

Legislative Council*Thursday, 17 November, 1960*

Chairman of Committees—Local Government and Dairies Supervision (Amendment) Bill (third reading)—Rural Bank of New South Wales (Amendment) Bill (third reading)—Printing Committee (Fourth Report)—Local Government (Demolition of Residential Buildings) Amendment Bill (second reading)—Closer Settlement (Amendment) Bill—Special Adjournment.

The PRESIDENT took the chair at 4.28 p.m.

The Prayer was read.

CHAIRMAN OF COMMITTEES

The PRESIDENT: Before proceeding with formal business, I extend a welcome to our Chairman of Committees, the Hon. E. G. Wright, who, as hon. members are aware, has been sick for some weeks and had an operation. I am sure that I express the wish of all hon. members when I say that I hope that his health continues to improve.

HON. MEMBERS: Hear! hear!

The Hon. E. G. WRIGHT: I thank you, Mr. President, and hon. members.

LOCAL GOVERNMENT AND DAIRIES SUPERVISION (AMENDMENT) BILL**THIRD READING**

Bill read a third time, and returned to the Legislative Assembly without amendment, on motions by the Hon. J. J. Maloney.

RURAL BANK OF NEW SOUTH WALES (AMENDMENT) BILL**THIRD READING**

Bill read a third time, and returned to the Legislative Assembly without amendment, on motions by the Hon. R. R. Downing.

PRINTING COMMITTEE**FOURTH REPORT**

The Hon. J. A. WEIR, as Chairman, brought up the Fourth Report from the Printing Committee.

Ordered to be printed.

LOCAL GOVERNMENT (DEMOLITION OF RESIDENTIAL BUILDINGS) AMENDMENT BILL**SECOND READING**

The Hon. R. R. DOWNING (Attorney-General and Vice-President of the Executive Council) [4.35]: I move:

That this bill be now read a second time.

The objects of the bill are to vary the existing provisions of section 317BA of the Local Government Act, 1919, as amended by subsequent Acts, relating to the control and regulation of the demolition of residential buildings; to apply such varied provisions only within the counties of Cumberland and Northumberland, and the city of Greater Wollongong, and for a period of three years; and to make other provisions of an ancillary or consequential character.

Section 317BA, which was inserted in the Local Government Act by the Local Government (Amendment) Act, 1960, provides a measure of control over the demolition of residential buildings. However, an amendment made in this House during last session results in the section having no clear and definite application to areas where some measure of control over the demolition of good, habitable residential buildings is necessary in the public interest. However, the Act clearly and definitely gives that control in some country areas where the housing and social conditions may not indicate any general need for it. The particular amendment to which I have referred appears at the end of subsection (1) of section 317BA and excepts "buildings located in zoned industrial areas, commercial areas and living areas under control of any planning authority". As the County of Cumberland Planning Scheme Ordinance is the only prescribed planning scheme with zoned living areas and only two of the prescribed schemes have zoned commercial areas, it will readily be seen that use of inappropriate expressions in the amendment made in this House has created ambiguity and uncertainty as to the scope of section 317BA as it now stands.

The Government could, of course, achieve the purpose of the amendment by rewording the section, but the Government's objections go beyond the form to the

substance. It is, therefore, not merely a question of terminology. The aim of the desired demolition control is to avoid any unnecessary demolition of habitable residential buildings in times of housing difficulties, and for that reason any exceptions from that control based solely on the circumstance of any such building being situated within a particular town-planning zone does not sufficiently support that aim. This State's town-planning laws apply land use and development controls by means of a system of land zones based upon certain primary and fundamental land use and development classifications. Those classifications, because of their essential inclusiveness, permit different types of land use and development within a particular zone, and therefore introduce a situation that may involve a planning authority in some determinations on priorities or degrees of essentiality of land use and development within particular zones.

At first glance, it might be assumed that whenever a planning authority has to determine these priorities or degrees of essentiality of land use or development in a particular zone it can have regard, under the head of public interest, to general matters of social or economic significance and, accordingly, to questions such as the desirability of preserving habitable residential buildings. However, in *Shell Company of Australia Limited v. Leichhardt Municipal Council*, reported in 2 *Local Government Reports of Australia* at page 262, it is clearly shown that a council cannot take into account general economic or social considerations. In that case the council refused a development application, for the published reason that the demolition of a dwelling-house which would have been involved was not in the public interest. The court held that council had no power to refuse an application on that ground. The learned justice observed that if councils were to have such a power it would have to be conferred by legislation specifically dealing with that problem.

The bill proposes that subsections (1), (2), (3) and (4) of section 317BA be omitted and that they be replaced by four subsections which will restore a proper

balance between the measure of control provided by the section and the relevant social facts; facilitate demolition applications by owners or prospective purchasers if authorised by owners; permit councils to approve applications to demolish unoccupied or owner-occupied residential buildings and also tenanted residential buildings in certain circumstances; and, in effect, enable councils—and, in appeals, the independent judicial tribunal, the Land and Valuation Court—to make a realistic appraisal of the competing interests involved in matters of this kind. I have already said that the bill provides, also, that the controls in question shall apply only within the counties of Cumberland and Northumberland and the city of Greater Wollongong, and for a period of three years from the date when the measure becomes law. This is considered to be a reasonable and workable way of limiting the scope of section 317BA. Accordingly, proposed substituted subsection (1) omits any exception of the kind contained in the present subsection (1).

Proposed substituted subsection (2) will enable a potential developer of land on which a residential building stands to make a demolition application if so authorised by the owner. This will allow such a person to obtain an option to buy the realty concerned and then submit a demolition application to the council with his development application and will, I suggest, overcome certain difficulties raised in another place when the section was before it last session. If the residential building concerned is occupied by a person other than the owner, the occupier will get notice of the application. That surely is reasonable, unless it were desired to ignore the position of the occupier altogether in these situations. The present bill relaxes the existing prohibition against a council's considering any application to demolish occupied residential buildings.

Proposed substituted subsection (3) in part follows closely the lines of the existing subsection (3), but it does include, in the matters a council shall consider, the question of whether the building is unoccupied or occupied and, consequentially, any representations made by the occupier. It is

to be noted, also, that subjects for consideration include purposes for which the relevant land is likely to be used if the building is demolished. That provision encompasses proposed redevelopment for residential purposes.

Paragraph (b) of proposed substituted subsection (3) introduces the question of rehousing the occupier and the need for reasonably suitable alternative accommodation to be in existence. This paragraph was debated at some length in another place and I wish to refer to it especially. The words "if occupied by a person other than the owner" appear as a consequence of an amendment moved by the Opposition in another place and accepted by the Government. The effect of paragraph (b) as it now appears in this bill is that any council in one of the three specified parts of the State may consider and determine applications to demolish unoccupied and owner-occupied residential buildings.

The paragraph makes special provision with respect to the third possible category—that is, tenant-occupied residential buildings. This third category embraces two principal classes of tenants: tenants who occupy residential buildings which are "prescribed" or "controlled" premises under the Landlord and Tenant (Amendment) Act, 1948-1958; and tenants who occupy, under leases registered pursuant to section 5A of that Act, residential premises which are non-prescribed or, to use a popular term, decontrolled. Tenants within the first-mentioned class have the benefit of the reasonably suitable alternative accommodation protection. That protection is virtually retained in this paragraph (b) of the proposed subsection (3) substituted by this bill. It is created, in cases where the owner reasonably requires his premises for "reconstruction or demolition", by the combined effect of section 62 (5) (m) and 70 (1) (c) of the Landlord and Tenant (Amendment) Act.

Tenants of decontrolled premises do not have the protection of the Landlord and Tenant (Amendment) Act and therefore may be evicted, under the terms of their leases, without any reasonably suitable alternative accommodation being available for

The Hon. R. R. Downing]

them. This latter aspect of absence of alternative accommodation can, of course, also occur in respect of those tenants of prescribed premises who vacate for a bonus from their landlords. The spectacle of tenants vacating premises with insufficient means to rehouse themselves is not a pleasant one but it has to be faced. This measure does not expressly amend the Landlord and Tenant (Amendment) Act and it is not intended that it should even raise a possibility of any argument of any repeal of that Act by implication. Its primary purpose is to prevent the indiscriminate demolition of habitable houses while a housing shortage exists and it is, in the interests of consistency and uniformity, most desirable that a measure such as this should harmonise and fulfil the tenant protection position under the Landlord and Tenant (Amendment) Act.

In its terms this bill does not give to tenants of prescribed premises any greater protection than they have now and does not create any protection for unprotected tenants of decontrolled premises. In its practical working out the measure may provide some protection for tenants of decontrolled premises who have no alternative accommodation. If the sole purpose of getting vacant possession is to demolish the occupied premises, the lessors will, even if the premises are vacated, still require demolition approval. At present if a developer demolishes a house or houses in anticipation of his development application being approved, and his application is not approved, the net result is simply vacant ground.

The Minister in charge of this bill in another place undertook to give consideration to an Opposition amendment there moved that paragraph (b) be further amended by the addition of another exception embraced by the words "or unless the building is subject to an agreement or agreements by which the premises will become unoccupied". That proposal has been examined by the Government, but it is unacceptable. For the reasons indicated, it is not considered practicable or appropriate. The other provisions of proposed substituted subsection (3) are

of a machinery nature and intended to define more clearly a council's powers and duties with respect to demolition applications.

Proposed substituted subsection (4) is in similar terms to existing subsection (4) but it has been expanded to include an occupier's right of appeal to the Land and Valuation Court. The only other provision of the bill, proposed substituted subsection (8), limits the operation of section 317BA—in area to the counties of Cumberland and Northumberland and the city of Greater Wollongong and, in time, to a period of three years from the commencement of the Act. The Government, through the New South Wales Division of Industrial Development and in other ways, is constantly endeavouring to promote the development and progress of this State. The need for the great benefits flowing from development are fully realised and I state unhesitatingly that the Government has no quarrel with developers, as such. This bill is designed to achieve not prohibition, but control of demolitions. It will not impose any undue restraint on development but it does seek to bring certain phases of relatively non-essential development into proper balance with essential housing needs.

Councils, by virtue of their sphere of influence, are necessarily closer to the day-to-day needs of the citizens of their areas. They are therefore in a better position than any central authority to understand the requirements of those citizens and to weigh the needs of progress against the hardships of persons who may be adversely affected by it. Housing and rehousing are essential community needs and, as will be seen, this measure simply aims to keep those causes in proper balance with other factors that might prejudice them at this time if there is not some measure of control. The bill is reasonable and practicable, and I commend it to hon. members.

The Hon. RICHARD THOMPSON: Has the Attorney-General any reliable statistics of the number of demolitions that have been made in, say, a representative year?

The Hon. R. R. DOWNING: Not at the moment. Figures have been produced, but

I have always doubted their reliability. When this subject was discussed previously the same question was asked.

The Hon. RICHARD THOMPSON: That is so; and I think the Minister said he would have a look at it.

The Hon. R. R. DOWNING: I did, and as far as I could ascertain, the figures available at that stage were estimates only. I have not inquired since.

The Hon. RICHARD THOMPSON: Are any figures available now?

The Hon. R. R. DOWNING: Not at the moment. However, if I can get something more reliable than the figures I saw previously, I shall make them available to the House.

The Hon. RICHARD THOMPSON: That would help hon. members to appreciate the implications of the measure.

The Hon. R. R. DOWNING: That is so. Previously no one attempted to justify numerous demolitions for the building of petrol stations. In many areas three or four were built within a short distance of each other at the expense of habitable dwellings. However, I do not have any reliable figures of the number of demolitions.

The Hon. A. D. BRIDGES [4.53]: A bill somewhat similar to this was debated extensively in this Chamber in March last, when the House came to the conclusion, by a majority, that it was not desirable that the proposed control of demolitions should be exercised by local government. I have heard nothing from the Attorney-General tonight to change the opinion I expressed then, that it is distinctly inadvisable that this control should be given to local government. Whether it be in the County of Cumberland, the County of Northumberland, the City of Greater Wollongong or anywhere else in the State, I believe that if this power is vested in local government it will be detrimental to the best interests of the State and to the industrial expansion to which the Minister referred.

Had the Minister produced any real reasons to justify the proposal he now enunciates, as against the decision of the

House in March last, I venture to say that all hon. members would have given serious consideration to the proposal. However, in the past twelve months we have seen considerable industrial as well as building expansion. In every suburb numerous buildings have been erected for residential purposes, and they are not necessarily fully occupied. This is in conflict with the position, say, ten years ago when the number of dwelling units built was far less than the needs of the community. It is proposed now to give to local government the power to decide that, even though there are buildings suitable and available for occupation—

The Hon. J. A. WEIR: Where?

The Hon. A. D. BRIDGES: The hon. member knows full well that there are buildings that can be purchased and home units that can be obtained—

The Hon. J. A. WEIR: Yes, but what about dwellings for rental?

The PRESIDENT: Order!

The Hon. A. D. BRIDGES: If the hon. member would give to me the same attention as he gave to the Minister, he might yet learn something from this debate. The simple position is that the objects of the bill are not to provide more accommodation for those who are in need of dwellings. After all, the needs of tenants are partly the responsibility of the Housing Commission, and are substantially the responsibility of the Government, which should remove many of the detriments that are suffered by those who would cheerfully build houses if there were sufficient attraction for them to do so.

The Hon. R. R. DOWNING: What is stopping them?

The Hon. A. D. BRIDGES: The reason is clear.

The Hon. R. R. DOWNING: Is the only reason the Commonwealth Government's restriction of credit?

The Hon. A. D. BRIDGES: I hope the time will never come when I again hear of

this mare's nest that the bad, wicked Commonwealth Government is responsible for the shortage of money for housing.

The Hon. R. R. DOWNING: I am really anxious to know what is stopping anyone who wants to build houses for investment.

The Hon. A. D. BRIDGES: The real reason that so few homes are built for investment is that investors have already suffered substantially at the hands of governments, which have interfered with property rights and privileges, and they are not willing again to risk their money to erect dwellings when there is a possibility that the restless hand of government will again reduce to a meagre figure their return from their investments.

The true reason for this legislation is that in recent years there has been a reduction of the population in erstwhile industrial areas that have been dominated by Labor politicians; there has been a substantial reduction in the voting strength of areas that have, quite properly, become industrialised. Figures published the other day confirmed that there has been a considerable reduction in the population of the inner city area and of some of the outlying areas where industrial expansion has been considerable. The net result of all this is a probable loss of the voting strength which in the past has been accorded to those members who support the party that is opposite me in this House tonight. The further demolition of residences in industrial areas could continue this tendency for the population to be reduced and the number of industrial buildings to be increased.

The Hon. J. A. WEIR: It does not alter their voting.

The Hon. A. D. BRIDGES: Of course it does.

The Hon. J. A. WEIR: They are still Labor supporters, wherever they go.

The Hon. A. D. BRIDGES: The hon. member knows full well that if there is a redistribution of electorates in the near future the number of seats in the inner city area will be reduced. Not so many years ago there were quite a number of

homes in Alexandria, but today it has comparatively few dwellings. Factories have quite properly taken their place because of the advantages in the establishment of industries in such a locality. What has happened in consequence? Homes have been demolished, and the people who lived in the smog and soot and other unhygienic conditions that prevail in that area have gone to more salubrious climes where their health has improved, their living standards have become better, and where they have not suffered financially. That is one of the matters that ought to be looked at by a government, rather than the retention of homes in areas that should be reserved exclusively for factory expansion.

The Hon. G. H. SUTHERLAND: I was born in the city and I know that that has been going on since 1900.

The Hon. A. D. BRIDGES: It has been going on steadily since 1900. Why, in the circumstances, decide in 1960 to restrict this change in the occupation of such areas? I suggest that the Government is becoming increasingly aware that its strength in these areas might diminish if something of an artificial nature is not done to stop it—and this is an artificial method of controlling the demolition of residences to provide some curb on the growth of factory expansion in these areas. I realise that, on the face of it, the cry that homes are needed for the people and that no suitable home should be demolished to make way for a factory is a proposition that could appeal easily to a large number of people. However, in this legislation hon. members are dealing with homes that may be owned and occupied by a person, with homes that may be owned by one person and occupied by another, and with unoccupied homes that may be available for demolition as vacant dwellings.

I want to deal essentially with the measure as it affects industrial expansion because the Minister, in his concluding remarks, referred to his wish to fall into line with the organisation of industrial development that, over a period of many years, has done a great deal to assist industry in its plans for expansion. However, I suggest that no

oversea or local investor would happily contemplate the investment of money in land in an "A" class industrial area, on which a dwelling existed, merely in anticipation that the local governing authority would approve of his application for its demolition. He would be taking a very great risk if he did so. Frankly, I am surprised that, at this time of numerous controls, the Government should even contemplate this further control. Hon. members should realise that, before an application can be made under the bill, a development application and a building application under the ordinances must be submitted to the local governing authority. Surely those two applications give adequate authority to the local council to decide whether an application should succeed or should be rejected. If the development is not in accordance with the local plan or with the Cumberland county plan, the application necessarily will be rejected. Likewise, any building application that is not in accordance with the ordinances will be rejected. Why, then, impose a further condition providing that, despite the fact that an area is properly zoned for industrial purposes, a dwelling located on the land shall remain? Why should it remain there?

The suggestion is made that it would be undesirable to demolish a dwelling in first-class condition. Surely that would be a penalty on those who kept their homes in good condition. If a home had been allowed to run down and was in a state of disrepair, no doubt the council would be obliged to say, "This is suitable for demolition." But it might decide that an adjoining home, which might have been properly maintained, is not to be demolished. That would be a penalty on the efficiency and the tidiness of those who seek to do their best for the property that they own; the man who is careless would obtain the benefit of having premises regarded as suitable only for demolition.

The Hon. C. A. F. CAHILL: Has not the hon. member any confidence in local government?

The Hon. A. D. BRIDGES: I have very little confidence indeed in some councils. Let me tell the hon. member that the Local Government Association itself is not in favour of these proposals and that it has made it all too clear, through its secretary, that it has not asked for this legislation and does not favour its implementation. The Government might have confidence in local government, and I have every confidence in local government generally. However, larrikins are to be found everywhere, and, as the hon. member knows, from time to time administrators have been placed in charge of some local-government areas because the local council has not performed its duties in accordance with the principles of local government. I predict that there might be justification in the future for the appointment of further administrators if what I have heard of the actions of some councils is eventually confirmed. No, I have no confidence at all in some councils—many of them located within the County of Cumberland and the County of Northumberland.

I say, keep this power away from local government, which is generally doing a very good job within the bounds of its duties and responsibilities. I question seriously whether local government is the right authority to deal with economic matters of this nature. They are essentially matters for the Government—certainly not for local government.

The Hon. J. A. WEIR: Members of local government would be more competent to speak on the subject than the hon. member.

The Hon. A. D. BRIDGES: Who does the hon. member say is speaking for local government on this matter? Who is more competent to speak with some measure of authority than Mr. Albert Mainerd, the secretary of the Local Government Association, who has had a lifetime of experience in this field? He says that the councils do not want this power and that they have not asked for it. There is no evidence that the power has been sought by the people or that the proposal will relieve the housing shortage in any way. On the contrary, the proposal could deprive owners and occupiers of properties in industrial areas of the

opportunity of going to more suitable areas and of receiving payment for the transfer of their rights of occupation in their present dwellings. Industrial building expansion is considerable in quite a number of areas that have a large number of small weatherboard homes on deep blocks with comparatively small frontages.

The Hon. W. C. PETERS: Where?

The Hon. A. D. BRIDGES: In Banks-town and Padstow I know of quite a number of properties with from 50 to 60 feet frontages that are 600 feet deep.

The Hon. W. C. PETERS: I should not call that a small frontage.

The Hon. A. D. BRIDGES: It is a comparatively small frontage, but the point is that the blocks are 600 feet deep. These cottages are in areas that have been zoned as "A" class industrial areas. Any oversea or local investor seeking to build or extend a factory would be interested in acquiring such a site and would pay quite a substantial figure for the land, based not on its frontage but on its area, provided he could be assured that, upon payment of the purchase price, he would have vacant possession of the land or the right to demolish a building on it. Of course, it would be subject to council ordinances in respect of the construction or extension of a factory. The Minister said that if a company has doubts the proper action for it to take is to purchase an option on the property. This is not always possible. Many companies would be unwilling to pay for an option on a property while awaiting a council's decision or, if the council's decision is adverse, awaiting the subsequent decision on an appeal to the Land and Valuation Court. A company would prefer to buy vacant land and pay through the neck for it. What, then, would be the result? The owner of the small weatherboard cottage, who would otherwise receive a very good price for his property and, with the proceeds, be able to buy or build a house in an area more suitable for residential purposes, would, by this legislation, be denied the opportunity to do so.

The Hon. C. A. F. CAHILL: The owner of the property is not denied this opportunity. He can make an application to the council.

The Hon. A. D. BRIDGES: He can, and it could say to him: "What, approve the demolition of this building and lose a vote? Not on your life."

The Hon. C. A. F. CAHILL: Are you suggesting an application might be rejected on that ground?

The Hon. A. D. BRIDGES: I am. There has been a considerable exodus of rate-payers and house-occupiers from these areas. Labor politicians are indeed persuasive and provide numerous arguments in favour of the retention of a Labor council or a Labor government. At times I am surprised by the glibness of these statements, and more than surprised when they are accepted. As a result of this measure vacant land will be infinitely more valuable than land on which a dwelling of the sort I have mentioned stands. The factory proprietor will have to pay for vacant land much more than for a property on which there is a dwelling.

The Hon. W. C. PETERS: That has happened up at Surfers' Paradise.

The Hon. A. D. BRIDGES: There can be no suggestion that this Government is attempting to help those who are occupying dwellings in industrial areas and are likely to benefit from the high prices prevailing for industrial land. These people should at least be given the opportunity to benefit from these high prices. They will be denied this opportunity by this bill. I shall epitomise my objections to this measure. The objections that I made on a prior occasion still stand. I recognise that the Government, in its wisdom, has seen fit to yield to some of the suggestions that were made in March last by the Opposition in another place. I must admit that this bill is infinitely better than the one that emerged previously. Nevertheless, it contains the inherent defect of denying property owners the right to do as they think fit with their properties.

The Hon. E. C. O'DEA: Why not?

The Hon. A. D. BRIDGES: If the hon. E. C. O'Dea wants to scrap his motor car, he should be entitled to do so.

The Hon. E. C. O'DEA: I agree.

The Hon. A. D. BRIDGES: He should be equally entitled to scrap his home. I shall state shortly my objections to this bill. One effect of the bill will be to prevent the removal of homes from areas that are more suited for industrial expansion. It will result in the retention of a number of substandard homes in places far better suited for factories. It will add to the burdens of local councils, which are already faced with numerous responsibilities and duties. An added duty like this should not be thrust upon local government, which has not sought this power and does not want it. The bill will prevent development, of which New South Wales is in so much need. Many comparisons have been made in recent years between industrial expansion in Victoria and in New South Wales. Obviously, there are two sides to the question. Every time that we in this House do anything that could be detrimental to the investment of funds in this great industrial State, we provide another reason for investment of available capital in another State. We should regard such actions as most unwise, and we should avoid them.

The Hon. C. A. F. CAHILL: Does not the hon. member worry about anybody except investors?

The Hon. A. D. BRIDGES: If it were not for the investor there would not be full employment. If it were not for the encouragement that has been given to big industrialists to establish their organisations in Sydney, I venture to say that we might well still be back in the early 1930's, when J. T. Lang was Premier of this State. New South Wales has everything to gain from encouraging industrialists to invest their funds here, to build their factories here and to employ our local labour. It is most unseemly for the Hon. C. A. F. Cahill to attempt to decry the achievements of those operating our factories—earning profits in the process, of course—and providing full employment.

This bill conflicts with the principles of town planning. One aspect of town planning is the setting aside of areas for specific purposes. In effect, this bill says, "Yes, set aside land for specific purposes, subject, of course, to the right of a local council to prevent the demolition of residences within its area." As I said previously, this bill penalises property owners who have kept their properties in good condition, but it will benefit those who have permitted their properties to deteriorate. After all, these are the factors to be considered by a local council when applications for demolition come before it. The bill denies property owners an opportunity to sell at good prices and move elsewhere. These people will be forced to remain in areas much more suited for industry and will be denied the opportunity of moving to more agreeable areas where they can enjoy life to the full, far from the smoke, noise, dust and confusion of an industrial area.

The Hon. W. C. PETERS: Is the hon. member arguing that every council will refuse a demolition application?

The Hon. A. D. BRIDGES: The Hon. W. C. Peters should not forget that the power provided in this bill may be used wisely or unwisely.

The Hon. W. C. PETERS: The hon. member is suggesting that every council will use it unwisely.

The Hon. A. D. BRIDGES: I am not suggesting anything of the sort. I am simply saying that the power can be so exercised, and without a council giving proper justification for its decision. Although the right of appeal to the Land and Valuation Court is given, who is willing to take the risk and face the expense of buying land, seeking the approval of the council for demolition and, if the application is denied, lodging an appeal to the Land and Valuation Court? In the meantime, while awaiting the decision of the court, interest is being paid.

The Hon. W. C. PETERS: The hon. member is still talking hypothetically.

The Hon. A. D. BRIDGES: It is not hypothetical at all. I know of any number of people who waited until the previous bill was rejected in part by this House before proceeding with their plans. Having found that they were able to make application to the council for permission to build without having to make application to demolish, they were willing to go ahead and buy the land. The transaction held little doubt for them. The passage of this bill will mean that purchasers of land will have a real doubt, and I am sure that the Hon. W. C. Peters will agree with me that, although numerous responsible councils would look at these matters intelligently and without bias, and would consider an application on its merits, there could be any number of councils that would not do so. I am looking at the possibilities and I suggest that no opportunity should be afforded for irresponsible action. I question the wisdom of setting up local government as the authority to decide economic principles. It is not a matter, as suggested by the Minister, of local interest and local knowledge. The question whether it is better to demolish homes, which may be in good order or be suitable for demolition, to permit their replacement with other types of construction such as unit development, factories, flats, or investment construction, is a matter that affects the whole economy of this State.

The Hon. W. C. PETERS: Why does the Hon. A. D. Bridges not take a trip to the suburbs to see what is going on?

The Hon. A. D. BRIDGES: The hon. member is fully aware that what I am saying is perfectly correct. If he went round the suburbs as often as I do he would come to the conclusion to which I have come. Another factor that apparently is not appreciated is that the owner whose application for permission to demolish is refused would probably find that the value of his home had diminished considerably, whereas an adjoining property that had been subject to a successful application had an enhanced value. That is scarcely in accordance with equitable principles. One of the things that we in this society prize and enjoy is the right of ownership. We are not living behind an iron curtain in a land where

planners decide our way of life and living. What we own we have; and what we have we are at liberty to do with as we think best. This bill destroys what democracy has built up over the years. It penalises a section of the community and gives local government a power that it should not have. It will not add to the number of homes available for occupation, but will have a detrimental effect upon the expansion of industry. I oppose the bill.

The Hon. E. C. O'DEA [5.24]: At various times bills coming before hon. members cause some excitement but in the few years that I have been here I have not seen more venom than was shown by the Hon. A. D. Bridges. I make no apology for being a member of the Labor Party; I was born into it and have spent the whole of my life in it. The Labor Party saved this country in what we now know as World War II. The Hon. A. D. Bridges asked me whether if I had a property I should be able to sell it if I wished to do so. I say that neither I nor anybody else should be able to do anything that is opposed to the interests of the community. I propose to quote a greater authority on building than Mr. Mainerd. Sir Archibald Howie, whose firm was responsible for building some of the biggest and most important buildings in this city, made this statement in the city council just prior to his election as Lord Mayor: "The day has gone when a man who owns property can just do with it what he likes. He has to take the community into consideration." That is what the bill does.

The Hon. A. D. Bridges referred to smog, but he knows that one does not find smog in the areas of which he spoke. It comes from the centre of the city. If the hon. member goes to the top of any of the tall buildings he will see smog rising from the city and the breeze spreading it. The other great cities of the world have found this to be so. In Alexandria, the district of which the Hon. A. D. Bridges spoke, most of the industries operate on power supplied direct by the Sydney County Council. Only certain streets carry heavy vehicular traffic. Smog will not be generated in that area. It is well known that big industries grew

up in Mascot, Alexandria and Botany. Some of the land occupied is eminently suitable for these industries; it was previously swampland a little above the high-water level of Botany Bay. Some of our most important industries in the State have been established on that land; all except a couple are not really objectionable. One of the objectionable industries is in Ricketty Street. Hon. members know that at certain times hides will be rather smelly.

The Hon. A. D. BRIDGES: And the fertilisers.

The Hon. E. C. O'DEA: I agree, but they were in that district before many of the homes were built. The industries established in those areas as far out as Botany were not concerned with the demolition of homes. The industries went into the area and took up undeveloped land. Two of these were Johnson & Johnson Proprietary Limited and the Kellogg International Corporation.

The Hon. ASHER JOEL: Ricketty Street had a lot of houses.

The Hon. E. C. O'DEA: At one time Ricketty Street had some houses.

The Hon. C. E. BEGG: And O'Riordan Street also.

The Hon. E. C. O'DEA: Yes. Many of them were old weatherboard homes that just seemed to deteriorate completely. Many of them were owned by the McMahon estate, and I really believe that if they had ever been given a coat of paint they would have begun to dance. They were in a state of dilapidation and had deteriorated so badly simply because the owners wanted to make as much as possible out of them. In that area around the Kingsford-Smith airport great development has taken place, and some old homes have disappeared in the path of industrial development.

It has been said that the bill is designed to retain electors in the present industrial areas. There is no reason why electors should not live in those areas, as the modern trend is for workers to live close to the factories in which they are employed. Mr. D'Eeg, the burgomaster of Amsterdam, once asked me why we were building homes

on the perimeter of the city and out towards Penrith, when the workers had to come to their work in the city each morning and go back again at night. He said that in Holland the principle was to settle the workers as close as possible to their work by building homes around the industrial plants.

Colonel the Hon. H. J. R. CLAYTON: Homes of that sort would house mainly tenants, and would not be owner-occupied.

The Hon. E. C. O'DEA: That is so, and in the reconstruction work in Holland from The Hague to Rotterdam thousands and thousands of homes were built in proximity to factories and other industrial establishments.

Colonel the Hon. H. J. R. CLAYTON: After many thousands of small homes had been demolished.

The Hon. E. C. O'DEA: That is so, but the people of Rotterdam were given the choice of having homes or factories and the dock built first. They decided that the dock should be built and industrial plants established before any large-scale housing programme was put in hand. After the industries had been established homes were built around them. I point out that this measure will apply not only to Alexandria but also to Mosman, where I believe there has been some difficulty lately about property. Philips Electrical Industries Pty. Limited established its factory first and built homes nearby for all its employees.

The Hon. ASHER JOEL: What would happen if Philips Electrical Industries Pty. Limited wanted to extend its factory by demolishing one home?

The Hon. E. C. O'DEA: That company is a most progressive organisation and it has made plans for expansion both of its industry and its home-building project. One must also compliment the Sterling drug company and Parke Davis & Co. Ltd.

The Hon. W. C. PETERS: And also Wrigley Co. Pty. Limited.

The Hon. E. C. O'DEA: Yes, they must all be complimented for helping to house their employees. In doing so they have

followed the trends that are apparent overseas. For example, I saw very close to London some of the finest workers' flats I have ever seen. I was particularly interested in those at Stepney where five-story flats have been built so that their occupiers could be close to their place of work.

Colonel the Hon. H. J. R. CLAYTON: They were not detached homes.

The Hon. E. C. O'DEA: No, space had to be considered in housing people at Stepney. Dowling Street, Moore Park, should be preserved as it is. It should be a criminal offence to pull down homes opposite the beautiful park and build in their place commercial houses and factories. Residents of that area live close to schools and open spaces and, generally, the area would be spoilt by industrial development adjacent to the park.

The Hon. A. D. BRIDGES: A glass company is there now, but could not the present system of zoning prevent the destruction of those houses?

The Hon. E. C. O'DEA: Yes, but this scheme could help. Chippendale falls within a zoning scheme, but 150 homes there will be pulled down to make way for university extensions. People should not have to suffer inconvenience and loss for a university that they may not want. However, the point is that education is very important, as we cannot have good citizens unless we have a good system of education. I believe that we need universities, but they should be decentralised, so that we take the universities to the students rather than bring the students to the universities.

Colonel the Hon. H. J. R. CLAYTON: Is not Dowling Street zoned in such a way that only residential buildings can be built there?

The Hon. E. C. O'DEA: Owners of factories in Dowling Street who were in possession of them before a certain date, and of houses in the same street, can pull down those houses and extend their factories.

Colonel the Hon. H. J. R. CLAYTON: I do not think so.

The Hon. E. C. O'DEA: That is a fact. Mr. Kavanagh is one of the most pleasant men that one could meet. He is a most desirable person in every way, and an excellent business man. However, he has decided to demolish flats opposite the kindergarten in Dowling Street. In Chippendale there were five very fine two-story brick houses. They were in good condition when an oil company bought them and demolished them to make way for a service station. I have no doubt that the occupant of that service station will make no better living than that being made by other service station proprietors since these petrol vendors have become so numerous.

Let us consider parts of Woolloomooloo. The Kingsford Smith Airport, Circular Quay and Woolloomooloo are Sydney's front doors. Therefore, the buildings in Woolloomooloo should befit our front door. In Pyrmont near Miller Street there are two terraces of houses. One is an excellent building and the tenants of some of the houses have purchased their homes. Twenty-five homes in those terraces were bought by a company so that the homes could be pulled down and a wine depot built there. Surely the city council should be able to prevent that sort of thing and do as it did—send the wine company out to Princes Highway at Tempe. This has happened at other places.

The Hon. H. V. BUDD: Is that land zoned for industrial use?

The Hon. E. C. O'DEA: Only in recent years have councils had the power to zone land.

The Hon. H. V. BUDD: Is that land now zoned for industrial use?

The Hon. E. C. O'DEA: No. I am not opposed to the smaller manufacturers. However, after establishing a small factory, they have the habit of swallowing up good cottages in the vicinity and enlarging their premises. They find that the factory is not big enough to cope with the volume of work and, with an eye to expansion, acquire neighbouring properties. As soon as they get the tenants out they remove the doors and windows, and before long several cottages have been demolished. This has

happened in residential areas. I am not sure that the bill needs further amendment, but apparently the Minister in another place said that these amendments would be submitted. Of one thing I am certain: the House should not throw out this bill. During my long association with the Council of the City of Sydney, at least 5,000 to 6,000 homes have been demolished in the council's area. Though a number of these houses were in a bad state of repair, the great majority of them were habitable. One Premier—I think it was Sir Bertram Stevens—hatched the idea of building flats on Erskineville Oval. The idea was to take as much of Erskineville Park as necessary. He intended later to demolish eleven cottages with a park frontage and extend the park on that site. With a change of government, different plans were made. As times change, designs and plans are altered. That was an unfortunate happening at Erskineville.

I appeal to hon. members to look to the good side of this bill. I have been asked for my views on the ownership of property. I have an interest in four properties. I say without hesitation that I hold them only in trust for the people of this country, who are the real owners. Industry in this country is being managed as efficiently as industry in any part of the world. Of course, the system under which we work and live in Australia—the right one—is entirely different from that in some foreign countries where the State has control of industrial organisations. Australia is still the people's country and the people are the real owners of it. The people have entrusted the government of the country to members of Parliament, whom they expect to do the right thing. They will expect hon. members of this House to support the bill. I appeal to hon. members to look not at the little hardships that might arise under the measure, but rather to the good that will come of it. What is the use, in a time of housing shortage, of demolishing habitable homes, worth £3,000 or more, and building service stations, supermarkets and flats in their stead? I know of several sites on the north side of the harbour that should never have been passed as flat sites; they are said to be entirely unsuitable for this purpose. I

do not know them, but we have all heard this on the reliable authority of council officers. I commend the bill to the House and hope that it will have a speedy passage.

The Hon. C. E. BEGG [5.45]: I am distinctly opposed to the principle of the bill and propose to vote against it. Because of the way in which it has been introduced and discussed and because of the important principle involved, it is appropriate that we should consider the measure dispassionately and analytically. I propose to show that there is no need for it. It is merely another legislative control and is not needed at this stage of our development. To bring the matter into its right perspective, I remind hon. members that students of population trends forecast that 5,000,000 people will live in this metropolis forty years hence. We must look to the future. It is important to our development that we look to future requirements and plan accordingly. As we all know, forty years is a relatively short space of time. In my view one must keep in mind this expected huge population by the year 2,000 when considering the merits and demerits of interfering with the personal rights and liberties of property owners. Hardly one of us would disagree with the saying that an Englishman's home is his castle; only an ardent socialist would contradict it.

I believe that no government has the right to say that I, as a property owner, cannot demolish my property without first getting approval to do so. Some extraordinarily important factors would be needed to justify such an interference with my own personal freedom. For this reason, one must search for critically important factors that might justify more red tape, more delays and further increases in rates. Every time a council sends out an officer it means more red tape and paper work, and up go the rates. The ratepayers, of course, have to foot the bill. I shall have to be convinced of a great need for this measure before agreeing to it. I shall examine the situations that could arise when a man wishes to demolish his own house. First, public safety may be involved. That is already adequately safeguarded by the scaffolding and lifts legislation, and, therefore, there is no need

to confer any power on councils to control demolitions from the safety viewpoint. Further, there is no need to give councils any more powers to control demolitions so far as health is concerned. Public health is already safeguarded by existing legislation, and if dilapidated premises present a health hazard councils can even order their demolition.

One might ask whether there is any defect in the Government's present town-planning organisation that requires additional powers for councils. I understand that the Government is quite satisfied that councils have sufficient power to prescribe the various types of zoning in their areas. In that way councils have the power to reflect the will of the community on town planning. I draw the Hon. E. C. O'Dea's attention to those factors.

When personal liberties are being discussed one must be critically analytical of the current position and any suggested improvements. Will the Attorney-General state in this House that the zoning system is defective and must be strengthened? I suggest that he will not. I ask hon. members to consider the position of the tenant-occupier of premises that are sought to be demolished. What are his rights, independent of this measure? Are houses being pulled down over the heads of tenants today?

The Hon. J. A. WEIR: Yes.

The Hon. C. E. BEGG: I thought the hon. member might say that, but of course he is hopelessly and completely wrong. The Landlord and Tenant (Amendment) Act already contains provisions that protect the tenant-occupier, though some hon. members might not be completely familiar with these matters.

The Hon. J. A. WEIR: The Postmaster-General's Department is demolishing homes in Cleveland Street, Redfern.

The Hon. C. E. BEGG: That is a Commonwealth matter.

The Hon. J. A. WEIR: That is so. Those homes are being pulled down.

The Hon. C. E. BEGG: Any amendment to our Local Government Act could not regulate that action.

The Hon. J. A. WEIR: No, but that is an instance of homes being pulled down over the heads of the tenant-occupiers.

The Hon. C. E. BEGG: This bill does not deal with situations of that kind. I shall ask my question again. Perhaps I shall have a different answer this time. Is there any tenant, whose home is under the jurisdiction of the State Legislature, who is not protected adequately by the existing law? I invite hon. members to examine the Landlord and Tenant (Amendment) Act, in which they will find a scheme whereby notice to quit cannot be given to a tenant unless the owner satisfies one or more prescribed grounds.

The Hon. W. C. PETERS: The owner can let the house run down.

The Hon. C. E. BEGG: That is not so; I shall deal with that in a moment. Even before there is any suggestion of seeking an order for possession, it is not possible to give a tenant notice to quit except on prescribed grounds, which are set out in section 65 of the Landlord and Tenant (Amendment) Act. One ground is that the premises are reasonably required by the lessor for reconstruction or demolition. If an owner wishes to demolish a tenanted house and satisfies the court of the validity of his notice to the tenant to quit, he cannot get an order in possession until the court is satisfied, under section 70 of the Act, that he is providing the tenant with reasonably suitable alternative accommodation.

The Hon. R. R. DOWNING: What about section 5A? Has the hon. member finished with the Landlord and Tenant Act?

The Hon. C. E. BEGG: No. I am still dealing with the protection that is afforded already to the tenant. I ask, is there a tenant who is unprotected by existing legislation?

The Hon. R. R. DOWNING: Yes.

The Hon. C. E. BEGG: Tenanted houses are most likely to be demolished, for no one in his right mind would seek to pull

down a house that had been built relatively recently. The houses most likely to be demolished, to permit high-density housing or otherwise provide for the future, are the dwellings that are already protected by the Landlord and Tenant (Amendment) Act.

The Hon. W. C. PETERS: We inspected yesterday a house that was being demolished though it was built only two years ago.

The Hon. C. E. BEGG: There must be exceptions to every rule. The hon. member will agree that, by and large, the houses most likely to be affected by demolition are the tenanted houses whose occupiers are already adequately protected by the Landlord and Tenant (Amendment) Act. Therefore, from that viewpoint, also, this measure is not required.

If persons other than tenants occupy a dwelling they may fall within several categories. The law provides that trespassers may be ejected at will. The present law, as I understand it, does not give guests and lodgers the protection that is afforded tenants by the Landlord and Tenant (Amendment) Act.

The Hon. C. A. F. CAHILL: They can be ejected.

The Hon. C. E. BEGG: That is so. These people might live in boarding-houses or be inmates of private hospitals. Parliament has never seen fit to give them the same protection as tenants, who as a rule are housed, with their families, in premises that they regard as their homes. The tenant-occupier class is limited, and it already has adequate safeguards. The Attorney-General said that he wanted to make it quite clear that this bill is not intended to repeal, by implication, any provision of the Landlord and Tenant (Amendment) Act, but is, in a sense, collateral with it. If one looks at the problem from any occupier's point of view, there is no present need for additional protection. Any need for protection has not been adverted to by any hon. member.

The Hon. R. R. DOWNING: Section 5A relates to another class of occupier whom the hon. member has not mentioned.

The Hon. C. E. BEGG: I shall look at that provision in a moment. Let me proceed with my analysis to see whether there is any evidence that any person has, in the past few years, had his roof pulled down over his head. Is there any complaint from occupiers? I venture to suggest that the occupier of a dwelling that the owner intends to demolish is in a singularly favourable bargaining position. The scheme of the Landlord and Tenant (Amendment) Act is that the court has power to sanction payment of money to a tenant about to vacate premises.

The Hon. W. C. PETERS: I shall put the hon. member's weights up.

The Hon. C. E. BEGG: I do not want to be interrupted continually. The occupier is in a very favourable position. I have not yet heard of an occupier's complaining one iota about the fact that the house he is about to leave is to be pulled down. As a rule the tenant is paid a substantial amount of money and as a rule, also, he is able to go to a much better location. There is not the slightest evidence that any occupier is complaining. This sort of measure comes from what we in the army used to call *furphies*—rumours. Someone in a debating society gets a bright idea and says "Look at all these houses that are being pulled down. Someone ought to do something about it. It is not right. Let us, in our Labor municipal councils, do something about it." If one analyses the situation, one finds that in fact no one is being really harmed.

We must progress. I am literally astonished at the development that is taking place at present in this great city of ours. On a drive lasting half an hour through suburbs on the northern side of the harbour one sees 40-year-old and 50-year-old houses being pulled down and attractive, modern, high-density buildings being constructed. I do not want to be taken, of necessity, as an ardent supporter of high-density dwellings. Having seen high-density dwellings overseas, my personal view is that they are not a satisfactory answer if plenty of land is available for expansion. I would much prefer to see decentralisation; people living away from the crowded areas, on little

blocks of land, with little gardens, out in the fresh air. I prefer that sort of development to the dwellings that are now being built in industrial areas. I make that observation only in passing. It is a factor that one has to accept; where a city is growing at the rate at which Sydney is growing, there must be high-density dwellings. I invite hon. members to avail themselves of the opportunity during the week-end to take a little drive around North Sydney, Kirribilli, Chatswood, Manly, and all the suburbs on the northern side, where they will see lovely new units going up. They are being constructed all over the place.

The Hon. J. A. WEIR: In Labor electorates?

The Hon. C. E. BEGG: I am not speaking on that subject.

The Hon. W. C. PETERS: Are the councils over there Labor-controlled?

The Hon. C. E. BEGG: I will not be sidetracked by interjections. There is no need for this legislation. It concerns an academic sort of subject, such as, "The House of Lords should be abolished", which I well recall debating as a youth. When a debating society has nothing else to do or there is no live subject to keep its members interested, it debates the question that something be abolished. Hon. members will appreciate what I mean. Having read the debate on this measure in another place, and having listened to the Attorney-General's explanation of the bill, I am convinced that it is nothing more than the result of an idea that occurred to someone. A motion was probably moved at a conference somewhere and, without thinking much about it, it has been agreed to introduce amending legislation to implement it. The present law does not require this additional control. I sincerely believe that we must fight against all governments that choose to bring in a new control at the slightest provocation.

The Hon. R. R. DOWNING: The hon. member will be busy in the next few weeks.

The Hon. C. E. BEGG: I shall be in my place, fighting, whenever a new control is introduced, because I do not subscribe to the view that we should bow down to every new control that a government likes to impose. The only possible justification for introducing a control is that public interest makes it imperative. All the matters of which I have spoken point clearly to the fact that there is no need for the bill, and that the reasons that have been suggested for it are spurious.

What I should have liked to do is to delete section 317BA from the Act, but I find that procedural difficulties in this Chamber will not permit this to be done. As the Attorney-General said, the Government could have re-worded this provision. I invite the Government to do so. I invite it to bring in another bill containing one clause to provide that section 317BA be omitted from the Local Government Act. The entire section is unnecessary. For my part, I oppose the bill as strongly as I can.

The Hon. C. A. F. CAHILL [6.4]: The deep and embracing sympathies of the Hon. A. D. Bridges could fail to attract amazed criticism only if they passed without notice. His reactionary ideas on the rights of property owners could surely come only from one so naive as to tell this House a few nights ago, without having heard the federal Treasurer's proposals, that they were salutary and in the best interests of this country. His views were contrary to the weight of all informed and responsible opinion as it appeared in the press the next day. The Hon. A. D. Bridges said that the bill denies the right of owners to do as they think fit with their properties. He must know, as every other hon. member knows, that no property owner has the right to do as he likes with his property, whether this bill is passed or not. That is as it should be. Does the hon. member suggest that any owner may construct on his property a brothel or a factory emitting noxious fumes to the inconvenience of his neighbours? If he were permitted to do what he liked with his property, he could do those things. Apparently the only hon. member who does not know that a property owner's rights are restricted in many ways

in the public interest is the Hon. A. D. Bridges. The Government is concerned, not with individuals, but with the community as a whole. For this reason severe restrictions are now imposed by local councils, to whom the Hon. A. D. Bridges objects so strenuously, on what an owner may do with his property. Surely most hon. members would agree that legislation should be for the greatest good of the majority. That is the object of the bill.

I mentioned a moment ago the deep and embracing sympathies of the Hon. A. D. Bridges. Apparently it does not extend to the rather unfortunate neighbours of those who sell their properties to the Shell Oil Company of Australia and to many other companies. His sympathy for those organisations has spread to the owner of a property who, in his opinion, ought to be allowed to make a profit at the expense of his neighbours. The hon. member lives in the Mosman district and he probably drives home along the same route as I do.

The Hon. A. D. BRIDGES: I am much farther afield. I cannot afford to live where the hon. member resides.

The Hon. C. A. F. CAHILL: Perhaps I am mistaken about where the hon. member lives. In many parts of the northern suburbs one may see a repetition of what I see on my journey home each day. In the heart of the residential area of Mosman a petrol station has been constructed alongside private residences.

The Hon. RICHARD THOMPSON: With shops on the other side.

The Hon. C. A. F. CAHILL: Yes, there are shops on one side. The hon. member knows the spot to which I am referring.

The Hon. A. D. BRIDGES: The garage has been built with council approval.

The Hon. C. A. F. CAHILL: It must have been erected with council approval but I do not know whether the council approved the demolition of the building that was formerly on the land. Apparently no restriction applied at that time. If the power under this legislation had been vested in the local council at the time, the council,

as a responsible body, would probably have not allowed the petrol station to be constructed.

The Hon. C. E. BEGG: Councils already have power to prevent their construction.

The Hon. C. A. F. CAHILL: This stretch of road, with two little shops alongside a big garage, and residential properties on the other side of the garage, is not a pleasant sight. What of the interests of the neighbours when this sort of thing happens? I know of places where homes are bordered on both sides by garages. The value of those residential properties is ruined. Does the Hon. A. D. Bridges' deep sympathy extend to the unfortunate occupiers and owners of such homes who, no doubt, are kept up late at night and awakened early in the morning by vehicles passing to and fro.

The Hon. A. D. BRIDGES: The council has power to control those situations.

The Hon. C. A. F. CAHILL: It has not the power to prevent demolition of houses.

The Hon. A. D. BRIDGES: It has the power to prevent the construction of a service station.

The Hon. C. A. F. CAHILL: I agree, but I remind the hon. member that we are dealing with a demolition bill. He seems to have overlooked that fact.

The Hon. R. R. DOWNING: The council has a more limited power.

The Hon. C. A. F. CAHILL: If the Hon. A. D. Bridges would refrain from making interjections that are not pertinent to the bill, I should be able to proceed with my speech much more quickly. All residents in the vicinity of a property that is the subject of a demolition application, and not merely the one or two property owners whose properties are the subject of negotiation, should be considered. If these properties were demolished and replaced with a service station, the adjoining owners would suffer. For this reason, one or two people should not be at liberty to dispose of their properties for demolition when neighbours might be adversely affected. For many years governments of all colours have

recognised that the proper authority to deal with restrictions of this sort is local government. Local councils have many powers, including the granting of building permits, and deciding whether or not industries shall be conducted in their areas. The Government believes, and I submit that the majority of members of this House will support that belief, that councils should have the additional power that is provided in this bill.

It is quite unrealistic and misleading for the Hon. A. D. Bridges to say that this provision will prevent slum clearance and deny people the opportunity of selling their houses and moving away from areas that are more suitable for industrial purposes. It is true that in some instances, but by no means in the majority, demolition applications will be made in respect of houses that are situated in industrial areas, but this bill will not prevent the demolition of these houses. Councils are to be given full authority to grant permission for such demolitions. Councils will have to take into consideration the various matters mentioned in the bill. Surely it is only reasonable to provide that a council shall consider the condition of the building, its probable economic life, its historic and architectural significance, and the purpose for which the land on which the building is erected is likely to be used if it is demolished.

It has been said that although the bill gives the right of appeal from the decision of a council, an intending purchaser will not be anxious to negotiate for the purchase of a property when the application for demolition may be rejected by the council and he will then be put to the expense of appealing to the Land and Valuation Court. The simple answer to this proposition is that a council can give permission for the demolition of a building. Councils are already entrusted with many powers and there is no reason why they should not have this additional one. It is idle to object to the bill just because a council will exercise the power provided in it. The odd council or two that is perhaps not over-conscientious may not make a correct decision, but one cannot expect perfection in any walk of life. Even a few hon. members do not

attend to their duties as conscientiously and as adequately as they should. Here, again, one cannot expect perfection.

For a decade councils have been recognised as the proper responsible authorities to exercise powers such as those provided in this bill. Therefore, it is idle to attack this measure. The bill provides for appeals to the Land and Valuation Court when a council, in the opinion of the applicant, unreasonably refuses to grant a demolition order. As a similar provision exists in respect of many of the other powers of a local council, there is no reason why the power in this bill should not be given to them. A property owner who wants to demolish his house is in the same position as a person who might want to do a dozen or more things with his property, whether it is to build a factory or conduct a business. The bill gives local councils a most necessary power. In the main they will exercise it reasonably and in the interests of the community at large. I emphasise the words "in the interests of the community at large".

The Hon. RICHARD THOMPSON: It studiously avoids any mention of the rights of the owner or his interests. It mentions many other factors but avoids that one essential ingredient.

The Hon. C. A. F. CAHILL: With respect to the Hon. Richard Thompson, the bill does not. The owner has the right to apply for a demolition order and has the right of appeal.

The Hon. RICHARD THOMPSON: That is right.

The Hon. C. A. F. CAHILL: What is wrong with that? If he wants to build a factory he must apply for permission.

The Hon. RICHARD THOMPSON: Under the Act, all the matters to which the court's attention is directed studiously avoid any reference to the owner's rights.

The PRESIDENT: Order! The hon. member will have an opportunity to make his speech.

The Hon. C. A. F. CAHILL: I do not agree with the hon. member's remarks. It

is true that the bill contains nothing specific in relation to the owner but it deals with the interests of the community at large and the interests of the owner must be considered as in any application. He is the person applying. As has been pointed out, it could affect the rights of tenants but the Hon. A. D. Bridges' sympathies do not extend that far. The Hon. C. E. Begg said that under the Landlord and Tenant (Amendment) Act, the tenant is protected. That is true for certain classes of tenant.

The Hon. A. D. BRIDGES: It is true of the great majority.

The Hon. C. A. F. CAHILL: Does the hon. member not think of the rights of the minority or must it put up with anything? The Government believes that everyone has rights but the Hon. A. D. Bridges does not believe in rights for minorities. Some tenants may be in a minority but a large number of the tenants outside the protection of the Landlord and Tenant (Amendment) Act, as the Hon. C. E. Begg would know, have section 5A leases. Many of these leases are in existence and no doubt there will be many more.

The Hon. C. E. BEGG: A council cannot order demolition of a property held under a section 5A lease. The properties are all modern.

The Hon. C. A. F. CAHILL: The house could be old, but still subject to a section 5A lease.

The Hon. C. E. BEGG: The owner cannot pull the house down if a lease giving possession is held by the tenant.

The Hon. C. A. F. CAHILL: He can do so at the termination of the lease. The lease may provide for a weekly tenancy or it may be a three-month or a twelve-month lease. The vast majority of leases provide for a weekly tenancy. It is completely erroneous to say that section 5A leases apply only to modern buildings. That is not so. Any property that becomes vacant could be let under section 5A. The building might be fifty years old but the tenant would still not be entitled to the benefits of the Landlord and Tenant (Amendment) Act. As

I understand the Act, the owner of any property the subject of tenancy and becoming vacant, can enter into a section 5A lease. It does not matter whether the building is 5, 50 or 100 years old. That being so, a substantial number of tenants have no protection under the Landlord and Tenant (Amendment) Act. For the reasons that I have already outlined and the reasons dealt with in more detail by the Minister, which I do not seek to repeat, I submit that this power should be added to the long list of powers already granted to local government in respect of buildings. It is no argument to ask why another power should be given. This is reasonable and proper and in the interests of the community at large—not one particular section. This power should be granted. Hon. members should agree to the bill.

Colonel the Hon. H. J. R. CLAYTON [6.25]: The way of the legislator is hard, and we may at times seem inconsistent. I have recently been dealing with another matter, which involves the demolition of another house, and I found that a demand was made that the owners and the occupiers should demolish it themselves. This measure comes before us and we are told that on no account must the owner demolish his house, and that he must always have great regard for the occupier. I have tried to carry out my task as a legislator, but I find it getting far too hard. So that I can give this matter close study, and so that I can give my attention to some of the fatuous remarks made during the debate, I shall ask that the debate be adjourned.

Debate adjourned, on motion by Colonel the Hon. H. J. R. Clayton.

CLOSER SETTLEMENT (AMENDMENT) BILL

FIRST READING

Bill received from the Legislative Assembly and, on motion by the Hon. R. R. Downing, read a first time.

SUSPENSION OF STANDING ORDERS

Suspension of certain standing orders agreed to, on motion by the Hon. R. R. Downing.

SPECIAL ADJOURNMENT

Motion (by the Hon. R. R. Downing) agreed to:

That this House, at its rising today, do adjourn until Tuesday next.

House adjourned, on motion by the Hon. R. R. Downing, at 6.28 p.m.

Legislative Assembly

Thursday, 17 November, 1960

Questions without Notice—Crown Land on Kurnell Peninsula (Urgency)—Housing Commission—Industrial Arbitration (Amendment) Bill—Coal and Oil Shale Mine Workers (Superannuation) Amendment Bill—Conveyancing (Strata Titles) Bill—Closer Settlement (Amendment) Bill—Landlord and Tenant (Amendment) Bill (second reading)—Adjournment (Land Tax on Home Properties—Suburban Holdings—Valuer-General's Valuations).

Mr. SPEAKER took the chair at 11 a.m.

The Prayer was read.

QUESTIONS WITHOUT NOTICE

NATIONAL ECONOMY

Mr. RIGBY: I ask the Premier and Acting Treasurer whether the savage restrictions arising from the little horror Budget announced last Tuesday night by the federal Treasurer have caused grave concern in the industrial and commercial world—

Mr. DOIG: On a point of order. I submit that the hon. member, by using the objectionable phrase "little horror Budget", is endeavouring to supply information and to express opinion. Will you direct the hon. member to delete the phrase from his question?

Mr. SPEAKER: Order! If a phrase is objectionable or unparliamentary I shall always insist upon its withdrawal. However, there are times when hon. members can become super-sensitive. I see nothing offensive in those words.

Mr. RIGBY: Is it a fact that the savage restrictions arising from the little horror Budget announced last Tuesday night by the