

# Legislative Assembly.

Tuesday, 21st September, 1937.

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The SPEAKER took the Chair at 4.30 p.m., and read prayers.

## ASSENT TO BILL.

Message from the Lieut.-Governor received and read notifying assent to Supply Bill (No. 1), £2,500,000.

## BILL—MUNICIPAL CORPORATIONS ACT AMENDMENT.

### Second Reading.

Debate resumed from the 14th September.

### THE MINISTER FOR WORKS (Hon.

H. Millington—Mt. Hawthorn—in reply) [4.34]: I desire to refer to one question which was raised in respect of the Government taking over the audit of municipalities as is done in connection with road boards. There are only 21 municipalities and it is suggested that they should be brought within the scope of the Government zone audit system in operation in road board districts. It has to be remembered that the auditors for the road board districts have to be more than auditors and that their duties are not confined solely to auditing. I have mentioned previously that there are 120 odd road boards scattered throughout the State, many of them being in very isolated centres. The financial position of most boards would not enable them to obtain the services of skilled auditors, even if they were obtainable in small country centres. Another point to be remembered is that, although men of fine character and wide practical experience in country districts sit on road boards, they have not the same administrative qualifications as are possessed by members of municipal councils. The Government auditors are therefore instructed, when going through the various districts, and when desired by the chairmen or members, to render assistance and give guidance on any matters appertaining to the functions of the board. They know the Act and understand the pro-

cedure. Some secretaries of road boards are on probation and would not be expected to be as qualified as the secretaries of municipalities. Similar assistance is, of course, extended to these men and is invaluable. Furthermore, while the Government pay half of the cost of the annual audit, the road boards pay the other half. These conditions do not apply to municipalities, which have not the same difficulty in securing qualified auditors within the municipal towns. At least, I have never heard of any difficulty in that respect. The Bill provides that a candidate for the position of auditor shall be a member of a recognised institute of accountants, or be approved by the Minister.

Mr. Doney: "Or" be approved by the Minister or "and" be approved?

The MINISTER FOR WORKS: "Or." Since the Bill was printed we have been informed that there are auditors who are quite qualified. I will not mention names, but I know of one who has been an auditor of a municipality for many years—at least for 20 years. He has given satisfaction. He is a professional secretary but he has not letters after his name. It can be understood that a district would object if they were compelled by this amendment to replace an auditor of this kind. In a case like that—and there may be others—where the desire is to retain the present auditor, there can be no objection raised by the Minister, and it would be permissive for the municipality to continue to employ him. It has also to be remembered that there has been no request, as far as I am aware—certainly it has not been made to me—that the municipalities should be brought within the scope of the Government zone audit system. I cannot conceive that the City of Perth would ask for the application of the system. There are those whom it might suit, of course. If qualified accountants were appointed for municipal audits, they would have to be available when required and we would have to find employment for them at other times. The position in respect to the Works Department is that we can employ those we have now all the year round. They can be fitted in. In connection with a big municipality like that of the City of Perth, there would have to be a running audit for such an enormous concern with its trading activities—the electric light department and the gas

department, etc. And the City of Perth would doubtless prefer to have their own auditor. This would be the case with other municipalities of which I know. There has not been any great demand for this innovation, and it was therefore not included in the Bill. Having regard to the whole of the circumstances of the various municipal councils, I do not consider the time has arrived when there is any great need for the change. Because there was no demand for the alteration, and because in the great majority of cases it is not necessary, it was not incorporated in the Bill. All the other questions raised in the debate can be discussed in Committee. It is because this particular matter is not included in the Bill that I have made an explanation at this stage.

Question put and passed.

Bill read a second time.

*In Committee.*

Mr. Sleeman in the Chair; the Minister for Works in charge of the Bill.

Clauses 1, 2—agreed to.

Clause 3—Amendment of Section 6.

Mr. DONEY: I move an amendment—

That in the definition of "officer" the word "constable" be struck out.

There may be some reason for the inclusion of this word but the reason is not apparent. I do not know of any case in which a police constable has been appointed. I have made inquiries and can find no instance. If appointed they would cease to be police constables. I do not know of any job at the call of the municipal councils that could be especially given to a constable. A constable if appointed to any job would share in gratuity and other benefits. I should like to know if the Minister has any explanation for the inclusion of the word.

The MINISTER FOR WORKS: I understand that a council could appoint a constable.

Hon. C. G. Latham: Surely you do not allow that! There is enough noise now about so-called detectives, and we should not include the provision in an Act of Parliament.

The MINISTER FOR WORKS: I have not inquired why the word has been included, but there is need to define the word "officer." The principal Act contains no definition of "officer," and difficulty has been experienced to determine the status of employees for the purpose of Arbitration Court awards.

Hon. C. G. Latham: A constable could not come under such an award.

The MINISTER FOR WORKS: It might be necessary to include "constable" for the purposes of the Traffic Act.

Hon. C. G. Latham: Then he would not be an officer under the municipality.

The MINISTER FOR WORKS: That is so. Councils do employ constables to control traffic at sports meetings. Retired policemen are thus employed, and they would be in uniform. It is the practice for councils not only to employ them but to pay them. I cannot see that the inclusion of the word has much effect on the definition.

Hon. C. G. LATHAM: Difficulties have arisen because certain people have called themselves detectives whereas they were only inquiry agents. The Commissioner of Police and members of the force strongly object to such action, and rightly so, I think. A man is not a constable unless he is employed by the Police Department. We cannot allow that duplicity, and I hope the Minister will agree to the deletion of the word "constable." The definition would indicate that constables might be employed by municipal councils, and there is no provision in the Act for a municipal police force. We should hesitate before giving authority to any municipality to set up a body of constables. I cannot understand a retired policeman being allowed to use his uniform.

The Minister for Works: He would be controlled by the Police Department, but paid by the council.

Hon. C. G. LATHAM: In that event, the man would be under the control of the Commissioner of Police. If a police constable were temporarily employed, I can understand his being allowed to use his uniform.

Mr. Hegney: Would not he be an officer of the council?

Hon. C. G. LATHAM: No, he would be under the control of the Commissioner of Police.

The Minister for Works: This definition is to define an officer for arbitration purposes.

Hon. C. G. LATHAM: Quite so, but there is a fixed rate for the police service.

Mr. DONEY: The discussion has been along the lines of employment, not appointment. The several officers enumerated in the definition represent appointments that may be made by a municipality. While constables might be employed for brief periods, if they were appointed, they would no

longer belong to the Police Department, but would have to adopt one of the other terms—poundkeeper, inspector, clerk, engineer, surveyor, etc. On the information before us I can see no reason for retaining the word.

Mr. SAMPSON: I suggest that the word be retained. Occasionally a local authority arranges for a constable to safeguard the public at sporting events. To give him a status, he must be brought under the definition of an officer of the council. Constables are employed by various companies.

Mr. Doney: When appointed privately, they are no longer constables.

Mr. SAMPSON: The meaning of the word "constable" is not restricted to police. Local authorities arrange for constables to be employed for traffic control. They would be paid by the local authority and temporarily would be officers of the local authority.

Mr. Doney: You overlook the fact that this is an appointment.

Mr. McDONALD: Further consideration of the clause should be deferred. The meaning of the word "constable" is not necessarily confined to a police constable, and the draftsman may have intended the wider meaning. The Minister should obtain the reason for including the word, which might have an important bearing on later clauses. Section 155 of the Act provides that if any officer dies or retires, the council may make contributions to him or to his next-of-kin. That might not apply to a man casually employed, and it might not be desirable that it should apply to a casual.

Amendment put and negatived.

Clause put and passed.

Clauses 4, 5,—agreed to.

Clause 6—Amendment of Section 49:

Mr. DONEY: I hope that close attention will be paid to this clause. The fate of the clause, I think, will be the fate of the Bill, though I hope not. The clause contains the first indication of the cloven hoof, and on it will be fought out the plural voting issue. If we divide on party lines, the Government will have their own way, but if goldfields members who have municipalities in their electorates—and the same may be said of metropolitan members—vote in keeping with the wishes of their municipalities, there is no doubt that the clause will be voted out. The object is to bar a ratepayer from having a vote in more than one ward, although he may have property interests in two or more

wards. A ratepayer might have considerable property interests in Wards A and B. He might be permitted to vote in Ward A, but not in Ward B, whereas a ratepayer with the minimum qualification would have a vote in Ward B. That is wrong. I do not intend to repeat all the arguments that were adduced last week in favour of this principle, but the debate disclosed not the slightest excuse for altering the present basis of voting. It cannot be shown that any benefit is likely to accrue from the proposed change. The idea of one-ratepayer one-vote appears to have made no headway in the last ten years. At any rate, I have heard of none. At Bassendean last year the Minister said there were no strings to this legislation. Municipalities certainly took that remark to mean that the Bill would not be tied up to the plural voting issue. The Minister, in explanation, may be able to show that the measure is not tied up to the question of plural voting. Otherwise I shall be obliged to vote against the clause.

The MINISTER FOR WORKS: The clause refers not to ratepayers having more than one vote but to the question of a person having a vote in various wards because of owning property in each of those wards. The object here is to ensure that no one shall have more than one vote in a ward. In the City of Perth a ratepayer could have votes in eight separate wards, and thus could exercise 16 votes at a municipal general election. The municipalities as a body have asked for considerable extensions of power in regard to municipal governments. At the time the existing franchise was established, over 30 years ago, conditions were entirely different from those of the present day, the delegated powers of municipalities then being restricted. The Leader of the Opposition says that nowadays he believes in municipalisation.

Hon. C. G. Latham: Your Bill does not municipalise anything.

The MINISTER FOR WORKS: As time goes on, greater powers will be given to local authorities. As they begin to deal with matters other than the usually accepted duties and powers of municipalities, they will have to fall into line regarding the franchise. Extended powers cannot go with a restricted franchise. The human element now enters into municipal administration. Where the whole community is affected, one person should not have 16 votes in a municipality like Perth, while another person in that muni-

cipality, possibly with more property, might have only one vote. The Bill proposes that owners and occupiers shall be placed on the same footing. A municipality is not like a joint-stock company. The number of votes is not now regulated in accordance with the total value of property held by ratepayers. All ratepayers should be placed on one footing. The system of grading in the principal Act is peculiar, and I do not understand it. Under the Bill, the solid people, as they are called, will still control; but the clause proposes to make them select the ward in which they will vote. Later we shall come to the question of how many votes people shall have in respect of one property.

Mr. SAMPSON: If the Minister follows out the argument which he has submitted, he will, even if he owns land in every municipal council in the State, find that to be logical he must limit his voting power to one ward in one municipality. It would not matter where a ratepayer's property was located, he would have only the privilege of selecting one ward in one municipality in which to exercise his vote, despite his being a ratepayer in every ward of every municipality in Western Australia. If the Minister's principle is to be carried to its logical conclusion, that will be the position. Again, if the principle is to be carried out fully, the Bill should contain a clause prohibiting a ratepayer from voting in more than one municipality.

The Minister for Works: That is your weird idea.

Mr. SAMPSON: There will be inconsistencies unless the principle is carried to its ultimate conclusion. Different wards have different needs. In that respect one Perth ward may differ materially from another Perth ward. One ward may embrace Carlisle, where much pioneering work remains to be done. On the other hand, in the Central Ward most of the necessary work has been done. I fail to recognise any conviction in the clause. It is goodbye to the Minister's principle if the clause is carried, as it will take us only part of the way. Municipalities are not on the same footing as this Chamber in respect of voting. For this Chamber every person of the age of 21 years and not bankrupt or demented or in gaol has the right to vote. That is not the case with regard to municipalities. Property holders in different wards and paying rates in all those wards should be permitted to vote as now provided in the prin-

icipal Act. I am opposed to the clause and I think that on further consideration the Minister himself will agree that the clause he has been asked to push through is inconsistent and will not stand examination.

Hon. N. KEENAN: Unfortunately I was not able to be present throughout the whole debate on the Bill and therefore I am not aware whether the Minister told members that he had received any particular request from any body of ratepayers to put forward this particular amendment. It would astonish me to hear that he had received any such request. Although I have noted the criticism of this particular amendment, I have not yet heard of any desire on the part of ratepayers or the general public for this alteration of the law. Academically, one could voice reasons for such an alteration, but is there any practical reason for it? Has the Minister received a request from any single municipality for this alteration? I assume from his silence that he has not, and therefore it is simply an academic idea. As such, one may have reasons for recommending it but none whatever to show the practical necessity for such an alteration. Listening to the Minister, I could not help wondering at the statement he made. I give him credit, as I must, for considerable knowledge of what takes place in connection with municipalities. He cited an imaginary case of a man owning property in nine different wards and having 18 votes to exercise in connection with a municipal election. Such a case could not possibly exist. There is no municipality with such a number of wards. But even applying his illustration to the City of Perth, which has the greatest number of wards, such a position could not arise under the law as it stands, for it gives the preferential right to the occupier to enjoy that privilege and not to the owner.

The Minister for Mines: In that event, no one would be harmed.

Hon. N. KEENAN: Of course not. The only circumstances under which the Minister's suggestion could apply would be where an owner held vacant land in each of the various wards. In those circumstances there would be no occupiers. Such a position would be extremely unlikely to arise because it would mean the individual would saddle himself with liability for the payment of interest, rates and taxes on the properties without making any attempt to

derive revenue from them. I want the Minister to assure the Committee as to the effect of the proposal on municipalities where it is proposed to borrow money for expenditure in specified wards and in respect of which the land or property in those specific wards only becomes charged with the responsibility for repayment. Owners of properties in those circumstances might easily be placed in a very serious position. Should any such loan be raised without justification, it would mean that the owners of the property in the ward concerned would be answerable for the repayment of the loan. I am not in a position at the moment to say what the effect of the amendment would be in another direction in which the Act says that the owners of land are entitled to request a poll to be taken before the flotation of a loan is authorised. It may be that the Government's proposal will not interfere with that provision of the Act, but it could easily be that the position of property owners would be seriously affected. I do not think any member would desire to see a provision placed on the statute book to prevent the owners of property from having a say in such a loan proposal. No man should be made responsible for the repayment of such a loan unless he had been given an opportunity to express his opinion on it. In some respects, I think the Minister has mixed up this particular provision, which is dealt with in Section 49, with Section 84 which deals with the right of an elector to a certain number of votes. Those two sections have nothing whatever to do with each other. If we legislate to enable a ratepayer to be enrolled in respect of wards into which a municipality is divided, we may afterwards restrict his power to vote but only by amending Section 84, not by amending Section 49. Some municipalities have no wards. Kalgoorlie is an instance.

The Minister for Works: I think you are rather mixed about that matter yourself. Section 49 does what I said.

Hon. N. KEENAN: Section 49 does not affect the provisions of Section 84, which provides that ratepayers shall have a certain number of votes.

The Minister for Works: This deals with a multiplicity of votes in wards.

Hon. N. KEENAN: I was informing the Committee that some municipalities, in-

cluding Kalgoorlie, have never been divided into wards and the ratepayers are quite content with the existing provisions. The matter under discussion relates to municipalities that are divided into wards. The obvious reason is that once there are wards, a municipality has separate loans to borrow and separate charges to levy for repayment. Consequently, it may well be that by destroying the right that exists under the law at present, we may inflict a grave injustice. I introduced the particular law that is to be amended and, in my then capacity as Attorney General, I well remember that we fashioned the legislation on the existing Australian law taken from the Acts of other States as well as from that operating here. We did so because it was found, after experience in other States, that this provision did not work inequitably. If there has been no demand for an alteration in that law, why should we embark upon a mere academic venture? I hope the Committee will not readily lend themselves to ignoring practical matters and indulging in almost purely sentimental matters. The section has not worked any harm, and there is no demand for a change.

Hon. C. G. LATHAM: The member for Nedlands has dealt with points that I had intended to place before the Committee. Under the provisions of the Municipal Corporations Act, half-yearly meetings of ratepayers must be held and at no such meeting has any resolution been carried asking the Government to give effect to the amendment they now propose. What the Minister suggests is to take away rights from the people. Members now sitting on the Treasury bench told us formerly that three votes in the metropolitan area had to equal one vote in a goldfields centre. They are not consistent.

The Premier: You said that when you introduced your legislation.

Hon. C. G. LATHAM: We did not. We said that four votes in the metropolitan area should be the equivalent, and we are sticking to that. Ministers are not. There are different interests to be considered to-day and now it is a question of taking away power from the people. It does not matter how much property the individual may have. In the view of the Government, it is a crime to own property.

The Premier: Certainly not.

Hon. C. G. LATHAM: Of course it is. That is the reason for introducing legisla-

tion for fear a property owner may receive a shilling more by way of rent than he is entitled to, irrespective of what losses he may have suffered. No compensation is provided for losses.

The Premier: This is a matter of disproportionate voting strength.

Hon. C. G. LATHAM: The Premier should be consistent, and the Government should introduce legislation to make votes of equal value throughout the State. Members are elected to this Chamber, but not on the basis proposed in the Bill.

The Premier: The property aspect does not come into that.

Hon. C. G. LATHAM: The Minister may say that I am getting ahead of myself, but this proposal does take away the rights of the individual. A man may have property in four wards.

The Minister for Works: And he would be entitled to eight votes.

Mr. Cross: He could have 16 votes in Perth if he had property in each of the eight wards.

Hon. C. G. LATHAM: That is so.

The Minister for Works: You agree with that?

Hon. C. G. LATHAM: Yes, and I have given my reason. The property owner has to carry the financial liability.

The Minister for Works: Not necessarily.

Hon. C. G. LATHAM: Yes, he does. Loans are borrowed not of the strength of roads and footpaths, but on the value of properties and the amount of income the municipality can expect to receive from rates.

The Premier: Do you say that the man who pays £2,000 in income tax should have 20 votes compared with the two votes to be exercised by the man who pays £200?

Hon. C. G. LATHAM: I again remind the Premier that he is inconsistent. He has already said that three votes in the metropolitan area are the equivalent of one in the city. He has definitely said and supported that. Let us be consistent. The man who pays most into the revenue of a municipality should have extra voting power as against the taxpayer who pays in but little. What extra power is he to be given under this Bill? None at all. All we are doing is simply to let such men go along, while the municipalities collect money from the property-owners and spend it.

The Minister for Works: This does not provide for that.

Mr. Doney: You cannot distinguish between this clause and another later clause.

Hon. C. G. LATHAM: Actually, the property owner may not have a vote at all if his properties are occupied by tenants, because very often it is the tenant who has the vote. Anyhow, there has been no demand whatever for this legislation. Frequently has the Bill been brought down, and on no occasion has there been any feeling in favour of it.

The Premier: Yes, we have had demands for it.

Hon. C. G. LATHAM: We had one demand from Geraldton, and that probably was due to the Premier himself. There is no demand for this, no request for it, and we should not interfere with those who are carrying out such valuable public work for no remuneration. I remember that the statement was made by a Labour Minister that never would he bring down any other amendment of the Act until this provision had been agreed to. That is not the right attitude to take up. No ratepayer has ever objected to plural voting.

Mr. Cross: How many ratepayers go to an annual meeting to complain?

The Minister for Mines: There were only six present at a public meeting of the Perth City Council, and I was one of them.

Hon. C. G. LATHAM: Satisfied ratepayers do not turn up at annual meetings. There is certain dissatisfaction with the Perth Road Board, and so the ratepayers associated with that body turn up to all meetings. When ratepayers do not attend such meetings, they are satisfied with the work of their representatives in the local authority. The ratepayers are the real masters, and they instruct the local authorities to ask the Government for amendments of this law. No such request has been made for this proposed amendment. The Government would not be game to raise this question on the hustings. Even the Premier has not mentioned it outside the House.

The Premier: The ratepayers carried the question at a meeting.

Hon. C. G. LATHAM: Not the ratepayers; that was the municipal council. It is the ratepayers that ought to be considered, and it is indeed the ratepayers I am considering now.

The Minister for Mines: It is the owner, not the ratepayer, that will be affected, for it is the owner that has the vote.

Hon. C. G. LATHAM: Frequently the ratepayer is owner and occupier both, and so his name is on the roll. Until there is a demand by the ratepayers, I will not support this proposed abolition of plural voting. When the Minister brings down a Bill giving additional power to local authorities similar to that which they have everywhere outside of Western Australia. I may give consideration to this question. However, there is in the Bill no additional power whatever for the municipalities.

The MINISTER FOR WORKS: I have been put right by the member for Nedlands, who says that this does not mean what I said it meant. Section 49 of the Act, which the clause amends, deals with the qualification of electors and reads as follows:—

Who on the first day of September in any year is the owner or occupier of rateable land in a municipal district . . . shall be entitled to be registered as an elector on the electoral roll for such municipal district, and if the district is divided into wards, on the electoral roll for every ward in which such land is situated.

I agree that the question of how many votes a man has is controlled by another section; this one deals with plural voting. It has been asked who requested this power. According to the member for Nedlands, he gave it.

Hon. N. Keenan: I was not the giver, but merely the instrument.

The MINISTER FOR WORKS: It is illogical to contend that because plural voting was the fashion many years ago, it should be the fashion now. Even the Leader of the Opposition is prepared to liberalise the franchise for municipalities.

The Premier: No, he is not.

The MINISTER FOR WORKS: There is some hope for the Leader of the Opposition, but the Leader of the National Party says this amendment has never been asked for. It cannot be said there is no body of opinion that wants the abolition of plural voting. When the Leader of the National Party brought down this measure many years ago, he had behind him a body of opinion, and that was why he introduced the measure.

Mr. Doney: Who is behind the proposal to abolish plural voting?

The Minister for Mines: The Labour Party, which has no small following.

The MINISTER FOR WORKS: A loan might be intended to be spent in a certain ward of a municipality, but it is the municipality itself that is held responsible for the repayment of the loan. Although I am not certain, I believe that the whole of a road board is equally responsible for a loan.

The Premier: Of course so.

The MINISTER FOR WORKS: I know the municipality is solely liable.

Hon. N. Keenan: The rate is struck on the ward or section.

The MINISTER FOR WORKS: The liability is on the municipality. The member for Nedlands says that this anomaly would seldom occur. It would occur, however, in the case of the spec builder, who always has a piece of land available on which to build a house. He would be the man who would have the votes. We want to provide against the land speculator. The member for Nedlands cannot tell me on what basis he arranged this franchise. Why, the spec builder would have more votes than the University professor who was living quietly in his own home. The system cannot be termed one based on an intelligence test, nor on a property test. It is about time it was revised. It cannot be justified on any grounds.

Mr. Doney: Except on its results.

The MINISTER FOR WORKS: There is no justification for one man having only one vote, although he may own a lot of property in one ward, and another who has no property getting two votes.

Mr. Doney: The system has resisted attacks quite successfully for over 30 years.

The Minister for Mines: It has been wiped out already in many of the other States. It is the subject of a fight in Victoria to-day.

The MINISTER FOR WORKS: In Kalgoorlie there is no difficulty because a man has only one or two votes instead of the votes he would have if Kalgoorlie were divided into wards. Some one suggested that I made a certain pronouncement some time ago. I was asked if I would introduce an amendment to the Municipal Corporations Act. I said I would. I was then asked, "Will you simply introduce an amendment on the franchise, as was done on one or two occasions, or shall we have a complete amendment to the Act?" I said

we proposed to introduce a complete amendment to the Act, and here it is. All that the municipalities have asked for is sought to be given, but those concerned will not give way one inch on the question of Government policy. To that I would reply that to receive additional power they must come to something like a fair method of allotting votes in the case of a property-holder and the occupier within the municipality. There was nothing in the way of a tag in what I said at the time. We are prepared to give away something, but expect that the Government policy shall also be respected.

Mr. McDONALD: If the electors of the State do not take much interest in the election of members of Parliament, we cannot blame them for not taking much interest in ratepayers' meetings. The system under discussion is not perfect. There is, however, a principle about it, namely that the people who pay for the running of the municipality have a say in the representation on the municipal council. A man who has a house and land at Leederville may let it, and the tenant then, as the occupier, has the votes. In the case of vacant land, the rates are paid by the owner, and he has the vote. Of course, one man may have a large piece of property only in one ward, and another may have smaller pieces of property in several wards and therefore more votes. There is that anomaly. I cannot see why a man should not have a vote in respect of each ward in which he has property. That places every one on the same footing. Anyone who has read the last report of the Grants Commission can see what huge figures the rates run into in Queensland, due, for example, to the extravagance of building a town hall far in advance of the times, and other structures that are not justified. If we say that a man who has property in four or five wards shall have a little more say in the management thereof, we shall be preserving a system which, if not perfect, does place a little more control of the municipality in the hands of those who have to pay. The system has worked well, and there is no need to alter it.

Mr. CROSS: Members opposite have advanced some remarkable arguments against the clause. The land speculator who owns small pieces of land in each ward has a greater voting power than the man who owns

a million pounds' worth of land only in one ward. The man who might be investing huge sums of money in city buildings, or might even be financing the City Council, would, if he lived in a flat or in an hotel, have no vote at all, under the present system. The land speculator can sit back on the unearned increment and exercise the voting power that should belong to others. The member for Williams-Narrogin said that the existing practice had withstood the test for 30 years. There was also a provision in the Municipal Act that when a steam roller appeared in the street a man should walk in front of it carrying a red flag. That, too, had been in force for 30 years. Would he say that that should be perpetuated?

Mr. LAMBERT: The matter of responsibility so far as a ratepayer is concerned can be set aside. Take the Perth Road Board as an instance. One concern, the Mount Lawley Land Company, had a big area of land and it became a public scandal that other land-owners were penalised to an unpardonable extent so that the property of the company might be developed. I foolishly bought a home in Mount Lawley, and before very long I found that the rates alone on that property ran into £1 a week. It was the exorbitant rates that helped to develop the company's land which was sold at very high prices. I hope all municipalities and all road boards will be permitted to elect their representatives on a proper and equitable franchise. The position of Kalgoorlie was quoted by the member for Nedlands. The good government in that town was primarily due to the fact that the municipality was never cut up into wards, and it is to-day probably the richest municipality in the Commonwealth, and certainly the best governed in the State. I hope the time is not far distant when we shall have popular franchise exercised by municipalities and road boards throughout the State.

The MINISTER FOR MINES: I am surprised at the arguments used against this proposal, which will affect only the owner of unoccupied land. Anyone who claims to be a democrat will not lend support to the person who is not using the land he owns. The clause will not possibly affect the man who is improving his land. If he builds a house on it, the occupier will have the vote. If a man has eight properties in eight wards, and those eight properties are improved, he as owner will not be affected in the slightest.



The occupier of the properties will have the vote. I repeat the only person affected will be the man who owns unused land. The man who built the Savoy Hotel has only two votes, and if he were the occupier of that property he would have two for a councillor and four for the mayor. The man who owns the shop next door, which perhaps cost only £500, has no greater voting power, and yet members opposite want the man who holds unused land to have greater privileges than the man who makes use of his land.

Hon. C. G. LATHAM: The Minister knows that what he has just said is not correct. There is nothing to compel an occupier to have his name put on an electoral list. A very small percentage indeed of the names on the electoral list are the names of occupiers of land. They are nearly all the names of the owners.

The Minister for Mines: I will undertake to say that in the Central Ward the number of names of occupiers is four times greater than that of the owners.

Hon. C. G. LATHAM: Very well, we will check it over. It is not right to say that owners of vacant land will be affected. There are many residences whose owners' names appear on the list. Occupiers are frequently quite indifferent. Take some of the big buildings in the city, many of which have offices. Who has the vote in those buildings? Do the occupiers have it? Of course not. The Minister will find that it is the company owning the property that has the votes.

The Minister for Mines: If you stick to this you will be voting for the man who has vacant land.

Hon. C. G. LATHAM: Nothing of the kind.

*Sitting suspended from 6.15 to 7.30 p.m.*

Mr. DONEY: Just before the tea adjournment I questioned the Minister in charge of the Bill as to exactly who was behind this proposition in regard to the one ratepayer one vote principle, and his colleague, the Minister for Mines, replied that the whole of the Labour Party was. I am ready to admit that, if that is so, it is a very substantial argument in favour of what has been put forward in the Bill, but I suggest that the Labour Party are not behind it. I question

whether one per cent. can be said to be behind it.

Mr. Hegney: That is pretty low.

Mr. DONEY: It is about as low as one could go, and I am not sure it is not too high now. I question whether the Government are behind the Bill. It might be correct to say that the Government support is very lukewarm. I question whether at any time a proposal has been brought forward with so little to commend it. Members on the Government side who have spoken tonight expressed themselves in favour of the one man one vote principle. Had the last election taken place on that franchise basis hon. members on the Ministerial side would be on this side of the House. It was only because the votes on the goldfields were three times as valuable as those in the metropolitan area, and twice as valuable as those in the agricultural areas that hon. members opposite were returned with a majority. It would seem that as though hon. members opposite benefited considerably by the very principle which tonight they are denouncing.

Mr. HEGNEY: The member for Williams-Narogin has suggested that the supporters of the Government are lukewarm over this Bill, but the arguments put up by the hon. member would not convince anyone, for he adduced nothing in support of the proposal he is supporting.

Mr. Doney: I am not putting up proposals.

Mr. HEGNEY: There is a great number of inconsistencies on this question, particularly on the other side of the House. The Leader of the Opposition said that if the Minister brought down a Bill to give extended powers to municipalities, he would consider the proposal to encourage single voting. He is prepared to do that were the municipalities to have power to deal with many more subjects, but if they are to deal with a limited number of subjects he is unwilling to trust them. It should be remembered that we are advancing. Things that would have served a useful purpose 30 years ago are out of date to-day. The Leader of the National Party said the question was more academic than practical. In most cases the occupier has the vote. If that is so, the arguments against the proposed change are trivial. The proposals put forward to bring about the change are sound and the logical opposition to them very small. The Leader of the Opposition

said that the man who paid the biggest amount into the municipality should have more say than the others. When we were discussing the Fair Rents Bill a few weeks ago hon. members opposite were at some pains to insist that in the fixation of rent certain charges should be included, such as rates and taxes. It was admitted then, and it is a logical corollary from the arguments adduced, that the tenant pays the rates. If the tenant pays the rates surely it is only logical he should have the vote. In many municipalities in Western Australia there is a number of absentees and when there are questions affecting the well-being of the municipality, those absentees who do not live within the area are able to affect the progress of the municipality. Even in places like Nedlands they have that difficulty. On the other side of the House members have been protesting this session that they are the party representing democracy. If that is so, why are they diverging from the principle of democracy, namely one man one vote? I do not think the opposition believe in the case they have put up. I am not lukewarm in my support of the proposal and I hope the Minister will stick to the clause.

Clause put and passed.

Clauses 7 to 14—agreed to.

Clause 15—Amendment of Section 76:

Mr. DONEY: So far as I know this has not been asked for by any of the municipal bodies, certainly not by the Municipal Bodies Association. We should leave the Act as it is. Municipal councils tell me that they find it much easier to get ratepayers to vote on a Wednesday than on a Saturday, because on a Saturday most of the people seem to be at sport or in their gardens or visiting and to get them to the poll is difficult. In the metropolitan area the experience may be different. No municipality has said that there are any disabilities in connection with Wednesday voting. I have not heard of any and I know a fair amount about municipal government. I do not pretend that this question is of great consequence. If the clause is carried it will affect every candidate just the same, but as Wednesday elections have proved to be so satisfactory, we would be well advised to leave the position as it is.

Clause put and passed.

Clause 16—Amendment of Section 80:

Mr. DONEY: I move an amendment—

That after "therefrom" in line 2, "the word 'public'" be inserted.

The section begins—

An election to fill every extraordinary vacancy shall be held on a day of which public notice shall be given, etc.

I object to the word "public." The Municipalities Association desires that ordinary notice shall be given, whereas the word "public" in the Act means publication in the "Government Gazette." In the country little is known of the "Government Gazette" though people understand a notice posted outside the municipal office. Requirements would be met by publication of a notice in a newspaper circulating in the district, together with a notice posted conspicuously outside the council office. If this amendment is accepted, I shall move to delete all the words from "therefrom" to the end of the clause, and the clause would then read—

Section 80 of the principal Act is amended by deleting therefrom the word "public" in the second line.

The MINISTER FOR WORKS: The Act provides for publication in the "Government Gazette," which I consider is necessary. I am prepared to accept an amendment requiring an advertisement to be inserted also in a newspaper circulating in the municipal district.

Amendment put and negatived.

Mr. DONEY: I move an amendment—

That all the words after "therefrom," in line 2, be struck out.

The provision in the clause has not been sought by any municipality that I know of. It would necessitate a special meeting of the council and wasting the time of busy men. All that is required is to decide upon a suitable day for the extraordinary election, and surely the mayor or his deputy could shoulder a small responsibility of that kind. If the mayor or his deputy declined to undertake the responsibility, it would fall on the council. To amend the Act in a manner suggesting that the responsibility would be too heavy for the mayor or his deputy is quite unnecessary.

The MINISTER FOR WORKS: I cannot accept the amendment. The clause has been requested by the municipal councils.

Mr. Doney: I think you are in error there.

The MINISTER FOR WORKS: I am almost sure of my statement. In addition

to the publication of a notice in the "Government Gazette" an advertisement could be inserted in a newspaper circulating in the district, but provision is already made for a notice to be exhibited outside the office of the council.

Mr. Doney: What possible good could come from the change? The responsibility is very small for the mayor to shoulder and you are insisting on a full meeting of the council.

The MINISTER FOR WORKS: The council should exercise this power.

Mr. Doney: And the council would still have the power if it so desired.

The MINISTER FOR WORKS: I consider the safeguard desirable.

Mr. Doney: What would be gained by publishing a notice in the "Gazette"?

The MINISTER FOR WORKS: That is the official notification. Complaints have been made that very little notice has been given of extraordinary vacancies. The clause will ensure that proper notice is given in the "Gazette" and the council may give as much notice otherwise as it desires.

Mr. DONEY: The Minister is offering nothing. I believe he is in error in saying that the municipal bodies have asked for the alteration. Subsequent to my introducing a delegation to the Minister, I was requested to take the objections embodied in my amendments. The municipal bodies desired that my further amendment should be sufficient without having to publish a notice in the "Gazette." The Minister has not shown that any benefit could arise from inserting an advertisement in the "Gazette."

Amendment put and negatived.

Mr. DONEY: I move an amendment—

That the following words be added to the end of the clause:—"and by adding to Subsection (1) the following words:—'The notice referred to in this subsection shall consist of one advertisement in a newspaper circulating within the municipal district and the affixing of a placard or poster containing the notice, and easily legible, in a conspicuous position outside the office of the municipality or the other usual meeting place of the council.'"

I understand that the Minister has agreed to accept the amendment.

The MINISTER FOR WORKS: I am prepared to accept the first portion of the amendment. I move—

That the amendment be amended by striking out all the words after "district."

If provision is made for an advertisement in a newspaper circulating in the district, noth-

ing further is necessary. As I have pointed out, provision is already made for a poster to be displayed outside the office of the municipality.

Mr. McDONALD: The effect of the amendment may be to overrule the interpretation section, which says that public notice shall mean "by the 'Government Gazette' and by such other notices as the council may think fit." If we specifically say by the amendment that the public notice referred to shall mean what the amendment says—one advertisement in a newspaper—we may by implication do away with the advertisement in the "Government Gazette." The Minister, I believe, does not want that.

The Minister for Works: No. The other publication is still left in.

Mr. McDONALD: The effect of the amendment may well be to abolish any necessity for publishing the notice in the "Government Gazette."

Mr. DONEY: If the Committee are impressed by the arguments of the member for West Perth, they must vote against the amendment as proposed to be amended. The amendment thus amended will certainly be open to that objection.

The MINISTER FOR WORKS: If there is any danger of the kind suggested, I certainly must oppose the amendment of the member for Williams-Narrogin. In the circumstances we had better leave things as they are.

Amendment on the amendment put and passed.

Mr. McDONALD: I oppose the amendment as amended, for the reasons I have stated.

Amendment, as amended, put and negatived.

Mr. McDONALD: I have made inquiries and am informed by the Perth City Council that that body does not favour the clause. The section of the parent Act only says that an election to fill an extraordinary vacancy in the council shall be held not less than 20 or more than 25 days after the vacancy occurs. The present section also says that in that small interval of five days the mayor shall fix the particular day on which the by-election shall be held. The discretion given to the mayor to fix one day inside five days is small. If the clause is carried, it will mean that the City Council may have to be called together specially in order to fix the date of the by-election. That is a very small matter

for which to call the council together. Moreover, the matter has been safely left to the mayor during the last 30 years.

Clause put and passed.

Clauses 17 to 23—agreed to.

Clause 24—Amendment of Section 119:

Hon. C. G. LATHAM: I wish to draw the attention of the Committee to the fact that the Parliamentary Draftsman has taken to including a terrific amount of matter in one clause. This makes the clauses extremely difficult to follow. Clause 22, which we have just passed, consists of a page and a half, and Clause 23 consists of two pages. It is hopeless to follow these things. Parliament should protest against the practice. Moreover, such long provisions make it difficult to follow the law. The practice has only been adopted during the last two or three years. Clause 24, comprising four pages, might well have been broken up a little. The Parliamentary Draftsman must think members are extremely quick thinkers.

The MINISTER FOR WORKS: The clause amends Section 110 of the Act, and sets up machinery.

Hon. C. G. Latham: But it ought to be broken up.

The MINISTER FOR WORKS: First of all it provides for the voting, then voting in absener, and next instructions to the returning officer. These instructions are necessary for preferential voting, which has not been in vogue. Provision must be made as to the manner in which the votes shall be counted.

Hon. C. G. Latham: But surely the clause can be broken up a little.

The MINISTER FOR WORKS: I do not know about that. Presumably hon. members go through the clauses carefully.

Mr. Doney: There is no time to do that in Committee.

Clause put and passed.

Clause 25—agreed to.

Clause 26—Amendment of Section 112:

Mr DONEY: The clause deals with the destruction of used ballot papers in the presence of two councillors instead of three. I have no objection to that.

Clause put and passed.

Clause 27—Amendment of Section 155:

Mr. DONEY: I am interested in the clause, and I hope every hon. member is interested. Its subject is of considerable

importance not only to councillors but also to their employees. It is fair to enlarge the scope of councillors' responsibilities as outlined here, by putting outside employees on the same basis in regard to gratuities as inside employees. I raise no objection to that. The proviso, however, certainly needs amendment. Under the relevant section in the parent Act, no officer or other employee can receive a larger gratuity for, say, fifty years' service than for, say, ten years'. For less than ten years' no gratuity of any kind is payable. A municipal employee 60 years of age with perhaps 40 years of service to his credit is plainly deserving of a larger monetary recognition than is the servant of, say, 27 years with perhaps 10 or 12 years' service to his credit. It may quite easily be that the older man is facing a pretty long period of unemployment, whereas the younger man is probably leaving the council's employment to go to something much better. There is no need to consider the various methods of service, because all the discretion, both under my proposal and under the Act, remains with the council. The idea of the amendment is to make it possible for the Council to grant a bigger gratuity where they think it is desirable so to do. As it is at present, irrespective of the length of service of the employee, not more than one year's wages can be paid to him as a gratuity. That is wrong, and I hope the Committee will agree to my amendment, which I move as follows:—

That after "wages" in line 6 of the proviso to paragraph (d), the words "for each completed ten years of service" be inserted.

The MINISTER FOR WORKS: I most decidedly object to this amendment. The hon. member proposes to be very generous.

Mr. Doney: Discretion will remain with the council.

The MINISTER FOR WORKS: At present one town clerk has served his council for 30 years, and another for 40 years, the latter at a very high salary. If we were to agree to the amendment, the latter officer would be entitled to four years' salary.

Mr. Doney: He would not be entitled to it at all, unless the council saw fit to grant it to him.

The MINISTER FOR WORKS: I would not agree to giving any council that power.

Mr. Doney: They look after their own funds.

The MINISTER FOR WORKS: The clause will permit a council to grant a gratuity representing 12 months' salary, and now it is proposed to extend that concession. If we agree to the amendment it would enable a council to grant an amount out of all reason. Why put such a proposal in the Bill?

Mr. DONEY: I had expected the Minister to give some reason for disagreeing to the amendment.

The Minister for Works: I gave one indication, and pointed out that it would enable one municipality to give £5,000.

Mr. DONEY: It would not be mandatory.

The Minister for Works: We will make it mandatory that a municipality cannot do it.

Mr. DONEY: Surely the municipal authorities are the best custodians of the money entrusted to them.

Hon. P. Collier: Whom have you got in mind?

Mr. DONEY: That is the class of interjection I would expect from the member for Boulder. I have introduced the amendment without having anyone in mind at all. If the hon. member thinks I have the town clerk of Narrogin in mind, I would inform him that that officer has only from eight to nine years' service to his credit.

Mr. SAMPSON: I think a better method could be adopted, and I would suggest some arrangement being made with one or other of the insurance companies who will provide the payment of a certain amount under specified conditions. If that were done, there would be no difficulty regarding funds. A municipal council may desire to do something to acknowledge the work of an officer, and financial stringency may prevent them from doing so. On the other hand, if a small payment were made in accordance with the table prescribed by insurance companies, the money would be available.

Amendment put and negatived.

Mr. DONEY: Having regard to the view the Minister has taken regarding the amendment just disposed of, I do not think the chances regarding my next amendment are altogether rosy.

The Minister for Works: I do not think it is relevant to the clause.

Mr. DONEY: We shall see what the Chairman of Committees will say about it. I move an amendment—

That a further paragraph be added to the clause as follows:—

(e) by adding the following subsection:—

(2) In addition to the powers conferred by the preceding subsection the council of any municipality for the purposes of making provision for any officers or employees appointed or employed by the council and for dependants of such officers and employees on the resignation, retirement, or death of such officers or employees, or on the cessation or abolition of the offices or employment of any such officers or employees, may do all or any of the following things—

(a) grant and pay superannuation allowances or pensions;

(b) create, establish, and constitute any fund or funds for any of the purposes aforesaid;

(c) join, institute, or co-operate in any scheme, and support, aid, or subscribe to any association, fund, or trust for any of the purposes aforesaid;

(d) deduct from the salaries or wages of such officers and employees as contributions to any fund, scheme, association or trust for any of the purposes aforesaid such amounts as the council by by-law determines.

For a long time municipal councils have sought the right to establish superannuation funds and to make contributions to them from their own revenue. Only good could arise from such a proposal, because full discretion would remain in the hands of the council. It may be necessary to pass a special Act to deal with this matter, as was found essential in connection with the Perth City Council Superannuation Fund. My advice, from a sound legal source, is that the amendment is quite proper. It will give councils the right to join in a common scheme. Having regard to simple language in which the amendment is framed, there is no need to explain it further.

The CHAIRMAN: I must rule the amendment out of order as being outside the scope of the Bill.

#### *Dissent from Chairman's Ruling.*

Mr. Doney: I shall have to move to disagree with that ruling.

The Chairman: Will the hon. member put it in writing?

Mr. Doney: I move—

That the Committee dissents from the Chairman's ruling.

*[The Speaker resumed the Chair.]*

The Chairman reported the dissent.

Mr. Doney: I consider that I have very good grounds for disagreeing with the ruling of the Chairman of Committees. He ruled the amendment out of order on the ground that it was outside the scope of the Bill. It is easy to determine the scope of the Bill, and one has merely to have regard to the amendment to the proviso that has gone before the one under discussion, quite apart from the one we are dealing with at the moment. The subject matter of the amendment is plainly and obviously relevant. I do not think anything could be more so. The conditions under which the payments are to be made are almost precisely the same in the clause as in my amendment, and there is very little difference between them. I am entitled to say that the aim of the Minister's clause and that of my amendment is practically identical. It is futile for the Chairman of Committees to deny relevancy. A few weeks ago you, Sir, laid it down that hon. members had to establish relevancy between their proposal and the clause to be amended. But even that does not make the position absolutely clear. There is such a thing as immediate and obvious relevancy, which I have established here, and there is remote relevancy, and if that is all a member can show, he is not, I should say, entitled to succeed. But I certainly do not see that there is the slightest ground for regarding the subject matter of my amendment as not being related in any way to the subject matter of the clause. I therefore suggest to you, Sir, that the Chairman of Committees has erred in ruling my amendment out of order.

Hon. N. Keenan: The clause before the Committee seeks to amend Section 155 of the principal Act, which deals with the power of the council, in their discretion to cause to be paid to the wife and family of an officer on his death a gratuity not exceeding a certain sum. To this clause various amendments have been proposed. The member for Williams-Narrogin has proposed what I regard as a relevant amendment to Section 155. If the section had been here for discussion by this Committee, the amendment by the hon. member could scarcely have been shut out, or if it had been we should have been confined entirely to any amendments which happened to be included in the Bill brought down, and the position would have been an extraordinary reflection

on the rights of members of the House. The only criterion that you, Sir, have laid down as to amendment is that it must be relevant to the Act with which the Bill is dealing. This amendment of the hon. member is definitely and entirely relevant to the section of the principal Act with which the amendment is dealing. Therefore I will support it.

Mr. Sleeman: I am surprised at the attitude of my learned friend. As a matter of fact there is no doubt in my mind that the amendment is quite outside the scope of the Bill, for there is no relevancy between a gratuity and superannuation. If members will look at the amendment they will see that it provides further powers amounting to the initiation of superannuation, and so it is outside the scope of the Bill.

Mr. McDonald: I support the hon. member in his protest. Powers are provided for the granting of gratuities, and now the hon. member proposes that the council may give a gratuity of a lump sum, or give an annuity or a weekly or monthly payment or may do both. However, that does not matter very much. But under the hon. member's amendment the council could grant and pay superannuation allowances or pensions.

The Minister for Works: The member for West Perth has not succeeded in justifying the amendment. Nobody seems to have given attention to paragraph (d) of that amendment, which reads as follows:—

The council may deduct from the salaries or wages of such officers and employees as contributions to any fund, scheme, association or trust for any of the purposes such amounts as the council by by-law determines.

The Bill does not say to whom it may be paid, but the idea is presumably to apply that to a superannuation fund, under which a retiring officer shall benefit. It appears to me to be utterly irrelevant, not only to the Bill, but to the Act itself. If the superannuation fund is to be set up, it must be set up properly. The advice we have is that it could only be properly done by the introduction of a separate Act.

Mr. Speaker: The Committee was dealing with Clause 27 of the Bill when the member for Williams-Narrogin moved to insert an amendment which the Chairman of Committees has ruled out of order. The hon. member moved to disagree with the Chairman's ruling. Section 155 of the Act provides for gratuities to officers. I find there is in the

Act no definition of the word "officer." From the amendment proposed to be inserted in the Bill, it is obvious that it is intended to insert "wages men" as well. I understand that the member for Williams-Narrogin claims that this amendment is relevant to the amendment proposed by the Minister for Works, but I desire to say to the hon. member that his amendment goes very much farther than the amendment in the Bill, in that it proposes to join, institute or co-operate in any scheme and support, aid or subscribe to any association, fund, or trust for any of the purposes aforesaid. Then in the next paragraph it proposes—

To deduct from the salaries or wages of such officers and employees as contributious to any fund, scheme, association or trust for any of the purposes aforesaid such amounts as the council by by-law determines.

I declare that there is a very great difference between all that and the payment of a gratuity, such as is contemplated by Section 155 on the resignation or death of any officer as the council may in their discretion cause to be paid. I think I am right in concluding that if the member for Williams-Narrogin's amendment were carried and it was proposed to deduct such salaries, it would be a question of those paying into the fund expecting to get something out of it. There is a vast difference between the Superannuation Act and the amendment moved by the hon. member with its insertion of wages men instead of officers. In my opinion there is no relevancy between the amendment and the proposal of the Minister. It has already been ruled in this House—and the ruling has held for many years—that unless an amendment is relevant to the subject matter of the Bill it cannot be moved in the Committee of this House.

Mr. Doney: May I make a remark?

Mr. Speaker: Not unless you propose to move to disagree with my ruling.

Mr. Doney: I do not propose to do that.

#### *Committee Resumed.*

Clause put and passed.

Clause 28—Amendment of Section 156:

Mr. DONEY: I have an amendment which, however, is not on the Notice Paper. Still, it is perfectly simple. I move—

That after "year" in line 4 of paragraph (a) all words be struck out, and "not later than the last day of November" be inserted in lieu.

Very often it is necessary to hold the annual election after three weeks of November have elapsed, because the elections are statutorily held in the fourth week of November, and there are occasions when the fourth Wednesday occurs in the third week. The amendment would require the ratepayers' meeting to be held before that day, so there might be less than three weeks in which to prepare the municipal accounts. There should be at least one month in which to prepare those accounts. The council fixes the date of the ratepayers' meeting, and where it is possible they would give themselves the full month that is necessary. I hope members will recognise the need for this amendment.

The MINISTER FOR WORKS: The amendment fails to provide that the annual meeting shall be held before the annual election.

Mr. Doney: I do not see the need for that.

The MINISTER FOR WORKS: That is the time when members of councils have to give an account of their stewardship. The actual date, so long as it is before the election, should be left to the discretion of the municipality.

Amendment put and negatived.

Mr. DONEY: I move an amendment—

That paragraph (c) be struck out.

In the case of special meetings that are asked for, the Bill proposes to amend the Act by extending the notice from seven days to 14. The matter which prompts the calling of a special meeting is very often an urgent one, and if the meeting is not held for 14 days it may then be altogether too late. I do not think the municipalities have asked for this change, and after all, they ought to know their own business best.

The MINISTER FOR WORKS: The municipalities have asked us to give this extra time.

Mr. Watts: Metropolitan or country municipalities?

The MINISTER FOR WORKS: It has been done at the request of municipalities. We do not want to alter the Act merely for the sake of altering it. The longer notice of 14 days will give the officials of a municipality time in which to prepare for their case. The amendment is, therefore, in the interests of the council, whereas the amendment favours the irate ratepayers. The Metropolitan Local Government Association and the Country Municipalities' Association

asked for this change, but apparently they have now requested the hon. member to move for an alteration. I am disposed to stick to the Bill.

Mr. SAMPSON: I have received a letter from a municipal council stating that the increased notice to 14 days is quite unnecessary, and that seven days should be ample.

The Minister for Works: Which municipality have you in mind?

Mr. SAMPSON: I do not think I am justified in giving the name.

The Minister for Works: I will not take any notice of an unknown municipality.

Mr. SAMPSON: In the case of road boards a notice of seven days is regarded as sufficient, and a road board district is far more extensive than a municipal district.

The Minister for Works: I think the idea is to allow the ratepayers to cool off.

Mr. SAMPSON: I hope the amendment will be accepted.

Hon. C. G. LATHAM: Thirty years ago, when the Act now in force first came into existence, the means of communication were nothing like what they are to-day. The Act applies to certain prescribed areas, and probably Northam and York are the biggest municipalities outside the metropolitan area. I do not know why a municipality should have to inform the Minister that a longer period is desired in which to make out a case. The Mayor receives the notice for the calling of the meeting, and he must give seven clear days' notice. If he likes, he can wait a week before he sends out the notice. Seven days is quite long enough. A longer period is not fair to the people who are petitioning. The matter to be discussed may, by the end of 14 days, become so stale that there will no longer be any interest in it.

Mr. DONEY: The Minister stated that he brought this amendment down at the request of the delegation of the metropolitan council, and country councils. Of course, I believe the Minister, but I too have been requested by country bodies to bring down something entirely to the contrary. The Minister said that he is attempting to give what is being asked for. He may be giving them what they have had all the time. The period in the Act has always given satisfaction, and I cannot see why there should be a change.

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

Ayes ..	..	..	17
Noes ..	..	..	21

Majority against .. .. 4

#### AYES.

Mr. Boyle  
Mrs. Cardell-Oliver  
Mr. Ferguson  
Mr. Hill  
Mr. Hughes  
Mr. Latham  
Mr. McDonald  
Mr. McLarty  
Mr. North

Mr. Sampson  
Mr. Seward  
Mr. Shearn  
Mr. Thorn  
Mr. Warner  
Mr. Watts  
Mr. Welsh  
Mr. Doney

(Teller.)

#### NOES.

Mr. Coverley  
Mr. Cross  
Mr. Doust  
Mr. Fox  
Mr. Hawke  
Mr. Hegney  
Miss Holman  
Mr. Lambert  
Mr. Marshall  
Mr. Millington  
Mr. Munroe

Mr. Nulsen  
Mr. Raphael  
Mr. Redoreda  
Mr. F. C. L. Smith  
Mr. Styanis  
Mr. Tonkin  
Mr. Troy  
Mr. Willcock  
Mr. Wise  
Mr. Wilson

(Teller.)

#### PAIRS.

AYES.  
Mr. J. M. Smith  
Mr. Stubbs  
Mr. Keenan

NOES.  
Mr. Johnson  
Mr. Neetham  
Mr. Collier

Amendment thus negatived.

Clause put and passed.

Clauses 29 to 31—agreed to.

Clause 32—New section:

Mr. DONEY: I move an amendment—

That in lines 1 and 2 of proposed new section 178A the words "with the approval of the Minister" be struck out.

The clause provides that any council may from time to time with the approval of the Minister pay out of municipal funds the reasonable expenses incurred by not more than one delegate appointed to attend a municipal conference. This is a parsimonious sort of clause. It would seem as if the councils were not capable of disbursing relatively small amounts that might be involved. To me it looks as if the words "with the approval of the Minister" have got in accidentally. This kind of thing is only an annoyance to the municipalities.

Hon. C. G. Latham: And to the Minister also.

Mr. DONEY: Quite so. Anyway, the councils do not like it, and therefore I submit the amendment.

The MINISTER FOR WORKS: I cannot agree to the amendment. The proposal in the Bill is merely to bring the municipal legislation into line with the Road Districts Act.



Mr. Doney: Is that the only excuse for the amendment?

The MINISTER FOR WORKS: No. We give additional power to spend money on delegates' expenses, and we give it with the reservation that approval of the Minister must be obtained. It is necessary that some supervision should be exercised in respect of municipal expenditure. In the case of road boards this has to be carefully watched. I am not going to divulge any details, but some boards have had to be brought up to scratch. Municipal councils have complained that they have not authority to spend money to send a delegate to a conference, and we agreed that power should be given, and quite rightly it should be given with the approval of the Minister. After all, it is only a formal matter. In connection with this extraordinary expenditure which would be incurred by the councillors themselves, it is for their own good that it should be authorised by the department and the Minister.

Hon. C. G. LATHAM: I was rather struck by hearing the Minister say earlier that he did not favour the appointment of auditors to check the work of the municipal auditors, whereas he now tells us that he cannot trust the municipalities. The Minister did not think it was necessary to have a Government auditor who would check up the accounts of the municipalities, but now he tells us that it is necessary for him to give authority for them to pay the expenses of delegates to conference. I do not know why the Minister wants to be bothered with this sort of thing, which is merely formal. I agree that the clause is almost identical with the wording of the Road Districts Act, and I do not know that that has created great hardship.

The Minister for Works: It keeps them up to scratch.

Hon. C. G. LATHAM: It does not. I am surprised that the Minister wants this power, when he has already said that the municipal councils can look after their business. They are not likely to spend money they are not permitted to spend; their own auditors would find out. I charge the Minister with inconsistency. However, the provision does give them authority which they have not got, and I do not suppose much harm will be done.

The Minister for Works: I have seen them run to Perth to attend to business which

could have been done at the cost of a two-penny stamp.

Hon. C. G. LATHAM: The Minister is referring to deputations; this clause refers to attendance at conferences. However, I raise no objection.

Amendment put and negatived.

Mr. DONEY: I move an amendment—

That "one" in line 7 be struck out with a view to inserting the word "two."

On the Notice Paper I had the word "any," but the Minister has indicated that "any" stands no chance whatever. I hope that by reducing it to "two," which is quite reasonable, seeing that the Minister has yielded me nothing at all so far, he may be inclined to give me this very small amendment. One delegate's expenses would not be more than £5 or £10, and the Minister will surely not mind increasing the number of delegates from one to two. If the town clerk happens to be one of the two he will have his expenses paid for him, but it sometimes happens that two councillors come down. It is sometimes essential. If two come down, under the present clause the second will have to pay his own expenses, or the amount will have to be divided between the two.

The MINISTER FOR WORKS: The clause does provide for one delegate; I do not think more was asked for. In respect of the town clerk his expenses could be paid in the ordinary way. The councils have authority even now to pay this money out of the 3 per cent. fund. They can use that for what purpose they like.

Mr. Doney: There are plenty of other drafts on that fund.

The MINISTER FOR WORKS: One delegate is enough. If the matter is so vital the councils can take the money for other delegates from the other fund. This is all they have asked for. I am not going to give the impression that public funds can be expended in an unnecessary manner. We have to discipline these municipal councils. Now that this authority has been given, if we say two delegates, two delegates it will be, but one delegate is quite sufficient. There is no need to bring a party to Perth.

Mrs. Cardell-Oliver: What about our gold passes and the trip to the Cue-Big Bell railway?

The MINISTER FOR WORKS: We cannot provide finance for that in this Bill.

Hon. C. G. LATHAM: That is only once in a life time.

Mr. SAMPSON: The clause provides for not more than one delegate. The amendment provides for not more than two. It does not follow that there will be two. With regard to the town clerk I would point out that it is a rule in the Municipal Association, as it is with other associations, that only delegates take part in debates. The town clerk might provide information, but does not speak except with the permission of the conference. The view is taken that the people who go to the conference represent the ratepayers, and it would be wrong for the town clerk to address the conference except by special permission. It is not much to give to men who do such a lot of honorary work to provide them with the expenses of two delegates to Perth. The cost would not be more than £10, except in the case of delegates coming from Carnarvon or Geraldton.

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

Ayes .. .. .	17
Noes .. .. .	19

Majority against ..	2
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# AYES.

Mr. Boyla  
Mrs. Cardell-Oliver  
Mr. Doust  
Mr. Ferguson  
Mr. Hill  
Mr. Hughes  
Mr. Latham  
Mr. McDonald  
Mr. McLarty

Mr. North  
Mr. Sampson  
Mr. Seward  
Mr. Thorn  
Mr. Warner  
Mr. Watts  
Mr. Welsh  
Mr. Doney

(Teller.)

# NOES.

Mr. Coverley  
Mr. Cross  
Mr. Fox  
Mr. Hawke  
Mr. Hegney  
Miss Holman  
Mr. Marshall  
Mr. Millington  
Mr. Munie  
Mr. Nulsen

Mr. Raphael  
Mr. Rodoreda  
Mr. F. C. L. Smith  
Mr. Styant  
Mr. Tonkin  
Mr. Troy  
Mr. Willcock  
Mr. Wise  
Mr. Wilson

(Teller.)

# PAIRS.

AYES.  
Mr. Keenan  
Mr. J. M. Smith  
Mr. Stubbs

NOES.  
Mr. Collier  
Mr. Johnson  
Mr. Withers

Amendment thus negatived.

Mr. DONEY: I move an amendment—

That the following words be added to the proposed new section:—“and the reasonable expenses incurred by any member of the council, including the mayor, while otherwise absent from the municipality on business solely concerning the council.”

I hope the Minister will be more lenient on this occasion.

The MINISTER FOR WORKS: Later on I might be lenient, but not on this amendment. Who would determine what was business solely concerning the council? When officials go to the Eastern States it is almost incredible how much business for the country can be found requiring attention. Councils have all the power they need in this direction and I shall not encourage them to go further. The amendment might even prove misleading to councils.

Amendment put and negatived.

Clause put and passed.

Clause 33—Amendment of Section 179:

Mr. DONEY: I move an amendment—

That the following be added to paragraph 18, subparagraph (b):—“and the localities or portions of municipal districts in which the same are hawked.”

In addition to prescribing fees according to the type of goods hawked, councils should have power to adopt varying rates according to whether the license is for the whole of the municipality or for only part of it.

The Minister for Works: I accept the amendment.

Amendment put and passed.

Mr. DONEY: I move an amendment—

That the following words be added at the end of paragraph (18a):—“and prescribing the fees to be paid for stallholders' licenses and for differentiating in such fees, according to the description of goods, wares or merchandise sold and the position or place on which the stall is situate, and for requiring stallholders to use scales.”

The Minister might well accept this amendment.

The Minister for Works: Yes.

Amendment put and passed.

Mr. DONEY: I move an amendment—

That the following be inserted before paragraph (d) on page 20:—“(d) by inserting after paragraph 41 a new paragraph as follows:—“To prevent or prohibit animals from straying, or, if suffering from any infectious or contagious disease, from being driven or ridden on any road, and for the slaughter and destruction of any animal found so suffering on any road.”

Councils are anxious to have power to impound straying stock found in the streets or on unenclosed land and to fix poundage and sustenance fees and fines and to sell or destroy unclaimed stock. Municipalities may take advantage of the provisions in the Cattle Trespass Act, but it is desirable that

the more important of the powers should be embodied in this measure. This provision appears in the Roads Districts Act but has no counterpart in the Municipal Corporations Act.

The CHAIRMAN: I rule the amendment out of order on the ground that it is outside the scope of the Bill. Does the hon. member desire to proceed with the next amendment of which he has given notice?

Mr. DONEY: Had I known that that action would be taken, I might have sought an instruction to the Committee before this stage was commenced.

Mr. McDONALD: I move an amendment—

That the following words be added after "or" in paragraph (d):—"and by inserting in paragraph (34) after the word 'quarrying' the word 'excavating'."

The paragraph, with my proposed amendment, would read—

For prohibiting, regulating, and controlling quarrying, excavating, and blasting operations.

I have been asked to recommend this amendment because councils feel they should have some control over excavations which might be not only unsightly but dangerous.

Amendment put and passed.

Mr. McDONALD: I move an amendment—

That the proposed new clause (47a) be struck out, and the following inserted in lieu:—"Permitting and regulating the planting of lawns and gardens in streets by the owners or occupiers of premises abutting thereon, and the laying of pipes under and the erection of taps in streets for watering such lawns and gardens and prohibiting the riding or driving of animals or vehicles over such lawns and gardens."

My amendment merely adds to the proposal in the Bill provision for the laying of pipes and the erection of taps for watering street lawns and gardens. At present this cannot be done and it is desirable to encourage the planting of such lawns and gardens.

The MINISTER FOR WORKS: I am afraid I cannot accept the amendment. The advice I have from the Crown Law Department is as follows:—

Re street lawns: The Metropolitan Water Supply Act gives authority to supply water to owners and occupiers of land. An owner is not entitled to get a supply on land in respect of which he has no title either as owner or occupier. In the case under consideration, owners desire to have services on the street lawns. The soil of the roadway is either under the control of or vested in the local authority. I am of opinion, therefore, that the

Minister is not legally empowered to give a service on the roadway for the benefit of a private owner. (Signed) Albert A. Wolff, Crown Solicitor.

Although it is done, a householder cannot legally be authorised to connect from an inside meter to outside his own boundary. If any accident happened and thousands of gallons were wasted, the owner could not be held responsible. That is the real difficulty. We have not the necessary authority, and cannot take it under this measure. Much as I would like it to be done, it must be done by some safe means.

Mr. McDONALD: I see the difficulty mentioned by the Minister, but it seems to me that this reform—and I think it is a reform in a hot country—has to be dealt with under two Acts, the Metropolitan Water Supply Act and the Municipal Corporations Act. Under the former, authority could be taken to supply water outside the boundaries; and under the latter, authority could be taken to lay pipes in the street. The point is, who is going to start first? I have endeavoured to make a start by enabling the municipal authority to direct how pipes under the street are to be laid and how taps are to be protected. Although we may insert that power in the Bill, it does not compel the water authority to enable the water to go through that pipe. I have been optimistic enough to hope that the water authorities will find some means, by amendment or otherwise, to enable the water to be supplied through the pipes on to the street. Possibly, as I have the Minister's goodwill, he may postpone the clause until to-morrow, and meantime I would see whether something could be devised.

Progress reported.

## BILL—INDUSTRIES ASSISTANCE ACT CONTINUANCE.

*Second Reading.*

Debate resumed from the 31st August.

HON. P. D. FERGUSON (Irwin-Moore) [9.53]: I support the second reading of the Bill, which, as the Minister told us the other evening, is designed to continue the operations of the Industries Assistance Act, a measure which has been in force since 1915. This legislation has been the means of materially assisting one section of the

farming community, the section that was hit to leg badly by the drought of 1914. It will be remembered that as a result of that drought the wheat-growing districts experienced indeed a bad time. The wheat-growers found great difficulty in persuading the Government of the day to realise the seriousness of their position. The only way they could effectively draw attention to the difficulties with which they were faced was to organise a monster meeting of wheatgrowers, held in the Perth Town Hall. You may recall, Mr. Speaker, that on that occasion a well-known Minister of the Crown climbed on to the platform, and that after listening to a few wheat-growers reciting their grievances he advised them to go home and get work. They went home and got work, and undoubtedly have had it ever since. But the point I want to stress is that as a result of that meeting the wheatgrowers did get some assistance from the Government of the day. Indeed, I believe that meeting was responsible for the placing of this legislation on the statute-book. The Act has been continued ever since, and has proved of considerable benefit to farmers in distress at that time—some of them have been in distress ever since. I remember distinctly that we had to make application to the Government for assistance in the direction of securing seed wheat. In those days the varieties of wheat were Gluyas Early, Federation, and Lotts. The farmers in distress were invited by the Government to send down applications for the seed wheat they required, specifying the varieties. The varieties I have mentioned were those most in demand. But when the varieties of seed wheat were sent out to the farms, they were quickly re-christened by the recipients, in view of the admixture of varieties contained in the consignments, with such names as Seaddan's Glory, Troy's Tripe, Johnson's Junk, and Underwood's Getwork, and so forth. I regret to say that the resultant crops were the most marvellous ever seen. If one got up on an elevation and had a look at a paddock of wheat in the valley, it represented a chessboard more than anything else. One would see where a bag of a particular variety had been sown, say Gluyas Early, and next to it a strip resembling Purple Straw, and yet another variety of a different aspect. The resulting crops were like an Irish stew. Although we had to put up with that sort of thing, it is undoubtedly

a fact that the farmers were able to secure wheat of some kind to put in their crops in 1915. Had it not been for this legislation, which as the Minister for Lands told us the other evening was sponsored by the member for Guildford-Midland (Hon. W. D. Johnson), many of us would not have been able to seed an acre of land in 1915. I understand that at the 30th June, 1937, there were no fewer than 2,248 accounts of the Industries Assistance Board, indicating that since 1915 there has been necessity for carrying on considerable numbers of farmers. It shows that at least some farmers have not been able to get clear of the I.A.B. since that time. It proves that either through indifferent seasons or low prices the wheat-growing community has not been able to make good since. The Minister told us last week that 1,336 settlers had received assistance during the preceding two years. I am not quite sure what percentage of those 1,336 settlers were new accounts; or perhaps they were all old ones. The fact is, however, that those farmers still owe the State £157,000 principal and £4,300 interest. In view of the amounts written off, this is not a vast sum for that number of settlers to owe; nor is it altogether surprising that the amount mentioned remains to be repaid by clients of the Industries Assistance Board. The Minister told us that drought relief written off during the year amounted to only £2,414. That seems to me a remarkably small amount, considering that over a considerable portion of the wheat belt and in the north-eastern areas the farmers experienced the worst season known since the drought of 1914. The result of that drought, as I have said, created the necessity for this legislation, which has been continued ever since. I support the second reading, because I believe that the Act is still necessary. The fact that there are still 2,000 odd clients of the Industries Assistance Board is a proof of that. The Minister for Lands the other evening, speaking in connection with another Bill, made a most unwarranted attack on the members of the Country Party and indulged in a considerable amount of unnecessary abuse and misrepresentation not only of the Country Party but of many farmers as well. In the course of those remarks the Minister said the Country Party cared nothing for the Industries Assistance Board or for the Agricultural Bank, did not care whether the Industries Assistance Board was jeopardise

or what happened to it. That is not so, and the proof of that is that I believe every member of the Country Party will support the Bill under discussion, which provides for the continuation of the operations of the Industries Assistance Board. Had the Minister desired to be reasonably fair—

Hon. C. G. Latham: He could not possibly be fair.

Hon. P. D. FERGUSON: I think it is possible for a Minister of the Crown to be fair to members of the Country Party and to the people whom we represent. The Minister's vituperation was not worthy of him or of any Minister of the Crown at any time. Since the Minister delivered that memorable speech, I have had an opportunity to traverse a large section of the farming areas, extending from Dalwallinu in the North to Narrogin in the south. During that time I met many farmers, but I did not come into contact with one who supported the arguments advanced by the Minister.

The Minister for Lands: They do not know the provisions of the Bill.

Hon. P. D. FERGUSON: They do; they have been told the contents of the Bill. During the past six or eight months, they have had opportunities to peruse copies of the Bill as introduced last session.

Mr. SPEAKER: I do not think we can discuss that Bill at this juncture.

Hon. P. D. FERGUSON: No, I am not doing so, but am merely showing that the Minister's statement that Country Party members have no regard for the interests of the Industries Assistance Board or of the Agricultural Bank, was not in accordance with facts. Personally, I support the second reading of the Bill, and I believe every member on the Opposition side of the House intends to do so too.

**MR. WARNER** (Mt. Marshall) [10.2]: It is impossible to do other than support the second reading of the Bill. When similar legislation was before the House last session I expressed the hope that conditions would so improve that there would soon be no necessity for such an enactment. Unfortunately, we have experienced two disastrous seasons in succession. Last season little crop was grown in the major portion of my electorate, and there is again a feeling of great insecurity in a large portion of that district this year. Assistance will certainly

have to be provided for many farmers there, and possibly some will have to receive sustenance and money to enable them to procure spare parts to carry on their operations. Some will have to be supplied with chaff, as I do not think there will be sufficient hay available to meet the requirements of the district. I have reason to believe that the Agricultural Bank Commissioners appreciate the position. They must realise that unless we experience phenomenal rains, we will not be able to cut sufficient hay for all requirements, and, in fact, it is almost too late for benefit to be derived from additional rain. It is a pity that we did not have a good season this year, and my electorate has been most unfortunate during recent seasons.

On motion by Mr. Coverley, debate adjourned.

*House adjourned at 10.5 p.m.*

## Legislative Council,

*Wednesday, 22nd September, 1937.*

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The PRESIDENT took the Chair at 4.30 p.m. and read prayers.

### QUESTION—ABORIGINES, CARROLUP SETTLEMENT.

#### *Provision of Educational Facilities.*

Hon. L. CRAIG asked the Chief Secretary: 1, Is it the intention of the Government to re-open the Carrolup Native Settlement? If so, when? 2, Do the Government intend to provide educational facilities for native children of school age in the southern division? If so, when?