thing to do was to refer this matter to a Select Committee. I give an undertaking to the members of the National Country Party that if this Bill receives a second reading I will move forthwith—if that is the procedure under Standing Orders—for the Bill to be referred to a Select Committee for the purpose of examining the total position and, if possible, report back before the end of this Parliament.

Mr Stephens: Did you read the article on page 16 of Saturday's issue of *The West Australian?*

Mr BERTRAM: No, I do not think I did. Was it a good article?

Mr Stephens: It referred to the matter you are talking about.

Mr BERTRAM: I want to make it abundantly clear that if this Bill receives a second reading the Opposition will immediately move, or support a move by the National Country Party, for the appointment of a Select Committee to deal with the Bill in order that what is a tragic state of affairs may be rectified. "Tragic" is the word which comes immediately to my mind at this hour of the night, but more fitting and damning words of the present situation, as far as the upper House in this State is concerned, also come to my mind.

It is most important that I underline, particularly to the members of the National Country Party, the point that if they consider this Bill should be referred to a Select Committee we will take that course of action. We will not put any obstacle in their path at all. If members of the National Country Party are concerned about their future beyond the next year or so they ought to give some thought to my proposal.

I got the impression that the rank and file members of the National Country Party were very concerned about our electoral laws.

Mr Sibson: What about the member for Collie; what does he think about it?

Mr BERTRAM: The member for Collie has studied this Bill. He is well versed in it, and he would support the appointment of a Select Committee.

If the National Country Party wants a Select Committee on this question the Opposition will support it and, if it gets the opportunity, will actually move for the appointment of a Select Committee. So the onus is right on the National Country Party to give us the opportunity to have a Select Committee. If it does not support us the responsibility will fall fairly and squarely on each and every member of the National Country Party in this place.

The SPEAKER: Before putting the question I advise that this Bill is one of a trio of interrelated Bills which require for their passage an absolute or constitutional majority. I advise further that if there is a dissentient voice when I put the question I will immediately divide the House; if there is no dissentient voice I will satisfy myself that a constitutional majority is present.

Question put.

The SPEAKER: Ring the bells.

Bells rung and the House divided.

Division resulted as follows—

Ayes—16

Mr Barnett	Mr Fletcher
Mr Bertram	Mr Harman
Mr Bryce	Mr T. H. Jones
Mr B. T. Burke	Mr McIver
Mr Carr	Mr Skidmore
Mr Davies	Mr Taylor
Mr H. D. Evans	Mr J. T. Tonkin
Mr T. D. Evans	Mr Bateman
	(Teller)

Noes—24

Mr Blaikie	Mr O'Connor
Sir Charles Court	Mr Old
Mr Cowan	Mr Ridge
Mr Coyne	Mr Rushton
Mrs Craig	Mr Sibson
Dr Dadour	Mr Sodeman
Mr Grayden	Mr Stephens
Mr Grewar	Mr Thompson
Mr P. V. Jones	Mr Tubby
Mr Laurance	Mr Watt
Mr McPharlin	Mr Young
Mr Nanovich	Mr Clarko
	(Teller)

Pairs

Ayes	Noes
Mr Moller	Mr O'Neil
Mr A. R. Tonkin	Mr Mensaros
Mr Jamieson	Mr Crane
Mr T. J. Burke	Mr Shalders

Question thus negatived.

Bill defeated.

House adjourned at 12.05 a.m. (Thursday)

Legislative Council

Thursday, the 7th October, 1976

The PRESIDENT (the Hon. A. F. Griffith) took the Chair at 2.30 p.m., and read prayers.

BILLS (6): ASSENT

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

1. Parliamentary Commissioner Act Amendment Bill.
2. Acts Amendment (Jurisdiction of Courts) Bill.
3. Medical Act Amendment Bill.
4. Hospitals Act Amendment Bill.
5. Racecourse Development Bill.
6. Child Welfare Act Amendment Bill (No. 2).

QUESTIONS (6): ON NOTICE.

1. EDUCATION

Boarding Allowance

The Hon. V. J. Ferry, on behalf of the Hon G. W. BERRY, to the Minister for Education:

Is any move being considered by the Government to withdraw living-away-from-home allowance from students boarding at hostels unless they attend the hostel nearest to their place of residence?

The Hon G. C. MacKINNON replied:

No.

2. SUPREME COURT

Additional Judges

The Hon. R. J. L. WILLIAMS, to the Attorney-General:

In view of the comments by the Chief Justice about the increased burden on the Supreme Court, in particular with the Civil list, would the Minister—

(a) announce whether he is considering appointing extra judges to the Supreme Court;

(b) if so, when; and

(c) if not, why not?

The Hon. I. G. MEDCALF replied:

(a) The appointment of a further Supreme Court Judge is not under consideration.

(b) Not applicable.

(c) Quite a lot of effort is now being applied to dealing with the carry-over of divorce cases commenced in the Supreme Court prior to the establishment of the Family Court. It is hoped that these cases will be cleared around the end of the year. The time now spent by Supreme Court Judges on divorce proceedings can then be applied to other jurisdiction of the Court.

3. TOWN PLANNING

Mundijong Townsite: Subdivisions

The Hon. I. G. PRATT, to the Attorney-General, representing the Minister for Urban Development and Town Planning:

(1) How many applications for subdivision within the urban area of the Mundijong townsite were received in the following years—

(a) 1973-1974;

(b) 1974-1975;

(c) 1975-1976; and

(d) 1976-1977 to the present time?

(2) How many of these applications were refused in each of these years?

(3) What were the reasons given for refusal?

(4) How many of these applications have since been granted through—

(a) Ministerial appeal; and

(b) re-submission of amended applications?

The Hon. I. G. MEDCALF replied:

(1) to (4) This statistical information is not readily available and would involve considerable Departmental time to extract.

The Minister is having a further investigation made and may be able to provide the Hon. Member with some information by letter at a later date.

4. GOVERNMENT DEPARTMENTS

Karratha: Offices

The Hon. J. C. TOZER, to the Minister for Justice, representing the Premier:

(1) Has the Public Service Board conducted a recent survey of the requirements for office accommodation by the various State and Commonwealth Government Departments in Karratha and district?

(2) If so, what is the apparent need for office space by the various departments, and how many officers are involved in each case?

(3) If the reply to (1) is "No" will the Premier request the Board to carry out such a survey at the earliest convenient time?

The Hon. N. McNEILL replied:

(1) The Government Accommodation Committee on which the Public Service Board is represented, has continually surveyed the office accommodation requirements of various State departments in Karratha and districts, but not in respect of Commonwealth departments.

(2) As a result of these surveys allocations of accommodation in the new Government Administration Building at Karratha have been made for a number of departments. However, until such time as the second stage of the new building is completed, the following departments are accommodated in offices vacated by personnel who have moved into the new building—

Agriculture—2 officers—area 28 square metres;

Agriculture Protection Board—3 officers—approximately 33 square metres;

State Energy Commission—3 officers — approximately 30 square metres.

In addition, the Road Traffic Authority—about 8 officers—are to be accommodated on a separate site yet to be firmly determined.

(3) See answer to (1).

5. ROCKINGHAM SHIRE

Pre-primary Centres: Press Report

The Hon. I. G. PRATT, to the Attorney-General, representing the Minister for Local Government:

(1) Has the Minister seen the article on the front page of the *Sound Advertiser* dated the 22nd September, 1976, which refers to the actions of the Rockingham Shire Council in regard to pre-primary centres?

(2) As the terms "pretty close to misuse of Rockingham people's assets" and "indicative of irresponsibility in handling public money" are used in this article, will the Minister advise whether the actions of the Shire Council are in fact in keeping with responsibility of municipal administration?

(3) Further, as figures for the cost of two buildings involved are variously quoted in the article as "in the vicinity of $56 000 each" and "about $20 000 each", will the Minister make enquiries as to the correct figures so that the people of Rockingham may be assured of the facts regarding this matter?

The Hon. I. G. MEDCALF replied:

(1) Yes.

(2) Yes.

(3) The Shire Clerk of Rockingham has advised as follows:

(a) Rockingham Kindergarten: Built in 1970 at a total cost of $31 900 which included playground equipment, infant health clinic (still used for this purpose), fencing and architect's fees. Funds were provided as follows:

	$
Rockingham Park Pty. Ltd. donation	16 900
Rockingham Park Pty. Ltd. interest free loan to Kindergarten Committee	5 000
Education Department Grant	4 000
Health Department Grant	3 000
Rockingham Shire Council contribution	3 000
Total	$31 900

Of the interest free loan of $5 000, the Pre-school Board in 1974 refunded the balance of $3 250.

(b) Safety Bay Kindergarten: Built in 1971. Rockingham Shire Council subcontracted the work. Total cost $16 700. Funds were provided as follows:

	$
Loan	14 000
Education Department Grant	4 000
Total	$18 000

Surplus loan funds have since been spent on additional equipment. The Safety Bay Kindergarten Committee was responsible for annual repayments of $1 358.34 per annum of which Council contributed annually $194.04. On the 1st August, 1974, Council received from the Pre-school Board the outstanding principal on the loan amounting to $13 018.96.

The rental figure accepted by the Council was a nominal amount submitted by the Department and is considered reasonable. The Department is required to carry out all maintenance of the building. Ratepayers and parents will be relieved of the requirement to pay all fees.

6. DRUG TRAFFICKING

Indictable Offence

The Hon. R. J. L. WILLIAMS, to the Attorney-General:

In view of the fact that severe penalties may be promulgated on drug traffickers, would the Minister concerned consider that the offences of trafficking be made indictable offences whereby cases should be considered in the District or the Supreme Court in order that the Justices concerned would be able to consider the evidence *in toto* so that the Justices of the District and Supreme Court have full knowledge of the cases other than to adjudicate mere sentences?

The Hon. I. G. MEDCALF replied:

The question of whether these offences should be triable on indictment is an important one and requires a great deal of weighing of opinion from various quarters.

It is not necessarily the major consideration for the Judge to personally hear all the evidence.

There is nothing wrong in practice with committals for sentence for these offences as all the evidence is placed before the Judge. In fact, so far as adjudication of penalty is concerned the system has worked very well.

BILLS (3): INTRODUCTION AND FIRST READING

1. Electoral Act Amendment Bill (No. 2).
   Bill introduced, on motion by the Hon. N. McNeill (Minister for Justice), and read a first time.
2. Legal Practitioners Act Amendment Bill.
   Bill introduced, on motion by the Hon. I. G. Medcalf (Attorney-General), and read a first time.
3. Change of Names Regulation Act Amendment Bill.
   Bill introduced, on motion by the Hon. N. McNeill (Minister for Justice), and read a first time.

EDUCATION ACT AMENDMENT BILL (No. 2)

Receipt and First Reading

Bill received from the Assembly; and, on motion by the Hon. N. E. Baxter (Minister for Health), read a first time.

HIRE-PURCHASE ACT AMENDMENT BILL

Third Reading

Bill read a third time, on motion by the Hon. N. McNeill (Minister for Justice), and passed.

ARTIFICIAL BREEDING OF STOCK ACT AMENDMENT BILL

Second Reading

Debate resumed from the 6th October.

THE HON. R. T. LEESON (South-East) [2.49 p.m.]: The Opposition supports this Bill. It concerns a relatively new industry in which I understand great gains have occurred in the last 11 years, and it has been necessary to draw up a Bill to cover new ideas and techniques. There is no necessity for me to say more on the matter; I have had very limited experience in this field, although I have sympathy for the bulls and cows which come under the provisions of this Act! I support the Bill.

Debate adjourned, on motion by the Hon. A. A. Lewis.

COUNTRY AREAS WATER SUPPLY ACT AMENDMENT BILL

Second Reading

Debate resumed from the 6th October.

THE HON. S. J. DELLAR (Lower North) [2.50 p.m.]: This Bill seeks to make certain amendments to the Country Areas Water Supply Act with particular reference to the problem associated with the Wellington Dam catchment area. I am sure all members, particularly those from the south-west, would be fully aware of this dam, the irrigation works associated with the Wellington area and the benefit they bring to this State with respect to our agricultural products.

The legislation has been introduced to combat the salinity problem which is apparent within the dam and the catchment area due to the large amount of clearing of land in the catchment area. The Bill proposes to limit and in fact place a moratorium on the clearing of land within the catchment area, subject to licences which may be issued by the Government to allow for certain clearing to be done. The Bill also includes provision for compensation and appeals.

I do not think the Bill should be held up. This area is an important water catchment within the State. Most members would know the problems we have at present within the State with our water catchment areas. It has been predicted that within 10 or 15 years we will be very hard up for water not only for the metropolitan area but also for other areas of the State which are provided with comprehensive schemes.

The Minister's second reading speech and the illustrations in the lobby outside the post office in this building illustrate the situation quite clearly to members With those few supporting remarks the Opposition supports the Bill.

THE HON. T. O. PERRY (Lower Central) [2.53 p.m.]: I wish to confine my remarks to the problem of salinity within the Wellington Dam, which was referred to by the Hon. Stan Dellar. The scheme extends as far north as Brookton on the Great Southern, as far south as Broomehill and Gnowangerup, and south-east to Kulin and Kondinin where it connects with the goldfields water scheme. Other towns such as Kojonup, Darkan, and Williams are connected with the scheme.

It is vitally important to the communities living in that area that the salinity does not rise above its present level. Most of the summer pastures west of the dam are irrigated from the Wellington scheme.

I am not sure when the dam was first built but I attended a function for the raising of the wall when Mr Gerry Wild was Minister for Works and Water Supply. At that time he claimed that the time was not far distant when many countries to the north of Australia would be looking

to Australia as the granary of the world and as the main supplier of meat, butter, and other products. Unfortunately agriculture has run into some very difficult times since Mr Wild made that forecast, but it was thought at that time that we would be playing a much bigger role than we are playing today.

Mr Wild stressed the importance of water. Many people at that time did not realise the seriousness of salinity and the effect it would have on the water in the dam. I have farmed all my life in the Wellington catchment area and when I was a boy I heard many of the early settlers referring to the salinity in the Blackwood River. The dividing range between the Collie River and the Blackwood River runs right through the middle of my old home property. Many of those early settlers forecast that we would never see a salt problem in the Collie catchment area. But time has proved them wrong.

The situation is so serious today that the Country Water Supply Department is considering the release of 10 million cubic metres of water from the bottom of the dam to lower the salt content in the dam. I believe the dry season is causing some concern and the department is not sure exactly what quantity of water it will be releasing. It will definitely be releasing a huge quantity of water from the bottom of the dam because the salt is inclined to sink to the bottom. In this way it is hoped to solve some of the problem.

I was interested to read an article in the *South Western Times* of the 16th September. It was headed, "Salinity levels watched closely", and stated—

> Below average rainfall during the past winter season has reduced run-off into the Wellington Dam, a major source of irrigation water to South-West farmers.
>
> Although this will not affect the amount of water available for irrigation, salt levels will be higher than normal and may be approaching levels that could affect pasture growth said Mr T. C. Stoneman, officer-in-charge of the Agriculture Department's soil research and survey branch.

He goes on to say that the water from the Wellington Dam is not detrimentally affecting pastures to any great extent at present.

From speaking to farmers in the irrigation area I understand that already many of the sub-clovers have been scorched off with the salt water, and clover in some pastures to the west of the dam have been practically killed. This article is a little puzzling to me after having talked to some of the farmers in the area.

I believe there will have to be a total ban on clearing in the Wellington catchment area. I say this rather reluctantly because my own son, who farms a farm which has never been farmed by anybody but the Perry family, will be affected by this measure.

It is not spelt out in the Bill just what compensation will be paid to those farmers who will be adversely affected by measures taken by the department. I hope that special consideration will be given to those people with small holdings of which only a portion has been cleared. I believe a landholder with a large holding of which a few hundred acres are uncleared will not suffer to any great extent by this type of legislation. But I have in mind a Mr Robert Crawford—whom Mr Lewis may know—who owns 1 000 acres of land of which only 500 acres are cleared.

If a complete ban is put on him it will affect the earning capacity of his property in the future, whereas a farmer with 3 000 or 4 000 acres, the bulk of which is cleared, will not be affected to any great extent.

Other plans envisaged in the Bill include general management of the land within the catchment area. Many farmers may be encouraged or actually forced into a planting programme, possibly of softwoods, in an effort to reduce the salinity in the area. I hope that common sense will prevail. I believe most of the farmers will realise the seriousness of the situation and will be only too happy to co-operate with the department.

If all clearing is stopped tomorrow salinity will still rise for a number of years to come. Even while I am speaking in this House there is an upsurge in bulldozing activity in the Wellington catchment area by people who realise that this ban will come into force and are trying to beat it.

I was talking to several bulldozer contractors and found they have been able to get work recently. They have been approached by farmers in that area and quite large acreages are being bulldozed at the present time. The effect of this will not be felt in the immediate future, but possibly in three or four years' time.

Of course, the scheme does not serve only the towns east of the Wellington Dam; there are many farmers who also rely on it for stock water.

In the area in which I live the crops are more lush than is usually the case, and I imagine the grain yield of the district in that area will be an all-time record —there will be too much grain, and the pastures are well above average.

Many dams have not been filled because there has not been a sufficient run-off to fill them, and stock water could be a problem along the Great Southern. The people adjacent to the water pipeline rely heavily on the scheme for stock water, and I believe the Government is doing the right thing by introducting this legislation. The matter should have been tackled many years ago.

I recall the time when the wall of the weir was raised. This was about 16 or 17 years ago. You will probably remember better than I, Mr President, when Mr Gerry Wild was Minister for Works and Water Supplies—it was not long before he retired—that he officiated at the raising of the wall of the dam. However, even at this time people do not appreciate the seriousness of salinity.

I would like to mention that when a previous Bill went through this House in connection with the woodchipping industry at Manjimup I said then that in the south-west we had very few fresh water streams, and although I voted for the Bill to establish the woodchipping industry I did comment on the possible rise in salinity in the streams affected in the Warren and Shannon River areas.

I was criticised by some person outside the House on what I said about salt. It was very pleasing for me to note that the Conservator of Forests approached me some time later and said that the Forests Department had already had second thoughts on chipping fairly large portions of land in certain areas. The department changed its policy and chipped smaller portions within the licensed area in the hope of reducing the salinity in those areas.

Although perhaps we are not the driest State in Australia—I think South Australia is drier—we are a very dry State in terms of water catchments. Our continent is one of the driest in the world, and I think we should give serious consideration to conserving all the streams we have. With those few words I support the Bill.

THE HON. A. A. LEWIS (Lower Central) [3.04 p.m.]: At the outset I would like to mention the work done on this Bill by the member for Wellington in another place. Her constant questionings and probings have, in reality, brought the measure to fruition. I would also like to thank the Minister for Works and the officers of his department for the attention they have given this matter and the speed with which they have drawn up the legislation.

I agree with Mr Perry that there is a need for the Bill and I believe its provisions are extremely generous; particularly when we consider that landowners will be able to clear up to 90 per cent of their land. This will give everybody a fair go.

The interesting thing, of course, is that the lack of run-off in the dams this year has probably saved us from greater problems which might have arisen had their been a heavier run-off of water which could have brought with it more salt into the dam. This would have spread through the irrigation area; and also the layering effect of the salt within the dam with a heavier run-off would not be so pronounced and we would not be able to run off the water with a higher salinity content from the dam as easily as we will this year.

I believe the Bill is necessary for all those in the irrigation area, and I support it wholeheartedly.

THE HON. V. J. FERRY (South-West) [3.06 p.m.]: I support the Bill. It is very important not only to the Wellington catchment area, but also because it will set the guidelines and pattern for future control of catchment areas in Western Australia. I believe there could well be other catchment areas in the State that may require control at this time. However, it is not a bad thing to bring in legislation to control the Wellington catchment area to see how it will operate in practice to protect the users of water from a particular source; and, as time goes on, and arising from the experience, apply it to other areas as and when necessary.

Like other speakers I too am conscious of the water used by people in other areas. For my own part I am particularly concerned for the users of water for irrigation needs in the coastal plains between the Wellington Dam and the west coast. As is well known, this is a highly productive area of Western Australia and it has been made so primarily from our use of irrigable water. This has enabled a very large concentration of dairy farms to become viable. It has permitted and ensured a year round supply of whole milk for the metropolitan area and the citizens of Western Australia generally; indeed it has also assisted the beef industry during the good years at least—I say that advisedly because we know the beef industry is experiencing difficulties at the moment. Not only have the south-west areas suffered in this manner; other areas have also suffered.

Considerable concern has been expressed in the irrigable areas that pastures will be adversely affected and the productivity of the farms using the water will be severely disadvantaged. It is hoped the control measures proposed in the legislation will assist the landowners to a large extent.

I would further like to point out that some very loose comments have been made by people from time to time. I refer to the comments to the effect that water from the south-west will be taken from that area to service the metropolitan area. This has been categorically denied in public statements by the Minister for Water Supplies on at least two occasions. I wish to have it recorded, however, as one who represents that area that I can assure the users of water in the south-west that so far as I am concerned and as far as I know there is no intention whatever to starve the industries in the south-west of water for their natural resources by channelling this water to service other areas of the State.

I feel there is a commitment for Governments irrespective of their political colour to service these areas with water supplies to meet the needs of the people and the needs of industry in the south-west.

That is the way it is, and I wish to tidy up that misapprehension. In fact, there has been some mischievous mention of this possibility which does no good in the community. Certainly, it does no good to those people engaged in industry.

I am quite impressed with the safeguards set out in the measure. There seems to be adequate provision for appeals against decisions which cause some disadvantage to landowners in proclaimed areas. There is adequate provision, under the terms of the Public Works Act, for compensation to be paid to any person who is disadvantaged. I think the Government is wise in providing for appeal mechanism, and it is also wise in adhering to the proven practice of dealing with compensation through the provisions of the Public Works Act. It is a time-proven system of providing for compensation, and the Government is wise in sticking to that method rather than attempting to evolve a new method.

I would like to commend the department for its display in the foyer of the House, of the catchment area. The display certainly illustrates the problem of salinity, and I understand it was shown at the Royal Show last week. I hope that many people took advantage of the opportunity to view the display in an attempt to understand the problems associated with catchment areas.

I suggest that the engineers who will administer the Act should engage in on-the-spot discussions with landowners and people located in catchment areas. As a public exercise, there is nothing better than discussing a problem on the spot with the people actively engaged in the area. I believe that would do a lot of good, and dispel some of the misapprehension and misunderstanding which may arise. I do not believe that such on-the-spot discussions would involve a great deal of extra work. It should simply mean two or three meetings at selected places with small groups of people. I am sure such discussions would ensure that the whole system would run smoothly with the minimum of fuss.

I believe the public generally, and particularly those associated with farming, will acknowledge the need for a measure such as this. There is a greater awareness today of the salinity problems associated with water supplies than there was previously. That is a good thing. I feel quite confident—and I think other members in this House should also feel confident—that this legislation will be accepted by the people of Western Australia. Western Australia is a dry State, particularly its southern region. The far north receives the benefit of a monsoonal influence.

I commend the Government for taking the present step. I realise it could have been taken a little earlier, perhaps 25 or even 20 years ago. However, the fact is that much research has been carried out in the intervening years. As a result of that research catchment areas will now be proclaimed, and we will have a better result with regard to our water supplies. I am sure the exercise will prove to be fruitful. I support the measure.

THE HON. D. J. WORDSWORTH (South) [3.15 p.m.]: I do not think anyone will dispute that Australia is a very dry continent indeed. When I was overseas—and if Mr Dellar will stand another experience—I took the opportunity to look at some of the drier parts of America.

The Hon. S. J. Dellar: What about taking me with you on one of these trips?

The Hon. D. J. WORDSWORTH: It is a pity the honourable member did not come with me. He would have appreciated a tour on a greyhound bus.

As I was saying, while travelling around I looked for dry areas. I was surprised to learn that there were very few dry areas in America. Even in Texas, which is one of the driest States in America, there is an average rainfall of 20 inches with the capital of Houston receiving a rainfall of 70 inches.

When one sees the mighty rivers in other countries one wonders how far Australia will get with its very small water supply. Some people might say that because of union action and unrest that worry might be put to rest and that we have no hope for this continent anyway.

The Hon. S. J. Dellar: Stick to the Wellington Dam.

The Hon. D. J. WORDSWORTH: I sometimes wonder how we will ever really develop this continent of ours into a great nation. We have to conserve our water supplies wherever possible. I do not think anyone would disagree with me when I make that statement, not even the conservationists.

A great break-through with regard to this legislation is that compensation will be paid to people who are disadvantaged as a result of the proclamation of catchment areas. It would be so easy to simply confiscate the land involved or slap an order on it to say there would be no more clearing. Fortunately, the Government has agreed that it will pay compensation, and I believe a fair amount of argument was involved in reaching that decision. As I said, I consider the payment of compensation to be a great break-through.

Mr Ferry referred to the proven method of paying compensation under the provisions of the Public Works Act. That compensation has been granted usually

where the Government has resumed land for a specific purpose. Compensation has not been paid in cases where values have fallen simply because of a change in the designated use of the land. In other words, if as a result of a town planning scheme the value of affected land suddenly changed, compensation was not paid.

Many people who will be affected will appreciate that they took up land which they knew would be a catchment area. When introducing the Bill the Minister said that when the Wellington Dam was constructed only a small proportion of the catchment was alienated and very little was cleared. He said that by 1945 only 5 per cent of the total catchment was cleared, and by 1960 that had increased to approximately 9 per cent, although approximately 35 per cent of the catchment had been alienated. Of course, that is not a very large area anyway.

I am glad to observe that there will be an attempt to arrange for compensation to be paid to land owners in the area, particularly those who have found that their units are not large enough to develop and become viable. In most cases, they are not able to afford to buy a neighbouring property.

This legislation will be a forerunner to measures to cover other areas. In the case of this legislation information has been available with regard to its future need as a catchment area, but that information may not be available with regard to future catchments. In particular, I mention the Albany region where there is a large catchment area. Farmers bought land there in good faith, with the intention of developing farms.

I do not believe that we should just tell these people they are forbidden to clear the land. The point I am endeavouring to make is that we often obtain information by research or we increase our knowledge by reading about what is happening in other parts of the world, and then with hindsight we condemn people who have cleared land in the past. However, at the time this land was taken up for farming, anyone would have cleared it. The people were not to know that at a future date this clearing of the land would be proved to affect the water supplies of the country. I refer particularly to areas that were not then recognised as water catchment areas.

When one looks at a map of the south of Western Australia one sees that there is very little land that is not in a catchment area. It is all very well to look at this particular area and to say that the people there knew about it. The Albany water catchment area is a very extensive one and it almost reaches the area we are talking about in this Bill. Undoubtedly a large amount of the land around Esperance will be declared a water catchment area in the future. Much of this land was conditional purchase land and the Government allocated it to farmers with an order to clear. We could so easily say to these people, "We will resume this land", or, "We will put an order upon the land to stop you clearing it."

I hope, and no doubt Mr Perry hopes even more than I, that this compensation clause will help a great deal.

The Hon. T. O. Perry: We want to know what the compensation will be.

The Hon. D. J. WORDSWORTH: I could not agree more. Everyone will appreciate that when this legislation was first proposed there was no provision for compensation. When it was suggested to the officers of the Public Works Department that there should be some provision for compensation they threw their hands up in the air and said that it was not possible. Well, we have found a way to do it.

This water is valuable, and I do not believe that a person's land should be confiscated without compensation so that someone living in a different area will benefit. The people in these hills have as much right to run sheep as the people in the Wellington Dam area have to irrigate their pastures. For the good of the nation as a whole we should reduce the rights of people with land in water catchment areas so that water is available for industry and other purposes, but when land is confiscated or the land use restricted, the owner should be compensated for his loss.

I commend this legislation to the House. I hope I have not read too much into this compensation clause. I have sat in on many meetings with officers of the Public Works Department on this question of compensation. We have been assured that compensation will be adequate but as members of Parliament we have to be sure the provisions of the Bill will work because it will be the forerunner of future legislation.

THE HON. R. F. CLAUGHTON (North Metropolitan) [3.24 p.m.]: It is unfortunate that in speaking to a measure like this Mr Wordsworth cannot resist an attempt to bash the unions. That seemed to be a most unnecessary addition to his comments.

The Hon. G. E. Masters: He was not bashing—he was just making a true statement.

The Hon. R. F. CLAUGHTON: Mr Masters may draw his own conclusions; we have heard him on his feet and talking about the unions also.

The Hon. G. E. Masters: One would not think you were a bit biased at all?

The Hon. R. F. CLAUGHTON: Of course the problem of salt encroachment in our farming districts is not new. I remember a good many years back, in the 1940s, I first took an interest in this matter. At

that time I read articles in various Government departmental publications and particularly publications put out by the Department of Agriculture. These articles identified the problems and various solutions were proposed.

We have this problem now, not because people were unaware of it before or unaware of what action to take to avoid it, but because of a lack of collective will on the part of the people to do something about it. It is a good thing that we now recognise action of this nature is necessary in order to treat the problem at all, although the present legislation will not necessarily cure it.

As Mr Wordsworth said it is quite true that there are areas beyond the section referred to in this measure where the headwaters go even further back into the agricultural areas.

I think Mr Wordsworth's remarks about the unions were unjust and unwarranted. The farming people themselves must take their share of responsibility for what they have done, particularly where they have over-cleared the land in order to extract the greatest remuneration possible from it. In fact, in very many cases such action has reduced the area which they can farm. It is not as though farming people will not receive any benefits from work done; revegetation measures along the water courses will in fact improve their water supplies and protect their land from further salt encroachment. That is really in an area beyond the boundaries of this legislation.

I support the legislation. As I say, I think it is necessary. We will find we must extend the principle into other areas of the agricultural districts in order to restore land affected by salt encroachment in the wheatbelt.

Undoubtedly, some of the blame must fall on the farmers, but finally, of course, it is only by a Government taking initiative and enforcing corrective procedures that benefits will be achieved.

THE HON. N. McNEILL (Lower West—Minister for Justice) [3.28 p.m.]: In view of the contributions made to this debate by a number of members, I feel it is appropriate that I should make some additional comment.

First of all, I think the most important point is that the legislation has received such unanimous and in fact enthusiastic support. I say that because I have some knowledge of the history of this area, of the Wellington Dam and of the problems associated with salinity both in the dam and in the water from the dam.

An observation was made by one of the speakers—I think the Hon. V. J. Ferry—that perhaps steps like this should have been taken a long time ago. Similar statements were made by other speakers, and someone mentioned a period of 25 years ago. My association with the area and its problems began about 20 years ago, and I am absolutely confident in my mind now that had a step like this been propcsed 20 years ago, in view of the feelings that I know existed in the minds of landholders at that time, the legislation would not have got to first base.

Members will know of the activities of a body known, I think, as the Water Purity Committee—or a body with a similar name—which was very conscious of the increasing salinity of the dam and which endeavoured to take some action with the landholders in this area in an attempt to exercise at least some control. Some of the measures suggested and promoted did not enjoy the complete support of the landholders in the area.

Mr Claughton used the expression "the farmers were partly to blame" although I do not think he used it in any critical sense. Undoubtedly, the farmers have been responsible inasmuch as they have cleared land in an endeavour to improve it for the purposes of production in order that they could gain a living; in the course of doing so, they have contributed to the problem of increasing salinity, a fact which has been recognised by this legislation.

The Hon. R. F. Claughton: But you still see the same sort of complete clearing going on today, which has given rise to the present problems.

The Hon. N. McNEILL: That is true enough, but if Mr Claughton had maintained the interest he claims commenced with him in the 1940s, he would also appreciate there has been a tremendous increase in the awareness and co-operation of farmers generally throughout the State and also of the great initiatives taken by farmers to combat the problem of salinity wherever it may exist.

I am sure there is no better person in this House than the Hon. Jack Heitman to know of some of the steps taken in that regard. Many of these initiatives have been taken by the farming community itself, aided and abetted by the soil conservation service of the Department of Agriculture. In fact, although it is a little apart from the subject matter of the legislation, I recall that the first salt land commissioner was Mr Tom Smith.

The Hon. D. J. Wordsworth: This problem could also be due to the lack of taxation deductions allowed by the Labor Government.

The Hon. N. McNEILL: Mr President, I merely note the interjection.

The matter of compensation is another item of particular significance. It is true as members have said that it represents something of a breakthrough; it is a completely new dimension in the legislation, and it is not an easy one to have

accepted. I think the acceptance of the compensation proposals may have arisen because of the great difficulties which seem to be inherent in implementing any such scheme. In the determination of compensation—this is in front of us—the Bill at least makes provision for a method by which compensation can be assessed. I cannot allow the opportunity to pass without referring to the expression, "injurious affection"; I have always found it to be a rather curious term, although no member has referred to it. I can see that the question of compensation will be a tremendously interesting exercise; in fact, the word "interesting" probably is an understatement in this context.

Without further delay, I acknowledge with gratitude the support the Bill has received from members in this Chamber, particularly those members who are extremely knowledgeable of the difficulties, both political and agricultural, which exist in this area.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (the Hon. R. J. L. Williams) in the Chair; the Hon. N. McNeill (Minister for Justice) in charge of the Bill.

Clauses 1 to 10 put and passed.

Clause 11: Section 12E added—

The Hon. V. J. FERRY: I wish to correct an error during my contribution to the second reading debate. I referred to the question of compensation, and mentioned the Public Works Act, when I should have referred to the Arbitration Act.

Clause put and passed.

Clause 12 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by the Hon. N. McNeill (Minister for Justice), and passed.

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 5)

Second Reading

Debate resumed from the 6th October.

THE HON. S. J. DELLAR (Lower North) [3.38 p.m.]: I think it goes without saying that this will not be the last time we will see the Local Government Act before us for amendment. In fact, since the Bill was originally introduced in 1960, there has been a considerable number of amendments brought before this House. Even since the last reprint in August, 1973, many alterations have been made.

The Bill now before the House, which incorporates some 32 clauses, proposes certain other amendments. Generally speaking, the Opposition agrees with the proposals contained in the Bill. However, there are some areas of doubt which we would like to discuss at further length. Some sections of the Bill are of considerable importance, while others are only tidying up clauses, and do not require comment.

Clause 4 of the Bill deals with the nomination of a person for election to a local authority, where that person believes he may have a pecuniary interest. I believe the question of the pecuniary interests of councillors and mayors will never be fully overcome. This question has been discussed at length on numerous occasions. Even with the amendments that have been made to the Act since it was first enacted there have always been areas of doubt that needed clarification and tidying up.

In clause 4 the amendment provides that if a person wishes to nominate as mayor, president, or councillor of a municipality, and believes he may have a pecuniary interest in dealings he has had or is likely to have with that municipality, it is necessary for him to seek the approval of the Minister.

The Minister may determine in writing that the pecuniary interest which such a person has had, still has, or will have does not bar him from being elected to the municipality. The amendment in the clause provides that if a person has been elected and has a pecuniary interest the Minister may exempt him from the provision of the Act dealing with pecuniary interest, and allow him to continue to hold office.

In this respect I do not know whether we are treading on dangerous ground or whether I am imagining things. In the past many difficulties have arisen in determining the pecuniary interest of a councillor in a local authority. It appears that under the provision in clause 4 of the Bill the Minister will become involved in an area which could—depending on the Minister and his state of mind—place him in the position where he might have to adjudicate on a matter which is or is not important. It could result in the Minister becoming involved in an area where perhaps he should not be involved.

On the other side of the argument, we recognise that somebody has to accept the responsibility and be in charge of the situation, and logically such responsibility should lie with the Minister. We do not have any objection to this amendment; however, it is in my mind an area of doubt where the Minister is becoming far

too involved in the internal functioning of local authorities.

The second major amendment is contained in clause 5 which deals with the qualifications of officers of local authorities. The section of the Act governing qualifications has been amended on many occasions, and has been the subject of much discussion among shire clerks, town clerks, building surveyors, engineers, etc., who are currently engaged on work in local government.

It is not necessary for me to go over the whole story. Briefly, when the Act was introduced in 1960 it was recognised at the time there was a need to increase and to improve the qualification standards of officers engaged in local government work. I have no objection to that, because as local government expanded and developed we find that whereas in the old days of the road boards the revenue of a shire was, say, £20 000 today the revenue of the same shire could be $250 000. The complexities of local government have expanded with the introduction of town planning schemes and development projects undertaken by local authorities. I agree that officers in local government should have some set standard of qualification so that it can be said they are qualified to hold their positions. For the moment I shall leave that aspect aside but I shall deal with it again later on.

Clause 6 seeks to add a new section which provides that an officer of a local authority shall not without the permission of the authority engage in outside duties or business which may or may not affect his ability to serve the local authority to the best advantage and to fulfill the requirements of the position to which he has been appointed.

The need for the new section in clause 6 stems from a situation which arose in the last two or three years, and I offer no argument on that incident. I would not like a case to arise in the future where a local authority might have a snout on one of its officers and take restrictive action under this provision. As you, Mr President, and Mr Heitman are aware, in many areas of the State the officers of local authorities perform outside duties as assistants at race meetings, assistants to bookmakers, or helping to run the tote. Sometimes they participate in other forms of activities on weekends when they are asked to render assistance.

I would not like the private lives of such officers of local authorities in country areas—and their private activities have nothing to do with their duties as officers —to be interfered with. I am not saying their private lives will be interfered with, but a situation could arise where an officer of a local authority might upset someone and as a consequence is asked to restrict his private activities.

Sitting suspended from 3.45 to 4.04 p.m.

The Hon. S. J. DELLAR: Prior to the afternoon tea suspension I was talking about the provision dealing with officers holding additional positions of remuneration as well as their duties as local authority officers. I had concluded my remarks, but I wish to emphasise that the Bill provides that the restriction does not apply when an officer is jointly engaged between separate local authorities. He might be the building surveyor or the health surveyor.

The next clause makes me think for a change. Under the present provisions the annual meeting of electors must be held and one of the items on the agenda is the presentation and reading of the auditor's report. From experience, and having observed what occurs, I know that quite often a long time elapses before the audit is completed and the council is provided with a report. In many cases the annual meeting of electors for the year ended the 30th June, is not held until well into the following year—sometimes March or April. Of course, by that time the whole complexion of the local authority could have changed financially or structurally and the electors would be talking about something which is more or less history. Under the Bill the Minister can grant approval for the council to hold the meeting before the auditor's report is received. However, I query this. What is the point in having an annual meeting of electors if they cannot be told the financial situation of the local authority? They can discuss other matters, but most ratepayers are more interested in the financial aspects of the local authority than in the general running of the office.

I understand that once the statements are available the local authority is obliged to advertise the fact so that any interested people can apply to the local authority for permission to view the statements. It is a further requirement that at the following annual general meeting those statements will, in fact, be presented, although they would be past history by then.

The Hon. I. G. Medcalf: You believe that the audited accounts should be presented at the annual meeting?

The Hon. S. J. DELLAR: That is the requirement at present.

The Hon. I. G. Medcalf: And you believe that ought to be maintained?

The Hon. S. J. DELLAR: Yes, because if the statements are not audited, they are not really the proper financial statements. However, the unaudited financial statements could be presented. There could be some variations once the audit is completed, but mostly any alterations are of a minor nature.

The Hon. I. G. Medcalf: The statements could be adopted subject to audit.

The Hon. S. J. DELLAR: Yes. No drastic changes are normally made. Of course, auditors have different views. What is

done this year when the statements are prepared might not be accepted by the auditor the following year.

I was referring earlier to qualifications of officers in local authorities. It has been noted in the past on many occasions that the local authorities' auditors themselves do not apply the rules in the same way. One auditor will stipulate that something must be done in a certain way this year, and it is done that way. The same method is followed the next year, but the auditor the following year has a different idea and so the statements must be done again in conformity with his views. This has caused hardships because the work has to be done again. The final result is the same, but the method of obtaining the result is different.

I do not believe that an annual meeting of electors will serve a great deal of purpose if the financial situation cannot be advised.

The Hon. I. G. Medcalf: What you are saying is that you want the audited financial statements at the annual general meeting?

The Hon. S. J. DELLAR: That is the provision.

The Hon. I. G. Medcalf: Are you saying that that situation should be maintained?

The Hon. S. J. DELLAR: Yes, or at least the unaudited statements should be presented.

The Hon. I. G. Medcalf: All this Bill does is to give the Minister the authority. Otherwise the audited statements must be presented.

The Hon. S. J. DELLAR: That is right. For instance, if a local authority had not held its annual general meeting and the commencement of the following financial year was approaching the meeting would have to be held.

The next couple of provisions deal with the voting of the president and *ex officio* members of the council, and clarify the position by removing the present anomaly.

A further amendment in respect of interest deals with subdivisions and town planning schemes. I have not studied this aspect fully as we received the Bill only last night, but I consider that the amendment will clear the air a little in regard to members who may have an interest in a zoning proposal. Whether the land is adjacent to or inside the zone the same benefit will be received.

Yet another amendment clarifies the present silly situation under which a councillor must be present when the initial discussion on a resolution takes place. Under the amendment, provided a councillor is in the council chamber at the time of the initial discussion, he will be entitled to be present at the resubmission of the resolution.

Further clauses tidy up the by-laws in relation to lawns and gardens in streets, and another deals with the problem of swimming pools. I do not know how we can overcome this latter problem. As members are aware, it is a requirement under the by-laws that swimming pools be fenced to a certain standard in an attempt to prevent the accidental drowning of children. This has been a serious problem and it will remain one, and I do not know how we can make these by-laws 100 per cent effective.

Under the Bill an inspector or officer of the council may enter and inspect premises where pools are known to have been installed, and if the by-laws have not been followed, the council may direct the work to be done and recover the cost involved. That is one way by which we can improve the situation. If pool owners are not prepared to abide by the by-laws in this respect, something must be done to prompt them.

With regard to the appointment of referees, previously only an architect or a surveyor was qualified to act in this regard. The provision has been widened, and in future an engineer will also be able to act in this capacity.

Further amendments have been made to the method of assessing valuations and striking a rate in connection with gas mains and electricity undertakings. The present provisions are ambiguous and the amendments will clarify the situation.

A further provision will increase the amount the council may offer by way of discount to induce people to pay their rates. The discount has been increased from 5 to 10 per cent.

The situation in the past was that where a valuation was upheld or dismissed and a question of costs was involved the Valuation Appeal Court could make its determination before the question of costs was referred to the Supreme Court for determination. The Bill provides that the Valuation Appeal Court will not now give its determination until the Supreme Court has looked at the question of costs.

I think the provision to allow local authorities to borrow from building societies is a good one. I was worried that it might affect the borrowing capacity of local authorities but on looking at it further I do not think it will because it is provided that the funds received from the building society will be treated as normal funds in the municipal account and therefore, I believe, will not be treated as a loan in the general sense. Many local authorities are anxious to develop certain areas and have had difficulty in raising finance. I believe this provision will assist those authorities.

There is a further clause dealing with loan statements and the necessity for their being prepared at least seven days before the annual meeting of electors and made

available on application to people desiring them. I wonder why this amendment was included in the Bill. There was no mention of it in the Minister's second reading speech. It is only a minor point but I would like to know where the proposal originated and the exact reason for it.

Service of notices is covered, as well as enforcement of parking and traffic fines and provisions for on-the-spot fines in clauses 29 and 30. There are also provisions relating to infringement notices and the onus for identifying people. That covers the Bill, generally.

There are areas which will require discussion but I would like to return to the situation of officers in local government, particularly the application of clause 5. Many officers in local government, perhaps by virtue of their age, are located in areas of the State which can only be described as harsh and remote. I believe many of these officers do not receive the credit for which they are due. They carry out all kinds of functions in the communities in which they reside and on many occasions they are just referred to as "that bip shire clerk".

Clause 5 relates to the requirement of officers to acquire certain qualifications. In many ways the course which a clerk and a treasurer, particularly, are required to undertake bears no relationship to local government itself. When the regulations were first introduced after the Act of 1960 was proclaimed, part of the course was English expression, which is still part of the course. An officer could be exempted from that if he held Junior Certificate English. For some unknown reason that was changed, so that an officer of, say, 30 or 35 years of age who had worked not only in local government but also in other administrative fields where he had been writing letters, learning to spell, and learning to phrase letters properly, was required to undertake study to learn to write letters which he had been writing for many years.

In regard to accountancy, most of the accounting in local authorities is done on a single entry system for the whole of the year, and it is only at the end of the financial year that the accounting is converted to the double entry system and an accountancy course is required. Quite a few officers were exempted from obtaining the clerk's certificate because of positions they held when the parent Act was introduced. In many cases they had a general knowledge of local government and because they held certain positions at that time they were exempted from this provision and were eligible to be appointed as Town Clerk of the City of Perth.

Many officers have served for five or 10 years as shire clerks in other areas without having any other qualification. For many years they have been performing duties as building surveyors, health surveyors, undertakers, and presidents of *P & C* associations, and they have had families growing up. In some areas the climate for study is not encouraging and these officers find it very difficult to undertake and continue the course laid down in the regulations.

I suggest—but I do not suppose the Government will take any notice of the suggestion—that provision be made whereby, if a local authority is satisfied with the work the officer is doing and the officer has been with the authority for a number of years, and if his audit reports are satisfactory and he is doing his job, he can be exempted in some way. We could apply a trade test or practical and written examination based on the duties he covers in his position. Many officers of 45 or 50 years of age will not study and there is no way in the world we will persuade them to study under the provisions contained in the Bill. Even if they do obtain a certificate of competency, it will be good only if they are looking for a job in local government. The certificate is of no use if a person wants to go back into the business field as a management consultant or something like that. A person who may have been working in another field of endeavour and who does not have any knowledge of local government might decide he would like to enter this field, and he might have qualifications which are higher than and superior to those required under these provisions.

I admitted previously there is a need for officers in local government, particularly in view of its modern complexities, to have some qualification, whether by way of experience or by obtaining a piece of paper. I have said before—and I will say it again—that there are many officers in local government who do not have that piece of paper but who are far better shire clerks than some who have the certificate.

We can relate this to a situation where a young man could be employed in a local authority in the metropolitan area or one of the large towns. He started off as a junior officer boy at 16; he was very studious and by applying himself he obtained the certificate of competency by the age of 21 or 22; but he may have been employed only as the rate clerk or the correspondence clerk and he may have had no knowledge of the outer workings of the local authority or the broader concept of overall administration. There have been cases where such people have been appointed to areas where they proved not to be capable of doing the practical side of the job.

If accepted by the House, the provisions contained in clause 5 will further strengthen the Minister's hand in the appointment and control of officers in local government. We all know that if an officer who is not qualified applies for a position the council may, with the approval of the Minister, appoint him. In the

past the Minister has normally approved the appointment subject to that officer obtaining the necessary qualification, but the Minister did not have the opportunity to do anything about that situation once the council was happy with the officer and he was doing his job. The officer would just tootle on his way. Every year the Minister would write and ask, "How are you going with your studies?" The officer would write back and say, "I did two subjects this year and I am making progress."

Under the Bill the Minister may now require that the appointed person obtain the necessary qualifications within a stated period, and if he fails to do so the Minister may grant him an extension of time. Following that, if the Minister does not consider a further extension is justified he can do certain things, one being to direct the local authority to sack the shire clerk. I believe that is a wrong and backward step. Somebody has to be at the helm and responsible for the administration of the Act but I think this is going a little too far.

We could have a situation where a local authority is quite happy with its officer, and it might be an area where, if he were sacked, the local authority would not be able to attract another person to take the position. Where do we go from there? The situation could arise where the Minister says, "Blow Tommy Brown, I am not going to let him carry on."

The clause reads—

> . . . the Minister may direct the council to remove the officer from the office and, notwithstanding subsection (2) of section one hundred and fifty-eight, the council shall comply with that direction.

So if the Minister decides the shire clerk is not to continue any longer he directs the council to sack him and the council must comply. No doubt I will be told that the Minister would discuss the situation with the local authority before taking such action, but there is no provision in the Bill to require him to do that. I think there should be a provision whereby, if such a drastic step were contemplated—

The Hon. H. W. Gayfer: Why did you not prepare an amendment?

The Hon. S. J. DELLAR: —the Minister be required to consult with the local authority. I have prepared an amendment which I believe is available for circulation.

The Hon. N. E. Baxter: I have not seen it yet.

The Hon. S. J. DELLAR: If it can be found I would like it to be distributed. I am asking the House to agree to a provision in clause 5 that where the Minister intends to take such action he must at least consult with the local authority. Ministers and Governments change. One day we might have a Minister who is anxious to co-operate with local authorities, and at another time we might have a Minister who has a slightly different approach to matters. The Bill does not require the Minister to consult with the local authority. My amendment is quite simple. It reads—

The Hon. I. G. Medcalf: Leave it to the Committee stage.

The Hon. R. F. Claughton: It can be distributed now.

The Hon. I. G. Medcalf: He is not going to move it now.

The Hon. S. J. DELLAR: I wanted to outline the amendment. I give notice that in the Committee stage I will move an amendment which has been prepared for distribution.

The amendment proposes to insert a requirement that the Minister shall consult with the local authority before he takes such drastic action as to instruct the authority to sack the chief administrative officer.

With those few reservations, we support the second reading of the Bill.

THE HON. H. W. GAYFER (Central) [4.31 p.m.]: When I studied this Bill I made the sad observation that certain aspects of it will further erode the responsibilities of local government. In fact, we are fast removing the word "local" from the scene. It seems more and more of the decision making of local government is being taken away from local authorities, and decisions of the utmost importance to councils and their communities are being made by implication in the Act and by amending Bills such as this which erode the responsibility of local government. Over the last few years we have seen various aspects of the authority of local government being whittled away by amending Bills, and this Bill is no exception.

I was intrigued by the remarks made by Mr Dellar a few moments ago, and I was also intrigued to read his amendment which has now been placed in front of us, especially as my amendment was circulated some time ago. What intrigues me is why this amendment was not moved in the Assembly by members of the Opposition there. Why was it left until the Bill came to this place before the amendment saw the light of day?

The Hon. R. F. Claughton: We could ask the same question about yours.

The Hon. H. W. GAYFER: Nevertheless, clause 5 deals with the powers of local authorities—that is, the powers which will remain if the clause is accepted in its entirety—and proposes to remove from local authorities the responsibility of employing the shire clerks or officers the authorities feel are most suited to serve in their districts.

Anyone who has had quite a deal to do with local authorities in country areas would well know that some of our best

shire clerks in the past certainly have not had any qualifications. In fact, I would hazard a guess that a shire clerk who is doing his job properly has very little time to obtain qualifications. A shire clerk in a progressive community is usually an industrious person who is serving on all sorts of committees and carrying out all sorts of duties for the community. Probably he is even the ambulance driver at night. He has literally no time at all to study for qualifications which will be no good to him if he leaves the field of local government. Remember that if he is doing his best for the town in which he is working, he will not have to leave that community at the wish of the shire. The only thing that will kick him out of his job is the fact that under this Bill the Minister may direct the council to remove him from office if he does not obtain the qualifications necessary within the time permitted.

I believe it is wrong to take away from councils the authority to employ the men they want to employ, provided the work done by the men is suitable. In most cases the work turned out by shire clerks has been subject to auditors' reports year after year. It is criminal to think that a person of such high repute in the community should have his employment terminated simply because he has not obtained qualifications.

The Act at present states that where the occupant of the office of shire clerk, engineer, building surveyor, or treasurer is not required to be qualified, a council may appoint a person to the office notwithstanding that he is not qualified. It goes on to say that where regulations are made requiring the occupant of the office mentioned previously to be qualified, the council shall not appoint a person to one of those offices unless he holds the appropriate certificate of qualification issued under the regulations, or if he does not hold that certificate, the council may not appoint him unless the Minister approves of the appointment.

Many shire clerks have been employed under that provision, especially in recent years, because the Minister has allowed them to be employed even though they are not qualified. They have been employed because they have proven themselves as practical men as a result of the work they have done in local government.

The Bill seeks to amend that provision to say that the Minister may impose the condition that the person concerned shall obtain a suitable qualification within a certain time. I know the Minister probably will say, "I am only saying the Minister 'may' impose the condition"; but, after all is said and done, it is possible—and I am not saying this would happen—the Minister could be dictated to by a strong department which may be academically oriented. It could be that the department favours the principle that every person should have academic qualifications before being employed, heedless of what the local council may desire. Certainly there is nothing in the Act now to say that qualifications must be obtained, but this Bill proposes to do that.

I believe a provision should be included in this Bill to make it mandatory for the Minister to consult with the shire council and ascertain whether the council considers the shire clerk is doing his job properly, and whether he would do it better if he were qualified. If the shire is perfectly happy with the work of its clerk, and no adverse audit reports have been received, I do not believe the clerk should be forced to leave his friends and his family to start night school. He could be 40 to 45 years of age, and suddenly he could be forced to go back to night school. There is no point in it, because if he is any good he is not likely to leave the council which employs him until he is ready to retire.

I believe an amendment should be made to proposed new subsection (2a) in clause 5, and I have circulated a proposed amendment. It is to the effect that the Minister may after consultation with, and with the concurrence of, the council, impose conditions under which the shire clerk should be employed.

The next matter I wish to deal with is concerned with clause 7. This deals with the annual general meeting of a shire, and again it is proposed to take power away from the council. The Bill proposes to remove from the council the right to declare when it shall hold its annual general meeting if the auditor's report has not been completed—and that is something which is beyond the control of the council. Even though that local authority might traditionally hold its annual general meeting at a suitable time each year—in country areas it is usually held during a slack time of the year—in future under this Bill if the auditor's report has not been received the shire will have to ask the Minister if it can hold the meeting.

The proposed provision says that if the Minister does grant the shire the right to hold its annual general meeting, then when the auditor's report is available the shire clerk shall arrange for notice to be given in a newspaper that the report has been received and is available for inspection.

Evidently the Minister does not really mind whether or not the shire holds its annual general meeting; he is not making it mandatory for another meeting to be held when the auditor's report is received; all he is saying is, "If you come to me, I will say whether or not you can hold the meeting."

The Act at present states that an annual general meeting shall be held—and by its very name, it must be held annually. It

should be up to the shire council, in my opinion, to say when the meeting should be held. If it is traditionally held on or about a certain date, I see no reason that the shire should have to crawl to the Minister on hands and knees to obtain permission to do something which in my opinion is a minor matter when we are dealing with the autonomy of a local authority.

We are all apt to give local government a lot of credit and say it is the third arm of government. We wave our hands around and say it is doing a good job, and pat those concerned on the back. However, it seems we are not prepared even to give local authorities the responsibility of deciding when they can hold an annual general meeting without asking the Minister.

Accordingly, I propose to delete certain words from the Bill and to add a provision that if the auditor's report on the financial statements of the council has not been completed by the date on which traditionally the annual general meeting is held, the council may proceed with the meeting. I believe that places the authority where it belongs: With the council.

I also wish to make a minor amendment at about lines 21 or 22 of clause 7 by moving that certain words be deleted, if in fact a previous amendment I have foreshadowed for the inclusion of certain words is accepted at the Committee stage.

I was most intrigued with the portion of the Bill dealing with swimming pools. I am not objecting to the laws which have been passed whereby councils may include swimming pool regulations within their own by-laws. I am not objecting to that because of the safety of children, although it is possibly superfluous in some country areas where there are unfenced dams alongside houses. But I shall not get into that argument.

By the provisions of this Bill an officer may go onto land or property, provided the by-laws have been accepted, and can advise the occupier what he considers should be done to make a pool safe. I have no objections to that, if the regulations appear in the by-laws. The officer would tell the occupier what he considers should be done and they would come to an agreement.

However, clause 16 seeks to amend section 245A by adding a new subsection (5) (c) which states in part—

> (c) if, at the expiration of the period specified in a notice served pursuant to paragraph (b) of this subsection, neither the owner nor the occupier of the land has complied with the direction contained in the notice, an authorised officer may enter upon the land, with or without assistants, and take such measures as he considers necessary in order to prevent the swimming pool from being a danger to the public,

If it were spelt out in the Bill that the officer would be allowed to pull the plug and let out the water, that would be fair. But if he is to go onto the land with assistants and possibly put in a fence, there is no limit to what he may do. I think this is taking the matter a little too far. I think the landholder should be protected to a degree and that the council concerned should at least know what is going on when one of its officers is going onto property and telling the occupier what he must do and then doing certain things on that property a little later to prevent an accident. Surely to goodness the council must know what the officer is going to do.

It could be that the employee of the council got out of bed on the wrong side and is a fairly vicious sort of chap. It also could happen that when he has gone onto the property someone may take umbrage at him setting foot on the place.

The Hon. I. G. Medcalf: He might spend the night in a swimming pool.

The Hon. H. W. GAYFER: He might spend the following night in a swimming pool in some places! The point I am making is that this is putting too much responsibility on the shire employee, and I do not think he would want that responsibility. I think it would be much better if the shire at least knew what was going on and then the employee would have the knowledge that his own shire has looked at the measure and agreed to it.

Accordingly, I believe certain words should be inserted in line 32 on page 10 so that the new subsection would read—

> . . . an authorised officer may enter upon the land, with or without assistants, and take such measures as he considers necessary and are approved by the council in order to prevent the swimming pool from being a danger to the public . . .

Most of us who have served on shire councils will know that towards the end of the meeting one examines all the building permits which are to be issued, whether it be for a garage, a front fence or anything else. That is standard practice. I have 29 shires in my electorate and they all do this at some time during their meetings. I cannot see what difference it would make if a report were put forward by the employee concerned to say, "I consider that certain work shall have to be done on lot so and so in respect of their swimming pool and this is what I propose. Do you approve?"

Once the council approves it is a different story from the assistant going onto the place and making his own views known. The occupier does not always want to have an argument with an employee of the shire when he knows that the council has approved what the employee wants to do. At least the occupier would be able to go

direct to the council and have a disagreement and then find out more about the matter from a higher and more authoritative level.

Apart from those matters I have no great objections to the provisions of the Bill. I had expected that other matters would be incorporated through amendment. I think the amendments I have in mind could be looked at, especially the one concerning the guaranteeing of moneys in respect of an overdraft for a qualified person who may want to move into the town to set up practice but has not enough money because he has come from overseas. That is not allowed at present, even under the provisions of this Bill. That sort of measure could be looked at when we are trying to entice doctors, dentists and other qualified people to our country areas. But that is another matter for another day.

I wish to conclude by repeating that we are endeavouring by this Bill, and the parts of it that annoy me greatly, to take away from local authorities the local responsibility and the knowledge that they have the power to make certain decisions without having to run to the Minister at the time and without being dictated to by a bureaucratic department in Perth as to whom they may or may not employ and whether they should hold a meeting. I believe the situation is getting farcical and I intend to move my amendments at the Committee stage.

THE HON. J. HEITMAN (Upper West) [4.52 p.m.]: Mr President, I am afraid I think along the same lines as the two previous speakers on quite a few matters in this Bill. I agree with the provision which gives a shire the right to make sure that its shire clerk does not do anything outside his shire duties which will interfere with those duties. I am aware of quite a few occasions when the shire clerk has owned a little shop down the road which his wife looks after but which he is also looking after. Of course this places a limitation on his duties with the shire.

With regard to the qualifications of a shire clerk, like Mr Gayfer I have knowledge of many practical shire clerks who have really learnt their trade by experience. On a number of occasions I have asked the Audit Department about the abilities of such people as bookkeepers and whether their accounts were always up to date and in the right form. On every occasion the auditors have said, "Yes, there is nothing wrong with their accounts. Their annual balance is always on time and up to date and we cannot find anything wrong with them." If the shire cannot find anything wrong with the clerk's practical work, surely there is no need for the shire clerk to have to qualify by passing certain examinations.

Like other speakers I do not believe qualifications are needed for someone who has had 10 or 12 years of practical experience. Surely one gains from experience something which all the qualifications in the world would not give one; that is, efficiency in the workings of a district.

I have seen men who qualified at a fairly young age without any practical experience make a terrible mess of a shire. I think the Minister is perhaps playing on this matter of qualifications more than he needs to do. If someone has worked diligently and well for many years in a shire there is no need to say to him, "It is about time you sat for examinations and qualified otherwise the shire will have to dispose of your services." It is very hard for someone between the ages of 40 and 50 to try to qualify for another job. The same applies when such people are told to gain qualifications in their own time when they know more than the qualified people exactly what must be done in a country district.

We have seen so much of this over the years. It makes one wonder why the Minister is so hell-bent on bringing in the provisions concerning qualifications. I have been in several deputations to the Minister, even during the last two years, to support chaps who have been working for local authorities in country districts for 10 and 12 years. They were knocked back because a qualified man was ahead of them in qualifications but not experience. I think we must look at both sides of this question, and I certainly support the amendments that Mr Gayfer has foreshadowed.

Another point I would like to mention concerns audited accounts which, according to the Act, should be submitted to the department by the second week in September. On many occasions qualified fellows have not had them in by the following June. This has happened in areas which I represent. The Local Government Department has sent me a telegram asking me to call on a chap and make sure he gets his annual balance out for audit. We must realise that the chaps with practical experience always seem to have them out on time which is at the end of August or the first or second week in September.

Because the Government is short of local government auditors, even though the annual accounts might be in by August or early September, it very often happens that the audited accounts are not returned to a shire until some time in March. I am a great believer in having the annual meeting after the accounts have been audited because if the accounts are late coming in the council will be talking about something which happened more than 12 months ago. The president of a shire will give his report and someone will say, "I thought you had done so-and-so." The president will say, "That is in the next 12 months", and the audited report of which the meeting is talking is 12 months' old.

I think this matter needs cleaning up a little. I suppose some councils could hold annual ratepayers' meetings with

accounts that are not audited. But the accounts can be adopted only after they have been audited. Therefore, I think the Minister should make sure that the Audit Department does the audits for most country shires before Christmas, if possible. If that were the case the annual meetings could be held fairly soon after that.

This is the fifth Local Government Act Amendment Bill we have had introduced this year. It seems to me that each year we have a tremendous number of amendments brought down to the Local Government Act, and I often wonder whether they are all necessary. Some shire clerks and the members of shires generally have been working in these positions for many years and they have a fairly good idea of what can and cannot be done. I feel that a number of these Bills which are introduced are not altogether of a standard that would help local authorities. The amendments that are brought down from time to time seem to make more work for the local authorities and the shire clerk in particular, because it is necessary for him to write to the Minister to get the okay on so many things that come up from time to time. I think we could, to a large extent, do without these amendments.

Mr Gayfer mentioned the question of swimming pools and, like him, I believe it is important that all swimming pools should be made safe. If a person is appointed to go around and inspect them, as Mr Gayfer suggests, I feel any matter that arises should be reported to the council and we should leave it to the council to make what provisions it may think fit to ensure the swimming pools are made as safe as possible.

A number of children have lost their lives in swimming pools in spite of the fences that have been erected around them. I am sure members will agree we cannot do enough to ensure that swimming pools are made safe and that children are given the opportunity to learn to swim.

I think the amendment proposed will give shire councils a better opportunity to run their own affairs. If we cannot trust the shire councils to this extent we should appoint new councillors and new shire clerks.

I am happy with the amendments, and I am sure they will assist in carrying out the Local Government Act.

THE HON. G. E. MASTERS (West) [5.01 p.m.]: I would like to make a few brief remarks particularly with regard to amendments proposed by Mr Gayfer as to the qualifications of shire clerks. I am not quite certain whether I should be talking on this matter in Committee but, if I am out of order, I am sure you will correct me, Mr President.

The PRESIDENT: I have been very lenient with members who have spoken on this Bill.

The Hon. G. E. MASTERS: I appreciate that. I think perhaps some of the members who support the amendment are not growing up with modern times. As a Government, I believe we are giving a greater responsibility to shires throughout the State; indeed some of them already have a very great responsibility—they have to deal with planning matters, finance, changing ideas, modern techniques, and, above all, increased problems in administration.

We must realise that shires are running big businesses and that a shire clerk is the chief administrative officer. To me it is obviously essential the shire clerk should be qualified; he should have the qualifications laid down in this Bill. Members seem to be assuming that the word "shall" will apply. I know Mr Gayfer has said that it will be the word "may" which will apply, but by the tone of his speech he seems to think the Minister will insist in every case. I emphasise again the word "may" is the operative word. I think the Minister will judge the circumstances and will exercise his right under this Bill if he thinks it is necessary. We must assume the Minister is a responsible person and that he will take into account all things that matter; by that I mean the type of area, the demands on the district, its size, its obligations, and so on; and after taking into account these factors he will make the decision whether he thinks the shire clerk be qualified to hold the position in that particular area. Again I say the word "may" is the operative word and not the word "shall" which, of course, makes it mandatory. It depends on the circumstances.

We should realise some of the shire councils run big businesses and big operations; indeed there are many members of the public who would be very upset if they did not have a fully qualified man administering their shire.

The Hon. J. Heitman: What about one with practical experience?

The Hon. G. E. MASTERS: Again that is for the Minister to decide.

The Hon. J. Heitman: What about the shire?

The Hon. G. E. MASTERS: I have no doubt the Minister will consider the submissions made by the shire.

The PRESIDENT: I think members can pursue the details of this proposal in Committee.

The Hon. G. E. MASTERS: Thank you, Mr President. I make the point that in the case of a shire which has great responsibilities, the shire clerk would take upon himself to sit for the necessary examination and reach the required qualifications.

He would do so as a matter of pride. If the local shire was pleased with the work done by the shire clerk and the way he was carrying out his duties it would ensure that time was made available to him for his studies.

The Hon. S. J. Dellar: What time are they going to make available?

The Hon. G. E. MASTERS: Mr Dellar knows as well as I do. I possibly have not had as much experience as Mr Dellar in this regard, but I do know that shires can make time available if they wish to do so.

I support the second reading of the Bill.

THE HON. J. C. TOZER (North) [5.07 p.m.]: I would like to comment on a few of the matters that have been discussed tonight and make a few remarks on the amendments to the Local Government Act generally.

The first point I would like to mention is the question of officers being engaged in other employment. I rather feel that the job of a shire clerk is very akin to that of a member of Parliament; it is a way of life rather than a job and, in point of fact, the shire clerk does become fully committed. That is as it should be; he should become fully committed and, generally speaking, this was the case as far as I could see when I was directly associated with local government.

It fills me with horror when I hear nowadays of clerks living in the city and commuting to the country to be in their shire offices at 9.00 a.m. on Monday morning and rushing home to their families at 5 o'clock on Friday evening.

It is quite impossible for a shire clerk to carry out his task in this situation. I have yet to see a good shire clerk who does not get involved in his community in exactly the way Mr Gayfer has described tonight.

This is associated with the question of qualification. I have great sympathy with the men who are appointed to the job, and also I am in sympathy with what was said tonight by Mr Dellar, Mr Gayfer and Mr Heitman. I understand the problems confronting a person who has been appointed to the position of shire clerk without qualifications. If he is going to do his job adequately in that community it is almost impossible for him to find time to study, because he is totally committed in the evenings and on the weekends in different activities—putting in levels for football clubs, or helping the agricultural society to arrange its current project. Apart from this at almost any time of the day or night he has people knocking on the door and there is the round of local meetings to attend.

Having said that, I can see a great deal of merit in the amendment contained in the Bill before us. For example, I would quote the worst illustration I have; it concerns a shire clerk in the outback. Because some contractor went broke and had left a few items of broken-down plant in the town, the shire clerk took the opportunity to purchase a back hoe. He then started hiring his plant to the council. Unfortunately that was just the start of things. He had someone operating the plant while he was working for the council and the next thing we found he had another item of plant and then yet another. In the end he had a very expensive plant working for him at various jobs within the shire and often in connection with contracts associated with the council itself.

I remember when this was first brought to my attention by an audit inspector—and this is when the shire clerk had only his first item of plant—I said to the audit inspector, "Give him a go; it is hard enough to get a good man, let alone penalise him for having this on the side". The audit inspector proved correct in this instance; though I will admit they do not very often. In this case he had more knowledge of the situation than I did, because it was not long before this man was more involved in these other activities than in his duties as an officer of the council and, accordingly, he had to be discharged from the job.

So there is a danger if such people take on jobs which are outside their council activities. There was also the case of the shire clerk at Marble Bar—and I would indicate it is very hard to get a good officer for a shire like this—who had the task of having to get up early to turn on the pump at 6 o'clock in the morning and turn it off in the evening. It was appropriate that he should carry out a function like this and be paid by the P.W.D.; there was no-one else who could reasonably do it.

The amendment provides that, with the consent of the council, this sort of thing can, in fact, be done. Accordingly, I think it is a very necessary amendment.

Shire clerks have to fulfil other statutory functions quite apart from their duties as shire clerks; for example, there are such things as municipal elections, referendums, loan polls, and things of that nature, for which the Act states he shall be the returning officer and shall be paid for the job.

When I was shire clerk at Harvey I was invited to be, and then appointed by the Bunbury Town Council to be, a referee on appeals against building orders in the town of Bunbury. It was worth a few quid for me to go down there on Saturday or Sunday with the other referees and assess the rights and wrongs of the particular matter. So there are tasks which a shire clerk may do legally outside his job, but in this case there was always the tacit approval of the council in all instances. I believe the shire council, town council, or city council does have the right to demand undivided application to the job from the executive officer it employs.

Those who have been associated with local government know that a shire clerk's salary is now very rewarding. We have the situation of the shire clerk at Hall's Creek who, when taking into account the allowance he gets for his multiple duties, receives something like $19 000 per year in salary. The shire clerk at Port Hedland—without any loading for multiple duties, but with his district allowance—receives something like $20 000. It is a highly paid job nowadays and it is one in which we can fully expect the people concerned to do their particular job and nothing more. Quite frankly, I would have been financially better off had I remained the shire clerk at Harvey than I am on my salary as a member of Parliament.

The Hon. S. J. Dellar: You are not wrong.

The Hon. D. J. Wordsworth: And you wouldn't have to work so hard.

The Hon. J. C. TOZER: I certainly would not agree that I would not have to work so hard, because there is no doubt a good shire clerk works completely; he works all the time; he is never off his job. As I mentioned earlier, it is almost the same as a member of Parliament.

Those men who work in the difficult conditions of the northern shires of Western Australia certainly earn the money they receive, and I agree with that amendment.

On the question of qualifications, as Mr Dellar pointed out, the 1960 Local Government Act provided for regulations. The old Road Districts Act and the Municipal Corporations Act did not have specific references to qualifications, but the provision was included in the new Act of 1960. At that time I was on the divisional council of the institute of municipal administration, which was very much involved with the Hon. Gilbert Fraser, a former Minister for Local Government, and the Hon. Les Logan, who was the Minister responsible for the introduction of the Bill in 1960. During that period I was closely associated with those Ministers when they paid our institute the courtesy of seeking advice and guidance through the divisional council. I became closely associated with the introduction of the matter of qualifications into the new Act which was to control local government in Western Australia.

It disappoints me tremendously that the matter is still under discussion after a period of 16 years. When the provision was included in the new Act we considered there would be a period of five years, or maybe 10 years, and in a few instances a longer period before the provisions would be completely operative.

There is no doubt at all that when unqualified men are engaged by shire councils—with the approval of the Minister now—it is a disincentive to the younger men entering the profession to apply themselves to study and obtain the necessary qualifications.

As has been mentioned previously, once a shire clerk is appointed he finds it virtually impossible to spare the time necessary to carry out the study he requires to qualify. It is not a question of getting the time off, as was suggested by Mr Masters; a shire clerk does not get any time off once he is working on the job. An unqualified person honestly believes that he will complete his studies when he is appointed to the job, but generally speaking that is not possible. I can understand the hardships facing those men, and I fully understand the arguments which have been put forward on their behalf.

As I have said, a period of 16 years is a long time for the matter to be considered, but I do not oppose the amendment embraced in the Bill.

I agree with Mr Masters that we must give our Minister credit for having some common sense. It is difficult to imagine that a shire clerk who does not seek to change his employment, from one shire to another, would be dismissed if his council was satisfied. I believe any Minister would judge each case on its merits, and if the merits indicated that a man was qualified to do the job in a better manner than a younger junior qualified man, he would have a chance to stay in the post.

I must point out to members that the gaining of qualifications is not a sinecure. It does not come easy. A man with a good academic background can get through the course in about five years if he really applies himself to it. I think there have been one or two instances where the qualifications have been achieved during four years. In point of fact, when we framed the original course—which has been changed over a period of time—we designed one which we thought could be achieved in four years.

The Hon. H. W. Gayfer: Who is "we"?

The Hon. J. C. TOZER: I assume that the member who has interjected was not in his seat when I mentioned previously that I was on the divisional council of the institute of municipal administration when the Minister sought our advice and guidance in putting together a course and embracing it in the qualifications required to enter the profession of local government.

Briefly, I would like to mention the subjects covered by the course. Obviously, my remarks cannot set out the content of the subjects. The course is of a high standard academically and, at the same time, very practical and directly applicable to the task to be done.

The first section consists of three units, including accountancy, communications, and commercial law. The second section includes economics, office administration, and local government law—including general procedures. The third section of the course includes local government accounts, local government law, and public relations. Local government law really is a whole unit related to the content and application of the Act.

The fourth section of the course includes local government law, which embraces every other Statute with which a local authority may be involved at some time. I must say there would be few Statutes which at some time, somewhere along the line, do not impinge themselves upon the activities of shire councils. The next item is comparative government, which teaches the correlation between the three arms of government. Finally, the course covers the whole ambit of municipal administration.

I know that excellent men—practical men—are doing a wonderful job for local authorities throughout Western Australia, but it gives me great satisfaction to go into a local authority office and meet one of the men who, in fact, has completed the course and also attained a measure of practical experience. They are first-class men and their academic training, on top of their practical experience, shows very clearly. I am not belittling the efforts of those excellent men referred to by the three previous speakers.

Members may be surprised to know I was an exception in the sphere of local government; I was an "outside" man who went "in". Usually, local government officers are "inside" men who go "out" to learn their supervisory work. I endeavoured my hardest to have incorporated in the regulations the need for a basic engineering course. By the way, no-one would agree with me. In point of fact, I have stood up in a hall full of local government officers and advocated this theme, but I did not get any support at all. However, I think I was right.

I believe local government falls into two areas; one is the collection of money, and the other is the spending of it. In the first case, the collection of money is easy. Any man who can read the Act and the regulations associated with it, and apply common sense, can guide his council in all respects as far as the collection of money is concerned. It is the spending of the money which causes the real problems.

Almost all money which is spent by a shire has some engineering implication, whether the money is spent on a sports ground, a new shed, a football club building, a hall for the local agricultural society, roads, footpaths, drainage, or on the construction of a bridge. Practically every facet of local government work involves some engineering aspect somewhere along the line. I think it is most desirable, almost essential, for a shire clerk to have an elementary engineering knowledge.

The Act provides that when a shire council grows to a specified revenue it shall engage a qualified engineer. But in in all cases, when a council is framing its ideas, which are to be incorporated in its policy decisions, an elementary knowledge of engineering is a great advantage to the shire clerk.

On the question of the pecuniary interests of shire councillors, I think Mr Dellar missed the point of this particular clause. In rural areas we always find a wonderful element of self help. Sometimes, individuals including councillors guarantee self supporting loans taken out by social or sporting bodies through their local authority. Clearly, those men have to be protected and I commend the Minister for incorporating the appropriate amendment in the Bill. A councillor who guarantees a loan does not have a pecuniary interest. Perhaps it could be argued that a council could make a biased decision to free an organisation from the requirements regarding the repayment of a loan, but I do not believe that is practicable. I believe the amendment will ensure that councillors who guarantee loan repayments from voluntary bodies will not let the council down by failing to see that the loan is, in fact, repaid. A councillor who guarantees a loan should not be subject to disqualification.

Other matters which have been discussed include swimming pools and on-the-spot fines. I believe the provision concerning on-the-spot fines will streamline cases concerning minor offences. It is desirable that a local authority has the capacity to avoid cluttering up the courts with charges for minor offences. A person who receives an infringement notice will still have the right to take the matter to the court if he wishes.

I was surprised to learn that certain people are not covered by the trivial pecuniary interest clause. Similarly, the voting entitlement in committees surprised me. Those are only technicalities which have not been brought forward previously.

I believe that annual meetings can be held without an audited statement being prepared for the meeting. A financial statement will always be placed before a meeting, and be adopted "subject to audit". The auditor's report generally makes a comment on the operations of the council, and I think that to publish the statement in a local newspaper, or the posting of a copy of it to every ratepayer with a summary of what is in the statement, certainly would suffice. I agree with the amendment.

I must say that many people within the profession regard the auditor's report as a bit of a laugh. Some local authorities receive a good report year after year because the ledgers, the rate books, and books of account are nice and tidy, and all up to date. However, many shire clerks have no imagination whatsoever; they have no thought other than to meet the requirements of the Act. They turn out from nine to five, but in the advice they give to their councils, they do not contribute one iota of original thought.

I was rather intrigued when I first took up my appointment as executive officer for the old Nungarin Road Board. As I said, I came from the engineering field and I was astonished to find two senior officers come to my office to tick off the stamp book—I think stamps were 2½d. each at the time. As Mr Gayfer well knows, that was a wonderful council and it had a really excellent unqualified secretary before I arrived there. This council knew where it was going, and, in fact the contributory bitumen scheme was based on its experience. Its achievements were excellent. We had created a plant reserve fund which worked well and at that time we were able to pay cash for things; in fact, we had paid £10 000 for a new grader. I wish we could buy one for that price now!

When I saw this inspector ticking off my 2½d. stamp book, I said to him, "Do you know we have a new grader?" He said, "Yes, I saw the account and the receipt." I said to him, "Did you see the grader? Was it all right? Are we doing the right things with it?" For all this person knew we could have been running the grader up a cliff all day; we could have been using it quite incorrectly.

The Hon. H. W. Gayfer: He is an academic, that is why.

The Hon. I. G. Medcalf: Did he look at the grader?

The Hon. J. C. TOZER: He had not seen the grader. All he was interested in was a note in the minute book authorising the purchase, an account rendered, a cheque drawn, and a receipt received. So really the audit report can be a bit of a laugh and some very weak shire clerks are given excellent reports and sometimes good shire clerks are not given such excellent reports.

One or two other matters are mentioned here. One is the serving of notices, and I see sense in this provision. I see great value in borrowing from building societies for estate development and members will recall that in the Building Societies Bill which was before us a week or two ago accommodation was made in that legislation for just such an amending provision as is before us now. We might say that this particular provision is complementary to that in the Building Societies Bill.

In conclusion I would like to say that I agree with the general philosophy expressed by Mr Gayfer this afternoon. I do not necessarily agree with the detail of his foreshadowed amendments, but the general philosophy is right. It may be recalled that when I have spoken on industrial agreements with iron ore and salt mining companies, I have expressed the same opinion; Ministers are able to approve of things that have a vital effect on local authorities, but the local authorities do not have the opportunity to comment on them. I have committed myself to the local authorities in the north to ensure that when any new agreement is before this Parliament—I say "new" because obviously the Hamersley Iron agreement will be before us in a few days but we will not be discussing this particular aspect on that Bill—a comparable provision to the one Mr Gayfer is seeking to include in this Bill will be included in future industrial agreements; I am referring to agreements with mining companies.

I am in complete sympathy with Mr Gayfer's philosophy. We cannot and should not take this responsibility from local authorities. At the same time, we must interpret the provision intelligently. We may have to delete the second part of one of Mr Gayfer's foreshadowed amendments, and perhaps we will have to throw out one of the other two, because we must give the Minister credit for having a modicum of common sense. I support the second reading of this Bill.

THE HON. I. G. MEDCALF (Metropolitan—Attorney-General) [5.35 p.m.]: I have listened to the comments made by various members with considerable interest and keenness. I appreciate the points that have been made. I assure members that their comments will be examined very carefully. I do not propose to proceed with the Committee debate today in order to allow time for this examination. Most of the matters raised by members will be best dealt with during the Committee stage and I will then comment in detail on the various points after they have been examined. I commend the Bill to the House.

Question put and passed.

Bill read a second time.

House adjourned at 5.37 p.m.

Legislative Assembly

Thursday, the 7th October, 1976

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

QUESTIONS ON NOTICE

Postponement

THE SPEAKER (Mr Hutchinson): I advise members that questions will be taken at a later stage of the sitting, probably after the Loan Estimates.