special action is being taken by the New South Wales Government to advise members of Parliament in that State of the action contemplated.

In the drafting of this joint legislative scheme every effort has been made to avoid the risk of constitutional litigation that might result in either the Commonwealth legislation or the legislation of a State being declared invalid. While the Governments themselves have all agreed to put constitutional issues on one side and not to challenge the validity of each other's legislation it is understood that, if either the Commonwealth or State legislation is successfully challenged in the courts, the scheme of arrangement between the Commonwealth and the States will nevertheless continue in force.

The Government regards this as an historic piece of legislation—it certainly is—which it is proud to bring before this Parliament. We believe that the whole scheme not only demonstrates the strength of the intergovernmental institutions of this country, but is also unique in the world in countries where a federal system of Government is in force.

Secondly, it is the hope both of this Government and of the Governments of the other States and the Commonwealth that the passage of these Bills through the several Parliaments will herald an even greater effort in the exploration for petroleum in Australia's offshore areas and that these probings of the geology of our continental shelf will result in many more discoveries of petroleum which will add to our national wealth.

In commending the Bill for consideration, I would like to thank you, Mr. Speaker, and the others who have occupied the Chair during my speech, and particularly members for the tolerance and patience they have extended me. I appreciate the fact that there were no interjections, as this was not an easy exercise.

Mr. Brady: Before you sit down, could you tell us how many pages there are in your second reading speech.

Mr. BOVELL: There are 45.

Mr. Brady: That is very interesting.

Mr. BOVELL: Members have been co-operative and patient and I wish to record my appreciation.

Debate adjourned, on motion by Mr. Kelly.

*Message: Appropriations*

Message from the Governor received and read recommending appropriations for the purposes of the Bill.

**PETROLEUM (SUBMERGED LANDS) REGISTRATION FEES BILL**

*Second Reading*

**MR. BOVELL** (Vasse—Minister for Lands) [12.11 a.m.]: I move—

That the Bill be now read a second time.

In my second reading speech on the Bill for an Act entitled the Petroleum (Submerged Lands) Act, 1967, I referred on a number of occasions to a Bill for a Petroleum (Submerged Lands) Registration Fees Act, 1967. I then explained the purposes of this small Bill in detail, and at this stage I do not think there is any need for further explanation.

In commending the Bill to the House, I would ask for permission to table two copies of the agreement relating to the exploration for, and exploitation of, the petroleum resources and certain other resources of the continental shelf of Australia and certain territories of the Commonwealth and of certain submerged land. Several other copies are available if members would like them. I regret that sufficient numbers are not available to enable every member to be given a copy.

*The documents were tabled.*

Debate adjourned, on motion by Mr. Kelly.

*House adjourned at 12.13 a.m. (Thursday)*

# Legislative Assembly

Thursday, the 19th October, 1967

The SPEAKER (Mr. Hearman) took the Chair at 2.15 p.m., and read prayers.

**QUESTIONS (18): ON NOTICE**

**HOUSING**

*Rockingham-Safety Bay Area*

1. Mr. RUSHTON asked the Minister representing the Minister for Town Planning:

   (1) What is the estimated demand for housing in the Rockingham-Safety Bay areas over the next five and 10 years;

   (a) from normal growth;

   (b) from industry?

   (2) When is it anticipated the development of precinct No. 1 Bungaree Estate, Rockingham, will commence?

   Mr. LEWIS replied:

   (1) At this time the demand for housing in the Rockingham-Safety Bay area over the next five and 10 years is not capable of realistic estimate. The area is in a state of flux: factors such as the development of the outer harbour, the establishment of a naval base, and of industry in the immediate and general area, and the size of them, are imponderables at the moment. In addition, it is difficult to distinguish between normal growth and growth from

industry, since the area's erstwhile normal economic base—seaside cottages and tourism—is now only part of the currently normal economic base that has been affected by industry. However, an extrapolation of current trends indicates that—

(a) current growth will call for about 1,500 houses during the next five years; while an attempt to assess growth for the following five years would not be realistic; and

(b) new industries and other developments would give rise to a substantial increase in the demand for housing during the next five and ten years.

(2) The subdivision of precinct No. 1, Bungaree, was approved on the 20th May, 1966. The development of the precinct will be initiated by the owners.

## WARNBORO SOUND

*Navigational Aids*

2. Mr. RUSHTON asked the Minister for Works:

(1) When is it anticipated navigational aids in Warnboro Sound will be installed?

(2) What is the detail of the equipment?

(3) What is the estimated cost?

Mr. ROSS HUTCHINSON replied:

(1) It is anticipated that navigational aids will be installed in Warnboro Sound by the end of April, 1968.

(2) Equipment will comprise—

(a) a set of leads to mark the entry to Warnboro Sound through Coasters Channel, bearing 078°/258°;

(b) a beacon marking the channel reef.

Beacons will be fitted with day marks and flashing lanterns for night navigation.

(3) Estimated cost is $10,000.

## ASSISTANT TEACHERS, LECTURERS, AND INSTRUCTORS

*Married Officers at Kalgoorlie and Boulder*

3. Mr. EVANS asked the Minister for Education:

How many married assistant teachers, lecturers, and instructors have appointments in Kalgoorlie and Boulder?

Mr. LEWIS replied:

The total number of married assistants, teachers, lecturers, and instructors in employment in Kalgoorlie and Boulder is 37.

## GOVERNMENT EMPLOYEES' HOUSING AUTHORITY

*Houses at Kalgoorlie and Boulder*

4. Mr. EVANS asked the Premier:

(1) How many houses are owned by the Government Employees' Housing Authority in Kalgoorlie and Boulder and available for rental by married assistant teachers?

(2) When does the authority intend to—

(a) acquire; and

(b) build;

further homes in this area and what is the number of such houses to be and for what departments' employees are they intended?

Mr. BRAND replied:

(1) Number of houses owned—

Kalgoorlie—14.

Boulder—2.

Eight houses at Kalgoorlie and one at Boulder are allocated to the Education Department. None of these houses is available for rental by married assistant teachers. These houses are at present occupied by principals and deputy principals, superintendent, and headmasters.

(2) (a) Not applicable.

(b) Immediately.

Two houses are to be built as soon as suitable land has been obtained and when completed will be allocated to the Education Department. It is possible a third house may be erected, and if so it will be allocated to the Mines Department.

## GUILDFORD SCHOOL

*Additional Land for Playing Field*

5. Mr. BRADY asked the Minister for Education:

(1) Has the extra land for the playing field at Guildford State School been finalised as agreed at the deputation early in the current year to the Minister?

(2) Has the parents and citizens' association been advised of the current position?

Mr. LEWIS replied:

(1) With the exception of 2½ acres, the extra land for playing fields has been finalised. The 2½ acres is at present under negotiation.

(2) No.

## GOVERNOR STIRLING HIGH SCHOOL

*Grassing of Oval*

6. Mr. BRADY asked the Minister for Education:

(1) Have the plans for grassing the oval for Governor Stirling Senior High School been arranged?

(2) Will the school be able to use the grounds in the current year?

(3) What is the present stage of the reticulation, etc.?

Mr. LEWIS replied:

(1) Plans for the development of the Governor Stirling Senior High School oval and an adjoining area of council land have been formulated in conjunction with the local authority. Initial development has been on the council land.

(2) The use of the area at present under development will depend upon current discussions between the town council and the Education Department.

(3) The Education Department has provided a bore. The pump and necessary piping have been ordered.

## UNIVERSITY OF WESTERN AUSTRALIA

*Country Students and Employees: Number*

7. Mr. ELLIOTT asked the Premier:

(1) Can he advise the number of students at the University of Western Australia whose homes are in country areas?

(2) How many people are employed at the University?

Mr. BRAND replied:

(1) 909.

(2) 1,259 full time, 570 part time; total 1,829.

## ROAD MAINTENANCE TAX

*Cost of Collection and Administration*

8. Mr. NORTON asked the Minister for Transport:

(1) What was the total cost of collecting and administering the road maintenance tax to the 30th June, 1967?

(2) Was this cost met entirely from the Transport Co-ordination Fund; if not, from what funds was it met?

Mr. ROSS HUTCHINSON (for Mr. O'Connor) replied:

(1) Total cost of collection from inception to the 30th June, 1967, was $148,222. This includes initial expenses which will not be recurrent, such as the purchase of motor vehicles and the cost of preliminary work in setting up the necessary organisation. It does not include any allowance for work performed by officers of the Road and Air Transport Commission in conjunction with their normal duties.

(2) The whole of the administration cost was met from the Transport Commission Fund.

*Interstate Hauliers: Summonses*

9. Mr. NORTON asked the Minister for Transport:

(1) Have all interstate hauliers who failed to make road maintenance tax returns been served with summonses?

(2) If all have not been served with summonses, how many have not been served and what was the reason?

Mr. ROSS HUTCHINSON (for Mr. O'Connor) replied:

(1) Prosecution action has been authorised against all interstate hauliers as and when evidence of an offence is obtained. The total number of charges authorised up to date is 1,378.

(2) Summonses issued to date total 638, of which 293 have been before the courts. Legal action for issue of summonses is in process in relation to the remaining 740 charges.

## GOLD DISPLAY

*Location and Value*

10. Mr. EVANS asked the Premier:

(1) Where is the display of Western Australian gold which was once on exhibition at Coolgardie and was taken on tour to London and possibly other European cities?

(2) What is the present-day worth of this display?

Mr. BRAND replied:

(1) At the Royal Mint, Perth.

(2) The exhibit is regarded as being very valuable but the actual value could not be ascertained without destroying the specimens.

## HOUSING

*Fremantle: Single-unit Flats*

11. Mr. FLETCHER asked the Minister for Housing:

Will he advise—

(a) the estimated date of completion of single-unit flats to be built this financial year in Fremantle;

(b) the number to be built;

(c) the exact location of the project?

Mr. ROSS HUTCHINSON (for Mr. O'Neil) replied:

(a) The 31st March, 1968.

(b) 32 single flats;
2 double flats;
plus recreational hall.

(c) Lots 186-193 Bromley Road, Hilton Park.

## INTERSTATE IMPORTS AND EXPORTS

*Value*

12. Mr. HALL asked the Premier:

(1) What was the value of Western Australian imports from other States for 1965-66 and for the six months ended December, 1966?

(2) What was the value of Western Australian exports to other States for 1965-66 and for the six months ended December, 1966?

(3) How much, in value, were imports in excess of exports from other States for the periods above?

Mr. BRAND replied:

(1) £403,054,000 and $200,532,000 respectively.

(2) $120,671,000 and $52,626,000 respectively.

(3) $282,383,000 and $147,906,000 respectively.

## MARGARET KINDERGARTEN

*New Site*

13. Mr. W. HEGNEY asked the Minister for Education:

(1) Can he advise whether a new site for the Margaret Kindergarten (Leederville) has been decided upon?

(2) What is its location?

(3) Is it proposed to require that the present premises of the kindergarten be vacated early in 1968?

(4) If (3) is "Yes," what is the reason?

Mr. LEWIS replied:

(1) A site is under consideration by the Perth City Council.

(2) Information as to location is not available.

(3) The Education Department would appreciate early vacation of the building but a definite date has not been determined.

(4) To increase the size of the site available for the primary school.

## POLICE

*Pilbara: Stationing of C.I.B. Officers*

14. Mr. BICKERTON asked the Minister for Police:

Owing to the increased crime rate in the Pilbara district, mainly as a result of population increase, is it intended to have C.I.B. representatives stationed in the area; if so—

(a) where;

(b) how many;

(c) what arrangements are to be made for accommodation?

Mr. CRAIG replied:

Yes, a detective has been selected for transfer.

(a) At Port Hedland.

(b) One detective.

(c) Suitable accommodation is being sought.

15. *This question was postponed.*

## PORT OF GERALDTON

*Levy on Export Cargoes*

16. Mr. SEWELL asked the Minister for Works:

(1) Is a charge made for each ton of cargo exported through the port of Geraldton, apart from the ordinary wharfage charges?

(2) If so, what department levies the charge?

(3) What amount per ton is the charge and for what purpose is the levy made?

Mr. ROSS HUTCHINSON replied:

(1) Yes; a harbour improvement berthage due.

(2) Harbour and Light Department.

(3) (a) Five cents per ton on all cargo landed and/or shipped.

(b) Originally levied by the Railways Department on the ship for the use of the berth.

## COURT OF MARINE INQUIRY

*Collision between "Andrew" and "Katameraire": Photographs*

17. Mr. GRAYDEN asked the Minister for Works:

Apropos his reply to question 10 on Tuesday, the 17th October, 1967, regarding the court of marine inquiry into the collision between T.S.M.V. *Andrew* and T.S.M.V. *Katameraire*—

(1) Are the photographs referred to the three coloured slides which at least until recently were in the custody of the local court at Fremantle?

(2) Are any other photographs involved?

(3) Were any other photographs tendered at the court of marine inquiry?

(4) Has he seen the photographs enlarged by means of a projector?

(5) Were the photographs enlarged by means of a projector for the benefit of the court of marine inquiry?

(6) What specific and relevant points are the photographs supposed to establish?

Mr. ROSS HUTCHINSON replied:

(1) Yes.

(2) No.

(3) No.

(4) No.

(5) No, they were seen in a viewer with very slight enlargement.

(6) The photographs cast doubts on Mr. Page's statement on the subject of his manoeuvring immediately after the collision when he claims he had his wheel hard to port.

MOTOR VEHICLE LICENSES

*Number in Last Three Years*

18. Mr. DAVIES asked the Minister for Police:

How many motor vehicle licenses were current in each of the last three years ending the 30 June?

Mr. CRAIG replied:

| | Metropolitan Area | Country Districts | State Total |
|---|---|---|---|
| 1965 .... .... | 173,132 | 118,342 | 291,474 |
| 1966 .... .... | 187,018 | 126,998 | 313,016 |
| 1967* .... .... | 191,065 | 127,649 | 318,714 |

* The figure for country districts is at the 31st March, 1967. The June total is not yet available.

The above totals include motorcars, station wagons, motor wagons, motorcycles, and omnibuses.

## QUESTIONS (3): WITHOUT NOTICE

GOLD DISPLAY

*Location and Value*

1. Mr. EVANS asked the Premier:

Further to his answer to part (2) of question 10 on today's notice paper, would he endeavour to obtain an estimate of the value of the gold display and advise me?

Mr. BRAND replied:

I do not know whether a great deal would be achieved by doing this. I understand it is a very valuable exhibition; and, when it was previously on display, it was very closely guarded. When we give a value which is very high, we attract the interest of people who might have other ideas about the safety of an exhibit such as this. On top of that, I am informed it would be difficult to assess the value because of the danger of destroying the specimens.

If it is of interest to the honourable member, privately, in the first place, I will be willing to ask if it is possible for some assessment of its value to be given.

MARGARET KINDERGARTEN

*Continuance in Present Premises*

2. Mr. W. HEGNEY asked the Minister for Education:

Arising out of question 13 on today's notice paper, I understood the Minister to say the location of the proposed new site was not known at this stage. In view of the nature of the reply, could he give me an assurance that the Margaret Kindergarten will be allowed to continue at Leederville until such time as new premises are available?

Mr. LEWIS replied:

I am not in a position to give an assurance in regard to this matter, but I will inquire from the department whether it is possible to delay indefinitely the vacation of the building. At this moment I would not know for how long. As the honourable member knows, kindergartens do not come under my jurisdiction and we are waiting advice from the Perth City Council as to an alternative site for the kindergarten.

I would not expect that the Education Department would bulldoze the kindergarten out of the way, but it would nevertheless require an assurance that the Perth City Council was making some genuine endeavour to expedite the provision of an alternative site. However, I will inquire from the department whether it is possible to let the kindergarten continue for at least a reasonable time.

POLICE

*Pilbara: Stationing of C.I.B. Officers*

3. Mr. BICKERTON asked the Minister for Police:

With regard to question 14 on today's notice paper, could he give me any idea when the member of the C.I.B. will be going to Port Hedland?

Mr. CRAIG replied:

No. I am as aware, of course, as is the honourable member, of the difficulty of securing accommodation in Port Hedland; and I feel that if this had been available the detective would be there by now.

## ESPERANCE LANDS AGREEMENTS

*Inquiry by Royal Commission: Personal Explanation*

**MR. BOVELL** (Vasse — Minister for Lands) [2.33 p.m.]: Last night, when speaking to the motion of the Leader of the Opposition I referred to the gentlemanly qualities of the late Mr. Emil Nulsen, and I went on to say that in my opinion had he still been a member of the Opposition, the course the Leader of the Opposition adopted would not have been adopted.

Now, I want to say that I was not reflecting on the member for Boulder-Eyre when I made that statement. If it is worth anything to him, I would like him to know that, after 16 years of association with him, I hold him in the same high personal regard as I did the late Emil Nulsen.

Mr. Graham: Then what did you mean?

The SPEAKER: Order!

## LEAVE OF ABSENCE

On motion by Mr. May, leave of absence for two weeks granted to Mr. Rowberry (Warren) on the ground of ill-health.

On motion by Mr. I. W. Manning, leave of absence for two weeks granted to Mr. O'Neil (East Melville—Minister for Housing) on the ground of ill-health.

## ELECTORAL ACT AMENDMENT BILL

*In Committee*

Resumed from the 17th October. The Deputy Chairman of Committees (Mr. Crommelin) in the Chair; Mr. Court (Minister for Industrial Development) in charge of the Bill.

Postponed clause 8: Section 51A added—

The DEPUTY CHAIRMAN: Progress was reported after the clause had been partly considered.

Mr. COURT: When this matter was before the Committee on a previous occasion I undertook to check on two points. One was in connection with the position of a person who had been struck off the roll after the proper procedures had been followed as envisaged by clause 8 and by the further amendment which had been foreshadowed. The other point was in respect of that person's card.

I think the last point was raised more particularly by the member for Beeloo, and, dealing with it first, I would say I have been assured by the Chief Electoral Officer that the card would, in fact, be retained until at least after the next election, and therefore it would not be destroyed and the habitat and other records of the individual lost.

So far as the first point is concerned, the Chief Electoral Officer assures me that a person who had been struck off *bona fide*, all the proper machinery having been followed, would not automatically be reinstated on a mere request. However, he could institute the normal enrolment claim procedures that are open to any other elector. I think this covers the two points and I hope my explanation has been satisfactory.

Might I also foreshadow a procedural matter. I understand that if I let clause 8 go through in its present form, unamended, when the motion for the adoption of the report is before the Speaker, I can move for the Bill to be recommitted for the purposes of reconsidering clauses 8 and 11; but if we amend clause 8 now, I lose the right to do this. Therefore, with the indulgence of the Committee, I will allow clause 8 to go through now unamended and adopt the procedure I have just foreshadowed.

Postponed clause put and passed.

Title put and passed.

Bill reported without amendment.

*Recommittal*

Bill recommitted, on motion by Mr. Court (Minister for Industrial Development), for the further consideration of clauses 8 and 11.

*In Committee*

The Deputy Chairman of Committees (Mr. Crommelin) in the Chair; Mr. Court (Minister for Industrial Development) in charge of the Bill.

Clause 8: Section 51A added—

Mr. COURT: I move an amendment—

> Page 3, line 25—Add after the section number "51A." the subsection designation "(1)".

I should explain that this is the forerunner to the insertion of a proposed new subsection (2) Is it desirable that I give an explanation of that amendment?

The DEPUTY CHAIRMAN: I think so.

Mr. COURT: Members are well aware of the reasons for this amendment, which arose from a request by the Deputy Leader of the Opposition for some protection for a person who might be struck off the roll by the Chief Electoral Officer. He felt that in spite of the best endeavours of the Chief Electrical Officer to establish the *bona fides* of such striking off, the person struck off might object, and he should be given the opportunity to prove that he or she did not want to be struck off and was, in fact, capable of voting. A question of appeal arose and after studying the matter with the Chief Electoral Officer, I felt a better way to overcome the situation was by this proposed new subsection (2).

It provides that the Chief Electoral Officer shall not, under subsection (1) of this section, remove the name of the elector from the roll unless—

> (a) he has, by notice in writing served on the elector, given notice of his intention so to remove the name of the elector;
>
> (b) he has, in the notice, specified a date being not less than fourteen days from the date of the notice on or before which the elector may by notice in writing served on the Chief Electoral Officer advise him that he objects to his name being so removed; and
>
> (c) the elector has failed to serve a notice on the Chief Electoral Officer under and in accordance with the provisions of paragraph (b) of this subsection.

Briefly stated it means the Chief Electoral Officer must give notice that he intends, not less than 14 days hence—during which time the elector can say he does not want to be struck off the roll, in which case the name will remain on the roll—to remove the elector's name from the roll.

I invite the notice of members to proposed subsection (1), which is already shown in the Bill, wherein it is stated that prior to all this procedure the Chief Electoral Officer must satisfy himself that the person is mentally and physically incapable of voting. Personally, I think the proposal will provide relief to some people.

The member for Beeloo was not in the Chamber when I related the result of the conference with the Chief Electoral Officer concerning the retention of the card. He assured me this would be retained. He also assured me that a person who subsequently recovers to the point where he thinks he should vote, can institute normal procedures to have his name replaced on the roll. In other words, if a person thought he could vote *bona fide* he would have to put in the normal claim form.

Mr. HAWKE: I would like to obtain some information from the Minister regarding the wording of this amendment.

The DEPUTY CHAIRMAN (Mr. Crommelin): I would draw the attention of the honourable member to the fact that I am dealing only with the addition of the subsection designation "(1)."

Mr. HAWKE: Thank you, Mr. Deputy Chairman.

Amendment put and passed.

Mr. COURT: I move an amendment—

Page 3—Insert after proposed new subsection (1) in lines 25 to 31 the following new subsection to stand as subsection (2):—

(2) The Chief Electoral Officer shall not, under subsection (1) of this section, remove the name of the elector from the roll unless,—

(a) he has, by notice in writing served on the elector, given notice of his intention so to remove the name of the elector;

(b) he has, in the notice, specified a date being not less than fourteen days from the date of the notice on or before which the elector may by notice in writing served on the Chief Electoral Officer advise him that he objects to his name being so removed; and

(c) the elector has failed to serve a notice on the Chief Electoral Officer under and in accordance with the provisions of paragraph (b) of this subsection.

Mr. GRAHAM: First of all, let me say I am grateful to the Minister for having submitted this amendment which does cover, to some extent, a very grave weakness which existed in the original draft. Nevertheless, I feel that this is not necessarily complete in itself. At least, before a person's name is removed from the roll he will receive a notification to that effect which will allow him a period of not less than 14 days to object to the removal of his name. If there is no objection, of course, his name is removed by the Chief Electoral Officer, and that is that.

The Minister tells us there is nothing to prevent the person concerned from applying for re-enrolment, and I daresay that would be done in the terms of section 42 of the Act. I am wondering just how long this could go on if what the Minister tells us is true. The Chief Electoral Officer could decide that a certain person was physically or mentally incapable of properly exercising his franchise, and send that person a notice and allow him two or three weeks in which to object. If no objection is received from the elector the Chief Electoral Officer duly removes the name from the roll. What if that person, on the following day, lodges a new claim? I presume there is then an obligation on the Chief Electoral Officer to re-enrol him. If the Chief Electoral Officer is still of the opinion that the person is incapable of voting, the whole process will be gone through again.

If we legislate to cater for a situation like that the whole thing becomes a farce. Perhaps the person's name should be removed for a period of six months or 12 months, or something of that nature. I repeat, this could become virtually a circus.

The other aspect which worries me is that I am aware, from experience, that in the interpretation of a Statute the courts give added weight to the last determination of Parliament. This amendment submitted by the Minister provides machinery for the Chief Electoral Officer to remove a person's name from the roll, but provides no machinery whatever for that person to be re-enrolled if he so desires at a later date, or if the circumstances of his disability should alter. I am wondering whether, if the Chief Electoral Officer has decreed a person as being one whose name should be removed from the roll, that decision is final and absolute and will have application for all time. If it does, then it is a most undesirable state of affairs.

It is a little difficult for a layman to pass judgment on what is essentially a legal and technical matter. As I have said on other

occasions, this question of somebody—whoever it is—having the absolute right, against which there is no appeal, to disfranchise a person in a democratic State is, indeed, serious. Therefore, we should ensure that proper steps are taken before a final decision is made. That has been attended to at least in part, or to a very large extent, by the amendment moved by the Minister. However, does the amendment fall short by making no provision for re-enrolment? I could not express an opinion on this; but would it result in the ridiculous situation I have indicated of messages passing backwards and forwards between the elector and the Chief Electoral Officer? That process could go on *ad infinitum*.

Mr. May: Like the T.A.B.!

Mr. GRAHAM: I would like some of our legal members to give some guidance in connection with this; unless, perchance, the Minister has at his command an explanation or can show the way in connection with it.

Mr. COURT: First of all, there is no prospect, in practice anyhow, of this being a question of "on again, off again"; because, if the elector was duly struck off after the procedures had been properly followed and he then sought enrolment through a normal claim, his name would be reinstated on the roll. The Chief Electoral Officer assures me that would be the procedure. Surely the person would have established to the satisfaction of the Chief Electoral Officer that he was capable of exercising a vote and that he wanted to vote.

It is most unlikely that under those circumstances a person would be sent a notice the second time, because the Chief Electoral Officer does not act irresponsibly. However, if the selfsame person who had been enrolled receives a second notice giving him 14 days or more in which to reply, he does not have to prove anything. All he has to say is, "I object to being struck off the roll," and as a consequence he would stay on the roll.

Mr. Graham: If the person does not reply, is he struck off the roll?

Mr. COURT: Surely there has to be some situation whereby there can be a definition. If he failed to reply the second time then, with due respect, I suggest there would be some doubt about his mental capacity to exercise a vote. Nevertheless, if such a person had gone to the trouble to resubmit a claim and was sufficiently interested to want to vote, no doubt the next time the notice turned up he would take prompt action to say to the Chief Electoral Officer, "I want to stay on the roll." That is the practical situation as well as the legal situation.

As far as an appeal is concerned, I think the provisions of this legislation are a great improvement on a provision for an appeal. The person does not have to go to the bother of appealing to a magistrate but, instead, just writes back within the time and says that he objects to being struck off the roll, and accordingly he stays on the roll. I cannot imagine anything more simple and practicable. Within my experience, Chief Electoral Officers act responsibly and they would make quite sure that the person concerned was mentally or physically incapable of exercising a vote.

Mr. HAWKE: The words upon which I want some information are "served upon." What will be the actual process to be followed in serving upon the individual elector the intention of the Chief Electoral Officer to strike the elector's name from the roll? In the past I have understood the words "served on" or "served upon" to actually mean the serving by one person upon another of a notice or a document, whatever it might be. I rather doubt whether the Crown Law Officer who worded the amendment which is now before us had that meaning in mind. I would think he was aiming to make it allowable for the Chief Electoral Officer to send notices through the normal P.M.G. postal services. I raise the question as to whether that method would be within the meaning of the words "served upon."

The actual principle with which we are dealing in this amendment is tremendously important. I agree with the Minister that the amendment he has moved is a considerable improvement upon what is contained in the Bill.

The Minister claims that the procedure set down in the amendment is realistic and quite simple of operation. I agree it is. However, it still would leave the electors concerned in a situation where their names might easily be removed from the roll without their actually wishing that to happen.

Enrolment by men and women is the essence of our democratic system of government, and no person who has claimed enrolment and been granted it should have his or her right in that direction lightly taken away. This measure proposes to take the right away in the event of the Chief Electoral Officer serving notice of intention to remove the name from the roll, and provided the elector concerned does not write back and object to the proposed removal.

I consider it would be equally realistic, much simpler, and much safer if we were to include a provision in the law which would allow a person to be disfranchised in this situation only when the person concerned, on receiving notice from the Chief Electoral Officer, wrote back to the Chief Electoral Officer and said he approved of the Chief Electoral Officer's proposed action. This would safeguard the elector; and surely he or she is the person who should be safeguarded. There would not be anything difficult about a procedure of that kind; there would not be any ex-

pense involved in it over and above what is proposed in the Bill and the amendment which the Minister has moved. It is our duty as members of this Legislative Assembly to protect the elector who is already enrolled; that is, the person whose name is on the electoral roll.

We know from our own individual experience what happens to some of these communications which come to people in connection with electoral rolls and the like. It is quite likely, too, that people would not receive these notices and so would not be able to make any objection within the proposed period of 14 days. Changes of addresses, people being away on holidays, and the rest of it, would mean that a lot of people who were sent notices which stipulated that they must do something or other within 14 days would not in fact receive them within 28 days, or within, perhaps, longer periods.

However, the two points I wish to make are, firstly, to try to obtain information about the actual legal meaning of the words "served upon," and, secondly, to suggest for consideration that a much better and safer proposition would be to lay it down in the law that no elector concerned in the situation which we are discussing shall have his or her name removed from the roll unless he or she has sent a letter back to the Chief Electoral Officer agreeing to the taking of that course.

Mr. COURT: In answer to the member for Northam, first of all the question of notice is covered by section 208 in the parent Act which provides for all types of notices. Whilst he has been talking I have been examining the index to see if there are any exceptions to what is set out in section 208 and have compared that section with the provisions of section 31 (1) (a) of the Interpretation Act which deals with the situation when other legislation is silent. For the sake of the record, section 208 of the Electoral Act reads as follows:—

> Any notice under this Act may be served by posting it to the last known place of abode of the person to whom such notice is given, or to the place of living of such person appearing on any roll.

That is about the only practical way to serve a notice under the electoral law, because so many situations arise.

I can see some practical difficulties relating to the second point raised by the member for Northam, because I should re-emphasise that the whole object of the amendment is to render a service to certain people rather than to try to take anything away from them. These people would be those who, in the opinion of the Chief Electoral Officer, for reasons of mental or physical incapacity—and after being served with a notice—should be struck off the roll. It is reasonable to assume it would be impracticable to get them to sign anything or to do anything—other than some very doubtful form of indication to the Chief Electoral Officer—if they wanted to remain on the roll or wished to be struck off it.

However, if, in spite of his vigilance, he did make a decision to strike the name of such a person off the roll, he would serve a notice and if that elector were capable of writing a letter or giving other indication of his desire to stay on the roll, his name would remain. This is the most practical method we can adopt to carry out the intention of relieving people of their duty to exercise a compulsory vote if it is considered warranted.

Mr. GRAHAM: Would a person, the subject of this amendment, who has had his name removed from the roll, be re-enrolled if he applied for re-enrolment at any time?

Mr. Court: I tried to convey before it is the intention that if he were entitled to be enrolled, he would be re-enrolled. That is, on the understanding that he can apply for re-enrolment in the normal way. If for other reasons he was struck off the roll, he would be dealt with as a normal claimant if he applied for re-enrolment.

Mr. GRAHAM: I understand that. I am not satisfied merely with the Minister's understanding of the position. I want from him a categorical statement that if a person whose name has been removed from the roll applies for re-enrolment it will be possible for him to be re-enrolled forthwith if his application is subject only to the usual requirements.

Mr. Court: That is my understanding of the law, but if a later situation proves it is not so because of some technical reason, as far as this Government is concerned it would introduce legislation to remove the doubt. The Government would do that because it has no desire to wrongly disfranchise anybody. The intention of this amendment is to render a service to those who desire it.

Mr. GRAHAM: I take it the Minister will not wait for the situation to arise, but will seek advice at the highest possible level on whether his understanding of the position is correct, or what I have expressed is the true position.

Mr. Court: I will do it again if that will satisfy you.

Mr. GRAHAM: That will satisfy me.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 11: Section 88 amended—

Mr. COURT: I move an amendment—

> Page 5, line 9—Delete the words "he is not entitled to a refund of".

If I am successful with this amendment I will seek to add the words "shall be forfeited to the Crown" in the appropriate part of the clause.

The reason for the amendment is to remove all doubt about forfeiting a deposit, because following the query by the Deputy Leader of the Opposition I had some research made into this matter and whilst there is no doubt a person would not get the deposit back under the present wording, it certainly does not state that the deposit shall be forfeited to the Crown. The amendment, therefore, intends to place the matter beyond any legal doubt; that is, not only will a person not get his deposit back but also it will be forfeited to the Crown.

Amendment put and passed.

Mr. COURT: I move an amendment—

> Page 5, line 11—Insert after the word "nomination" the words "shall be forfeited to the Crown".

Amendment put and passed.

Clause, as amended, put and passed.

Bill again reported, with amendments.

## LOCAL GOVERNMENT ACT AMENDMENT BILL

*Second Reading*

Debate resumed from the 4th October.

**MR. TOMS** (Bayswater) [3.8 p.m.]: When the amendments proposed in the Bill pass through this House and become law over 200 amendments will have been made to the Local Government Act since it came into operation on the 1st July, 1961. Members may recall that when we were discussing the amendments to the Local Government Act last year, I said we were fast approaching the stage where the Act should be reprinted. I have here a bound copy of the Local Government Act, complete with all the amendments that have been passed to date, and the binding is now practically bursting.

I am particularly pleased, therefore, to note that the Minister in another place has stated it is time the Act was reprinted; because, if it is not, with the inclusion of the amendments in this Bill, I am sure town clerks and shire clerks in various parts of the State will have great difficulty in fitting them into their copies of the Act. The amendments proposed in this measure, including the schedule, total approximately 24.

Neither the Minister in this House when moving the second reading here, nor the Minister in another place when moving the second reading there, gave any particular reason for the provision contained in subclause (2) of clause 2, which reads—

> It shall not be necessary to proclaim that the whole Act shall come into operation on one date, but the several sections of this Act may be proclaimed to come into operation on such dates as are respectively fixed by proclamation.

I might agree that the above provision could be a help in connection with other Acts; but when it comes to the Local Government Act there is no difficulty in all the amendments contained in this measure coming into force on the same day.

The amendment which follows is a small and necessary one, because it makes provision for an addition to part XV which deals with buildings. This is necessary because of a later amendment.

The amendment which clause 4 proposes to make to section 37 of the Act is only an enlargement of the present provision in the Act which deals with disqualifications. Were it not for the fact that the addition of the words means that the disqualification shall apply to a member of a council as it is related to section 39 of the Act, it might have been necessary for me to oppose the harshness of the provision; because it means that a person who has entered into an arrangement as a result of the provision in the Bankruptcy Act, 1924, could be disqualified from nominating.

We all know that people do make these arrangements from time to time, even though they are not necessarily bankrupt, and the arrangements are only in force for a short time, after which the person concerned proceeds as usual.

I am rather interested in the lengths to which the Minister went to give his reason for the amendment to section 45 of the Act. The Minister in this Chamber found it necessary to explain to the House that a little booboo had been made in the numbering of the clauses from clause 4A onwards. Apparently a move had been made in another place to add a clause which was to stand as 4A, but when the Bill was reprinted the designation "A" was left out, and the clause was numbered 5, and the remaining clauses were numbered serially after that.

It is, however, proposed to increase the number of votes for a body corporate from one to two. I have had a good look at the provision and I can see no objection to it.

The City of Perth raised a particular point with the Minister in regard to the preparation of rolls, and this necessitated an amendment to section 46. This is something which, no doubt, will happen from time to time as a result of advances in science and commercial practice.

Because of the new methods and machinery employed in particular councils—and this could apply also to other councils as they become large enough to procure these machines—it is proposed to leave the decision as to valuations being included on the roll to the discretion of the Minister, if an application is made in writing through the shire clerk. I do not think any violent objection can be taken to that. An elector would need only to be sure that he was receiving his full numerical voting rights.

I often wonder whether we do not sometimes go too far in the amendments we bring down to various Acts. I say this because the amendment contained in the next clause is of no great import. It may even be unnecessary. In relation to the witnessing of an application for an absentee or postal vote, the Bill proposes to amend the section which provides for the necessity to have a date placed on the application.

No doubt members have had an opportunity to see these application forms for postal votes, and they are probably aware of the time that would be involved in writing out such an application and placing the date on the form. I feel this is of little consequence, and we need not worry too much about it.

I am, however, very intrigued with the amendment in the following clause which deals with the checking of postal votes. Members will recall a previous amendment to the Act which enables the returning officer, upon notification to each of the candidates, to open the various postal votes and get them ready for checking on the night of the count. This is done during the day.

This could probably save a considerable amount of time in places like Rockingham and Mandurah, where there would be a large number of postal votes, and a proposition such as this would have a great deal of merit. But the wording of the clause seems to indicate that the wrong word has been used in the Act; instead of provision being made for the returning officer to keep the inner cover, the outer cover has been mentioned.

Mr. Jamieson: I think they might have got this the wrong way around.

Mr. TOMS: That is the opinion I have, because with the inclusion of the word "inner" it will be necessary for the returning officer, when checking postal votes, to keep the little white envelope which is marked "ballot paper." I can understand that being done when there is a disputed vote. I do not know whether the Act is being amended in the correct way as a result of clause 8, because when checking the postal vote the returning officer must on all occasions keep the outer envelope which contained the necessary information and the particulars of the elector concerned. If the Act is amended in the manner sought by clause 8, it will be necessary for the returning officer to keep all the inner envelopes.

I wonder whether there has not been some confusion, and I would like the Minister here to take this matter up with the Minister for Local Government, because I think the wrong word is used.

The provision in the following clause is one to which three local government bodies have agreed. It refers to the salary of the returning officer in relation to overtime arrangements. This is to be deleted. It would seem that he is the only one to be affected in this manner. The poll clerks and the presiding officers are entitled to $1.20 an hour for overtime which may be worked. I know that we amended the Act last year to raise the amounts to be received by the returning officers and all other officers.

I doubt very much whether the remuneration payable to returning officers will compare favourably with the remuneration payable to the other officers engaged at the polls. It must be admitted that the returning officer does most of the work in regard to postal voting before election day, but he is also responsible on election day for the proper conduct of the election and for the count after the close of the poll.

Mr. Jamieson: Often the returning officer will be paid less than his senior poll clerk.

Mr. TOMS: He could be, particularly if there is a heavy poll. Whilst I am not condemning this amendment in the Bill, I think it is desirable to have it examined further to see whether a more equitable arrangement cannot be arrived at for the payment of returning officers.

The provision in clause 10, which seeks to amend section 193, gives local authorities greater power to deal with the use of surfboards. I do not know what power a local authority has over a surfboard rider who is operating out in the deep water, because I have always been under the impression that the powers of local authorities cease at the high-water mark. There is a great doubt in my mind that a local authority has the power to exercise control over surfboards being operated in deep water, and in the event of a breach being committed in the water by an offender to arrest him when he returns to the shore, or to confiscate his surfboard.

Members might recall the occasion when there was fear of a typhoid outbreak at Robb Jetty. At the time the Cockburn Shire Council was asked by the Public Health Department to supply its two health inspectors to perform certain duties there. After the scare abated the shire council sent a bill to the Public Health Department for the wages of the two health inspectors. At the start, the department refused to pay their wages, but once mention was made of possible litigation the department assumed its responsibility and made the payment, because the duties were performed beyond the high-water mark and not at a place within the jurisdiction of the shire council.

An amazing situation has developed in respect of this particular matter. The minutes of the Cockburn Shire Council reveal that at a meeting held on the 12th September, 1967, a motion not to support the registration of surfboards was passed. The councillors did not want any-

thing to do with the suggestion. The Fremantle City Council was not interested either, because surfboard activities do not come within its province. All of the waterfront within the boundaries of the Fremantle City Council is under the control of the Fremantle Port Authority.

Mr. Williams: This is a provision to enable the local authority to make by-laws.

Mr. TOMS: I realise it is only a provision to enable the authorities to make by-laws, but I am raising a query as to where their jurisdiction starts and finishes. I understand it ceases at the high-water mark. Even though we have been told that the three local authorities were in agreement, I understand the Melville Town Council was also not interested in this amendment in the Bill, because on the same night as the Cockburn Shire Council meeting was held it also held a meeting. At this meeting only one councillor supported the proposition for the move to control surfboards.

Mr. Nalder: The local authorities do not have to take action. This provision will allow them to do so only if they wish.

Mr. TOMS: I am trying to indicate where the jurisdiction of the local authorities starts and finishes. Any activity which might cause injury to a swimmer must take place in the water. That being the position, there is a doubt in my mind that local authorities have the jurisdiction to deal with such a case.

Mr. Nalder: I presume it comes within the jurisdiction of the local authority in which the beach is situated.

Mr. TOMS: It is not much use for the Minister to assume the local authority has jurisdiction. This point should be taken up with the Minister for Local Government, to determine whether my assumption that the local authorities have very little power to act under these circumstances is correct.

Mr. Williams: Are not beach inspectors employed by local authorities, and have they not control on the beaches?

Mr. TOMS: I think their main duty is to ensure that the people on the beaches are not too scantily attired. I do not think a beach inspector would attempt to exercise his authority over activities which take place in the water.

The provision in clause 12 seeks to amend section 274, and I am sure no member will oppose it in view of the altered value of money. This amendment deals with the power of local authorities to have work carried out without the need to call for tenders. At present work costing over $1,000 must be tendered for, but under the amendment it is proposed to increase the amount to $2,000.

The Bill also seeks to amend section 277 which deals with fruit-fly baiting. This is a most necessary amendment and one which I am prepared to support. The amendments in the next three clauses will, I am sure, be supported by the Minister for Lands, because in my view the sections of the Act to which they relate concern town planning. It is proposed to take the power away from the Minister for Lands and to repose it in the Minister for Town Planning.

A minor amendment to section 340A is proposed in clause 18. This provision empowers local authorities to compel owners to clear and fence land, and it also deals with the service of notices. I have no objection to that amendment.

In another place the opportunity was taken in the Committee stage of the Bill to amend the provision in clause 20 which relates to unlawful works. I think the amendment suggested was quite justifiable, because the provision in the clause could have cast a reflection on the building inspectors engaged by local authorities. It seems that the desire to include section 401A in the Act arises from the fear that some officious building inspectors might overstep their mark. Provision is made in the clause for applications to be made to "the Secretary." The definition of this term, which appears at the end of the clause, is—

> "the Secretary" means the person for the time being performing the duties of the office of Secretary of the Local Government Department of the State.

The Secretary of the Local Government Department has sufficient to do without having to ensure that a particular officer is not overstepping his authority.

I do not think any council would tolerate an inspector who, because of a grudge against a builder, asserted his authority; it would soon call him to heel, and if he did not toe the line it would dispense with his services. I think you will agree with me, Mr. Speaker, that the method of serving a notice on a builder, when an inspector finds a building is not proceeding in conformity with the plans or specifications, has worked for many years without any problems at all. It may be all right in the metropolitan area for the Secretary of the Local Government Department, after receiving a telephone call, to send an officer out in order to ascertain the reason for work being stopped, but I can visualise places in the north from where it might take even a week or so to get notice to the Secretary for Local Government and receive a reply. In such a case it is possible for the builder to have completed the work in that time, and he could have moved over into the Northern Territory, or to Queensland. In such a circumstance, who is going to serve an order on whom to make the work good?

I feel this provision infringes on the rights of every local authority, as I believe all of them would go out of their way to take action against a builder who was not doing the right thing. Of course, there are occasions when we come up against the old type gerry-builder; and it has been envisaged by the Minister in another

place that an order from a building surveyor could perhaps suspend the operations on a building where 30 or 40 men are working. However, I cannot visualise that sort of thing taking place on a job of that size.

I believe there would be an architect or a supervisor of some sort looking after the job, and I do not believe that that person would allow the work to be done in any way other than in accordance with the plans and specifications, which would be a copy of those the local authority had in its possession. So I see no reason whatsoever for the inclusion of this provision under which a shire is required to inform the Secretary for Local Government in regard to particular work.

Had I thought it worth while, I might have included an amendment on the notice paper; but one knows how difficult it is to have an amendment accepted, irrespective of how effective one's argument is, once Ministers have made up their minds that a clause is to stand as printed.

The next amendment deals with the circumstances under which councils may demolish buildings, sell material, and recover expenses. There is no great hardship inflicted by that.

Mr. Jamieson: Unless you happen to be the one having your material sold.

Mr. TOMS: When a building is demolished, one does not get back sufficient money to cover the time expended and other costs.

Another amendment extends insurance to a councillor's wife or a person accompanying a councillor in the discharge of council business. Some members may take exception to this provision, but I do not think it will cost the councils very much more to insure the wives or the persons concerned, because a councillor does not always take his wife or a lady friend when he is representing the council at a function, or on a deputation. Therefore I do not think any great exception can be taken to this amendment. I believe it is necessary, because councillors do an honorary job and spend quite a lot of time on council business.

Mr. Fletcher: What if a lady councillor takes her husband?

Mr. TOMS: I think that would be covered. As member for Fremantle, the honourable member would be all right. Another amendment concerns the cost of audit. Up to now, some shire councils have been fortunate in that they have had to bear only half the cost of the audit, but under this amendment it is proposed to make certain shire councils that are listed in the 27th schedule responsible for the whole cost of their audit. I have had a look at the shires that will be affected and I do not think any one of them would be forced into liquidation by the extra cost involved. This will, as it were, relieve the Local Government Department of an added expense. I raise no objection to the provision.

The final amendment, apart from the schedule, is one with which all members will heartily agree. I cannot help but feel our State is becoming a place for litterbugs. Under this measure it is proposed to give local authorities greater control in connection with this problem; and it is also proposed to raise the penalty. There was a time when the sides of the roads in the country and the metropolitan area were littered with bottles and other refuse which had been thrown from the modern convenience we call the motorcar.

Mr. Jamieson: What has happened to your eyes lately?

Mr. TOMS: Today, however, with the advent of the can, I am afraid one sees more of these on the sides of the roads when one travels in the daytime; and it is also possible to see them glitter at night when they reflect a car's headlights.

It appears we, in this State, are not prepared to go as far as the authorities have gone in Victoria. I believe in that State magistrates have been given the right to impose the penalty of cleaning up particular streets when a person has offended.

Mr. Jamieson: It is not a bad idea.

Mr. TOMS: I think it is a good idea. It might teach the people who offend to be more careful in the future. For a second offence perhaps they may have to clean up for a distance of a mile instead of for half a mile.

Mr. Nalder: Do you think it would be a good idea if we made it obligatory for all car owners to fit a receptacle in the front of their cars in which to dispose of papers, tins, and so on?

Mr. TOMS: I do not think that is necessary. My experience as a driver is that I do not have so much litter in my car that I cannot drop it in the front of the car. One probably drives 100 miles—not 1,000 miles—before stopping for a drink and the can could be dropped on the floor at the front, on the side away from the driver, until he reached the nearest receptacle.

Mr. Nalder: That would not apply on country roads, because there are not many places where one can deposit rubbish.

Mr. TOMS: At almost every truck bay into which I have driven, there has been a receptacle.

Mr. Nalder: That may be so on the main highways, but on a lot of other roads it does not apply.

Mr. TOMS: I am opposed to receptacles being installed in the front of a motorcar because in the case of an accident, they would be an extra hazard.

Mr. Nalder: I think the installation of a small receptacle into which people could

place orange peel, and so on, is a good suggestion.

Mr. TOMS: That is something which could be looked at later on, but it is not something which could be covered by the Local Government Act.

Mr. Nalder: I mentioned it because you were talking about it.

Mr. TOMS: I was talking about the large amount of litter we have seen on our roads over the years.

As I mentioned when I commenced my speech, it is time amendments to this Act started to ease off a bit. We have now had six years' experience with the Local Government Act, which replaced the Municipal Corporations Act and the Road Districts Act. Those two Acts operated for many years. We were all aware of the fact that the Local Government Act would require amendments from time to time, but it seems that now, after six years' experience and 200 amendments, we should see a falling off in the number of amending Bills it is necessary to introduce. At the moment this is not the case because each year we have the spectacle of an amending Bill containing upwards of 30 clauses.

I support the measure, but hope that the Minister will keep on the back of the Minister for Local Government in order to ensure that this rather voluminous Act with all its amendments will be reprinted, thus enabling local shire councils and clerks to be able to read it without having to go through so many amendments, as is the case at present.

**MR. JAMIESON** (Beeloo) [3.41 p.m.]: I join with the member for Bayswater in his criticism of all the amendments which have been made to this Act without a complete reprint having been undertaken. I believe that no longer than five years should elapse before a reprint is made. We do not consider it is possible to manage without a reprint of our street directory in under that period; and it is even more ludicrous to try to deal with an Act which governs local authorities, when that Act has had 200 amendments made to it. It is impossible, because unless the Act is reprinted someone will miss something.

Shire clerks and lay members of the various councils are entitled to a better deal than this from the Parliament of the State, and I am positive we should impose an absolute limit of five years between reprints. If possible it would be better if this period could be further reduced so that a reprint is made, say, every three years. However, the maximum should be five years.

As members know, it is the practice of many local governing bodies to issue a copy of the Act to every new councillor. Now, of course, it is necessary to supply these councillors with not only a copy of the Act itself, but also a copy of 200 amendments. I can imagine what the councillors would do with such a document straightaway, because it would be so confusing to a new councillor with no experience to try to fit all the amendments in to gain some idea of the contents of the various sections.

To me this is a very important feature of Government. We would not tolerate our Standing Orders if they remained unprinted or unamended for five years or longer. If amendments are made we expect them to be incorporated before the following session in order that we can refer to them and know where we are going. The Local Government Act is the bible of these authorities and they must be able to interpret it, within reason.

I would like now to deal a little with the witnessing of absent votes. In my view it is a mistake to dispense with any information which may protect an elector. I think the date on these absent voting certificates is rather important, because the certificates can go astray very easily. This is particularly so when dealing with people who are sympathetic to one candidate or another. If the vote has obviously gone astray, but has a date on it, and it is therefore proved that it should have arrived in time to be included in the poll, then the person concerned would have a chance to inquire why it was not included. If no date is on it, nothing can be done. The person handling the vote could claim it had arrived too late. However, if the date is included, together with the signature, ample evidence would be available to show the vote could have been included.

*Sitting suspended from 3.45 to 4.6 p.m.*

Mr. JAMIESON: In dealing with matters of import so far as local government is concerned, I refer to the subject of inner and outer envelopes and the postal voting paraphernalia. As I understand it, the practice is much the same whether it applies to the Commonwealth or to the State. The elector is required to sign a certificate and this applies in most cases, although not in all cases. Sometimes, for convenience in a by-election, a local authority roneos a special sheet which has to be placed in a plain envelope. But, in the ultimate, the voting is the same. The voting paper is enclosed in a plain envelope marked "ballot paper," and surely this must be the inside envelope. If this envelope is to be retained it will serve no purpose. It could go straight into the trash can. As long as the vote is recorded there is no further information or data to be obtained from that envelope.

On the other hand, the outer envelope has the certification of the elector on it, and the signature of the witness to the elector's certification. That information is rather important and must be retained for scrutiny in case anything is wrong or has gone haywire. I would suggest some heavy

thinking was involved when it was sought to change the word "inner" for the word "outer." Those concerned seem to have got the whole thing inside out.

We know the clear understanding was that what had to be retained was the certificate of the elector, together with the signature of the witness to that certificate. This certificate is usually on the back of the external envelope. The envelope can be slit open and placed on a heap, as the member for Bayswater has said, while the votes are prepared for the count after the close of the poll. This is a great help where there is likely to be a heavy postal vote. For instance, in the coming Lord Mayoral election there will be a big postal vote. There usually is where a big office area is involved, such as in the city.

Previously, no-one has been allowed to interfere with the envelopes until 8 p.m. on the polling day. However, since the amendment mentioned by the member for Bayswater, counting has now been expedited and the clerks can, under scrutiny, remove the outer envelopes at an earlier stage and get the voting papers ready for scrutiny at a time after the close of the poll. This is done on the day of the poll as long as the various candidates have been notified that it will take place and that they will have the opportunity to have somebody there to scrutinise the actions of the returning officer, the presiding officer, or the deputy who is looking after the interests of the returning officer.

The subject of the returning officer's fees is one that interests me. I think that careful consideration is needed on this point. In comparing a returning officer for a municipal election with a returning officer for a State election, we find that in the latter case the duties are comparatively easy. On the other hand, he is the person who receives the maximum fee as, indeed, he must because he has to start superintending the election before it takes place and stay until the declaration of the poll. The other people concerned, such as poll clerks or presiding officers, are present to attend to the clerical details of the election and are paid various amounts.

The member for Bayswater dealt with this subject. It would appear that under certain circumstances, and particularly when there is a heavy poll, the returning officer will receive an amount considerably less than his senior poll clerks and presiding officers who will be officiating at the count with him. In my opinion, this is a wrong action. The work done outside of the day of the election could probably be construed as the tasks which would normally befall a shire clerk who is generally the returning officer, although this is not always the position. Before the day of the election he would have his staff doing all of the things necessary in connection with postal votes, etc., but on the actual day of the election he has the prime responsibility as far as superintendence is concerned. Therefore if a fee is to be paid, surely he must receive the principal fee, and the extraneous workers, who are being used to expedite the poll in both taking and counting, should receive some lesser amount.

I consider that this aspect should be looked at very closely in order to see whether it does not need further attention, because I personally do not consider anybody should be placed in an inferior financial position to that of a person who is working beneath him on a particular day. After all is said and done, they are working on what one might term overtime, because normally a shire clerk is not expected to work on a Saturday. Therefore, his fee should be considered apart from the salary which applies in respect of the administration of the local authority which he serves.

I would like to make a few comments in connection with the impounding of surfboards. Frankly, I cannot see that this will do much good. The people concerned could build others if they have the knowledge to do so. Many young people know how this is done and it would be an easy matter for them to construct fibreglass build-ups. If they lose one, they are just as likely to provide themselves with another. It will not damage them very much, although it may damage their pockets slightly. I do not consider it is a good idea to adopt the principle of seizing a surfboard when a person offends.

It might be a good idea if the person could be prohibited from indulging in the sport, but this will not be achieved merely by taking one surfboard away from him. He can borrow another one and be surfing again the next day Alternatively, the person may have more than one surfboard. In either case he can just go ahead. He could be charged with another offence, but this would probably not be any great deterrent.

Mr. Nalder: Do you have any other ideas?

Mr. JAMIESON: I suggest that a provision should be included which would give the magistrate the right to debar an individual from indulging in this kind of sport with the warning that if he is caught at it again he will be in serious trouble. This would be a much better method than merely taking away a board from a person who can easily obtain another one. It is rather like debarring a person from driving only one specific motorcar. The person could say, "I am not driving the same one and consequently I am not committing an offence." However, when a magistrate takes away a license as a penalty, the individual cannot drive any car.

I think it would be better if a similar provision were included in this legislation. I agree it would be hard to police, but the person concerned would have to run the risk of being recognised as somebody who is already under suspension; this would be a far greater deterrent to his indulging in the practice again.

I would like to comment on an aspect which was mentioned by the member for Bayswater. As far as I understand the Local Government Act, it gives authority up to the limit of the high-water mark. Even in respect of the responsibilities of the local governing bodies and the Swan River Conservation Authority, this is the line ot demarcation. It is very difficult to go beyond that. I know that certain sections of the Act allow structures, such as walls, jetties, and piers, to be built; and, once these were erected, control would pass to the hands of the local authority because the problem of the normally recognised physical boundary of the high-water mark would be overcome.

If a baths, a jetty, or something physical like that is built, regulations can be proclaimed to deal with them. However, in the case of the open sea and a line of jurisdiction which stops at high-water mark, it could be very doubtful just how far the jurisdiction would go. Does it go from Cottesloe to Rottnest, or just a few hundred yards out to sea? There is nothing laid down in this respect. The only provisions which are laid down are in connection with the normal procedure of not being expected to be responsible for anything beyond the level of high-water mark.

This is something which would have to be looked at if beach inspectors were expected to be responsible. If somebody were cunning enough to come in below the high-water mark at a particular local authority, the beach inspector would be in trouble if he tried to stop him because, in fact, the person would be outside the jurisdiction of the local authority by which the beach inspector was employed. He could find himself in a great deal of bother if the person were to secure abundant legal assistance. He could be accused of interfering with a person's right in an area where local authorities have no jurisdiction.

I consider a provision should be placed in the legislation to give a direction to the magistrate in this regard. This should be similar to the provision which applies in respect of traffic offences. The direction should be that if a person were caught on a second offence, he would be prohibited under law from indulging in this sort of sport within a certain area, which could be defined by law. This is one way by which the problem could probably be overcome.

I am glad to see that considerable thought has been given to the question of widening the powers, as it were, of local authorities in respect of street lawns. Many people try to improve the verges in front of their home by providing adequate street lawns and often this is done at no small expense. Very often the areas are double the normal size of a garden lawn and because of this the water rates paid by people who have improved their verges are very high. Because of the expense, they are entitled to some protection. Up until the present time, it would appear that whilst the shire was prepared to make certain by-laws, these appeals fell short in law.

If a person took the number of a vehicle, but subsequently found that the person who owned the vehicle was not driving it at the time of the offence, he had no subsequent right to insist on finding out who the driver was. The amendment tidies up this provision. Once the information has been obtained, it gives the authority the right to force the person to disclose who was responsible for tearing up a verge or making a mess of a private lawn. This is only right, because the aesthetic value of a street is enhanced when street lawns are developed and cared for. I know that at times trouble has been experienced at Belmont, not so much through motor vehicles but through horses.

The destruction of verges by horses has been a source of annoyance to many Belmont ratepayers for some years, but recently the shire has been watching the position and steps have been taken to prevent this practice. Also, due no doubt to the good sense of those in charge of the animals, the problem has not been so great as it was in the past. These days, however, the automobile is the principal offender, and one finds a considerable amount of damage being done by motorists who find an easy escape route after having committed the offence against a person who registers a street lawn or garden.

The fruit-fly baiting scheme is a matter on which the Deputy Premier and I often cross swords. I believe, and will continue to do so, there will be no successful method of eradicating this pest until a provision is placed in the Local Government Act making fruit-fiy baiting compulsory and having all local authorities acting in unison. The present system seems stupid to me in view of the fact that we have an efficient Argentine Ant Control Committee. The officers under the control of that committee can go anywhere they like as their word is law, and that is as it should be.

Surely it is not beyond the capabilities of the various departments concerned to ensure the eradication of fruit fly. I cannot see the necessity or the value of constituting special committees to deal with this pest when it could be dealt with more efficiently by appointing one officer to carry out the baiting and directing all his

efforts to overcoming the problem. The position at present is that most of the notices are sent out with the rate notices. The local authority in the area in which I reside has a very successful fruit-fly baiting scheme, but its neighbouring local authority does not have a scheme, which creates a very unsatisfactory situation.

Mr. Rushton: It has a lot of value, though, in encouraging others to carry out fruit-fly baiting.

Mr. JAMIESON: Yes, but it is not much satisfaction to the people in Orrong Road who are paying about $1 a year to have each fruit tree baited against fruit fly, whilst people on the other side of the road contribute nothing towards such a scheme, and nothing is done about it. The people in the Belmont Shire could continue to pay this fee for ever without getting the results they seek, because other local authorities in the vicinity do not have a fruit-fly baiting scheme and, as a result, fruit-fly soon become rife again. The only way to overcome the problem is to have a universal scheme. It seems strange to me that even in the Belmont district certain areas have been excluded from the scheme because they are hard to police. These places are situated where resumptions have taken place for the construction of the railway marshalling yards and for other purposes and, because of old fig trees growing there, they are places where fruit fly could abound because no-one will accept responsibility for them.

In my opinion, instead of local authorities taking action to appoint special committees to carry out fruit-fly baiting schemes, which have limited success, a direction should come from Parliament that the administration of any such scheme is the responsibility of a local authority in the same way as Parliament requires a local authority to prevent pestilence caused by rats or other vermin which could affect the health of the people in the district. To my mind the fruit-fly baiting schemes in operation at the moment fall far short of the requirements.

Although it is to the benefit of a local authority for a fruit-fly baiting scheme to be put in train, many local authorities when faced with the decision to appoint a committee to deal with the problem, are very sceptical of the success of the scheme, because those who are appointed to carry out the work of baiting, despite their good intentions, could run off the rails and the local authority would have the task of remedying the damage that had been done as it was responsible for inaugurating the scheme.

It is not much use having two authorities handling fruit-fly baiting, and I would suggest the people who want to be associated with such a scheme could achieve their objective through their local administration, and perhaps a staff member of the local authority could attend to all the necessary duties occasioned by the scheme. Often a great deal of care is needed to administer the scheme and watch over the casual employees who are engaged from this time of the year until April of the following year to ensure that fruit-fly baiting is carried out weekly in the various areas of the district.

In my opinion, when such a scheme is conducted on proper lines it is very successful. Last year I heard reports of people who had nectarine trees, which are a great attraction for fruit-fly and, following the fruit-fly baiting, those trees bore clean fruit for the first time for a considerable number of years. In former years, despite precautions taken against fruit fly, the trees were always infested because of the neglect of others.

I notice there is a proposal in the Bill that in any new subdivision where a road less than one chain wide is to be constructed, approval will be granted by the Minister for Town Planning instead of the Minister for Lands. I am not greatly concerned about who gives the approval, but I hope it will not be granted too often because the few roads less than one chain wide that I have seen are in places where there is high-density living; and in these times, where there is high-density living, particularly with the use of automobiles, a road of a greater width than one chain is necessary. Therefore the Minister for Town Planning would be well advised to consider carefully the approval of any road less than one chain wide unless there is a special reason to have a narrow road in a subdivision. The general practice, I hope, will be to have ample room provided on either side of a road so that the road itself may be widened and footpaths constructed when they are required in future years. If the width of the road is limited, a local authority that may wish to widen the road or to construct footpaths in future years will be faced with problems.

One part of the Bill rather intrigues me. I have no knowledge of any counties or regional councils acting as administrative bodies, and I doubt whether they will ever come into being. There are enough problems at the moment when a suggestion is made that the boundaries of a local authority be redrawn, without the possibility of the inclusion of some county form of administration with authority over a number of shire council areas.

The Country Shire Councils' Association evidently suggested this amendment, but my advice is that the association should gain some practical knowledge of this system before it makes a request to have the Act amended. I think the prime reason for failure of counties' being formed is that there would be insurmountable personality differences in trying to establish what would be the headquarters of an area, and what would be the responsibilities of the various councils within the county administration, or the

overall administration of the regional council. This would be a frightening problem to those who were called together to form one of these counties.

This seems to be a superfluous section in the Local Government Act and it would be better to delete it rather than play around with it by amending it to give local authorities this right. So far as I can see the power is far in excess of that which most councillors would be willing to hand over to an administration other than their own.

A very good provision which it is proposed to place in the Act is that concerning buildings which have been erected without the permission of, or contrary to, the by-laws of the local authorities. It provides that action can be taken against offenders. This has been a great problem with local authorities in the metropolitan area and also, possibly, in the country districts; though my knowledge is rather limited to local authorities associated with the metropolitan area.

I know of a number of cases where there has been considerable frustration and litigation in connection with problems that have arisen in relation to buildings which have been erected without permission first being obtained. On occasion it has been a year or two before a court decision could be finally obtained which would place the shire in the clear, and allow it to take action and have its by-law applied.

The only part with which I disagree is that which provides for an appeal to the Minister. I do not agree with that principle at all. Only certain sections of the Local Government Act provide for an appeal to the Minister, and these generally relate to appeals by various officers who may be dismissed from positions which they hold in local government. There may also be other cases where there is an appeal.

Usually the Minister for Local Government is also the Minister for Town Planning, and as the local authority deals with town planning matters the Minister generally has numbers of appeals associated with the aspect of town planning.

But this is not the case with the Local Government Act. Generally speaking, there is no right of appeal against things that occur; unless, of course, an appeal is made to the Minister to the effect that the shire council has exceeded its authority or its by-laws, and the Minister would then take the normal action. But there is no general appeal to the Minister under the provisions of the Act.

By the Act of 1960 the Minister has, in the main, been set apart from the activities of local government; he has no real say in such activities except where these authorities might transgress. In the final event, of course, if local authorities became bad administrators the Minister has the right to appoint a commission. He must, however, have good and proper reason for doing this, otherwise he would heap coals of fire on his head.

If the provision as at present worded were to become law it would not be difficult to visualise the Minister's office. There are a few people who would constantly appeal to him on problems associated with building. I know that a Mr. Gurfinkel would not be the last person to go into his office. He would probably be there every day of the week. He would be delighted at this right of appeal being included in the Act.

This would present considerable problems for the local authorities. They could make arrangements with the Minister to see the person concerned—it could quite easily be Mr. Gurfinkel—but after the Minister had fixed a day to see him, he would probably find it was a Jewish holiday, and the gentleman concerned would not be able to keep the appointment.

Accordingly, I would not like to see the right of appeal thrown back on the Minister. He would be well without it. If it is necessary for an appeal to be made it should be made to a magistrate, not to the Minister. A Minister would be faced with more problems than he would know what to do with. The situation is bad enough when appeals are made to a magistrate, who has trained personnel to handle these problems. If we provide for a right of appeal to the Minister it would unnecessarily delay any action the local authorities might wish to take.

I have known the person I have mentioned to be responsible for many unsavory scenes in the Shire of Canning. There have been occasions when he has taken the law into his own hands, and has chased people off properties, even though they have come armed with authority to inspect a building. He has chased them off with a shovel, and so on. I suggest that his shovel be taken from him before he takes any further advantage of it in the Minister's office. The legal responsibility should devolve on the shire. I am sure we all know that shire councils would not take action without good and proper reason. I see that the Secretary for Local Government must sanction such action. This is rather unusual and quite wrong in principle, because after all he is an administrative officer and should not be given the right of such determination.

It has been said that the provision was drafted to prevent action being taken by a vindictive building surveyor. But I would point out there is no provision in the Traffic Act to protect people from vindictive traffic inspectors; nor is there provision in the Health Act to protect them from vindictive health inspectors. Inspectors have been able to carry out their jobs without a great deal of diffi-

culty. It is possible one or two of them might go off the rails, but by and large they carry out their duties very efficiently.

I feel that Mr. Paust already has quite enough to do without having this additional responsibility thrust upon him. If he is to approve the actions of local governing bodies against people who have transgressed the building by-laws it will take up a great deal of time which I feel sure he cannot afford. The appeal provision is not a good one.

There are 27 local authorities in the metropolitan area, apart from which there are a number of urban and other authorities. Even if they had one problem each in the year—which is not unusual; they would probably have a lot more—we would find the Secretary for Local Government would be dealing with one or two cases each month from each authority. These will take a lot of investigating.

It will be necessary for him to stop what he is doing to attend to these matters. There would be no point in asking for a report, because it would be necessary for him to accept full responsibility and be subject to a kick from the Minister if he does the wrong thing. So here again the responsibility is, eventually, thrown back on the Minister, and this should not be the case.

The local authority of the area should be entitled to control this aspect, subject to its being responsible in law if it took action which was contrary to the spirit of the Act—just as it is responsible for matters associated with health, traffic, drainage, and so on, which it administers to the advantage of its electors.

Mr. Toms: I believe another officer is to be appointed to do the inspecting.

Mr. JAMIESON: There would be a whole line of people who would be answerable to the Minister, and I do not think that would be a good thing. We now come to the provision where a spouse is to be insured while the husband is on council business.

The SPEAKER: The honourable member has another five minutes.

Mr. JAMIESON: That should be applied to all people holding administrative positions. I think that members of Parliament, in particular, should receive similar coverage. I understand that Ministers and their wives are provided with this coverage, and it is high time the coverage was extended to all people in civic life.

The position seems to be ludicrous, as was indicated to me by the member for Fremantle. Both he and his wife could receive invitations to attend a function, but she, being a member of the city council, would be the principal one to be invited. In law the member for Fremantle would have to refuse the invitation, and would only attend as her spouse, and be covered by insurance. Yet he is the one who should receive the invitation, as he has official precedence.

The other matter I wish to deal with concerns the disposal of litter. This is a very big problem. I suggest the problem will not be overcome by imposing penalties under the Act, because before the penalties can be imposed the offenders have to be caught in the act. With the fast means of transport available to people, it is very difficult for the offenders to be apprehended.

My suggestion for overcoming the problem is to introduce legislation to impose a small charge on the manufacturers of cool drinks, and similar commodities. Means will have to be found to remove the empty tin cans and bottles found along road verges. The shire councils should be made responsible for receiving cans, bottles, and containers. If the shires are allowed some payment under the legislation, they would be able to pay, say, 10c a dozen to children and others who bring in empty cans and containers. From the fund to be established under such legislation an amount of 2c per dozen could be allowed to the local authorities for handling the containers. The tins could then be squashed in heavy presses, and the metal could be used as scrap. I am sure the local authorities would welcome the opportunity to participate in such a scheme, and so save their employees a considerable amount of time in cleaning up the verges.

Regarding the disposal of bottles, a similar impost could be levied on cool drink manufacturers. As far as the breweries are concerned, provision should be included in the legislation to place the onus on them for the removal of their bottles and for the disposal of broken glass, because they have invariably claimed that beer bottles are their property. If the bottles are their property then they have a responsibility to the public to ensure that they do not remain on the road verges. The problem in this respect could be overcome by increasing the refund which is made on empty beer bottles. When I was a child I think the refund was ½d. each, and today the amount is still the same. The refund is so small that very often the people prefer to break the bottles rather than return them.

I am not in favour of the appointment of honorary inspectors. By this method we would encourage people either to be pimps or to be over-enthusiastic busybodies, and thus make life rather uncomfortable for some people. More inducement than that should be given to the public to overcome the problem of litter disposal, and possibly the best is a financial inducement.

Regarding milk bottles, I would point out that a disposable type of milk container is available. Before long I am sure

it will have to be used. The present method of selling milk in bottles seems to be outmoded, and many milkmen cannot be bothered to collect the empties. On occasions they drop a crate of empty bottles, and generally they do not carry a broom on the vehicle; consequently the broken glass is left on the road or is kicked into the gutter. I have seen this happen repeatedly. Possibly milkmen could be compelled to carry brooms and containers in their vehicles to ensure that they clear away the broken glass when bottles are smashed.

It is a common practice for milkmen to leave crates of empty bottles on the road verges for days on end, and sometimes children throw stones at the crates and shatter the bottles. With the existing type of container the problem seems to be insurmountable, but with the disposable type of container it can be overcome quite easily.

Many milkmen have to be induced to collect empty bottles, although at times some of them complain that they do not receive sufficient empties from their customers. When bottles are left with customers for a long period there is no encouragement for the customers to return them. The best possible solution I can see is to use disposable containers, and so overcome the problem of shattered glass.

Mr. Nalder: What about the increase in the price of milk?

Mr. JAMIESON: The increase would be infinitesimal.

Mr. Nalder: It would be about 2c a pint.

Mr. JAMIESON: I do not think it would be that much.

Mr. Nalder: I know it would be.

Mr. JAMIESON: That was one argument put forward by the Milk Board against the use of disposable containers: but the increase would be 2c a pint if only a percentage of the milk was sold in them. If all milk was sold in disposable containers, then the increase would not be great at all.

**MR. RUSHTON** (Dale) [4.45 p.m.]: I support the Bill, and wish to mention briefly a few items which are of interest to me. I am sure the problem of litter disposal concerns us all. As a member who represents an electorate which has many miles of highways, many road junctions, and a very busy waterfront, I find this problem is ever with us. Whatever can be done to improve the existing situation will be appreciated by everyone concerned.

The Minister for Agriculture referred to an item which I have on my list; that is, the ready provision of some type of litter container in vehicles. As I move around my electorate, various people pass on their thoughts to me in regard to this subject—especially retired people who have much time to think about these problems. I had a discussion with an elderly person and he passed on his thoughts to me. I can see much merit in his suggestion of providing litter bags in vehicles. Naturally some thought would have to be given as to who would provide these bags. The fuel companies may be prepared to supply these items, and this is a suggestion which could be followed up.

Mr. Brand: I think this is the most realistic contribution to the solution of the problem of roadside litter.

Mr. RUSHTON: I think so, too. After I had this discussion with the person I referred to, I began to study my own habits in regard to the disposal of litter. Generally an adult puts the litter beside him on the seat; but a watchful eye has to be kept on children. I think the idea of providing litter bags is a very good one.

Service stations provide drums near the fuel pumps, and litter is put into these drums. If litter bags are carried on vehicles, they can be emptied into the drums at the service stations. Possibly the fuel retailers would be prepared to follow up this suggestion if they were approached. As the Premier has just stated, this suggestion deserves further thought.

The Armadale-Kelmscott Shire, which is in my electorate, is very attentive to the removal of litter, and the Armadale Rotary Club conducts a litter removal day, when its members clear the road verges of cans, bottles, and other litter. The shire council provides many receptacles for the disposal of litter; and, furthermore, about once every three months its trucks are used in a drive to collect accumulated household junk and litter. Two good effects result from such drives: they assist in disposing of litter; and they help in the reclaiming of waste land by the dump and fill method. The shire is very conscious of its duties, and it has provided disposal bins at parking bays. It has found that unless the bins are chained to posts, some people will remove or damage them. So it is not easy for the people who are responsible to provide such a service. Quite a large number of people take a responsible attitude and it is only a small minority who undo much of the good work that is done.

At Rockingham, in the summer months, when there is an influx of holiday makers and picnickers, if my memory serves me well, the shire council engages an extra four attendants on a Monday. I am not sure whether they operate on a Sunday as well, but they certainly do on a Monday in order to attend to the additional waste that is lying around following the weekend.

If we can encourage people to be more conscious concerning the disposal of litter so that the financial load does not fall on the rest of the taxpayers, much will be achieved. To conclude my remarks on

the subject of litter I suggest the idea of providing a litter bag in a motor vehicle is one that is worth proceeding with and encouraging. I am sure, if adopted, this would bring good results.

A further provision to which I wish to refer also affects the shires I represent; that is, the full charge of audit fees to the shires that are listed in the schedule. I think this is quite realistic. There is no reason why the shires in question should not face the full responsibilty of this expense. Because it involves further expenditure, I would like to see attention given by the Local Government Department to the charging of full administrative costs against the provision of engineering facilities, or roads, footpaths, and so on.

With the segregation of traffic fees and revenue moneys, and without the full costing to the item in question, developing shires are facing a difficult situation. There are three developing shires in my electorate and these are under some considerable pressure. Therefore, as we are dealing with costing under the item of audits, it is well for us to think of applying genuine costs against the appropriate item. I have support in this matter by the shires.

One of the inner shires employs contractors because it is not worth while for that shire to have its own teams and plant. The situation is that when the shire uses contractors, it applies the full costs of administration applicable to those items of construction in its bookkeeping. I think it is reasonable that the three developing shires of which I have knowledge should be able to apply the full allocation of administrative costs against traffic moneys as this would be of considerable help to them.

As mentioned by the member for Beeloo, the provision in the Bill to provide insurance cover for a spouse, has a lot of merit. The position in which some wives find themselves has often been of concern to me. If one holds the position of shire president, one's wife could be involved in tremendous expense, which would place a hardship on the rest of the family. We must realise that these people are most unselfish and in their activities they do a splendid job for the community. They are giving their services unselfishly. I think the amendment has been well thought out and it is worthy of support.

In closing I would like to say that I look forward to the report from the local government committee, which will come forward in due course; and I am looking forward to discussing local government in far greater detail. I am one who is fully conscious of the value of local government. To my way of thinking, local government has a tremendous value. It has a big part to play; and so long as we remember it is local government, and keep it that way, it will continue to play its part and be of tremendous value to the ratepayers.

**MR. DURACK** (Perth) [4.56 p.m.]: When I was reading this Bill I came across one particular provision in it which so surprised me that at first I thought I had not read it correctly. However, having read it on several occasions, and having consulted with some of my legal friends about it, I confirmed the interpretation which I placed on it.

Mr. Tonkin: I hope you are not going to criticise the Crown Law officers.

Mr. DURACK: I am going to criticise the Bill. That is all I propose to criticise.

Mr. Tonkin: I would remind the honourable member that he had better be careful of the Minister for Industrial Development.

Mr. DURACK: I do not feel as timid as the Leader of the Opposition.

Mr. Hawke: Will the Leader of the Opposition speak up, please?

The SPEAKER: Order!

Mr. DURACK: Getting back to the Bill, the provision about which I propose to speak is designed to deal with the question that arises in identifying the driver of a vehicle which may offend a by-law concerning parking or driving on street lawns.

In his second reading speech the Minister referred to this provision and to the reason for it; and he said it has been included at the request of the South Perth City Council and that the provision in the Bill follows the lines of the City of Perth Parking Facilities Act. The provision is contained in clause 11 of this Bill.

The problem is a very real one and it is perfectly reasonable that some attempt should be made to deal with the position in legislation of this kind. Briefly, the by-law concerned is one to control the driving or parking of vehicles on street lawns; and in its policing it is natural that more often than not the owner of the car is identified and not the driver. The offence, of course, is committed by the driver.

Therefore it is proposed in this Bill—as is the case with both the Traffic Act and the City of Perth Parking Facilities Act—that some obligation should be placed on the owner of the vehicle to assist the person inquiring—either a police officer or an officer of the council concerned—as to the identification of the driver. I would have thought the simplest way would be to place an obligation on the owner to give such information as he has to the person making the inquiries—to my way of thinking that is all that is necessary—and to provide that an offence has been committed if the owner does not give such information.

However, for some reason or other it is felt that is not sufficient, and apparently this Parliament has already adopted a

similar provision in the City of Perth Parking Facilities Act.

The provision in this Bill involves many words and is found on pages 4 and 5. It provides that if the owner does not furnish the information required within seven days, and if he does not satisfy the police officer or the officer of the council that he has good reason for not supplying the information he—the owner—is deemed to have committed the offence; in other words, he is deemed to have committed the offence on the decision of the police officer or the officer of the council. That, of course, would be quite a remarkable departure from the basic principles upon which offences are dealt with and penalties determined under our system of law.

Mr. Tonkin: That is putting it mildly, too.

Mr. DURACK: Therefore, having satisfied myself that that is what this Bill would do, I took the matter up with the Minister in charge of it because I could not believe that this was really intended. In fact, I ascertained that this is not intended, and I consequently propose, at the appropriate time, to move an amendment which will have the effect of relieving the police officer or council officer of this important duty which otherwise would be imposed on him. I trust that will somewhat improve this provision. As I said, I thought that a less elaborate and worthy provision might have been arrived at, but as the Bill has been submitted in this form, I simply propose to do the best I can.

I understand the reason for this provision finding its way into the Bill is that the wording of the City of Perth Parking Facilities Act was more or less slavishly followed; but that Act, of course, has certain provisions for the imposition of modified penalties by the police officer or anyone investigating the matter. Therefore it is necessary to have some provision under which he can in those circumstances, for the purpose of imposing a modified penalty, deem the owner to be the offender. However, there is no such provision in the Local Government Act and any question of the owner being deemed to be the offender could—and should—under this Act, be dealt with only by a court of law having jurisdiction over the matter.

The Leader of the Opposition ssems to be getting some satisfaction out of this question from the point of view of the draftsman's being responsible. However, I think it is worth pointing out that this Bill has already passed through one of the Houses of this Parliament and therefore members of Parliament themselves must have responsibility for the wording of it. They are responsible for the wording of all Acts they pass and it is a responsibility which I think this experience highlights, and one for which members should have regard.

MR. NALDER (Katanning—Minister for Agriculture) [5.5 p.m.]: I appreciate the problems which have been raised by those who have spoken on this Bill. I wish to comment on some of the points, but I wish to seek more information from the Minister on other points. Therefore I suggest we take the Bill into Committee and then report progress in order that I might seek more detailed information.

Mr. Hawke: Can the Minister speak up, please?

Mr. NALDER: Yes, I certainly will speak up. However, I think the interjection has had the required results.

Mr. Hawke: Thank you.

Mr. NALDER: First of all I would like to make a comment on the points raised with reference to the number of amendments which have been made to this Act. I, too, think that possibly, as the members for Beeloo and Bayswater suggested, the time is fast approaching when the necessity for continual amending of this legislation should be overcome. However, I would point out that as this Act is, I think, the largest we have had in this House, and as it covers such a wide field, with changing conditions to which reference has been made, and the changing circumstances which must occur, it will be absolutely necessary from time to time to amend it; and it is imperative that this House have the opportunity to discuss these matters.

However, I appreciate that a period of some six years has now elapsed since the legislation was introduced to bring about the combination of the two previous Acts in the one Act.

Mr. Toms: But that is a very lengthy period now.

Mr. NALDER: I accept that and I think every member will agree; but I do not think we should put off amending the legislation, because we have made so many amendments already. I do not think we should stipulate that the Act should be amended only every three or four years.

Mr. Toms: A lot of the amendments are not really necessary. Many of them have been made because certain things have occurred once; but they may never occur again.

Mr. NALDER: I think the Minister in charge of the department appreciates the fact that unless something is done about those points now, the situation could become aggravated and create real problems at a later stage, or in some other area. This is why I think it is necessry to amend the legislation whenever these problems arise.

The point raised by the member for Beeloo, concerning the reprinting of the Act, certainly has some merit. However, I feel we must first of all consider the economics of the situation. This should be the first consideration because the cost of reprinting—

Mr. Jamieson: It is too important a matter to look at the economics of it.

Mr. NALDER: No, I do not think so. I agree that at some period very soon we should decide to reprint the Act. However, I do not believe it should be reprinted every five years, because, although it might be desirable to print it shortly as a result of all the amending legislation which has been passed up to this point, I do not think it will be necessary to reprint it again in another five years. It might be 10 years before it is necessary to again reprint it. However, it is a point well made and one which will be considered. Nevertheless, my first reaction was that it would immediately involve a fairly large cost. This is possibly one of the main reasons why it should not be done at set periods.

Mr. Toms: I do not think a period should be specified, but the stage has been reached now where it just has to be reprinted.

Mr. NALDER: Yes. If this is not done soon we will reach the stage where the amending legislation will be longer than the Act.

Mr. Jamieson: There would be a fair recoup on this, though, wouldn't there? Local authorities would want copies of the Act when it was reprinted.

Mr. NALDER: I agree.

Mr. Jamieson: It is not like other legislation.

Mr. NALDER: I think almost all local authorities purchased sufficient copies of the Act to enable each member to have one.

Mr. Jamieson: They would have to purchase the same number again.

Mr. NALDER: Members can see what expense would be involved. However, I think everybody appreciates the position and I will certainly convey the thoughts of members to the Minister so that I can determine whether he would be prepared to give consideration to the reprinting of the Local Government Act.

I have noted the reference to surfboards. I think members will recall the incidents which have occurred at some of our beaches. Groups of young people have been getting together and becoming a little too excited and over-enthusiastic about their sport, and have created a problem which has involved other people who are attempting to enjoy the beaches. One local authority—at Cottesloe—suggested that this amendment would help to keep the situation under control.

A point was made with reference to the authority of a beach inspector to go into the water and apprehend a person who was skylarking or making the situation dangerous for other swimmers. I think he would have the same authority as he has now to stop people from making it difficult or dangerous for others to enjoy themselves on the beach. However, I will have this matter inquired into also so that members will be fully informed of the responsibilities of inspectors who would be appointed by the local authorities to look after the interests of people who are taking advantage of a hot day, or whatever the occasion might be. I will let members know exactly what the interpretation is.

Mr. Toms: It is not a matter of interpretation; it is a matter of finding out how far they can go.

Mr. NALDER: I can see that a problem exists, even if people are not using surfboards. It is the same as identifying people who are scantily clad. They do not have a brand or an identification mark.

Mr. J. Hegney: The police would have to have something on them before they could be charged.

Mr. Jamieson: You are not suggesting that we should be allowed to brand them?

Mr. NALDER: We would need an amendment to the Brands Act if that were the case. It is all right to get some amusement out of this, but I still appreciate the situation and I will have the matter inquired into. I feel the suggestion might have some merit. There is no obligation on the local authorities to do what the Bill provides, but they will have the power to make regulations if they so desire. I do not think there would be any harm in testing the suggestion to see what value would be derived from such a move to keep law and order, and to make the beaches safe for those who use them for their enjoyment.

There is quite strong support for the insuring of wives of members who have to travel in the course of their duties when representing local authorities at conferences. We accept this as a move supported by the local authorities and it would not involve them in much expense. I think it is a service which should be accepted.

Mr. Jamieson: Don't you think that provision should be extended to members of Parliament?

Mr. Brand: That is not relevant to this Bill.

Mr. Jamieson: It is not contained in this Bill, but we are dealing with the principle which is involved.

Mr. NALDER: You have no doubt heard the interjection, Mr. Speaker, but I do not intend to make any comment on the matter at this stage. The fruit-fly baiting scheme was mentioned, and the member for Beeloo has suggested that the Minister for Agriculture and he crossed swords on this matter. I do not think we have reached that stage—not in this House anyway. However, I appreciate the concern of the honourable member and, as I have said before—and perhaps it will stand repeating on this occasion—to do what he suggests would be almost impossible at this stage.

When the member for Beeloo mentioned the Argentine ant problem I tried to recall the sum of money involved in that move. Although it might be considered that the two problems could be related, that is not the case. The Argentine ant problem and the fruit-fly problem are completely different.

Mr. Jamieson: By charging $1 a tree, the Government would find itself in clover.

Mr. NALDER: One dollar a tree would not be sufficient at this stage, I would guess, to cover the activities which would be required and the appointment of inspectors and others to carry out the work. I cannot, offhand, give the figure which is involved, but I will make a point of getting the costs of the various schemes which operate in different parts of the State.

The amendment in the Bill will allow local authorities to become more involved in the scheme. I pay a tribute to the interest which has been displayed by local authorities, and for the way things are going. I predicted—and I repeat it—that the time is coming when we will get on top of this problem.

Mr. Jamieson: Do you think we would get anywhere by interesting the Perth City Council?

Mr. NALDER: If the honourable member feels that this could be done, he has the means by which to engender interest in some of the representatives. I say this is a scheme which will play a very important part in cleaning up a problem which faces us. Not so many years ago those in authority who had anything to do with fruitfly said that we would only contain them and we could never anticipate overcoming the problem. However, I see the time arriving when we will overcome the problem.

Mr. Norton: South Australia overcame the problem.

Mr. NALDER: South Australia did not have the same problem.

Mr. Jamieson: They spent a lot more money in South Australia.

Mr. NALDER: Now the honourable member has hit the nail on the head.

Mr. Jamieson: In South Australia they were getting $2 to treat a tomato bush.

Mr. NALDER: The cost of that kind of scheme would run into millions of dollars. However, we have the problem with us and we will try to overcome it. This amendment is only designed to help the local authorities to become more involved in the scheme, and I am very pleased to support it, because I know what value it will have.

Referring to local authorities joining in with regional councils, I am not in a position at this moment to indicate where the suggestion came from. There must have been a special reason for it and I will raise the matter with the Minister so that I can inform the House of the details.

The matter of the disposal of trash is very important, and one in which local authorities and the general public are becoming more interested. I believe—as was stated by the member for Dale—one of the best ways of attacking the problem is to set out on a propaganda campaign, and assist the campaign in a number of ways.

Already local authorities are doing something in this regard. However a bin, tin, or bag of some description in the car is one of the things that would make a very valuable contribution.

Mr. Gayfer: What about on-the-spot fines such as those which are made in Canada? An amount of $100 is payable by the offender.

Mr. NALDER: We intend to increase the fine in Western Australia, but one member of the House did not think this would be the answer.

Mr. Gayfer: I said on-the-spot fines.

Mr. NALDER: I would have been interested to consider the comments of the member for Avon if he had made a contribution to the debate.

Mr. Gayfer: I mentioned it earlier in the session.

Mr. NALDER: I am interested in all comments which will help the cause.

Mr. Jamieson: The member for Avon might not have $100.

Mr. Hawke: I wish some members would speak down.

Mr. NALDER: I have been interested in this problem and I sought some information from interested people in the Eastern States. When I was in Victoria earlier in the year I met some people who were interested in this matter. As a matter of fact I entertained them to lunch today as they are presently in Western Australia. The person concerned sent over some rather stiffly-made cardboard bags which had a piece of sticking plaster on the outside. These bags are pushed up against the wall in the front of the car where they stay. This idea is quite a valuable contribution and we found it quite easy to put orange peels and apple cores or papers into these bags. However, the bags do not fit into many vehicles because of the shape of the inside of the car.

I would like to conclude my comments by saying that I am of the opinion that this method is not completely satisfactory, but we have now been using cardboard bags with the idea of seeing whether this would help. It is amazing how quickly a person gets used to the idea of not throwing refuse out of the window, but of putting it into the bag instead, and of emptying it into a bin when it is convenient to do so.

I consider some kind of receptacle should be part and parcel of the equipment of a car. It should be fixed onto the inside of a car and be big enough to contain a paper bag which could be pulled out when it is full. Alternatively, it could be some kind of saddle arrangement with a tin in the middle. In any event, some sort of receptacle which can be taken out should be provided in the front of a car. I am sure we would find that it would be used. Some people are already looking to this method as a way of trying to overcome the problem.

It is a very real problem to those who travel today. I refer to just one highway between Midland Junction and Northam. If a person were walking on this highway he would tread on a can at almost every step he took. This sort of situation must be curbed if we are to take any pride in our highways. So many people are travelling today in the State and unless we do something to keep the verges of our roads clean, we will be condemned for allowing a situation to develop and of not taking any real active interest in the problem.

I hope all members will make some contribution, even if it is only to discuss it with people and get them to appreciate the problem and each individual's responsibility. There is hardly anybody today who does not travel in a motorcar. Of course, the easiest way to get rid of rubbish is to open the window and throw it out. To do this is to forget about one's responsibility and also to forget about the danger which is caused to following traffic.

I would like to give another illustration. Only recently I was returning from Bunbury and following a car very closely. A young chap threw a bottle out of the back window which hit the railing of a bridge and the bottle smashed to smithereens. The glass came back all over the road. Members can appreciate the danger in this kind of thing. I think we must be fairly firm about this matter and do all that is possible to help local authorities and those who travel in our country areas —and, of course, the metropolitan area as well—to keep our road verges clean. I support very strongly any move that will achieve this.

The member for Perth has mentioned a situation which applies under the legislation. We appreciate his interest and the Minister for Local Government has already informed me that he is quite happy with the proposed amendment which the honourable member hopes to move in Committee.

I thank the House for its interest in this legislation and for the contributions to the debate that have been made by members.

Question put and passed.

Bill read a second time.

*In Committee*

The Deputy Chairman of Committees (Mr. Crommelin) in the Chair; Mr. Nalder (Minister for Agriculture) in charge of the Bill.

Clauses 1 to 3 put and passed.

*Progress*

Progress reported and leave given to sit again, on motion by Mr. I. W. Manning.

## CHILD WELFARE ACT AMENDMENT BILL

*Second Reading*

**MR. CRAIG** (Toodyay — Chief Secretary) [5.29 p.m.]: I move—

That the Bill be now read a second time.

This Bill comes to us from another place where it was introduced by the Minister for Child Welfare. I understand it had the support of that Chamber and it was not amended in any way. The explanation of the Bill is that child welfare legislation throughout Australia is under constant review because of the rapidly changing ideas about the behaviour and control of young people. These ideas, in turn, derive from the profound changes in the nature of our Australian economy and the effects of those economic changes on Australian family life.

I hope the member for Northam can hear me. He and I are at the extreme ends of the Chamber, but I know he is interested in this Bill.

Mr. Graham: Opposite extremes.

Mr. CRAIG: One of the principal amendments included in the Bill now before the House has only become necessary because of the greatly improved transport facilities between the Australian States. These facilities now make it possible for young people to move interstate, either having paid their own fares, or at someone else's expense. I presume what is meant is that they might steal someone else's motorcar. Some of them do this in order to avoid the restriction of their liberty by probation orders and bonds deservedly placed on them in their own States. Others, who are wards of the State, move interstate for employment or pleasure. Still other wards are taken across State borders by foster parents in the course of their own family commitments.

In spite of the distance from the other States, an increasing number of Western Australian wards move, for one reason or another, to the Eastern States, and a large number of Eastern States' wards come to Western Australia. In the existing state of the law, wardship is automatically terminated the moment a ward crosses the boundary of that State within which he is made a ward. By crossing the boundary

he either escapes restriction or loses the benefit of his wardship.

The directors of child welfare in the different States have agreed that there should be machinery which makes continuous restriction or continued benefit possible for wards who go interstate. It is therefore suggested that the Minister for Child Welfare in Western Australia should have power to continue the control and to assist Eastern States' wards coming to Western Australia, and should have the right to ask child welfare authorities in other States to extend the same control and the same benefits to Western Australian wards transferred to other States.

This reciprocal machinery should operate whether the ward travels legitimately outside Western Australia, or whether he absconds. The details of control and of the benefit which will apply to any particular case should be matters of arrangement between the Ministers concerned in the respective States. Queensland and South Australia have already passed legislation for this purpose and it is anticipated that in a very short time there will be mutual reciprocity between all of the States in this matter.

A different sort of development from our increasing industrialisation is the increased numbers of mothers who wish to go to regular daily employment. Many of these have young children who have to be cared for each working day. A variety of child minding facilities have developed to meet this need and their advertisements regularly appear in the Press. At present no authority has the responsibility of licensing or supervising child minding centres, though the Public Health Department and the Education Department are both interested in certain aspects of the care given. Because the object of licensing and control must be to protect the welfare of children, it seems sensible to place this responsibility on the Child Welfare Department.

An important aspect of the Bill is therefore concerned with the licensing and supervision of child minding centres as distinct from kindergartens, which are already under the authority of the Education Department.

Another important amendment also reflects the State's social development, but in this case the Bill is concerned with the deletion of a part of the Act which has now become unnecessary and redundant. This is part VI of the Child Welfare Act, which established machinery for the licensing and supervision of institutions and persons who undertook long-term care of children, without payment from Government revenue, because their parents were absent from them for long periods.

This was a very necessary piece of legislation in the early days of the goldfields and of the wheatbelt when inland conditions were quite unsuitable for young children. Their parents, endeavouring to establish themselves inland, inevitably had to leave their children at the coast. Part VI of the Act gave the Governor power to license individual persons or societies to undertake the care of foster children in these circumstances. The circumstances have passed and part VI of the Act is now redundant. There is, in other parts of the Act, adequate machinery for the licensing and control of foster parents in our present situation.

A fourth addition to the Act will be proposed in three separate sections, but each has the intention of providing a service to children who need help and advice and who are not likely to get it without departmental intervention.

The first of these is the widening of the definition of a neglected child. The present definition, which is most commonly used, refers to the children who are living in such conditions that their mental, moral, and physical welfare is likely to be in jeopardy. There are children who do not continuously live in these sorts of conditions although they do suffer frequent but irregular harm or temptation which, in the long run, has effects on them just as serious as if they did live continuously in danger. It is intended to recommend that the definition be widened to permit the department to help such children.

The second aspect of help has been brought to notice by parents coming to the department and asking for help in the management of their children, and who obviously need a period of respite because the immediate responsibility of managing their child is temporarily beyond them. It is not desirable to take such cases before a children's court because this will still further prejudice the relationship between the parents and their child and will make remedy so much harder.

It is proposed, therefore, that parents in this sort of situation may ask the Minister to admit their child to wardship for a limited period, during which treatment of all the parties to the difficulty can be undertaken. At the end of the agreed period, wardship will be automatically terminated. It is expected that parents who make such an arrangement will pay the costs of the maintenance of their child while he is a ward, by agreement with the Minister.

The third aspect of help to children has come to the department's notice through the operation of the Commonwealth Immigration (Guardianship of Children) Act under which the Director of Child Welfare is automatically the guardian of all migrant minors who come to Western Australia not accompanied by a parent or near relative, or not met by such relatives on arrival. Many of these migrant children call at the department for advice and help in a wide range of problems, because they have no-one else to turn to and no-

one else has the legal responsibility of offering help and advice.

Experience has shown us that a considerable number of Western Australian young people need a similar sort of service when their parents are deceased or are absent for long periods. It is suggested, therefore, that the Director of Child Welfare be authorised to provide help and advice in such cases and, if necessary, to recover the costs of it without the Western Australian child thereby becoming a ward.

These three alterations to the Act will allow a better service to be provided for the children to whom they apply.

In addition to the amendments already described, there are several similar alterations each of which will facilitate the better management of children under departmental notice, and some of which have become necessary because of changes in legislation which impinge on child welfare; for example, the increase in school-leaving age, which requires that the Child Welfare Act be amended in line with that social improvement.

It is felt, however, that these are only minor matters resulting from experience in the operation of the Act and can be explained more fully in the Committee stage.

Debate adjourned, on motion by Mr. Fletcher.

## POISONS ACT AMENDMENT BILL

*Second Reading*

**MR. ROSS HUTCHINSON** (Cottesloe—Minister for Works) [5.39 p.m.]: I move—

That the Bill be now read a second time.

The Poisons Act gives control over all classes of poisons used or marketed in this State. For some years interstate discussions have taken place, aimed at the introduction of uniform regulations relating to paints. This product, of course, may contain several classified poisons.

Draft regulations are prepared and ready for promulgation. It is proposed that these regulations will be made under the Health Act.

An examination of the position by the assistant parliamentary draftsman resulted in advice being given to the Public Health Department that the Poisons Act required amendment so that exemptions from the poisons regulations could be granted, wherever effective controls were imposed under other State legislation.

The Poisons Act authorises substances to be placed on any one of the several schedules. These schedules differentiate between groups of poisons according to their characteristics. The Act is insufficiently flexible to give clear power to insert a substance in a schedule in a qualified manner. For example, the fourth schedule contains the entry, "Mercury Salts and Compounds for Parenteral Use." The department has now been advised that the limiting words, "for Parenteral Use" are of doubtful validity, as the Act simply authorises the addition of substances.

This Bill is therefore introduced to adjust the following points:—

(1) Allowing exemptions from the Poisons Act where the poisons involved are adequately controlled under other State legislation; and

(2) Authorising the addition of substances to the schedules, with a qualification such as that mentioned for mercury salts and compounds.

I commend the Bill to the House.

Debate adjourned, on motion by Mr. Jamieson.

## LICENSING ACT AMENDMENT BILL

*In Committee*

Resumed from the 11th October. The Deputy Chairman of Committees (Mr. Crommelin) in the Chair; Mr. Court (Minister for Industrial Development) in charge of the Bill.

The DEPUTY CHAIRMAN: Progress was reported after clause 1 had been agreed to.

Clauses 2 and 3 put and passed.

Clause 4: Section 33 amended—

Mr. COURT: Instead of moving to delete the clause which, I understand, is the wrong procedure, and would defeat the objectives of the member for Swan and myself, I propose to move an amendment to delete all the words after the word "amended" in line 31 on page 2 so that only the words, "section thirty-three of the principal Act is amended" would remain. The rest would be deleted with a view to inserting other words. I do not know what the situation would be if the member for Swan moved to delete the clause. The Government would have to oppose this, and I question whether I would have the right to come in and amend it further, because we would have dealt with every word of the clause by making a decision on its deletion or otherwise.

*Point of Order*

Mr. BRADY: On a Point of Order, Mr. Deputy Chairman (Mr. Crommelin), I would like to say that two or three days ago I placed my amendment on the notice paper while the Minister has put his amendments on the notice paper subsequently. My amendment will simplify the whole procedure. It is not my own concoction, because I took it to the Crown Law Department, and after the parliamentary draftsman had considered it he came up with the proposition which I have placed on the notice paper. My ob-

jective is to provide for light refreshments in a wine saloon while the Minister's objective is to provide for a light meal. There is a difference between the two. My objective is for the automatic provision of light refreshments when a wine saloon license is obtained; whereas the Minister wishes light meals to be provided after a permit has been obtained from the Licensing Court.

I hope the Committee will view this legislation on non-party lines. The main purpose in connection with wine drinking is to see that a person gets some service for the money he pays. If he has wine, and is permitted light refreshments, this would be a service for his money.

In addition to conferring with the parliamentary draftsman, I rang the Perth City Council who informed me that if a wine saloon keeper did offer meals on premises he would have to get a permit from the Perth City Council in addition to the permit he obtained from the Licensing Court.

Mr. COURT: I would like your direction, Mr. Deputy Chairman (Mr. Crommelin), as to the situation that would arise if the member for Swan moved his amendment. I understand this would be out of order, because if he wants to delete the clause he must vote against it. If a vote were taken, I would have to oppose his amendment. In that event the clause would be confirmed.

The DEPUTY CHAIRMAN (Mr. Crommelin): The position is that I am allowing the member for Swan to speak to clause 4, but not to his amendment.

Mr. COURT: He has foreshadowed an amendment.

The DEPUTY CHAIRMAN: But he has not moved it.

Mr. COURT: Once he moves it we will be in real trouble. If he does I imagine you will rule him out of order.

The DEPUTY CHAIRMAN: As the position stands, the amendment standing in his name cannot be moved. He can only speak against the clause.

Mr. COURT: I am trying to get the matter on an even keel. If the member for Swan cannot be permitted to move his amendment to delete the whole clause, then I will have to move my amendment.

Mr. Graham: You want to delete the whole clause?

Mr. COURT: No. I wish to delete all words after the word "amended" in line 31 on page 2.

Mr. GRAHAM: We are entitled to some explanation from the Minister as to his intentions. I am not agreeable to the deletion of the words unless I have some idea of what he intends to substitute.

The DEPUTY CHAIRMAN: I have no idea either. The question before the Chair would be that the words be deleted.

Mr. GRAHAM: I protest against the action of the Minister. What he proposes to do will interfere with what the member for Swan wants to do. I understand that the Minister and the member for Swan want to vote against the existing clause and if it is deleted there will be a battle as to whether we will accept the amendment of the member for Swan or that of the Minister. The Minister wants to retain some of the introductory words which appear in the clause, with a view to inserting others. I would like to know what they are.

The DEPUTY CHAIRMAN: I pointed out to the member for Swan that if he desired to substitute a new clause he could vote against clause 4, and when all the clauses had been dealt with he could move accordingly.

*Committee Resumed*

Mr. COURT: I wish to explain the position of the Government.

Mr. Graham: You did not intend to because you resumed your seat.

Mr. COURT: The Deputy Chairman (Mr. Crommelin) intervened, and I have some respect for his authority. If the words proposed to be deleted are deleted it will be competent for the amendments which have been foreshadowed to be moved to achieve my objective or that of the member for Swan. The member for Swan has said that a license issued to a wine saloon would automatically give the holder the right to sell or serve food. The Government does not accept this proposition.

Mr. Brady: Is this to be treated as a party measure?

Mr. COURT: I am speaking for the Government. We think this matter should be controlled by the court. During the second reading I said we would only agree to food being served in wine saloons if there was some measure of control in order to lift the standard of these saloons, and that we should not allow them to serve peanuts, caraway seeds, or something else superficially to get over the provision. The amendments I seek to move are intended to place the court in command of the situation. For the time being the Government is not prepared to go beyond control of some form in order to uplift the standard of wine saloons. If the words are deleted it is my intention to move the amendments standing in my name.

Mr. Brady: That would not be necessary if my amendments were accepted.

The DEPUTY CHAIRMAN (Mr. Crommelin): I would like to inform the Committee of my intentions. As the position stands, the question which will be before the Chair is that all words after "amended" in line 31 be deleted. If that amendment

is agreed to I intend to allow the member for Swan to move the amendments in his name. The Government will have the right at that stage to oppose the amendments, and if they are negatived the Government can come forward with its own amendments.

Mr. COURT: For the reasons you have given, Mr. Deputy Chairman, I move an amendment—

> Page 2, lines 31 to 38—Delete all words after the word "amended" down to and including the word "license."

Amendment put and passed.

Mr. BRADY: My approach to this matter is a very simple one. The amendments I propose to move will be of assistance to those people who desire to drink wine from time to time. If the Committee agrees to the amendments of the Minister, that wine saloons provide meals, tables, chairs, partitions, and separate rooms, it will defeat the whole intention of the legislation.

I asked the draftsman at the Crown Law Department to give me, in as simple a form as possible, amendments which would achieve the objective of people being able to partake of light refreshments in a wine saloon. I mentioned that in hotels counter lunches are available from time to time.

To make doubly sure I was on the right track, I then rang the Public Health Department; I also rang the Perth City Council and said to the chief inspector, "If I have light refreshments placed in the Act, will it be necessary for a wine saloon licensee to get a permit from the Health Department?" and he definitely said, "No." I said, "If meals are provided and they are prepared on the premises, is a permit required?" and he said, "Yes."

I do not think the Act should be bogged down with a lot of unnecessary verbiage. We should not make the Licensing Court one that has to go into a lot of irrelevant detail in regard to catering in connection with wine sales. I move an amendment—

> Page 2, line 31—Insert in lieu of the words deleted, the following passage:—
>
> (a) by inserting after the word "except" in line 4 of subsection (3) the words "light refreshments for consumption on the premises,";
>
> (b) by repealing subsection (6);
>
> (c) by inserting after the word "except" in line 7 of subsection (7) the words "light refreshments for consumption on the premises,";
>
> (d) by repealing subsection (10) and re-enacting it as follows—
>
> (10) The provisions of subsection (1) of section one hundred and eighteen of this Act, relating to the supply of liquor and food by license holders, apply, with such adaptions as are necessary, to the supply of wine and light refreshments by the holder of an Australian Wine License;
>
> (e) by adding, after subsection (10), the following subsection—
>
> (11) In this section the expression "light refreshments" includes sandwiches, biscuits and like food, not requiring eating utensils, but does not include liquid refreshment other than that permitted by this section to be sold, or confectionery, or any food usually heated before consumption.

If all my amendments are accepted a wine saloon will be able to sell light refreshments in addition to aerated waters, cigars, and tobacco. A definition of "light refreshments" will be included as follows:—

> In this section the expression "light refreshments" includes sandwiches, biscuits and like food, not requiring eating utensils, but does not include liquid refreshment other than that permitted by this section to be sold, or confectionery, or any food usually heated before consumption.

*Point of Order*

Mr. TONKIN: We have already decided we are not agreeable to the repeal of subsection (10). I take it that means subsection (10) is to remain in the Act. As subsection (10) now remains in the Act, is the Government happy that it can proceed with its intention in accordance with the Minister's amendment?

Mr. COURT: If I am eventually successful with my amendment, subsection (10) will be automatically incorporated in the amendment in its right sequence.

Mr. TONKIN: Speaking further to this point of order, it looks as though the Minister has tricked himself, because if he had proceeded in the first place and voted against the clause, the way would have been open to him to introduce a new clause, but, as the Committee has already decided it will not repeal subsection (10), how can we subsequently decide we will repeal subsection (10)?

The DEPUTY CHAIRMAN (Mr. Crommelin): I think it would have been the same as this in the long run.

*Committee Resumed*

The DEPUTY CHAIRMAN: The question before the Chair is that the amendment of the member for Swan be agreed to.

*Progress*

Progress reported and leave given to sit again, on motion by Mr. I. W. Manning.

*House adjourned at 6.7 p.m.*

# Legislative Council

Tuesday, the 24th October, 1967

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

## ACTS (14): ASSENT

Messages from the Governor received and read notifying assent to the following Acts:—

1. Shipping and Pilotage Act.
2. Prevention of Pollution of Waters by Oil Act Amendment Act.
3. Bulk Handling Act.
4. Metropolitan Water Supply, Sewerage, and Drainage Act Amendment Act.
5. Taxi-cars (Co-ordination and Control) Act Amendment Act.
6. Education Act Amendment Act.
7. Dentists Act Amendment Act.
8. Clean Air Act Amendment Act.
9. Iron Ore (Nimingarra) Agreement Act.
10. Marketable Securities Transfer Act Amendment Act.
11. Iron Ore (Hanwright) Agreement Act.
12. Dog Act Amendment Act.
13. Legal Practitioners Act Amendment Act.
14. Explosives and Dangerous Goods Act Amendment Act.

## QUESTIONS (6): ON NOTICE

### TRANSPORT

*Overwidth Trucks*

1. The Hon. G. E. D. BRAND asked the Minister for Mines:

   (1) Will the Minister ascertain if the Commonwealth railways expect cartage contractors conveying overwidth loads from Parkeston to Port Hedland and other places in the north, to travel at night, this not being in conformity with the Traffic Act?

   (2) As the trucks travelling at night are causing great danger to the travelling public, will the Minister arrange for strict supervision of these vehicles?

   The Hon. A. F. GRIFFITH replied:

   (1) The Commonwealth railways would have no control of overwidth loads transported by road.

   (2) It is not the policy to permit overwidth loads to be transported on roads during the hours of darkness and action has already been taken to check this practice.

### HOSPITALS

*Charges: Increases in Last Five Years*

2. The Hon. R. H. C. STUBBS asked the Minister for Health:

   With reference to the Royal Perth Hospital, and hospitals which are subsidised or under boards, or in direct or indirect control of the Medical and Public Health Departments, will the Minister indicate—

   (a) increases in medical and hospital charges and fees for each of the previous five years for—

      (i) motor vehicle accident cases;

      (ii) workers' compensation accident cases;

      (iii) ordinary patients; and

   (b) what percentage increase is this on 1960 figures?