Legislative Assembly

Thursday, 29th November, 1956.

CONTENTS.

The SPEAKER took the Chair at 2.15 p.m., and read prayers.

PERSONAL EXPLANATIONS.

(a) Mr. Roberts and Minister for Transport.

Mr. ROBERTS: On a point of personal explanation, Mr. Speaker, may I say that, during the debate yesterday on the urgency motion of the Leader of the Opposition to adjourn the House, the Minister for Transport said:—

> On one of these occasions, when opportunity allows, it would be in the interests of members for me to say a few words with regard to the member for Bunbury, and what he endeavoured to do—something that certainly does not reflect credit on him, and something I thought no member of this Chamber would do.

Later in the sitting I asked the Minister for Transport questions without notice, as follows:—

> (1) Will he explain to the House what he meant by his serious reference regarding my conduct and character while he was speaking during the debate on the motion moved by the Leader of the Opposition in regard to traffic this afternoon?
>
> (2) If not, will he now apologise or make an unequivocal withdrawal of such insinuation?

The Minister replied:—

> (1) On an appropriate occasion.
>
> (2) No.

I have since examined Standing Orders and, frankly, am at a loss to find any provision therein which can now give me any positive redress against such unfair, unwarranted and malicious insinuations. Therefore I decided that my only course was to seek your indulgence to make a personal explanation, although my position is most extraordinary, inasmuch as I do not know what the Minister alluded to.

For my part, I have no feeling of guilt or apprehension regarding any of my past personal, commercial, civic or political actions. I have a perfectly clear conscience, and dislike intensly a Minister of the Crown making such improper imputations or references regarding my conduct and character whilst he was speaking on a motion in this House that had nothing to do with me personally. I therefore again through you, Sir, invite the Minister to explain his extraordinary insinuations.

Failing such action by him, Sir, is there any protection you or this House of Parliament can give me as a duly elected member of this Legislative Assembly from such unfounded insinuations and scurrilous methods?

(b) Minister for Transport and Press Report regarding Taxis.

The MINISTER FOR TRANSPORT: I desire, Mr. Speaker, to make a statement in connection with the motion moved by the Leader of the Opposition yesterday afternoon. I am reported in this morning's Press as having made a statement during the debate on that motion to the effect that taxis could park on commercial stands as well as in ordinary parking spaces. I made no such statement. What I did say was that taxis, which are a form of commercial vehicle, can, apart from their own stands, pick up and set down passengers on any of the commercial stands which are placed at frequent intervals up and down the streets. It will be seen that what I am alleged to have said is entirely different from what I did, in fact, say and my only reason for mentioning the matter now is that I am certain that many taxi drivers will accept what appeared in this morning's Press and thus incur the displeasure of the police traffic officers.

QUESTIONS.

RAILWAYS.

(a) Freight and Revenue, Country Lines.

Mr. BOVELL asked the Minister representing the Minister for Railways:

(1) What tonnage was transported during the year to the 30th June, 1956, over—

(a) Busselton-Margaret River railway;

(b) Margaret River-Flinders Bay railway,

of the following:—

Livestock;
potatoes;
timber;
superphosphate;
machinery;
all other freight?

(2) What amount of revenue was received for each of the railway services referred to herein for year to the 30th June, 1956?

(3) What formula is used to arrive at revenue credited to these railway services?

The MINISTER FOR TRANSPORT replied:

(1)

	(a) tons	(b) tons
Livestock	2,752	244
Potatoes	3,236	20
Timber	10,917	6,432
Super	2,413	1,406
All other freight, including machinery	8,158	1,970
Totals	27,476	10,072

(2) (a) £21,807.
(b) £3,681.

(3) By crediting the section with its proportion of the throughout freight on a pro rata mileage basis.

(b) Working Expenses and Revenue, Country Lines.

Mr. CORNELL asked the Minister representing the Minister for Railways:

What were the working expenses of, and the revenue derived from, the following railway lines for the year ended the 30th June, 1956:—

Busselton-Flinders Bay;
Elleker-Nornalup;
Brookton-Corrigin;
Lage Grace-Newdegate;
Lake Grace-Hyden;
Burakin-Bonnie Rock;
Kondinin-Merredin;
Wyalkatchem-Merredin;
York-Merredin;
Bruce Rock-Narrogin?

The MINISTER FOR TRANSPORT replied:

	Working Expenses (including interest and depreciation	Revenue
	£	£
Busselton-Flinders Bay	77,637	25,488
Elleker-Nornalup	72,746	9,556
Brookton-Corrigin	46,170	9,916
Lake Grace-Newdegate	38,042	11,217
Lake Grace-Hyden	50,809	14,872
Burakin-Bonnie Rock	58,303	11,424
Kondinin-Merredin	122,166	56,769
Wyalkatchem-Merredin	113,514	42,241
York-Bruce Rock	123,092	59,962
Corrigin-Merredin	99,649	82,330
Narrogin-Corrigin	116,695	107,237

(c) I.B.M. Machines, Cost and Additional Staff.

Mr. SEWELL asked the Minister representing the Minister for Railways:

(1) Is it a fact that electronic I.B.M. machines are costing £25,000 per annum rental with additional staff to operate, with the same mileage of tracks that existed 25 years ago?

(2) (a) What increase in staff has been made in the commissioner's and comptroller of accounts and audit's offices because of the installation of these machines?

(b) What overtime has been paid to staff employed in the commissioners' and comptroller of accounts and audit's offices since the installation of these machines?

The MINISTER FOR TRANSPORT replied:

(1) The I.B.M. machines were brought into use progressively from early in 1955 to full operation in July, 1956. Rent is approximately £22,000 per annum. No additional staff has been necessary.

(2) (a) Nil.

(b) Cost of overtime worked by the staff of the comptroller of accounts and audit has been:

Year.	£
1952-53	14,000
1953-54	30,000
1954-55	21,000
1955-56	11,000
1st July, 1956, to date	1,000

Overtime payments for commissioners' office staff have been negligible.

(d) Freights and Revenue, Burakin-Bonnie Rock Line.

Mr. CORNELL asked the Minister representing the Minister for Railways:

(1) What was the total revenue received in respect of—

(a) inward freights;

(b) outward freights

by the Railway Department in respect of goods carried to and from sidings along the Burakin-Bonnie Rock section in each of the four years ended the 30th June, 1953, 1954, 1955 and 1956?

(2) What amounts of (a) and (b) above were credited to the Burakin-Bonnie Rock section in each of the four years mentioned?

The MINISTER FOR TRANSPORT replied:

(1)—

Year ended the 30th June.	(a)	(b)	Total.
	£	£	£
1953	8,291	8,941	17,232
1954	16,693	44,087	60,780
1955	17,828	39,769	57,597
1956	17,726	45,417	63,143

(2)—

Year ended the 30th June.	(a) and (b)
	£
1953	3,205
1954	12,127
1955	11,232
1956	11,294

The above totals include livestock earnings.

EDUCATION.

(a) Building Requirements and Statistics.

Mr. TOMS asked the Minister for Education:

(1) What is the overall lag in building requirements for education in Western Australia—

(a) primary schools and kindergartens;

(b) secondary schools—high and technical;

(c) universities;

(d) training colleges for teachers?

(2) What will be the annual requirements for education in Western Australia for the next ten years with respect to (a), (b), (c) and (d) in No. (1)?

(3) Has the Education Department any statistics on the following requirements:—

(a) Replacement of outmoded buildings;

(b) modern permanent buildings to replace temporary portable classroom units;

(c) additional classrooms to reduce size of classes to a reasonable number;

(d) establishment of additional teachers' colleges;

(e) erection of assembly halls, gymnasium and amenity buildings?

The MINISTER replied:

(1) (a) Primary: About 80 emergency classrooms are at present in use. In addition, there are 280 overcrowded classrooms.

Kindergartens are not the responsibility of the Education Department.

(b) Secondary: High schools are required at Applecross, Hollywood, Melville, Medina and Scarborough and additional rooms are needed at Albany, Bunbury, Geraldton and Narrogin.

Technical: £1,000,000 required for a central institute to replace the Perth Technical College which is entirely inadequate for current demands, and £285,000 is required for additions and improvements to Wembley trades school, Leederville, Fremantle, and Midland schools and for establishing motor trades and food trades schools.

(c) University: The building programme is three years behind schedule.

(d) Teachers' colleges: One college is at present housed in substandard buildings.

(2) Primary and secondary: 300 classrooms per year for increased enrolments, to reduce the size of classes, to replace makeshift accommodation and to raise the school leaving age to 15 years.

Technical: £1,500,000 by 1960.

University: £250,000 annually.

Teachers' colleges: A new college on the University site is necessary.

(3) (a) The department is not yet in a position to consider replacing outmoded buildings.

(b) The department has no temporary portable classroom units.

(c) Fifty classrooms per annum until 1960 to eliminate overlarge classes.

(d) The plan for the metropolitan region (1955) has made provision for sites for teachers' colleges.

(e) Assembly halls and amenity buildings are not included in building plans at present. Boys' and girls' gymasia are provided in all new high schools.

(b) Manual and Domestic Science Training, Boyup Brook.

Mr. HEARMAN asked the Minister for Education:

What progress has been made towards the establishment of manual and domestic science training at Boyup Brook for the school year commencing February, 1957?

The MINISTER replied:

It is proposed to continue using the home science and manual training facilities at Bridgetown in 1957, as no funds are available at present for building specialist rooms for part-time use.

ROADS.

(a) Expenditure and Cost of Sealing Certain Country Roads.

Mr. O'BRIEN asked the Minister for Works:

(1) How much has been expended on the highway from Payne's Find to Meekatharra for the years ended the 30th June, 1946 to 1956, inclusive?

(2) How much would it cost to have the above-mentioned highway sealed?

(3) What is the estimated cost to seal the road between the town of Meekatharra and Wiluna police station?

(4) What is the estimated cost to seal the road between Leonora and Laverton?

The MINISTER replied:

	£
(1) 1945-46	401
1946-47	1,646
1947-48	2,483
1948-49	3,793
1949-50	12,806
1950-51	2,911
1951-52	8,324
1952-53	7,506
1953-54	5,551
1954-55	10,602
1955-56	12,982

(2) The cost of a 12ft. wide sealed road between Payne's Find and Meekatharra would be in the vicinity of £1,250,000.

(3) The cost of a single sealed road 12ft. wide between Meekatharra and Wiluna would be approximately £600,000.

(4) The estimated cost to provide a 12ft. wide sealed road from Leonora to Laverton is approximately £400,000.

(b) Frenchman's Bay-rd., Albany, Completion and Sealing.

Mr. HALL asked the Minister for Works:

(1) Can he give an approximate date for the completion of Frenchman's Bay-rd., Albany?

(2) Will he advise if the road is to be sealed and bituminised throughout?

The MINISTER replied:

(1) Construction work on the Frenchman's Bay-rd. will be completed to the first stage this financial year.

(2) Provision will be made for the sealing to be completed during the financial year 1957-58.

TRANSPORT.

Economics of Public Transport.

Mr. JOHNSON asked the Minister representing the Minister for Railways:

(1) How many more passengers per mile are required to make earnings per mile equal working expenses per mile for—

(a) train;

(b) trolley-buses;

(c) motor-buses

as at the 30th June and the 30th September, 1956?

(2) What steps have been taken to attract more patronage to the services?

(3) What is (a) the minimum, (b) the maximum, number of motor-buses not on traffic between 9.30 a.m. and 3.30 p.m. for the past two weeks?

(4) What is the maximum number of motor-buses that can be serviced at any one time?

(5) As paragraph 7 of the annual report states that certain men are used "on minor vehicle cleaning work not necessarily needed"—

(a) what is this work;

(b) is the standard of vehicle cleanliness more than adequate?

The MINISTER FOR TRANSPORT replied:

(1)

	As at 30/6/56.	As at 30/9/56.
(a) Trams	3,557 @ 6.19d.	0.958 @ 7.63d.
(b) Trolley-buses	1,580 @ 7.26d.	0.882 @ 8.45d.
(c) Omnibuses ..	0.651 @ 7.54d.	0.176 @ 8.78d.

Pence figure is average fare received per passenger.

(2) By doing all possible to provide satisfactory services.

(3) (a) 85.

(b) 69.

Each day—Monday to Friday.

(4) Two (fuel—oil—water—air).

(5) (a) Cleaning.

(b) No.

BREAD.

Delivery Price, Country Towns.

Mr. EVANS asked the Minister for Labour:

(1) What country towns in Western Australia are serviced with bread deliveries?

(2) What are the approximate populations of these towns?

(3) What is the delivery price of a 2lb. and a 1lb. loaf in each of these towns?

The MINISTER replied:

(1) The information is not available as the practice of delivery changes from time to time in many of the country towns but, as far as is known, some of the main towns in which deliveries are made are Geraldton, Northam, Bunbury, Katanning, Narrogin and Collie.

(2) The population of these towns estimated as at the 30th June, 1955, are—

Geraldton	8,669
Northam	5,965
Bunbury	10,368
Katanning	2,900
Narrogin	3,915
Collie	8,667

(3) Within the boundaries of these towns and any other delivery towns, the prices delivered and ex shop are—

	Wholesale. Dozen.	Retail. Loaf.
	s. d.	s. d.
1lb. loaf	7 3	0 8
2lb. loaf	14 6	1 4

Plus ½d. extra for booking.

HOSPITALS.

(a) Accommodation, Additions and Cost, Bunbury.

Mr. ROBERTS asked the Minister for Health:

(1) How many beds were at the Bunbury district hospital prior to the commencement of the present additions?

(2) How many additional beds will be available on completion of the new additions?

(3) When will these new additions—

(a) be completed;

(b) be ready for occupancy?

(4) What is the estimated final cost of such additions?

(5) When will—

(a) the new laundry at this hospital be fully operative;

(b) the grounds in front of this hospital be cleared up; and

(c) could an indication be given in relation to the future layout of these grounds?

The MINISTER replied:

(1) Forty-six ward beds, plus 19 verandah beds.

(2) Five, plus laboratory and physiotherapy facilities and lift.

(3) (a) and (b) Mid December, 1956.

(4) £38,000.

(5) (a) Mid December, 1956.

(b) Before Christmas.

(c) This is under consideration.

(b) Subsidies Paid.

Mr. CORNELL asked the Minister for Health:

What were the total amounts of subsidy paid to hospitals in each of the following groups in each of the years ended the 30th June, 1955, and 1956:—

(a) Royal Perth, Princess Margaret, Fremantle and King Edward Memorial;

(b) other metropolitan hospitals;

(c) Government hospitals in country areas;

(d) committee-controlled hospitals in country areas?

The MINISTER replied:

	1954-55	1955-56
	£	£
(a)	1,184,087	1,468,645
(b)	175,009	222,988
(c)	533,532	588,183
(d)	253,812	292,047

DOGS.

Necessity for Control.

Mr. CROMMELIN asked the Minister representing the Minister for Local Government:

(1) Will he inform the House whether uncontrolled dogs in the metropolitan area are a greater nuisance and/or a greater potential menace today than they were in previous years?

(2) Does the Government consider that any legislative or other action is necessary to enable members of the Police Force or local authorities to deal properly with uncontrolled dogs?

The MINISTER FOR HEALTH replied:

(1) No reports to this effect have been received.

(2) No. Section 34a of the Dog Act 1903-1948 already empowers local authorities to make by-laws for the effective control of dogs and for the destruction of any dog not kept under control and wandering at large.

FISHERIES.

Crayfish and Crabs, Prosecutions.

Mr. CROMMELIN asked the Minister for Fisheries:

(1) Further to my question of the 12th November, dealing with undersized crayfish, will he inform me how many of the prosecutions were for offences between Lancelin Island and Safety Bay in each of the three periods, 1954, 1955, and to date year?

(2) What weight of crabs was caught by licensed fishermen in the Swan River using hauling sunken seine nets and drop nets for the three years 1944, 1945, 1946?

The MINISTER replied:

(1) 1954, 18.
1955, 21.
1956, 14 (to the 30th September).

(2) 8,708lb. in 1944.
52,610lb. in 1945.
16,214lb. in 1946.

HOUSING.

(a) Allocation to S.E.C. Employees, Bunbury.

Mr. ROBERTS asked the Minister for Housing:

Referring to my question on the 23rd October, 1956, parts 1 (a); 1 (b); 1 (c), will be indicate how many of such houses are applicable to S.E.C. employees, or if there is a separate additional allocation of homes being made in the Bunbury area to S.E.C. employees for the year ending the 30th June, 1957?

The MINISTER replied:

Of the total of 83 homes programmed for Bunbury, to be commenced during the financial year 1956-57, it is anticipated that up to 55 may be allocated to employees of the State Electricity Commission. Some of these applicants, however, may be Bunbury residents.

However, 68 new homes should be available to local applicants this financial year.

(b) Purchase of Homes, Lockyer, Albany.

Mr. WILD (without notice) asked the Minister for Housing:

Can he explain the reason for the long delay in reaching finality at Lockyer, Albany, where ex-servicemen are endeavouring to purchase their homes under the war service land settlement scheme? I refer specifically to the case of two people who were in the same unit as myself. They approached me in this matter because they have been waiting over 12 months.

The MINISTER replied:

I am unable to say offhand what the reason for the delay is. Indeed, frankly, I am unaware that there is any delay. If the hon. member will leave the question with me or alternatively place it on the notice paper, I will have the matter examined.

CHAMBERLAIN INDUSTRIES.

Retrenchments and Production.

Mr. GAFFY asked the Premier:

(1) Is it correct that 40 employees of Chamberlain Industries have received notice of dismissal?

(2) If so, are any further retrenchments considered?

(3) Is it correct that there has been a reduction in the production of ploughs?

(4) Is it also correct that plough parts have been railed to a firm in South Australia for assembly there?

The PREMIER replied:

(1) Yes. In the foundry where production is several months in advance of the machining of parts programme.

(2) Reorganisation has been carried out and all sections are being carefully examined at the moment.

(3) Yes. To bring production of ploughs into line with sales achievements.

(4) Yes. The forwarding of parts to South Australia will enable Chamberlains in Western Australia to step up tractor production. The very high freight on completed ploughs from Fremantle to the Eastern States makes it more economical to assemble in South Australia.

WATER SUPPLIES.

(a) Rates Rebate.

Mr. COURT asked the Minister for Water Supplies:

Is consideration being given to a system whereby ratepayers can qualify for a rebate of water rate on residences if they conserve water and use less than the rated minimum gallonage allowance?

The MINISTER replied:

Careful consideration has been already given to this idea.

(b) Result of Consideration of Rebate.

Mr. COURT (without notice) asked the Minister for Water Supplies:

As the Minister has said that careful consideration had already been given to this idea, will he indicate with what result?

The MINISTER replied:

There are a number of very sound reasons why this idea should not be adopted. Firstly, every property would

have to be metered. That would involve a substantial outlay and in many instances would be quite unproductive.

Also, to the extent that some consumers of water were relieved of rates, other consumers would have to be levied to make up the leeway. The idea cuts completely across the policy adopted throughout the world and, on balance, the new system of rating would be of no benefit to anybody except a few individuals such as owners of extensive and valuable city properties who, in the circumstances, could use the quantity of water to which their rates would entitle them.

However, the idea would not confer on the average consumer of water anything like the benefit which one would think, and I considered, after careful consideration of the idea, that it should not be adopted.

(c) Revision of Rating Warranted.

Mr. COURT (without notice) asked the Minister for Water Supplies:

As my question referred only to a rebate of the rate on residences and as water conservation is a matter of prime importance in this State at the present time, would not a revision of the present rating system in this particular case be warranted at least for the next few years?

The MINISTER replied:

It is not denied that such an idea could result in a reduction of the consumption of water, but the price to be paid for that advantage is out of all proportion to the advantage to be derived because to the extent that some consumers would be relieved of their rates, others would have to be levied to make up the difference. The hon. member would surely appreciate that when rates are struck each year, the rating decided upon is arrived at after a consideration of what amount of revenue is necessary for the system to function.

A system of rebate such as is suggested in the hon. member's question would result in a loss of revenue from some consumers and in anticipation of the payment of that rebate, a higher rate would necessarily have to be struck upon those who would need a greater quantity of water. So on balance, it has been considered that whilst some slight advantage would be derived by a reduction in the consumption of water, the disadvantages would far outweigh that advantage and therefore it is not wise policy to adopt the idea.

NATIVE WELFARE.

Identification of Natives With Citizenship Rights.

Mr. HALL asked the Minister for Native Welfare:

(1) When natives receive full citizenship rights and are issued with cards, is their photograph added to the card for identification purposes?

(2) If the answer to No. (1) is "No," would he consider such a proposal, to avoid embarrassment to parties concerned and put a stop to the transferring of cards from one native to another?

The MINISTER replied:

(1) Yes.

(2) Answered by No. (1).

MEMBER FOR BUNBURY.

Report as to Propriety.

Hon. SIR ROSS McLARTY (without notice) asked the Premier:

(1) Will he confer with the Minister for Transport in regard to the insinuations he made against the member for Bunbury and ascertain if the member for Bunbury, in his capacity as a member of Parliament, has done anything prejudicial to the public interest or done anything improper as a member of Parliament?

(2) If he has done so, will he report the matter to Parliament?

The PREMIER replied:

In this House, on occasions, some very hard things are said. Some members, very occasionally I am pleased to say, say some very hard things about me and even harder things about me outside this House. However, those of us who have been here for any length of time absorb these blows, oppose our patience against the fury of those who attack us and develop an attitude of mind which causes us to sleep with reasonable peace and comfort during the nights.

FRIDAY SITTINGS.

Continuation After Tea.

Hon. SIR ROSS McLARTY (without notice) asked the Premier:

In view of the long hours that Parliament has sat this week and the fatigue from which members are suffering, will he give an assurance now that we will not be called upon to sit after tea tomorrow night?

The PREMIER replied:

I must say that I have never seen the Leader of the Opposition looking better, brighter or more dashing! I am not in a position at the moment to give the assurance he seeks, but after today's sitting, however, we will measure the progress made and, as a result, I hope it may be within our ability to adopt the suggestion about tomorrow's sitting that the Leader of the Opposition has so feelingly and so unselfishly put forward.

TRAFFIC LIGHTS.

Installation at Dalkeith-rd.-Stirling Highway Corner.

Mr. COURT (without notice) asked the Minister for Transport:

Will he examine the possibility of expediting the installation of traffic lights at the Dalkeith-rd.-Stirling Highway

corner, in view of the traffic hazard on that corner and the further fatality this week?

The MINISTER replied:

The installations are dependent on the arrival of equipment from overseas, and it is expected that this will come to hand by the end of January next.

BILLS (4)—FIRST READING.

1, Liquid Petroleum Gas.

2, Public Works Act Amendment.

3, Architects Act Amendment.
Introduced by the Minister for Works.

4, Factories and Shops Act Amendment (No. 3).
Introduced by the Minister for Labour.

5, Freemasons' Property.
Introduced by the Minister for Justice.

BILL—FARMERS' DEBTS ADJUSTMENT ACT AMENDMENT.

Message.

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

Second Reading.

THE MINISTER FOR EDUCATION (Hon. W. Hegney—Mt. Hawthorn) [2.46] in moving the second reading said: The Farmers' Debts Adjustment Act commenced to operate in January, 1931, and a large number of farmers sought its protection during the early years of its operation. At that time wheat brought about 1s. 7d. or 1s. 8d. a bushel. With the introduction of the Rural Relief Fund Act, the majority of the farmers obtained financial assistance to adjust their creditors' claims and then have their stay orders cancelled.

The two Acts are complementary and it is necessary to extend the Farmers' Debts Adjustment Act to enable the Rural Relief Fund Act to continue to function, as this Act provides for the continuous use of the funds held by the trustees for debt adjustment purposes only. Assistance under the latter Act, I am advised, amounted to £1,291,730, of which £1,283,000 was granted by the Commonwealth Government, and the balance made up from money repaid by farmers and primary producers. At the 31st October, 1956, the fund stood at £199,037 and it is generally being augmented by repayments by farmers who come under the jurisdiction of the Act.

Since the Act was amended to provide for the discharge of the mortgages on payment of 20 per cent. of the amount, 2,172 farmers have taken advantage of the concession and paid £208,617. There is still a large number of farmers who have not availed themselves of this generous concession. With the coming of prosperous times in the farming community, the Acts are more or less dormant, and administration work is carried out by officers of the Lands Department as part of their normal duties.

The Farmers' Debts Adjustment Act over the years has been of material benefit to many farmers, and it is considered advisable to keep it on the statute book, not only to enable the functions of the Rural Relief Fund Act to be carried out, but to ensure in an emergency that a farmer could be granted a stay order to give him an opportunity to put forward proposals to his creditors that would enable him to carry on with his farming operations. The Bill provides for an extension of the Act until the 31st March, 1962. I have introduced quite a number of Bills which I have thought were not contentious, but before they completed the third reading stage, it has been found that there was a great amount of contention. This Bill, however, will, I think, be free from such a reception, and it will not cause any difference of opinion. I move—

That the Bill be now read a second time.

On motion by Mr. Nalder, debate adjourned.

BILL—TRADE DESCRIPTIONS AND FALSE ADVERTISEMENTS ACT AMENDMENT.

Second Reading.

THE MINISTER FOR LABOUR (Hon. W. Hegney—Mt. Hawthorn) [2.50] in moving the second reading said: This brief Bill is one to amend Section 4C of the Trade Descriptions and False Advertisements Act. It says that every manufacturer and every distributor shall, when delivering textile products to a wholesaler or retailer, furnish to such wholesaler or retailer a numbered invoice which shall contain details of the constituent fibres, etc., and any person who contravenes that section is guilty of an offence.

So that the Liberal members in this House may see eye to eye with the Government on this occasion, I would like to indicate that this Bill was introduced at the joint request of three organisations which have been mentioned in the House in recent weeks, and which have some standing in the community. They are the Chamber of Manufactures, the Chamber of Commerce and the Retailer Traders' Association. The representatives of those organisations met me by way of deputation recently and gave reasons why this section should be repealed.

Mr. Nalder: Were they friendly disposed towards you?

The MINISTER FOR LABOUR: All deputations are friendly disposed towards me. I do not generally have any great arguments with deputations and often they see eye to eye with me.

Mr. Ackland: That is when you are prepared to receive them.

The MINISTER FOR LABOUR: When the necessity arises that will always be done. On this occasion they expressed concern and submitted a case for the amendment of the Act. They pointed out that 75 per cent. of the garments—and unfortunately this is true—which are distributed to the retail trade by the wholesalers are manufactured in the Eastern States and imported therefrom. In none of the legislation of those States does a section similar to the one referred to, appear.

I attended an interstate conference in 1953 at which the Commonwealth import regulations relating to commerce were discussed. They had a direct connection with textile labelling. That conference decided to incorporate into the legislation of the States the provisions in the Commonwealth import regulations so that there would be uniformity in regard to textile labelling. In no other State legislation does this provision appear. It is difficult for the wholesalers in this State to comply with the requirements of the Act because the manufacturers in the Eastern States are not required to supply detailed invoices of the goods.

The Bill before us is for the repeal of the section I have referred to. The existing provision has not been enforced in any way by the Shops and Factories Act. Actually, it is not relevant to the requirements of textile branding because if members were to examine the other portions relating to textile labelling, it will be seen that there is a reasonable provision to identify the constituent fibres of the commodities.

The section concerned was in the original Act, before the 1953 conference decided to enact legislation to incorporate the Commonwealth provisions into the State Acts. I do not expect any opposition to the repeal of this section, and if there is any, I have yet to learn of it. If after repeal there is a strong challenge to the woollen industry or the wool growers, then consideration can be given to the re-insertion of this provision. Personally, I cannot see that happening. I indicated to the deputation that every consideration would be given to their request, and that has culminated in the Bill being introduced. I move—

That the Bill be now read a second time.

On motion by Mr. Court, debate adjourned.

BILL—NURSES REGISTRATION ACT AMENDMENT.

Council's Amendments.

Schedule of nine amendments made by the Council now considered.

In Committee.

Mr. Moir in the Chair; the Minister for Health in charge of the Bill.

No. 1.

Clause 2, page 2—Delete paragraph (b).

No. 2.

Clause 2, page 2, line 19—Delete the words "substituting for" and substitute the word "deleting."

No. 3.

Clause 2, page 2, lines 21 to 23—Delete the words "the passage, ', since attaining the age of seventeen years, commenced and '."

No. 4.

Clause 2, page 2, line 27—Delete the words "substituting for" and substitute the word "deleting."

No. 5.

Clause 2, page 2, lines 29 to 31—Delete the words "the passage, ', since attaining the age of seventeen years, commenced and'."

No. 6.

Clause 2, page 2, line 32—Delete the words "substituting for" and substitute the word "deleting."

No. 7.

Clause 2, page 2, lines 34 to 36—Delete the words "the passage, ', since attaining the age of seventeen years, commenced and'."

No. 8.

Clause 2, page 3, line 1—Delete the words "substituting for" and substitute the word "deleting."

No. 9.

Clause 2, page 3, lines 3 to 5—Delete the words "the passage, ', since attaining the age of seventeen years, commenced and'."

The MINISTER FOR HEALTH: I have gone through the nine amendments made by the Council very carefully and I intend to agree to them. The only effect of these amendments is that whereas provision was made in the Bill for the age of 17 years as the minimum before girls could start training to become nurses, now the minimum age has been taken out and there is no limit at all. That is an improvement to what was contained in the original Bill. I move—

That the amendments be agreed to.

Question put and passed; the Council's amendments agreed to.

Resolutions reported, the report adopted and a message accordingly returned to the Council.

BILL—MENTAL TREATMENT ACT AMENDMENT.

Second Reading.

Debate resumed from the 27th November.

MR. CROMMELIN (Claremont) [3.0]: This is, as the Minister for Health says, a comparatively small Bill. The relevant portion of the Act reads—

> If, on application made by any person, in the prescribed manner, to a justice of the peace, it is proved to the satisfaction of such justice that a person is suffering from mental or nervous disorder, and has not been found, declared or certified to be insane, and that it is in the interest of such person or of the public that he should be received into a hospital or reception house for treatment under this Act, the justice may, by an order in the prescribed form, order that such person may be taken charge of, conveyed to, and received into a hospital or reception house for a period not exceeding six months.

It deals actually with involuntary patients. In other words, this unfortunate person who is to receive treatment is, on that authority, directed to one or other of the mental hospitals for treatment for up to six months, and, as the Minister has explained, conditions are definitely overcrowded in the Claremont Mental Hospital. However, arrangements have been made for some of the patients in that hospital to be transferred to the new building which is being reconstructed at Lemnos.

Under the present Act, it is beyond the power of the Inspector General for the Insane to remove any patient from a hospital once he has been directed to it, and this Bill is simply to give him authority to move any such patient from, for instance, an overcrowded hospital to a new building, which, of course, is advantageous to the patient.

The Bill also sets out that a certain prescribed form must be filled in authorising the handing over of the patient to the charge of an attendant for conveyance to the proposed new treatment hospital. I cannot see anything whatsoever wrong in the Bill. The Claremont Mental Hospital is greatly overcrowded at present. With the prospect of a new building being completed in the very near future, I commend the action of the Minister in bringing forward this Bill and I support the second reading.

Question put and passed.

Bill read a second time.

In Committee, etc.

Bill passed through Committee without debate, reported without amendment and the report adopted.

Bill read a third time and transmitted to the Council.

BILL—JURY ACT AMENDMENT.

Second Reading.

Debate resumed from the 6th September.

MR. BOVELL (Vasse) [3.6]: It is some considerable time since the Minister for Justice moved the second reading of this Bill and in the interim a select committee, comprising members representing all parties in the Legislative Council, was appointed and its report and recommendations on the Jury Act, 1898-1953, have been presented to Parliament for members' perusal and consideration. In view of the select committee's report, the findings of which were unanimous, I consider it would have been politic for the Government to withdraw this Bill for the purpose of considering the recommendations of the select committee of the Legislative Council.

In my opinion, the Legislative Council would be quite within its rights, in view of the unanimous report of that committee, in defeating this Bill in that Chamber on the second reading. The jury system, of course, epitomises the system of British justice for as long back as most of us can remember. In fact, I think it goes back to the days of King John and Magna Charta. We cannot quite place the history of the jury system, but it is acknowledged in our British democracy as one of the foremost ways of bringing to trial an accused person.

The principal object of the Bill before the House is to enable women to sit on juries. I want to say I have no objection whatsoever to women sitting on juries, but, in view of the chaotic state of the jury list at present, which restricts the service of males who can serve on a jury to under 6,000, this Bill, if it becomes an Act, would qualify over 100,000 women for such service. I feel that mature consideration has not been given to this subject.

The report of the select committee in the Legislative Council, in dealing with the Jury Act generally, also refers to the position of women and their eligibility and desirability as jurors. In one portion of the report appears the following:—

> If women are to serve on juries it will be essential in the interests of administration to have an equitable balance and it is put forward that fewer exemptions and compilation of jurors' lists from Assembly rolls will provide a much greater potential of jurors to be listed, the result of which will narrow down very considerably the extent of jury service that a person will perform.

So the report submitted by the select committee does refer to the position of women serving on juries. It is a most comprehensive report, and I repeat that the Minister should have removed this item from the notice paper until consideration had been given to that report.

In other States the position with regard to women on juries varies. A Bill was before the Victorian Parliament only this year, and I have here a cutting from "The Sun" of Friday, the 7th September, headed "Why Women Are Not For Juries." This article states, in part—

> There were two political reasons behind the Government's withdrawal of its women-on-juries scheme. The C.P. would not have supported the voluntary plan. Members made it clear that it was either compulsory service or none at all.
>
> Many L.C.P. back-benchers thought similarly. They felt that, if women were to serve at all, they should be put on the same footing as men.
>
> The view of L.C.P. members carried a lot of weight with the Government.

The passing of the Bill would result in an unfair comparision between males and females with regard to service on juries. What would be the position of the Crown Law Department or the authority that arranges for jurors to serve, if there were a list of 106,000 females and under 6,000 males? Would it be a pro rata jury? If so, with few exceptions, all the juries in Western Australia would be comprised mainly of females. I feel that the Minister should give some consideration to the unbalanced position which must arise. There is no special rule of which I know that so many people of each sex shall be selected, and there is nothing in the Bill which states that members of each sex will be selected. But I should say that if we had 112,000 people available for jury service and only 6,000 were males, juries would consist almost completely of females.

The Minister for Health: The select committee's report will be considered next year and probably a comprehensive Bill will be brought down and the matter could be adjusted accordingly.

Mr. BOVELL: Does the Minister not think it would be advisable for a little consideration to be given to the matter now? Women have not been permitted to serve up till now, and, in view of the unanimous report of the select committee, another few months would not make much difference. I want to emphasise that I do not oppose women serving on juries, but as the Bill stands, it makes the position somewhat Gilbertian and ridiculous. I do not intend to oppose the second reading because, by supporting it, I will give an indication that I at least favour the principle of women serving on juries. Nevertheless, I consider that the Legislative Council will be quite within its rights in throwing out the Bill on the second reading in view of the unanimous report of its select committee.

The Minister for Health: It seems to me that you are ingratiating yourself with the women but you want the Bill thrown out.

Mr. BOVELL: The notice paper contains amendments which I propose to move in Committee; and by way of explanation, I would say I consider that in order to provide an even balance, the right to serve should be available only to women who apply for it. That would make for some equality between the two sexes. I support the second reading with the reservations in regard to the amendments I intend to move at the Committee stage.

Question put and passed.

Bill read a second time.

In Committee.

Mr. Moir in the Chair; the Minister for Health in charge of the Bill.

Clauses 1 to 3—agreed to.

Clause 4—Sections 5A and 5B added:

Mr. LAWRENCE: I would like some information from the Minister concerning paragraph (a) of Subsection (1) of proposed new Section 5A. I do not think the words "good fame" should be included, or the word "fame," anyway. What could this word mean? It could be that some woman has worked in certain areas for illegal purposes and she would not be eligible to serve even after she had mended her ways. The paragraph should read "is of good character."

The Minister for Transport: How would you like to be tried by 12 of these ladies to whom you refer?

Mr. LAWRENCE: Do not kick a dog when he is down!

The Minister for Transport: These have got up.

Mr. LAWRENCE: Probably they have, and that is why I have put forward the suggestion. If women are to have a vote on the jury, everyone should be included if they are of good character—not of good fame because the word "fame" might refer to someone who has done something wrong in the past and that person might not be regarded as being of good fame. People who have rehabilitated themselves are entitled to be included. I move an amendment—

> That the words "fame and" in line 18, page 2, be struck out.

The MINISTER FOR JUSTICE: This phrase is in the original Act dealing with men. I follow the hon. member's argument and I agree with him to a great extent, but I do not know what effect his amendment would have ultimately because this phraseology is something that has been handed down for generations. These words might have a greater legal meaning than we are aware of. Until I thoroughly understand the effect of the amendment, I cannot agree to it.

Amendment put and negatived.

Mr. BOVELL: I move an amendment—

> That the word "and" in line 22, page 2, be struck out.

This is a preliminary amendment to the main one in connection with a woman notifying the magistrate that she desires to serve as a juror. The numerical unbalance, under the Bill, of male and female jurors would be too great, and my amendment will give women, who desire to serve on juries the opportunity to do so until such time as a move is made in accordance with the recommendations of the Legislative Council select committee. I believe that next session an effort will be made to amend the Act altogether. My amendment will allow an equal balance between men and women for the intervening period between now and the revision of the Act.

The MINISTER FOR JUSTICE: I cannot agree to the amendment. Any woman who complies with the conditions laid down in the legislation is liable to serve as a juror. If she does not desire to serve she can apply in writing to be taken off the list. The provision in the Bill is what the women have asked for, and I am giving it to them as a trial. The provision can be considered when a comprehensive Bill is brought down next year.

Mr. BOVELL: The Minister has not replied to my statement about the unbalance. Out of 112,000 people available for jury service, 106,000 will be women. If they do not decide to object to doing jury service, what sort of juries will we have in the future? Are they going to be composed almost completely of females? That is not desirable. My amendment will provide an opportunity to equalise the numerical strength of both sexes for the short period between now and when a general legislative review is made of the jury system. I appeal to the Minister to exercise some reason in the matter.

The MINISTER FOR JUSTICE: As far as the number of 106,000 is concerned, all those potential jurors can make application to be jurors.

Mr. Bovell: They do not have to make application.

The MINISTER FOR JUSTICE: I think a huge number will write in and ask for their names to be taken off the list. Even if that is not so, let us try the women on juries and see how they get on. I think they are just as efficient and as mentally capable as are men, and that in certain cases their judgment would be better than ours.

Mr. Lawrence: Would it still be open to the defending counsel to challenge any women on the jury?

The MINISTER FOR JUSTICE: Yes.

Mr. Bovell: He would have a job challenging 106,000 of them.

The MINISTER FOR JUSTICE: I am adamant on this.

Mr. BOVELL: The Minister has evaded my question and has said women are as well qualified as he or I to serve on juries. I referred to trying to equalise the balance of males and females eligible for jury service until the report of the select committee of another place could be considered.

The Minister for Justice: That is only a red herring.

Mr. BOVELL: No, the Minister is trying to make it appear in Hansard that I am suggesting women are not as capable to serve on juries as men are. That is not my view, and I agree to the principle of women serving on juries.

The MINISTER FOR JUSTICE: The hon. member's amendment was on the notice paper before the select committee made its report, and this argument is just an afterthought. The balance of 106,000 women makes no difference. There is nothing to say they must serve on a pro rata basis or anything like that, and, of course, any juror can be challenged.

Mr. BOVELL: I did have my amendments on the notice paper even before the select committee was appointed. I did not oppose the second reading of the Bill and refrained from doing so as an indication that I did not object to women serving.

The Premier: Some women.

Mr. BOVELL: I would have opposed the second reading had I not thought that might be construed as indicating opposition to women serving on juries. The Minister is simply raising further red herrings.

Hon. J. B. SLEEMAN: I hope the Committee will not agree to the amendment. How many women would apply to serve on juries if the amendment were agreed to? Only the old stickybeaks, because the genuine housewife would not dream of writing in and seeking permission to serve. Most men would like to escape jury service. I think women have a duty in this regard and I would not give them the right to say they did not desire to serve—except under certain conditions, of course, when they should be given exemption for the time being. I believe women are just as capable of acting as jurors as is the member for Vasse. I believe that less than five women in 1,000 would write in asking permission to serve.

Mr. BOVELL: The member for Fremantle should realise that no one, and least of all a woman, likes compulsion. This provision would make jury service compulsory and I repeat that many women have good reason to be exempted. They could easily overlook the necessity to object to serving.

The Minister for Justice: They would be free to write in for exemption.

Mr. BOVELL: We know how busy a woman with young children is.

Hon. J. B. Sleeman: You would not know.

Mr. BOVELL: I would. Such a woman could easily forget her right of objection, and then legal proceedings could be instituted against her.

The Minister for Justice: Until she is sworn in, she does not have to serve.

Mr. BOVELL: What if she did not respond to the demand to attend?

The Minister for Justice: She could still be exempted.

Mr. BOVELL: She could be charged with an offence.

The Minister for Justice: No.

Mr. BOVELL: Let the Minister stand up and say that.

The Minister for Justice: I have said it.

Mr. LAWRENCE: What is the period between being called and having to appear for service?

The Minister for Justice: A person is not compelled to serve until after being sworn in.

Mr. LAWRENCE: What is the period of notice given to appear? I understand it is seven days and I think the member for Vasse is misleading the Committee. They have seven days during which they can apply for exemption. As has been said, counsel for the defence can challenge if he wishes and the juror is automatically ruled out and does not have to serve. This is so much rot on the part of the member for Vasse, who is only trying to draw a red herring across the trail.

Mr. BOVELL: Many hours have been devoted to this subject since I have been in Parliament and still the provisions contained in this Bill have not become law. I have supported the principle of women serving on juries. I want the Minister to make himself quite clear on one point. By way of interjection, he indicated that if a woman was called up for jury service and she did not object, and she did not arrive at the court at the appointed time, she would not be liable to a prosecution. If she can stay away without responding to the notice or giving a written notice that she does not want jury service, I am quite happy to withdraw the amendment. But I would like an assurance from the Minister.

The MINISTER FOR JUSTICE: If a woman is summoned and she does not want to serve on the jury, she must write in and say so or she can go along to the court and, before the swearing in, object to sitting on the jury and she will be exempt. After she has been sworn in, she must continue with jury service.

Mr. BOVELL: The Minister has not answered my question.

The Minister for Justice: I did.

Mr. BOVELL: By way of interjection, the Minister said that if a woman did not turn up for jury service nothing would happen to her. I know if she did not turn up and she had not objected, she would be liable to prosecution. The Minister must know that, too.

The MINISTER FOR JUSTICE: The member for Vasse must think all our women are damn fools!

Mr. Bovell: I am beginning to think the Minister is.

The MINISTER FOR JUSTICE: Apparently, he thinks that if a woman is summoned she will not have the courtesy to go to the court and say that she does not desire to sit on a jury or that she will not write in. That is a lot of rubbish. A woman has the right of exemption if she writes in or attends the court and says she does not desire to sit on the jury.

Mr. BOVELL: The Minister has completely evaded my question. I quoted cases of women who would be busy with their daily affairs and would forget to object and would not attend the court. In my opinion, under the provision in the Bill they would be liable. At one time the Minister indicated that they would not, but now he has gone all round the question.

The Minister for Justice: Do you mean to say our women would be so insane that they would not have the courtesy to attend the court or write in asking to be exempted?

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

Ayes	....	....	....	18
Noes	....	....	....	24
Majority against			....	6

Ayes.

Mr. Ackland	Sir Ross McLarty
Mr. Bovell	Mr. Nalder
Mr. Cornell	Mr. Oldfield
Mr. Court	Mr. Perkins
Mr. Crommelin	Mr. Roberts
Mr. Grayden	Mr. Thorn
Mr. Hearman	Mr. Watts
Mr. I. Manning	Mr. Wild
Mr. W. Manning	Mr. Hutchinson
	(Teller.)

Noes.

Mr. Evans	Mr. Marshall
Mr. Gaffy	Mr. Norton
Mr. Graham	Mr. Nulsen
Mr. Hall	Mr. O'Brien
Mr. Hawke	Mr. Potter
Mr. Heal	Mr. Rhatigan
Mr. W. Hegney	Mr. Rodoreda
Mr. Jamieson	Mr. Sewell
Mr. Johnson	Mr. Sleeman
Mr. Kelly	Mr. Toms
Mr. Lapham	Mr. Tonkin
Mr. Lawrence	Mr. May
	(Teller.)

Pairs.

Ayes.	Noes.
Mr. Brand	Mr. Hoar
Mr. Mann	Mr. Andrew
Mr. Owen	Mr. Brady

Amendment thus negatived.

Sitting suspended from 3.45 to 4.10 p.m.

Mr. BOVELL: I move an amendment—

That after the word "area" in line 23, page 2, the word "and" be inserted.

I have already explained the reasons in the previous amendment and I need not repeat them again.

The MINISTER FOR JUSTICE: This amendment has been fairly well debated and I oppose it.

Amendment put and negatived.

Mr. BOVELL: I must persevere with my amendments although I do not seem to be making any headway. I cannot understand why the Minister is adamant in refusing to accept amendments. He should defer this Bill until the report of the select committee of another place has been considered. I move an amendment—

That after paragraph (c) in line 23, page 2, the following to stand as paragraph (d), be added:—

notifies in writing the resident or police magistrate of the district in which she resides and desires to serve as a juror;

Amendment put and negatived.

Clause put and passed.

Clauses 5 to 10, Title—agreed to.

Bill reported without amendment and the report adopted.

Third Reading.

THE MINISTER FOR JUSTICE (Hon. E. Nulsen—Eyre) [4.14]: I move—

That the Bill be now read a third time.

MR. BOVELL (Vasse) [4.15]: The Minister has been completely unrealistic in his approach to this matter and I want to enter my protest against the measure as it stands. He has not in any way considered the overall position of the Jury Act. If the recommendations of the select committee appointed by the Legislative Council had not been submitted before this Bill was passed, I could understand the attitude of the Minister. The report discloses discrepancies and irregularities in the Jury Act which should be the most complete Act on the statute book owing to its far-reaching effects on the community, and for that reason the Minister should not be dogmatic in his attitude.

I reiterate that to have a jury list comprising 106,000 females and 6,000 males is entirely beyond my comprehension. I cannot see any reason for it at all, and I trust that reason will prevail in another place when the Bill is introduced and that short shrift will be given it in no uncertain terms. I trust that the Bill will be thrown out. If the members in another place were to be true to the opinion expressed in the report of the select committee, they will without doubt defeat the Bill on the second reading.

HON. J. B. SLEEMAN (Fremantle) [4.17]: I want to compliment the Minister on introducing the Bill. This is not the first attempt when similar measures have been introduced, and had it not been for members like the member for Vasse it would have been on the statute book long ago. He does not seem to want women to serve on juries at all, otherwise he would have previously agreed to this legislation being passed. All he wants are a few sticky beaks to be able to write in and apply for jury service. Those are not the types that are wanted on juries. He does not appear to want housewives to serve on juries.

Mr. Bovell: You are not asserting that women are stickybeaks?

Hon. J. B. SLEEMAN: I can name a few that the hon. member knows. How would he like to be tried by those? I congratulate the Minister and trust that we will not have to make an attempt to put through an amendment to the Jury Act again. I hope that the Bill will be passed in another place. Looking at the recommendations contained in the report of the select committee, there is every indication that members of another place will pass the Bill. The recommendations are consistent with what the Minister is putting up here. I hope that the womenfolk of this State will be given the opportunity to serve on juries. I do not want them to have the opportunity to apply for exemption except for special reasons. It is their duty to give such service and not leave this work to the males.

Hon. L. Thorn: The womenfolk of this State do give service.

Hon. J. B. SLEEMAN: They might give service to the hon. member. I say that the womenfolk of this State should do their bit in this respect. Grounds for exemption should be based on those with young families or those who are pregnant. Looking at places where women do serve on juries, they seem to render just as good service as the men. There are places where women can apply to sit on the jury, but very few ever do apply. Women should sit on the juries that try accused people in this country.

Mr. Bovell: I hope you are never accused.

HON. SIR ROSS McLARTY (Murray) [4.21]: It appears to me at this stage that we are passing legislation very hurriedly and I want to say in this case, of a very unsatisfactory nature. It need not be presupposed that because one expresses a view in regard to this particular legislation, he is opposed to women serving on juries.

The Premier: Of course he is!

Hon. Sir ROSS McLARTY: It is becoming accepted throughout the democratic world that women should be eligible to serve on juries in the same way as it has been accepted over the years that women should be permitted to serve in many other capacities, but I suggest to the Government that it seems farcical—as has been pointed out by the member for Vasse—that we have a list of jurymen which consists of 6,000 names, whilst the list regarding women would comprise 100,000 names of those who would be eligible to serve. We also have the unsatisfactory position today that the 6,000 men have to qualify to serve while the 100,000 or more women will not need any qualification at all other than they be, the same as men, persons of good character.

It seems to me that we are reaching a farcical situation, and I think we might have postponed this Bill this session to enable the Government to give more consideration to the report which was presented as the result of a select committee in the Legislative Council. This select committee comprised representatives of all parties and it presented a unanimous report. I cannot help but feel that the present situation is a very unsatisfactory one where we have approximately 6,000 men being eligible to serve on juries and they require to have greater qualifications than women; yet we will have over 100,000 women eligible to serve! I think even the Minister must admit that that is not a satisfactory position.

Hon. J. B. Sleeman: The committee's report will get you over that.

Hon. Sir ROSS McLARTY: I hope something will, because it is not a satisfactory position at all. Therefore, I do not want to see the Bill pass the third reading if it can be avoided.

HON. A. F. WATTS (Stirling) [4.24]: I must say I substantially agree with the remarks of the Leader of the Opposition. After considerable thought on this subject over recent years, I have come to the conclusion that it is desirable to permit women to sit on juries. Consequently, I have not the slightest objection to the principle of this Bill, and I think that is verified by the fact that no opposition was offered by me at the second reading, when the principle of a Bill is usually at issue. However, I do feel that the recommendations of the select committee of the Legislative Council, or something similar, would be a far better proposition than is contained in this Bill.

There are many circumstances which lead me to believe that the right of women to refuse to sit on juries should be preserved, especially the mothers of the country, and that has been taken into consideration by the select committee. It is no use implying that a mother with young children in these days when there is little hope of getting anybody to mind them, is in a position to give jury service if liable to. The question should rest largely in her own hands.

The Minister for Justice: It does in the Bill.

Hon. A. F. WATTS: That I very much question. The Minister may think so but the phraseology does not entirely suit me.

The Minister for Justice: That is my legal advice.

Hon. A. F. WATTS: That, I think, was implied in some of the amendments moved by the member for Vasse. Another aspect was also mentioned by the Leader of the Opposition. The select committee recommended, in regard to male persons serving on juries, that certain of the exemptions should be withdrawn.

We have had some very interesting figures supplied to us this session as to the number of persons who are on the jury list which now includes only males, and which is an extraordinarily small number, because there are so many exemptions by law and so many other ways by which male persons can escape this duty. As a result the number is ridiculously low. In the population of the metropolitan area alone, where we have 160,000 males, we find only about one-twentieth part is to be found on the jury list.

There is another aspect of the law relating to juries which I believe should have been taken into consideration before this Bill was finally persisted with. I do not propose to take up the time of the House as there are other matters to be dealt with that perhaps are relatively more important. I want to make it plain that I am not opposed to women serving on juries, but I think our approach in the first instance should be for voluntary service. This proposal should be tried out and be the basis of any new law enacted because of the big difficulties which face the woment of our race—for natural reasons—and the fact that this is an innovation which we should not rush into in general terms as it appears we are likely to do if this Bill goes on the statute book.

Do not let anybody say I am opposed to the principle, because that is not so. All I am anxious to do is to safeguard the details of any measure and I do not think this measure has those safeguards and it lacks, in some degree, amendments to the Jury Act that should be brought foreward. I cannot favour it in its present form.

THE MINISTER FOR JUSTICE (Hon. E. Nulsen—Eyre—in reply [4.30]: The Bill has not been hurriedly conceived. A lot of consideration has been given to it. We have had quite a number of deputations from women representing all sections of the community, and they have all been satisfied with the measure. What is proposed is voluntary. The Leader of the Country Party has said that it is not, but it certainly is because practically all women are potential jurors under the measure, and they can write in and ask for their names to be taken off the list. The amendment moved by the member for Vasse provided that the women had to make application to become jurors. The member for Fremantle summed up the position quite clearly when he pointed out that we would hardly get anyone to make such an application, and we would have practically no jurors. When they are on the list, they might give consideration to remaining on it.

I do not care what the Bill is that we bring down, if it proposes something new we will get opposition to it. I do not blame the Opposition for their attitude, but I do when they say they are in favour of women being on juries but use as a pretext for their opposition to such an idea, the claim that they do not agree with the Bill because it is not voluntary. I say it is voluntary.

Hon. Sir Ross McLarty: It is lopsided.

The MINISTER FOR JUSTICE: No, it is not. Had we accepted the amendment it would have been, because we would then have only a few stickybeaks making application to become jurors.

Hon. Sir Ross McLarty: A hundred thousand women and six thousand men!

The MINISTER FOR JUSTICE: If that is the case, let it be. The only way we can rectify that position is to remove the present property qualification required of men. Anyone who is fit to vote for the Legislative Assembly should be fit to sit on a jury, providing that he is of the good fame and character required by the measure.

Hon. Sir Ross McLarty: I would not go that far and say that anyone qualified to vote for the Legislative Assembly is fit to sit on a jury.

The MINISTER FOR JUSTICE: I qualified my statement by saying they were fit to sit on a jury provided they came within the qualifications included in the measure. I have been informed by my legal advisers that under the Bill the position is voluntary, because it remains with the potential jurors to make application. Even if they did not make application, and they went to court, so long as they were not sworn, they would be exempted.

I feel that most of the opposition to the Bill is a red herring in opposition to women serving on juries; although I am prepared to admit that a number of members accept the principle of women jurors, but only on the understanding that the women make application. I am rather keen about the Bill. I do not know how many deputations I have received from various women's organisations, and they have all confirmed it. So, I say, let us give it a trial.

Question put and passed.

Bill read a third time and transmitted to the Council.

BILL—LOCAL GOVERNMENT.

In Committee.

Resumed from the 8th November. Mr. Moir in the Chair; the Minister for Health in charge of the Bill.

The CHAIRMAN: Progress was reported after Clause 171 had been agreed to.

Clauses 172 and 173—agreed to.

Clause 174—Business which may be conducted at ordinary meetings:

Hon. A. F. WATTS: Subclause (3) has rather peculiar phraseology. I have made some inquiries about it and I understand that the use of the word "lapses" is quite incorrect in these circumstances. A motion moved without notice, if it is going to be carried by an absolute majority would, in the absence of that majority, be of no effect. In order that the matter may at least be considered, I move an amendment—

> That the word "lapses" in line 3, page 134, be struck out and the words "shall be of no effect" inserted in lieu.

The MINISTER FOR HEALTH: The Bill at present seems to indicate that if a motion were moved and an objection sustained, the motion would not be proceeded with and therefore there would not be any motion to be of effect, as is suggested in the amendment. That is the information I have been given but I cannot see any serious objection to the amendment and I am willing to agree to it.

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

Clause 175—agreed to.

Clause 176—Resolution how revoked or altered:

Hon. A. F. WATTS: I move an amendment —

> That Subclause (1) in lines 19 to 22, page 134, be struck out.

If the financial year started on the 1st July and, on the 2nd July, the council passed a resolution, it could not rescind that resolution until the following July so that 12 months would have to elapse before it could rectify any error which it felt it had made. In those circumstances I think the provision would be most unwise. In the next subclause it states that the council may, at the same

meeting at which it is passed, rescind or alter a resolution if all the members of the council who were present in their seats at the time the resolution was passed are also present in their seats at the time the rescision or alteration is proposed. So the council could rescind something tonight which it did this afternoon. But the members would not be likely to find out any error until after the meeting had concluded, and then they would not be able to do anything about it.

The Minister for Health: I will agree to the amendment.

Hon. A. F. WATTS: Then I shall not talk any more.

Amendment put and passed.

Hon. A. F. WATTS: In Subclause (3) (b) it states that where a member intends to propose a recision or alteration he shall give a written notice of his intention, signed by him, to each of the other members of the council, at least seven days before the meeting. If there are 15 members on a council, the member concerned would have to sign 15 notices and would have to see that they were delivered to each councillor. That is not the usual procedure and I do not think it is desirable. It places the onus on the individual member of the council whereas the usual procedure is that he shall do it through the clerk.

The Minister for Health: I will agree to the amendment on the notice paper.

Hon. A. F. WATTS: Therefore I move an amendment—

> That the word "gives" in line 36, page 134, be struck out and the words "has, through the clerk, given" inserted in lieu.

Amendment put and passed.

Hon. A. F. WATTS: In view of those amendments I think it is necessary to move the other amendment which I have on the notice paper to strike out the words "signed by him." Perhaps the Minister may take a different view and if so I will be glad to hear him. I move an amendment—

> That the words "signed by him" in line 37, page 134, be struck out.

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

Clauses 177 to 180—agreed to.

Clause 181—Meetings, chairman, etc., of committee:

Hon. A. F. WATTS: I move an amendment—

> That after the word "member" in line 33, page 137, the words "and chairman" be inserted.

To see the full purport of my amendment I would suggest that members read Subclauses (2) and (3). We should not give the mayor or president much choice if he is present at the meeting. If he is absent, the members present would elect somebody else to the chair. Just as in your case, Mr. Chairman, if you were present at a committee appointed by Parliament, of which you are a member, you would be expected to take the chair if you were Speaker of the House. So should the mayor or president. The proposal in the Bill suggests that he is not to take the chair until he intimates his intention to do so, or does not intimate his intention at all. The mayoral head of the authority would then become an ordinary member of the committee if he overlooks the point of intimating his intention and is not there at the appointed time, because the committee would appoint somebody else.

The MINISTER FOR HEALTH: Being an ex officio position, the mayor or president should act as chairman wherever possible. In the event of his not being present, it is left to the members of the committee to elect the chairman. That is the purpose of the Bill.

Hon. A. F. Watts: I think it should be ex officio.

The MINISTER FOR HEALTH: The hon. member wants him to have full responsibility and know what is going on.

Hon. A. F. Watts: Yes.

The MINISTER FOR HEALTH: I have no objection to the amendment.

Amendment put and passed.

Hon. A. F. WATTS: In view of my amendment that has just been accepted, my following amendment is purely consequential. I move an amendment—

> That Subclauses (3), (4), (5) and (6), pages 137 and 138, be struck out.

Amendment put and passed.

Hon. A. F. WATTS: I move an amendment—

> That the words "or a member of the committee so elected" in line 25, page 138, be struck out.

The chairman is now going to be the mayor or president, so there will not be the necessity for the words I propose to strike out.

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

Clauses 182 to 187—agreed to.

Clause 188—By-laws:

Hon. A. F. WATTS: I move an amendment—

> That paragraph (d) of Subclause (5), page 142, be struck out.

To appreciate the purpose of this amendment it will be necessary for members to read the whole of Subclause (5). I propose to delete Subclause (5) (d) because

I think the advertisement prescribed there is too considerable, in all the circumstances of the case, to be desirable. Before I press the matter, I would like to hear the Minister on the subject.

The MINISTER FOR HEALTH: The information I have obtained is that paragraph (d) is identical with a provision in the Municipal Corporations Act. It has been in that Act almost from its inception, and the department thinks it is desirable that paragraph (d) should remain. I have no objection to the word "notice" being deleted and the word "form" being inserted in the Thirteenth Schedule. However, paragraph (d) has been well tried without there being any real objection to it. The alteration of the word "notice" is apparently intended to bring it into line with the Thirteenth Schedule and I have no objection to that.

Mr. Ackland: You have no objection to the deletion?

The MINISTER FOR HEALTH: No; I am referring to the substitution of the word "notice" for the word "form." I do object to the deletion of paragraph (d).

Mr. W. A. MANNING: If the Minister feels that paragraph (d) is necessary, I would like to suggest that the publication for three weeks would scarcely be necessary. I think we could agree quite easily that this publication may have some value, but I think once would be ample to allow people interested to know what is going on. I suggest that if the words "a week for three consecutive weeks" were deleted, the subclause as amended would be quite sufficient to meet the needs of the Minister and would save quite a deal of expense to the municipalities because of the high costs of advertisements.

The MINISTER FOR HEALTH: I feel that one notice is not sufficient because it is easy to miss it. I would agree if it were two weeks, but I do not think one is sufficient.

Hon. A. F. WATTS: Part of the reason for my objection to the clause in its printed form was the considerable cost and that was apparently in the mind of the member for Narrogin. The time was when we could insert an advertisement in a newspaper circulating in the district for a reasonable sum but today, with the length of by-laws, the cost of newspaper advertising could become very high indeed. In consequence, I am told that it is comparatively easy to spend £70 or £80 on advertisements of this nature and in anybody's language that is a substantial sum of money, particularly for small municipalities. In view of the attitude of the Minister and the fact that he is agreeable to some diminution of this penalty, I am prepared to withdraw my amendment and allow the member for Narrogin to move an amendment in accordance with his proposals or the Minister's alternative. Therefore I ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Mr. W. A. MANNING: I move an amendment—

> That the words "a week for three consecutive weeks" in lines 8 and 9, page 142, be struck out.

I would like to leave it at that because once would be sufficient, particularly as paragraph (e) requires the text of the by-law to be posted on the notice-board of the council.

Mr. TOMS: I feel I must rise to support the amendment. The Minister has stated that it is quite easy for one publication to be missed but I say it is just as easy for three to be missed. The Leader of the Country Party has pointed out the terrific expense which will be incurred in the publishing of such a notice, particularly over a period of three weeks. I shall probably not agree again with the member for Narrogin this session, but I feel his amendment is one which the Minister might accept.

The MINISTER FOR HEALTH: The only thing I am afraid of is that one notice is not sufficient, as very few people see the notice on the board. I know this from my experience as a chairman. I realise that advertising costs are very high and after giving this amendment very careful consideration, I am prepared to agree to it.

Amendment put and passed.

Hon. A. F. WATTS: More or less collateral to the amendment just carried is one in the next subclause. I move an amendment—

> That the word "notice" in line 16, page 142, be struck out and the word "form" inserted in lieu.

Amendment put and passed.

Hon. A. F. WATTS: I move an amendment—

> That Subclause (8), in lines 4 to 12, page 144, be struck out.

I move this amendment because I cannot see the reason for the decision of the council, on the mere edict of the Governor-in-Council, being extended to an area which is outside of the district of the council which made the order.

The Minister for Health: It is put in for that purpose.

Hon. A. F. WATTS: I do not think it is fair and reasonable and cannot see any justification for the decision made by one council to be extended by the Governor to a portion of the area of another, without the consent of that other. I could agree if it were in respect of outlying

land—that is, land not included in any particular municipal district—but it seems to me that it would confer on the Governor power to say to the Nedlands municipality that something decided by the Claremont municipality should apply to Nedlands. Apparently such a provision has not been in the law hitherto and I can see no justification for it unless we were to insert the words "to a district which is outside the district of the municipality with the consent of the municipality of the district itself." As I am wholly opposed to the subclause in its present form, for the reasons I have given, I submit the amendment.

The MINISTER FOR HEALTH: In accordance with information I have received from the department, the deletion of Subclause (8) would cause complications. At present, local authorities can make by-laws to cover joint undertakings. Two local authorities may combine in carrying out some special project, and it is for that reason that the subclause was included.

Mr. Ackland: It does not say that.

The MINISTER FOR HEALTH: That is the intention, according to the advice I have received from the departmental officers. I must accept the advice of those who know and who administer the measure.

Hon. A. F. WATTS: I can conceive of circumstances in which local authority "A," for instance, might be establishing a saleyard; and, by virtue of its situation, portion of it would have to be built over the boundary and into the territory of local authority "B." In those circumstances, it would be quite all right for the by-law framed by local authority "A" to apply to that fraction of the other local authority's territory, because there would have been a preliminary canter in which the funds of local authority "A" would have been expended within the boundary of local authority "B." But this subclause does not say anything about that sort of thing at all.

As it stands, if the Minister for Local Government should suddenly recommend to Executive Council some proposal not at all on all fours with what the Minister suggested, it would be about 100 to 1 that the Executive Council would approve and we would find the by-laws of local authority "A" being enforced in the territory of local authority "B," not by the latter, but by the verdict of Executive Council.

If we could conjure up a suitable amendment to meet the intention of the Minister —perhaps the fertile brain of the member for Narrogin, who is well-versed in municipal affairs, could do it—I would be happy to consider such a proposal; but in its present form, the subclause extends far beyond the intention in the mind of the Minister.

The MINISTER FOR HEALTH: I was wondering whether Subclause (7) (a) would cover the position.

Hon. A. F. Watts: If we take out Subclause (8), Subclause (7) will have to be consequentially amended because it takes its force from Subclause (8).

The MINISTER FOR HEALTH: I can only go on the information given me. Now that the hon. member has drawn attention to the matter, we can give consideration to it with a view to rectifying the position in another place.

Mr. COURT: I would like to add my support to the Leader of the Country Party in seeking deletion of this subclause. In the absence of some protective amendment, this subclause would be a ground for considerable disputation between areas which would otherwise be on friendly terms. Local government does assume a degree of parochialness because of the very nature of the functions exercised; and if this power were vested in some central authority, which could dictate the form of a by-law and give one local authority some jurisdiction outside its own area, we could have considerable arguments arising between the two authorities. It could be that one authority would have more persuasive powers with the Government of the day than the other.

The Minister for Health: I think you could leave things to the impartiality of the Government of the day.

Mr. COURT: The Minister might not always be in charge.

The Minister for Health: I am not in charge now; I am only acting for the Minister.

Mr. COURT: I was referring to the Minister. We must be careful, in framing legislation of this kind, to have regard to the long-term effect. It is not every day that a Local Government Bill is brought down, and such a measure should have sufficient elasticity and practical effect to enable us to avoid making periodical amendments and to ensure that there will be a minimum of arguments between those who will have to work under the law.

Mr. W. A. MANNING: This subclause has some merit and would be of distinct advantage on many occasions. But it has its difficulties. In view of the statement by the Minister that he would be prepared to have the matter looked into, I think we could leave it at that.

The MINISTER FOR HEALTH: I appreciate the point of view put forward, and I promise I will apprise the Minister for Local Government of it.

Hon. A. F. WATTS: I am prepared to accept the Minister's suggestion. I want to assure him I am really concerned about the possible effect of this subclause, and I am sure some safeguard will have to be found to cover circumstances such as those mentioned by the member for Nedlands and other circumstances in which disputes could take place. If the Minister

will have these matters taken into consideration so that some restrictive words can be inserted, I am happy to leave it as he suggests.

Amendment put and negatived.

Clause, as previously amended, agreed to.

Clauses 189 and 190—agreed to.

Clause 191—Bathing:

Hon. A. F. WATTS: I move an amendment—

That after the word "premises" in line 20, page 146, the words "under the control or management of the council" be inserted.

This clause provides for the making of by-laws regulating various matters. Paragraph (g) relates to the prescribing of maximum charges which may be imposed for the use of changing-rooms, bathing-houses and premises.

The Minister for Health: I will agree to this amendment.

Hon. A. F. WATTS: Very well. But I will tell the Committee why I move the amendment. I was advised that this power will enable a local authority to prescribe charges for premises that it does not own.

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

Clause 192—Baths:

Hon. A. F. WATTS: I have a similar amendment to this clause.

The Minister for Health: I agree to it.

Hon. A. F. WATTS: I move an amendment—

That after the word "prescribing" in line 4, page 147, the words "in respect of baths under the control or management of the council" be inserted.

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

Clauses 193 to 207—agreed to.

Clause 208—Fencing:

Hon. A. F. WATTS: I move an amendment—

That paragraphs (d) and (e) in lines 20 to 28, page 152, be struck out.

There is a growing practice in urban areas of owners preferring not to fence their land and in some districts it has been encouraged by local authorities through arrangements they have made with their ratepayers for the maintenance of street lawns. Therefore I do not think a local authority should have power to demand that the owner fence his land or else fence it for him and charge him with the cost of the work.

The Minister for Health: I agree.

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

Clause 209—Fires:

Hon. A. F. WATTS: I move an amendment—

That after line 36, page 153, a proviso be inserted as follows:—

Provided that paragraphs (a) to (e) inclusive of this section shall not apply within that portion of any municipality to which the Fire Brigades Act, 1942-1951, applies.

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

Clauses 210 to 213—agreed to.

Clause 214—Handcarts:

Hon. A. F. WATTS: I move an amendment—

That paragraph (b) in lines 28 to 30, page 155, be struck out.

The Minister for Health: This is not very serious.

Hon. A. F. WATTS: I do not think the provision is necessary in this measure in view of the provisions of the Police Act and other statutes. I do not mind a local authority regulating the use of handcarts, but there are plenty of laws to deal with the conduct of the people using them.

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

Clause 215—Hawkers:

Mr. MARSHALL: This clause would affect a number of people who have made representations to me about it, and I hope that when those representations have been made to the Minister in another place, the clause will be amended.

Mr. Nalder: Would the hon. member give a clearer definition of what he means, and explain what he has in mind?

Mr. TOMS: Representations have been made to several members of this Chamber in regard to this clause and two of us have already approached the Minister in another place and have put before him the fears expressed by certain people. The word "hawker" is not as clearly defined in the Municipal Corporations Act as it is in the Road Districts Act and I hope that when the parties concerned present their case to the Minister, he will consider amending the wording.

Mr. CROMMELIN: The term "hawker," I think, is still intended to mean a man with perhaps a truck or utility selling fruit or vegetables from door to door, but under the wording of this clause the representatives of various large organisations, going from door to door, could be classed as hawkers.

Mr. JAMIESON: Paragraph (b) of Subclause (2) deals with the annual fee and I would suggest to the Minister that he

consider asking the Minister in another place to raise the fee because at present there are many heavy mobile stores, moving from place to place, which are proving costly to the municipalities in which they operate. The ordinary storekeeper usually pays a rate of much more than £10, and I think this fee should be doubled.

Mr. W. A. MANNING: I move an amendment—

> That the words "ten pounds" in line 17, page 156, be struck out with a view to inserting the word "twenty-five" in lieu.

I realise that £10 is almost nothing nowadays as a fee for a hawker and the average storekeeper pays much more than that in rates.

Mr. ROSS HUTCHINSON: I do not think we should increase the fee to £25.

Mr. Norton: It would not be the equivalent of 10s. per week rent.

Mr. ROSS HUTCHINSON: I know the figure is intended as a maximum but there are some firms with perhaps 100 or more employees going from door to door and rendering the public a service at competitive prices. They would find £25 an exorbitant fee. It would mean a great financial strain on those people. It is too harsh altogether. I do not oppose the licence fee of £10 set out in the clause, but I think the proposed increase is far too great. Therefore, I oppose the amendment.

Mr. MARSHALL: For once I fully agree with the member for Cottesloe in what he has said and I oppose this amendment.

Mr. JAMIESON: I think the last two speakers have got away a little from the idea that the member for Narrogin has put forward and with which I agree. Whilst I see no justification for a local authority making an exorbitant charge on a small hawker, on the other hand, the local authority must be given an opportunity to recoup any losses it may incur as a result of hawkers operating on a large scale, such as those who conduct these large mobile stores on wheels, which could cause considerable damage.

The legitimate shopkeeper who pays his rates and taxes would not be doing any damage to the property of a local authority and therefore I think it is desirable that the municipality should have control over these hawkers and it should be allowed to charge a licence fee up to the amount suggested by the member for Narrogin.

Mr. POTTER: I support the amendment. I do not know what is in the mind of the member for Wembley Beaches, but I suggest that the local authority should have the right to judge each case on its merits. A hawker can move around a district retailing various goods and can even take up a stand opposite a shopkeeper who has to pay considerable rent for the premises he is occupying. At present no action can be taken against a hawker because there is no clear definition of "hawker". Therefore, discretion should be left in the hands of the municipality to judge the goods that are being hawked and to charge a fee accordingly.

Mr. WILD: I support the member for Narrogin in his amendment. Local authorities must have the right to say who shall hawk goods in their respective districts and to determine what fees shall be charged. In the Armadale-Kelmscott district, for instance, revaluations have been made and the rates have risen by 300 per cent. In recent months there has been a very large mobile van travelling around the district and the operator has to pay only a nominal fee as a hawker. The local authority has no power to increase that fee although the hawker is operating in opposition to the shopkeepers in the district. I know of one case where a shopkeeper is paying £60 in rates and yet a hawker, who is paying a minimum fee of 10s. or £1, is selling goods in direct opposition to him.

Mr. ACKLAND: Members should realise that rates and taxes, whether imposed in the city or the country, have risen considerably. No matter whether a man owns his own property or is paying rent, he is paying a great deal more than he did previously. Hawkers, therefore, are at a great advantage in comparison and they should be charged a reasonable fee for their licences. A hawker travelling around a district for a period can do a great deal of harm to the local shopkeepers. On any sign of falling off in the trading, the hawker just moves to another centre and the man whose trade has been seriously affected has to remain in the district to meet his commitments.

The MINISTER FOR HEALTH: I do not like hawkers at all and if I had my way I would not permit them to operate. They are of no value to the country or to the people. They may sell goods a little cheaper and take all the money away from a district and the business people who pay their rates and taxes are left to carry the burden. I realise that the licence fee of £10 is too low, but I would like this clause to be thoroughly investigated before it is amended. I think I should report to the Minister for Local Government, following which he can take action accordingly.

Mr. W. A. MANNING: I think we should deal with the amendment now because, as the Minister has said, £25 might be too low. If the Minister for Local Government decides to increase it again, it would be within his jurisdiction to do so at a later stage. The amendment merely provides that a hawker shall contribute a fair share towards the cost of administering a municipality.

Amendment (to strike out word) put and a division taken with the following result:—

Ayes	....	27
Noes	....	9
Majority for	....	18

Ayes.

Mr. Ackland	Mr. Nalder
Mr. Cornell	Mr. Norton
Mr. Crommelin	Mr. Nulsen
Mr. Gaffy	Mr. O'Brien
Mr. Graham	Mr. Perkins
Mr. Hall	Mr. Potter
Mr. Hawke	Mr. Roberts
Mr. Heal	Mr. Rodoreda
Mr. W. Hegney	Mr. Sleeman
Mr. Jamieson	Mr. Toms
Mr. Johnson	Mr. Watts
Mr. Lapham	Mr. Wild
Mr. Lawrence	Mr. May
Mr. W. Manning	*(Teller.)*

Noes.

Mr. Court	Mr. Marshall
Mr. Evans	Mr. Oldfield
Mr. Grayden	Mr. Rhatigan
Mr. Hearman	Mr. Hutchinson
Mr. I. Manning	*(Teller.)*

Amendment thus passed.

Mr. W. A. MANNING: I move an amendment—

That the word "twenty-five" be inserted in lieu of the word struck out.

Mr. OLDFIELD: I move—

That the amendment be amended by striking out the word "twenty."

The effect would be to reduce the licence fee to £5.

Amendment on amendment put and negatived.

Mr. ROSS HUTCHINSON: Would it be possible for me to move an amendment to the amendment with a view to deleting the words "twenty-five" and substituting the word "fifteen" therefor?

The CHAIRMAN: Not at this stage. That could be done if the Bill was recommitted.

Mr. ROSS HUTCHINSON: Would I be in order to move an amendment to strike out the word "five?"

The CHAIRMAN: The hon. member can move in that direction.

Mr. ROSS HUTCHINSON: I move—

That the amendment be amended by striking out the word "five."

As the Standing Orders prevent me from moving an amendment to alter the fee to £15, I have no alternative but to move to reduce the fee to £20. I feel that we can go too high in trying to arrive at the licence fee for hawkers. The higher the maximum, the higher will the fee be. I would like this Chamber to give some consideration to the fact that hawkers by and large cannot start off shops of their own through lack of capital.

The Minister for Health: Generally they are parasites.

Mr. ROSS HUTCHINSON: The Minister is not correct in saying that. It is a point of view which the shopkeepers might express, and it could be termed a reactionary view. It is too harsh a restriction to fix the licence fee at £25. I can envisage hawkers being wiped out if that is agreed to. Some regard should be paid to those people who are trying to help themselves in a small way while at the same time giving a service to the people. I am not speaking against the interests of the shopkeepers at all.

Under this clause a municipality or local authority is empowered to make by-laws for regulating or prohibiting the hawking of goods. If a hawker tends to become a parasite or competes unfairly with the shopkeepers, then the local authority can prohibit him from operating altogether within its district. I admit there are some itinerant hawkers, but we should not go to the extent of wiping them out altogether by increasing the fees so sharply, especially as the local authority has the power of prohibition.

Mr. GRAYDEN: I support the amendment on the amendment, but I deplore the fact that the figure has been increased from the amount shown in the clause. I do so for a number of reasons. Firstly, this clause was all-embracing and it was intended to deal with hawkers who sold vegetables and such commodities. Now it is to be all-embracing to include the travellers and salesmen of firms like Watkins Products and John Allans. Today we have the type of business like John Allans which has built large premises on the other side of the Causeway and which employs more than 150 persons. The same applies to Watkins Products, but they are all to be included as hawkers.

Hon. J. B. Sleeman: It is a poor definition.

Mr. GRAYDEN: I think it is badly worded and should be amended. I hope that will be done in another place. At present the business people in the country are opposed to a small licence fee because they do not want competition from Perth traders. I would point out that country local authorities and municipalities have the power under this legislation to limit the number of licences. In the past we have had the experience that where hawkers apply to operate in a district, the local authority has issued licences to the business people in the area instead. Those people reached agreement with the others not to do any hawking. These licences have been issued in that manner to prevent outside competition.

Regarding the proposal to increase the fee from £10 to £20, we can take the posi- in a place like York over which four local authorities have jurisdiction. For representatives of Watkins Products to

deal in that town, they would have to pay a £10 fee to each of the four local authorities, in other words £40.

Mr. Ackland: There would not be four in York.

Mr. GRAYDEN: I understand there are, but the hon. member would know better. There are three in Kalgoorlie and Boulder.

Hon. J. B. Sleeman: All those included in that definition do not pay anything at present?

Mr. GRAYDEN: They do. If Watkins Products want to hawk their goods, they do not go to outlying towns. They look to big centres like York, but in order to do business there, they would have to pay a fee of £10 to each of the local authorities connected with that town. If the fee is increased to £20, they would have to pay £80 in all. I sincerely hope this clause will be amended in another place.

Mr. COURT: There has been a most extraordinary vote taken on this clause. I want to explain why I am supporting the amendment on the amendment, and why I voted against the previous proposition. The Minister said he was opposed to hawkers and that if he had his way he would rub them out altogether. He wanted the status quo to remain so that he could have the opportunity of looking at the position, yet he voted for the amendment. Those of us who were doing the right thing by voting against the amendment, were left in the lurch.

Two members on the opposite side are concerned with the definition, and neither am I happy about it. The only way to improve the position was to try to preserve the Bill in its present form until the Minister in charge of the Bill had been able to re-examine the position and to deal with the definition in another place. Whoever was responsible for framing the definition, did not have full regard to the facts. I am sympathetic towards the small shopkeepers who pay the rates of the district, maintain premises, make contributions to the development of the district, employ labour and maintain other facilities. I realise that the local authority has a discretion in the matter.

Sitting suspended from 6.15 to 7.30 p.m.

Mr. COURT: It is apparent that two members on the Government side have made approaches to the Minister for clarification of the definition of "hawker." The definition at present is so all-embracing that it will restrict people that Parliament does not wish to restrict. Having that in mind, I feel the clause should be left in its present form until the Minister can obtain advice as to how the definition of "hawker" should be amended. Before we finally settle on the maximum fee that a local authority shall charge within the terms of paragraph (b) of Subclause (2), we should have that advice.

Hon. J. B. Sleeman: You can recommit.

Mr. COURT: There is a strict definition of "hawker." The local authority is amply protected by virtue of the fact that it has the right to make by-laws for regulating or prohibiting hawking, etc. The local authority can control the problem of hawkers within its own area. There is power for it to make by-laws limiting the number of licences, etc., and it can require a badge to be displayed. It is quite obvious that a municipality has control over the problem of hawking. If a local authority finds that hawkers are abusing their priviledges by being unfair or undesirable in their methods, or are not being fair to the established tradespeople, there is ample provision for it to take action. If that provision were not there, I would not for a minute hesitate to support a higher scale of fees.

It is true that the by-laws would come before Parliament and would have to be allowed or disallowed by this or another Chamber. If we make the limit £15, £20 or £25, Parliament will have to take that into account when considering the by-laws. If a local authority saw fit to prescribe a fee of £20 when the authorised maximum was £25, Parliament would be reluctant, I imagine, to interfere because in principle we have said that a local authority has jurisdiction up to a figure of £25. I support the amendment.

Mr. EVANS: I have listened with interest to the strange debate and I find myself in a dilemma inasmuch as I would like to suggest that those members who can still remain sane will not only defeat the clause but will likewise defeat the amendment and then someone will move—I could volunteer to do this—to insert either "£9" or "£11" to bring the position back almost to what is was originally. I agree with the member for Nedlands—I am afraid this is the first time I have been able to do so—that the definition is far too embracing. It would include people who deliver bread and those who deliver milk, irrespective of whether they were working for a firm that had a factory or a shop within the boundaries of the local authority, and was paying rates. I believe the clause should be referred back to the department and that the definition should be clarified.

I have looked at the definition of "hawker" in both the Municipal Corporations Act and the Road Districts Act and I find that people who hawk are those who do not have a shop. This would definitely clear up the question of what is a hawker. In the old days a hawker had a case in which he carried such things as silks, ribbons and perhaps mothballs, shoe-laces, etc. With a definition, particularly one that prescribed a maximum of £25, I can imagine that people living in the far outback, perhaps hundreds of miles from shops, would be debarred from looking through the wares of a hawker if the hawker found that to have the right to

travel out to the farms and stations he had to pay a fee of £25. This amount is the maximum, but it could also be the figure imposed.

While I do not carry any brief for any local authority, neither do I push a barrow for any hawker, but I do believe that frequently members of local authorities have a pecuniary interest in businesses within the boundaries of those local authorities, and they could exercise an undue influence to keep hawkers out. Hawkers can bring competitive prices to a district. I am reluctant to see the figure increased beyond £10.

I believe that in South Australia and other States the authority to issue licences to hawkers does not rest with the local authorities. In South Australia, I understand, it rests with the police. I think that is a far better system than allowing the local authorities to issue the licences; their members could be interested in keeping hawkers out.

Mr. O'BRIEN: I do not agree with the amendment.

Mr. Ross Hutchinson: Oh!

Mr. O'BRIEN: Quite a number of hawkers travel through the country and sell their goods in different towns. They pay no freight, rates or taxes. They charge what they think fit and, in my opinion, they do a lot of harm to the local trades people who are expected to give donations when sports meetings are held or functions are run for local charities. When we consider that £10 was provided in the Act in the horse-and-wagonette days when the Afghans and other hawkers travelled the outback districts—we can believe that the member for Narrogin is quite right in seeking to give to local authorities the power to impose a maximum fee of £25. Therefore I oppose the amendment and will support a further motion for an increase.

Mr. ROBERTS: I think that the crux of the matter is the definition of the word "hawker." I thought that the member for Kalgoorlie was going to go a little further than he did when he mentioned the definitions in both the Municipal Corporations Act and the Road Districts Act.

Hon. A. F. Watts: You might say that this is exactly the same as that in the Municipal Corporations Act except for the last sentence.

Mr. ROBERTS: Yes, that last sentence states—

> or some other person who does not carry on the business of selling goods, wares, or merchandise in a shop or other permanent place of business situated within the State.

Mr. Evans: Exactly.

Mr. ROBERTS: So far as the comments of the member for South Perth are concerned, that would cover people like Watkins, John Allan and so on. Those whom we should try to stop from selling goods in the local authorities' areas are those who have no interest in the locality, do not pay rates, and in all probability would not pay land tax and the like.

Hon. J. B. Sleeman: What about the greengrocer with a round?

The Minister for Education: How does that affect the hon. member's policy of free enterprise?

Mr. ROBERTS: The person who has his place of business within this State is entitled to operate in any district, but a person who has no place of business anywhere in the State should definitely pay a high fee. I think the whole thing is bound up with the definition of "hawker" and it should be clarified in the Bill.

Mr. TOMS: I support the amendment to bring the figure back to £20. The Acts to which members are referring go back to 1938 and in those Acts the figure was £10. Therefore, in the year 1956, £20 would not be too much. My reason for supporting the figure of £20 is that I believe in another place there may be some clarification of the term "hawker." There is a very clear definition in the Road Districts Act and I refer members to that definition which appears on page 106. I would draw members' attention to the fact that the figure of £20 is a maximum and although I am not wishing to cast a slur on anyone, there is often a tendency for municipalities to work up to the maximum. However, the Minister will have control and will be able to decide what the scale should be when the by-laws, etc., are submitted to him. I support the amendment.

Mr. W. A. MANNING: I do not propose to labour the point and really it is immaterial whether the figure is £20 or £25 because it is only a maximum and special rates have to be defined within that maximum. We are trying to protect the revenue of municipalities where those who are hawking are not contributing towards the revenue.

Mr. GRAYDEN: I would like to change my mind on this matter. I intended to support the amendment because I believe that a figure of £20 was preferable to £25. But in view of what the member for Kalgoorlie has said, I propose to vote against the amendment on the amendment and then to vote against the amendment in order to give him an opportunity of moving for the insertion of either £9 or £11.

By increasing the amount by so much, we are making it more difficult for the man without capital and an established business to provide for himself and his family. In adverse times, hawking is an outlet for the unemployed. They can go along to the markets and buy a few cases of fruit, watermelons or something like that, and can then go from house to house and eke out an existence until such time as they can obtain employment.

In a country town a man might be growing watermelons and he might have a surplus which he cannot dispose of through the recognised channels. He would be able to go from house to house selling them in order to help himself. If he lived in a place like Pinjarra, he might have to pay a maximum of £25 for a licence, if that figure were agreed to; but if he lived in the York district, where four local governing authorities are concerned, he might have to pay £25 to each local authority before he could try to dispose of his watermelons in the York district.. That would be most unreasonable.

If a man from Watkins wished to operate in Kalgoorlie, he might have to pay the maximum fee to each of the three authorities concerned and then if he travelled down to the York district he may have to pay the four authorities there the maximum fee as well. The same could apply in every district he visited and a man could find himself paying up to £500 a year simply for permits to allow him to engage in hawking. After all, these people are providing a service for those living in the outback areas.

In every other State of Australia hawkers are given licences and the only point taken into consideration is their character. In South Australia the police issue the licences and in the other States the court of petty sessionss is charged with that task. But in Western Australia we leave the position entirely to the local authorities and they have a definite interest in keeping hawkers out of their districts. For that reason, I propose to support the member for Kalgoorlie in his move to have the words "nine" or "eleven" inserted.

Hon. A. F. WATTS: It is true, as the member for Bunbury said, that the final words in the definition in the Municipal Corporations Act would settle the whole issue. But they have been left out of the Bill before us. The Local Government Bill was first introduced in 1949 and in that measure the definition of "hawker" was the same as it is in the Bill before us, except that it included the words—

> who does not carry on the business of selling goods, wares or merchandise in a shop or other permanent place of business situated within the municipal area.

So that the only difference in the definition in the Municipal Corporations Act, which had been there for nearly 20 years, was that the 1949 Bill limited it to being within the municipal area instead of being within the State.

Of course, that Bill was not passed but it was clear that it was intended to place some reasonable protection in the definition which, when one looks at it closely, is certainly not in the definition in this Bill. I would like to know why it was cut out and by whom, because the definition in the Bill opens up avenues which were never intended. I agree with the member for South Perth that all sorts of people who have never been considered as hawkers before, because of the definition in the Municipal Corporations Act, would certainly be hawkers under this measure if it became an Act without being amended.

I appeal to the Minister to give us an undertaking, upon which I shall be content to rely, that the missing words or phraseology to carry the definition into the same result will be drafted before this Bill goes through. The definition will then be satisfactorily resolved. It is certainly not so now. My views on the maximum of £25 are entirely governed by the question of the definition, because if the definition were to remain as it is now I should be loth to give municipal corporations the right to impose a charge of £25 on a person who hitherto has not been considered a hawker. I think £25 would be a reasonable maximum if the definition of "hawker" were to be amended.

The MINISTER FOR HEALTH: I agree with the member for Stirling. As it is now, the definition is not understandable. It would penalise people with businesses in those areas. I recall when I was in business in Norseman, I came under the road board and municipal council and I used to send my cart around from my own shop.

Mr. Ross Hutchinson: You were still hawking.

The MINISTER FOR HEALTH: I agree it is unreasonable to increase the maximum from £10 to £25, although I agree with the member for Kalgoorlie. I am inclined to support the member for Cottesloe in his suggestion that a £20 maximum would be reasonable. My greatest objection to the hawker is that I have had to subscribe to football clubs, tennis clubs, cricket clubs and the like and yet the hawker would come around and sell goods a little cheaper, perhaps, and take away the custom.

Later those same customers would come to me and ask for credit because they were supposed to be starving. We talk about decentralisation, but this is a move towards centralisation. The definition suggested by the member for Stirling would probably clear up the whole position. Hawkers make no contribution to the upkeep of the town. Their only objective is to make money to the detriment of those who have been living in the back country for many years.

Mr. Roberts: The present definition would probably debar commercial travellers.

The MINISTER FOR HEALTH: I agree, and that is why I suggested to the member for Narrogin that we have it amended and

the correct definition inserted in another place. Business people have high capitalisation costs and other expenses to meet, and they are entitled to some consideration.

Mr. Ross Hutchinson: So is the man without much money. What about the Chinaman who grows vegetables in North Fremantle?

The MINISTER FOR HEALTH: We are past the days of the Afghans. I undertake to have this matter adjusted in another place.

Mr. OLDFIELD: I am amazed at the attitude of the Minister for Health. He is generally kindly disposed to the little man, and this is contrary to all his previously-expressed principles. In times of great unemployment, people endeavour to sustain themselves by going from house to house selling a few goods—possibly wire-work articles that they have made; or in the case of pensioners, they supplement their income by growing vegetables and selling them from door to door. The member for Maylands and I know of one such case in Bayswater.

The Minister for Health: The municipality has power to help that man.

Mr. OLDFIELD: The municipality does not wish to make money out of these people. If the hawkers were a menace, the municipality would have power to prohibit them. If people prefer to purchase goods from hawkers it is possibly because they are a bit cheaper.

The Minister for Health: They make no contributions to the towns.

Mr. OLDFIELD: They are probably living within the municipality. Are we going to protect only big business at the expense of the little man? In the past some of the biggest businesses in the world have been established as the result of door-to-door selling. Fullers Brushes in America is a case in point. They now have thousands of salesmen going from door to door. We should help the small man who is out of work and cannot get a job. I am certain that the shopkeepers in town will not sustain these unfortunate people until they can get a job.

Mr. POTTER: The definition is wide but the Minister has assured us that he will have it adjusted. Members opposite have stressed the point of the little man. Any person with a little administrative capacity in some of these local governing bodies—

Mr. Oldfield: Have you ever seen what dills get on to them at times?

Mr. POTTER: It is quite obvious what dills do get on to them. I speak of the person administering the Act. If a person is out of employment and makes clothes-pegs or props or sells wire gadgets, the licence fee would not be as heavy as it would in the cases I enumerated previously. Under the present set-up, we may have a truck standing outside a shop containing goods for sale; the owner of the shop has to pay the rates and taxes and charges enumerated. There is no need to protect firms such as Watkins's Products, John Allan's or anybody else established outside our particular locality. These people can go to Carnarvon or Esperance and compete with the local shopkeeper. When administering the Act, there is always the knowledge that somebody is trying to seek cover under the cloak of the definition provided in that Act. These definitions are not sufficiently elastic to meet the cases that occur from time to time. We must have faith in the people who administer these Acts.

Mr. Oldfield: You deny the small man the right to earn a living.

Mr. POTTER: I do not. I am trying to protect the small man. I am pointing out that we should have some faith in the person administering, and I am suggesting that the person administering would not charge a person selling props £25. Perhaps it would be 1s. for the annual fee.

No one stands for the small man more than I do, but I am not going to cloak the issue and say we are going to cover some monopoly which comes here with ideas from other countries on how to disperse and hawk goods within the whole of the State and pay no rates and taxes. Therefore, I support the amendment moved by the member for Narrogin.

Mr. LAPHAM: I do not want to prolong the debate but I feel I should have something to say in regard to the little man who has given service to the community over many years. I am speaking of the despised hawker. The Housing Commission has set up in many different areas and it is usually the practice for the Housing Commission to go in first and after the houses are filled to capacity, an area is sold for the purpose of establishing businesses.

In the meantime, who looks after the people? Generally it is the despised hawker. One of these despised hawkers has called on me for the past eight years in Osborne Park, and has given a very good service.

Mr. May: Do you buy anything from him?

Mr. LAPHAM: Every week. This man has helped to develop that area and as one of these despised hawkers, he has given good service in the new areas of Scarborough, Innaloo and Killarney. He gave a service to the people by taking around groceries in a van but later on when the district became settled, certain businessmen decided he had too much of a monopoly and there was rather a good thing in it as a business, so they set up in opposition to him. He has given the service to the people and should be protected.

There has been too much confused thinking in regard to this matter. This is because there are one or two hawkers who made a nuisance of themselves in some country areas and because of this all hawkers are now tarred with the one brush. As a consequence, a lot of our country members feel they should be dispensed with. They have just as many rights as the man with a corner shop, and it is purely a matter of their method of doing business.

Several members interjected.

The CHAIRMAN: Order!

Mr. LAPHAM: Thank you, Mr. Chairman. There is no need at all to have a licence fee of £25 for an individual to operate as a hawker. There is another point I do not like.

The CHAIRMAN: There is a continual hum of conversation going around the Chamber. I must ask members to desist as it is hard to hear members even when they are speaking loudly.

Mr. LAPHAM: Local authorities should not have the power to issue a hawker's licence. If anyone in the community should have this power it should be in the hands of the police as they would have a better knowledge of an individual and know whether he was fitted to hold the licence or not. At this stage I cannot do anything about it but I would like to see the definition deleted entirely. However I will oppose anything which makes it difficult for a hawker.

Amendment on amendment put and passed.

Mr. EVANS: I would like to move to insert the amount of £11 instead of the amount of £20.

Mr. CHAIRMAN: The hon. member cannot go back. The question is to insert the word "twenty."

Mr. EVANS: I oppose the insertion of that word and hope the amendment is defeated. If it is defeated I intend to move to insert the word "eleven."

Mr. Heal: The word "twenty" has been moved to be inserted.

The CHAIRMAN: The member for Narrogin moved an amendment to delete the word "ten." Then he moved an amendment to insert the word "twenty-five." A further amendment was moved to delete the word "five." This has been carried. The word in the clause is now "twenty" and the question is that the word to be inserted be inserted.

Mr. OLDFIELD: If the question to insert the word "twenty" is defeated, would the member for Kalgoorlie be in order to insert the word "eleven."

The CHAIRMAN: Yes.

Mr. OLDFIELD: The position resolves itself now that most of us who have been battling here tonight have no alternative than to oppose the amendment so the member for Kalgoorlie will be successful in his amendment.

Amendment put (to insert word) and a division taken with the following result:—

Ayes	27
Noes	10
Majority for	17

Ayes.

Mr. Ackland	Sir Ross McLarty
Mr. Cornell	Mr. Nalder
Mr. Court	Mr. Norton
Mr. Crommelin	Mr. Nulsen
Mr. Gaffy	Mr. O'Brien
Mr. Graham	Mr. Perkins
Mr. Hall	Mr. Potter
Mr. Hawke	Mr. Roberts
Mr. Heal	Mr. Sewell
Mr. W. Hegney	Mr. Toms
Mr. Jamieson	Mr. Watts
Mr. Lawrence	Mr. Wild
Mr. W. Manning	Mr. May
Mr. Marshall	*(Teller.)*

Noes.

Mr. Evans	Mr. Oldfield
Mr. Grayden	Mr. Rhatigan
Mr. Hearman	Mr. Rodoreda
Mr. Lapham	Mr. Sleeman
Mr. I. Manning	Mr. Hutchinson
	(Teller.)

Amendment, as amended, thus passed.

Mr. OLDFIELD: I move an amendment—

That the word "pounds" in line 17, page 156, be struck out and the word "shillings" inserted in lieu.

Amendment put and negatived.

Clause, as previously amended, put and passed.

Clauses 216 to 220—agreed to.

Clause 221—Markets, fairs etc.:

Hon. A. F. WATTS: This clause gives a council power to make by-laws in reference to the sale of fish. To that I have not the slightest objection. However, I move an amendment—

That paragraph (c) in lines 19 to 23, page 163, be struck out.

In recent years this Chamber has fairly consistently, except in extraordinary cases, objected to the inclusion in new legislation of provisions that put on a defendant the onus of proving his innocence. That is what this paragraph does.

The MINISTER FOR HEALTH: I approve this amendment. I think the onus of proof should be on the prosecution and not on the accused.

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

Clauses 222 to 234—agreed to.

Clause 235—School hostels:

Hon. A. F. WATTS: I had intended to move an amendment; but, in view of the fact that the phraseology of this Bill differs from what was intended previously,

and this clause does not apply to hostels conducted by other than a council, there is no need for the proposed amendment.

Clause put and passed.

Clause 236—agreed to.

Clause 237—Stalls:

Mr. LAWRENCE: I would like some information from the Minister as to the definition of "stallholder." In line 11, page 170, it is stated that the word means "a person in charge of a stall." A child of 16 or 17 could be left at a stall. Would that person still be regarded as a stallholder? I am perturbed about this, because if anything happened at that stall, a person, whether a minor or not, could be charged.

The MINISTER FOR HEALTH: It states that the stallholder is the person in charge. No age limit is specified. I take it that it means some responsible person over the age of 21. I could not be definite without having an inquiry made.

Hon. Sir Ross McLarty: I do not think it necessarily means anyone over the age of 21.

The MINISTER FOR HEALTH: The member for Stirling was Minister for Local Government at one time. Perhaps he could help in this direction.

Clause put and passed.

Clauses 238 to 240—agreed to.

Clause 241—Tennis courts, etc.

Hon. A. F. WATTS: In some aspects, the principles of this clause appear to me to be very objectionable. My original intention was to move for the deletion of the paragraph which refers to prohibiting persons from attending at or playing on courts during specified times, because I do not propose to agree to a local authority having power to say to a man who has established a tennis court on his property that he shall not play tennis there, say, between 10 a.m. and 4 p.m. Yet that is what this clause would provide.

However, instead of moving to strike out paragraph (e) in lines 6 and 7 of page 178, I propose to ask the Committee to delete Subclause (3) in lines 8 to 10, page 178. I feel that with respect to courts that are the property of, or under the control of, a council, there may be justification for the things being done for which provision is made in this clause. For instance, the council might want to repair the courts and would need to keep people off them while that was being done.

Mr. Lawrence: People may want to play until 4 a.m.

Hon. A. F. WATTS: If people made such a din that they became a nuisance to their neighbours, those neighbours would have their remedy in the local court. I do not think a local authority should be the arbiter of the destiny of the owner of a private court, but I have no objection to the council having control of courts provided by itself.

Mr. Ross Hutchinson: Do you think the word "public" should be inserted before the word "courts?"

Hon. A. F. WATTS: I do not think it could apply to anything else if Subclause (3) were struck out. However, I move an amendment—

> That the words "on private property" in lines 9 and 10, page 178, be struck out and the words "under the control or management of the council" inserted in lieu.

The Minister for Health: I have no objection.

Mr. HEARMAN: What would be the position in regard to a court on private property but built for public hire? That is the type of court about which one sometimes hears complaints, and I think the local authority should be given some control in such cases.

Mr. W. A. MANNING: I think the amendment would defeat the object of the member for Stirling who, I believe, wishes to give the municipality control over lighting and noise in a residential neighbourhood. I feel that the clause as it stands is the only way to protect nearby residents from the improper use of private courts.

Mr. OLDFIELD: I was in favour of the amendment which the Leader of the Country Party originally intended to move and that would have taken from local authorities power to regulate the hours during the day in which people could use courts on private property and would have left the power to deal with abuses such as the member for Narrogin mentioned. The amendment before the Chair would mean that the clause would apply only to courts under the control of the local authority, and I do not think that is sufficient.

While I was member for Maylands, a householder complained to me about a tennis court adjoining his property being brightly lit and used by noisy people till perhaps 2 a.m. in the summer months. The only advice I could give him was to take civil action and I think the local authority should be given some power to regulate behaviour of that kind.

Mr. Cornell: You said the local authorities were all dills.

Mr. OLDFIELD: No, I said some dills became members of local authorities. At all events, I oppose the amendment.

Mr. LAWRENCE: It appears that the power contained in Subclause (3) at present extends to courts on private property, but what would be the position if one held a barbecue on a private tennis court?

Mr. Hearman: The clause refers to a court.

Mr. LAWRENCE: It does not relate to tennis courts because the wording is simply "court." I agree with the member for Mt. Lawley that a tennis court might be used for purposes such as holding a barbecue, which might create a nuisance to the neighbours, so I think some control should be provided.

Mr. EVANS: Local government has often been described as the third arm of government, but where is its power to end? Subclause (3) prompts me to quote from this evening's Press—

> Justice without power is unavailing. Power without justice is tyrannical. We must therefore combine justice and power, making what is just, strong, and what is strong, just.

I do not think local authorities should have power to dictate to those who own private courts and I think the member for Nedlands would agree that the rights of the private individual would be interfered with by the subclause. I support the amendment.

Mr. HEARMAN: I think the amendment is sound, but I feel that any nuisance from night playing on courts is more likely to arise in the case of private courts hired to the public than private courts used for private purposes. Instead of passing this amendment, could we not safeguard the position by adding to the subclause the words "available for hire," as then a court used for money-making purposes would come under the control of the local authority. The member for Stirling has pointed out that one has redress in the local court against actions that constitute a nuisance.

Mr. Lawrence: It would be the same thing.

Mr. HEARMAN: It would not be the same thing. That would represent a better approach to the matter.

Mr. JAMIESON: I am not very pleased with either the amendment or the clause itself. Paragraph (a) of Subclause (2) and Subclause (3) should be read together. Whilst I agree that the playing of tennis at night sometimes creates a nuisance, the local authority might be desirous of putting down a tennis court which might not be used in the evening. If the words "for night use" were inserted, the objection to the subclause might be overcome. As it stands, the subclause is too embracing, and it would appear to be unnecessary to pass to a local authority the power to have control over the construction of tennis courts.

Mr. COURT: I have had some experience as to what can happen as a result of the use of tennis courts, and I have personal knowledge of litigation that has arisen from the misuse of such courts.

Mr. Evans: What time do you play?

Mr. COURT: Of course, a while ago the talk was about "hawk" and now it is about "court". However, if I may be permitted, I will proceed. Night tennis courts have ruined more neighbourhoods than any other single factor that I know of. A person has often started off by having a private court and then the temptation arises to light the court at night which is followed by the further temptation to let the court for hire. When the tennis court is first put down, it is a happy event in the neighbourhood because all the neighbours come in to play, but when the owner decides he wants to cash in on his court, it is then that the trouble starts.

When a tennis court is in use at night it is not only the glare of the light, but also the noise that is associated with a game which may often continue into the early hours of the morning, that creates the nuisance. Local authorities have not been able to deal with this problem by any other means to date. They have been ready and willing to take action, under the powers they have had in the past, if they could.

Mr. Lawrence: Even the police cannot take action.

Mr. COURT: That is so. I am loth to interfere with the use of private property, but there are some things about which we have to be realistic. I would like to see an amendment made to include the words "which are let on hire for a charge." The difference between the amendment moved by the member for Stirling and the amendment I propose is that his amendment would have the effect of restricting the control to courts conducted by a municipality, whereas my amendment would not only include those courts, but also those which are used on a commercial basis. Of course, commonsense would have to prevail. If a man constructed a tennis court next to a factory or a long way away from any residence, I am sure the local authority would agree that games could be played on every night of the week.

Mr. Lawrence: What effect would your amendment have on private courts which are used privately?

Mr. COURT: No effect at all. The early part of this clause defines "courts."

Hon. A. F. Watts: If you care to sit down, I will withdraw my amendment, and you can move yours.

Mr. COURT: Very well.

Hon. A. F. WATTS: I ask leave to withdraw my amendment.

The MINISTER FOR HEALTH: After listening to the argument put forward, I think that the clause as it stands would cover the position.

Hon. A. F. Watts: It is too strong.

The MINISTER FOR HEALTH: I do not think it is. It is not a fair thing for a person to conduct games of tennis until

late at night on an illuminated court. I see no reason why such persons should not be prevented from disturbing their neighbours. I would agree to the original amendment to delete paragraph (e) because paragraph (d) regulates the hours during which courts may be illuminated, and that will suffice. That is the view of the department and if it had any doubt, it would not have given me that information. It seems that the illumination of courts can be controlled.

Mr. Court: We should not prevent people using their own courts which are not let out.

The MINISTER FOR HEALTH: There are unscrupulous owners of tennis courts who pay no regard to their neighbours.

Mr. Court: They would not use the tennis court every night.

The MINISTER FOR HEALTH: But the court could be used consistently by young people, who create disturbances.

Mr. Court: To my knowledge, there has been no case where unneighbourliness has occurred in the use of a court that is not let out for hire.

The MINISTER FOR HEALTH: I know of an instance where unneighbourliness did occur. That was in Kalgoorlie. The person concerned told me that her family could not get any sleep for a fortnight. That was a private tennis court, and the incident happened during festival time. The clause covers the position and protects adjoining residents.

The CHAIRMAN: Is it the wish that leave be granted for the withdrawal of the amendment? As no voice has been raised in favour, leave is not granted.

Point of Order.

Mr. I. W. Manning: On a point of order, if I remember the position correctly, Mr. Chairman, when you put the question, the Minister got up and you gave him the call.

The Chairman: I was in error in allowing the Minister to speak. The question should have been determined at the time. When I asked whether leave was granted for the amendment to be withdrawn, nobody called at all. The Minister was in his seat at the time. However, I shall ask the question again.

Committee Resumed.

The CHAIRMAN: Is it agreed that leave be given for the amendment to be withdrawn?

Members: Aye.

Amendment, by leave, withdrawn.

Hon. A. F. WATTS: What I am now suggesting will not interfere with the proposal put forward by the member for Nedlands because it will come in long before his proposal. I move an amendment—

> That paragraph (e) in lines 4 and 5, page 178, be struck out.

Mr. LAWRENCE: I do not understand the idea behind the amendment. To delete that paragraph would prevent persons from playing on courts during specified times.

Hon. A. F. Watts: To delete paragraph (e) would prevent local authorities from making by-laws to prohibit persons doing that.

Amendment put and passed.

Mr. COURT: I move an amendment—

> That after the word "property" in line 11, page 178, the words "which are let on hire at a charge" be inserted.

This means that a person who owns a tennis court which is not let out on hire to the public, can enjoy its use.

The Minister for Health: He could create a nuisance.

Mr. COURT: I do not think so. If he does, the neighbours can take civil action.

Mr. Lawrence: In the other case, civil action can also be taken.

Mr. COURT: Cases would be remote where an owner abused the use of his tennis court which was not let out for hire. We must remember that a spirit of neighbourliness exists, and that spirit does not seem to break down unless money comes into the picture. When owners let courts out on hire, they use them less and less for private purposes.

Mr. TOMS: I oppose the amendment because it will defeat the purpose of the clause. It will deprive local authorities of this power. Despite what has been said by the member for Nedlands, there are cases where the owners of courts are not very neighbourly towards the adjoining residents. It is not very nice for one to have to take a civil action against his neighbour with a view to preserving his rights. I believe the local authority should have control in such circumstances and I feel that the addition of the words proposed will only defeat the object of the clause as printed.

Mr. W. A. MANNING: I cannot support the amendment moved by the member for Nedlands. I should say that that hon. member has never lived alongside a person who has had a night tennis court and used it privately or allowed it to be used by friends. If he had, he would not move this addition to the clause, which as now worded is the best. As the member for Nedlands stated, if there is wrongful use of a court, there can be recourse to civil action; but it is better to have a municipal council controlling the situation rather than to force people into the court.

Mr. HEARMAN: I support the amendment. All this talk about it being preferable to have a local authority dealing with the matter rather than for people to take the matter to court, is wrong thinking.

Why should this one private amenity be singled out for control by a local authority? What about the person who owns a motorcycle? Why should he not be controlled by the local authority? There is a limit to the extent to which we can remove authority from the court respecting matters for adjudication.

Night tennis is not the only cause of friction which could exist and cause bad blood between neighbours. There is a civil law to cover that particular type of difficulty. Therefore, I see no reason at all for singling out the owner of a night tennis court. If the Government thinks a local authority should act in a judicial manner between neighbours, it should say so. I think it is a retrograde step, and I support the amendment.

Mr. EVANS: I was most impressed with the remarks of the member for Blackwood and have decided to support the member for Nedlands. I hope I will have a friend in "Court." I support the amendment because it will limit the powers of local authorities. I believe too much power in one small board is like too much wine in one small body—likely to run amok. It is a well-defined amendment and will give local authorities power to curb people who own courts bringing in revenue, but it will not allow local authorities to interfere with private individuals who enjoy tennis for their own particular pleasure.

The MINISTER FOR HEALTH: I hope the Committee will not support the amendment because it will spoil the object of the clause. I believe that so far as local government is concerned, it is satisfied to take the responsibility and I think it is its responsibility to see that neighbours are not harassed by people with no consideration for others.

Mr. COURT: The member for Blackwood really got to the crux of the situation. We do not want to be befogged by one particular phase of community life. If we do this, we will soon be putting in a clause to deal with the local brass band or the chap living next to the Leader of the Opposition learning to play a trumpet.

The Premier: You are not going to start blowing your own trumpet, surely!

Mr. COURT: Neighbours in Shenton Park threatened my father when I did not stop practicising after 11 o'clock at night. I submit the amendment is the practical way of overcoming the difficulty.

Amendment put and negatived.

Clause as previously amended, put and passed.

Clauses 242 to 264—agreed to.

Clause 265—Sale of halls, plant, trading concerns, etc.:

Hon. A. F. WATTS: The clause is something of a mixed grill because it first of all covers the question of a council selling by private treaty the things it wishes to sell if they do not exceed £100 in value. If the articles exceed that amount then the clause proceeds to say that the council may sell them under certain conditions, but the provisions do not apply to the supply of anything by a municipality in the course of carrying on a trading undertaking under the Act. The Bill gives the council power to carry on many trading undertakings.

The clause goes on to refer to the sale or disposal by the council of a municipality of stone and materials obtained from quarries. The approval of the Minister is required if this stone is to be sold to any person who requires it, other than a State or Commonwealth Government department, agency or instrumentality. The Bill proposes to give councils power to sell things they make in the course of a business undertaking that they are authorised to carry on, and then it proceeds to take that power from them in respect of a quarry.

One of the objections that has always been raised in these matters is the unnecessary approval of the Minister. If the council can be qualified to dispose of production of all sorts, except one, it surely should be allowed to dispose of that. I move—

> That the words "with the approval of the Minister" in line 2, page 190, be struck out.

The MINISTER FOR HEALTH: I cannot see any great objection to the amendment, but I do not know why the Leader of the Country Party should object to the approval of the Minister in this instance. This is only a safeguard. The Minister for Local Government is not a big bad wolf. He does what he thinks is just. I have no real objection to the amendment.

Mr. LAWRENCE: I cannot understand the member for Stirling moving the amendment. Things that are owned by local authorities must at some time be sold, but this is an added safeguard.

Hon. A. F. Watts: Why should it apply to the stone and bricks from a quarry, and nothing else?

Mr. LAWRENCE: If that is the hon. member's argument, I cannot understand why he did not move an amendment before this.

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

[*Mr. Heal took the Chair.*]

Clauses 266 and 267—agreed to.

Clause 268—Contracts above £500 to be by tender:

Hon. A. F. WATTS: I propose to vote against this clause. My objection to it is based on only one point, that when we have a local authority, especially as the

Bill now stands, elected by adult franchise —which is the intention of the Minister and that intention must be taken as the basis of our discussion at the present time —it does not seem to me that we want to impose restrictions of this kind on it in the carrying out of its contracts. For these reasons I object to the clause.

The MINISTER FOR HEALTH: It is desirable that a council, being trustees of public funds, should call for tenders in regard to contracts so that the best terms possible might be obtained and I do not think a council should have power to enter into contracts without advertising for tenders. I think the clause should be agreed to.

Mr. Nalder called attention to the state of the Committee.

Bells rung and a quorum formed.

Clause put and passed.

Clauses 269 to 280—agreed to.

Clause 281—Property in streets:

Mr. COURT: On the addendum to the notice paper, there appears, in the name of the member for Greenough, an amendment seeking to strike out all words after the word "is" in line 34, page 199, down to an including the word "Crown" in line 36, with a view to inserting in lieu the words "and shall be vested in the municipality." If that amendment was successful, it was the intention to move then for the deletion of Subclauses (2), (3) and (4).

That is consistent with the attitude of the hon. member and I subscribe to the view that we should do everything possible to increase the prestige of local government and place a minimum of restriction on it, consistent with the overall interests of the State where those interests intermingle with the more parochial interests of local government. This matter was obviously given consideration by the Royal Commission and the part of its recommendations which has some bearing on this principle appears at page 8 of its report under the heading "Roads and Streets" as follows:—

> In taking evidence on the part of the Bill which deals with roads and streets, and by subsequent discussion with departmental officers, we found that there are some anomalies in the Road Districts Act in connection with the dedication of streets and their closure and that, while the provisions of the Road Districts Act had been incorporated in the Bill with a view to adding to the powers of the councils and expediting certain actions in regard to opening and closing streets, these anomalies had been rendered more complicated by the juxtaposition therewith of the portions of the Municipal Corporations Act dealing with streets.
>
> We therefore recommend that the whole of Division 1 of Part XII be reconsidered by the Lands Department with a view to clarification and simplification and that the division be redrafted to achieve this while enacting that the ownership of the roads and streets should be vested in the municipalities if this is possible. We also recommend that Division 2, dealing with private streets, should be redrafted to simplify the procedure—

and so on. There is already ample protection for the people of a municipality and the State because a municipality cannot lightly deal with any land vested in it, being subject to considerable control. There is no suggestion that it could apply the land to any wrongful purpose because it is vested in the municipality.

Hon. A. F. Watts: We cannot deprive them of their vested rights.

Mr. COURT: There is ample power in the Bill for municipalities to own, lease or sell land, and also adequate safeguards and Clause 260 is an example. I move an amendment—

> That the words "by, but subject to the provisions of, this section revested in the Crown" in lines 35 to 37, page 199, be struck out and the words "and shall be vested in the municipality" inserted in lieu:

There is a precautionary measure already in the Bill to see that a municipality does not go off the rails in dealing with any land that is vested in it. Therefore, I consider that this is a desirable amendment and hope that it will be agreed to.

The MINISTER FOR HEALTH: I feel that I should stick to the clause as it is printed because I do not think there is any reason why it should be altered. It will not be of any great benefit to municipalities or shires to have this property vested in them and the clause as printed will give us greater uniformity.

The department says that under the Municipal Corporations Act at present the property in streets is vested in the council but under the Road Districts Act all roads and the material thereof are vested in the road board but the property in the roads remains the property of the Crown. As the length of roads under the control of municipalities under the Municipal Corporations Act forms only a small proportion of the total mileage of roads in the State of Western Australia, it was considered, in framing the Bill, that the property of all streets should remain vested in the Crown and that was provided for in the Bill of 1949.

I cannot see that the amendment will be of any great benefit and I do not think that the local authorities have asked for it—probably only one or two councils have done so. If the clause, as printed, is agreed

to, there will be better control so far as electricity, water supplies, telephones and so on are concerned because they are under roads and underground. The department says that the land should be revested in the Crown and not in the local authorities.

Hon. A. F. WATTS: I support the amendment. If I remember rightly, this amendment has been on the notice paper for something like 18 months and the strongest objections to the provisions in the Bill came from the Perth City Council and at least one other municipality. Section 222 of the Municipal Corporations Act has provided for many years that—

> notwithstanding any presumption of law to the contrary, the absolute property in any land in a municipal district heretofore or hereafter reserved, proclaimed or dedicated under this or any other Act as a road, street, or highway is and shall be vested in the municipality.

The established rights of municipalities in Western Australia, including the City of Perth, the City of Fremantle, the City of Kalgoorlie, the City of Subiaco and the other 13 municipalities in this regard will be forfeited if the Bill in its present form becomes law.

The Minister for Health: This was in your Bill.

Hon. A. F. WATTS: I am aware of that, and I did not understand it then. Some representations were made to me and had the Bill reached the Committee stage, I can assure the Minister that an alteration would have been made. The Royal Commission went to some trouble in the matter and recommended that the vesting remain in the municipalities.

There seems to be no justification for altering this set-up which has existed for so many years. On the other hand, as the road boards are to be brought under the one statute and to be classed as municipal districts, it seems to me to be crystal clear that, as they are responsible for the maintenance and the making of roads within their municipal districts, the provision which has been in the Municipal Corporations Act for so many years should not be abrogated. Accordingly, I support the amendment.

Mr. COURT: On page 30 of the report of the Royal Commission, where proposed amendments to the Bill under examination were listed, under Clause 237, the recommendation was to substitute the word "municipalities" for the word "Crown." This, I take it, is the point to which the Leader of the Country Party was referring and is further evidence as to why the amendment should be agreed to.

I am surprised that representations have not been made to other members on this point because, although this particular point was not highlighted to me, the member for Greenough had several representations in regard to it. We should do all in our power to build these local authorities up in prestige rather than to break them down. If this clause is agreed to in its present form it will break down the influence of local authorities whereas the amendment will do the reverse.

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

Ayes	....	....	....	....	16
Noes	....	....	....	....	21
		Majority against		....	5

Ayes.	
Mr. Ackland	Sir Ross McLarty
Mr. Cornell	Mr. Nalder
Mr. Court	Mr. Oldfield
Mr. Crommelin	Mr. Perkins
Mr. Grayden	Mr. Roberts
Mr. Hearman	Mr. Watts
Mr. I. Manning	Mr. Wild
Mr. W. Manning	Mr. Hutchinson
	(Teller.)

Noes.	
Mr. Evans	Mr. Moir
Mr. Gaffy	Mr. Nulsen
Mr. Graham	Mr. O'Brien
Mr. Hall	Mr. Potter
Mr. Hawke	Mr. Rhatigan
Mr. W. Hegney	Mr. Rodoreda
Mr. Jamieson	Mr. Sewell
Mr. Lapham	Mr. Sleeman
Mr. Lawrence	Mr. Toms
Mr. Marshall	Mr. May
Mr. Norton	*(Teller.)*

Amendment thus negatived.

Mr. COURT: There is a further amendment, standing in the name of the member for Greenough which appears on page 4 of the addendum to the notice paper, but as this is consequential to the one on which a vote has just been taken, I do not intend to move it because I presume that the result would be the same.

Clause put and passed.

Clauses 282 to 288—agreed to.

Clause 289—Closing of streets:

Mr. COURT: The amendment in the name of the member for Greenough, which appears on the notice paper addendum seeks to strike out, in lines 22 and 23, the words, "is by this section revested in the Crown." I therefore move an amendment—

> That after the word "closed" in line 22, page 209, the words "is by this section revested in the Crown" be struck out.

If this amendment is successful the intention would be to insert the words "the names vested in the municipality." The reasons are much the same as those given in regard to the amendments made to Clause 281. It is our opinion that the title should remain with the municipality and not revest in the Crown. When a street is permanently closed, it should be left to the local authority to control that area.

The MINISTER FOR HEALTH: The discussion that was entered into on Clause 281 is sufficient to indicate the opposition to this clause and I do not wish to repeat it. I think the title should be revested in the Crown.

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

Ayes	14
Noes	22
Majority against	8

Ayes.	
Mr. Ackland	Mr. Nalder
Mr. Cornell	Mr. Oldfield
Mr. Court	Mr. Perkins
Mr. Crommelin	Mr. Roberts
Mr. Grayden	Mr. Watts
Mr. I. Manning	Mr. Wild
Sir Ross McLarty	Mr. Hutchinson
	(Teller.)

Noes.	
Mr. Evans	Mr. Moir
Mr. Gaffy	Mr. Norton
Mr. Graham	Mr. Nulsen
Mr. Hall	Mr. O'Brien
Mr. Hawke	Mr. Potter
Mr. W. Hegney	Mr. Rhatigan
Mr. Jamieson	Mr. Rodoreda
Mr. Lapham	Mr. Sewell
Mr. Lawrence	Mr. Sleeman
Mr. W. Manning	Mr. Toms
Mr. Marshall	Mr. May
	(Teller.)

Amendment thus negatived.

Mr. COURT: The remaining amendments on the notice paper are all consequential on the one just defeated, so I do not propose to move each separately.

Clause put and passed.

Clause 290—agreed to.

Clause 291—Power of council, of its own motion, to construct, repair and clear private streets:

Mr. OLDFIELD: I move an amendment—

That the following words be inserted at the end of Subclause (2), page 214:—

The council shall before or within three days after giving public notice as aforesaid, cause a copy of the notice to be served up on each of the said owners and with such notice shall give to each owner an estimate of the total cost of such works and the estimated proportion of the cost which each owner shall be called upon to pay.

The MINISTER FOR HEALTH: According to the notes I have with me, there is no objection to the amendment.

Amendment put and passed.

Mr. OLDFIELD: I move an amendment—

That after the word "notice" in line 33, page 214, the words "or the service of the notice whichever last happens" be inserted.

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

Clauses 292 to 307—agreed to.

Clause 308—Council may paint or affix names of streets:

Hon. A. F. WATTS: I move an amendment—

That after the word "towns" in line 23, page 225, the words "the council shall and" be inserted.

I favour the provision contained in Subclauses (1) and (2) as it relates to substantial settlements such as cities and towns. But there are a number of townsites in districts and shires which are so small and indeed quite numerous, where it would be ridiculous to make it mandatory for the council to go to the expense of marking these intersecting roads in such townsites. The townsites are often considerable in area and slender in population. I propose to leave it as a compulsory requirement in the cities and towns and make it discretionary in the townsites in districts and shires.

The MINISTER FOR HEALTH: There is some merit in the amendment, but the difficulty arises that discrimination will be made between townsites and towns. I would point out that some townsites in shire councils are reasonably large and this amendment will cover them.

Hon. A. F. Watts: Those townsites would have a discretion. Surely the local authorities concerned could be relied on to use their discretion.

The MINISTER FOR HEALTH: It is desirable that signs should be placed at all intersections of streets and if it is compulsory for cities and towns to carry this out, then townsites should be under the same obligation. The object of this amendment is to make the placing of signs compulsory in the case of cities and towns, but to allow a discretion in the case of townsites. The view of the department concerned is that it is desirable that the clause should remain as it is.

Mr. Nalder: What about townsites with one or two streets and less than 15 residents?

The MINISTER FOR HEALTH: In that case only one or two signs would be needed. They will serve a purpose, to indicate the names of streets to the travelling public; otherwise difficulty will be experienced in finding streets.

Hon. A. F. Watts: The names of streets will not tell the travelling public where they are going, but the signs on the main roads do.

The MINISTER FOR HEALTH: They would give the traveller an idea. I oppose the amendment.

Mr. NALDER: I cannot agree with the Minister. This clause will put local authorities to considerable expense unnecessarily by compelling them to erect street signs. Take the town of Piesseville in my electorate with three or four homes and a

couple of roads diverging from and converging on the townsite. It is ridiculous to make it obligatory for the Wagin Road Board to put up the street signs there. Hundreds of similar townsites are found everywhere in the State. The Minister said that the traveller would be directed by the street signs when he went to a townsite, but I would point out that in the great majority of cases the main roads run through these townsites and there are already signs on those roads. Local authorities in country areas should be assisted and impossibilities should not be demanded of them.

Mr. W. A. MANNING: I hope the Minister will agree to this amendment. It would look very strange to erect a street sign in a townsite that can be seen at a glance. Nobody really is concerned with the names of streets, and there are many such small townsites in my electorate. People would merely pass through them without stopping. There may be 15 townsites in a shire, each of which have only three or four buildings, and street signs in those places would look peculiar. Certainly the signs would be of no value.

Hon. A. F. WATTS: This clause would compel local authorities with small townsites in their districts to expend considerable sums of money which would virtually achieve nothing. Sign-posts are expensive items, quite apart from the labour to erect and maintain them. The clause would invite a waste of money because no good purpose would be achieved. The Minister said that the effect of the amendment was to confer a discretion to erect street signs in the few substantial townsites concerned. In most of the substantial places, signs have already been erected. If one went around the majority of substantial townsites in the shire councils, one would find that at the great majority of street intersections signs have been put up. That was done because they are of some value to the residents.

The Minister for Health: The hon. member has talked me into agreeing to the amendment.

Amendment put and passed.

Hon. A. F. WATTS: I move an amendment—

> That the word "shall" in line 25, page 225, be struck out and the word "may" inserted in lieu.

Amendment put and passed.

Hon. A. F. WATTS: I move an amendment—

> That the word "shall" in line 26, page 225, be struck out and the word "may" inserted in lieu.

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

Clauses 309 to 323—agreed to.

Clause 324—Counties or regional groups;

Hon. A. F. WATTS: This clause provides for the constitution of county councils or regional groups by the drawing together of two or more local authorities for the purpose of doing works which would be of benefit to a greater area than that covered by the one local authority. That is an excellent proposal that meets with my support. It provides this regional council with power to borrow money with the approval of the Minister. To that I have no objection because obviously any job of this magnitude and with a group of local authorities concerned, it would be desirable to have that approval.

Then the clause goes on to give the constituent districts in this regional council the right to have polls as to whether the money is to be raised or not. That brings me to the point where I desire to amend the clause. The poll is taken; the decision is made by those entitled to vote that the loan should not be raised; the Minister is advised and then he can authorise the loan, notwithstanding the decision of the poll. I think the Committee should discuss this carefully, as it is directly opposite to the principles which we have always worked on in regard to local government, and I do not think we ought to alter it at this stage. I move an amendment—

> That paragraph (b) of Subclause (20), lines 1 to 12, page 239, be struck out.

The MINISTER FOR HEALTH: This is an important clause. The department says that the deletion of the clause would mean that if a regional council wanted to borrow money, unless all the municipalities of the constituent district agreed, the loan could not be raised.

Hon. A. F. Watts: Is not that desirable?

The MINISTER FOR HEALTH: It would hamper the working of the county council and make the position most difficult. It is hard to visualise why there should be any objection to the clause as printed. A good deal of consideration has been given to this by the department and I have discussed it at length. The departmental officers say if the amendment were agreed to, it would be difficult for a county council to do what it thinks is correct and therefore the Minister should have power to intervene. I am of the opinion that it would rarely happen.

Mr. ACKLAND: I support the amendment. If one of the road board areas decided it did not want to borrow the money, why should the Minister have any right to force it to do so? If he is to be given that right why have a referendum?

Amendment put and division taken with the following result:—

Ayes	16
Noes	21
Majority against	5

Ayes.

Mr. Ackland	Sir Ross McLarty
Mr. Cornell	Mr. Nalder
Mr. Court	Mr. Oldfield
Mr. Crommelin	Mr. Perkins
Mr. Grayden	Mr. Roberts
Mr. Hearman	Mr. Watts
Mr. I. Manning	Mr. Wild
Mr. W. Manning	Mr. Hutchinson
	(Teller.)

Noes.

Mr. Evans	Mr. Norton
Mr. Gaffy	Mr. Nulsen
Mr. Graham	Mr. O'Brien
Mr. Hall	Mr. Potter
Mr. Hawke	Mr. Rhatigan
Mr. W. Hegney	Mr. Rodoreda
Mr. Jamieson	Mr. Sewell
Mr. Lapham	Mr. Sleeman
Mr. Lawrence	Mr. Toms
Mr. Marshall	Mr. May
Mr. Moir	*(Teller.)*

Amendment thus negatived.

Clause put and passed.

Clauses 325 and 326—agreed to.

Clause 327—Penalty for obstructing street:

Hon. A. F. WATTS: This clause makes it an offence to do certain things by way of obstructing and the like, and a penalty of £50 is provided. I move an amendment—with the Minister's approval I am glad to note—

> That the words "or another person" in line 9, page 241, be struck out.

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

Clauses 328 to 344—agreed to.

Clause 345—Notice by council of intention to fix levels:

Mr. ROSS HUTCHINSON: This clause could prove onerous to local authorities and would delay road work and increase administration and construction costs. It does not state whether fixing the level of a street includes fixing the footpath level as well as the level of the road, pavement and the water table.

It is considered that the present practice to peg and level the centre line of a new road and take sufficient building line levels to determine the most satisfactory centre level, having regard to the interests of property owners with respect to access and a minimum of filling or cutting along their frontages, is effective at present. The fixing of levels is a technical operation and any objection to it should be supported by a qualified engineer. I think the right of objection should be limited to where the building line levels are proposed to be raised or lowered by more than 2ft. I move an amendment—

> That after the word "shall" in line 27, page 255, the words "if the levels proposed to be fixed will cause any part of the natural surface at the boundary between the road and the adjoining property to be raised or lowered by more than two feet," be inserted.

The MINISTER FOR HEALTH: I oppose the amendment. After discussing it with me, the member for Mt. Lawley said he would not go ahead with it. I feel that the clause as it stands is quite sufficient.

Mr. TOMS: If the member for Darling Range were present, I think he would agree that this is a dangerous amendment and one which would embarrass the local authority in his electorate. It would mean that the local authority, once the application was before it, would have to get the surveyor on the job—

Mr. Ross Hutchinson: I think you have got it the wrong way.

Mr. TOMS: I do not think so. I mentioned Darling Range because of the contours of the ground there and I think the amendment would be dangerous.

Mr. ROSS HUTCHINSON: The amendment would not work to the detriment of the local authority but would allow it to go ahead with the work, up to 2ft., without extra cost. This clause has no regard for any sort of levels, whether they be footpath levels, road levels or anything else. It appears to me that the council must cause the plans to be made available to persons who desire to inspect them and should cause to be published in a newspaper a notice stating the various details of the plans and drawings. It also states that there must be a delay of up to 35 days from the publication of the notice. These mandatory requirements will certainly delay the work and could quite easily apply to trivial changes.

Amendment put and negatived.

Clause put and passed.

Clause 346—Municipality liable for compensation for altering fixed levels:

Hon. A. F. WATTS: Subclause (2) provides that if a council has for six years so fixed the surface of a street as to justify reasonable belief that the levels of the street have been permanently established and the council then fixes levels different from those in that street, the council shall make full compensation to a person having an estate or interest in land which is injuriously affected. In general principle, I am convinced that the period of six years is too long and if a council makes a road in the manner prescribed in the clause and proceeds to alter it after someone has erected a building based on those levels, the council is justified in paying the piper. I have seen such cases particularly in regard to footpaths. So I move an amendment—

> That the words "six years" in line 17, page 257, be struck out with a view to inserting other words.

I have set out on the notice paper a period of twelve months but I am not pledged to that period. However, I think six years is far too long.

The MINISTER FOR HEALTH: The object of the amendment is to limit Subclause (2) to twelve months instead of six years, and that limit could cause considerable hardship to property-owners. If the work is carried out to engineering standards, it should not be necessary to change the level of a street within a period of twelve months and, irrespective of when the level is changed, it is considered that property-owners should be protected. The department feels that the amendment could penalise property-owners.

Hon. A. F. Watts: I think they have looked at it the wrong way round.

The MINISTER FOR HEALTH: Probably the hon. member has looked at it the wrong way round. I have discussed this with Mr. Lindsay and he says that by agreeing to the amendment we would be making it harder for local government.

Hon. A. F. Watts: But what about the individual land-owner?

The MINISTER FOR HEALTH: I mean the individual land-owner.

Mr. Court: The longer the period, the worse it is for the land-owner.

The MINISTER FOR HEALTH: Surely their engineers would be competent and able to fix levels of streets!

Mr. Court: Say that the local authority changed the level four years ago, before the Act came into force. As I read it, a land-owner has no claim.

Hon. A. F. Watts: That is as I see it.

Mr. Court: It has to be left static for six years.

The MINISTER FOR HEALTH: The Committee can leave the clause for the time being and I will discuss it with the heads of the Local Government Department.

Mr. COURT: We should establish clearly in the mind of the Committee whether the Minister handling the Bill or the Leader of the Country Party is correct. As I read the clause, if the level has not been static for six years or longer, the person whose land is affected has no claim for injurious affection. I suggest that the Minister's adviser has read it the other way, namely, that the owner of the land shall be deprived of a claim more than 12 months before the Act comes into force.

The Minister for Health: It says here, very clearly, that more than 12 months could cause considerable hardship to property-owners.

Mr. COURT: If the Minister reads the subclause carefully, he will realise that it means that a static level has to exist for six years before a claim can be established. There are cases in the metropolitan area, to our knowledge, where, after many years, a general change of levels was made and an area in one particular street has been detrimentally affected. If there is a change in the levels after this period of 12 months, surely the person concerned has a reasonable right to assume that the levels were fixed for that period. I agree with the interpretation of the subclause by the Leader of the Country Party.

Amendment put and negatived.

Clause put and passed.

Clauses 347 to 352—agreed to.

Clause 353—Owner of property requiring communication with street:

Mr. ROSS HUTCHINSON: Paragraph (b) of this clause means that the cost of constructing a crossing may be recovered from the owner or owners of land, to the value that each has in the land. This is a departure from what obtains at present in the Road Districts Act where the cost is shared equally by the local authority and the owner. I see no necessity to depart from that practice. I move an amendment—

> That after the word "recover" in line 1, page 261, the words "one-half of" be inserted.

That would make the clause the same as the relevant section in the Road Districts Act.

The MINISTER FOR HEALTH: I cannot agree to the amendment because I do not know what the repercussions would be.

Mr. ROSS HUTCHINSON: At present, if I request the council to construct a drive from the street to my property, I would pay half of the cost involved and the council would pay the other half.

Mr. Lawrence: That is only for the first 9ft.

Mr. ROSS HUTCHINSON: No.

Mr. Gaffy: What is the relevant section in the Road Districts Act?

Mr. ROSS HUTCHINSON: I do not know off-hand.

The Minister for Health: But there may be more than one owner and each should pay a proportionate part.

Mr. ROSS HUTCHINSON: That is so. I cannot see why there should be a departure from the established practice. If the Minister could give a better reason for this subclause, I might be able to agree to it.

The MINISTER FOR HEALTH: I cannot give any reasons. The amendment has been moved on the spur of the moment and it is not possible for me to visualise all its repercussions but using commonsense I should say that paragraph (b) is quite equitable.

Mr. W. A. MANNING: Under paragraph (b) the council is not compelled to recover the whole of the expense. If it

were fair for it to bear a proportion, there is nothing to stop it under this clause. The amendment of the member for Cottesloe would restrict the council to recover not more than half which might not be fair or equitable and the work would not be proceeded with. I oppose the amendment.

Amendment put and negatived.

Clause put and passed.

Clauses 353A to 357—agreed to.

Clause 358—Power to prescribe new building lines:

Hon. A. F. WATTS: I do not think it is necessary for me to move the amendment I intended to submit because, on looking up the first print of this Bill which appeared a couple of years ago and comparing it with what is in this measure now, I find that I have got a great deal more from the Bill than I would obtain from my amendment. If we could have been told of these changes, a number of the amendments could have been taken off the notice paper.

Clause put and passed.

Clauses 359 to 403—agreed to.

Clause 404—Provision for enforcing repayment of expenses incurred by council:

Hon. A. F. WATTS: This clause deals with the recovery of expenses incurred by the council. I whole-heartedly agree with the power given to the council to recover money which has been expended in taking the action with regard to a building, but it is not sensible to require the court to order that if the building has been repaired, altered or rebuilt, it should not be let until the amount due to the council had been repaid.

The surest way of the council getting repayment is when the premises are let; in other words, if the property was capable of deriving some revenue there would be a great opportunity for the money being repaid. The position of the council would be improved rather than worsened if the premises were let. To say that no part of the building repaired, altered or rebuilt shall be let for occupation is ridiculous. I do not mind the requirement that no further building shall be placed on that land. I therefore move an amendment—

> That after the word "upon" in line 16, page 308, the words "and that no part of the building, if repaired, altered or rebuilt, should be let for occupation" be struck out.

Mr. Lawrence: If a person has sufficient finance to rebuild or repair premises, is it suggested that he has insufficient money to pay the dues to the council? The repairs must cost some money.

Hon. A. F. WATTS: The finance for carrying out the repairs might have been borrowed under extreme difficulties. I know of many cases where that has been done, and it was extremely difficult for the owner to raise any more money to pay the dues.

The MINISTER FOR HEALTH: This amendment seems to be quite reasonable. If the building has been repaired and made fit for occupation, the council will still have the right of rejection.

Amendment put and passed.

Hon. A. F. WATTS: Having accepted that amendment it becomes necessary to delete similar words further on in the clause. I move an amendment—

> That after the word "land" in line 22, page 308, the words "or let for occupation the building or part of it notwithstanding that it has been repaired, altered or rebuilt" be struck out.

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

Clauses 405 to 450—agreed to.

Clause 451—Powers of impounding cattle:

Mr. I. W. MANNING: There are two subclauses in this clause about which I am not happy and would like to hear some comment from the Minister. The first is Subclause (2) (a) (ii) and deals with cattle found wandering, straying or lying, upon vacant Crown land. I might point out that in the area running from Mandurah southwards along the Old Coast-rd. the country is held mainly by absentee owners who have, on an average, blocks of 1,000 acres on which they run quite large herds of cattle.

It has been the experience of these people that on occasions the stock get out, possibly due to shooting parties or someone leaving gates open or in cases where trees have broken down a fence. This stock often gets on to Crown land and stays there until the owner can catch up with it. I think some discretion would need to be used in these cases.

The Minister for Labour: A discretion is usually used.

Mr. I. W. MANNING: Under the charges prescribed in the Fifteenth Schedule, it could be a very lucrative business for anyone to impound cattle found on the roads. For instance, if they pick up a herd of only 30, the money that would be received would be approximately £75. I think this subclause should be deleted. I move an amendment—

> That subparagraph (ii), in lines 28 and 29, page 335, be struck out.

The PREMIER: I am sure the Minister would not be able to see his way clear to support this amendment. The person appointed as a ranger would be expected to carry out effectively his duties in regard to straying cattle. The member for Harvey said that large numbers of cattle might have time to get on to Crown lands. Although the cattle might not do much

harm whilst on Crown lands, there is no guarantee that they would stay there until the owner claimed them. If they could get on to Crown lands with ease, they could get off them with equal ease. If the ranger could not impound them, when he found them on Crown land, they could easily become a menace once they moved off the Crown land and got on to roads or broke down the fences of private property.

There has to be authority for the ranger to be able to take charge of straying cattle. I cannot imagine that anyone would continue to employ a ranger if he simply set out to make himself wealthy at the expense of stock-owners whose stock, from time to time, might get away from the owners' properties. Presumably the ranger would be under some direction from the local authority concerned and therefore could be relied upon to use such discretion as might be desirable.

On behalf of the Minister, I cannot agree to support the amendment. I cannot conceive that where a ranger found cattle on Crown land he would just camp there until the cattle left the Crown land so that he would be in a position to pounce upon them and drive them to the pound. Clearly the ranger should have authority to take straying cattle, irrespective of wheresoever he might find them.

Amendment put and negatived.

Hon. Sir ROSS McLARTY: Subclauses (3) and (4) provide that an occupier of enclosed land may seize and impound certain cattle. Under these provisions, a person who has enclosed land would have the right to impound stock because they were wandering or straying on a public road. It is a new departure that a private individual may impound stock on public roads.

The Minister for Transport: They have no right to be on the road, anyhow.

Hon. Sir ROSS McLARTY: That is so, but they might be on a road miles out in the bush and not affecting anybody, yet a person with enclosed land nearby could impound the lot, if he so desired.

The Minister for Transport: He would be doing a public service.

Hon. Sir ROSS McLARTY: He would not. This shows the Minister's complete lack of knowledge of what happens in country districts.

The Minister for Transport: I have spent more time on a farm than you have.

Hon. Sir ROSS McLARTY: The Minister has never done a day's work on a farm.

The Minister for Transport: You do not know what you are talking about—as usual.

Hon. Sir ROSS McLARTY: I do not wish to get into a discussion with the Minister on a matter about which he knows nothing, so I will keep to the subject before the Committee. The Premier ought to have a look at this. It provides that a person—whoever he may be—may seize and impound cattle that are straying or tethered or depastured in a street.

Mr. Rodoreda: Is this a new provision?

Hon. Sir ROSS McLARTY: I think it is, but I do not think it is a very good one. I wish there were more members here who had a practical knowledge of this.

Mr. Rodoreda: What about the Country Party members?

Hon. Sir ROSS McLARTY: At 12 o'clock at night we are considering a Bill in which there are some hundreds of clauses yet to be dealt with. This shows how unfair the position is. The Ministers can groan if they like.

The Minister for Education: We are not groaning. You are!

Hon. Sir ROSS McLARTY: We have a right to groan. This is a rotten piece of work.

The CHAIRMAN: Order! We are discussing the clause.

Hon. Sir ROSS McLARTY: I draw attention to this part of the clause. I think some consideration should be given to it by the Minister or the Premier. I do not know that it is of any use, at this hour, to make suggestions concerning it. This is highly important and it is at least worth some debate.

The PREMIER: Subclause (3) gives to the occupier of enclosed land authority to seize and impound in the nearest suitable pound, cattle found wandering, straying or lying upon a street abutting the enclosed land of the occupier, or cattle found feeding off his land although on the street and not on his property. I think cattle on the street would be a menace to the fence of the adjacent property and we know they can do considerable damage to fencing. But the main reason for retaining the clause is that in these days of motor-vehicles, straying cattle on streets constitute a great menace. There is nothing more stupid or more dangerous on a road than cattle and I think the property-owner would be not only protecting his own property but would also be rendering a public service by putting the cattle into the nearest pound and thus possibly preventing an accident occurring.

Hon. Sir Ross McLarty: Would it not be better if he reported it to the nearest poundkeeper?

The PREMIER: That might take hours or a day, or there might not be a poundkeeper in the district. Like the Leader of the Opposition, I am not sure of the meaning of the term "person" in Subclause (4), but I take it that it means

"person in possession" as defined on page 14 of the Bill, and so I think Subclause (4) is desirable.

Mr. I. W. MANNING: I find paragraph (b) of Subclause (3) and Subclause (4) particularly objectionable. No part of the State has a denser cattle population than Harvey and at milking time there on any day one passes through large mobs of cattle on the roads, as they go home for milking. There are many instances where the stock could be said to be unattended and so they could be taken into custody, and cows are often tethered on the roadside. I do not think that any person should be able to seize a tethered cow and impound it. I would not mind so much if it were confined to a person authorised by the local authority, because the fees prescribed would make it worth-while for anyone to impound an animal.

The Premier: The words are "unlawfully tethered."

Mr. I. W. MANNING: It is not lawful to tether cows on the roadside. I move an amendment—

> That paragraph (b) of Subclause (3) in lines 12 to 15, page 336, be struck out.

The PREMIER: As I understand the subclause, the person referred to would come within the definition that I have mentioned, and that would not mean any Tom, Dick or Harry.

Mr. I. W. Manning: It does, if he has land adjoining.

The PREMIER: Only in that case, but even if it were wide open and included any person without qualification, it applies only to cattle found straying or at large or unlawfully tethered or depastured in a street or other public place, not in the bush but within a city, town, or township. The member for Harvey told us that in that town large mobs of cattle are moved along the streets daily at certain hours.

Mr. I. W. Manning: I did not say within the town, but referred to my electorate.

The PREMIER: Is it within the township, because if it is not, the subclause would not apply?

Mr. I. W. Manning: I did not say it was within the township.

The PREMIER: Then the argument put forward by the hon. member would not apply. Subclause (4) is limited strictly to streets within a town, township or city and it would not apply in relation to areas which the member for Harvey has just now, by way of interjection, indicated that he was discussing. Therefore, I think this subclause should be allowed to remain in the Bill but I shall convey to the Minister the arguments which have been put forward and ask him to discuss the question with his appropriate officers.

Mr. I. W. MANNING: My objection is that it deals with streets within the boundaries of a township. My contention is that it should not be the person whose land is alongside where the animal is found straying but some person authorised by the local authority who should impound the cattle. It is not an uncommon sight to see animals tethered in the street in some country towns. As regards paragraph (b) of Subclause (3), this is so loosely worded that it does not have any real significance and could cause unnecessary unpleasantness. Mr. Chairman, should I delete the word "or" in the last line of paragraph (a) and include that in my amendment?

The CHAIRMAN: That is not necessary.

Mr. O'BRIEN: In various towns throughout the country, milking cows are kept and on more than one occasion I have seen where cows have broken out of their yards and have become a nuisance. People have reported it to the local authorities and the cows have been impounded. Only a few months ago, the secretary of a road board impounded the chairman's cow. The object of this clause is to protect peoples' property.

Mr. NORTON: This clause is a vital one to the growers of vegetables and fruit. When stock are feeding through a fence, they are encouraged to press harder on the fence and eventually push their way through. A cow can reach a long way through a fence and can cause considerable damage. I consider it is just as important for a cow grazing through a fence to be impounded as it is to impound cattle feeding off enclosed land.

Amendment put and negatived.

Mr. I. W. MANNING: I move an amendment—

> That the word "A" in line 16, page 336, be struck out and the words "An authorised" inserted in lieu.

Amendment put and negatived.

Clause put and passed.

Clauses 452 to 457—agreed to.

Clause 458—Cattle to be restored to owner on payment or tender of amount claimed:

Mr. I. W. MANNING: This clause deals with stock which are trespassing or have got out of the owner's property and have been seized by the poundkeeper. The rates applying would be the same as if stock were impounded. I would like to include some words so that only half-rates would be payable in regard to those cattle that are on the way to the pound, but where the owner catches up with them before they are actually impounded. I move an amendment.

> That after the word "and" in line 24, page 339, the word "half-rates" be inserted.

The MINISTER FOR HEALTH: I could not accept this amendment because I do not know what effect it would have. An amendment such as this should have been placed on the notice paper.

Mr. Court: There was no intention of going this far with the Bill.

The MINISTER FOR HEALTH: Any amendment moved now is not fair.

Mr. Court: There are hundreds of clauses and we understood that you were only taking the Bill as far as those clauses in regard to which amendments are shown on the addendum to the notice paper.

The MINISTER FOR HEALTH: That has nothing to do with it, because the Bill has been in the hands of members for three months. Unless the amendment is properly drafted, it will only confuse the issue. The Premier has suggested that if the hon. member would care to draft an amendment in proper form, he could move to have these words inserted when the Bill is recommitted.

Mr. NALDER: I think there is some merit in the amendment. Where a poundkeeper has been notified that there are cattle straying and he goes to the spot where the cattle are, he may be met there by the owner.

Mr. O'Brien: In that case the poundkeeper would not take the cattle.

Mr. NALDER: He could claim full poundage rates.

Mr. O'Brien: Possession is nine points of the law.

Mr. NALDER: I think there is some merit in the amendment.

The Premier: If the hon. member has it drafted by the Parliamentary Draftsman, we will have a look at it when the Bill is recommitted.

The Minister for Transport: This clause relates only to those cattle that have been seized.

Mr. NALDER: The poundkeeper might have arrived at the spot half a minute before the owner.

The Premier: The amendment can be moved when the Bill is recommitted.

Mr. I. W. MANNING: A man could easily have 60 head of cattle impounded and he would be up for £100 in poundage rates.

The Premier: Will not the hon. member see the Parliamentary Draftsman about this amendment?

Mr. I. W. MANNING: The poundkeeper might be driving the cattle to the pound and the owner might catch up with him before he gets there, and in such circumstances I think the rates should be halved.

The Minister for Health: If the hon. member gets the amendment drafted by the Parliamentary Draftsman we will consider it, but I cannot accept an amendment that might adversely affect the Bill.

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

Ayes	14
Noes	20
Majority against	6

Ayes.

Mr. Cornell	Sir Ross McLarty
Mr. Court	Mr. Nalder
Mr. Crommelin	Mr. Oldfield
Mr. Grayden	Mr. Roberts
Mr. Hearman	Mr. Watts
Mr. I. Manning	Mr. Wild
Mr. W. Manning	Mr. Hutchinson

(Teller.)

Noes.

Mr. Evans	Mr. Moir
Mr. Gaffy	Mr. Norton
Mr. Graham	Mr. Nulsen
Mr. Hall	Mr. O'Brien
Mr. Hawke	Mr. Potter
Mr. Heal	Mr. Rhatigan
Mr. W. Hegney	Mr. Rodoreda
Mr. Lapham	Mr. Sleeman
Mr. Lawrence	Mr. Toms
Mr. Marshall	Mr. Jamieson

(Teller.)

Amendment thus negatived.

Clause put and passed.

Clauses 459 to 494—agreed to.

Clause 495—Power to establish trading undertakings:

Mr. COURT: In view of the Government's attitude and its apparent determination to see this Bill through to the bitter end tonight, we should at least make some comment on these particular clauses which are very contentious. I make my comment on this clause because it is of a general nature dealing with the powers of the municipality to conduct trading operations, although there is in the next clause more detail about the actual nature and the actual operations that can be conducted.

It is a dangerous practice to extend the rights of local authorities to trade. Like Governments, they have certain functions to fulfil and once they go beyond those, they launch into a field which will not only get them into trouble eventually but will injure the very job they are set up to do. Once a local authority sets out to trade in any particular field, it immediately comes up against all sort of local pressure, prejudice and friction which mitigates against a successful undertaking of its task.

Mr. Lawrence: That is your opinion.

Mr. COURT: Of course it is, and the hon. member will no doubt express his. By all means, let us have a revision of our local governing laws in the light of experience, but it is not necessary to intrude this function into local government beyond the bare necessities, such as the provision of gas and power in certain cases.

Mr. Norton: What about school bus services or hostels?

Mr. COURT: I might even go that far and permit some of those things. But the hon. member will find that the Bill leaves this wide open. This clause will permit local authorities to establish any undertakings whatsoever with the approval of the Minister. If the Government desires to establish such concerns to the detriment of private undertakings with a view to extending the trading activities of the Government itself, it will have the power to do so.

The Minister for Health: Are you not prepared to trust the local authorities?

Mr. COURT: Of course, we are prepared to trust them, more so than members opposite.

The Minister for Health: You appear to be wanting to restrict them.

Mr. COURT: We do not wish to restrict the local authorities, but the Government wants to give them the power to trade.

The Minister for Health: Only where it is necessary.

Mr. COURT: Why should that be so?

The Premier: To establish undertakings to provide power, gas or bus services.

The Minister for Health: They will not start stores or drapers' shops.

Mr. COURT: That is what the Minister says. However, the power is given under this clause. I know that the Minister will raise the argument that such establishments will not be started and that we on this side are stretching the long bow, but he knows that it is part of his party's policy to socialise trading. I oppose the extension of trading activities of the Government. At present there is enough trouble with State trading concerns and this is an appendage which will make the position worse.

Hon Sir ROSS McLARTY: I oppose this clause. I cannot imagine that the majority of ratepayers will favour it. I can see that some of the proposed undertakings to be created will present serious problems for local authorities. Power is given under this clause for any local authority to undertake the planting of trees for afforestation and for the selling of timber. They can also be permitted to start brickworks.

The Minister for Health: What is wrong with that?

Hon. Sir ROSS McLARTY: A lot. The Minister knows what experience we have had with State trading concerns or socialised trading. We know of the tremendous losses that they suffer. There is less chance of local authorities making a success of trade undertakings than the Government, because the officers, in the main, work in an honorary or part-time capacity. Losses have been incurred by State trading concerns under every Government and they will continue. There is no necessity to introduce this provision which is very far-reaching. It provides that the Minister may approve of any undertaking being established.

The Minister for Health: The Ministers can be trusted.

Hon. Sir ROSS McLARTY: A local government may want to start no end of industries and the approval of the Minister will be given in many cases.

The Premier: Where will the local authorities get the money?

Hon. Sir ROSS McLARTY: There is only one source, from the ratepayers.

The Premier: They would have to raise a loan and the ratepayers can object.

Hon. Sir ROSS McLARTY: We know they are raising loans now. What the Premier has just said causes me greater concern than ever. I do not want any local authority in my electorate to be raising loans to start brickworks or forestry plantations.

The Premier: Cannot the ratepayers demand a referendum?

Hon. Sir ROSS McLARTY: They can. If the Bill is passed the ratepayers will not have any say. This clause should be resisted to the bitter end. I oppose the whole clause and in particular that portion which enables the Minister to give approval for the establishment of any other undertakings. Approval may not be given in every case, but in many cases it would be given.

I can see the socialised State being set up under this provision. The Premier is laughing, but I want the people to know that this provision is a good example of the objective the Government is after. We have warned the Premier of the huge losses which the State faces. He knows that. Despite the experience he has had of the disastrous losses, he is coming out again under local government to socialise industry in this State a further step. This provision is bound up with that relating to adult franchise. It is very unlikely that a provision of this nature would be inserted in the Act, if it were left to the ratepayers.

The MINISTER FOR HEALTH: The objection to this clause is foolish. The Minister and the ratepayers are to be trusted in this matter.

Mr. Court: It is not a question of trusting the ratepayers. Under this system it will be a case of trusting the electors in the district.

The MINISTER FOR HEALTH: The electors provide the money more than the ratepayers, and that has been proved in the discussion on the adult franchise clause.

Mr. Court: If they are short of money they will increase the rates.

The MINISTER FOR HEALTH: The objection is beyond my understanding. It is proposed to give local authorities power to supply motor-bus and tramway services, clay, sand and gravel for road-making; pipes, kerbing, bricks and bituminous concrete. All these things are for the use of the people in the district. They can be given power to establish undertakings to supply ice and cool storage; to carry on hostels for school children; to carry out water boring; to carry on sheep dips; to plant trees for afforestation. If the world had gone on without the Labour Party, there would not have been any progress at all and we would be back to the conditions at the time of James the Second.

Mr. Court: The greatest development in the world took place before there was a Labour Party.

Mr. ROBERTS: The Minister started speaking in connection with the end of Clause 496. so I shall start at the beginning. Paragraph (a) states local authorities may supply and install electrical fittings and appliances. In other words, they can become an electrician's shop. Under paragraph (b) they can supply gas, and supply and install gas fittings and appliances.

Mr. Lawrence: The clause before the Committee is No. 495 and the hon. member is speaking on Clause 496. Is this in order?

The CHAIRMAN: The member is in order in discussing the undertakings, because Clause 495 deals with the provisions that establish, acquire, and conduct trading undertakings. Clause 496 mentions the undertakings. Therefore the hon. member is in order.

Mr. ROBERTS: The crux of the matter is pargaraph (b) of Clause 496 (1) which reads—

> Any other undertaking approved by the Minister.

That provides the Minister with an open cheque to give a local authority the opportunity to operate any concern to which the Minister agrees.

The Premier: That is not correct.

Mr. ROBERTS: I am opposed to Clause 495 as printed.

Hon. A. F. WATTS: I am not prepared to vote for the excision of Clause 495 because to do that would be to destroy altogether the power of a local authority to conduct any trading undertaking. Already under the existing law, local authorities have carried on trading undertakings, including some of those referred to in Clause 496. If we take out Clause 495, they will not be able lawfully to carry on. Local authorities in my district have been obliged, because of the lack of anybody else to do the job, to supply electricity. I agree that the last paragraph is extremely unwise and will have something to say about it later on. However, to delete Clause 495 would result in considerable difficulty and chaotic conditions.

Mr. COURT: I want to clarify the position so far as I am concerned. I spoke on Clause 495 as a general objection to municipal trading. So far as any divisions are concerned they will be dealt with on detailed items in Clause 496.

Mr. Lawrence: It deals with the supply of gas.

Mr. COURT: There is also a Bill about to be introduced into this House dealing with gas in more detail; that might be equally appropriate. The first clause deals with municipal trading and for that reason, I spoke on this clause. I will speak on the details of Clause 496.

Clause put and passed.

Clause 496—Interpretation of "trading undertakings":

Mr. ROBERTS: I move an amendment—

> That the words "and the supply and installing of electrical fittings and appliances" in lines 27 and 28, page 358, be struck out.

The MINISTER FOR HEALTH: In my electorate the local authorities at Esperance and Norseman supply electricity. At Norseman it is supplied at 6d. per unit, which is cheaper than in the metropolitan area. They make quite a big profit out of it and I understand it is about £1,000 per year. These people should not be prevented from carrying on these works which are of benefit to the ratepayers in the Norseman area, and the same applies at Esperance. The City of Perth has a shop in Murray-st.

Mr. Roberts: I am not asking for the deletion of the words "the supply of electricity."

The MINISTER FOR HEALTH: What is the amendment?

Mr. I. W. Manning: The member for Bunbury seeks to delete the words "and the supply and installing of electrical fittings and appliances." The paragraph would then read "the supply of electricity."

The MINISTER FOR HEALTH: These appliances are supplied in a number of places. They are supplied here by the Perth City Council.

Mr. Court: The Perth City Council has not got a power system. It is operated by the S.E.C.—the State Government.

The MINISTER FOR HEALTH: Until recently it belonged to the Perth City Council. In places such as Leonora, the electricity and also the appliances are supplied through the council, yet the hon. member wants to cut out these undertakings. Is it because they are not at

Bunbury, because the local authority does not supply these requirements there? It is hard to understand the psychology of members on the other side of the House.

Mr. NORTON: There are some small towns where the local authorities supply the electricity. An electrician or an electrical work shop is not warranted in those places. Therefore, it behoves the local authorities to supply the necessary electrical fittings and appliances and make one of its men available to do the installing.

Mr. W. A. MANNING: I cannot support the amendment because there are many local authorities that supply electricity, and they also act as installers. In many cases it is essential that they do this.

Amendment put and negatived.

Mr. COURT: I move an amendment—

> That the words "and the supply of bricks from the council's brickworks" in lines 6 and 7, page 359, be struck out.

This paragraph envisages the establishment of a brickworks. Everything is grand while money is being made from these concerns, but the position is different as soon as an ill wind blows.

The Minister for Health: Has it blown?

Mr. COURT: It must do so with the cycle of trading from time to time. There is nothing that the Minister or I can do to stop it. We will have booms and slight recessions regardless of what we do. It is nice to have profits from these undertakings but when times are difficult, we have deficits and who is going to meet them? It will be the ratepayers and not the electors that the Minister wants to put on the roll.

The Minister for Health: The electors will have to pay, too.

Mr. COURT: There is no means of levying them. It will be the comparatively few ratepayers that the Minister is not prepared to trust, who will have to pay.

The Minister for Transport: Why do you not object to omnibuses? Is it because the omnibuses are not making profits?

Mr. COURT: It is not for that reason.

The Minister for Transport: You have allowed to pass the provision which permits local authorities to run a bus service.

Mr. COURT: I am trying to be a bit reasonable. I have not opposed the generation of electricity. We have not been silly about this. There might be circumstances where it would be desirable for a local authority to conduct a small local motor-bus service. We do not object to that, but once a local authority gets committed to a brickworks and unlimited trading activities—

The Minister for Transport: That will be up to the local authority. Cannot you trust it?

Mr. COURT: It would be up to the electors of the local authority.

The Minister for Transport: Why are you so afraid of the electors?

Mr. COURT: They do not have to pay. Look at the problems facing the State Brick Works? Some maniac might talk a local authority into establishing a brickworks, and meeting all the capital expenditure. He might be over-optimistic about the market, but if things go wrong, who is going to pay?

The Minister for Transport: You seem to work on the basis that unless you are a ratepayer, you are certifiable.

Mr. Ross Hutchinson. That is ridiculous.

Mr. COURT: This is a realistic view to take. If a man is personally responsible, he is always much more cautious than otherwise in what he does.

Mr. TOMS: It is peculiar that on the statute book there is the provision to which objection is now being taken. I refer to Section 219 of the Municipal Corporations Act.

Mr. Ross Hutchinson: There is a bit of difference.

Mr. Court: There is a big difference.

Mr. TOMS: This provision has been the law for some time, but no attempt has been made to amend it. I think the hon. member has no ground for his amendment.

Mr. ROSS HUTCHINSON: The portion of the Municipal Corporations Act referred to by the member for Maylands would not receive the same opposition from us as this provision in the Bill. As the member for Nedlands said, the situation has changed. Under this Bill people who were not ratepayers could be elected to the council, in a majority, and they would not have to worry about the financial responsibilities of the local authority.

Mr. Toms: The leader of your party said that was most improbable.

Mr. ROSS HUTCHINSON: But it is possible.

Mr. Toms: You do not agree with the leader of your party?

Mr. Court: I do not agree that it is impossible or improbable.

Mr. Lawrence: You are not leader of your party, yet.

Mr. ROSS HUTCHINSON: The chairman or president of the road board or the mayor could be a non-ratepaper and money paid in by the ratepayers could be used to build a brickworks. That is wrong.

The Minister for Transport: They might build it out of the receipts from dog licences.

Mr. ROSS HUTCHINSON: At the conclusion, there is a cover saying that any other undertaking may be carried on by

a local governing authority. It is not fair, where adult franchise applies, and people could be elected without any financial responsibility to those who contribute the funds, that they should be allowed to operate these socialised industries. Whereas 90 per cent. of the local authorities would not abuse their power, the remaining 10 per cent. might.

The Minister for Labour: The same old bogey!

Mr. ROSS HUTCHINSON: No, it is a fear in the mind of any thinking person. I support the amendment.

Mr. OLDFIELD: This may be one of those instances where principle must prevail over commonsense. Members of the Opposition must on principle oppose the State or any semi-governmental body entering the field of private enterprise. I know that no local authority enters the commercial field willingly. Three years ago the Bayswater Road Board, which had only an intermittent supply of inferior gravel, acquired a gravel quarry in the Red Hill district and by that means secured sufficient gravel for all its requirements and sufficient also to supply adjacent local authorities to a limited degree.

In Coolgardie in my early youth the road board operated the brickworks, and then only when it required bricks. Any private person wanting to buy bricks had to wait until the council employees happened to be employed at the brickyard, as the alternative source of supply was probably in Perth. A similar situation undoubtedly applies in a great many country places.

Mr. Roberts: Would that apply in the South-West—

Mr. OLDFIELD: There are places other than the South-West.

Mr. Roberts: What local authority on the Guildford-rd. supplies bricks?

Mr. OLDFIELD: None, but I gave the illustration of Coolgardie in the old days, and the same conditions must prevail in many Goldfields and North-West towns. The South-West people are privileged as they can use timber instead of bricks in many instances. No local authority in Western Australia has ever willingly started a commercial enterprise with the idea of conducting it as such, but only because there was no alternative source of supply.

Local authorities have enough on their plates now without entering into the field of commerce, and I have no fear about this clause. I do not think it is a form of socialism and if the time comes when local authorities try to enter the field of commerce for the purpose of competing with private enterprise, we can deal with it then.

Mr. LAWRENCE: I was surprised to hear the member for Nedlands speaking as he did. The hon. member should realise that representatives of local authorities have as many brains as members opposite.

The Minister for Transport: I should hope so.

Mr. LAWRENCE: They would go broke if they did not. Would these people engage in an industry which was not profitable? The hon. member, if he has had anything to do with local authorities, would know that they hire their machinery so that it will enable them to pay it off. Is there anything wrong with a local authority being able to make bricks to build a machinery shed for itself, such as the Cockburn Road Board has done? What objection could there be if an authority went into the local or private market? Does not the hon. member believe in open competition?

Mr. Court: Yes, but this is not open competition.

Mr. LAWRENCE: The hon. member might be the chairman of a brick works.

Mr. Court: I do not happen to be.

Mr. LAWRENCE: That is one company of which the hon. member is not the chairman. I was also surprised at the attitude of the member for Cottesloe. I cannot see why there should be any objection to open competition.

Mr. COURT: Members, including the member for Mt. Lawley, appear to overlook a vital fact that we are starting a new era and a new atmosphere in local government if this becomes law. That in itself is sufficient to justify our attitude.

Mr. OLDFIELD: I would like to assure the member for Nedlands that if I am any judge of legislation, there is no possibility of adult franchise remaining in the Bill after another place has dealt with it.

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

Ayes	12
Noes	22
Majority against	10

Ayes.	
Mr. Cornell	Sir Ross McLarty
Mr. Court	Mr. Nalder
Mr. Crommelin	Mr. Roberts
Mr. Hearman	Mr. Watts
Mr. I. Manning	Mr. Wild
Mr. W. Manning	Mr. Hutchinson
	(Teller.)

Noes.	
Mr. Evans	Mr. Marshall
Mr. Gaffy	Mr. Norton
Mr. Graham	Mr. Nulsen
Mr. Grayden	Mr. O'Brien
Mr. Hall	Mr. Oldfield
Mr. Hawke	Mr. Potter
Mr. Heal	Mr. Rhatigan
Mr. W. Hegney	Mr. Rodoreda
Mr. Jamieson	Mr. Sleeman
Mr. Lapham	Mr. Toms
Mr. Lawrence	Mr. Sewell
	(Teller.)

Pairs.

Ayes.	Noes.
Mr. Owen	Mr. Brady
Mr. Mann	Mr. Andrew
Mr. Brand	Mr. Hoar
Mr. Perkins	Mr. Johnson
Mr. Thorn	Mr. Tonkin
Mr. Bovell	Mr. Kelly
Mr. Ackland	Mr. May

Amendment thus negatived.

Hon. Sir ROSS McLARTY: I move an amendment—

That paragraph (k) in lines 18 to 22, page 359, be struck out.

I do not know what argument can be put forward to encourage local authorities to enter into an afforestation programme. In the best of circumstances, it would prove to be an expensive undertaking. The local authority concerned would have to float a loan to commence such a programme and it would be many years before the timber would become an asset. Also, over the years, considerable expense would be incurred in maintaining such plantations.

Mr. Lawrence: Do you believe that under this Bill there is a responsibility on a local authority to take on an afforestation programme?

Hon. Sir ROSS McLARTY: No, but there would be some local authorities who would want to enter this class of business, and I think it would result in disaster. The State carries out a programme of afforestation, but we have our forestry officers and the necessary experts to maintain them and the State can wait much longer for a return from the timber than can a local authority. This paragraph can well be deleted. The Minister shakes his head. Therefore, if we cannot have it deleted here, we may get it taken out in another place.

The Minister for Health: Is that a threat?

Hon. Sir ROSS McLARTY: No, but I cannot see the value of this paragraph as far as a local authority is concerned.

The MINISTER FOR HEALTH: I oppose the amendment. I cannot understand the Leader of the Opposition. He has said that such plantations will cost the local authority a great deal of money. Local authorities know what they are doing and they will be able to obtain the advice of experts to guide them. If they are not capable of making such decisions, they should not hold office. Some local authorities plant trees in the streets and at Norseman the local authority sells trees to the people to assist in the beautification of the district. Round about Esperance the road board has done a great deal in this regard and it has planted pine trees. I do not think the Leader of the Opposition is really serious with this amendment.

Hon. Sir Ross McLarty: Yes; I am.

The MINISTER FOR HEALTH: I do not think so.

Hon. Sir Ross McLarty: The Minister is so nice about it that I may as well let it go.

Mr. OLDFIELD: I cannot understand the Minister opposing this amendment. A programme of afforestation is something quite outside the scope of a local authority.

The Minister for Health: Why is it? Has the hon. member ever been to New Zealand?

Mr. OLDFIELD: It is something that is not generally performed by a local authority and with which it should not be concerned. The duties of a local authority as we know them embrace the construction of roads and footpaths, the supply of electricity, water and other attendant matters and perhaps the planting and maintenance of trees in the streets for ornamental purposes.

But the planting and maintenance of forests and the selling of timber represent a commercial undertaking, and it would be many years before a local authority would get any return from its money. Local authorities would be well advised to leave well alone any thought of entering upon a programme of afforestation when we have a department to handle such projects. I am certain that local authorities will not even consider such a scheme, but there may be one or two who would make an attempt to do so.

The Minister for Health: If they did, they would know what they were doing.

Mr. OLDFIELD: I doubt whether this legislation would grant a local authority power to raise money for such a purpose. Nobody will convince me that afforestation is development within the jurisdiction of a local governing body. The Minister might meet the wishes of the Opposition in this instance so that the clause will have some semblance of sanity.

Mr. LAWRENCE: I am surprised at the Leader of the Opposition and the member for Mt. Lawley.

Mr. Oldfield: It does not take much to surprise you.

Mr. LAWRENCE: Not when I look at the hon. member, no. We should give the local governing authorities power to do this; there is no compulsion upon them to do it. It is not a responsibility. If they find they cannot do it, they will not. They should not be denied the right to plant trees if they wish. Who planted the pine trees in the plantation in North Lake-rd.? Fremantle City Council did that. The pine plantation near Clontarf Orphanage was planted by the people themselves. We should not deny these people the right to progress.

Mr. Oldfield: It is outside their normal responsibilities.

Mr. LAWRENCE: That is not a responsiblity at all.

Mr. Oldfield: They will be putting money into something which is not a responsibility, which will mean that those things which are responsibilities will suffer.

Mr. LAWRENCE: There is no compulsion and no responsibility. I cannot understand the Leader of the Opposition's insistence to strike out this paragraph.

Mr. POTTER: This Bill will cover the entire State and different parts of the State experience different conditions. It is possible that a local governing authority might wish to plant trees to prevent erosion or sand-drift, as is the case in Broken Hill. It is possible that they might wish to plant trees to stop salinity in the soil. There are numbers of reasons why they might wish to plant trees. For example, bushes are planted between two roadways to obviate headlight glare and protect people on the roads.

Mr. Court: This clause does not deal with that function.

Mr. POTTER: They may have bushes which they have planted for sale.

Mr. Court: This is a provision for commercial forestry. There is nothing to stop a local authority planting trees in the normal course of its work.

Mr. POTTER: It is possible that these bushes after 40 years or so may become commercial propositions and be a source of revenue.

Mr. Court: That is a different thing altogether.

Mr. POTTER: No, it is not. All countries with advanced thinking practise reafforestation. It should be left to the local authorities to decide.

Amendment put and a division taken with the following result:

Ayes	13
Noes	19
Majority against	6

Ayes.	
Mr. Cornell	Sir Ross McLarty
Mr. Court	Mr. Nalder
Mr. Crommelin	Mr. Oldfield
Mr. Grayden	Mr. Roberts
Mr. Hearman	Mr. Wild
Mr. I. Manning	Mr. Hutchinson
Mr. W. Manning	*(Teller.)*
Noes.	
Mr. Evans	Mr. Norton
Mr. Gaffy	Mr. Nulsen
Mr. Graham	Mr. O'Brien
Mr. Hall	Mr. Potter
Mr. Heal	Mr. Rhatigan
Mr. W. Hegney	Mr. Rodoreda
Mr. Jamieson	Mr. Sleeman
Mr. Lapham	Mr. Toms
Mr. Lawrence	Mr. Sewell
Mr. Marshall	*(Teller.)*

Pairs.	
Ayes.	**Noes.**
Mr. Owen	Mr. Brady
Mr. Mann	Mr. Andrew
Mr. Brand	Mr. Hoar
Mr. Perkins	Mr. Johnson
Mr. Thorn	Mr. Thorn
Mr. Bovell	Mr. Kelly
Mr. Ackland	Mr. May
Mr. Watts	Mr. Hawke

Amendment thus negatived.

Mr. COURT: I move an amendment—

That paragraph (1) of Subclause (1) in lines 23 and 24, page 359, be struck out.

It would be futile for this Chamber to divide on the other issues contained in this clause if we are prepared to accept this subclause. The significance would be that the Minister has an open cheque to approve of any undertaking he thinks fit, even a butchers or a draper's shop. I do not take a very optimistic view of local government if adult franchise is adopted. There will always be the fanatic who comes into a district and stirs up feelings for all sorts of undertakings to be established by the local authority. When he gets the district into a mess, he will get out and leave the local authority to try to fix things up.

The Minister for Health: We also have the very conservative type of person who does not want any change. You are not very realistic.

Mr. COURT: I am being realistic when I say that an open cheque should not be given to a local authority to start any undertaking which the Minister may approve.

The Minister for Health: You seem to think that the Minister is a big, bad wolf.

Mr. COURT: I am not talking about the Minister in charge of the Bill. There are many Ministers worse than him.

The Minister for Health: I am not the Minister for Local Government. There is a better man than I in charge of that department.

Mr. COURT: We oppose the clause in principle, and on this occasion we would be doing a service to local government by protecting it from the significance of this clause.

Mr. ROSS HUTCHINSON: I move that progress be reported.

Motion put and a division taken with the following result:

Ayes	14
Noes	20
Majority against	6

Ayes.	
Mr. Cornell	Sir Ross McLarty
Mr. Court	Mr. Nalder
Mr. Crommelin	Mr. Oldfield
Mr. Grayden	Mr. Roberts
Mr. Hearman	Mr. Watts
Mr. I. Manning	Mr. Wild
Mr. W. Manning	Mr. Hutchinson
Noes.	
Mr. Evans	Mr. Marshall
Mr. Gaffy	Mr. Norton
Mr. Graham	Mr. Nulsen
Mr. Hall	Mr. O'Brien
Mr. Hawke	Mr. Potter
Mr. Heal	Mr. Rhatigan
Mr. W. Hegney	Mr. Rodoreda
Mr. Jamieson	Mr. Sleeman
Mr. Lapham	Mr. Toms
Mr. Lawrence	Mr. Sewell
	(Teller.)

Motion thus negatived.

Mr. ROSS HUTCHINSON: I, too, oppose paragraph (l). It is disgraceful to have a provision such as this in the legislation. It will enable a local authority to conduct any other undertaking approved by the Minister. As I mentioned previously, the position would not be as bad under existing conditions where a local governing body is elected by the ratepayers; but under adult franchise where there can be irresponsibility in the conduct of the affairs of local authorities, the Government expects too much in asking this Chamber to agree to this provision.

As opposition has been expressed against the proposal to permit a local authority to erect brickworks, it should be intensified greatly in relation to this paragraph. Admittedly, the great majority of local authorities will not abuse the powers conferred on them, irrespective of the manner in which they are to be elected, but there is always the grave possibility of an abuse of power in isolated instances, and the ratepayers will have to foot the bill.

The Minister for Health: Those are always the people who pay.

Mr. ROSS HUTCHINSON: The Minister does not appear to have any regard for them.

The Minister for Health: The ratepayers pay, but don't you or I pay. Everybody pays.

Mr. ROSS HUTCHINSON: How is the payment effected, if not by rates? The Minister is encouraging me to carry on.

The Minister for Health: The contributions made by the electors are greater than the contributions of the ratepayers for the upkeep of local government.

Mr. ROSS HUTCHINSON: By such means as paying for attendance at football matches?

The Minister for Health: They make a greater contribution to local government than ratepayers. That is a positive fact, and I can give the figures.

Mr. ROSS HUTCHINSON: I have never heard anything so silly in my life.

The Minister for Health: I bet you there is a greater contribution by other than the ratepayers towards local government.

Mr. ROSS HUTCHINSON: I cannot see the Minister falling for that.

The Minister for Health: He is not falling. He knows he is right.

The CHAIRMAN: Order! The member for Cottesloe will please address the Chair.

Mr. ROSS HUTCHINSON: The Minister is right off beam altogether in saying that non-ratepayers pay a greater proportion to local government funds than do ratepayers.

The Premier: They do in some districts.

Hon. Sir Ross McLarty: Don't the ratepayers go to the football?

The Premier: It has nothing to do with football.

Mr. ROSS HUTCHINSON: The ratepayers themselves pay the same moneys as the non-ratepayers do. They are equal in that respect. They pay to go to football, pay petrol tax and car licences. They are on a completely even footing. The unfair part is where the ratepayer is responsible for the raising of loans, and losses in regard to these trading undertakings could be experienced. It is all right so long as everything goes well, but if anything goes wrong, it is the ratepayer who will foot the bill. I am very strongly opposed to this paragraph and hope the Committee will reject it.

Mr. JAMIESON: Surely the Opposition is not sincere in its attitude. A thousand and one things can come up in a district which, of necessity, the local authority must conduct. I refer to such undertakings as abattoirs or a sewage farm, which would be of benefit to the people, and they are undertakings to which the Minister would have to agree. Surely we would not want to hamstring a local authority which wants to provide these amenities by limiting the Minister to those things passed in the clause so far!

Mr. W. A. MANNING: Without this last paragraph, certain activities would be excluded, such as municipal saleyards, abattoirs and the various undertakings enumerated in Clause 504. I do not understand why they are enumerated in this clause with which we are now dealing and again detailed in Clause 504. If we deleted this paragraph, we would be deleting some of the items in Clause 504. I must oppose this paragraph on principle, because a municipality is not there to carry out commercial undertakings and invest the money of the ratepayers in undertakings which could have very little opportunity of returning a result.

In his remarks, the Minister has said that others than ratepayers contribute more than ratepayers. To get to that figure he made reference to the figures which the Main Roads Department contributes to local authorities. The Main Roads Department would not double contributions because something was lost on an undertaking. That is a source of income, so we have to allow that from some source there will be a decreased revenue because of the loss sustained on an undertaking.

Hon. A. F. WATTS: I oppose this paragraph, but for different reasons than those which have been advanced. The first is that it is a fundamental principle of dealing with local government legislation that powers to be conferred on local authorities should be prescribed or set out by Parliament in legislation. Therefore, I think every member is entitled to hold

what views he likes without question from anybody as to the powers specifically set out in this clause, Clause 504 and other parts of the Bill. It does not seem correct that there should be handed over to anybody else the right to add powers just as he likes to those of the local authority as conferred by Parliament. Any additions should be considered on their merits in this Chamber.

The second reason is that adding undertakings of this nature with the approval of the Minister, would destroy the uniformity of power which Parliament obviously must ensure, because it would be possible for the Minister to enable one municipality to do something and to refuse a similar right to another. It seems to me quite wrong in principle that local authorities should conduct trading concerns. If Parliament finds at some future time that the powers it has conferred are not sufficient, we could amend the Act in some direction. I cannot agree whatever with the merits or demerits of any particular undertaking which will let Parliament stand down as being the determining factor in what powers a local authority should have.

The MINISTER FOR HEALTH: We should leave the Bill as it is. The provision really means any undertaking approved by the Government because the Minister is responsible to the Government. As the member for Narrogin pointed out, there are undertakings not included in the measure, and they would be outside the pale if the Minister did not have this power. The Leader of the Country Party suggests we should have the power in the Act. I do not know about that. Surely the Minister can have some discretionary power! He is a decent chap.

I do not know why there is so much suspicion about this. Our opponents seem to want to get someone from Mars. I am surprised that the Opposition is so suspicious of socialism. Members opposite do not know the meaning of the word. From the attitude they are displaying they will bring socialism into Western Australia or Australia, much quicker than otherwise. If James the Second had not been such a tyrant, probably the Bill of Rights would not have been instituted in 1689. It was only because of his crudeness, selfishness and suspicion that it came about. This outlook applied to the Stuart monarchy throughout.

Mr. Ross Hutchinson: What about the Hanoverians.

The MINISTER FOR HEALTH: They were not so bad.

The CHAIRMAN: Order! The Minister had better get back to the Bill.

The MINISTER FOR HEALTH: Members are only encouraging communism in their attitude.

Hon. Sir ROSS McLARTY: It is absurd for the Minister to talk about us encouraging communism. We are trying to safeguard the ratepayers. The list contained in Clause 496 is sufficiently extensive without local authorities being given the right to undertake other enterprises with the approval of the Minister. The Minister said that the Minister for Local Government would probably be a decent chap. We are not questioning that, but one day we might have a Minister who is an all out socialist and would encourage the local authorities.

The Minister for Health: The Government then would be an all-out socialist Government.

Hon. Sir ROSS McLARTY: As one who has had a pretty long association with ratepayers, I think I can interpret their views pretty well on this provision and there is no doubt in my mind that it makes no appeal to the great majority of the ratepayers.

Mr. Lapham: Even though it could save the local authority some money.

Hon. Sir ROSS McLARTY: I do not agree with that. On the contrary, I think it is likely to involve them in considerable loss. There was considerable discussion about local authorities establishing brickworks. When I was Treasurer, the Government tried to encourage small companies in the country to embark upon brick production, but I regret to say that the financial results to the Government and the small companies were anything but satisfactory. These trading activities will, in most cases prove detrimental to the local authorities that indulge in them, and the ratepayers will have to carry the load.

The Minister for Health: You know it will never happen.

Hon. Sir ROSS McLARTY: Then let the Minister agree to the deletion of this provision.

The Minister for Health: Why not leave it there and trust them?

Hon. Sir ROSS McLARTY: Why have a provision which the Minister, on his own admission, says will never be used?

The Minister for Health: Because I trust them.

Hon. Sir ROSS McLARTY: They do not want it.

Mr. Lapham: We are not clairvoyant; we do not know what will happen.

Hon. Sir ROSS McLARTY: I find we are to have this same argument all over again—or most of it—on Clause 504.

The Minister for Education: You do not have to.

Hon. Sir ROSS McLARTY: It is our duty; we feel we must. I suggest to the Committee that it agree to the deletion

of this provision; and I suggest to the Premier that as we have so much more to do—

The Premier: Let us have a vote on this, and we will go home.

Hon. Sir ROSS McLARTY: I shall sit down immediately.

Mr. HEARMAN: We had something in the nature of a soapbox address from the Minister. He discussed the Stuart kings and so on but did not say why the Government thought this clause was necessary nor did he tell us the type of undertakings that the Government had in mind. The provision is very wide. It allows the local authorities to enter into anything.

Mr. Lapham: No.

Mr. HEARMAN: They can enter into anything approved by the Minister. We are entitled to know what the Minister is likely to approve; what would be his guiding principle in determining a proper type of activity for a local authority to indulge in; and what he would not agree to. It is necessary that the ratepayers be protected.

We have been told that the ratepayers are not the only ones to be considered, but they will have to contribute to pay for the losses. What type of undertaking does the Government think should be included under this provision? We should be told that for our own guidance and that of the local authorities. What interpretation would the Minister place on the provision?

The Minister for Health: This will be a valuable Hansard for political publicity purposes if I am opposed at the next election.

Mr. HEARMAN: All we have been told so far is that the Minister trusts the local authorities, but how does he interpret this clause?

Mr. LAWRENCE: Does the hon. member think the Minister would make wrong decisions?

Mr. Hearman: That is not my contention.

Mr. LAWRENCE: The hon. member objects to the words "any other undertaking approved by the Minister."

Mr. Hearman: But what would the Minister agree to?

Mr. LAWRENCE: The hon. member could have done the same in the Army.

Mr. Hearman: I did not start a trading concern in the Army.

Mr. LAWRENCE: The hon. member said that someone got 12 months for telling the sergeant-major off. The Minister must have some powers and, of course, we trust him the same way as members opposite would if it was their Minister.

Mr. Roberts: Would you trust us?

Mr. LAWRENCE: Yes, but your Government will not be in power for many years to come. The Hawke Government is the answer to our political ills.

Mr. Hearman: Are the hon. member's remarks related to the clause, Mr. Chairman?

The CHAIRMAN: I think the member for Blackwood is trying to lead the member for South Fremantle away from the subject matter of the debate.

Mr. LAWRENCE: The Leader of the Opposition tried to lead me off the track but I put him back on it. There is no justification for opposing this provision.

The PREMIER: This provision was included as a safeguard. The Minister could not of his own volition tell a road board that it had to start some trading concern. He could only come into the picture when requested to do so by the local authority. The local authority would first have to request permission to start a trading concern apart from those mentioned in the measure. The Minister would be a safeguard against a local authority going haywire in connection with some trading concern that could not succeed. I would agree with members opposite if the Minister had power of initiation or power to compel a local authority, but he has not.

Mr. Hearman: Would you agree to a local authority taking on a petrol depot, for instance?

The PREMIER: Yes, if there was no other petrol supply available. The hon. member should travel through the outback where there are not the services that exist in his electorate and where people depend greatly on their local government authorities for services usually supplied by private enterprise.

Mr. COURT: The observation of the Leader of the Country Party that this Bill should be specific as to the powers of local government is very pertinent. Also, I feel that this final dragnet clause, or blank cheque, would be a curse to local authorities and the Government of the day. With these provisions in legislation, there will always be some fanatic who will go to these places and stir the people up and agitate for them to take over undertakings. The Minister would then be subject to pressure from the local authority concerned, and so it would go on.

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

Ayes	13
Noes	21
Majority against	8

Ayes.	
Mr. Cornell	Mr. Nalder
Mr. Court	Mr. Oldfield
Mr. Hearman	Mr. Roberts
Mr. Hutchinson	Mr. Watts
Mr. I. Manning	Mr. Wild
Mr. W. Manning	Mr. Crommelin
Sir Ross McLarty	*(Teller.)*

Noes.

Mr. Evans	Mr. Marshall
Mr. Gaffy	Mr. Norton
Mr. Graham	Mr. Nulsen
Mr. Grayden	Mr. O'Brien
Mr. Hall	Mr. Potter
Mr. Hawke	Mr. Rhatigan
Mr. Heal	Mr. Rodoreda
Mr. W. Hegney	Mr. Sleeman
Mr. Jamieson	Mr. Toms
Mr. Lapham	Mr. Sewell
Mr. Lawrence	*(Teller.)*

Amendment thus negatived.

Clause put and passed.

Progress reported.

ASSENT TO BILLS.

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

1, State Trading Concerns Act Amendment.

2, Metropolitan Water Supply, Sewerage and Drainage Act Amendment.

3, Fruit Growing Industry (Trust Fund) Act Amendment.

4, City of Perth Scheme for Superannuation (Amendments Authorisation).

BILL—MEDICAL ACT AMENDMENT.

Returned from the Council without amendment.

BILL—BETTING CONTROL ACT AMENDMENT.

Council's Message.

Message from the Council received and read notifying that it insisted on its amendments Nos. 1 and 2 and that it did not insist on amendment No. 3.

House adjourned at 2.40 a.m. (Friday).

Legislative Assembly

Friday, 30th November, 1956.

CONTENTS.

The SPEAKER took the Chair at 2.15 p.m. and read prayers.

BILL—GOVERNMENT EMPLOYEES (PROMOTIONS APPEAL BOARD) ACT AMENDMENT.

Introduced by the Minister for Labour and read a first time.

QUESTIONS.

RAILWAYS.

(a) Freight Rates and Load and Tare of Wagons.

Mr. PERKINS asked the Minister representing the Minister for Railways:

(1) What is the freight rate per ton for 150 miles on—

(a) wheat;
(b) wool;
(c) agricultural machinery?