Legislative Council

Tuesday, the 13th October, 1970

The PRESIDENT (The Hon. L. C. Diver) took the Chair at 4.30 p.m., and read prayers.

BILLS (6): ASSENT

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

1. Aerial Spraying Control Act Amendment Bill.
2. Lotteries (Control) Act Amendment Bill.
3. Honey Pool Act Amendment Bill.
4. Metropolitan Water Supply, Sewerage, and Drainage Act Amendment Bill (No. 2).
5. Local Government Act Amendment Bill (No. 2).
6. Factories and Shops Act Amendment Bill (No. 2).

QUESTIONS (4): ON NOTICE

1. ROAD MAINTENANCE (CONTRIBUTION) ACT

Funds Received and Grants

The Hon. V. J. FERRY, to the Minister for Mines:

(1) Will the Minister please advise details of funds derived from the Road Maintenance (Contribution) Act for the year ended the 30th June, 1970, in the following headings—

(a) (i) total amounts collected from each category of contributor (i.e. Interstate hauliers, farmers, hauliers associated with mining, timber, etc.); and

(ii) total funds collected for the year;

(b) amounts and percentages of funds spent in—

(i) the metropolitan area;

(ii) country areas; and

(iii) special grants?

(2) What is the balance of unexpended funds as at the 30th June, 1970?

(3) Will he please supply a list of all local authorities and recipients of any special grants, and amounts received by each of them, from Road Maintenance Charges distributions for the year ended the 30th June, 1970, in the following headings—

(a) Metropolitan Local Authorities;

(b) Country Local Authorities; and

(c) Main Roads Department expenditure of funds derived from this source in—

(i) the metropolitan area; and

(ii) country areas?

The Hon. A. F. GRIFFITH replied:

(1) (a) (i)

	$
Collected from Interstate Hauliers	212,644
Collected from Primary Producers	49,121
Collected from other contributors	3,361,752
	$3,623,517

(ii) $3,623,517.

(b) (i)

	$
Metropolitan Area	179,200
(ii) Country Areas	3,272,635
(iii) Special Grants	54,069
	$3,505,904

	%
(i) Metropolitan Area	5.11
(ii) Country Areas	93.35
(iii) Special Grants	1.54
	100.00

(2) Balance of unexpended funds as at the 30th June, 1970—$278,047.

(3)

	Programme Allocation $	Special Grant $	Total $
Metropolitan Local Authorities (Perth Statistical Division)—			
Shire of—			
Armadale - Kelmscott	450	....	450
Kalamunda	850	....	850
Kwinana	1,000	....	1,000
Serpentine-Jarrahdale	2,900	....	2,900
Wanneroo	1,400	....	1,400
Kings Park Board	....	5,000	5,000
Melville, City of	....	12,219	12,219
	$6,600	$17,219	$23,819
Country Local Authorities—			
Albany Division—			
Shire of—			
Albany	9,900	....	9,900
Broomehill	3,700	....	3,700
Cranbrook	11,450	....	11,450
Denmark	7,300	....	7,300
Gnowangerup	19,200	....	19,200
Katanning	8,200	....	8,200
Kojonup	12,300	....	12,300
Nyabing-Pingrup	11,400	....	11,400
Plantagenet	13,500	....	13,500
Ravensthorpe	14,400	....	14,400
Tambellup	4,000	....	4,000
	$115,350	....	$115,350

	Programme Allocation $	Special Grant $	Total $
Bunbury Division—			
Shire of—			
Augusta - Margaret River	8,850	....	8,850
Boyup Brook	10,900	....	10,900
Bridgetown - Greenbushes	7,400	....	7,400
Busselton	7,450	....	7,450
Capel	3,700	....	3,700
Collie	3,150	....	3,150
Dardanup	3,900	....	3,900
Donnybrook-Balingup	6,300	....	6,300
Harvey	7,800	....	7,800
Mandurah	2,800	....	2,800
Manjimup	20,050	1,200	21,250
Murray	9,100	....	9,100
Nannup	9,100	....	9,100
Waroona	3,600	....	3,600
West Arthur	8,700	....	8,700
	$112,800	$1,200	$114,000
Geraldton Division—			
Shire of—			
Chapman Valley	9,600	....	9,600
Cue	2,300	....	2,300
Greenough	3,950	....	3,950
Irwin	5,800	....	5,800
Meekatharra	14,500	....	14,500
Mingenew	4,650	....	4,650
Morawa	9,150	....	9,150
Mt. Magnet	11,400	....	11,400
Mullewa	12,500	....	12,500
Murchison	10,800	....	10,800
Northampton	10,700	....	10,700
Sandstone	4,300	....	4,300
Yalgoo	8,000	....	8,000
	$107,650	....	$107,650
Kalgoorlie Division—			
Shire of—			
Boulder	12,750	....	12,750
Coolgardie	2,950	....	2,950
Dundas	6,300	....	6,300
Esperance	29,300	....	29,300
Laverton	9,800	....	9,800
Leonora	14,900	....	14,900
Menzies	12,400	....	12,400
Wiluna	15,000	....	15,000
	$103,400	....	$103,400
Moora Division—			
Shire of—			
Carnamah	8,750	....	8,750
Chittering	3,300	....	3,300
Coorow	8,750	....	8,750
Dalwallinu	17,350	....	17,350
Dandaragan	16,100	....	16,100
Gingin	9,800	....	9,800
Moora	8,800	....	8,800
Perenjori	16,350	....	16,350
Three Springs	8,300	....	8,300
Victoria Plains	7,600	....	7,600
	$105,100	....	$105,100
Narrogin Division—			
Shire of—			
Beverley	7,500	....	7,500
Boddington	5,050	....	5,050
Brookton	4,600	....	4,600
Corrigin	10,900	....	10,900
Cuballing	5,900	....	5,900
Dumbleyung	7,550	....	7,550
Kondinin	16,300	....	16,300
Kulin	15,950	....	15,950
Lake Grace	29,050	....	29,050
Narrogin	6,650	....	6,650
Pingelly	5,100	....	5,100
Wagin	7,600	....	7,600
Wandering	4,350	....	4,350
Wickepin	8,050	....	8,050
Williams	5,350	....	5,350
Woodanilling	4,850	....	4,850
	$144,750	....	$144,750

	Programme Allocation $	Special Grant $	Total $
Northam Division—			
Shire of—			
Bruce Rock	10,850	....	10,850
Cunderdin	7,150	....	7,150
Dowerin	7,750	....	7,750
Goomalling	4,500	....	4,500
Kellerberrin	7,450	....	7,450
Koorda	9,500	....	9,500
Merredin	11,850	....	11,850
Mt. Marshall	13,000	....	13,000
Mukinbudin	7,900	....	7,900
Narembeen	12,100	....	12,100
Northam	4,300	10,000	14,300
Nungarin	4,150	....	4,150
Quairading	8,700	....	8,700
Tammin	3,600	....	3,600
Toodyay	4,350	....	4,350
Trayning	7,350	....	7,350
Westonia	6,850	....	6,850
Wongan-Ballidu	10,750	....	10,750
Wyalkatchem	7,900	....	7,900
Yilgarn	12,000	....	12,000
York	6,000	350	6,350
	$168,000	$10,350	$178,350
Carnarvon Division—			
Shire of—			
Ashburton	5,900	300	6,200
Carnarvon	5,700	....	5,700
Exmouth	500	....	500
Marble Bar	5,000	25,000	30,000
Nullagine	5,200	....	5,200
Port Hedland	1,700	....	1,700
Roebourne	1,300	....	1,300
Shark Bay	2,000	....	2,000
Tableland	5,700	....	5,700
Upper Gascoyne	5,000	....	5,000
	$38,000	$25,300	$63,300
Kimberley Division—			
Shire of—			
Broome	2,500	....	2,500
Halls Creek	7,100	....	7,100
West Kimberley	7,600	....	7,600
Wyndham-East Kimberley	6,000	....	6,000
	$23,200	....	$23,200
Total Distribution to Country Local Authorities	$918,250	$36,850	$955,100
Total Distribution to All Local Authorities	$924,850	$54,069	$978,919
Allocations for Expenditure by Main Roads Department—			
(i) Metropolitan Division (Perth Statistical Division)	172,600	....	172,600
(ii) Country	2,354,385	....	2,354,385
Total Allocations for Expenditure by Main Roads Department	$2,526,985	....	$2,526,985
Grand Totals	$3,451,835	$54,069	$3,505,904

SUMMARY OF ALLOCATIONS, 1969–70

	Programme Allocations $	Special Grants $	Total $
Metropolitan—			
Local Authorities	6,600	17,219	23,819
Main Roads Department	172,600	....	172,600
	$179,200	$17,219	$196,419
Country—			
Local Authorities	918,250	36,850	955,100
Main Roads Department	2,354,385	....	2,354,385
	$3,272,635	$36,850	$3,209,485
Total	$3,451,835	$54,069	$3,505,904

2. POTATOES

Imports

The Hon. V. J. FERRY, to the Minister for Mines:

(1) What quantities of potatoes were imported into Western Australia from individual Eastern States during each of the months of June, July, August and September, 1970?

(2) Of these consignments, what quantities were condemned by the Department of Agriculture at the Kewdale inspection centre?

(3) Who bears the financial loss incurred by the condemnation of the potatoes?

(4) What is the practice for recovering costs involved in—

(a) inspection charges; and

(b) costs associated with the disposal of condemned potatoes?

The Hon. A. F. GRIFFITH replied:

(1) Quantities of potatoes in tons imported were as follows:—

Month	South Australia	State Victoria	Tasmania	Total
June	90	170	....	260
July	....	....	....	....
August	172	583	....	755
September	176	1,246	23	1,445
	438	1,999	23	2,460

(2) Rejections of consignments of imported potatoes in tons at Kewdale inspection centre were as follows:—

Month	South Australia	State Victoria	Tasmania	Total
June	8	54	....	62
July	....	....	....	....
August	....	50	....	50
September	27	218	23	268
	35	322	23	380

(3) Either the importer or supplier depending on contractual arrangements.

(4) Inspection charges are rendered against the importer. Disposal costs are the importer's responsibility. Recovery of costs by the importer is a matter of confidential commercial practice.

3. *This question was postponed.*

4. WATER SUPPLIES

Rating

The Hon. I. G. MEDCALF, to the Minister for Mines:

(1) For how many years have the water rates in the Nedlands-Subiaco area been based on annual values?

(2) Have the rates for the area ever been based purely on the quantity of water used?

(3) Is it considered equitable that the single occupant of a home unit located above the ground floor in a block of home units should pay higher water rates than the owner of a house with a garden in the same neighbourhood whose usage of water (apart from excess) is considerably larger?

The Hon. A. F. GRIFFITH replied:

(1) Since the inception of rating in that area.

(2) No.

(3) Under existing legislation water rates are chargeable on all rateable land to which water may be supplied whether or not water is actually supplied to the land concerned. The rates levied are based on annual values of property and are not necessarily in any way related to consumption of water. If rates charged on home units are higher than rates charged on some houses then it is because the annual value of the home unit is higher than that of the house.

As charging for water is not based on "pay for use" and while the present rating provisions of the Act apply it will happen that individual residences whether home units or houses pay varying amounts of rates.

ROAD AND AIR TRANSPORT COMMISSION ACT AMENDMENT BILL

Report

Report of Committee adopted.

MARKETABLE SECURITIES TRANSFER BILL

Second Reading

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Justice) [4.40 p.m.]: I move—

That the Bill be now read a second time.

The purpose of this Bill is to replace the existing Act with new legislation and repeal the Marketable Securities Transfer Act of 1966-1967.

The Act currently in operation was passed in 1966 with the objective of enabling a new and simplified system of transfers of marketable securities to operate. It incorporated principles approved by all States and stock exchanges throughout Australia. In addition, it set out detailed procedures and safeguards for dealings in these securities. The concept embodied in that legislation was, at the time, completely new to the Australian legislative scene.

It has become evident after three years of operation, in which time the system has proved its worth, that minor changes are

necessary to ensure clarity in the legislation and uniformity as between States for the smooth working of the scheme.

Another reason for some of the changes now proposed hinges on a legal doubt which has arisen as to whether a warranty that a dealing is correct, which is given by a broker in one State, is effective in another State. This is quite an important aspect because a warranty by a dealer protects the transferee and the transferring broker against any loss or damage arising from forgery or unauthorised execution. Such changes are particularly applicable at the present time because of the high volume of interstate dealings.

Apart from the changes mentioned, the Bill proposes to re-enact substantially the existing legislation.

Because of the necessity to amend the law to overcome the legal doubt to which I have referred, and because of the large number of minor word and form changes which are required to improve the existing system, all States have agreed that it is more realistic to repeal the existing laws and to re-enact new legislation rather than produce to Parliament a host of minor amendments to the present Acts.

I shall not weary members with a repetition of the advantages derived by those dealing in marketable securities under the provisions of the Bill now before the House, as these aspects were fully covered when introducing the original measure.

The principles embodied in the Bill have been approved by the Attorneys-General of the Commonwealth and States, agreed to by all States, and will be, if the legislative scheme now proposed is passed, uniformly applied throughout Australia, because all States will enact it in the form of this measure.

Provision has been made in the Bill for the scheme of legislation to be proclaimed to operate at a given time for the reason that the proposals now before members are to operate uniformly throughout the country. This will allow the proposals to be brought into operation on the same day as the corresponding measures being introduced into other State Parliaments are brought into operation.

The main purport of this measure has been discussed with the executive of the Perth Stock Exchange, the officials of which are in agreement with the proposals now submitted. I am given to understand that the uniform principles incorporated in the proposed legislation have been approved by the Associated Stock Exchanges of Australia.

Of the various differences between the proposals in the Bill and the existing legislation, two are additions to the present law. One is the authority for authorised trustee corporations to use the simplified transfer procedure in certain circumstances. This will allow these corporations to effect transfers of marketable securities and the rights thereto to the beneficial owners of the securities or rights they hold in trust in a similar way to that which brokers are now permitted to use and will also place upon them the same liabilities as are placed on brokers. The trustee corporations which will be allowed this right will be prescribed by regulations to be made under provisions of the proposed Act.

The other amendment relates to the signature of the transferee on a transfer of securities with an outstanding liability. At present it is necessary for the transferee to sign the document for the transfer of any shares with an outstanding liability.

The new Act will not require the signature of a transferee in respect of the transfer of shares in a no-liability company. A large number of shares with outstanding liabilities which, in fact, are shares in no-liability companies, are traded on exchanges. This amendment will therefore be of substantial benefit in speeding up the processing of these shares.

The existing Marketable Securities Transfer Act, which is to be replaced by the measure now before the House, may be described briefly as the legal machinery which makes possible a simple and speedy method of transferring marketable securities and rights thereto with full protection to the transferor and the transferee.

The new measure will also extend the system to authorised trustee corporations, improve the efficiency of the present system, and provide better protection for interstate transactions of marketable securities and rights thereto by making desirable changes to the existing laws.

Debate adjourned, on motion by The Hon. W. F. Willesee (Leader of the Opposition).

TOTALISATOR AGENCY BOARD BETTING ACT AMENDMENT BILL

Second Reading

Debate resumed from the 8th October.

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the Opposition) [4.46 p.m.]: The proposals in this Bill are not very wide in that they represent only three amendments. The first portion of the Bill seeks to catch up with an omission from the previous amending legislation; that is, an employee of an agent of the board could not be charged with the offence of accepting a bet from a person under 21 years of age. This measure seeks to remedy that defect.

Not many people would be affected by this provision and therefore it is more or less a machinery clause required for the operation of the Act which, incidentally, is now 10 years old. Another provision seeks to permit an 18-year-old person to be

employed on the premises of the board. I could elaborate on some of the factors surrounding the introduction of this proposal. At the outset let me say that I agree that 18-year-olds should be employed within the Totalisator Agency Board organisation. I consider that, in many instances, this part-time work could be given to students who would greatly appreciate the opportunity to be so employed because they would be able to make good use of the money they received.

From the inquiries I have been able to make I have no doubt that any 18-year-old employee will receive an emolument equal to that of any other person who is employed part-time by the Totalisator Agency Board, no matter what his age may be. Whilst working on the premises of the Totalisator Agency Board an 18-year-old employee will not be allowed to bet, which possibly leaves one with some thoughts in mind. However, I do not intend to elaborate on this provision in the Bill which will allow an 18-year-old to be employed in a betting shop. I have my own personal thoughts as to whether or not an 18-year-old should be allowed to bet. I think he should.

Of course, the trend is for 18-year-olds to be allowed in many ways to be on a completely equal footing with individuals of 21 years of age and over. However, as the Government has not seen fit to introduce the extension of the right to bet to the 18-year-olds, I do not intend to pursue the matter further. Basically the type of person on whom a right is to be conferred by this Bill is one who, in essence, will not do other than to save for a specific purpose the money he earns in wages while working for the T.A.B. organisation.

Regarding the next portion of the Bill, it is a provision which I definitely do not like. It seeks to confer on a member of the Police Force the right to direct—not to employ—a person, in essence, to break the law for the purpose of obtaining evidence; but such a person will not be guilty of having committeed the offence. That is my interpretation of the provision in clause 3 of the Bill.

I know that in the period this legislation has been in operation there have been no prosecutions under this particular section of the Act. No doubt it was because there was a limiting factor that convictions could not be obtained. When we present a law to the State, I think we should do all in our power to confer on the authorities concerned the right to secure convictions when the law is broken. I would go so far as to agree to a policeman being dressed in plain clothes and using any subterfuge within the scope of his office in order to obtain proof that the law had been broken. However, I do not like the provision in clause 3 which will enable a policeman to tell, or at least to suggest to, a person that he be associated with the breaking of the law; and when that is done, this person who has broken the law will not be prosecuted, because with the passage of this legislation he cannot be charged.

Virtually such a person becomes an accomplice in the committing of an offence. For obvious reasons I do not want to go into the law on this aspect,, but if such a person is an accomplice then his evidence is suspect. In a trial before a jury the judge would, no doubt, direct that very little reliance should be placed upon this type of evidence.

In the legislation before us it is sought to override what I believe to be a moral right of the people. I think we place the citizen in a most invidious position, because in granting the right to a member of the Police Force to ask a person to do a certain thing to obtain a conviction, that could be regarded as an instruction. A person doing this type of thing could also be regarded as a pimp; he would lose caste in the community; and his services would be available at any time for a repeat performance of such an act.

I do not like the fact that it is proposed under this legislation to move from within the province of the law and the administration of the law by the Police Force, to the civilian field where evidence can be obtained under the direction of a police officer. The main evidence is to be obtained by the private individual. I imagine that in conducting a prosecution of this nature the main evidence would not be that of the police officer, but that of the person who has committed an offence at the direction of a police officer in order to obtain evidence against a particular individual.

I refer to the provision in clause 3 which states—

> (3) In any proceedings against a person for an offence against this Act, an act, admission or statement of an employee or agent of that person is admissible in evidence whether it is done, made or given in the presence of that person or not.

I interpret this to mean that a witness could give evidence almost on hearsay, and that he need not necessarily have physical contact with the individual who is breaking the law and against whom a conviction is sought. The witness could say that he heard a certain act was done, or saw it done. He need not necessarily have a close association with the other individual, which is necessary in order to prove up to the hilt that a conviction is justified.

The penalties provided under this Act are very severe. Whenever a person has been charged with an offence under the Act, and the charge has been proved, the penalties imposed have been very severe. I am wondering whether in legislation of this kind we should have to go beyond the

orbit of the authority of the Police Force, and of the inspectors who administer the Act, to seek prosecutions not through the voluntary help of a member of the public but through the direction of members of the Police Force, thus placing the people who are requested to obtain the evidence in the position of accomplices. Then, having themselves committed an offence, they are free from being penalised. This legislation particularises. The proposal in the Bill is not a situation which can be developed morally.

On those grounds I oppose the Bill. I hope that at this stage it is not too late for the Minister to look at the provision in clause 3 again, to see whether or not it can be amended and brought forward in a different form—rather than in a form to involve a civilian in doing something that is essentially a police matter.

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [4.59 p.m.]: I thank Mr. Willesee for the remarks he has made and for his support of the provision in clause 2. I realise he has reservations in respect of the following clause, and he has told us about them. The fact remains that breaches of this Act are difficult to discover, and the police in more ways than one employ people to help them to obtain evidence for convictions.

It is obvious that anything I might say this afternoon will not convince Mr. Willesee. So, when we get into the Committee stage we might engage in a prolonged discussion on the point he has raised. I propose to take time out to study in greater detail the comments he has made in connection with the provision in clause 3. We can deal with the Committee stage at another sitting.

Question put and passed.

Bill read a second time.

BETTING CONTROL ACT AMENDMENT BILL

Second Reading

Debate resumed from the 8th October.

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the Opposition) [5.00 p.m.]: In view of the Minister's remarks regarding the previous Bill, there is no point in my reiterating what I have already said. However, I would like to say that the Bill which is now before us is, in my opinion, a far better proposal than that which was presented to another place. A deletion was made from the original proposition and, fortunately, the proposed legislation is much better for the omission.

I mention that point in the hope that the good offices of the Minister will prevail and that he will see fit to rewrite the proposal in a more comprehensive form. A member of Parliament accepts great responsibility for what is written into Acts, and for the penalties which the Acts impose for the breaking of the law.

I am very grateful to the Minister for his attitude to the previous Bill, and I hope the legislation now before us can be presented so that people are not incriminated or forced to do something which they do not want to do.

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [5.03 p.m.]: I seek to take the same course in connection with this Bill and deal with the Committee stage at some other time. I thank Mr. Willesee for his remarks.

Question put and passed.

Bill read a second time.

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 5)

Second Reading

Debate resumed from the 8th October.

THE HON. R. THOMPSON (South Metropolitan) [5.04 p.m.]: Each year, since the passing of the Local Government Act, we have seen one, two, and sometimes three amending Bills presented to this House. Of course, when the Local Government Act was passed in 1960, we were promised that amending Bills would be presented from time to time to keep the legislation up to date.

We are living in changing times and each year mistakes in the Act, which were not apparent previously, are discovered. Also, it has been found necessary to incorporate in the Act new sections to deal with our changing times. However, when we look around—and I am not referring only to Australia—it can be seen that elected bodies of people are not being accepted with the same feeling as they were some years ago. It is quite common to hear of Parliament, and members of Parliament, being rebuked. From time to time, this is probably justified.

I feel that the Local Government Act, with its numerous sections and the duties it places on councillors, is placing great stress on people who, in the main, have not the necessary knowledge or even a working knowledge of the provisions of the Act. I feel this is very sad indeed. As a matter of fact, I go along with the statement made by the Lord Mayor—when he was interviewed in an hour-long session on TV only last week—that provided the right type of person could be appointed, it would be better for local government to be managed by two or three experts.

At the present time in local government the decisions are being made by executive officers—who are not altogether experts—and these executive officers are influencing the committee system which is in operation in most local authorities. The present

system can, quite justifiably, come in for some condemnation because my experience has been that when a committee makes a decision, and that decision goes to council, in the main the council adopts the committee's recommendations. If one councillor has the temerity to rise to his feet and question the decision of the committee—and I know what I am talking about because I have seen this happen—it is usually found that after the council meeting there is hostility between the committee chairman, or a member of the committee, and the councillor who justifiably rose to represent a ratepayer.

If we do not have a very close look at the Local Government Act, I can well imagine that there will be a collapse of local government in Western Australia, for the reason I have outlined. The Minister has in his possession a letter which I wrote to him in which I pointed out certain events which occurred in a council office. When the matter reached the executive officer he evidently told the committee a completely different story. The committee followed the suggestion of the executive officer and the full council then refused what was desired by a ratepayer. This is a dangerous situation with which to be confronted.

If we hold the opinion that local government is government of the back-door type—as I have heard mentioned so many times in this Chamber—we should at least ensure that local government functions correctly. The usual procedure at a council meeting is for numerous committees to present recommendations. It is then found that the chairman rises to his feet and moves that committee items one to five be adopted. Those items could cover 25 subjects which a committee has dealt with. Usually the committee recommendations are passed by council without question. The result is that half the time the councillors representing the ratepayers do not know what was in the items which council adopted. I have seen 126 items on a council agenda paper dealt with in 20 minutes, and I think this is a reflection on local government as it represents the ratepayers.

For that reason we have to do a little more than just accept amendments from time to time, and I feel that we have to look at the structure of local government, the same as the structure of Parliament is looked at over the years. We are allowing too much latitude, and not enough representation of the ratepayers. I believe that some of the provisions in this Bill will take away the representation to which ratepayers are entitled.

What I am saying is well demonstrated in May of each year when the people, by choice, elect their representative councillors for the ward in which they live or in which they pay rates. It is usually found that 30 per cent. of the people enrolled—which might be only 8 per cent. or 10 per cent. of the people living in the area—exercise the right to vote. So it can be seen that as far as I am concerned everything is not all right with the manner in which local authorities are elected at the present time.

However, getting back to the Bill, I realise that primarily this is a Committee measure, and that the Minister will probably say, "Let us give it a go to see how it works." That has been done in the past and for that reason I want to deal with the provisions of the Bill at this stage as quickly as possible. I will raise several items hoping that the Minister, when he replies to the debate, will agree to the necessary amendments which I think should be included in the Bill. If the Minister does not agree with my proposals, I hope he will give us his considered opinion.

I could probably object to clause 3 of the Bill, but I believe that another honourable member will do that. I refer to the provision to allow for the appointment of deputy members, or proxies. I will first of all deal with clause 4 of the Bill which will amend section 35 of the Act. Subsection (1) of section 35 of the principal Act states the qualifications of a person who wishes to stand for mayor, president, or councillor. When the Minister introduced the Bill he pointed out, quite correctly, what is contained in the measure but he did not satisfy me. I hope his remarks did not satisfy other members in this Chamber.

Portion of section 35 of the principal Act reads as follows:—

> (1) A person who—
>
> (a) is over the age of twenty-one years;
>
> (b) is a natural born or naturalised British subject;
>
> (c) is either an owner of rateable land within the district of the municipality or occupier of rateable land within the district whose name appears on the electoral roll thereof;
>
> (d) is not disqualified under section thirty-six or section thirty-seven from being elected;

Clause 4 of the Bill will amend subsection (1) to read as follows:—

> (1) A person who—
>
> (c) is either an owner of rateable land within the district of the municipality, irrespective of whether his name appears on the electoral roll thereof, or an occupier of rateable land within the

district whose name appears on the electoral roll thereof;

I think this is a dangerous precedent to set because, as was mentioned by the Minister when he introduced the Bill, the Electoral Act does not state the qualifications of those who can be elected to the office of member of Parliament. Reference has to be made to the Constitution Acts Amendment Act, and section 7 of that Act reads as follows:—

> 7. Subject as hereinafter provided, any person who has resided in Western Australia for one year shall be qualified to be elected a member of the Legislative Council, if such person is of the full age of twenty-one years, and not subject to any legal incapacity, and is a natural born or naturalised subject of Her Majesty the Queen and who is either an elector entitled to vote at an election of a member of the Legislative Assembly, or is qualified to become such an elector.

From the inquiries I have made, and from my reading of that section, a person would not be qualified to become a member unless he had submitted a claim card to the Electoral Department, and was on the roll. Section 20, which dealt with the position in the Legislative Assembly, is almost identical with the provision I have just referred to.

I shall now come back to the Local Government Act. Although, as I have indicated, there is a restriction in the Constitution Acts Amendment Act in relation to those who shall be elected to the Houses of Parliament, the amendment in this Bill states that irrespective of whether a person's name appears on the local authority roll or not, he is eligible to be nominated for election to a council. I totally disagree with that; and, if the provision is agreed to, how will local government function in the future?

A person could register a title on the 1st March, for instance, when nominations for the local council elections close on the 2nd March. That person could produce proof to the local authority that he is the owner of land within the council's area and, therefore, would be eligible to be nominated. To me that is completely wrong. As far as local government is concerned, the rolls close on the 15th January each year and nobody should be eligible for nomination unless his name is on the roll. If the Minister wants to do something constructive let him insert a provision in the Act that will provide for a supplementary roll to be compiled. That is done by the Federal Electoral Department prior to any Federal election. If a person's name does not appear on the roll of a particular council it is not fair to say to the council that it shall accept such a person as being entitled to nominate. I disagree entirely with the provisions in the clause to which I have been referring.

Clause 5 brings the provisions of section 111 of the Local Government Act into conformity with the provisions of the Electoral Act, and there is only one point I would like to raise on this matter. I have no objection to the clause other than to say that it could delay the declaration of the poll in a case where there was a close contest.

As the Local Government Act now stands, a person has to lodge an application for a postal vote or an absentee vote two days prior to the date of the poll. The provision in the Bill, as I said, will bring the Act into line with the Electoral Act but where there is a close contest the declaration of the poll could, in some cases, be delayed by up to a week. In his introductory speech the Minister referred to the East Kimberley, and mentioned a distance of 183 miles being involved in a case where a person wanted to make application for an absentee or postal vote. If the voting material was posted by ordinary mail, and there was a washaway, or something like that, the vote could be late in being returned to the returning officer. There may be a delay of up to two weeks and in that event the declaration of the poll would have to be delayed because, as far as I can see, no time is specified as to when a poll must be declared. The Act simply says that the poll will be declared after a person has been elected, and if there was any outstanding balloting material a reasonable time would have to be given for it to be returned. That is the only comment I want to make on that clause.

As regards clause 7, as my leader said, the amendment in the Bill is merely fiddling with the position in an attempt to overcome a fiasco. We have read of certain happenings at local government elections, and we have seen reports of a court case. This dealt with people engaging in certain nefarious practices in connection with absentee votes. However, of course, Mr. Willesee provided the solution to the problem when he spoke to the second reading—let us have adult franchise; let us have one roll based on the Legislative Assembly roll and then there would be no problem. There would certainly be no problems with canvassing, such as we have at the present time with local government elections.

It is all very well for us to pass legislation providing that a candidate shall not be in possession of balloting materials and, if he is, he is liable to a penalty. Such a provision never affects the wealthy; it affects only those who, because they are public spirited and want to help the community, offer themselves for election to the council but have to operate as a one-man team through lack of finance. A person in that category has to do everything for himself.

To hark back to the television interview with the Lord Mayor, he said that he had spent approximately $20,000 on his

election campaign for Lord Mayor of this city. I do not take anything away from our Lord Mayor—had I had a vote at that election probably I would have voted for him—but I believe the spending of such sums on elections is far beyond the means of the average person. We had a similar occurrence at the last council elections in Perth when one person who is reputed to be very wealthy had a staff of several dozen fully-paid canvassers. They carried out a door-to-door campaign in an effort to get every possible vote for their candidate. Such a campaign could not be undertaken by the average citizen and it should not be permitted.

There is a limit on how much a person can spend when he nominates for election to Parliament, but there is no limit on what a person can spend on his campaign at a local government election. I think it is time something was done in this direction to bring local government elections into line with parliamentary elections. In this way we would get true representation of the people and not representatives who in no way represent the ratepayers. When I say that I am not referring to our present Lord Mayor, but many other people stand for election to local government simply as a status symbol. They do not give a damn about the ratepayers—those who elect them to a position on the council.

In this regard I believe we should look at the Victorian legislation. I do not know whether this applies to all areas in Victoria, but recently a person whom I know bought a block of land in Victoria and the authorities posted to him a Commonwealth electoral card which covered the Federal electoral roll, the roll for the State Legislature, and the roll for the local authority concerned. There is only one card and one roll in that State and it covers all three forms of government. It is compulsory to enrol and it is compulsory to vote. A person can be fined if he does not vote at local government elections in the same way as he can be fined for not voting at Commonwealth or State elections. I would not go so far as to provide for a fine, but I believe we have to look at the position and bring all our rolls into line.

It has always been the policy of my party that there should not be taxation without representation; and I agree with that principle. Possibly the Minister will put forward the argument that difficulty could arise where a person is not on the electoral roll. But that is an easy position to overcome; we could provide for a supplementary roll of landowners who are not resident within an area. Such people could exercise their vote if they are registered as owners. So members can see that as Mr. Willesee said the provision in the Bill is simply fiddling with the position. As a matter of fact, I think we are fiddling with the legislation a little too much.

Clause 8 amends section 114 of the Act and I referred to this section briefly when I dealt with the previous clause. Therefore, I shall not repeat myself.

As the Minister pointed out, the provision in clause 9 is introduced simply to overcome something that was overlooked. A person who has an interest in a subject that is brought before the council is unable to vote on the matter, and this prohibition will be extended to any committees of the council. However, if we look at paragraph (j), which proposes to add a new subsection (8) to section 174, we find that that new subsection reads as follows:—

> (8) The provisions of this section apply to a person who is not a member of the council but is, pursuant to section one hundred and eighty or one hundred and eighty-one, a member of a committee of a council as if that person were a member of the council.

I do not know whether that has reference to a committee which is appointed outside of the ambit of a council, but from my reading of the Act the only person to whom the subsection could refer is a member of such a committee. I do not believe the staff would be involved in this matter and I would like to know why this new subsection is being included in the Act.

As regards clause 11, which amends section 182, the Minister said that he was giving consideration to a further amendment. I believe the clause should be further amended because a council should have the power to determine who the chairman of a committee within the council shall be. Not that I go along with the committee system, but while it is provided for in the Act it should be a council's responsibility to appoint the chairmen of different committees. The Minister should not be burdened with such trivialities; he has more important things to do.

Clause 12 states that the owner of a vehicle must do certain things if any complaints are made about that vehicle. Probably there is a good reason for this provision, but it has been my experience that in some areas a great deal of dissension arises over various matters.

Take the case of a difficult neighbour who has a registered lawn. In one area I represent—it is not a very happy area and it was the subject of a little controversy in this House last session—one lady has registered a street lawn, which is non-existent. The width of the verge from the footpath to the kerb would be approximately 4 ft. to 4 ft. 6 in., and no lawn has been planted. The houses in the vicinity have no provision for run-ins to the front yards, and there is no access to the rear. The neighbour of the lady concerned has to park his vehicle on the verge and it is impossible for him not to run over a section of her verge, so she has registered a

non-existent lawn for the purpose of taking him to task. Whenever her neighbour moves his vehicle over the verge the first thing she does is to phone the police.

I am just about sick and tired of it because whenever that happens the neighbour usually comes to see me, and I have been in contact with the police concerning this matter as recently as a month ago. I believe that if councils register lawns they should at least satisfy themselves that a lawn does exist. It is unreasonable that people should be prosecuted under the provisions of the law when in actual fact no damage has been done. When I looked at the legislation I found that it is illegal for a person to park his own vehicle on his own registered lawn. That is the law at the present time.

So I think the Minister had better have a close look at this amendment. An obligation should be placed upon councils to satisfy themselves, before registering lawns, that a lawn does in fact exist. At the present time, if I register my lawn and park my car on it for the purpose of washing the vehicle—I am talking about the verge, and not the lawn within my boundaries—a policeman or a council representative can prosecute me.

Clause 13 concerns private rights-of-way, and Mr. Medcalf dealt very ably with this matter last week. The clause provides that a council will be able to give a right-of-way to any one of the adjoining landowners. I do not agree with that at all. I do not like it, because if we look around the metropolitan area at the present time—it would probably not mean a thing in country areas—we can see the scramble that occurs when rezoning and town planning schemes are being drawn up. It could be most lucrative for a landowner who intends to sell his property to be given the right-of-way because, as we know, one of the factors involved in flat construction concerns the plot-ratio. It might be in the interest of the council to give the right-of-way to one landowner because another storey might then be permitted on the block of flats, or it might provide the required parking space which is necessary in flat construction, and that would mean extra rates for the council. I am merely putting forward a hypothetical case, but this is something that could happen.

I feel that if justice is to be meted out it must be meted out fairly. I suggest that the Minister should amend the proposed new subsection—if he listens to me for a minute he will find out what I am trying to impart to him—by adding, at the end, words to this effect: "providing the adjoining owner refuses to exercise the offer of a portion of the subject land." The problem would then be overcome completely. If the adjoining owner refused to accept half of the right-of-way or private road then the onus would not lie with the council or with us for putting such a stupid provision on the Statute book. The provision would then be democratic in the true sense of the word, and I sincerely trust that the Minister will agree to have a further look at the point so that justice will be done and not merely appear to be done.

The last clause in the Bill provides for the deletion from section 610 of the Act of the reference to the maximum rate of interest proposed to be paid on debentures. I hope Parliament does not agree to this proposal. I think the argument put up by the Minister had sufficient merit to convince us that something should be done; but not this. I feel a limit must be imposed somewhere.

The Hon. L. A. Logan: There is a limit already. The Loan Council lays down a limit.

The Hon. R. THOMPSON: That is quite true; but the Minister will know that what I am about to say is 100 per cent. true and correct. Local authorities at the present time raise moneys to spend on activities which are outside the ambit of local government spending. I know of one golf club which is run by private enterprise but it is operating on a loan raised by a council. The local authority raised loans by debentures; yet the golf club is run by private enterprise. If the debenture payments are not met the council is responsible for the repayment of the moneys. No-one can deny that. If a local authority wishes to raise money to spend upon a ground it can go to the maximum allowed by the Loan Council; but not all loans are subject to the Loan Council, and the Minister knows that.

The Hon. L. A. Logan: The rate of interest paid by local authorities is laid down. We are talking about the rate of interest only.

The Hon. R. THOMPSON: What is the maximum rate of interest at the present time?

The Hon. L. A. Logan: It has gone up to about 6⅞ per cent.—or somewhere around 7 per cent. after the interest increase by the Federal Government.

The Hon. R. THOMPSON: The Minister says that is the maximum?

The Hon. L. A. Logan: Yes. They cannot go beyond that.

The Hon. R. THOMPSON: Well, if the Minister can prove to me that what he says is correct, I will withdraw my statement regarding a limit being placed on the rate of interest. I was unaware of that fact. However, I feel that the ratepayers can be taken for a ride. I will give the Minister another instance of debentures being raised by a local authority for the construction of a bowling club. The bowling club has quite a large membership but it met its six-monthly payment to the local authority on only one occasion.

The Hon. J. Heitman: The local authority could claim the club.

The Hon. R. THOMPSON: I am about to tell the honourable member what the local authority did. It did not claim the club as it was entitled to do within the provisions of the law. The club met only one payment in three or four years of operation, so the council called a ratepayers' meeting to approve a recommendation to the Minister that the loan be repaid out of the funds of the council. The ratepayers agreed to the proposition, the Minister agreed to it, and the ratepayers are now meeting the repayment of the debentures although they are denied the use of the facilities unless they join the club. Here we have an amenity paid for by the community but for the exclusive use of club members, and not all members of the club —not by a long shot—reside within the shire boundaries.

The Hon. J. Heitman: What rent is paid for it?

The Hon. R. THOMPSON: They are not paying any rent.

The Hon. J. Heitman: Of course they are.

The Hon. R. THOMPSON: They are not paying rent—none whatsoever.

The Hon. A. F. Griffith: Are the premises licensed?

The Hon. R. THOMPSON: Yes.

The Hon. A. F. Griffith: What happens to the profits?

The Hon. R. THOMPSON: The profits go back into the club. The Minister knows that what I am saying is completely true. I have stated my criticisms concerning this Bill, and, in conclusion, I would mention that I circulated a copy of the Bill to the shire councils, city councils, and town councils, within my province. It might be said that I am defeating my own argument here, because one shire replied as follows:—

> Thank you for forwarding me a copy of Bill to amend the Local Government Act 1960-70 (No. 5).
>
> I have suggested, in a personal capacity, to the Local Government Department that I am of the opinion the Act should be amended to make it unlawful for Candidates at Local Government Elections to forward Electors "Applications for Absent Voting" papers. I feel the applications should be requested in person or by request in writing to the Returning Officer.

So that is the only correspondence I received regarding the Bill. However notwithstanding that, I do not think time permitted the local authorities—certainly not the councillors, anyhow—to make a complete analysis of the measure as it affects them. I feel this is where we fall short with regard to local government legislation inasmuch as we have before us legislation which affects every person in Western Australia—whether or not they be ratepayers —in one way or another, yet time does not permit the legislation to be analysed completely. Of course, the legislation goes to the Local Government Association—another association that has decayed and collapsed—and then we pass it without knowing whether or not councils or councillors accept it.

I trust the Minister will delay the legislation so that he may look at the several proposed amendments and, in particular, that concerning the election of the chairman of a committee of a council which, I consider, does not comply with the Constitution Act.

Before I sit down, I would mention that I believe a further amendment to the Act is necessary in regard to absent votes.

Section 111 (3) (d) (i) states—

> if posted to the returning officer, it is delivered to him in the ordinary course of post not later than twelve o'clock noon of the first of the two days last preceding that appointed for the holding of the election;

The Minister should have a look at that because what is taken out in one part of the Act is not taken out in another. I think this is primarily a Committee Bill, so I will not give it my unqualified support at the present time.

THE HON. J. HEITMAN (Upper West) [5.45 p.m.]: There are one or two matters I would like to mention. There is little doubt that from time to time amendments to the Local Government Act are necessary because of changing times. As local government becomes more and more responsible so further amendments will be made to that Act.

While I agree with most of the amendments contained in the Bill, I would like to refer to the provisions of clause 3 which relate to the appointment of three deputies in connection with the members of the Boundaries Commission. There are only three members of this commission and I feel the problem would be overcome if one deputy were appointed.

This commission is different from other committees where we might feel seven or eight deputies are necessary—that is, a deputy for each member. Let us consider, for example, the Agriculture Protection Board. Every member on that board has a deputy. It is, however, very rare for a deputy to get the opportunity to attend any of the board's meetings.

When we appoint deputies, it means that every time a meeting is held the minutes of the meeting, together with the financial statement, must be sent to each of the deputies concerned. I believe that half these papers would not be read, particularly

in the case of the Boundaries Commission, because they would run into very many pages.

Even if occasion did arise for the deputies to take their place on the Boundaries Commission they would certainly not have the experience of or knowledge gained by those members who have been running the commission for some time.

I feel that there is, perhaps, necessity for one deputy to be appointed, and he could deputise for any member who could not attend the meetings. I repeat, however, that I do not think there is any need for three deputies to be appointed, as this will necessitate three lots of papers having to be sent out every time the Boundaries Commission is in session. As I have mentioned unless there is an opportunity for these deputies to take their place on the Boundaries Commission half the papers they receive in connection with the minutes of the meetings, etc., would not be read.

The only other matter on which I wish to comment is the election of a chairman to the committee of a council. The Minister said he would have another look at this matter and I feel this should be done; because, as Mr. Ron Thompson said, it seems rather frivolous to submit this type of thing for the Minister's approval. If the council were at all responsible it would, while appointing the committee, also nominate a chairman.

It might be argued that the people concerned would not appoint a member to the council if they felt he was not responsible enough to act as chairman when the occasion arose. This is more or less a domestic matter which should go to the council before being submitted to the Minister.

If the council cannot appoint a chairman and comply with the provisions contained in the Bill, there must surely be something wrong with such a council and all its members should be sacked. These are responsible people and they should be able to clarify what is required of them.

I do hope, however, that the Minister will have another look at the matter with a view to bringing down the amendment he said he would.

The Hon. L. A. Logan: It will be on the notice paper tomorrow.

The Hon. J. HEITMAN: With those few remarks I support this Bill to amend the Local Government Act and I hope its passage through the House will be a speedy one.

Debate adjourned, on motion by The Hon. R. F. Claughton.

RAILWAYS DISCONTINUANCE AND LAND REVESTMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by The Hon. G. C. MacKinnon (Minister for Health), read a first time.

Second Reading

THE HON. G. C. MacKINNON (Lower West—Minister for Health) [5.50 p.m.]: I move—

> That the Bill be now read a second time.

The necessity for the introduction of this measure at this particular stage of the development of our railway system serving the eastern goldfields, hinges on two main aspects: the first is the recovery of approximately 10,000 tons of rails, fishplates, rail anchors, and main line points and crossing sets between Meckering and Merredin, which are urgently required for the use of upgrading the Esperance line; and secondly, requirements for maintaining the passenger service on the Perth to Kalgoorlie run.

With respect to the salvaging of the material to which I have already referred, I point out that financial estimates for upgrading of the Esperance line have been based on the use of this recoverable material. Members may recall that when the rail standardisation project was before the House, it was explained that one of the deals which were made with the Commonwealth was that we could recover the material from the railway. This was important because the rails were of fairly heavy weight and had had only moderate use in terms of railway usage. They still had considerable economic life left in them.

The cost of the new material for upgrading would necessitate departmental expenditure to the extent of approximately $1,100,000, whereas the estimated cost of lifting sufficient recoverable material to do this work is only $127,000. So, in the overall, the net saving will be approximately $1,000,000.

The department plans to close the Northam to Merredin section of the eastern goldfields railway on the 3rd October, 1970, in order that the lifting of the rail may be effected in time to ensure that sufficient rail is available to satisfy the requirements of the contractor working on the upgrading of the Esperance branch. A close examination has been made to determine the best possible alternative for an interim service for the benefit of the goldfields community, which would operate from the 8th October, 1970, until the proposed railcar service can be introduced early next year.

To clarify the overall position, I take members back to June, 1969, when the standard gauge railway between Kalgoorlie and Perth was completed for both goods and passenger traffic. Interstate goods traffic and passenger traffic, together with intrastate goods traffic, have since been conveyed over that line but it has not been possible to operate the Perth-Kalgoorlie passenger services by standard gauge for the simple reason that the diesel railcars required for those services have not become available.

Because of this, the department has continued to operate the narrow gauge section of railway between East Northam and Kalgoorlie so that the rail passenger services between Perth and Kalgoorlie could be maintained.

The purchase of these railcars has been negotiated with the Commonwealth Government within the terms of the Railway Standardisation Agreement, which provided for a review of rolling stock. Prolonged negotiation with the Commonwealth Government resulted in approval being given in April, 1969, for the purchase of five railcars and two trailers. Orders for those were placed in May, 1969. Approval was later obtained for the acquisition of a further trailer car. Evidently there was some delay in the negotiations with the Commonwealth before finality could be reached.

The orders having been placed, it was expected that delivery of the railcars would be effected between July and early October of this year; that is, at the present time. However, the delays which have occurred in the construction programme of the company concerned have retarded delivery dates from its works in Granville, New South Wales, to the period between the 9th March, 1971 and the 20th April, 1971.

Based on that information, the Commissioner of Railways has advised the Minister that the earliest time by which he could hope to commence operating the intrastate passenger service to Kalgoorlie over the standard gauge line would be at the end of April, 1971. In view of that advice, and also in view of the earlier advices that there would be a delay into 1971, the Minister requested the commissioner to make direct contact with the company, and, if necessary, visit the company to ascertain whether some special action could be taken to speed up the delivery of the railcars.

It has become evident, however, that the main problem relates to the importation of some special equipment which is available only from overseas. In view of the shipping and other problems that have arisen in recent months, particularly in Britain, it has been found almost impossible to do anything tangible to speed up the existing programme. Nevertheless, the commissioner will use his best endeavours to see whether he can cut down the time for the delivery of the railcars.

Reverting now to the provisions in the Bill, members will note that contained in those provisions for the closure of the East Northam-Coolgardie section of narrow gauge line is a proposal for the section from East Northam to Merredin to be effected on the passing of this legislation, and the section from Merredin to Coolgardie on a later date to be proclaimed. The purpose of this is to enable the continued use of the Merredin to Coolgardie section for the operation of narrow gauge passenger services until the introduction of the standard gauge diesel railcar services.

It is proposed to continue the narrow gauge passenger service to Kalgoorlie by operating *via* Wyalkatchem in the section between Northam and Merredin, then taking in the existing line between Merredin and Kalgoorlie. This will involve some additional travelling time, which becomes unavoidable under existing circumstances and will amount to 2 hours 25 minutes eastbound and 1 hour 54 minutes westbound.

It is mentioned that no additional fare will be charged and meals will be continued as at present—buffet car service at the passengers' discretion.

In accordance with the provisions of section 21 (h) of the Transport Coordination Act, the Director-General of Transport has reported on this proposal and recommended that the 3 ft. 6 in. gauge line from East Northam to Coolgardie be closed. As pointed out in the director-general's report, the standard gauge line takes a different route over the section between Southern Cross and Coolgardie, a route which lies some 30 miles to the north of the old 3 ft. 6 in. line.

It is further mentioned that on the aspect of goods transport, the 3 ft. 6 in. line between Southern Cross and Coolgardie generates very little traffic indeed, with the exception of the gypsum which was previously railed through Yellowdine and is now loaded through Koolyanobbing.

The director-general's office has made a survey of the future requirements following closure and has reported that the transport task in the area will be a very small one.

In conjunction with the Road and Air Transport Commission, the director will see that satisfactory road transport arrangements are organised to meet requirements.

Goldfields' members in particular will be interested in the service *via* Kalgoorlie for the Coolgardie-Esperance line following closure in that there will be five services per week for perishable goods and six per week for general goods—all conveyed by fast freighter.

As is generally known, the railways have, up to the present, been operating both the standard gauge line and the 3 ft. 6 in. line between East Northam and Kalgoorlie and the closure of the 3 ft. 6 in. line between East Northam and Coolgardie will bring about a considerable financial benefit.

This benefit falls broadly into three categories: the savings respectively from depreciation and interest charges, track maintenance, and staff redundancy.

In the year ended the 30th June, 1969, depreciation and interest were respectively $268,000 and $385,000; track maintenance cost, including resleepering—both materials and labour—is roundly $1,400,000 per annum, and redundant traffic staff—to be

transferred to fill vacancies in other areas —will, on current rates of pay, effect a saving of approximately $30,000 per annum.

There is the additional obvious advantage that the concentration of all traffic through the area of the standard gauge railway will release 3 ft. 6 in. gauge locomotives and rolling stock for use elsewhere. The saving will be substantial but at this time it is not practical to express it in monetary terms.

I desire to lay on the Table of the House for the information of members railway plans 62979 and 62994 together with a copy of the director-general's report as required by the relevant Statute.

I commend the Bill to the House.

The plans and report were tabled.

Debate adjourned, on motion by The Hon. R. H. C. Stubbs.

WESTERN AUSTRALIAN INSTITUTE OF TECHNOLOGY ACT AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by The Hon. G. C. MacKinnon (Minister for Health), read a first time.

Second Reading

THE HON. G. C. MacKINNON (Lower West—Minister for Health) [6.02 p.m.]: I move—

That the Bill be now read a second time.

This Bill is important if for no other reason than that it amends the principal Act to enable the awarding of degrees by the Western Australian Institute of Technology.

The Minister for Education has, from time to time, received submissions from various organisations requesting approval for the Institute to grant degrees where circumstances warrant it. It is undoubtedly a fact that some courses available at the colleges of advanced education are apparently of degree standard, yet students are being awarded only diplomas or associateships. As a consequence, their future status and earning power can be adversely affected.

The nomenclature of awards to be granted by colleges of advanced education has been the subject of debate between State and Commonwealth Governments for a considerable period and a decision in that direction has been deferred pending the adoption of some nation-wide uniform policy.

At this point I think I should bring to the notice of members that in July, 1968, at the request of the States, the Commonwealth Government set up a committee under the chairmanship of Mr. F. M. Wiltshire, O.B.E., to inquire into the nomenclature of college awards and subsequently to submit its recommendations in that regard. The report of the committee was submitted to the Commonwealth Minister for Education in June, 1969, and this report stated categorically that the committee was of the opinion that in appropriate circumstances the awarding of degreees by colleges was justified, provided that adequate safeguards as to standards are maintained. The committee recommended that a national accrediting body be set up to determine, amongst other things, whether a course met the criteria laid down for a particular award.

Towards the end of last year, a working party, comprising representatives of the Federal and State Governments was appointed to examine the recommendations of the Wiltshire report and to recommend ways in which they could best be implemented. The working party met on five occasions and its report was submitted last May and given close consideration subsequently by Education Ministers, both individually and meeting as the Australian Education Council with the Federal Minister for Education being present.

The concensus of opinion is that each State should set up its own accrediting agency for colleges of advanced education awards and that a national body be appointed for the registration of those awards.

It is intended that plans be made for the appointment of a Western Australian accrediting agency, but a final decision has not yet been made as to the powers and duties of the national registering body. Agreement is expected to be reached shortly.

It is of interest to note that the Victorian Institute of Colleges, which is a corporate body set up by the Victorian Government to foster the development and improvement of institutions, other than universities, offering tertiary education, approved the introduction of degree courses in its affiliated colleges.

Apart from the degree course in pharmacy, which has been available in earlier years, colleges affiliated with the Victorian Institute of Colleges in future will be able to grant degrees in applied science, architecture, business, and engineering. Other degree courses are to be approved from time to time.

It was envisaged when the Western Australian Institute of Technology Act was initially drafted that the Institute might eventually award degrees for certain subjects, and the legislation was designed accordingly. At that time it was believed that the word "diploma" was capable of being interpreted as being inclusive of degrees, and the Bill which introduced that legislation was so worded.

However, that opinion has since been subjected to closer scrutiny and it is now considered that there is some doubt regarding the original interpretation and that it would be wise to amend the Act to spell out specifically the power of the Institute to award degrees. The amendment has been prepared with this in view.

The Bill also provides for student representation on the council. This is in conformity with world-wide trends and is in recognition of the value of the students' viewpoint and of the need for this to be represented at the council's deliberations.

This principle is of course not new to the Institute. The students are already represented on the academic board, the boards of study, the library advisory committee, and various other relevant committees. The step to give student representation on the council is simply an extension of present policy and is its logical conclusion.

With the passage of this legislation there will be complete representation and consultation at all levels within the Institute.

It is believed that such representation will aid in maintaining a good council-student relationship, will promote confidence in the administration and organisation of the Institute, and a great degree of understanding of each other's problems.

By this it is not meant to imply that the present relationship between the council and the students is in any way unsatisfactory; in fact, it is very good, I am informed, but it is believed that student representation on the council will be a major factor in maintaining this happy association.

The Bill provides for the election of two student representatives, both of whom must be guild members and one of whom must be a voting member of the guild council.

Student representatives will hold office for a term of one year and will not be eligible for appointment for more than two terms.

The constitution of the council is also amended by the deletion of the Under Treasurer or his representative as an *ex officio* member.

The Under Treasurer is concerned that he and his senior officers have become increasingly involved in the administration of tertiary education establishments to the detriment of their prime function as Treasury officials and has accordingly asked that he be relieved of this obligation.

I commend the Bill to members.

Debate adjourned, on motion by The Hon. J. Dolan.

EASTERN GOLDFIELDS TRANSPORT BOARD ACT AMENDMENT BILL (No. 2)

Receipt and First Reading

Bill received from the Assembly; and, on motion by The Hon. L. A. Logan (Minister for Local Government), read a first time.

Second Reading

THE HON. L. A. LOGAN (Upper West—Minister for Local Government) [6.09 p.m.]: I move—

That the Bill be now read a second time.

The purpose of this Bill is merely to alter the constitution of the Eastern Goldfields Transport Board in order to accommodate some reorganisation of local governing bodies on the goldfields which are represented on the board.

The board conducts the public bus services in the Kalgoorlie-Boulder area, and at Kambalda. As at present constituted, it comprises two representatives of each of the Kalgoorlie Town Council, the Boulder Town Council, and the Kalgoorlie Shire Council, with one representative of each elected by the council and one by the ratepayers.

Consequent upon local government changes which were made last year, the Boulder Town Council and the Kalgoorlie Shire Council have ceased to exist as such, and have been replaced by the Boulder Shire Council. Members may recall that earlier in the year an amending Bill was passed to overcome the problem of election of new members to the board, which was due last May, but because of the local government changes it could not be implemented.

With that problem resolved, this second Bill amends the board's constitution to ensure that each of the two remaining local authorities is represented on the board by one member elected by the ratepayers and by two members elected by the council.

These elected members, together with an independent chairman to be appointed by the Governor, will constitute a board of seven members, the same as before. This new arrangement accords with the wishes of the two municipal councils involved and is commended to members.

Debate adjourned, on motion by The Hon. R. H. C. Stubbs.

House adjourned at 6.11 p.m.

Legislative Assembly

Tuesday, the 13th October, 1970

The SPEAKER (Mr. Guthrie) took the Chair at 4.30 p.m., and read prayers.

QUESTIONS (35): ON NOTICE

1. PORT OF ALBANY

Promotional Literature

Mr. COOK, to the Minister for Industrial Development:

Will he table departmental promotional literature in which Albany is promoted as a port?