged within 60 days of the date of gazettal.

Subject to the result of any appeal you may make, claims for compensation should be lodged with this department on Form A, which is enclosed.

If the land to be retained by the Commission was improved at the date of resumption a separate amount for each improvement should be shown in the claim form as well as the item for the land itself.

Attention is directed to the note at the head of the form relative to the production of such documentary evidence of title as will establish your right to claim.

Claim for compensation should be executed by the claimant, affixing thereto his/her personal signature in addition to surname and other names in full, as prescribed. If, however, the claim is signed by a representative of the claimant evidence of authority to act should be submitted.

Notice is also drawn to Section 36 of the Public Works Act which limits the time for making a claim for compensation to within two years of the date of gazettal of resumption.

If any person or persons other than yourself have any interest whatever in the resumed land, would you please let me have their names and addresses so that they can also be notified?

That is the letter that was sent out regarding the resumptions. Could anything be fairer than that?

Hon. N. E. Baxter: What is the date of that letter?

The CHIEF SECRETARY: There is no date on it.

Hon. A. F. Griffith: Was that sent out after the land was resumed or before?

The CHIEF SECRETARY: This is the official communication that was sent out to the individuals concerned. As I told the hon. member, these notices were despatched within one week of the date of gazettal of the resumptions; so when they received them, I do not know.

Hon. F. R. H. Lavery: They were all dated the 12th October.

The CHIEF SECRETARY: Could any fairer communication have been forwarded to anyone who had had his land resumed? I regret that this matter has been raised in this House. If it were something new that the Government was doing, one might understand the need for such a motion; but when resumptions have taken place over the years, and then suddenly a motion such as this appears, I think I can be excused when I say that it has been done for political purposes.

Hon. A. F. Griffith: You can say almost what you like.

The CHIEF SECRETARY: When I am informed that the hon. member concerned has been going from door to door to obtain information—

Hon. N. E. Baxter: He is entitled to do that.

The CHIEF SECRETARY: I am taking no exception to that.

Hon. N. E. Baxter: You seem to be.

The CHIEF SECRETARY: I am merely telling the House that such action by the hon. member is not in the best interests of the people of the State. If he had gone from door to door telling the people concerned what the true position is, I would have praised him for doing so; but when he travels around to obtain this information, and someone complains about his doing it—

Hon. A. F. Griffith: Will you give me that person's name and address?

The CHIEF SECRETARY: No, I will not.

Hon. A. F. Griffith: Will you give me his name and address in private?

The CHIEF SECRETARY: No, I will not.

The PRESIDENT: Order!

The CHIEF SECRETARY: What I am saying is a fact. The hon. member would like to obtain this person's name so that he may get him in the bag.

Hon. A. F. Griffith: That is very nice!

The CHIEF SECRETARY: I know. It is just as nice as what the hon. member did. The hon. member says it is nice merely because I have said that a person resented his action; but it is all right for the hon. member to travel from door to door and use this subject for political purposes.

Hon. N. E. Baxter: Was that complaint justified?

The CHIEF SECRETARY: I do not know. I am only telling members what the reaction was to the hon. member going from door to door. I always thought that when a man stood for Parliament, he entered this House with the idea of being a useful member; and, if possible, of becoming a statesman. I am sorry that the hon. member has acted along these lines, because I do not think it reflects to his credit or to the credit of parliamentarians generally. I ask every member who represents a district in which the resumptions were made to go out and see these people and tell them the true story.

Hon. N. E. Baxter: Like the members of your party did on the rents and tenancies Bill during the last election.

The CHIEF SECRETARY: Members should go out to these people and tell them the true story, and assist them as

much as possible. I had people approach me in regard to resumptions made in my electorate. I told them what would happen. I told them to lodge their claims for compensation immediately and to attend the meeting that was to be held on the Monday night following to present their case. In fact, I did everything to ensure that the right thing was done for these people, and they accepted my advice. If the hon. member had adopted similar tactics, he would have been well advised, but unfortunately he has that little kink whereby he desires to turn everything into a political issue. I do not want to preach to the hon. member, but he knows that what I am saying is true.

Hon. A. F. Griffith: And you enjoy doing it.

The CHIEF SECRETARY: It is not too late, even now, for the hon. member to redeem himself. I have presented all the facts to the House tonight. If he were a true member of Parliament, he would go to these people and say, "When I told you that the State Housing Commission would not be able to pay you because it already owes £1,000,000 for resumptions, I made a mistake. I was misled." In fact, the hon. member has an excuse for being misled in view of the answer given to Sir Charles Latham last year.

The hon. member would be doing the manly thing if he went to these people and said, "All that I anticipated was going to happen is not going to happen. I made a mistake when I gave you the information I did. I was wrong." If he did that, the hon. member would rise in everybody's estimation 100 per cent. I do not like such matters to be made a political football.

The State Housing Commission has been set up by Act of Parliament to do a job for the people and it has to do it irrespective of what Party is in power. When it has to resume land, the hon. member should do everything possible to assist his constituents, and not take action with political bias. I feel for the hon. member; and I want to tell him that if he persists with his present attitude he is going to find that he has taken hold of a red-hot chestnut, because long before the next elections are held all the resumptions will be finalised, and everyone concerned will then say, "Mr. Griffith told us such-and-such, but nothing of the sort has occurred," and they will never believe the hon. member again. So I tell him to forget about political bias. If I wanted to be political on this occasion—

Hon. Sir Charles Latham: I beg your pardon!

The CHIEF SECRETARY: —I could draw the attention of members to the land that was resumed by the McLarty-Watts Government from April, 1947, to February, 1953. It resumed 9,750 acres for housing, and 1,150 acres for other purposes. That is a total of 10,900 acres.

However, not one word of protest was heard from the hon. member about those 10,900 acres.

Hon. C. H. Simpson: One area was Kwinana, was it not?

The CHIEF SECRETARY: I would not care where it was. I do not know whether all the Kwinana resumptions were included in that total, or in those that have been made by the present Government.

Hon. Sir Charles Latham: But the resumption of the Kwinana area was done by Act of Parliament, do not forget.

The CHIEF SECRETARY: That does not matter. There were 10,900 acres resumed by the hon. member's Government. Not once, either in this House or in another place, did the hon. member move a motion such as this in protest against those resumptions. However, when this Government desires to resume a few acres, not even as big in area as that resumed by his Government at Wanneroo, he considers it is not fair and reasonable. Is such action in the best interests of the people of the State? I appeal to the hon. member to take stock of himself; and if he does, I am sure he will realise that he is on the wrong track. I would like to lead the hon. member on to the right track. I oppose the motion.

HON. H. K. WATSON (Metropolitan) [8.58]: I listened very carefully to Mr. Griffith when he was moving this motion, and also to the speech just delivered by the Chief Secretary in reply. It seems to me that the Chief Secretary has left entirely unanswered the real and crucial points made by Mr. Griffith when he moved the motion. The Chief Secretary told us that the powers of resumption for public works have always existed. That is so.

Hon. F. R. H. Lavery: Since 1902.

Hon. H. K. WATSON: Yes, since 1902. No member of this House will deny the necessity for the existence of powers of resumption for public works of the nature and in the sense that such resumption is provided for under the Public Works Act, where the nature of the work is specified. We realise that when a bridge, a railway, or other public work has to be erected, it may be necessary to resume certain land here and there; but when it comes to the activities of the State Housing Commission, we find they are in an entirely different category. Those activities are not public works in the ordinary sense of the word. Houses can be built by private enterprise and private individuals no less efficiently, but probably more efficiently, than they can be built by the State Housing Commission.

Irrespective of what merit there might be in the Chief Secretary's statement that Mr. Griffith did not raise any protest when the Housing Commission embarked on large-scale resumptions two or three years ago, the posi-

tion is that several members in this House did raise the protest on the principle that the State Housing Commission should not have exercised its powers on such a broad phase, and apparently in an almost irresponsible manner. For example, the Chief Secretary stated tonight that in 1953 the Housing Commission had 37,000 blocks of land available for use. It is true that in another part of his speech he mentioned that the housing sites now available were 25,000. To my mind he did not give an adequate explanation for the reduction of the figure of 37,000 as it stood last year, to the 25,000 as has been suggested?

The Minister for the North-West: Who resumed the Wanneroo lots?

Hon. H. K. WATSON: The Housing Commission resumed those. Let me remind the Minister that I am not concerned with the political affiliation of any Government. If a Government takes action which requires criticism, I criticise it. The duty of members of this House is to deal with Bills and actions of Governments, not with political parties. In order to prove my statement, and to develop the point I make, I would remind members that this power of resumption which has been included in the State Housing Act puts an entirely new aspect on land resumptions.

The power of resumption which was to be of a temporary nature has been greatly enlarged. It was first imposed in 1945 and was to continue for five years only. It was then extended for another two years, and again for a further two years. Normally it would have expired on the 1st January, 1954. In December, 1953, a Bill was brought down to extend the power for a further two years. In moving that Bill, the Chief Secretary made the following remarks, reported on page 2361 of "Hansard" of the 4th December, 1953. The reason given by the Chief Secretary when asking this House to support the Bill was as follows:—

I am assured that it is not the intention of the commission to undertake any large-scale resumptions.

The commission now holds approximately 13,000 blocks, excluding 9,000 acres of land held in broad acres, the bulk of which is at Wanneroo and intended for a long-term development project. It is considered the area held will be sufficient to meet the requirements of the commission for some years. The powers of resumption will be resorted to only in exceptional cases, and the commission will continue its policy of endeavouring to negotiate for, and acquire by, private treaty.

The commission has found by experience that when redesigning old estates to complete a satisfactory subdivision, additional blocks are often required. When this happens, the

commission endeavours to negotiate; but, in the event of an owner refusing to sell, or holding out for an unnecessarily high price, it is desirable to have the power to resume rather than ruin a subdivision.

He concluded by saying—

The House has the assurance that the powers of resumption will be exercised only in extreme and essential cases, and owners will still have the protection afforded under the Act.

When a Minister gives the House a solemn assurance in moving the second reading of a Bill, and the House passes the second reading on that assurance, members are reasonably entitled to expect the Minister not to lead them up the garden path. To make my position very clear, after the Chief Secretary had moved the second reading, I said this, as reported on page 2607 of "Hansard" of the 11th December, 1953—

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.

The Bill was virtually passed by this House in order to protect the Housing Commission with its large holdings, and to enable it to tidy up those holdings. That is my definite opinion of the reason for passing it; and I feel pretty confident that it was the opinion of most members of this House that, as from 1953, the Housing Commission required no more land because it had all the blocks it needed; but that in treating its holdings, it might be necessary to resume a block or two adjoining, to tidy up subdivisions. Yet today we find that although the great portion of the land which the commission holds has not been treated or developed, it has embarked on the large-scale resumption of 2,500 acres, involving some 400 people in areas where the land is not vacant land, but where the owners conduct industries such as poultry farming. It is proposed to dispossess these 400 people. The Chief Secretary said they have no need to worry, and they should not be guided by rumours. I say that every one of those 400 persons should be concerned when they receive notices of resumption stating that their properties have been taken over by the State Housing Commission.

The Minister for the North-West: They will not be dispossessed of their houses.

Hon. H. K. WATSON: The Chief Secretary says that if a man is carrying on poultry farming on a 15-acre block, with his house on a quarter acre in the middle,

the house will not be resumed. But what is the use of a house on a quarter-acre block in Hamilton Hill to a poultry farmer who has to start his activities at another district 10 or 20 miles away? This seems to be a very high-handed act on the part of the commission. There is an area of land not very far from these areas adjoining Bull's Creek, which members may have heard something about in recent months. It consists of about 1,000 acres of vacant land, and had been offered for sale for two years. In my opinion this land is just as capable of residential development as any of the land resumed.

Hon. Sir Charles Latham: The Crown owns 1,000 acres nearby.

Hon. H. K. WATSON: I am referring to the land near the Applecross pine plantation. After being on the market for a couple of years it was ultimately bought by the W.A.T.C. as a future racecourse. It could have been acquired by the Housing Commission without disorganising the activities of any person. That area adjoins the Bull Creek road. I cannot understand why the commission has not looked around and negotiated for land of that nature.

We were given an assurance when the power of resumption was sought to be extended for two years that "these powers would be resorted to only in exceptional cases and that the commission would continue its policy of endeavouring to negotiate for and acquire by private treaty." What effort did the commission make to continue its policy of endeavouring to negotiate for or acquire by private treaty any of this land? The Chief Secretary gave his explanation. He said that if the commission advised any owner that it was going to resume his land, he would ask a ridiculous price for it. That does not overcome the fact that, if anyone is going to negotiate for any purpose, someone has to start the ball rolling.

By implication, the Minister suggested that, if he had advised the Fremantle Municipal Council that the commission was going to resume 250 acres of its property, that body might have indulged in some reprehensible or sharp practice in order to establish a fictitious value for the land. Nothing could be more ridiculous. The fact, as I understand it, is that the Fremantle City Council and the Perth City Council have had substantial areas of their land resumed without so much as receiving the courtesy of a preliminary discussion or notice, or anything else—just an intimation that the land had been resumed, quite regardless of the purposes for which it was being held by the respective councils.

We have been told by the Chief Secretary that every owner who has been served with a notice of resumption has the right of appeal and may have some of his property handed back.

The Chief Secretary: All of it might be handed back.

Hon. H. K. WATSON: That is a most extraordinary way of carrying on business.

Hon. Sir Charles Latham: To take it away then give it back.

Hon. H. K. WATSON: Yes. I consider that whatever was intended to be resumed should be taken over for that purpose and, having been resumed, should be retained. There should be no question of taking it and then giving it back, either in whole or in part. The action of the commission appeals to me as being most high-handed. Although a person has a right of appeal, why should anyone who has been conducting a poultry farm or has been content to make a home in one of these areas be deprived of his property? These are not close, city, residential areas; they are areas occupied by persons who have gone out there and built unpretentious cottages to live in, or to establish themselves in some small industry. It is not easy for such people to find themselves uprooted and placed under the necessity of starting afresh.

We know that land in the metropolitan area is high in value. The greatest cause of its being so high is the action of the Housing Commission in acquiring practically all the vacant land in and about the metropolitan area.

Hon. L. A. Logan: Where are those people whose land has been resumed to go to live?

Hon. H. K. WATSON: That is a pertinent interjection. Where are they to go, and at what price will they have to purchase land? On the one hand, these people will be paid the compensation value; on the other hand, the money received by way of compensation will have to be used to buy property at its present market value. This is a very serious question now, even more so than it was in 1953 when the Wanneroo land was resumed. When that resumption took place, the Government had a good story to tell to the effect that a substantial area of land was required for future development. The commission did not hold a great amount of land at that time, but today it has 40,000 blocks, and I say it is time that a halt was called to the activities of the commission so far as land resumption is concerned.

I consider that Mr. Griffith is to be commended for having brought the motion before the House. After all, the duty of Parliament is to protect the people against a despotic executive. It is the duty of Parliament to protect the people against an executive that overreaches, or attempts to overreach itself.

The Chief Secretary: Has it done that?

Hon. H. K. WATSON: I feel that it has done that. By its very action without regard to the land held by the commission, or the land that it could have acquired with much less disturbance to the public or the 400 owners of the areas covered in these latest resumptions, I say that the commission has overstepped the mark. In speaking to the motion, the Chief Secretary said, "Do not talk; do something about it."

The Chief Secretary: I was talking about the Act then.

Hon. H. K. WATSON: I intend to adopt the same line of argument regarding this motion. I am a great believer in doing something, not talking; and I feel about this motion in the same way as I feel about the motion carried in another place a week or two ago. After it had been carried, the Government indicated that, although the House had approved of the motion, the Government did not intend to take any notice of or act upon it. I hope the House will carry this motion. If it be carried, the commission will doubtless still act under the direction of and with the concurrence of the Government. It may be that the authorities will decide that, though this House has passed a motion, they will not do anything about it.

If that attitude is adopted, the Council should do something about it. If nothing is done, we ought, having regard to all the circumstances, and particularly to the assurance on which we agreed to the extension for another two years, of the resumption powers last December, to take action to show our disapproval of the manner and method in which the powers granted have been exercised. I would be inclined to suggest that a reasonable time be given, say, till the eleventh hour of the session, for the Government to act upon the motion; and if it were not acted upon in that time, my present feeling is that the House would be justified in passing a reasoned amendment to the Appropriation Bill.

On the last occasion when I moved a reasoned amendment, the Chief Secretary complained that he had received no notice of it. I am giving him due notice this time; we are six or seven weeks from the end of the session. If this motion is carried and nothing is done, the House would be justified in taking the unusual but, to my mind, justified step, having regard to all the circumstances, of passing a reasoned amendment to the Appropriation Bill and refusing to give it a second reading.

HON. L. CRAIG (South-West) [9.26]: I do not intend to say much on this motion, but my mind goes back to 12 months ago when this House, in good faith—I repeat, in good faith—agreed to the measure then before it on the strength of a statement made by the Chief Secretary—made, I believe, in good faith. I give him

credit for that. But things have not happened either as the Chief Secretary anticipated or as this House anticipated. Something has occurred, and I believe that this House would not have agreed to the Bill on that occasion had members known that this would happen.

I regard this question as a very important one. I think it is a question of the people versus the State. When dealing with the Bill last year, I remember calling it progressive socialism, but socialism that, in a developing State, was necessary. No selfish individual should be able to stand in the way of a planned system of housing; but we had in mind on that occasion a selfish owner holding out for a high price that interfered with such planning. With that in mind, we passed the Bill so that no individual, or no small group of individuals, could hold up the plan.

What has happened? The State has become all-powerful and is doing much of what the totalitarian countries started doing in the same way. A blanket has been thrown over a large number of people who, for their own purposes, have cleared land, some of it as sites for their homes; some for use in the developing of small industries; and some, perhaps, in the hope of making a profit at some future time. There is nothing wrong with that. Anyone is entitled to buy something in the hope of making a profit in future, whether it be Ampol Exploration shares or anything else.

If we are going to establish the rights of individuals, they must be given freedom to trade and live in their own way. The State is departing from the intention of the Act as understood by the House and, I believe, as was understood by the Chief Secretary last year. It has simply swept into an area that is heavily occupied by people and has said, "We want this land."

Hon. F. R. H. Lavery: Not much more than was done at Kwinana under an Act of this Parliament.

Hon. L. CRAIG: That was a different matter altogether. Kwinana was almost unoccupied; whereas here, more than 400 people are affected. The resumptions at Kwinana were for a specific purpose; but these areas have been acquired when other land, just as suitable, was available. Parliament is the place in which to protect people against the State. The State, through its civil servants, becomes all-powerful, and with that power comes arrogance. What would happen in a community where a motion of this sort was not publicly discussed? I believe that the rights of the people against those of the State will have to be publicly maintained in an all-powerful State.

In every country where there is socialism or some form of fascism, the State becomes powerful; and as it does, the rights of the individual become less. Unless the public voice is raised against that happening, the

State becomes more and more powerful without the people realising what is occurring, until the needs of the individual cease to count, and nobody minds. I believe that the rights of these people where the resumptions have taken place should be voiced, and the State should be told that it is not all-powerful. The State has the right to plan for the future, but these people who are to be displaced—they are not in the inner suburban areas—went out into these districts hoping that as they grew older their land would become more valuable.

The Minister for the North-West: And it has.

Hon. L. CRAIG: Yes, but their property is their home. The Chief Secretary said that no sentimental value is allowed in assessing the value for the purpose of compensation. To my mind, the most important value of any land or home is the sentimental value.

The Minister for the North-West: They are not taking the home.

Hon. L. CRAIG: If the land is taken from around a man's home, he is left like a shag on a rock, and his method of living, whether it is poultry farming or anything else, is gone. I do not say that resumptions should not be made occasionally, but the State should be very careful when it disturbs people who have gone out a bit and established farms.

Hon. C. W. D. Barker: If there were buildings all around a man's property, would he still be allowed to keep poultry?

Hon. L. CRAIG: Yes. A person can keep poultry within 30ft. of a neighbour. If a man likes, he can keep poultry almost in St. George's Terrace.

Hon. R. F. Hutchison: They are not taking the poultry farms.

Hon. L. A. Logan: That is something new.

The Chief Secretary: Members are jumping in before they know what is happening.

Hon. L. CRAIG: I am not accusing the Chief Secretary of doing anything that he should not have done. I believe that any action he has taken personally has been taken in good faith. I am just saying that we have to be very careful in the blanket resumption of land, that we do not interfere with the rights of the individual.

Hon. C. W. D. Barker: It is unavoidable for town planning.

Hon. L. CRAIG: Did not Hitler and others say what they did was unavoidable, and that it was done for the good of the people?

Hon. J. McI. Thomson: You do not call this town planning, surely?

Hon. C. W. D. Barker: What else is it?

Hon. L. CRAIG: I am wondering who is making this speech. The State has to be careful in the arrogance it assumes. The State is doing things today that it would not have thought of doing ten years ago. The danger is the way in which we, and through us, eventually, the people, become complacent. A man is pushed around, and nobody takes any notice. It is important that the individual should have the right to lead the sort of life he has always led, if he wants to. If people are protesting, as they are—

Hon. R. J. Boylen: As they are asked to protest.

Hon. L. CRAIG: They are protesting vehemently!

The Minister for the North-West: Why the change of thought in two years?

Hon. L. CRAIG: There is no change of thought in my mind.

The Minister for the North-West: What did you say about the chord railway resumptions?

Hon. L. CRAIG: They were made for a public work. Housing is quite different. I agree entirely that no few people should be able to stop the planning of a public work, but the resumptions here are for the purpose of housing people who have done nothing to deserve the right to go into these areas. Some of this land is being taken from people who, by their initiative and enterprise, went out into those areas before electric light or water was laid on. I do not remember my speeches as a rule, but I do recall supporting the Government on the land resumption Bill last year. It is not unusual for me to support the Government.

The Chief Secretary: No, and we appreciate it.

Hon. L. CRAIG: I sometimes get into trouble for doing so, but it does not worry me. At the time there were several Bills, all dealing with powers of resumption, before the House. These were my words:—

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.

That is completely different from a blanket resumption of a big area for housing purposes. I point out that the understanding this House had when dealing with the

Bill last year was, roughly, in the words that I used, that no person should stand in the way of planning.

Following that, I think the Chief Secretary said that the House could take it that the commission had no intention of resuming large areas. We were all satisfied that the intention was to acquire land and, if it became necessary, to push aside one or two people who impeded the general planning; and with that the House agreed. I, and one or two other members, agreed that it was not right that one or two people should impede regular planning but that the resumptions could take place; and the contours and whatever else was necessary, could be taken into account. It was never anticipated, however, that vast areas, occupied by many people, should be blanketed, and more or less indiscriminately resumed.

The Chief Secretary: It is no different on this occasion from any other time that a resumption has taken place.

Hon. L. CRAIG: I am sure that the House would not have agreed to the Bill or that the Chief Secretary would have given us that understanding if he had believed that these resumptions would take place.

The Chief Secretary: No, we did not think so at the time.

Hon. L. CRAIG: It is accepted that the Leader of the House does speak with the voice of the Government. Every utterance he makes is the voice of the Government. We readily gave full credence to what he said, and so agreed to the powers in the Bill. The Government of this free country should be very careful in the exercise of authority given to it by Parliament when that authority is intended for one purpose and is used for another. What I have said can and will happen to every Government that becomes more and more powerful without any resistance coming from the people. The resistance of the people can only be demonstrated in one way, by the voice of Parliament. I support the motion.

HON. R. F. HUTCHISON (Suburban) [9.43]: I received my baptismal fire last night when I attended a meeting to which I was invited. I was assured it was not intended to be political, but I found it was very political. I agree with some of the things that Mr. Craig has said. People should be allowed to live the life they desire. That was my first concern when I heard rumours of what was being rigged in these areas that were being resumed. I went into the matter, however, and I found that what was said to be occurring was not happening at all; that there was no intention to dispossess people willy-nilly. There was no intention by the Government to cause hardship unless a roadway or something else that was necessary for the benefit of all the people had to be provided for.

Last night I heard Mr. Griffith make many statements that were not true. They have been refuted by the Chief Secretary, and there is no need for me to repeat them. A member of Parliament should know his facts when he goes on to a public platform. The only conclusion I can come to is that this was a political stunt by the hon. member, with no purpose other than to try to damage the Government; but with no truth whatever. I am a Labour woman, and I stand by a policy that is for the benefit of the little people. That is one principle that I know I stand for. When a Labour Minister does something to dishonour that principle, I shall be the first to get up and say something about it, but I have not yet known it to be dishonoured and, after talking with the Minister, I am not afraid that it will be.

I had a friend who bought a property in this area, but I discovered that it was not to be touched except for a few feet that might be used for a roadway. I explained this to my friend and, of course, there was no objection. A lot of what has been said and done in this matter is the result of the defeat of the rents and tenancies legislation in this Chamber. It is all very well for people to talk, but because of that measure being defeated, hundreds of people are being moved around. One does not see headlines about it in the paper, but it is going on. These people must be housed somewhere, and it has thrown a great strain on the Housing Commission.

At this stage I wish to pay a tribute to the Minister for Housing because he has accomplished the almost impossible. He has saved a good deal of the hardship that we thought would occur when this legislation was thrown out. As a result, there are not as many people homeless as was first envisaged. But because of this, many people are forced out of their place in the allotment of houses. Full credit must be given to the Minister for the job he has done, but his task could have been made easier by the passing of the rents and tenancies legislation.

At that time members opposite did not worry about the sentimental part of people's lives. They did not worry about whether they would be turned out of houses or whether they would lose their businesses. Many things that the Government does are to stop unfair speculation, especially when it applies to land. I went to see the Minister, when I heard about these resumptions, to find out what was happening. I discovered that there was no intention of wronging anybody.

Hon. J. McI. Thomson: Why do not they go further out for land resumption?

Hon. R. F. HUTCHISON: I do not know enough of engineering to answer that question, but I understand there were quite a few. We have always talked about slums. We have slums here that have been

handed down to us from past generations. They are the result of bad planning and have caused bad health. One has only to go around the city to see what landlordism run loose can do. The Labour Party believes in a planned economy—that is part of its policy—and it is trying to do its best. It is bound to make mistakes; we all do. But that is the way to learn. It will honestly do its best to overcome and avoid the dreadful mistakes that have been made in the past in the housing of the people. I know that the houses being built are not brick residences and are not as large as we would like to see. But the commission is catering for the wants of the people and to get them into houses is our first consideration. When we have enough houses to go around, we can become more particular and choosy in the type of houses we want. At the moment, the first consideration is to get a roof over everybody's head.

I was invited to the meeting that took place last night. I was told, "The women want you to come to look after their interests." I said, "Is it a political meeting?" I had heard rumours and I knew of the activities that were taking place. They said, "No. Politics do not enter into this at all; it is just a meeting that the residents have called." No sane person could object to such a meeting, and I said that I would go along. On my arrival I found a different situation altogether. I stayed with the other Labour member because I wanted to see what went on, but I would not argue on political grounds.

The women, particularly, were worried about what would happen. They had been told untruths and half truths and in many cases the facts had been misrepresented. They still do not know the truth because no one has told them. They do not understand the meaning of politics in this business.

The PRESIDENT: I hope the hon. member will connect her remarks with land resumption.

Hon. R. F. HUTCHISON: I think I am doing so. The Government is accused of doing certain things and I am connecting my remarks with those accusations. As the Chief Secretary said, the hon. member went around and stirred up mental misery and fear in the minds of the people and I hope he can undo the harm he has done. It will cause untold harm, and I think his statement in regard to the £1,000,000 was most unfair.

The main concern of these people was that they would be paid and that they would not have to wait a year or two for their money. They wanted to be sure that they would get a fair price for the land because they had been told that they would not get anything. They wanted to know what their title deeds were worth and so on. There was no one to tell them, and in many

cases it was fear run loose. I told them I would ask the Minister about the situation and I did so. It was most unkind and dishonest of the hon. member to play party politics and I will not make any dishonest statements from any public platform. I learned a thing or two last night and I will remember it in the future. The people are worried about land resumptions because of the untruths that have been told. We all hope that the housing position will be solved in three years, and that is what is bothering members opposite.

Hon. A. R. Jones: Hooey!

Hon. R. F. HUTCHISON: They do not want to see it solved in that time. When the previous Government was in power it resumed land, but made no provision, particularly in the Belmont and Rivervale areas, for recreational facilities. Not one block of land is set aside for that purpose, and that was the situation confronting the present Government when it took office. So I do not think there is any need for people to be worried about what the Government will do when it resumes land. I heard a statement last night that the compensation paid would be less than the land was worth. I do not know of one person that has been treated in that way by this Government.

Hon. A. F. Griffith: Can you show me where I made that statement?

Hon. R. F. HUTCHISON: I know of one person who owns an orchard in this area and he was left with it; he will not be upset in any way. Time marches on and most of these problems solve themselves. People sell certain properties when they appreciate in value. I think the Chief Secretary put all the necessary points forward. Mr. Griffith moved the motion knowing full well that he had a majority to support him, and he spoke with that in view last night.

Hon. N. E. Baxter: You do not mean to say that was a political meeting?

Hon. R. F. HUTCHISON: If the hon. member can, in the future, point to any act upon which the Government I support has been dishonest, I will not be afraid to accuse it of such. Yet the hon. member runs around telling people what might happen and what the Government might do. That only makes people afraid and women and children are becoming very worried about the position.

Hon. J. Murray: You will not deny that land resumptions have been taking place.

Hon. R. F. HUTCHISON: The defeat of the rents and tenancies legislation caused the worst hardship we have ever known in Western Australia.

Hon. N. E. Baxter: Do not talk through your hat.

Hon. R. F. HUTCHISON: I oppose the motion.

HON. J. G. HISLOP (Metropolitan) [9.55]: I have listened with a great deal of interest to this debate and certain factors cause me, and I am certain a large number of people in this State, a definite degree of uneasiness. The first thing is that in the question of town planning, apparently in all cases the State must be regarded as having a prior claim to an individual. That may have a certain amount of bearing, as Mr. Craig pointed out, in large-scale developments, but there must be some limitation to that thesis.

The opening remarks of the Chief Secretary reminded me of the time I sat on the honorary Royal Commission on town planning. I could, as he spoke, hear the words of the town planner ringing in my ears when he pointed out to us that we could not afford to let people scatter themselves around the outskirts of the metropolis because the cost of extension of services was too great, and that we might, at some future date have to control where people live, and whether they live next to a neighbour or decide to go along an unmade road and settle themselves. Here is the first warning that we have of this coming true.

I believe that the Chief Secretary and his Government were quite honest in the statements that they made that they did not anticipate any large-scale resumptions. But since then town planning has brought changes, and areas that were to be reserved for housing will have to be set aside for other uses. The result is that the State Housing Commission will feel justified in taking certain measures to provide itself with what it considers as the necessary amount of space.

It means that when the Town Planning Bill comes before us we, as a House, will have a definite duty to see that the rights of the individual are retained, in so far as it is possible to retain them and not hinder the progress of State development. That seems to be one of the sinister warnings that we have received as a result of this debate. The second thing that I deplore about the debate is that when an individual, as a member of Parliament, does what he considers is his duty and brings a matter before Parliament, he has abuse hurled at him and then later is directed by a person steeped in politics not to play politics.

Hon. A. F. Griffith: The pot calling the kettle black.

Hon. J. G. HISLOP: I do not mind what the hon. member may call it. It is a deplorable attitude to see entering into debates in this Chamber. In the past—and I trust it will continue in the future—we have always debated matters on a level of State good; we have left out personalities. To suggest that a member bringing a matter like this before Parliament has been causing mental misery to people is strange hearing, when one realises that

these people have been caused their mental misery by having received a document saying that they no longer own their properties.

The Chief Secretary: The complaint was not because it was brought here, but because of what was done outside.

Hon. J. G. HISLOP: The mental misery was caused in the first place by the receipt of a notice by these people. I do not care who the person is, if he receives a notice that he no longer owns the property he has had for many years, it is going to cause him mental misery.

Hon. Sir Charles Latham: It was their safe repository after hard work.

Hon. J. G. HISLOP: There is no doubt about it that these people will be distressed. Accordingly, when the town planning Bill comes before this House we must institute methods of land resumption providing safeguards such as we have never provided before; we must do this if we are to remain a free people, and if we are to permit people to live as they wish. No member can tell me that if land is taken away from alongside my house, it will not alter my mode of living.

If I choose to live on a half-acre or an acre block and build a house on it, that is my mode of living. To be told that half my property is to be taken away and given to somebody else so that he can come and live next door to me, and that I must live on a quarter-acre, instead of a half-acre or an acre block, is certainly altering my mode of living. I prefer to live on a large-sized block because I want a certain amount of freedom around my house. I do not mind paying the rates necessary to enable me to live as I want to.

But when somebody says to me, "You can no longer live on a half-acre or an acre block; you must live on a quarter acre" we are getting away from the freedom we have enjoyed for many years. To tell me that when a Government seeks resumption against somebody it does not mean to exercise it, is too stupid. Why cause these people this mental misery by sending them a notice of resumption and then, when the matter is brought here, say that the commission would not want all of the land.

The Chief Secretary: How can you plan unless you have a full area?

Hon. J. G. HISLOP: I think a far better approach than that is possible. I trust that when we have Bills before us demanding resumptions for matters other than public works, we will take great care in permitting the resumption of the land required. I think the hon. member has done a service by ventilating the matter here. Even if some of the facts which the hon. member has introduced can be proved to be inaccurate, I feel he has still done a grand job, because it is not always

possible for a private member to be in possession of facts that are available to the Minister.

When speaking to a Bill I have very often made statements without being certain of them; but I have made them with the idea of seeing if they would be refuted. A private member has his right, and I applaud Mr. Griffith for using that right. I also ask the House to see in this debate those two possible happenings as they unfold themselves this evening. The first is the control of the individual in a way that this House never planned, which will deprive him of his liberty as we have known it over the years; and the second, which is even more important, the attempt to prevent members in future bringing matters before this House with the consequent abuse and opprobrium of party politics.

HON. C. W. D. BARKER (North) [10.5]: While speaking to this motion, I would like it clearly understood that I do not propose to intrude party politics. But before I cast my vote, I think I should—as should every other member—state my opinion as to why I will vote as I propose to. If this motion had been worded differently, I could perhaps have looked at it in the same light as the hon. member who moved it. But I cannot for the life of me see how we can say that in the opinion of the House the land resumed by the State Housing Commission is not necessary. If the hon. member had worded his motion to say that the people whose land had been resumed should receive fair treatment, I would have been with him.

The Chief Secretary: That would not have been necessary, because they will get fair play.

Hon. C. W. D. BARKER: I do not dispute that; but as Dr. Hislop has said, every member has the right to express his views. It does not necessarily follow that I agree with them. But if this motion were worded differently, I might have agreed with it. It cannot be said that people will not be worried if they are asked to give up their land which perhaps has proved a life's work to them. Of course they will be worried; I would be worried, as I am sure anybody else would. I think Dr. Hislop mentioned that we are now paying for our past sins by not looking ahead in our town planning. To that, of course, somebody could reply, "How were we to know ten years ago that Perth would grow at the rate it has?" Who would have thought that we would have required such large tracts of land that are needed now? We should be thankful that the State is going ahead; and I cannot see how we can allow people to stand in the way of progress.

Hon. J. McI. Thomson: Do you not think there are other areas that could have been used?

Hon. C. W. D. BARKER: There may be; but we have permitted people to settle in all the areas surrounding Perth, and somebody must suffer. Our job is to see that nobody suffers excessively in the interests of the advancement of the State. I do not see how it can be said that these resumptions are not necessary.

Hon. Sir Charles Latham: Tell me why they are necessary.

Hon. C. W. D. BARKER: In the interests of the State's progress.

Hon. Sir Charles Latham: That is a very poor reason.

Hon. C. W. D. BARKER: The hon. member can look anywhere in the town today and he will see what has happened as the result of poor planning. He will see the bottlenecks with which we are confronted in our traffic, and the difficulties we are experiencing with our water, reserves, playgrounds, parks, and so on. It is necessary, as the Chief Secretary has said, to prepare one's plans; and it is possible that some of this land will not be required. But as I have said before, our job is to see that the people who have their land taken away from them get a fair deal, and suffer as little as possible. I have had an experience of a person close to me being told, in the suburbs of Perth, "We want your land and house, and you will have to get out." This happened only last year in Mt. Lawley; the land was required for the extension of a school. The man concerned approached the State Government about the matter, and he was informed that unfortunately he had to get out. He said that he wanted another home, and that he could not leave his home and so on. He was fairly dealt with. He got a new home and £1,500 to boot.

I hope everyone of these people in this area will be treated in a similar way. The land must be taken, and we cannot allow anything to stand in the way of progress; we cannot allow 400 people to stand in the way of progress.

I would have supported the motion had it been worded differently. I believe it will still be necessary to resume land in the future. This is a great State, and it is growing at a tremendous pace: a pace we would never have dreamed of in years gone by. If we had not permitted people to spread out willy-nilly and had planned things properly at the beginning, we would not have had this problem confronting us. It is nonsense to say that these people will not suffer. Of course they will suffer!

If a man who has a small poultry farm, or a small orchard, is told that he has to get out, he must suffer. We must look to the future and see that the people whose land is resumed will get the best treatment possible under the Act. I have no doubt they will. If these people had been approached and told that a certain stretch of

country was going to be taken, the value of the land would have flown sky high. It cannot be done that way. The matter must be looked at sensibly. I cannot support the motion as it stands.

HON. E. M. HEENAN (North-East) [10.14]: I propose to make only a few remarks, although I enter this debate with some trepidation because the speeches already made from both sides of the House have been of a very high order. The issues raised in the motion are rather important, and I think it is my duty to make a small contribution.

First of all, in these days, I think we have to realise the all-important fact that the former conception of the rights of private property has been considerably altered over the years. We have to realise also that the society in which we are living is a very highly organised society, and sometimes one is puzzled how it holds together as such. For instance, it is not many years ago when it would have been considered unthinkable for the pioneer who took up large tracts of this country to have it subdivided against his will. Not many years ago it would have been utterly unthinkable to say to the owner of houses that the rent he could charge was to be pegged, or that he was unable to get rid of his tenants whenever he felt disposed to do so.

Hon. C. H. Simpson: We have followed the road of socialism a long way.

Hon. E. M. HEENAN: That may be stated; but we have come to the realisation that the State in this modern world is playing an ever-increasing part in the conduct of affairs. If there is a flood, or some other great tragedy, the people always look to the State to come to their aid and find some solution of their difficulties. I do not think anyone would say that during the war the State was not wise in exercising the control it did over rents, for instance, and over evictions. Governments of all political colours seem to be agreed on that important principle.

So I think that Mrs. Hutchison made a very good point when she said that one of the most pressing problems of the day is the housing of the people. That problem has been accentuated—here again I think she was right—and I do not say this with any bitterness, by the decision of this Parliament to release controls that have existed for many years over rents and evictions. All that has placed a bigger responsibility and a bigger problem on the Government, or the State, which has to attend to the housing needs of the people.

In addition to that, we all know that private enterprise does not find the building of houses for people to live in as attractive as it used to be in years gone by; and so the great problem of finding

houses for the people in these days has fallen to a greater extent than ever on the State.

Hon. C. H. Simpson: Do you not think that the lack of houses furnished by private enterprise is due to the greater incursion of the State into the housing field?

Hon. E. M. HEENAN: I do not think so. I believe that private enterprise has found other and more attractive avenues for investment. There have been shortages and other difficulties and, of course, controls; but the last-mentioned, as I have pointed out, have been exercised by Governments of all complexions, because they were faced with the plain stark fact that something had to be done to meet a critical situation.

It is very unpopular for a State to have to resume people's land; and I for one have the greatest sympathy for those who have gone further afield in their innocence and who, perhaps because of lack of foresight, did not realise that this State would grow to the enormous extent to which it is now developing. They thought that when they went out a few miles into virgin bush they would be able to stay there for ever. But the city is growing to such large proportions that it has to expand; and before the State can build houses, it has to find the land on which to erect them, and has to exercise its right to resume that land.

I agree with Mr. Craig that the rights of property-owners should be respected as far as possible. It is difficult in these days to reconcile the old conception of the rights of private property with the modern requirements of the State—and when I say "State," I refer to the people. We cannot argue that because some group of people went afield years ago and took up large tracts of land on which they established poultry farms, dairies, and orchards, they are going to go on for ever defeating the urgent requirements of a growing State such as this, although I could agree with Mr. Craig that their rights should receive the greatest respect.

I also agree with him that in this world there is a tendency to ignore the rights of the individual. Individuals have dignity which must be respected, and the right of the individual to own his home and property must at all times be respected. At the same time, the respect that is due to the dignity of the individual has to be reconciled with the requirements of the great majority of the people. We cannot give up home-building, because homes must be provided. I suppose that wherever land is resumed, unavoidable hardship will be inflicted on some people.

As far as I have been able to ascertain, the rights of those individuals who are having their properties resumed on this occasion will be respected. They have the right of appeal, and the Government has given undertakings that their homes will not be taken from them; that their little

poultry farms will not be taken from them; and that their reasonable requirements will be given every consideration. I think those are genuine undertakings. If I did not think that they were genuine, or that they would not be carried into effect, I would say so. Appeals will be made, and individual cases will have to receive attention. I hope that everything will work out all right.

The people concerned are probably worried a great deal more than the situation warrants. I suppose they all think their land is going to be taken from them; that no consideration is going to be given to them; that the price they will receive will be utterly inadequate; and that they will probably have to wait long periods for payment. From the inquiries I have been able to make, and from the statement given by the Chief Secretary tonight, on behalf of the Government, it is plain that these fears are entirely unjustified. We, as members of Parliament, have to face up to the situation that this resumption is unavoidable; it is part of an inescapable policy which will confront every Government at the present time. We have to point out to these people that they still possess rights which they can demand, and that a lot of the dire consequences that they have been told will ensue will not happen.

One thing about it all that makes me very unhappy is that this City of Perth, like other cities in Australia and other parts of the world, I suppose, seems to be growing at a rate that does not give much hope for the future, because the rest of the country is not making commensurate progress. We are told that not sufficient land is available here for the building of houses. Yet we see other parts of this vast State languishing. This is a condition of affairs that causes me considerable anxiety. I wish that a lot of these people would find homes in other parts of the State. For the reasons I have mentioned, I cannot support the motion. Mr. Griffith has done some good, at least, in having a very interesting matter debated. I have enjoyed a number of the contributions that have been made on both sides of the House in the course of the debate.

HON. N. E. BAXTER (Central) [10.29]: I support the motion. By putting forward this matter, and opening it up for discussion here, Mr. Griffith has contributed something towards the future of the State; because when these subjects are discussed, the public get an intimation of what is behind the resumptions of tracts of land, such as have been gazetted in this instance. I agree with the Chief Secretary that the State should have the right to resume land for public works, but I refer to true public works—works for utility purposes.

The Chief Secretary: But not homes for the people.

Hon. N. E. BAXTER: Not land resumption for housing. This land has been resumed under special powers given by Parliament, but which did not exist some years ago. Those powers are different from the original resumption powers of the Public Works Act. The power was extended to the State Housing Commission last year, as Mr. Griffith said, on the assurance of the Chief Secretary that there would be no large-scale resumptions in future. The Chief Secretary recently accused members in this House, opposed to the Government, of handing the people of the State a double-headed penny. If anyone did that, it was the Chief Secretary, when he said that resumptions of land would not be made in future on a large scale.

That was what he said when we agreed to the extension of this power last year. He contended that it was unsound to use undeveloped land on the outskirts of the metropolitan area for housing; but a number of individuals whose land has now been resumed will be forced to go on to that undeveloped land on the outskirts of the metropolitan area, as the price they will get for the land now resumed will not purchase any other land within close reach of the city.

The Minister for the North-West: What do you call "the outskirts of the metropolitan area?"

Hon. N. E. BAXTER: Ask the Chief Secretary! It was he who made the reference, and said that to develop that land was unsound. I think it would mean land beyond Midland Junction, up in the hills.

The Chief Secretary: Has anyone previously not received sufficient when his property was resumed? Are these the first resumptions to take place?

Hon. N. E. BAXTER: I am coming to that.

The Chief Secretary: It sounds like it.

Hon. N. E. BAXTER: The Chief Secretary said 600 owners were involved in the Wanneroo resumption, and only 400 in the present resumptions. If he calculates on a pro rata acreage basis, he will find that the people affected on that basis per acre amount to $7\frac{1}{2}$ per cent. in the Wanneroo case, but over 15 per cent. in the present instance, or just double as regards the acreage resumed. The Chief Secretary put up a sorry story—

The Chief Secretary: This does not alter the number of people affected.

Hon. N. E. BAXTER: There are seven separate portions of land mentioned in the "Gazette" as being resumed.

The Chief Secretary: The lot of them do not amount to a single resumption made by your Government, yet you did not protest.

Hon. N. E. BAXTER: Each of them has to be planned, and there are seven different sections in the metropolitan area; yet the Chief Secretary says the Wanneroo project was delayed because there were no plans.

The Chief Secretary: I did not say that.

Hon. N. E. BAXTER: The Chief Secretary intimated that.

The Chief Secretary: No.

Hon. N. E. BAXTER: He said the regional plan for that area would not be available until December.

The Chief Secretary: No; I said the regional plan would not be available.

Hon. N. E. BAXTER: He said that Wanneroo could not be used for that reason.

The Chief Secretary: You are basing your argument on false premises.

Hon. N. E. BAXTER: The Chief Secretary said it was discovered there were to be hospitals, industries, and even an airport there. It is strange how suddenly the Town Planning Commission or the Government has discovered the need for those facilities in the Wanneroo area which was resumed for housing purposes. Admittedly parks and roads are necessary, but are they putting a big hospital in any other part of the metropolitan area except Midland Junction? Are they building a large airport anywhere else or putting lots of industry in any other district other than Kwinana? There are bits of industry scattered over various parts of the metropolitan area, but it does not seem to be planned. It is just higgledy-piggledy, and that will apply to the Wanneroo resumption area.

The Chief Secretary: You have a wonderful idea of things.

Hon. N. E. BAXTER: Let the Chief Secretary see for himself the amount of industry there is at Morley Park. The Government has done nothing with the Wanneroo resumption. A few houses are scattered about, but so far there is no sign of planning. I drive through there every week.

The Chief Secretary: You would not know whether it was planned.

Hon. F. R. H. Lavery: He would not know when he was in Wanneroo.

Hon. N. E. BAXTER: It is easy for members to make foolish interjections. Like Dr. Hislop, I fear for the rights of the individual when the socialistic system gets under way and people's property is taken from them.

The Chief Secretary: It has taken you a long time—

The PRESIDENT: Order!

The Chief Secretary: You made no protest at the time of the Wanneroo resumption. Why did you not protest this time?

Hon. N. E. BAXTER: These resumptions were not in my electorate and it is not my place to raise in this House the question of what is happening in another member's electorate unless he takes the initiative.

The Chief Secretary: But you are complaining now about resumptions in my area.

Hon. N. E. BAXTER: Mr. Griffith complained about resumptions in his own area.

The Chief Secretary: And mine.

Hon. N. E. BAXTER: That was included. If there were resumptions in my area and some in the Chief Secretary's, I would complain, as Mr. Griffith has done. The Chief Secretary said the majority of the people affected by the resumptions were holding the land for profit. The biggest landholder affected in the Fremantle area would be the Fremantle City Council—the mayor and councillors. The Chief Secretary says they are holding the land for profit.

The Chief Secretary: I said nothing of the kind.

Hon. N. E. BAXTER: I said the biggest landholders affected in his area were the mayor and councillors of the Fremantle City Council, and so he accuses them of holding the land for profit. Now he is trying to get away from the statement he made. It is very helpful if one can get out from under after one has made a statement to that effect.

The Chief Secretary: I will stand up to any statement I made tonight—but quote the statement.

The PRESIDENT: Order!

Hon. N. E. BAXTER: There is one statement that the Chief Secretary cannot stand up to—the statement he made when we agreed to the extension of the State Housing Act. He said that no further huge resumptions would take place, and that alone is sufficient to make anyone support the motion. When such false statements are made in this House, and we accept them at their face value—

The Chief Secretary: Any stick with which to beat a dog!

Hon. N. E. BAXTER: For those reasons I intend to support the motion.

On motion by Hon. R. J. Boylen, debate adjourned.

BILL—SUPPLY (No. 2), £15,000,000.

Received from the Assembly and read a first time.

BILL—WAR SERVICE LAND SETTLEMENT SCHEME.

Message from the Assembly received and read notifying that it had agreed to the amendments made by the Council.

House adjourned at 10.43 p.m.