Hon. A. F. Watts: There is no objection to that. We are saying that if the servant chooses to carry contraband goods and the owner does not know about it, he should be relieved of responsibility.

The MINISTER FOR TRANSPORT: The owner of the vehicle can go before the court and plead his case and the court is fair minded enough to mete out justice in such cases. If my undertaking is not accepted, I will withdraw my offer and the matter can take its course. I am not prepared to accept the amendment.

Mr. Nalder: Did not the member for Blackwood move that progress be reported?

The CHAIRMAN: The hon. member cannot do it after making a speech.

Mr. I. W. MANNING: This amendment is clear and straightforward and takes us back largely to the wording of the original Act. We can only draw on our imagination to realise what could be done and the member for Blackwood gave us an instance of it. I support the amendment.

Mr. BOVELL: The Minister has conceded that there may be something in the amendment and that he desires to have a further look at it. We could report progress but I will accept the Minister's offer and ask leave to withdraw by amendment, although I shall vote against the clause.

Amendment, by leave, withdrawn.

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

Ayes	22
Noes	16
Majority for	6

Ayes.	
Mr. Brady	Mr. Lawrence
Mr. Evans	Mr. Marshall
Mr. Gaffy	Mr. Norton
Mr. Graham	Mr. Nulsen
Mr. Hall	Mr. Potter
Mr. Hawke	Mr. Rhatigan
Mr. W. Hegney	Mr. Rodoreda
Mr. Hoar	Mr. Sleeman
Mr. Jamieson	Mr. Toms
Mr. Johnson	Mr. Tonkin
Mr. Kelly	Mr. May
	(Teller.)

Noes.	
Mr. Bovell	Sir Ross McLarty
Mr. Brand	Mr. Nalder
Mr. Court	Mr. Owen
Mr. Crommelin	Mr. Roberts
Mr. Grayden	Mr. Thorn
Mr. Hearman	Mr. Watts
Mr. Hutchinson	Mr. Wild
Mr. W. Manning	Mr. I. Manning
	(Teller.)

Pairs.	
Ayes.	Noes.
Mr. Lapham	Mr. Ackland
Mr. O'Brien	Mr. Perkins
Mr. Sewell	Mr. Mann
Mr. Heal	Mr. Cornell
Mr. Andrew	Mr. Oldfield

Clause thus passed.

Clause 5—agreed to.

Progress reported.

House adjourned at 6.5 p.m.

Legislative Council

Tuesday, 10th September, 1957.

CONTENTS.

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

QUESTION.

WATER SUPPLIES.

Availability of Boring Plants.

Hon. L. A. LOGAN asked the Minister for Railways:

(1) Are there any privately-owned water boring plants in Western Australia capable of boring to a depth of 500ft. or more, which are available either for hiring or for contract work?

(2) If the answer to No. (1) is "Yes," will the Government give consideration to hiring one or to engaging one on a contract basis to bore for water at Wongoondy and, at the same time, making the services of a geologist available?

The MINISTER replied:

(1) There are water-boring contractors available in the State for engagement.

(2) The engagement of these contractors in regard to private holdings is a matter for the owners of such holdings. Any geological information available regarding this district will be supplied to interested parties.

BILLS (2)—THIRD READING.

1, Health Act Amendment.

Returned to the Assembly with amendments.

2, Trustees Act Amendment.

Passed.

BILL—AUDIT ACT AMENDMENT.

Third Reading.

HON. E. M. DAVIES (West) [4.35] in moving the third reading said: During the second reading debate Mr. Watson said—

> There are some sections of the Act which provide that the Auditor General or such person as he shall appoint may do various things. But Section

40 simply says that the Auditor General shall examine the cash book daily. I would like to know whether it is a mandatory requirement for this examination to be a personal duty of the Auditor General, or whether it may be done by his officers as well as by him.

In reply to the hon. member, Section 12 reads as follows:—

The Auditor General may, by writing under his hand, appoint any person to inspect, examine, and audit any books, accounts, or stores which are required to be inspected, examined, or audited by this Act, and to report thereon to him; and any such person shall have power to inspect all such books, accounts, or stores, and all vouchers and papers relating thereto.

I move—

That the Bill be now read a third time.

Question put and passed.

Bill read a third time and *passed.*

BILL—ASSOCIATIONS INCORPORATION ACT AMENDMENT.

Second Reading.

HON. G. C. MacKINNON (South-West) [4.38] in moving the second reading said: The intention of this measure is firstly to overcome a difficulty which is being experienced in the interpretation of Sub-Section (2) of Section 3 of the Act. I feel that in the original drafting of this Act, it was the intention that it should read as it would if this amendment were agreed to.

At the present time it is most difficult —especially in country areas where newspapers are generally published weekly—to put into effect the provisions of this section, which refers to the publications of a notice regarding the incorporation of the association.

What is meant by the phrase "an interval of seven days" is not clear. Does it mean seven days are to elapse after the first publication and before the second one is effected? If so, it will, in many instances, not be possible in country districts for the Act to be complied with. In the South-West there was recently a case where, after completion of what they thought were the requirements, a particular group had to start all over again because of an objection to this section.

For example, the memorial of incorporation is filed on a Wednesday, the first publication is effected in the next issue of the paper—say on the following Wednesday—and "an interval of seven days" is allowed to elapse. This would mean that the second publication could not appear in the next succeeding issue of the newspaper as the interval would be only six days between publications. To publish it the following week would not be permissible as more than "an interval of seven days" would have elapsed; and the time in which it is necessary to effect the publications—14 days—would have expired. So this is one of those occasions where, although the intention was clear in the first place, the wording does not allow that intention to be effected.

Cases have occurred, due to the obscurity of the section, in which it has been necessary for associations to recommence the formalities of incorporation, which is an expensive proposition. I feel that in order to clarify the matter, the subsection should be repealed and re-enacted in the form set out in the Bill, which makes it necessary that it shall be published twice within an interval of not less than seven days, or more than 14 days, in a newspaper approved; and the first of such publications is to be made within 14 days of the filing of the memorial.

There is no urgency in the matter, so the little extra spread of time will not make any difference to anybody; and the amendment does make it mechanically possible to file a memorandum, and actually get it into the papers as specified in the Act.

The second intention of the Bill is to rectify an anomaly which exists in Section 7 (1) (b) of the Act as compared with Section 3. Following an amendment in 1955, it became possible for the publications of the incorporation of an association in accordance with Section 3 (2) to be made in a newspaper approved by the registrar and circulating in the district in which the association is situated or established.

As the Act stands, if an alteration is made in the name of the association, it is necessary for the notice of alteration to be published in a newspaper approved by the registrar and circulating throughout the State. Therefore, it can be published in a newspaper circulating throughout the district, which would be reasonable under today's conditions; but the amendment made in 1955 did not apply throughout the entire Act. So if it is wished to alter the name, the position is left as it is in the original Act, and the advertisement is published in a newspaper circulating throughout the entire State.

Today many companies in Western Australia have been formed for the express purpose of operating within a limited area or a particular district. That is why in 1955 an alteration was made to allow of the publication of the memorial in a paper circulating throughout the district concerned. This could be considered as an anomaly which was never intended; and it is thought that it should be possible for the association, if it so desires, to utilise an approved newspaper circulating in the district in which the association is situated or established, to give notice of its change of name. The amendment in the Bill will

rectify this apparent anomaly. I therefore commend the Bill and trust that members will agree that it is a necessary amendment to the existing Act. I move—

That the Bill be now read a second time.

HON. E. M. HEENAN (North-East) [4.44]: Within the past week I have had practical experience in dealing with the sections which it is proposed to amend; and I am pleased to support the Bill. No real difficulty is experienced under the Act as it operates at present; but the proposed amendment to Section 3 has some merit because, as Mr. MacKinnon has pointed out, the section at present stipulates that both advertisements must occur within 14 days, and the second one must occur within seven days of the first.

What I am about to say might interest Mr. Bennetts. I have just had the job of completing the incorporation of the Esperance Turf Club. The two advertisements appeared in the "Kalgoorlie Miner." I gave directions for one to appear on the Friday and the other to appear on the subsequent Friday. I understand from the Companies Office that this is acceptable; but as pointed out by Mr. MacKinnon, it is not quite clear whether the publication of an advertisement on one Friday and the other on the following Friday complies with the stipulation in the Act that they are to appear within seven days.

Hon. Sir Charles Latham: It would be seven days afterwards.

Hon. E. M. HEENAN: Yes. However, the amendment will clear up the weakness in the drafting of the present measure. The amendment is also worth while because, in regard to the Esperance Turf Club, which is applying for incorporation, an advertisement has to appear in a newspaper published in Perth, except that the Registrar of Companies can approve of its being published in a newspaper circulating in the district. So, in this instance, I had to see the registrar and explain to him that the "Kalgoorlie Miner" circulated in Esperance; and I got his permission to publish the advertisement in that paper.

The amendment suggested by Mr. MacKinnon tidies up that state of affairs; and, if carried, it will mean that no longer will one have to approach the registrar to get his permission. Provided a newspaper circulates in the district, the advertisement can be published in that newspaper without the necessity for seeking anyone's permission.

Hon. G. Bennetts: Did you have to put it in only one paper or in the three newspapers in that area?

Hon. E. M. HEENAN: In only one newspaper; but the advertisement had to occur twice. In the case I am speaking of, I did obtain the permission of the registrar to publish the advertisement in the "Kalgoorlie Miner." He readily gave his permission. No real hardship exists at the present time.

I have spoken quite impromptu on this because I have, only in the past week, had a practical application of the section. I hope I have got the matter correctly. One quickly forgets these things; but I think Mr. MacKinnon will bear out that the experience I have related is a practical demonstration of what occurs at present.

On motion by Hon. F. J. S. Wise, debate adjourned.

BILL—PUBLIC SERVICE.

Second Reading.

Debate resumed from the 3rd September.

HON. C. H. SIMPSON (Midland) [4.50]: Members may recall that the Bill which is now presented to us was submitted to this Chamber in the dying hours of last session; and after the speech of introduction, and one by me, in which I pointed out that a big Bill involving major changes required more time than we were able to give it in order that it might receive proper consideration, the debate was, on the motion of Mr. Murray, adjourned to Christmas Day. That effectively disposed of it so far as last year was concerned; but the understanding was, of course, that the Bill would be resubmitted this session, giving us ample time to study it and accept, reject or amend it as we thought fit.

The Bill is a very important one. It must be conceded at the outset that an institution like the Public Service must have some machinery of government in order that its work may be carried on and its functions co-ordinated and regulated; and that, as far as possible, the requirements of the staff should be met in the sense that they are entitled to consideration in regard to appointments, promotions, salaries, leave entitlement, and so on. Over the years this work has been successfully carried on by a series of commissioners; each commissioner handled the task very satisfactorily.

This Bill proposes to introduce substantial changes, one of the principal ones being that a board of three shall replace the single commissioner, and that there shall be a chairman of the board who shall be the commissioner and whose term shall be for seven years. The other two members will be appointed for a five-year term, one being appointed by the Governor and the other the elected representative of the Civil Service Association.

No doubt each commissioner will have his own staff; and it seems as though the proposed scheme, whether it be more

efficient or not, would certainly entail a great deal more expenditure than is now incurred in maintaining the single commissioner system. There are a number of machinery amendments in the Bill in addition to the major change which I have mentioned; and there would have to be a necessary tie-up with the Industrial Arbitration Act, the Public Service Appeal Board Act and the Government Employees (Promotions Appeal Board) Act.

As I said, this is a big Bill. It contains 89 clauses as well as three schedules, and it covers 93 pages of drafting. Clause 8 provides for a number of exemptions and it may interest members to know exactly what the exemptions are. This Act does not apply to—

The Governor;
the judges;
Ministers of the Crown;
members of Parliament;
officers of either House of Parliament whether under the control of the President, or of the Speaker, or under the control of a Standing Committee; or under the joint control of Standing Committees of both Houses;
the Agent General;
the Auditor General;
the Commissioner of Police or any member of the Police Force;
stipendiary magistrates;
the teaching staff of the Education Department;
persons employed under the Government Railways Act, 1904-1956;
any officer or office, or class of officers or class of offices, to whom or to which, the Governor, on the recommendation of the board made for special reasons stated in the recommendation, declares this Act does not apply; or any person not being an officer, or any position not being an office, or any class of such persons or positions to whom or to which the Governor declares this Act does not apply.

At the same time the board covers a wide scope of officers over whom it has control. Altogether there are 4,336 members of the Public Service over whom the Public Service Commissioner, or the Public Service Board, as the case might be, would have jurisdiction. According to the last annual report furnished by the Commissioner, Mr. H. E. B. Smith, the principal departments and the number of employees were as follows:—

Department of Agriculture	375
Chief Secretary's Department	226
Crown Law Department	403
Lands and Surveys	389
Metropolitan Water Supply	333
Police (senior members of the staff)	150
Public Health	219
Public Works	651
State Housing Commission	357
State Insurance Office	78
Treasury	136

There are a number of smaller departments, other than those enumerated, making the total number in the Civil Service, 4,336. Numerically, of course, the strongest section of those outside the Act would be railway employees, teachers, the body of the Police Force, and members of the State Electricity Commission. The others whom I have mentioned furnish a pretty wide scope of application, although the terms of the Bill generally make it apply in much the same manner whether an employee is a member of one department or a member of another. In fact, there is provision to maintain and possibly extend the present practice of seconding officers from department to department, as they are required, and that is a wise and sensible practice.

When introducing the Bill, the Minister suggested that a board would secure economy of operation; and he ventured the opinion that it would or could result in an overall reduction of the numbers employed. He also pointed out that the board system was in operation in New South Wales, Victoria and South Australia. As I have already pointed out, there is a necessity for administrative machinery and a co-ordination of the work of departments. It is, of course, desirable that any control that is exercised should be in the direction of securing economy and uniformity of conditions; and the Bill sets out details regarding appointments, classifications, promotions, transfers, retirements, punishments, and penalties, etc.

We agree that it is desirable to have a contented service, assured of justice in regard to the claims of, say, one officer as compared with those of another; and in regard to the entitlements with which they are endowed under service conditions. We would all agree that on the whole we in Western Australia possess a Public Service which functions very efficiently. In respect of its personnel, and particularly its departmental heads, it has maintained a very high level. They have always been courteous and helpful. They have carried out their duties in the main with efficiency, economy and despatch. We are quite satisfied that as far as the association is concerned, it is deserving of a careful study of the conditions which apply to any system of control proposed to be exercised.

In reviewing the various Acts that have been referred to as being operative in other States, we have come to the conclusion that the system in force in South Australia is probably the best. It has functioned very successfully over the last nine years; and

it combines the operation of a single commissioner, who exercises control over the staff and regulates them, with a board, the functions of which is to advise the commissioner and to lay down the conditions of employment; to attend to questions of salary and status; and to act as a board of appeal in the very many cases where members are entitled to appeal in regard to their conditions of employment.

Under the South Australian system, with a single commissioner in charge of the administration, and a board of three to function in the way I have described, in the ordinary course he is a member and chairman of the board of three. But provision has been made for the appointment of a fourth member, who would take the Public Service Commissioner's place on the board when it came to reviewing an appeal in regard to a decision made by the Public Service Commissioner. In other words, he would not be called upon to sit in judgment on one of his own decisions.

That is a very important principle, and is one which would satisfy employees that they were getting an opinion at least of another arbitrator in respect of their particular case. In regard to those appeals, the commissioner is not required, and is not in fact allowed, to sit as a member.

Perhaps if I read out the relevant sections in the South Australian Act governing the various functions I have referred to, members will understand more clearly what those functions are. The duties of the commissioner are contained in Section 20a of the Act which sets out very clearly what is expected of him. It reads as follows:—

> (1) In addition to the duties elsewhere in this Act imposed on him the commissioner shall have the following duties:—
>
> (a) To devise means for effecting economies and promoting efficiency in the management and working of the departments by
>
> (i) improved organisation and procedure;
>
> (ii) closer supervision;
>
> (iii) the simplification of the work of each department, and the abolition of unnecessary work;
>
> (iv) the co-ordination of the working of the departments;
>
> (v) the limitation of the staff of each department to actual requirements and the use of such staff to the best advantage;
>
> (vi) the improvement of the training of officers;
>
> (vii) the avoidance of unnecessary expenditure.
>
> (b) To perform such other functions in relation to the public service as are prescribed.
>
> (2) If the commissioner is of opinion that any means ought to be adopted for effecting any objects mentioned in paragraph (a) of the last preceding subsection, he shall advise the permanent head of the department of his suggestions or proposals.
>
> (3) If the permanent head does not concur in or adopt the suggestions or proposals he shall, within a reasonable time, inform the commissioner of the reason therefor.
>
> (4) Thereupon the commissioner may, if he thinks fit, report the matter to the Minister administering the department, and if the commissioner's suggestions or proposals are not approved or adopted by the Minister within a reasonable time, the commissioner shall report the matter to both Houses of Parliament either in a special report or in his annual report.

Another section of the Act which sets out the duties of the board may also be of interest in order to illustrate the variation in the functions, and the relationship in which one stands to the other. Section 29 states—

> For every office other than an office of the first division, the board shall have jurisdiction from time to time to make returns—
>
> (a) classifying each office in the public service by assigning it to its proper section and division, namely to the second, third or fourth division, and to the professional, clerical or general section;
>
> (b) fixing the minimum and maximum salary payable to the holder of such office, and the amount of annual or periodical increments of salary of such office, and the salary payable to the holder of such office at the time of the making of the return;
>
> (c) fixing any special payment or allowance for any special circumstances connected with the work of any office;
>
> (d) determining the conditions upon which officers shall be entitled to increments in salary;
>
> (e) varying or adding to any return previously made by the board or rescinding any such return and making a new return in lieu thereof;
>
> (f) determining any other matter connected with the employment of the officers if such

matter is referred to the board by the Minister or the commissioner.

Provided that, subject as mentioned in this section, every officer whose office is dealt with by the board in any return shall be entitled to receive an annual increment of salary of the amount fixed by the board in such return until the officer is receiving the maximum salary fixed by the board in respect to the office held by such officer.

There is a good deal more in that section setting out the functions of the board as distinct from the responsibilities of the commissioner. If members desire to do so, they can read that section. I would suggest that they get hold of a copy of the 1949 South Australian statutes and peruse this Act for themselves. It does set out an important distinction between the functions of the two authorities, and shows that the board does exercise the various functions.

Section 8 relates to the fourth member of the board to whom I have just referred. He is brought into the picture to adjudicate on those appeals which, as I have explained, are concerned with decisions made by the commissioner himself. In my opinion it has this advantage: that the fourth member, specially selected, is a person of experience. I should say he would be especially knowledgeable regarding the operation of the Public Service Act. As distinct from our own boards of appeal, he would be a person present all the time to do that particular job. He would be known to have expert knowledge and experience.

In that specialised field he would probably be just as competent, and perhaps more satisfactory to the personnel concerned than would, say, a judge—even though a judge may be very highly qualified—or a magistrate. I think that is very important. Members will agree that a highly qualified man is essential; and that in the interests not only of the Government but of the service itself, it would be generally more acceptable to those concerned to have a man of that type, rather than one who was appointed casually to that office.

The details in Section 8 which covers that position are as follows:—

(1) If the Public Service Commissioner is appointed as a member of the board (whether as chairman or as an ordinary member) the Governor shall appoint a person as a fourth member of the board;

(2) The Public Service Commissioner shall not sit on the board on the hearing of any appeal under Section 52 or Section 69 of this Act against a decision given by himself, but on the hearing of every such appeal the board shall be constituted of the two members other than the Public Service Commissioner, and the fourth member appointed under this section;

(3) If the Public Service Commissioner is chairman of the Board, the fourth member shall sit as chairman on the hearing of the said appeals, and if the Public Service Commissioner is an ordinary member of the Board the fourth member shall sit as an ordinary member on the hearing of those appeals;

(4) The fourth member of the Board shall not act as a member except as provided in this section.

There is another section to which I shall refer very briefly. It sets out that the members of the board, apart from the Public Service Commissioner, are only part-time officers and would be remunerated according to the following basis:—

Each member of the board shall receive such remuneration for his services as the Governor determines, which remuneration may, if the Governor so directs, be in addition to any salary received by the member as an officer of the Public Service.

Members will realise that under this system there is a maximum of economy and efficiency. In a board such as I have mentioned, where the commissioner only is a full-time man—and naturally one on a full salary—the board members who fulfilled the functions I have enumerated, not being full-time members, would receive salaries set out by the Governor on his estimate of the value of the work they do, all of which would tend to make the operation of the service simpler and definitely more economic than would be the case with the board proposed by the Bill.

The sections I have read set out the principles we would like to see incorporated in this measure. I am under the impression that the Government would give very serious consideration to these proposals. I feel quite sure it is willing and anxious to produce a system which will at the same time be satisfactory to all concerned, efficient, economical, and capable of carrying out the work allotted to it. It could be argued that the idea of a board such as is proposed in the Bill has some merits, but I can see quite a few demerits.

We have had the unfortunate example of the Railway Department, where three commissioners were placed in charge of our most important State instrumentality. Whether there was a failure to co-operate, due to a clash of personalities,

or whether there was something wrong with the system, I am not at this moment prepared to argue; but I well recall that members of the present Government, then in opposition, strongly opposed the idea of a three-men commission, and expressed the opinion that a single commissioner would be more effective and satisfactory. In this instance we think the same with regard to the Public Service.

Sometimes in the course of administration, a difference of opinion might arise between the Government and the board or the commissioner on matters of internal administration. It might be a question of exercising the maximum measure of economy, or some other very important matter. It would be easier and more satisfactory, when such a position arose, for the Government to be dealing with a single commissioner than to have to deal with a board of three. There could be other questions arising that would require complete understanding between the Government and the board. But having regard to the fact that most of the questions that would arise would be questions of internal administration rather than what might be termed questions of Government policy, there would be nothing to fear on the score of any lack of co-operation between, say, the commissioner or the board which I have mentioned and the Government of the day.

As I said last year, I do not think the vast majority of those who function as civil servants are actuated by any political bias. They have a job to do; and, in my experience, it is the job itself which matters, and not the opinion of the Government in power. That is not to say that they do not carry out instructions; they do. At the same time, the advice they are able to give as a result of their experience often maintains a line of continuity in the functioning of the department which is not materially affected by changes in Government policy.

There are some minor amendments in the Bill which I will briefly mention and in regard to which I intend to put a series of amendments on the notice paper. Generally speaking, the embodying of those principles in the Bill would, in my opinion, require redrafting of the Bill; and that would be a very big job—a major redrafting operation.

It is not possible for the parliamentary draftsman who has to try to do the work of private members to undertake a job like that in detail. On the other hand, once the principles were understood and accepted, it would not be very difficult for the drafting staff to weave into the Bill the principles I have enunciated. That, I suggest, would be more satisfactory than including piecemeal a series of amendments which might easily be confusing when it came to administering the Act.

So I suggest to the Minister that when we reach the Committee stage he consult with the Government as to the possibility of withdrawing the Bill temporarily until a new measure can be submitted, or report progress for the time being. That would avoid the defeat of the Bill, which I do not think would be desirable. I understand that Standing Orders in one House or the other do not permit the reintroduction of a Bill dealing with a matter which has been the subject of a measure defeated in the same session.

But the course I suggest would be quite practicable. It would allow the Bill to be reintroduced, because it would not have been defeated; and in that way the measure could be tidied up. The Bill could be withdrawn and redrafted, and subsequently resubmitted; and the question should then be settled without very much difficulty.

There is one other matter. Under the South Australian Act, a member who, in effect, represents the Civil Service is appointed by the Government after consultation with members of the Civil Service Association. Here the machinery is provided to elect that member. The Premier himself has admitted that an elected nominee is not always the best man for the job. He might be the most popular. He might, because of that popularity, secure the greatest backing in the way of votes. Yet the Government of the day—no matter of what colour—might in its wisdom think that another appointee would be better; and having regard to the importance of the appointment, from the point of view of both the Government and the employees, we think it is very important that the Government should have some discretion in the matter.

So I am proposing an amendment which will provide that the third member of the board shall be selected—and not elected—from a panel of three names submitted by the association, which would give the Government and the members of the Civil Service Association some discretion. Probably, other things being equal, the first name appearing on the list would be the one chosen by the Government. In any event, it would cover that possibility; and having regard to the importance of the appointment, I think that is something that should be seriously considered.

This is not necessarily a new idea. The State Electricity Commission Act provides for it. Subsection (3b) (a) of Section 8 provides that—

> Where the Minister intends to nominate a commissioner mentioned in paragraph (b) of Subsection (3) of this section as representative of the employees of the commission, he shall, before making the nomination, give written notice of that intention to the

General Secretary of the body known as the Western Australian Branch of the Australian Labour Party.

(b) If within 30 days of the giving of the notice, the General Secretary of that body signs and submits to the Minister:

a panel of the names of three persons, who are eligible to hold the office of Commissioner as representative of the employees of the Commission; and

a statement that the panel has been approved by the State Executive of that body;

the Minister shall nominate for the office of Commissioner as representative of the employees of the Commission, one of the persons whose names are so submitted.

There are more subsections, but that sets out the principle we are trying to embody in this Bill; and I think that on consideration it will be admitted that it has a lot of merit.

Another clause to which attention should be drawn is Clause 20, Subclause (10) which sets out that an employee must be a financial member of the Association at the time of any offence with which he may be charged if he is to enjoy any rights of appeal. In a way, that seems to be compulsory unionism. Either a man must join the association or he is denied the right of appeal. But we have known men who for religious reasons—conscientious objectors—have simply not believed in joining associations or unions.

Hon. G. Bennetts: They like to enjoy the privileges, though.

Hon. A. R. Jones: What privileges?

Hon. C. H. SIMPSON: There was a case mentioned in this Chamber not long ago. That man was undoubtedly penalised because he was not a member of a union. I will go so far as to say that under the system which obtains in the civil service, where the amount of dues to the association is deducted from the pay, there are very few who are not actually members. I think the number is 43 out of a total of 4,336; and for good reasons, I have been told, it is not possible for the dues to be deducted in respect of 26 of them. That would leave about 17, or only one-half of one per cent., who apparently for some reason or another are not members of the association.

And yet this clause would deny them the right of appeal, because it says that unless they are financial members of the association at the time of the commission of the offence they cannot appeal. That provision applies to appeals and applications in respect of classifications and reclassifications, allowances, interpretations, anomalies, punishments and dismissals; so it is pretty comprehensive.

The Minister for Railways: The association would probably defend him.

Hon. C. H. SIMPSON: What does the Minister mean? I say that as a member of the service he should have the right of appeal; but under this provision he would not have it.

The Minister for Railways: That is reasonable enough.

Hon. C. H. SIMPSON: Exception is taken also to Clause 41, which refers to the right of anyone to employ a legal practitioner. At present legal practitioners are allowed to represent an employee or an appellant only in the case of punishment or dismissal. The employee is not allowed to have a trained legal mind applied to his case in any other class of appeal under the Act.

That might be all right for those who are able to put forward a good argument on their own behalf, but many people are not capable of doing that. They may become tongue-tied when they try to present their case, or they may not have the nous or the intelligence to see the points that might weigh in their favour. At all events a layman could hardly pretend to the specialised knowledge that one expects of a trained legal practitioner; and I have on the notice paper an amendment which seeks to correct what I believe to be an anomaly in that regard. A similar amendment will be moved to Clause 66, which refers to practically the same position, but in relation to a different section of the Act.

I think I have made clear the desires of those I represent. We believe that under the South Australian system, which we think is economical and efficient and has stood the test of time, the interests of the Government and the employees are well safeguarded. It has the advantage of being cheap in operation; and if the example of economy is to find acceptance in the service, surely it should begin at the top! With three commissioners all fully paid, and each with his own staff—as I imagine they would be—it would be a most expensive commission; besides which, despite certain suggestions that have been thrown out, I can see that, if three commissioners are handling a series of departments such as are brought under the jurisdiction of the Act—if the three handle three sections separately—there could easily be three different classes of treatment, with resulting inconsistencies, which to my mind could lead to anomalies, and possibly to dissatisfaction.

I earnestly request the Minister to give consideration to the points I have put forward; and to consider also redrafting the

Bill to embody those principles, and then resubmit it to us. I do not think there is any real conflict of opinion in regard to the other items dealt with in the measure; and it is certainly not a party Bill, but a question of trying to secure the greatest good for the greatest number. With the reservations I have mentioned, I support the Bill.

On motion by Hon. A. R. Jones, debate adjourned.

BILL—STIPENDIARY MAGISTRATES.

Second Reading.

Debate resumed from the 5th September.

HON. G. E. JEFFERY (Suburban) [5.35]: When introducing the measure Mr. Heenan told us that if agreed to it would perform three valuable functions. He said, firstly, that it would give effect to a request by the stipendiary magistrates that they be brought under the provisions of the Public Service Act; secondly, that it would place stipendiary magistrates and resident magistrates on an equal footing; and, thirdly, that it would remove existing doubts as to the extent of the jurisdiction of resident magistrates.

Having perused the Bill, I agree that it will do exactly that. Most of the provisions have been fully dealt with by previous speakers. I think it is unusual and pleasing, in these days of complex situations, where new types of legislation seem to be required to meet new circumstances, to find before us a measure which seeks to simplify a situation that has been unsatisfactory in the past.

Another feature to which reference has been made is that the Bill deals with the retiring age. Under it magistrates at present on the bench will be able to carry on until they reach the age of 70 years, whereas new appointees will retire at the age of 65. Because of the peculiar nature of the work of magistrates and the narrow field open for promotion, I think the age of 65 for retirement is fair; and it will give an incentive for younger members of the Crown Law Department to study and take the necessary examinations.

I believe there are only 16 magistrates in the State, and so there are not many opportunities for appointment to the position of magistrate, which is all the more reason why the retiring age should be 65. Reference has been made to the Supreme Court; but I think there is a vast difference between the tempo of the work of a magistrate in the police court and that of a judge of the Supreme Court. With those few remarks I support the second reading.

On motion by Hon. Sir Charles Latham, debate adjourned.

MOTION—SCHOOL BUS CONTRACTS AND ROUTES.

To Inquire by Select Committee.

Debate resumed from the 5th September on the following motion by Hon. J. McI. Thomson:—

> That a select committee be appointed to inquire into and report upon school bus contracts and the curtailment of school bus routes and the method of the Department of Education in regard to same.

HON. N. E. BAXTER (Central) [5.40]: I desire first to commend Mr. Thomson for having moved this motion, as I believe it is high time an inquiry was held into the school bus services in this State. In the Central Province alone over the past 12 months I have received many letters and personal protests from associations and persons about the curtailment of school bus services. Some months ago a deputation of Country Party members waited on the Minister for Education to discuss with him the matter of school bus services; but we were informed by him that he had been instructed that his department had to make a saving of £60,000 per annum on school bus services.

Apparently the sole aim of the department in this regard is to save £60,000 per annum, and it is not concerned with what happens to the children in country districts. It is not even concerned with what happens to the children in the city, provided it effects this saving. I could give a number of instances of hardship imposed by the actions of the department in its attempt to save the sum I have mentioned, but I will deal with only a few.

One case of hardship was that of a family in which there was a child that had to be sent to the Eastern States for treatment. The father spent a large sum of money, not only in saving the life of his child but bringing it back to normal health, only to find, then, that when it reached school age and had to attend school it would have to walk down a rather steep hill in the morning and up that hill again in the afternoon over a distance of about 1½ miles, in order to travel by the school bus; or else he would have to knock off work to transport the child to and from the bus.

Originally the school bus used to pass close to that farm-house; but as it no longer did so, and in view of the fact that the father could not allow the child to walk up and down that steep hill owing to its state of health, he had to knock off work night and morning to transport the child between the home and the school bus. I can assure members that it is not very convenient for a farmer to have to stop work and take a child to and from a school bus, morning and

night, particularly at seeding time, harvest time or shearing time, when every minute counts.

Hon. Sir Charles Latham: Another penalty for living in the country.

Hon. N. E. BAXTER: I wish now to refer to another family that at present has to transport its children four miles in the morning and again at night in order that they may travel by the school bus. Members can imagine the cost and inconvenience involved in that instance. It is no wonder people protest and become angered at the situation that has arisen.

In many country areas today not all the children are fortunate enough to live on a school bus route and some have either to walk or be transported anything up to a mile and a half to the school bus, no matter whether the weather is boiling hot or pouring with rain. Of course there are lucky ones who live perhaps only a few hundred yards from the school bus route. There are children who also have the advantage of the new system of free school books, which is something I will deal with later.

In some instances, where parents are prepared to pay something for their children to travel on buses, the department will not bring that within its policy; and personal representations to the department are wasted—

Hon. R. F. Hutchison: It is not its policy.

Hon. N. E. BAXTER: It is its policy.

Hon. R. F. Hutchison: Its policy is to have free education.

Hon. Sir Charles Latham: Perhaps that means the hon. member will support you.

Hon. N. E. BAXTER: Perhaps. It seems that the policy is for free education, but only for some sections of the community. It does not matter about other sections of the community. I was going on to say that I have made personal representations to the department, and the only result has been that I have been told it is the policy of the department and there is nothing that can be done about it. No consideration is given to the question of individual cost. It is laid down as the policy of the department—it is a set policy —that no spur will go within 1¼ miles of the house or property of a farmer, and that is the policy to which the department adheres rigidly.

The Minister for Railways: Dictated by financial resources.

Hon. Sir Charles Latham: They want to apply some of it in the city.

Hon. N. E. BAXTER: When school bus services were first inaugurated, the aim was to provide a particular transport for the children in the country schools.

The Minister for Railways: I never heard of it in my day.

Hon. N. E. BAXTER: Possibly not. This service was to enable the children to attend those country schools regularly. This procedure was later followed by the consolidation of the schools, and buses were naturally re-routed, and for quite a number of years the scheme worked most successfully under this consolidation system—at least it worked successfully until this Government came into power and decided to penalise the school children in the country, with a view to saving £60,000 per annum. That is what it amounted to.

The Minister for Railways: Where would you stop?

Hon. N. E. BAXTER: What other Government departments have been told that they must save £60,000 per annum?

The Minister for Railways: All of them.

Hon. N. E. BAXTER: How many of them would have carried it out?

The Minister for Railways: Nearly all of them.

Hon. N. E. BAXTER: Very few of them. A look at the Estimates will reveal that there has been no attempt by other departments to save anywhere near £60,000 per annum.

The Minister for Railways: You oppose railway economies.

Hon. N. E. BAXTER: Those supposed railway economies are only a myth.

The Minister for Railways: In your opinion.

Hon. N. E. BAXTER: I believe the Minister will find out how great a myth they are within the next 12 months.

The Minister for Railways: You will be disappointed.

The PRESIDENT: Order!

Hon. N. E. BAXTER: There is no conclusion one can draw about this idea of saving £60,000 per annum on school buses other than that it is a niggardly action by the Government.

The Minister for Railways: In your opinion.

Hon. N. E. BAXTER: I would like to touch on another phase of departmental policy and that is a decision to give people free school books to the tune of £100,000 annually.

Hon. R. F. Hutchison: What is wrong with that?

Hon. N. E. BAXTER: There is a great deal wrong with that, particularly when £100,000 is being spent on free school books which to the average country parent does not mean a snap of the fingers; because, as a result of it, they are being penalised, inasmuch as their children are being deprived of a bus service.

The Minister for Railways: The average country person lives in town.

Hon. N. E. BAXTER: That is not right.

The Minister for Railways: I think you would find you were wrong if you worked it out.

Hon. N. E. BAXTER: I am sure I am not wrong. Referring to the question of free school books, I would like to ask: Who gets the most benefit out of this system, particularly when it is considered in relation to the bus service? It is either children living adjacent to a school, or those children who have no great distance to travel; or, again, children who live on a bus route. But those children living further away from the school have to put up with a great deal of hardship merely because they are being supplied with a few free school books.

Would it not be better to say, "We will spend this money on getting our children to the schools?" I think members will agree that all parents would be most happy to do without the provision of free school books if this meant that the children would be transported to school. I do not think I have ever heard anybody say that they would rather have the provision of free school books than have a bus service for their children. In any case, what does the provision of free school books amount to? It is only a few shillings per year per child; they receive a few pencils and an exercise book or two, that is all. It is a waste of time and money.

Hon. R. F. Hutchison: You have not seen very much.

Hon. N. E. BAXTER: I have seen enough to know that the whole business is an absolute farce. We find that hundreds of thousands of pounds are being spent on free school books, while children are being deprived of transport to and from school. It is high time an attempt was made to straighten out the position, and this could be done by the appointment of a select committee. It is possible that one of its recommendations would be a contributory scheme. I am sure that people living in the country would be quite willing to pay a small amount per week if this ensured their children being provided with transport to school.

We find that not only in the country, but also in the city, the Government saw fit to reduce the weekly allowance from 12s. 6d. to 7s. 6d.; and the children whose parents were deprived of that extra 5s. a week do not gain anything at all, because the additional 5s. a week they are required to pay at present offsets the issue of free books. They derive no great advantage at all in this direction.

The department has gone even further than that. Previously a child who lived further than three miles from a school received an allowance, but now a child has to live beyond four miles from a school before an allowance is paid. The distance was extended, and an attempt was made to save more money. We find that the same situation obtains in the country. Children living within four miles of a school have to walk unless there is room in the bus for them.

If the bus driver feels that the bus is a little crowded, he can refuse to pick the children up. Parents have offered to pay for their children to be picked up in this fashion, and the offer has been refused. It is a most unsatisfactory state of affairs.

The Minister for Railways: How many cases are there?

Hon. N. E. BAXTER: Quite a number. I would mention a case in point in the Bindoon area, where the department has refused to allow the children to get on the bus, subject to payment. The bus contractor has been told by the department that he cannot accept money; that he can only pick children up at his own expense if he has enough room on his bus. He cannot accept one penny by way of payment for having picked those children up, because it is not allowed in his contract. There are quite a number of bus drivers in the country doing these jobs and providing this convenience for the children at their own expense.

The Minister for Railways: They get paid by the mile, not per head.

Hon. N. E. BAXTER: I realise that. At the same time they do not get paid for the extra trouble, and for all the stopping and starting that is necessary. The Minister well knows that it costs more to run a bus if it is constantly stopping and starting than if it has a straight run through. It is these little things that rile the contractors. If a little extra payment were permitted, they would then be able to pick these children up and take them to school. I cannot see what hardship would be suffered by the department or the Government if this were done. I trust the House will appoint a select committee to inquire into this matter. I believe it is necessary because of the hard-and-fast rule which the department has set and from which it will not deviate one iota. I support the motion.

HON. R. F. HUTCHISON (Suburban) [5.55]: I rise to disagree, because I do not think there is any necessity for a select committee to be appointed to look into these matters; and I will give my reasons for saying so. Select committees seem to be a fashion with members of the Opposition for devious reasons.

Hon. Sir Charles Latham: You have no right to say such a thing.

Hon. R. F. HUTCHISON: I would point out straight away that the Labour Party does not need to make any excuse whatever in regard to its policy on education, because educational reform is a basic plank of the Labour platform. We find that on those occasions when legislation dealing with reforms has been successful in passing through this House, it is the Labour Government which has inaugurated those reforms. It amuses me, therefore, to find members getting hot under the collar about matters similar to those which we have under discussion.

We are always being told that people should help themselves; that there should be no socialisation of services, etc.; and yet when a socialised service is provided, members complain that they are not getting enough out of that service. These members do not seem to realise that it is necessary for the Government to curtail its activities because of the lack of financial assistance provided by the Commonwealth. To hear members talk about socialisation, one would think it is a great big, black bogey. In this case we have a socialised service instigated by the Labour Party; and yet we find members opposite complaining that it has been curtailed—even though it has been done for financial reasons.

Anyone with any sense at all would appreciate the financial difficulty we are experiencing at present. I am afraid I cannot see the difference between a parent being relieved of the provision of school books and one being relieved of bus fares. To my mind it balances out.

Hon. N. E. Baxter: In favour of some people against others.

Hon. R. F. HUTCHISON: In the early days of the industrial revolution a worker's child did not go to school at all. After that revolution, however, they were allowed to go to school up till the 5th standard, when they reached an age of slight enlightenment. During the period when the steam locomotive was discovered, a further step was made towards teaching children to add figures; and when steam engines became a reality, these children were taught to drive them. There is a book in the library which I would recommend members to read. If they do so they will discover just how much of a patchwork Western Australia was in earlier days; we were not far removed from the time when school teachers were paid their wages on the success of their pupils at examinations.

It was a Labour Government that took the first step towards widening the educational system. We all know that it is not perfect or completely satisfactory, not by any means—at least it is not to me as a Labour woman. But we have done the best we could in most difficult circumstances. From what I can see of it the members of this House seem to be against any sort of reform.

Point of Order.

Hon. Sir Charles Latham: I object to that statement, Mr. President. Even though we do disagree at times we endeavour to give all the help we can when legislation is brought before us. I object to the remark made by the hon. member, and I ask for its withdrawal.

The President: Will the hon. member please withdraw that remark?

Hon. R. F. Hutchison: I withdraw, Mr. President.

The President: Thank you. The hon. member may proceed.

Debate Resumed.

Hon. R. F. HUTCHISON: I still say that it is because of the Labour Party that the educational standard of this State is where it is today. I do not think there can be any objection to that. Where money is available, and as the financial position improves, so will the Labour Party provide these socialised reforms in an endeavour to help parents not only in the country but elsewhere, irrespective of their political leanings. The people in this State are not in doubt about these things.

Hon. L. A. Logan: You are a socialist, are you?

Hon. R. R. HUTCHISON: If we were not socialists, I do not know what social reforms we would get in this State. When members get up, with crocodile tears in their eyes, and speak about things which should be done in this State in regard to the serious hardship that people in the country are experiencing, I wish they would speak more fully and say this is a reform which was brought about by a Labour Government of the early days; and that it is something which has been curtailed through lack of finance. We have a Government with the courage to face up to the true position of the railways and other things. If we did not, we would go bankrupt.

The hon. member knows that we still live under a capitalistic system and the financial system which goes with it. Therefore, it is necessary that the Government curtail some things. I am going to listen to the hon. member in future when we want to socialise schools and bus services and institute various reforms. I will be socialising as hard as I can, so long as I am a member of this Chamber. I would like people to know that we are not unmindful of the curtailment of bus services, and that we regret it very much.

Hon. N. E. Baxter: You seem disposed to it.

Hon. R. F. HUTCHISON: When things have to be curtailed through a shortage of money. I maintain that education should be a Federal concern; it should be

under a Federal authority so far as finance is concerned, because not nearly enough money is being spent on education. I will not be happy until I see every child attending college and studying the higher phases of education, such as music.

If members look back, they will see that the amount by which education expenses have increased year after year has been greater under Labour Governments than any other. I know that the Opposition is hard put to find faults. I also know it is the function of the Opposition to find fault with the Government; but there are some things about which nothing can be done, and there is no need for a select committee. It would be a waste of time and money. Therefore, I oppose the motion.

On motion by Hon. F. D. Willmott, debate adjourned.

BILL—LOCAL GOVERNMENT.

In Committee.

Resumed from the 5th September, Hon. W. R. Hall in the Chair; Hon. J. D. Teahan in charge of the Bill.

Clause 523—Land is ratable property (partly considered):

Hon. L. A. LOGAN: For the benefit of Sir Charles Latham, this clause came up while he was away. I rose to move his amendment in his stead, and progress was reported. During the discussion, I asked Mr. Teahan if he could ascertain the reason why the exemption should be lifted on these areas and what particular areas were affected.

The CHAIRMAN: Is Sir Charles Latham going to move his amendment?

Hon. Sir Charles Latham: I understand it is before the Chair.

The CHAIRMAN: No; it is not.

Hon. Sir CHARLES LATHAM: I move an amendment—

> That paragraph (b), lines 5 to 10, page 386, be struck out.

I would be pleased if the hon. member in charge of the Bill would give us any information which is available.

Hon. J. D. TEAHAN: It is the desire of the mover of the amendment to retain exemptions as they exist at present. The exemptions granted under the Municipal Corporations Act and the Road Districts Act are irrevocable, and it is desired to remove that particular provision. If the C.W.A. held a piece of land on which there was a building, and it was exempted, and later on used it for a different purpose—say, as a guest-house—it would retain that exemption. It cannot be removed except by an Act of Parliament, even though the land may be used for a different purpose from that existing at the time of the exemption. The claims of local authorities that land should all be ratable, unless exempted by an Act of Parliament, were accepted by the Royal Commission which inquired into the matter of local government, and land should be ratable unless it is exempted by statute.

Hon. L. A. LOGAN: I appreciate what Mr. Teahan has said; but this provision is carte blanche over every property. All properties which in the past have received exemption will now automatically be liable for rating.

Hon. H. K. Watson: Subject to subsequent paragraphs in the clause.

Hon. L. A. LOGAN: Yes. There seem to be a few exemptions there; but whether they cover all, I do not know.

Hon. J. D. TEAHAN: If members read further on in the clause, they will find that there are many exemptions under which land is not ratable. The provision is quite wide and should provide for the cases which members desire should be exempted.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. Sir CHARLES LATHAM: The clause provides that we shall carry forward all the exemptions that apply in the existing Act, with some exceptions. I do not know why we should repudiate what has already taken place. The Governor—that is the Minister—does not exempt land easily. It must be for a charitable purpose or something of that nature. If the local authorities had the power they would exclude these areas; but as they have not, they have always applied to the Minister, and he has done what he has been asked to do. By this provision we will prevent the Minister from exempting any of these lands from rates. I do not think we should do that. I hope the Committee will agree to the deletion of the paragraph.

Hon. L. A. LOGAN: The exemptions mentioned in the Bill are exactly the same as those in the Act. The right of the Governor to exempt certain lands is being taken away. Why? Mr. Teahan has not answered this question, which is one I asked him the other night. If it is found that certain areas which have been exempted from rates by the Governor should have the exemption removed, the proper thing to do is to bring a measure before Parliament to take the exemption, away, and not to do away with the whole of the exemptions and then have to bring down legislation to re-exempt them.

Hon. H. K. WATSON: The view just expressed by Mr. Logan is correct. The clause contains all the exemptions in the Acts which are being repealed, except one, and that is the provision with regard to

land exempted by the Governor. It has been explained that this is left out here because, as a result of the verbiage in the previous Act, once the land had been exempted by the Governor there was no power in the Act to permit of that exemption being revoked, even though the land had ceased to be used for the purpose which merited the granting of the exemption.

It seemed to me that if we allowed paragraph (b) to remain, no serious objection could be taken if, somewhere else in the same clause, we repeated the present provision with regard to land which is declared by the Governor to be exempt; and, to overcome the fault that Parliament made in the first place, add a proviso to the effect that the Governor may revoke such exemption from time to time.

Hon. Sir Charles Latham: Can't he revoke it if he makes it?

Hon. H. K. WATSON: Apparently not. That is the explanation from the Crown Law authorities.

Hon. Sir CHARLES LATHAM: I think that somewhere in the Constitution Act there is a provision that if the Governor can make a thing he can unmake it; but it would take me some little while to hunt it up.

Amendment put and passed.

Hon. G. C. MacKINNON: I understand that exemptions of the kind mentioned in Subclause (2) are causing trouble to the local authorities in the Eastern States. The list here is extensive. In some local government areas a considerable proportion of the land returns no revenue, but the local authority has to provide the usual services. If we have within given boundaries certain areas of land used as parks, then the number of people who can live within those boundaries must be reduced; and this automatically reduces the income of the local authority. This also applies where there is a large number of churches, schools and so on, which do not pay rates.

I understand that some local authorities, around Melbourne in particular, have been brought almost to the point of bankruptcy because of land being held for investment purposes or because there are more desirable building areas further out; and the local authorities have, therefore, had to provide services for the more distant parts.

Even in Perth some districts seem to have a greater number of schools, churches and parks than do other suburbs. It must be a great drain on the resources of the local authority to have to maintain roads, footpaths, etc. Let us consider the need for rubbish disposal. A big van, with three or four men, might have to travel the length of a street from which no rubbish is collected. It must go further afield if the area is spread-eagled. This provision must be looked at very carefully if we are going to be reasonable to the local authorities.

In some areas we find a considerable number of Government institutions. With the increase in the services provided by Government, not only State but Commonwealth, we find, in the highest-valued business areas, State and Commonwealth offices. Sometimes these offices are used by organisations which are actually trading and therefore, I suppose, working to make a profit. I know that in many cases the Commonwealth Government does make ex gratia payments in lieu of rates. I move an amendment—

> That after the word "Crown" in line 12, page 386, the following words be added:—
>
> > except land on which a trading concern is actively engaged, in which case the said land will be ratable.

Hon. J. D. TEAHAN: The words "trading concern" could have a wide application. For instance it could cover the railways or a hospital. Also the words "actively engaged" could have a wide application. If a State brickworks had ceased to operate but had stored a few bricks on certain land it could be said that it was actively engaged in the business, and it would have to pay rates. I must oppose the amendment because I think it could cover a wider field than the hon. member now anticipates.

Hon. L. A. LOGAN: I can understand why Mr. MacKinnon has introduced this amendment; but I think the wording is rather loose, particularly as regards the words "trading concern." If it were to cover an individual or a private company operating as a trading concern on Crown land I would expect it to pay rates. But if it were an institution such as the Blind School, I would not expect it to pay rates. There may be a lot of other institutions which are actually trading concerns; but I would not expect them to pay rates, because they are doing something for the benefit of the whole community. I think Mr. MacKinnon should have another look at this.

Hon. Sir CHARLES LATHAM: Under the State Trading Concerns Act there is a clear definition as to what are State trading concerns, and it does not include the Blind School.

Hon. L. A. Logan: It does not say "State" in the amendment. It says "trading concerns."

Hon. Sir CHARLES LATHAM: The Blind School is not a trading concern; it is a benevolent institution.

Hon. L. A. Logan: This amendment merely says "trading concern."

The MINISTER FOR RAILWAYS: Where trading concerns are carried on by private individuals on Crown land they pay rates. The Railway Department has leased land for service stations and the land along Wellington-st. has been leased. The Perth City Council gets rates on that land.

Hon. G. C. MacKinnon: Under what authority?

The MINISTER FOR RAILWAYS: I do not know under what authority; but it is an arrangement that has been made for many years, and the rates are included in the rentals. As regards railway-owned houses, or all Government residences throughout the State, ex gratia payments are made in lieu of rates. That applies to school houses, if they are not in school grounds; railway houses in country towns; and so on. That is acceptable to the local authorities, and I think that if we were to carry this amendment, we would not be confining the rating to such trading concerns as the sawmills, brickworks and the State ships. After all, the railways are a trading concern, whether they are defined in the Act or not. I do not think this would be acceptable to the Government, and I hope the Committee will not agree to it.

Hon. H. K. WATSON: I move—

> That the amendment be amended by inserting after the word "concern" the following:—
>
> > (being a trading concern specified in the Schedule of the State Trading Concerns Act, 1917-1956.)

The Minister for Railways: What about the private concerns?

Hon. N. E. BAXTER: I would like to ask the mover of the original amendment to have a look at this, because I cannot make sense of it when I insert the amendment in the Bill. I know what the hon. member is trying to do; but what is the meaning of the words?

Hon. G. C. MacKINNON: Whether it looks as though it makes sense or not is beside the point. It is not the only piece of drafting which does not make clear sense at first reading. The whole of it could be in parenthesis. I am prepared to admit that the amendment is difficult to frame; but I think this covers the point. The Minister asked about private concerns. I agree with him. The Government should insert a clause to make it obligatory for private concerns to pay rates.

The Minister for Railways: It is always part of the lease agreement.

Hon. G. C. MacKINNON: There are many towns where the railway line forms one side of the main street. I refer to places like Manjimup and Collie. Some of that land has been handed over to private businesses, and the people concerned should pay rates. It should not be left to the person who makes out the lease agreement; because if these people are competing with other business people in the town, who have to pay their rates to the local authority, they should pay the same. They have a moral right to pay rates; and, as the Minister said, in many cases they do pay rates; so the moral right is apparently accepted by the Government. In many cases it is accepted by the Commonwealth Government and others.

The Minister for Railways: Ex gratia payments.

Hon. G. C. MacKINNON: Yes, but the principle is accepted by the Government—the principle that rates should be paid on Crown land. If the principle is accepted, it should be made obligatory. The meaning of the amendment on the amendment is perfectly logical.

Hon. L. A. LOGAN: I would suggest to Mr. MacKinnon that he include this amendment in a new subclause. He is providing that land is to be ratable, which is not ratable property if it is the property of the Crown. If he decides that such land occupied by a State or a private trading concern shall be ratable, the provision should be included in a special paragraph.

The MINISTER FOR RAILWAYS: The amendment on the amendment can hardly be inserted in this subclause. It would have the effect of making land, on which private timber mills operate, ratable. If Mr. Watson's amendment is agreed to, then only State trading concerns will pay rates and not the private concerns. The amendment on the amendment refers to private Crown land being used for the purpose of trading.

There is much Crown land in the South-West which is used for trading purposes and that land would become ratable if the amendment on the amendment is agreed to. It would be better to leave the existing provision alone so as to allow the Government to make ex gratia payments of rates on land which is deemed to be let for trading concerns or rental purposes. If this amendment on the amendment is agreed to, the Government will not accept it.

Hon. J. MURRAY: Evidently the Minister is not aware of what goes on today. It is well known in the sawmilling industry that sawmilling sites, whether they be on Crown land or other land, are ratable by the local authorities. Also the portion of the State forest which is immediately worked by private sawmillers becomes ratable under the Forests Act. But that is

not the case with the State Saw Mills. Because that concern cannot make a profit, it is to be relieved of the payment of rates.

Hon. L. A. LOGAN: As this Bill is to be recommitted, I suggest that Mr. MacKinnon withdraw the amendment on the amendment, and frame a suitable provision to be inserted in the proper place at a later stage.

Hon. G. C. MacKINNON: I am agreeable to that course. The opposition to this provision can be overcome by inserting it as a proviso to paragraph (b). I therefore ask leave to withdraw the amendment.

The CHAIRMAN: Mr. Watson will first of all have to withdraw his amendment on the amendment.

Hon. H. K. WATSON: I ask leave to withdraw.

Amendment on amendment, by leave, withdrawn.

Amendment, by leave, withdrawn.

Hon. L. A. LOGAN: I move an amendment—

> That the words "and is exclusively used for such purposes" in lines 10 and 11, page 387, be struck out.

This ties up with an amendment on the notice paper in the name of Mr. Roche. This provision imposes an obligation on the Royal Agricultural Society to pay rates on its showground. If those words are not deleted, not one showground in Western Australia will be exempt from the payment of rates, because none is used exclusively for show purposes. Many of the grounds are under the trusteeship of show committees; and if a football match is played on such land, and a fee is charged, that land becomes ratable.

It may be contended that the Royal Agricultural Society should pay rates on moneys received for the letting and leasing of the showground, but at the same time we should appreciate that that society has been of great benefit to the State. It is a non-profit-making organisation, and all its revenue is channelled back into improving the grounds. I understand it has a reserve of some £70,000, but it is already £300,000 short of its requirements.

The society has need to build a new grandstand. It will have to spend a great deal of money to drain the showground to make it usable at all times. It has become the home ground of the Hockey Association; and recently on four occasions that association could not use the ground on Saturdays because it was flooded. If the society had to pay rates on the revenue derived from leasing the ground it would be that much shorter of money for improvements.

Hon. R. C. MATTISKE: I appreciate the intention of the amendment, and I agree with the principle in general. I would suggest that Mr. Logan give thought to omitting the word, "exclusively" in his amendment and substituting the word "primarily". That would comply with the intention of another place: that if a property is primarily used for show purposes, it should not be charged the full rates. A subsequent provision relates to payment of rates on such land.

Hon. L. A. LOGAN: That all depends on the interpretation of the word "primarily". The Royal Agricultural Society holds a show which lasts only six days in a year; but the ground is used on probably 250 days of the year for other purposes. What then is the ground used primarily for—agricultural purposes or other purposes? I would like to hear the views of other members on the interpretation of that word.

Hon. H. L. ROCHE: The suggestion put forward by Mr. Mattiske could well be adopted, because the ground is primarily used for show purposes. None of the land would be maintained as such were it not for the Royal Agricultural Shows held upon it. This amendment, together with the amendment in my name, was put forward at the suggestion of a private member in another place.

As was explained, these shows are not run for profit; and apart from the actual staff employed, there is no remuneration or reward to anyone. In the actual running of its affairs the society lost £429 last year. It means that if we are to impose a charge on the society, it will have to raise the money by some other means.

That the society is worthy of consideration is indicated by the fact that quite recently the Government was prepared to subsidise it in respect of some of its activities, and the amount that will be involved in the further amendment that will be necessary is not so great that it makes much difference to the local authority concerned. But it would add to the loss that the Agricultural Society would carry.

Hon. R. C. MATTISKE: Clause 528B is closely allied with this clause. Clause 523 provides that land is not ratable property while it is vested in trustees for agricultural or horticultural show purposes and is exclusively used for such purposes. In Clause 528B it is provided that where land vested in trustees for agricultural or horticultural show purposes is not used exclusively for those purposes, there shall be a certain payment annually. I think it is quite clear that the intention of another place was to extract some token payment from the Royal Agricultural Society's showground, and that in its present form the Bill is contradictory.

The CHAIRMAN: I am afraid the hon. member is anticipating legislation, and that is not quite in order. I would ask him to confine himself to the amendment.

Hon. R. C. MATTISKE: I move—

That the amendment be amended by adding the following words:—

and substitute the words "and is used primarily for such purposes."

The amendment is to delete all the words. My intention is to provide that where the word "exclusively" is used, the word "primarily" shall be used instead.

Hon. L. A. LOGAN: To make it easier for the Committee it would be better for me to withdraw my amendment so that the word "exclusively" may be taken out and the word "primarily" inserted instead.

The CHAIRMAN: Mr. Mattiske must withdraw his amendment on the amendment first.

Amendment on amendment, by leave, withdrawn.

Amendment, by leave, withdrawn.

Hon. L. A. LOGAN: I move an amendment—

That the word "exclusively" in line 10, page 387, be struck out with a view to inserting the word "primarily" after the word "used."

Hon. H. K. WATSON: I cannot see myself agreeing to the amendment at the moment. The Bill provides that if the land is used exclusively for agricultural society purposes it shall not be ratable; but if it is not used exclusively, a contribution shall be made in accordance with clause 528B. If the word "exclusively" is deleted, it will mean that the land will be wholly exempt, regardless of whether it is used exclusively or not; and being wholly exempt, it means that Clause 528B will be overridden by the complete exemption. If we delete "exclusively" it should be made clear that the exemption here is subject to Clause 528B.

Hon. L. A. LOGAN: It appears that my attempt to help the Committee has gone the wrong way, and Mr. Watson's objection would have been overcome if I had continued with my original amendment. I would point out that in attempting to bring in the Royal Agricultural Society's showground as ratable property we are likely to bring in every other showground in the State held by trustees.

The MINISTER FOR RAILWAYS: This provision was included to deal particularly with later clauses in the measure. Provided land is used only for show purposes it is not ratable. But in the case of showgrounds that are let for the rest of the year, such land could be ratable under a later clause. I suggest that this clause be postponed until we see what happens at a subsequent stage, and then it could be appropriately dealt with when the Bill is recommitted.

Amendment put and negatived.

Hon. Sir CHARLES LATHAM: I move an amendment—

That the following words be added after the word "Act" in line 22, page 387:—

or if declared by the Governor to be exempt from municipal rates.

This has been provided for in both the Road Districts Act and the Municipal Corporations Act. The Governor is not likely to declare any land exempt from rates unless asked to do so or unless there is justification for it.

Hon. J. D. TEAHAN: I move—

That the amendment be amended by adding after the word "rates" the words—

Provided that the Governor may from time to time and at any time revoke such declaration.

Sir Charles Latham moved an amendment, earlier, to delete the exemptions clause; and I objected that if that were agreed to, once the exemption had been given, it could be revoked only by Parliament. This will overcome that difficulty.

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

Clause, as amended, put and passed.

Clause 524—Commissioner of Taxation to supply valuations:

Hon. R. C. MATTISKE: I move an amendment—

That after the word "supplied" in line 11, page 388, the following proviso be added:—

Provided that the provisions of this section shall not apply where the council of a municipality elects in lieu of the foregoing to engage its own valuer or valuers each of whom shall be a member of the Commonwealth Institute of Valuers, and such valuer or valuers shall supply to the council, as it may in its discretion require, the unimproved value or the annual value of the ratable property of the district at such time and in such manner as determined by the council.

The effect of the amendment goes deeper than to provide the municipality with power to elect some other authority to value properties in its area, in that it governs the whole principle of rating. I propose

later to move amendments under which, in addition to rating on the unimproved value, a local authority may rate on the annual value if it so desires. This amendment is tied up with that.

At present many local authorities prefer to have their own valuers; and I think we should permit them to continue to do that if they wish. The whole question of rating depends on a basis enabling the value of one property to be related to that of another, and all that is necessary is an equitable basis that will react fairly on all ratepayers in a municipality. I think the municipality should determine the method to be employed.

Hon. J. D. TEAHAN: I strongly oppose the amendment. It is far better to have one valuing authority than perhaps a different one for each ratable district. Uniformity is essential.

Hon. L. A. LOGAN: If the amendment is agreed to, some local authorities will have private valuers valuing for both unimproved and annual value; but all the municipalities valued by the Taxation Department will be on the unimproved value only; and I do not think that is right. It is sometimes useful to have private valuers to check Taxation Department valuations.

Hon. Sir CHARLES LATHAM: I oppose the amendment as there can be only one value of land. When there are two or three valuations, which is the true value? I think most local authorities are prepared to accept the Taxation Department valuations which are accepted for land tax and probate purposes and so on. I do not think there is any better system than that adopted by the Government. The High Court has laid down that the basis of valuing property is the willing buyer and the willing seller. That has been a fair basis, and I oppose the amendment.

Hon. R. C. MATTISKE: Mr. Logan asked whether under the amendment some local authorities could exercise the option while others would be adopting Taxation Department values. When I said "yes," I meant it, in that if a local authority is happy to accept Taxation Department values it can continue to do so. But the amendment would give it the right to employ its own valuer. I misunderstood Mr. Logan's question and hope I have made the position clear.

Under the amendment "the provisions of this section shall not apply where the council of a municipality elects, in lieu of the foregoing, to engage its own valuer." In reply to Sir Charles Latham, for all practical purposes many local authorities have been impeded in their work—particularly in the last decade with abnormal development—through not being able to get up-to-date Taxation Department valuations. Development in certain sections of some municipalities has increased values, and it is only fair that those enjoying the increased values should contribute more to the maintenance of the municipality as a whole.

But where they have worked on information supplied by the Taxation Department and the department will not conduct a revaluation, the authority has been impeded in its work. Under this amendment they have an alternative. If the Taxation Department cannot supply the information, they can employ a valuer to bring their records up to date and to rate the whole municipality on an equitable basis. Sir Charles Latham has overlooked the fact that this clause will be necessary to enable local authorities to arrive at an assessment on an annual value for their properties. Although there is certain provision in another amendment I have, I think it is imperative that there should be a coupling of the two here.

Hon. L. A. LOGAN: I do not think that Mr. Mattiske's amendment goes far enough. The local authorities have asked for the right to choose between the annual value and the unimproved value so far as rating is concerned, and they should be given that right. Sir Charles Latham has put forward rather a peculiar view; namely, that we only want one authority to do the valuing. We must have someone else to check that man's valuing. In my own case my property went up £1 a year to £30-odd on an annual value because of a taxation officer. My appeal was scrubbed, and in the following year the property was put up £210 in value; and during that time I was paying rates at their valuation. The value of my land given by an agent in the town was £300.

The second time I appealed the value was put back to £710. It took two years to get that. If local authorities have the right to appoint a private or second valuer we will get somewhere near the mark. On recommittal I will move to insert a provision to enable local authorities to select the system they require.

Hon. R. C. MATTISKE: I think the proposed amendment to Clause 538 will give Mr. Logan what he requires, though I do not wish to anticipate legislation.

Hon. H. K. WATSON: Mr. Mattiske's amendment will achieve the purpose he desires as well as that desired by Mr. Logan. It is very clear. The clause says the Taxation Commissioner's value shall be accepted, and Mr. Mattiske's amendment says that in lieu of that provision the local authority may engage its own valuers to value either the unimproved value or the improved value.

Hon. L. A. Logan: That is only when you have a private valuer.

Hon. H. K. WATSON: No; it does not say so. There is no doubt that even a road board would have power to engage its own valuers. The point made by Mr. Mattiske

as to why the road board should engage its own valuers when it worked on unimproved values has been well taken; namely, the delay that must be caused by the Commissioner of Taxation and his officers when making their values.

There is a good illustration in a reply given by the Treasurer to a question asked by Mr. Court in another place on the 14th August, 1956, when he said the last valuation for Midland Junction had taken place in 1952-53; the last valuation for Canning had taken place in 1953-54; and the last valuation for Cottesloe had taken place in 1951-52; and went on to explain that the revaluation programme is dependent on the availability of valuers and that approximately only eight suburbs each year are included in the programme. That is the limit of the Taxation Department's capacity. It seems rather absurd that 127 road boards should stand still while the officers of the department go through the State. They should have power to engage their own valuers.

Hon. L. A. LOGAN: In my opinion Mr. Mattiske's amendment does not meet my objection. If the municipality wants to elect its own valuer it can get an unimproved or capital value. But the municipality which does not elect to have that valuer must be content with the one value of the Taxation Department; that is, the unimproved value. I want the municipal council to have the right to ask the taxation valuer for either the annual value or the unimproved value.

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

Ayes	12
Noes	10
Majority for	2

Ayes.

Hon. N. E. Baxter	Hon. H. L. Roche
Hon. J. G. Hislop	Hon. C. H. Simpson
Hon. A. R. Jones	Hon. J. M. Thomson
Hon. L. A. Logan	Hon. H. K. Watson
Hon. G. MacKinnon	Hon. F. D. Willmott
Hon. R. C. Mattiske	Hon. J. Murray *(Teller.)*

Noes.

Hon. E. M. Davies	Hon. Sir Chas. Latham
Hon. J. J. Garrigan	Hon. H. C. Strickland
Hon. E. M. Heenan	Hon. J. D. Teahan
Hon. R. F. Hutchison	Hon. W. F. Willesee
Hon. G. E. Jeffery	Hon. G. Bennetts *(Teller.)*

Pairs.

Ayes.	Noes.
Hon. L. C. Diver	Hon. G. Fraser
Hon. A. F. Griffith	Hon. F. R. H. Lavery
Hon. J. Cunningham	Hon. F. J. S. Wise

Amendment thus passed; the clause, as amended, agreed to.

Clause 525—Council bound to increase or reduce values in accordance with taxation values:

Hon. R. C. MATTISKE: The next three amendments are consequential. The substance of this clause is that where values—whether unimproved or any other—are amended at any time, it is obligatory on the council or municipality to adopt those amended values. Three amendments will be necessary. I move an amendment—

> That after the word "value" in line 13, page 388, the words "or the annual value" be inserted.

Hon. H. K. WATSON: I would like some enlightenment on this clause. Does it mean that if a rate has been struck during the year, one can get advice from the Commissioner of Taxation that the rate for that year has been amended later? It seems to me that when the value has been revised, the commencement of the next year should be the operating date for the new valuation. There would be chaos if there were valuations during a financial year. I know that water rates are amended from time to time, but I think it would be undesirable with regard to a municipality or a road board. I would be obliged if I could have some enlightenment on the matter.

Hon. R. C. MATTISKE: If we go back to Clause 524 we will see it says "not later than the 30th day of June in each year" and so on, and "not later than the next following 31st day of July." The council shall record in the rate book the information supplied.

Hon. H. K. Watson: There is a proviso which nullifies some of that.

Hon. R. C. MATTISKE: The proviso is the method of getting valuations.

Hon. H. K. Watson: You say provisions shall not apply.

Hon. R. C. MATTISKE: I can see the point that Mr. Watson is raising. Perhaps the difficulty may be overcome by adding some further words to Clause 525 to the effect that these values shall be adopted in the next financial year or the next year of assessment. I think that would cover it.

Hon. G. C. MacKINNON: I think the word "immediately" should be taken out of line 20.

The CHAIRMAN: There is an amendment before the Chair. I propose to go on with it unless it is the intention of the Committee to deal with it otherwise. I would suggest that the whole clause will need redrafting if it is to be amended to such an extent as pointed out by the hon. member.

Hon. R. C. MATTISKE: I suggest that Mr. Teahan postpone the clause. I will withdraw my amendment.

Amendment, by leave, withdrawn.

On motion by Hon. J. D. Teahan, further consideration of the clause postponed.

Clause 526—agreed to.

Clause 527—Minimum value:

Hon. R. C. MATTISKE: I want to draw the attention of the Committee to the fact that I have a further amendment dealing with valuations and rating generally. If they be passed, it will be necessary to reconsider this clause on recommittal. The minimum value of £10 is practicable on an unimproved basis; but now we have adopted the annual value as well as the unimproved value, it will be necessary for a minimum in both cases.

Clause put and passed.

Clauses 528 and 528A—agreed to.

Clause 528B:

Hon. H. L. ROCHE: In asking the Committee to agree to the deletion of this clause I do not think there is much need to go over much of the argument that has been traversed earlier this evening in connection with the amendment to another clause. I think it is fairly obvious to all members that this provision was placed in the Bill largely, if not entirely, on behalf of the Claremont Municipal Council in connection with the Royal Agricultural Society ground at Claremont. There is not a great deal of money involved at the present time if the clause remains in. It is somewhere about £100.

However, that means an added £100 to the deficit of the society, which is run—apart from administrative staff—by a band of honorary workers who give their time and effort for no personal gain, in order to conduct the Royal Show. Any money taken from it is going to make its task harder; and, in the circumstances, there is no justification for leaving this clause in the Bill. Furthermore, nearly all agricultural societies throughout the State will be affected, even if they only allow their grounds to be used for a football match once a week. I trust the Committee will agree to the deletion of the clause.

Hon. R. C. MATTISKE: While I agree entirely with the sentiments expressed that every encouragement will be given to agricultural and horticultural societies, there is another aspect to be considered. I have discussed this case with the two parties concerned—both the Claremont Municipal Council, and Mr. Marshall of the Royal Agricultural Society. They both adopt a very broad outlook on it and say they want to be reasonable. Each appreciates the angle of the other. I think Mr. Marshall summed it up when he said he is not opposed to the Bill as amended in another place, provided it is not the thin edge of the wedge to charge full rates against that agricultural society.

If the Claremont Municipal Council subsequently desired to charge full rates against that society, it would be necessary for the provision to be submitted to Parliament for amendment. Likewise, that would be the case even if this clause were struck out. It is competent for the Claremont Municipal Council to initiate the move and submit a proposition to Parliament. I therefore feel that the intention of the mover of this amendment in another place was quite clear, and that it is not the thin edge of the wedge.

Hon. L. A. LOGAN: I cannot understand why Mr. Mattiske says that Mr. Marshall is satisfied. I received a letter from him a couple of days ago reminding me that he had written on a previous occasion and he rewrote the whole of that letter forwarded previously. Does that sound as though he is satisfied?

Hon. R. C. Mattiske: He told me he was.

Hon. L. A. LOGAN: I would point out any attempt to bring the Royal Agricultural Society into it will bring in the other agricultural societies throughout the State. If they only let their grounds for a barbecue or a gymkhana they will be liable to pay a sum equal to 3 per cent. of the amount they receive. It is not only the Royal Agricultural Society that would be affected but all the other agricultural societies where the trustees hold the ground. This would be impossible in country areas. There is no option but to throw it out.

Hon. G. C. MacKINNON: If this were taken out they would have to pay full rates. With reference to country areas, I think only two are affected—Brunswick and Bridgetown.

Hon. Sir Charles Latham: Bridgetown would be affected because they have an orchard.

Hon. G. C. MacKINNON: It would cost them about £3 10s. They are quite happy about it. This is not the thin edge of the wedge. The thin edge is that we all pay rates. This is the block in the hole because it says that they make a payment—it might be a token payment—towards the expenses which are incurred in the local governing district. The ratepayers of Claremont are carrying the expense for a show which is to the advantage of all throughout the State.

Hon. H. L. Roche: Do they get no benefit?

Hon. G. C. MacKINNON: I do not think they get a great benefit, and they do have a lot of cost. The ratable value of the showground would be in the vicinity of £2,000. They are prepared to accept a payment of 3 per cent. which is in the vicinity of £100. I can understand Mr. Mattiske's assertion that Mr. Marshall is relatively happy about the position. I explained the position at Bridgetown where there is a showground and an orchard. Their payment would come to about £4 10s. They said it was only fair that they should

pay rates on the orchard. They also said they were perfectly in favour of the clause. This is a compromise solution—a method of saying, "We will also pay a share."

Hon. R. C. MATTISKE: One point raised by Mr. Logan is important. He said that in regard to certain small country showgrounds it would be possible to have one or two lettings in a year that might be overlooked or that the furnishing of returns could be overlooked, thus involving a penalty. We could add a proviso stating that where the income is below a specified amount—£100 or £200, or whatever Mr. Logan suggests—there would be no necessity to furnish a return.

In regard to any letting, a receipt must be given and the money banked, and a record must be made in the books. If the necessity to furnish a return is eliminated, as I have mentioned, I would be quite happy.

Hon. G. C. MacKINNON: I would like to support that suggestion. Obviously the amount of £3 is not worth the expense involved in collecting it and issuing a receipt. However, I still think there are no more than three showgrounds in the country that would be affected because the others are held by local authorities.

The MINISTER FOR RAILWAYS: I, and I think all other members of the party, have been circularised by the secretary of the Royal Agricultural Society. As a matter of fact Mr. Marshall did, on behalf of the affiliated societies, request that the amendment inserted by another place be taken out. The Chief Secretary, before he went away, had some inquiries made, and it appears that the amount involved, even with the Claremont Showground, is so small as not to warrant the necessary book-keeping. On the figures submitted, the income which would be subject to this provision is £1,000 per year and the return to the local authority would be something like £30. This seems to be much ado about very little. The necessity to keep books and so on is not commensurate with the sum involved.

Hon. R. C. MATTISKE: I, too, had correspondence earlier in the piece from Mr. Marshall, and from the Claremont Council, and it was as a result that I rang Mr. Marshall last Friday morning. He told me in clear language that he was quite happy with the Bill as amended in another place. The £90 or £100 involved would not affect his society. His main concern was the thin-end-of-the-wedge aspect. He even discussed with me the possibility of including some clause by which it would not be possible for the full rates to be charged. I told him that would not be possible and that in any case for the full rates to be charged in the future, legislation must be submitted to Parliament.

Hon. H. L. ROCHE: I do not think anyone doubts what Mr. Mattiske has said in respect to his interview with Mr. Marshall, but it appears that Mr. Marshall may wilt a bit under pressure. I refer members to the first and the last paragraphs of his letter. The first is as follows:—

> My council is greatly concerned about the amendment to the Local Government Bill Mr. Crommelin, M.L.A., has successfully moved in the Legislative Assembly whereby if it is passed by the Legislative Council, agricultural societies will be called upon to pay to their local authorities an annual amount in lieu of rates, viz., 3 per cent. of the income received from the letting of grounds and buildings.

This is the final paragraph—

> In the interest of agricultural societies, in general, my council appeals to you to oppose this measure when it comes before the Legislative Council and so prevent its becoming operative.

Hon. H. K. Watson: What is the date of the letter?

Hon. H. L. ROCHE: The original letter was dated the 6th May and a further copy was sent out about a week ago.

Even if we dismiss Mr. Marshall in the circumstances, I was particularly impressed by the opposition expressed by Mr. N. Higham, past president of the society and one or two of the committeemen who were concerned about this proposal because, as they said, they are acting in an honorary capacity and every pound taken from the society puts it a bit further in the blue.

I have also had two letters from the Katanning Agricultural Society asking me to oppose the provision. I doubt whether it is getting us very far to labour it further. I hope the Committee will delete the provision.

Hon. J. G. HISLOP: I would like to ask the Minister whether the Government really feels that by the Claremont Municipal Council receiving £100 from the Royal Agricultural Society, and other local governing bodies receiving very small amounts, it is worth inserting a new principle of charging those people rates. If it is not, why leave it in the Bill? If the Government feels that it is justifiable that these people be charged rates, why not charge them rates? I would like to know the Minister's attitude in regard to this.

The Minister for Railways: I just made a speech.

Hon. J. G. HISLOP: Yes; but it was a bit for both sides. If it is the Government's attitude to vote against the clause, very well. But we should know what is happening. I do not believe that the small amount justifies our establishing a new principle.

Hon. E. M. HEENAN: It is with some reluctance that I take part in this debate; but it seems to me that we must see that justice is done to both parties. I am sure we all appreciate the good that the Royal Agricultural Society does and what good use it makes of the land at Claremont. On the other hand we have to consider the point of view of the Claremont Municipal Council; and I take it the council is put to a good deal of expense in maintaining the roads and doing other work incidental to the Royal Show. I was impressed by Mr. MacKinnon's remarks that the ratepayers of Claremont are put to a good deal of financial stress for the benefit of the rest of the State.

Hon. Sir Charles Latham: What about Cottesloe, Subiaco or Nedlands?

Hon. E. M. HEENAN: The principle might apply there also. I can see some merit in the viewpoint that the Royal Agricultural Society—which apparently lets portion of its grounds throughout the year and derives a fairly big revenue from it—should make some token payment to the council. I think it is going a bit far for it to expect to receive a lot of amenities provided by the council free of any contribution. But I would not be a party to rating it in the ordinary way. It seems to me that the matter should be adjusted between the council and the society itself; and failing any agreement, I am inclined to support the provision in the Bill.

Hon. Sir Charles Latham: It is adopting a principle that they should be rated.

Hon. E. M. HEENAN: No; I do not subscribe to that principle. But I do subscribe to the principle that the council should receive some recompense for the work it has to do in clearing up and repairing streets after a Royal Show or other entertainment at the showground.

The MINISTER FOR RAILWAYS: I want to make it perfectly clear that Government members are free to vote as they please on this.

Hon. Sir Charles Latham: It sounds like it for a change.

The MINISTER FOR RAILWAYS: The provision was not inserted in the Bill as Government policy. I personally declared myself, and I am going to support the amendment.

Hon. G. C. MacKINNON: I make a last appeal to members to leave this in the Bill. There has been a lot of talk about country shows. But there are only three showgrounds which will be affected; and Katanning is not one of them, because the society does not own the showground there. So whether they say "do this" or "do that," they would not have to pay a penny. The ones affected are at Brunswick and Bridgetown and some other place—it certainly is not Katanning—and Claremont.

Hon. L. A. LOGAN: Mr. Heenan said that he thought the society should pay something for the services rendered by the municipal council. But what service does the council render which makes it necessary for it to be paid? There is not one road in that area which the council would not have to keep in repair if the showground was not there. As regards the health inspector, if he were not doing work at the showground, he would be working elsewhere; and therefore there is no extra charge involved so far as the council is concerned. This talk of the service rendered by the council is a little overdone.

Hon. R. C. MATTISKE: I have had a lengthy screed from the town clerk.

Hon. Sir Charles Latham: Do not read it.

Hon. R. C. MATTISKE: I do not intend to. However, the council has definite items of cost, including the cleaning up of streets after shows, speedway meetings and other entertainments held at the grounds. This cleaning up involves much more work than would be the case if no entertainments were held there. The Agricultural Society pays for the overtime only for the health inspector, and there are buildings within the grounds on which building fees only are paid; but supervision or inspection of them is necessary from time to time, and the council is involved in direct expense in regard to the grounds and their surroundings. Both the parties whom I contacted were happy about the token payment of £90 or £100 a year. If by leaving the Bill as printed they are both happy about it, I think that is the course we should adopt.

Hon. W. F. WILLESEE: I did not intend to speak; but I think Mr. Marshall's assurance, in view of his letters, may be made without the authority of the society. In any case, in most country towns the local authority does something about the facilities for the local shows.

Hon. G. C. MacKinnon: That is a district show whereas this is a State show.

Hon. W. F. WILLESEE: There is no difference in principle. Mr. MacKinnon said that there are only two or three places affected at the present time; but there could be 20 or 30 in future, and so I shall vote against the clause.

Hon. A. R. JONES: It seems to me that if we could confine this to the Municipality of Claremont and the showground it would be quite all right. The municipality is called upon to render a service and the Royal Agricultural Society has quite considerable earnings; and when it calls on the municipality to render a service, surely it should pay something for it. The municipality cannot derive any benefit from the show; all it gets out of it is a big mess around the ground which has to be cleaned up.

Hon. Sir Charles Latham: It is of great benefit to the State.

Hon. A. R. JONES: The same municipality has a great many schools and parklands in its area, and I am told that only 55 per cent. of the total area is ratable. So surely it is entitled to some compensation for the service it gives, even if the State Government pays for it. I think we could get over the difficulty if the wording were altered. As regards country local authorities, in the majority of cases the local authority comprises the committee for running the show. There would not be any rate charged, and that would leave it open to the Claremont Municipal Council to impose a charge.

The income of the Royal Agricultural Society must be considerable, apart from any profits from the Royal Show itself. It derives revenue from the lease of buildings and land for speed-car racing and football, polo and cricket matches. It is not reasonable to expect the Claremont Municipal Council to bear the brunt in respect of the local authority expenditure for the showground.

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

Ayes	13
Noes	9
Majority for	4

Ayes.

Hon. G. Bennetts	Hon. R. C. Mattiske
Hon. E. M. Davies	Hon. J. Murray
Hon. E. M. Heenan	Hon. C. H. Simpson
Hon. J. G. Hislop	Hon. J. D. Teahan
Hon. G. E. Jeffery	Hon. H. K. Watson
Hon. A. R. Jones	Hon. F. D. Willmott
Hon. G. MacKinnon	*(Teller.)*

Noes.

Hon. N. E. Baxter	Hon. H. C. Strickland
Hon. J. J. Garrigan	Hon. J. M. Thomson
Hon. R. F. Hutchison	Hon. W. F. Willesee
Hon. L. A. Logan	Hon. Sir Chas. Latham
Hon. H. L. Roche	*(Teller.)*

Clause thus passed.

Clauses 529 and 529A—agreed to.

Clause 530—Rate book:

Hon. R. C. MATTISKE: There is the necessity here for a consequential amendment following the amendment to Clause 524. This is another case where the clause ought to be postponed in order that the appropriate amendment can be drafted. I shall do that in due course.

Clause put and passed.

Clauses 531 and 532—agreed to.

Clause 533—Alteration or amendment of rate book:

Hon. H. K. WATSON: I move—

That paragraph (f), lines 1 to 6, page 397, be struck out.

This paragraph deals with alterations and additions during the year, after the assessment has been made for that year. If any alterations or additions are made to the rate book they should be made annually, and not otherwise. This is different from a case where an error may be made, which is covered by the first portion of the clause.

Hon. R. C. MATTISKE: If the amendment is agreed to, some local authorities will be placed in a difficult position. They will have no power to alter the ratebook except annually. Already there is provision in Clause 535 for an amendment to be made to the rate book when a mistake is discovered, or if a ratepayer has been overcharged.

Hon. W. F. WILLESEE: I support the amendment. When a rate book has been established and the valuations have been agreed on, it should stand for the whole of that year. It should stand subject to any corrections brought about by clerical errors. I would point out that from the rate book the electoral roll is compiled, and for that reason the rate book should be finalised before that matter is attended to.

Hon. L. A. LOGAN: The effect of the amendment is to prevent the local authorities from amending the rate book during the year. There is provision in Clauses 533, 535 (a) and 539 to amend the rate book in the circumstances referred to. In one case power is given to reduce the valuation, and in another power is given to impose supplementary rates for extraordinary purposes.

Hon. H. K. WATSON: A line should be drawn somewhere so that the valuations in a rate book will last for 12 months, regardless of whether the values rise or fall. Clause 525 covers the case of increases in value, and Clause 535 covers the case of decreases in value, but I would suggest they are both on the same plane. In both cases the alteration should be deferred until the next succeeding year. Clause 539 gives power to a local authority to impose supplementary rates, but there is no reason why such rate should not be based on the value as at the 1st July, preceding.

Hon. L. A. LOGAN: Under the existing practice local authorities have the power to amend the rate book, and in my own case the assessment on my property was amended by the Taxation Department.

Hon. R. C. MATTISKE: If we agree to the amendment, how are alterations going to be made to the rate book? Values

must alter from time to time, and there must be some provision to enable a council to amend its rate book.

Amendment put and negatived.

Clause put and passed.

Clause 534—agreed to.

Clause 535—On reduction in value under Section 525 Council to adjust rate:

Hon. R. C. MATTISKE: An injustice could be done under this provision. If a ratepayer has already paid an amount in excess of what he should pay in any particular year, and applies for a refund in accordance with paragraph (c), he can get that refund. But under paragraph (d), if the ratepayer does not apply, the council shall pay the amount to its appropriate trust fund. That needs a little clarification.

Hon. H. K. WATSON: This clause refers to Clause 525, upon which it is consequential. If my recollection is correct, we postponed consideration of that clause. Therefore the logical procedure is to postpone consideration of this clause and deal with both together later on.

On motion by the Minister for Railways, further consideration of the clause postponed.

Clauses 536 and 537—agreed to.

Clause 538—Council to impose general rates:

Hon. R. C. MATTISKE: This clause is one of the most important in the Bill, and I have a series of amendments to it on the notice paper. Since placing them there, I have given the clause further consideration, and I feel that we should look at it from a different angle. Under the Municipal Corporations Act and the Road Districts Act, general rates and loan rates are kept quite separate. Provision is made for the general rates to be levied with certain limits, and for loan rates to be levied. A ratepayer each year receives his rate notice on which is clearly set out the amount he owes the council for general rates, loan rates, health rates, sanitary charges and so on; and that gives him some itemisation of his liability, and some indication of the method under which the local authority is conducting its finances.

Under the Bill, general rates and loan rates are grouped, and I feel it is not in the best general interest that that should be so. In order that further consideration can be given to the matter, I suggest the clause be postponed so that there can be a discussion with the departmental officers to see whether amendments could be drafted for submission to the Committee.

On motion by the Minister for Railways, further consideration of the clause postponed.

Clauses 539 to 545—agreed to.

Clause 546—Constitution and jurisdiction of appeal courts:

Hon. G. C. MacKINNON: I move an amendment—

> That after the word "jurisdiction" in line 17, page 406, the following words be inserted:—
>
> > such court to consist of a barrister of seven years' standing as chairman, and two sworn valuers, neither of whom shall be a Crown servant.

While I do not see how this court can work as it is listed, I think some qualification should apply to the people who are to constitute it, and I suggest that the chairman should be a barrister of seven years' standing.

The Minister for Railways: He might not be a good barrister.

Hon. G. C. MacKINNON: I think we could leave it to the Government to pick a good barrister.

The Minister for Railways: A period of seven years does not mean anything.

Hon. G. C. MacKINNON: From barristers who had served seven years in that capacity, it should be possible to choose a suitable chairman. Then there would be two sworn valuers who would have knowledge of what they were inquiring into.

The MINISTER FOR RAILWAYS: This proposal could prove very expensive. We know that a barrister's time is not cheap. Although it is not set out in the Bill, the usual procedure in regard to appeal courts is to appoint a magistrate; and, in this case, there would be two sworn valuers to assist him. If a barrister and two sworn valuers were permanently appointed a lot of money could be involved. To take an extreme example, suppose an appeal was to be heard at Hall's Creek. The transportation of a barrister from Perth to Hall's Creek would be very costly.

Hon. G. C. MacKinnon: The cost would be the same if Tom Smith were being transported.

The MINISTER FOR RAILWAYS: No. The magistrate for the district does the circuit, and he would go there in any case, and the appeal would be heard while he was on his usual round. There would be two sworn valuers, who would necessarily have to be there to advise. That would be the procedure, and I hope the Committee will not agree to the amendment.

Hon. R. C. MATTISKE: I agree with the Minister. It is not provided that there shall be two sworn valuers. I think it would be competent for the Government to do what is being done at present and appoint certain members of a board as an appeal court, and the town clerk could well be appointed the registrar of the court to carry on in that manner in outback areas.

Hon. Sir Charles Latham: It has always been favourably received in years gone by.

Hon. R. C. MATTISKE: Yes. There is another aspect, and that has relation to the whole set-up being able to deal with the business expeditiously. Last year through a revaluation in one ward of the Perth Road Board there were literally hundreds of appeals, necessitating the appeal court sitting at least 20 nights and hearing lengthy discussions. A court constituted as proposed would have been costly for that road board, which was only one of very many dealing with appeals at that time last year. If appeals are dealt with as provided in the Bill and the results known by December each year, it will be necessary to constitute a number of appeal courts, and for a number of local authorities to be appointed as their own appeal courts.

Hon. J. D. TEAHAN: What would be a sufficient court for the Perth Road Board might be far more than would be required for a country road board; and so the Governor or Minister should be guided by the council concerned, which would advise what appeals it had. The magistrate at a place such as Kalgoorlie would be quite competent, and I think country magistrates could deal with the matter in their own localities. I suggest that the clause should remain as printed.

Amendment put and negatived.

Clause put and passed.

Clause 547—agreed to.

Clause 548—Provision of procedural matters relating to appeals and cases stated by adaptations, regulations and rules of court:

Hon. J. D. TEAHAN: I move an amendment—

> That after the word "Division" in line 26, page 408, the following new subclause be inserted:—
>
> (3a) So far as practicable the valuation court shall be held in the usual meeting place of the council of the district concerned.

That is how appeals are held at present and if they were held in the police court, for instance, it might deter many people from appealing. The amendment would lend simplicity to appeals in country districts.

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

Clause 549—agreed to.

Clause 550—Who is liable for rates:

Hon. R. C. MATTISKE: I direct attention to the words "after mortgages, if any, to the commissioners of the Rural and Industries Bank of Western Australia", in lines 27 to 29 on page 411. I would like to know why that preference should be given.

The MINISTER FOR RAILWAYS: I have not the information available at present, but will obtain it.

Clause put and passed.

Clauses 551 to 557—agreed to.

Clause 558—Attornment of lessees:

Hon. R. C. MATTISKE: This is another instance where preference is given to the State Housing Commission, the R. & I. Bank and the McNess Housing Trust. I would like to hear good reasons for the preference being given.

Clause put and passed.

Clauses 559 to 566—agreed to.

Clause 567—Power to lease land on which arrears of rates are due:

Hon. R. C. MATTISKE: I move an amendment—

> That the word "three" in line 26, page 419, be struck out and the word "five" inserted in lieu.

I feel that three years is little enough and it might well be five years. Under a later clause the local authority would have power to sell land on which rates were outstanding for a certain period. That is more drastic action than leasing the land, but I ask members to give the matter consideration.

Hon. J. D. TEAHAN: The three years' provision has existed in the Act, and I know of no case where action was unjustly taken or any owner complained of action taken under that provision. It is possible that there might be absentee landowners who would delay in the necessary payments for no particular reason, and that is why the three-year period should remain.

Hon. Sir CHARLES LATHAM: There has been a case recently of a person who died leaving 3,000 acres of land. The widow was living in Victoria and they paid neither rates nor anything else; and the property deteriorated. From the production point of view the period should be three years.

Hon. R. C. MATTISKE: In view of the explanation I ask leave to withdraw my amendment.

Amendment, by leave, withdrawn.

Clause put and passed.

Clauses 568 to 571—agreed to.

Clause 572—Power of council to sell land on which rates are three years in arrears:

Hon. R. C. MATTISKE: I move an amendment—

> That the word "three" in line 34, page 424, be struck out and the word "seven" inserted in lieu.

This concerns the leasing of another person's property and is very important. Three years is insufficient. Both in the Municipal Corporations Act and in the

Road Districts Act the period is five years; and to my mind, even that is insufficient. The owner might not be aware that rates are outstanding, and the local authority might not be able to contact him; and because of that his property will be sold.

Hon. J. D. TEAHAN: A period of seven years is too long. Properties could get into disuse and a lot of petty pilfering could go on; and by the time the authority was ready to take action, there would be no house left. The period should remain at three years.

Hon. G. BENNETTS: I agree with Mr. Teahan. Surely a person should know when his rates are due. If he is not in the State to pay them, he should arrange for somebody else to do so. Three years is plenty of time for that.

Hon. R. C. MATTISKE: With reference to properties falling into disuse, if rates are unpaid for three years local authorities now have power under Clause 567 to lease the property. Why not let it be leased for a further four years; and then if they are unable to contact the owner, go ahead with the sale of the property?

Hon. Sir Charles Latham: What about if they cannot lease it?

Hon. J. D. Teahan: Or if the property is condemned as is so often the case?

Hon. R. C. MATTISKE: If they cannot lease it, they will not be able to sell it. An owner might be ill and out of the State and when he returned he would find his property had been sold. Seven years is a reasonable period, and I hope the Committee will agree.

The MINISTER FOR RAILWAYS: Local authorities have complained about the period of five years contained in the present Acts, and it is at their request that the three-year period is being substituted. It gives local authorities power to sell; it is not mandatory. The property can be leased for any number of years if desired. We should leave it to the good judgment of the local authority to decide the case at the time. That would be better than having dilapidated buildings standing in towns for seven years.

There are many cases, particularly in the North-West, where land was bought in the early days and where it has not been possible to trace the owners, and relatives have had great difficulty in proving a title to the land. If the period were shortened the land could be put up for auction and the relative concerned could purchase it. He would have no hope of getting it under the existing law. It would help the person concerned to obtain a quicker title to the land. The period of three years should be retained.

Amendment put and negatived.

Clause put and passed.

Clauses 573 to 575—agreed to.

Clause 576—Power of council to transfer or convey land:

On motion by Hon. J. D. Teahan, clause postponed.

Clauses 577 and 578—agreed to.

Clause 579—Application of purchase money:

Hon. R. C. MATTISKE: I would ask that this clause be postponed.

On motion by Hon. J. D. Teahan, clause postponed.

Clauses 580 to 585—agreed to.

Clause 586—Power to have land revested in the Crown if rates in arrears three years:

Hon. R. C. MATTISKE: I would ask that this clause be postponed.

On motion by the Minister for Railways, clause postponed.

Clause 587—agreed to.

Clause 588—Interpretation:

Hon. G. C. MacKINNON: It would appear that provision for parking should be included here in a new paragraph. I move—

> That after the word "Governor" in line 13, page 445, the following new paragraph be added:—
>
> > (26) the construction or acquisition by purchase or otherwise and establishment by a municipality of vehicle parking areas.

The CHAIRMAN: I presume that members have knowledge that they are going to move amendments as they go along in connection with this Bill. It is obvious to me that some members are waiting until a particular clause comes along. It is only fair and reasonable to the clerks and the working of the Committee that so far as possible these amendments be placed on the notice paper. It will save time and a lot of work, particularly as there is work to be done after the Council rises. If members would place amendments on the notice paper, it would save a lot of trouble. My remarks do not apply to any one individual but generally, because it has occurred frequently tonight.

Hon. J. D. TEAHAN: I think the words contained in paragraph (25), "other plant, machinery, things, works, and undertakings, approved in writing by the Governor" are sufficient. This paragraph is in the clause because of the difficulty in defining numerous works and undertakings. I presume that such a paragraph would cover parking, and I cannot see the necessity for the proposed new paragraph.

Hon. G. C. MacKINNON: At an early stage in the consideration of this Bill I asked Mr. Teahan whether the Government considered parking areas should be specifically included. His answer was that they should be. Therefore, I am surprised that they are not specifically mentioned and nothing has been done. I would ask that this be reconsidered.

The MINISTER FOR RAILWAYS: I would suggest that this amendment be brought forward and redrafted when the Bill is recommitted. It seems to me that a council could confiscate somebody's land. I am sure this Committee would not agree to such a proposal being in the Bill. We could not give that power without some provision being made for the authority of the Governor first having to be obtained. I admit that the hon. member mentioned this matter before; but this is a big Bill, and lots of things are mentioned which could be overlooked or laid aside.

It must be realised that the Minister for Local Government is away, ill; and any members who have amendments at all to place before the Committee, should put them on the notice paper. When I first came into this Chamber, the Chairman of Committees would not accept amendments unless three copies were handed to the Chair. This speeded up the work of the Committee considerably. I hope the hon. member will agree to withdraw his amendment; and, if he does, I will move that the clause be postponed.

Hon. G. C. MacKINNON: In view of the Minister's explanation, I ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

On motion by the Minister for Railways, further consideration of the clause postponed.

Clause 589—agreed to.

Clause 590—Power to borrow money:

Hon. R. C. MATTISKE: I would like to hear from Mr. Teahan why it is necessary for a council first to obtain the written approval of the Treasurer of the State in order to borrow money. I feel it should not be necessary.

The MINISTER FOR RAILWAYS: There is an allotment to each State for semi-Government and Government loans, and they must all first receive the approval of the Treasurer.

Clause put and passed.

Clauses 591 to 597—agreed to.

Clause 598—Plans, specifications and estimates to be prepared before borrowing:

Hon. R. C. MATTISKE: I move an amendment—

> That the words "plans and specifications" in line 28, page 450, be struck out, and the words "written descriptions" inserted in lieu.

To draw up complete plans and specifications is a lengthy and costly business; and if the permission to borrow be not proceeded with, then the local authority has incurred considerable expense unnecessarily. Furthermore, with the keeping of accounts on a ward basis, each ward member would be pushing his work as hard as he could, and if two or three ward members each submitted to the engineer a list of works on which they proposed to borrow money, the engineer would be flooded with a considerable amount of urgent work.

If, however, the amendment be agreed to, then a less detailed written description of the work can be given and the work of the authority expedited. Also, if during the period of advertising, etc., it is felt there is not going to be any opposition to the loan, a breathing space of a month is given in which the engineer can get the detailed work done.

Hon. J. D. TEAHAN: If a board borrows, it generally borrows a tidy sum and not just a few pounds. It is only right, therefore, that some plans should be prepared and made available for the scrutiny of ratepayers. If this is not insisted on, there could be some slipshod work. I ask the Committee to vote for the clause as printed.

Hon. R. C. MATTISKE: The average ratepayer would not be able to read a plan and specification, anyhow. A written description and estimate of the work would be far more intelligible to him. I am sure that if a technical man made inquiries the engineer would discuss the matter in detail with him.

Amendment put and negatived.

Clause put and passed.

Clause 599—agreed to.

Clause 600—Power to demand poll:

Hon. R. C. MATTISKE: I have on the notice paper several amendments that are consequential upon a previous amendment.

On motions by Hon. R. C. Mattiske, clause amended by—

> Striking out the words "electors in respect of residence" in lines 12 and 13, page 452, and inserting the word "ratepayers" in lieu;
>
> striking out the word "electors" in line 26, page 452, and inserting the word "ratepayers" in lieu;
>
> striking out the word "electors" in line 35, page 452, and inserting the word "ratepayers" in lieu;
>
> striking out the word "electors" in line 2, page 453, and inserting the word "ratepayers" in lieu.

Hon. R. C. MATTISKE: I move an amendment—

That the word "electors" in line 15, page 453, be struck out and the word "ratepayers" inserted in lieu.

The MINISTER FOR RAILWAYS: I am wondering what is the object of this amendment. It is to restrict the petition for a poll of ratepayers instead of electors. Electors can only be those who have qualifications to be electors on the municipal rolls. So why restrict it to ratepayers? There is a difference between ratepayers and electors as I remember the Bill. I remember one provision regarding the wife of a ratepayer and where she is entitled to be enrolled as an elector. I think Mr. Mattiske might give us some explanation as to why he wants to prevent the wife of a ratepayer from having a voice in municipal affairs.

Hon. R. C. MATTISKE: There is a provision in the Bill for occupiers to be registered as electors and the distinction that I propose to make in this clause is that ratepayers only shall have the say in a poll. Where it is desired to borrow money which the ratepayers have to refund over a period of years, those who have to pay should have the right to say whether or not money should be borrowed.

The MINISTER FOR RAILWAYS: I disagree with the hon. member. I believe that those who pay should have the say in matters of this kind; but I also believe that the occupiers pay. As the amendments have proceeded so far there seems to be no point in opposing the other two or three. They can be taken into consideration when the Bill is recommitted.

Amendment put and passed.

On motions by Hon. R. C. Mattiske, clause further amended by—

Striking out the words "reside in" in line 16, page 453, and inserting in lieu the words "pay rates in respect of";

striking out the words "and who reside within the district" in line 18, page 453.

Hon. R. C. MATTISKE: In Subclause (7) there are three grammatical errors. The plural verb has been used for a collective noun in lines 26 and 28. The word "are" should read "is."

The MINISTER FOR RAILWAYS: I think that this should be referred for further consideration. I think that the word "are" is right.

Hon. R. C. MATTISKE: The word "majority" is a collective noun and it should take the singular verb. However, I daresay the departmental officers will make the necessary correction.

Clause, as amended, put and passed.

Clauses 601 and 602—agreed to.

Clause 603—Loan commitments to be included in budget and amount required raised by general rate:

Hon. R. C. MATTISKE: This is the clause to which I referred earlier regarding the loan rating. It should be considered in conjunction with Clause 524 which has been postponed.

Clause put and passed.

Clauses 604 to 613—agreed to.

Clause 614—Interpretation:

Hon. R. C. MATTISKE: I move an amendment—

That after the clause designation "614," line 3, page 462, the subclause designation "(1)" be inserted.

This, with subsequent amendments I propose to move, is to ensure that a local authority may have the alternative method of appointing its auditor. Either he may be a Government auditor appointed under this Bill, or the local authority may have power to elect its own auditor. At present, under the Road Districts Act, local authorities employ the services of a Government auditor; while under the provisions of the Municipal Corporations Act, the majority of the authorities elect their own auditors. When this particular clause was being considered at meetings of the Local Government Association, I heard heated arguments on both sides as to which system should be included in the Bill; and the only solution is the alternative I have provided. It will not detract from the efficiency of the audit one iota.

Hon. J. D. TEAHAN: At present the road boards employ Government auditors; and municipalities, private auditors. The system adopted by the road board is an excellent one because the auditors know the Act thoroughly and they know just how a road board should be controlled. Apart from this they give excellent advice which has been well received. The same cannot be said of municipalities whose affairs are generally not conducted on such an efficient system as that of road boards.

Hon. R. C. MATTISKE: I know that Mr. Teahan was not reflecting on the auditors engaged by municipalities when he said that the Government auditors knew the Act thoroughly. The auditors employed by the municipalities are also conversant with the provisions of the Act; otherwise they could not conduct the audit.

On the question of advice, strength is lent to my argument because in many areas far removed from Perth there have been cases where municipalities have elected their own auditors from among qualified personnel in that town, so that if at any time they want to refer some matter to him for advice they have his services on hand; whereas the Government auditor would have to come from the

city to conduct each audit, and the same auditor might not be available each year. Some weight to my argument has been added by Mr. Teahan in providing that the local authorities can obtain the services of some auditor locally.

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

Ayes	12
Noes	10
Majority for	2

Ayes.

Hon. N. E. Baxter	Hon. J. Murray
Hon. J. G. Hislop	Hon. H. L. Roche
Hon. A. R. Jones	Hon. C. H. Simpson
Hon. L. A. Logan	Hon. J. M. Thomson
Hon. G. MacKinnon	Hon. H. K. Watson
Hon. R. C. Mattiske	Hon. F. D. Willmott *(Teller.)*

Noes.

Hon. G. Bennetts	Hon. H. C. Strickland
Hon. E. M. Davies	Hon. J. D. Teahan
Hon. J. J. Garrigan	Hon. W. F. Willesee
Hon. G. E. Jeffery	Hon. F. J. S. Wise
Hon. Sir Chas. Latham	Hon. E. M. Heenan *(Teller.)*

Pairs.

Ayes.	Noes.
Hon. L. C. Diver	Hon. G. Fraser
Hon. A. F. Griffith	Hon. F. R. H. Lavery
Hon. J. Cunningham	Hon. R. F. Hutchison

Amendment thus passed.

Hon. R. C. MATTISKE: I move an amendment—

That the words "a Government Inspector of Municipalities" in line 5, page 462, be struck out and the following inserted in lieu:—

(a) in the case of a shire, a Government Inspector of Municipalities;

(b) in the case of a city or town, a person elected by the electors of the city or town in accordance with this Act, and who is currently a member in good standing of the Institute of Chartered Accountants in Australia, or the Australian Society of Accountants, and registered as an auditor under the provisions of the Companies Act, 1943-1954:

Provided that if such person ceases to be a member of the Institute of Chartered Accountants in Australia, or the Australian Society of Accountants, or ceases to be registered as an auditor under the provisions of the Companies Act, 1943-1954, he shall forthwith become ineligible to be or continue as an auditor under this Act, and the position shall automatically be declared vacant.

The definition of "auditor" is subject to the provisions contained in subsection (2) of this section providing for a change of auditor by a municipality.

Amendment put and passed.

Hon. R. C. MATTISKE: I move an amendment—

That the words "the Minister directs" in line 8, page 462, be struck out, and the words "the council of the municipality directs" inserted in lieu. lieu.

Amendment put and passed.

Hon. R. C. MATTISKE: I move an amendment—

That after the word "directs" in line 8, page 462, the following Subclauses be added:—

(2) Where at least one-third of the councillors sign and cause to be delivered to the mayor or president, as the case may be, a demand that—

(a) where the auditor is a person referred to in paragraph (a) of Subsection (1) of this section, there be substituted in his stead a person referred to in paragraph (b) of that subsection; or

(b) where the auditor is a person referred to in paragraph (b) of Subsection (1) of this section, there be substituted in his stead a person referred to in paragraph (a) of that subsection,

and that the question, whether or not the proposed substitution of auditor be effected, be submitted to a poll of the electors of the municipality the mayor or president, as the case may be, shall cause the question to be submitted to a poll of the electors of the municipality to be held on a day appointed by him, being not less than forty-two days nor more than seventy days after that on which the demand is delivered as aforesaid.

(3) In the taking of such poll, the provisions of Subsections (6) and (7) of Section ten of this Act shall apply.

(4) If at the poll a majority of the valid votes cast is in favour of the proposed substitution of auditor, the Governor shall by Order declare that such substitution shall apply and take effect as at the date of the commencement of the next financial year of the municipality.

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

Clauses 615 and 616—agreed to.

Clause 617—Monthly financial statement:

Hon. R. C. MATTISKE: This clause provides that the clerk shall, once in every month, prepare and place before the council a true statement in the prescribed form of the financial position of the municipality. Under present legislation it is done every three months, and I think three months is ample. It enables the members of the council to be kept apprised of the financial position, without involving the staff in the huge amount of work necessary for the preparation of a statement each month.

Furthermore, I think it has the advantage that when a statement is received every three months it attracts more attention than one received each month. The tendency is to accept these statements as something coming along in the ordinary way, and they are not given proper attention. In addition, some of our local authorities do not meet as frequently or as infrequently as monthly. Therefore, it seems unnecessary that these statements should be presented every month. This is a case where I might submit an amendment which is not on the notice paper, because it is small. I move an amendment—

> That the word "month" in line 8, page 465, be struck out and the words "three months" inserted in lieu.

Hon. L. A. LOGAN: I believe this clause should stand as printed. No account should be passed at a council meeting without a financial statement having been read. If a secretary does his job he will make up his return daily and therefore the provision is no hardship on the secretary of a board. It is far better to have the return submitted every month.

Hon. E. M. DAVIES: I hope the Committee will not agree to the amendment as the provision as it stands is the usual procedure. The financial position of a local authority is placed before the council at least once a month; and it is right and proper that should be so, when members are called to vote for expenditure of money. Mr. Mattiske has endeavoured to make out that it would entail a large amount of work. However, the town clerk has other officers on his staff; and they are expected to keep the accounts of a local authority up to date, and not three months behind. I suggest, in the interests of local government, that this financial statement be presented not less than monthly.

Hon. R. C. MATTISKE: I think some members are under a misapprehension. It is not my intention to delay the passing of accounts for payment. They should go before a council every month, or as frequently as the council may meet. I also agree that when these accounts come up for consideration, the council should be apprised of the cash position as a whole; but the particular statement referred to in this clause has to be in a prescribed form. We have not that prescribed form before us, but I am assuming that the form of these accounts will be similar to those submitted to the Perth Road Board at the present time.

It is a detailed statement showing items of income under the various headings, and split up in such a way that it readily shows the amount budgeted to be received during the financial year; actual income for the previous year; and the proportion for the period of the year expired to date; and similarly with all items of expenditure. That is done for each of the wards.

As we have passed an amendment enabling local authorities to keep accounts on a ward basis, I venture to say that any efficient local authority would require that full detailed information. Having been trained as an accountant, I have a great appreciation of the value of these statements, and I look forward to them each quarter in order to make comment on certain items. If it were simply one unintelligible mass, with everything grouped together, one could not extract the particular information normally conveyed by a financial statement. Under this Bill the form will be prescribed. The Minister has power to prescribe the form in which the accounts will be kept. Surely the Minister will prescribe the form of certain statements required.

Hon. E. M. DAVIES: Mr. Mattiske is trying to force upon other local authorities the keeping of the ward accounts separately. A number of local authorities are progressive and do not do that. They believe that the money collected in the local authority should be expended in the best interests of the local authority and not on a ward basis.

Hon. L. A. LOGAN: If Mr. Mattiske wants a statement for the month from the Perth Road Board, he can have it. I refer members to Clause 616. The secretary must have a day-to-day accounting system. So the day before a meeting he puts the figures down on a prescribed form, and at the end of three months the figures can be added together.

Hon. R. C. MATTISKE: The simplest thing is for me to withdraw the amendment with a view to having the clause recommitted. In the meantime we could get some further information on the words "prescribed form." I seek leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Clause put and passed.

Clauses 618 to 623—agreed to.

Clause 624—Offices of auditors becoming vacant on the coming into operation of this Act:

Hon. R. C. MATTISKE: The clause is rendered unnecessary because of the amendment to Clause 614.

Clause put and negatived.

Clauses 625 and 626—agreed to.

Clause 627—General powers of auditors and inspectors:

Hon. W. F. WILLESEE: Extraordinary powers are given here. The inspector can summon anyone he likes to appear before him at any time irrespective of whether the person concerned is a member of the board, a private person or even an employee of the board. The inspector would have the power of a prosecutor as well as a judge. He could ask any questions he liked and the person being examined would be without legal assistance. These powers are not available to auditors in the commercial field, nor to those in the Government itself. Any examination over and above the normal should be as a result of an order of the court. The clause is too far-reaching, and it could have serious effects.

Hon. J. D. TEAHAN: I hope the clause will be passed. The wording is exactly the same as in the Municipal Corporations Act. Evidently it is a provision seldom used but is included in case it becomes necessary. I know of no occasion when it has been challenged.

Hon. R. C. MATTISKE: I agree with Mr. Willesee. I feel the powers are far too sweeping for an auditor.

Hon. Sir CHARLES LATHAM: The marginal notes do not indicate that the local authorities have this power.

The Minister for Railways: It is Section 489 of the Municipal Corporations Act.

Hon. H. K. WATSON: I agree with Mr. Willesee. An auditor is not a prosecutor or investigator but makes his report on the information presented to him. The powers given here are extraordinary. The auditor having submitted his report, it is for the board with or without consultation with the Police Department to decide what should be done.

The MINISTER FOR RAILWAYS: This provision has been in Section 489 of the Municipal Corporations Act but is rarely used.

Hon. Sir Charles Latham: I do not think even the Government Auditor has that power.

The MINISTER FOR RAILWAYS: The Local Government Department says the power would be required only on rare occasions, but I think the provision should remain as it stands. We have here mention of special audits, and I know of two or three local authorities who have had special audits—

Hon. C. H. Simpson: The Bill does not refer to special audits.

The MINISTER FOR RAILWAYS: No; I am referring to the provision that has been in the Act for years.

Hon. W. F. WILLESEE: As the provision has never been used, I do not think it should be included here. From 1906 onwards it has never been used. An auditor merely reports and action is taken on that report if necessary. An inspector can be appointed, then, with wide powers if that should be necessary. There must be some extra fees involved because the auditor must be prepared at any time to give unlimited time to an investigation where he thinks it necessary, because we are taking from the municipality any responsibility in regard to investigation. I think the clause should be deleted.

The MINISTER FOR RAILWAYS: I can recall an occasion when this provision was used. In that instance the funds of the Carnarvon Municipal Council were found to be short. A firm of auditors, with head office in Perth, had a branch in Carnarvon which did the auditing for the municipal council. When it was found that the funds were short, one of the principals of the firm went from Perth to Carnarvon to undertake an investigation. He had these powers; and under them he discovered where the money had gone, and prepared a case for the prosecution of the town clerk. Lacking such powers he would have had to report to the council that there was a discrepancy in the funds, and action would then have had to be taken by the ordinary processes of law. Without power to take evidence on oath, he would not have been able to prepare a prima facie case to take to the court. I think Mr. Willesee will remember that case. Without these powers it would have been prolonged, and the council would have been put to much greater expense. An auditor does more than make a report. He is an investigator; and if there is an irregularity, it is his duty to investigate it and report his findings.

Hon. Sir Charles Latham: Road board auditors have not that power.

The MINISTER FOR RAILWAYS: No; but they have under the municipalities legislation.

Hon. W. F. WILLESEE: In confirming the case mentioned by the Minister I would remind him that nowhere did the investigating auditor call on the town clerk to give evidence on oath. It was not until he gave evidence-in-chief in the preliminary court hearing that evidence on oath was taken. I am sure the investigation

carried out was merely as an investigator, and he never used the powers detailed in this clause.

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

Ayes	10
Noes	11
Majority against	1

Ayes.

Hon. G. Bennetts	Hon. A. R. Jones
Hon. E. M. Davies	Hon. L. A. Logan
Hon. J. J. Garrigan	Hon. H. C. Strickland
Hon. E. M. Heenan	Hon. J. D. Teahan
Hon. G. E. Jeffery	Hon. F. J. S. Wise (*Teller.*)

Noes.

Hon. N. E. Baxter	Hon. J. M. Thomson
Hon. Sir Chas. Latham	Hon. H. K. Watson
Hon. G. MacKinnon	Hon. W. F. Willesee
Hon. R. C. Mattiske	Hon. F. D. Willmott
Hon. H. L. Roche	Hon. J. Murray (*Teller.*)
Hon. C. H. Simpson	

Pairs.

Ayes.	Noes.
Hon. G. Fraser	Hon. L. C. Diver
Hon. F. R. H. Lavery	Hon. A. F. Griffith
Hon. R. F. Hutchison	Hon. J. Cunningham

Clause thus negatived.

Clauses 628 to 634—agreed to.

Clause 635—Fences and gates to be kept in repair:

Hon. R. C. MATTISKE: I know that this provision is in the Road Districts Act but I cannot see the necessity for it. It could have far-reaching effects if and when this Bill becomes law, and if I neglect to keep my fence at a suburban house in repair, I commit an offence. There might be holes in it or pickets broken off; or I might not have any fence at all and then there would be no offence! I would like to hear more on this and although it is in the present Act, it might well be left out of this one, or be amended in some way.

Hon. Sir CHARLES LATHAM: I remember when this was put in the Act. The road boards asked for the authority to prevent people in farming areas from allowing their fences to get into disrepair and so permitting stock to stray on to the road and become a hazard. It is much more important now because there are so many motor-vehicles on the road.

Hon. N. E. BAXTER: I realise that this is in the Road Districts Act but I do not know what the penalty is. Under this Bill the penalty is £50 and that is quite a large sum for neglecting to keep fences in repair.

Hon. Sir Charles Latham: It would be very cheap as compared with the cost if a person was killed or injured on the road.

Hon. N. E. BAXTER: Yes, but there is the proof of neglecting to keep the fence in repair.

Hon. G. C. MacKINNON: If this was meant to apply to farming areas only, which would be reasonable because there are many places that border narrow tracks and roads and straying stock could be a danger, I think it should be possible to mention farming areas specifically in the legislation. Today the fashion in the town areas is to have no fences at all. I think we could make a specific mention of rural areas.

Hon. N. E. BAXTER: I move an amendment—

That after the word "offence" in line 31, page 473, the words "penalty twenty pounds" be added.

I have moved that amendment because under the Road Districts Act the penalty is £20 whereas under this measure the penalty is £50 where a sum is not stated.

The MINISTER FOR RAILWAYS: Where no penalty is stated in this measure, there is provision made for a person guilty of an offence against this Act to be subject to a penalty not exceeding £50. In the old Road Districts Act a similar provision applied and the penalty was not exceeding £20. That was on money values at the time. Today that amount should be about £100.

Hon. R. C. MATTISKE: I realise the penalty is up to £50 and that there are streets in the metropolitan area where fences are in bad repair, but where no action could seriously be taken, because the court would probably throw it out. I appreciate the necessity to provide against straying stock and as the penalty is up to a certain amount people in the metropolitan area who have damaged fences have nothing to fear.

Amendment put and negatived.

Clause put and passed.

Clauses 636 to 681—agreed to.

Progress reported.

House adjourned at 12.30 a.m.