

# Legislative Council

Tuesday, the 11th October, 1960

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

[79]

## BILLS (19)—ASSENT

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

1. Judges' Salaries and Pensions Act Amendment Bill.
2. Native Welfare Act Amendment Bill.
3. Church of England in Australia Constitution Bill.
4. Supreme Court Act Amendment Bill.
5. Land Act Amendment Bill.
6. Fruit Growing Industry Trust Fund Committee (Validation) Bill.
7. Vermin Act Amendment Bill.
8. War Service Land Settlement Scheme Act Amendment Bill.
9. Evidence Act Amendment Bill.
10. Metropolitan (Perth) Passenger Transport Trust Act Amendment Bill.
11. Absconding Debtors Act Amendment Bill.
12. Radioactive Substances Act Amendment Bill.
13. Marketing of Eggs Act Amendment Bill.
14. Coroners Act Amendment Bill.
15. Legal Practitioners Act Amendment Bill.
16. Licensing Act Amendment Bill.
17. Marketing of Onions Act Amendment Bill.
18. State Housing Act Amendment Bill.
19. Chevron-Hilton Hotel Agreement Bill.

## QUESTIONS ON NOTICE

### FACTORIES AND SHOPS DEPARTMENT

#### *Inspections on Goldfields*

1. The Hon. J. M. A. CUNNINGHAM asked the Minister for Mines:
  - (1) Is the Minister aware of—
    - (a) another concentrated "blitz" by Factories and Shops Department inspectors on the goldfields business community this year;
    - (b) the effect of these drives on a community which is not enjoying prosperous times?
  - (2) Does he know—
    - (a) that previous drives have resulted in the reduction of the output of small factories because of the invoking of repressive and extreme measures in the Act;
    - (b) that similar directions could mean the closing down of several small manufacturing concerns;

- (c) that the quality and standard of some of the goods affected are not in question;  
 (d) that the step-up in tempo of both—

- (i) the visits of the inspectors; and  
 (ii) the severity of their demands,

has dated from the coming into office of the present Government, which is being blamed for the actions;

- (e) that certain cases, on appealing against the severity of the demands, have received reductions of the work demanded, leaving the Government to still carry the blame while individuals build a reputation for magnanimity;  
 (f) that one of the officers visiting the goldfields is believed to have strong communistic associations?

The Hon. A. F. GRIFFITH replied:

- (1) (a) and (b) No. The factory and shop inspections have been the usual number that has been carried out for many years.  
 (2) (a) and (b) No. Registrations show an increase in Kalgoorlie of eleven factories and a reduction of one in Boulder.  
 (c) Quality and standard of goods are not the concern of these inspectors.  
 (d) and (e) There has been no step-up in tempo. Perhaps the honourable member could submit facts in support of his allegations.  
 (f) This is not correct.

### SENIOR HIGH SCHOOLS

*Existing Number, Location, Students Attending, Etc.*

2. The Hon. C. R. ABBEY asked the Minister for Mines:

- (1) What is—  
 (a) the total number of established senior high schools;  
 (b) the situation of each such school;  
 (c) the numbers of—  
 (i) 4th year students,  
 (ii) 5th year students,  
 attending each school?  
 (2) Which senior high schools were established in the years commencing—  
 (a) February, 1959; and  
 (b) February, 1960?

### *Establishment in 1961, Location, and Anticipated Enrolments*

- (3) (a) What senior high schools are intended to be established in the year commencing February, 1961;  
 (b) where are they to be situated; and  
 (c) what numbers of students are anticipated to attend at each such new senior high school?

### *Cost of Construction by Day Labour and Contract*

- (4) What is the cost per student to provide senior high school classrooms under the present contract system?  
 (5) What was the cost of erection per student for senior high school classrooms in 1958 under the day labour system?

The Hon. A. F. GRIFFITH replied:

(1) (a) 14. (b) and (c)	(i) (ii) 4th 5th year year	
	year	year
Albany ....	115	69
Bunbury ....	91	66
Collie ....	43	19
Eastern Gold- fields, Kal- goorlie ....	57	46
Geraldton ....	72	27
Governor Stir- ling, Mid- land Junc- tion ....	154	122
John Curtin, Fremantle ....	221	177
Kent St., Vic. Park ....	193	140
Manjimup ....	46	14
Merredin ....	30	12
Mt. Lawley ....	167	-
Narrogin ....	49	24
Northam ....	94	64
Perth Modern, Subiaco ....	249	279

- (2) (a) Nil.  
 (b) Mt. Lawley.  
 (3) (a), (b), and (c) Applecross—1,495, Tuart Hill—1,640, Busseton—370.  
 (4) and (5) It is not possible to provide the information in the form requested as senior high schools develop from existing high schools merely by the addition of rooms.

### BILLS (2)—THIRD READING

1. Architects Act Amendment Bill.  
 On motion by the Hon. A. F. Griffith (Minister for Mines), Bill read a third time and passed.  
 2. Noxious Weeds Act Amendment Bill.  
 On motion by the Hon. L. A. Logan (Minister for Local Government), Bill read a third time and passed.

**LOCAL GOVERNMENT BILL***Second Reading*

Date resumed from the 4th October.

**THE HON. R. F. HUTCHISON** (Suburban) [4.45]: I rise to make some observations on this measure. I think it will be a good thing when we have a local government Act on the statute book, because it will help settle many of the misunderstandings and disputes that have arisen in the past. I will make my second reading speech mainly an attack on the question of franchise.

I see that the Bill introduced by the Labor Government and handled in this House by the late Gilbert Fraser, has had deleted from it the principal clause—should I say the meat of the Bill has been deleted?—and it is now desired to maintain the *status quo* of the most undemocratic franchise that exists in the Commonwealth. The Bill with which we are dealing will deny the right to vote—again this will apply mostly to women—to people who have no property in their name, or whose names are not on the ratepayers' roll.

During the Committee stage I would like some more information about the question of adding the name of the wife or the husband if they are joint freeholders. I am sorry, Mr. President, that I should appear so distrustful of the hidden meaning in these matters; but if it can be explained to me that it means a franchise which will give a more democratic vote than exists at present, I will agree to it. If, however, it will restrict the franchise to a certain class of people, I will not agree to it.

When one speaks of local government, the first thing one hears outside from members of local government—and I have heard this said—is that they do not mix politics with local government. I have not heard a statement which is wider of the truth, because local government actually is politics on one's kitchen doorstep. It is the form of government that deals with everything the ordinary people need, and those things which they do in the everyday carrying on of their lives. So, to say that local government has nothing to do with politics is to put up one of those famous camouflages which I have tried to expose during my years in this House in order that those who read *Hansard* may know what does exist.

The Hon. A. F. Griffith: Those who read the *Western Sun*.

The Hon. R. F. HUTCHISON: By our local government legislation we are still tied to the poor law system and the Reform Bill of the early 18th century in England, no matter what arguments are put forward to the contrary.

We are still anchored to the type of legislation which says, "You are a person who is more fitted to have a democratic

right than your neighbour"; and that person has that right merely because he owns property and is a little better off than his fellow creature. Because of this, he is supposed to be somewhat superior; and he has the right, under our laws, to tell that other person what he should do, and to what he is entitled. So long as I stand in a House of Parliament, and am able to raise my voice against the imposition of the will of one class upon another, I will do so as loudly as possible, and to the best of my ability.

In these days of atomic energy, a scientific age where brain power matters with our rank and file more than anything else—more than money—we have reached a point where intelligence is the thing that will make or break a nation. Yet in our laws in Western Australia we have a local government franchise which in effect is the same as that of our Legislative Council—it decides whether the ordinary people will have the right to vote. It is time that Australians who sit in judgment in Houses of Parliament started to feel a little ashamed about this. It is time they had a little conscience-awakening.

They cannot claim, as they did 150 years ago, that people cannot read or write. Today, people have sufficient education to be able to reason things out. Education is compulsory. Therefore, people go to school to learn to read and write and they are able to reason out different things. However, we have this restricted franchise imposed on the people in this State and they are not able to vote for the Legislative Council, which is the highest section of the legislature in Western Australia.

My son is not able to vote, although he has reached the age of 21 years; although he has fought in a world war; and although he has done all the things an ordinary citizen does. He is probably a better citizen than I am, but because he lives with me and does not own property he has no say whatever in the running of this country.

This restricted franchise is carried down to local government. In local government we still have a narrow franchise which is most undemocratic and which is a blot on the escutcheon of any State. It is no good anyone getting up and saying, as one member has said, that this system has worked very satisfactorily. Has it been satisfactory? I am one person who represents many people and who will say to this House that it is not satisfactory for many thousands of people in Western Australia.

If this Local Government Bill is passed, the Government will have done nothing to add to the progress of the State. It does not matter what merit is in the Bill; as far as I am concerned its merit would begin and end with a person's right to have a voice in the running of the country.

As far as local government is concerned, I am asked to give an opinion on a foot-path, a drain, water supply, or anything at all which pertains to the life of the ordinary people. I am also able to vote for something which my neighbour may be absolutely against and yet have no right of protest.

I want to know whether we are ever going to advance is this State from power politics, as contained in this Bill, to a form of democracy which is reasonable. Since I have been a member of this House—and that is going on for seven years—I have seen no attempt whatsoever made to do anything towards that goal. I think this Bill begins and ends with its clause on franchise. Nothing else in the Bill really matters.

This morning I rang up two or three local authorities to ascertain their systems of rating and to find out how they would be affected by this Bill. I discovered that some of them adopted the unimproved capital value system of rating. In my opinion that should be the general method adopted by all municipalities. When the Bill reaches the Committee stage I will probably have something to say about the clauses dealing with rating.

The points of interest in the last Local Government Bill which was before Parliament were adult franchise—this was the major point—the method of electing a mayor, the compulsory use of values as a system of rating, and compulsory Government audit. If I am reading this Bill aright, it seems as though all of those things have been altered. If we are being asked to go through a Bill of this size and put in the work that is necessary and then say, "It is good enough for Mr. Smith; Mr. Jones can do what he is told," I cannot take much interest in it.

I would like to quote from a book, which I selected at random, as it will add strength to the remarks I have made in regard to our undemocratic system of franchise which nullifies everything. As I have said, the people who can read and write—and who can, therefore, reason—are not allowed to vote; and that, in my opinion, is an abrogation of right. The book from which I intend to quote was written many years ago. Under the heading "Property, Not Persons, Represented," it states—

It was estimated in 1793 that seventy-one peers, together with the Lords of the Treasury, could absolutely nominate ninety members of the House of Commons; and that ninety-one commoners could nominate eighty-two members and procure the return of fifty-seven. Rather fewer than two hundred persons were thus in a position, if they cared to act in concert, to secure a majority in the House. Under such a system the

country gentleman was naturally regarded as the corner stone of responsible politics;—

I do not know who replaces "the country gentleman." It would not be the farmer, would it? It would be the one who has the vote. I will continue—

—the labouring man and the poor man were regarded as persons who, having no stake in the country,—

I would like the House to take note of this. This is exactly the essence of this Bill—

—were not entitled to have an opinion upon its government. As Chatham frankly observed in 1776, "people are apt to mistake the nature of representation, which is not of persons, but of property."

Exactly what we have in the Local Government Bill before the House: "not of persons, but of property." It continues—

"—and in this light there is scarcely a blade of grass that is not represented."

And that is exactly where we stand in Western Australia in 1960. I will quote further—

It was this attitude of mind which rendered the continuance of a system, admittedly venal and corrupt, acceptable to a large body of respectable opinion not unmindful of the aids, ideals, and philosophy of the French reformers.

That is illustrative of what I have been repeating over and over again. And I wish to make clear that in 100 or 200 years we have, in Western Australia, only gone as far as having a Legislative Council of 30 elected members, with a narrow property franchise, telling the rest of Western Australia what it shall do. If I read this whole volume I could not say more than that.

I am protesting with the utmost vigour against the franchise in this Bill, which the Government has the impertinence to bring forward and to seek to impose on the people—a Bill which says I may vote because I have property, but someone else may not vote because he has no property.

The Hon. A. R. Jones: Where does it say that?

The Hon. R. F. HUTCHISON: Those are my own words. I do not have to cover up commonsense with a flowery speech similar to those that have been heard in connection with this Bill. The Bill allows four votes to a property. Therefore if I own a place that is of sufficient value, I receive four votes; and if another person rents a property and cares to go to all the trouble, he can get on the roll, only to be put off it again at the local authority's behest. The matter of including the joint owners' names on the roll may be a little more democratic in some instances, but I do not know; I am suspicious of it. However, I will welcome it if it is more democratic.

Plural voting is a thing that has just bogged down local government. It is dreadful to have to say that anything could be worse than the franchise for the Legislative Council, but the local government franchise is just a bit worse. I am wondering why, and for how long, the people of Western Australia will continue to put up with it.

If we had a Press that would tell both sides of the story, we might then hope to advance along the road of real democracy a little quicker than we are. But we have not a Press that does that. Our Press is one of the most one-sided in the Commonwealth of Australia. In Western Australia we have a tiny paper just started; and this Labor paper is the only one that ever gives another side to any question.

The Hon. A. F. Griffith: Does that publication give two sides?

The Hon. R. F. HUTCHISON: It at least gives the other side; and it is truthful. I would say that the *Western Sun* will serve its purpose in that respect very well.

Regarding plural voting for the Council, the public has a period equivalent to one month in which to get on the roll in order to vote for local government; namely, from the 15th December to the 15th January. All a local government has to do is to insert an advertisement in the paper—the Bill does not say which paper, but a paper; and I do not know who may or may not read it. One then applies, or sends in an application in writing, to be placed on the local government roll. Names do not even have to be kept on the roll from year to year.

I cannot do any more than protest strongly against the impertinence of the Government in bringing in such an undemocratic measure for us to pass. The House has the power to pass it, because the Labor Party is still in a minority. I am asking members to stop and think with reason, and as people—not as machines; and to think carefully what they are doing, where everything is leading to, and where we will end.

Something should be done about the franchise in this State, because it is the worst franchise in Australia. Even in South Australia, which has had an anti-Labor Government for so many years owing to the gerrymandering of electorates, service personnel are allowed to vote. Such is not the case here. In South Australia, men and women who have fought and, in many cases, suffered for their country have a vote, whether or not they own property. The Bolte Government in Victoria, very much an anti-Labor Government, saw fit to bring in adult franchise for the Legislative Council of Victoria; and I think it is about time we started to progress at least a little towards that objective. I am protesting

against the clauses in the Bill concerning the franchise because I do not think they will do anything whatever for the good of the people of Western Australia.

**THE HON. R. C. MATTISKE** (Metropolitan) [5.8]: I rise to support this measure, and in doing so would like to commend the Government, and the Minister in particular, for the very thorough manner in which this Bill has been prepared for presentation to us. I recall that on previous occasions we have had similar measures; but since the last time that a composite measure of this nature was before us we have had an expert from the Eastern States who, apparently, was very well versed in local government; and we have had others who have come forward to assist the Government in the preparation of a composite measure.

Personally, I am not too sure that a composite measure is desirable. There has been much thought that it would be better to amend both of the existing pieces of legislation; and I think that would have much to commend it. But as the request has come forward from the Road Board Association, and from the Local Government Association, for a composite measure—and as this measure is the bible by which they operate—then I feel we should accede to their request and give them what they want, but in a better form.

The Hon. R. F. Hutchison: They are undemocratic. Why should we accede to their request.

The Hon. R. C. MATTISKE: Local government affects all of us.

The Hon. R. F. Hutchison: Too right it does!

The Hon. R. C. MATTISKE: Because of its very name, it is government of specified localities; and it is government which is carried out in an honorary capacity by those public-spirited citizens who are prepared to take on the onerous task involved.

This measure is an extremely long one, and we have had a comparatively short time in which to study it. Therefore, we must give further consideration, and very serious consideration, to the different clauses as we proceed through the Committee stage. But even then various amendments will certainly be overlooked, and I hope the Minister will afford us ample opportunity to review the position after the Bill has been passed through Committee, so that should anyone so desire he can have it recommitted before the third reading for the consideration of further amendments.

As the Minister has said, the four principal matters in this measure concern the franchise; the election of the mayor or president; the rating system; and the audit system. Unlike the previous speaker, I feel that the franchise system, as provided in this Bill, is extremely fair.

The Hon. R. F. Hutchison: You ought to; that's why you are here.

The Hon. R. C. MATTISKE: We discussed this point at great length in recent years, and it was firmly established in this chamber that he who pays the piper should call the tune. I feel that is quite a fair principal; that those who contribute the money for the development and maintenance of different areas should have the opportunity of saying how the money is going to be spent. I think this Bill has gone one further in permitting occupiers of dwellings within the various areas also to be enrolled.

The Hon. R. F. Hutchison: Has it?

The Hon. R. C. MATTISKE: It has. I think there are many things the honourable member does not quite appreciate in this Bill.

The Hon. R. F. Hutchison: Don't be condescending.

The PRESIDENT: Order!

The Hon. R. C. MATTISKE: I feel there is one weakness, however, in the franchise section of this measure; namely, the provision of automatic enrolment for any occupier of a dwelling, and then the retention of his name on the roll from year to year. I feel that for all practical purposes this is going to cause a considerable headache to the various local authorities. At the present time they have extreme difficulty in keeping in touch with the owners of property. How, then, will they be able to keep so closely in touch with those persons who enrol in one area and then change their place of abode, perhaps even two or three times in the one year?

I feel that the only way this could be overcome, and yet provide for the occupier of a dwelling to be enrolled, would be by permitting him to enrol, but on a yearly basis. Despite the protestations of the previous speaker, there are very few people who take a really active interest in local politics and in local government. I have been associated with many local government elections and have canvassed people to vote for one candidate or another. The question everyone asks is: "Is voting compulsory?" If it is not compulsory, the public shows practically no interest at all.

The Hon. R. F. Hutchison: That's why it is not compulsory.

The Hon. R. C. MATTISKE: Therefore, I feel there are comparatively few people interested at the present time. There would be a number who would get themselves placed on the roll; but then, so far as the town clerks were concerned, they would only be a jolly nuisance from then on. I feel that if the provision is made on an annual basis, then those who are interested would have the opportunity to enrol, and those who are not interested would not be cluttering up the rolls unnecessarily and causing a lot of administrative work to the local authorities.

I have noticed that there is in the Bill a penalty for illegal voting, but I could not find in any of its clauses a penalty for illegal enrolment. There are certain persons who have warped minds and who stoop to all sorts of bad practices at election time, no matter what the election may be; and I consider that there would be quite a number who may be tempted to "dummy-up" the local government rolls by endeavouring to include the names of persons who possibly might not be occupiers of dwellings within a particular area. Admittedly, when they get a vote there is a penalty provided against their voting illegally, but I feel there should also be a stiff penalty imposed on any person who attempts to place, illegally, a person's name on a local government roll.

There is also another matter in connection with the franchise. It concerns those who may be nominated for election to the office of councillor. The Bill provides that the occupiers of dwellings, as well as the owners of property, may nominate for candidature as a councillor. This could be dangerous because, bearing in mind the principle that has previously been established in this Chamber; namely, that he who pays the piper should call the tune, difficulty could arise inasmuch as a council could consist of a majority, if not the total number, of councillors who were not owners of property. They could then take certain action to raise loans and do other things directly affecting the money of the ratepayers of the district in such a manner as to be detrimental to their interests. I do not see why the occupier of a dwelling should have the opportunity to nominate for the office of councillor.

The Hon. G. Bennetts: I disagree with you on that. Some occupiers of dwellings pay rent for years.

The Hon. R. C. MATTISKE: There is also another aspect of the franchise, which is covered by clause 46 (3). In that clause there is the provision under which the town clerk may enrol any person who, to that officer's knowledge, qualifies for enrolment. I would like to ask the Minister whether this would mean that all owners of property would automatically be enrolled, because it would be within the knowledge of the town clerk that they were entitled to be enrolled through their names being entered in the rate book. I hope the Minister can clear up that small point for us.

There is one rather unique—but I think desirable—feature introduced in this Bill concerning the voting for a councillor; namely, the balloting for places on the ballot paper. In most other elections where the names of candidates are shown on the ballot paper in alphabetical order, certain individuals always have an advantage by having their names at the top of the ballot paper. I consider the provision

in this Bill for the candidates to ballot for the top position on the ballot paper prior to election is a sound one.

The Hon. G. E. Jeffery: It would be risky, with a name like Mattiske, under the present set-up.

The Hon. R. C. MATTISKE: There is nothing risky with Mattiske. In regard to the principles of voting, I cannot quite appreciate the reasons why there should be four categories when voting for a mayor or president, and only two classifications when voting for a councillor. I would have thought it preferable to have it the other way around; to have the four gradings of votes for the office of councillor, but only two gradings of votes for the office of mayor or president. Perhaps the Minister may be able to enlighten us a little further on that point also.

In numerous clauses, throughout the Bill, reference is made to the word "justice." In those places in the Bill there is a reference to certain things that may be declared before a justice. Does that mean before a justice of the peace? Or, does it also include a magistrate? It is only a comparatively small point, but it is one that requires clarification. If the reference is intended to mean a justice of the peace, I think the words "of the peace" should be added after the word "justice" wherever it occurs in the Bill.

Also, in clause 105, provision is made for an elector to make a declaration, as provided in the eleventh schedule. Normally, under other legislation, it is permissible for a justice of the peace, a commissioner for declarations, or a commissioner for affidavits, to take a declaration. If this Bill is interpreted as I understand it, it means that an elector will be given those special powers to make a declaration concerning any matter in the clause to which it relates in this Bill. If it is not the intention of the clause that the elector shall have special powers which are not granted in any other legislation, I think that point should be given close consideration with a view to amendment.

Included among the powers granted to local authorities by this Bill are powers to prohibit the establishment of sawmills and brickworks, and to govern the conduct of those establishments. These powers are too far-reaching. In this State at present we have many timber mills and brickworks which have been established after a considerable amount of effort and the expenditure of a great deal of capital. I believe—and it could so happen—that if a local authority were aggrieved over the action of any timber mill or brickworks, it could, by the powers conferred upon it under this Bill, close that business and, in so doing, throw many persons out of employment and lose to the State building materials which are so urgently needed.

I know it is a long bow I am drawing, and that the Minister stated, in presenting the measure, that before anything of that nature could be done it would be necessary for the relevant regulations to be gazetted. Such regulations would have to go through the Minister to Executive Council and then be tabled in both Houses of Parliament where members would have an opportunity to debate the merits or the demerits of them.

The Hon. J. G. Hislop: Provided we were sitting.

The Hon. R. C. MATTISKE: Yes; that is the point I was about to mention. It could so happen that regulations concerning a certain timber mill or brickworks could be gazetted whilst the House was in recess; and, during the period until the House commenced its next sitting, that timber mill or brickworks could be thrown out of action; and once such an establishment is forced to close, even for a couple of weeks, it is an extremely costly business to get it going again. I think this clause should be modified, at least with a view to protecting those timber mills or brickworks already in existence. Further, I consider that although some form of regulation may be necessary—because both a timber mill and a brickworks could cause disruption to the home life of people living in the vicinity—the powers granted in the Bill are too far-reaching and we should give careful consideration to them in the Committee stage.

Also, in regard to brickworks, there is power in the Bill to govern the excavation of certain minerals—sand, clay, gravel, etc. In our daily life it is essential that we should have available large quantities of sand, metal, clay, etc.; and so it is essential for quarries to be established; and this is not done cheaply. In many instances a considerable sum of money has to be paid for the land, particularly when the owner of the land is aware of what it is to be used for. Following the purchase of the land, there is the costly business of developing the quarry and the installation of suitable machinery.

Therefore, if there is to be a system of annual license, as is provided in this measure, there would be little security for those who were prepared to risk their capital in providing these urgent materials.

The Hon. G. Bennetts: What period do you think they should have?

The Hon. R. C. MATTISKE: I think the license should be granted for the life of the quarry or the pit.

The Hon. E. M. Davies: And the company, or the individual conducting the quarry, could walk out and leave a hole in the ground.

The Hon. R. C. MATTISKE: Much has been said about holes in the ground.

The Hon. G. Bennetts: We have many in Kalgoorlie.

The Hon. R. C. MATTISKE: That is right. Quarry land has a certain residual value to those who initially purchase it; and members may rest assured that in order to get the greatest residual value, the operators will keep closely in mind how they can leave that land in the best possible condition for ultimate sale after the quarry is worked out. In some cases, local authorities themselves are keen to obtain these holes, because the latest method of rubbish disposal is the selective dumping, land-fill method by which selective rubbish is dumped in holes of this type and is covered with a certain amount of spoil. The huge amount of refuse which can be disposed of in this way requires a considerable number of holes. In fact, in Melbourne and Sydney, some local authorities have paid large sums for holes in the ground which they required for the disposal of rubbish.

Coming closer to home, in the Wembley Downs area, the Perth City Council, a few years ago, was keenly interested in several holes for rubbish disposal. The council would have gone ahead with the purchase of the land on which the holes were situated, had it not been able to obtain other areas suitable for its purpose closer to the suburbs in which it collects rubbish.

With excavation works, another point arises; namely, the overlapping of authority in certain instances. Under the Mining Act, there are some minerals which are declared to be under the control of the Minister of Mines. He gives the necessary authority to people to enter upon property, to take samples, and ultimately to dig for the particular material which they need. Then it is necessary for such people to obtain the permission of the local governing authority of the district to dig a hole in the ground.

There have been instances—and quite a number of them—in which the Minister for Mines has issued authority to persons to enable them to excavate; then, after considerable wrangling extending in some cases over many months, the persons concerned were able to obtain permission of the local authority to dig for a period of 12 months only. Where one authority is able to give permission to an applicant to dig for a certain mineral, that authority should also be able to grant permission for the digging of a hole for the particular purpose.

Provision is made in the Bill for people who dig holes in the ground to pay into a fund a sum sufficient to restore the ground to its original state, or to a fit condition, at the end of the life of the quarry. I think this is a most impractical provision. My reason for saying this is that in the initial stage one cannot ascertain the life of a quarry; one cannot ascertain how much material will be removed from it;

nor can one ascertain how much material will be required to restore the hole to a normal condition.

Let us assume that for brickmaking purposes it is necessary to remove 1,000,000 tons of clay from a particular spot. Does mean that at the end of the life of the pit the operator is required to put 1,000,000 tons of other spoil into the hole? If that is the case, it will become an extremely costly project to manufacture clay bricks. Furthermore, where is that quantity of 1,000,000 tons of spoil to come from? If it is taken from somewhere else, who is liable to fill the hole from which the spoil is taken? Thus, there can be a chain reaction.

I realise that for practical purposes where a hole is left, the intention is that it should be bulldozed to a certain extent, and thus rendered safe; or that by a system of contour quarrying nearby an area of land within the immediate vicinity could be improved. Why should a person who has removed the material have to pay an additional sum, when at present he is already paying into the Consolidated Revenue Fund a royalty of 6d. a yard? Surely if that royalty is being paid into that fund, it should be appropriated for the purpose of filling in any holes which are not required subsequently by local authorities for selective dumping of rubbish, or by other parties for any other purpose. This is a matter which definitely requires further examination.

There is in the Bill a provision under which local authorities are to be given control over certain types of nuisance—smoke, dust, fumes, etc., coming from chimneys. This question is causing great concern in all parts of the world, and only today it was reported in the Press that in London the authorities are concerned with the coming winter and with the possibility of illnesses and deaths through these nuisances. It is a matter which is far beyond the scope of the normal local authority to deal with. I feel it should be the subject of special legislation, and that a separate authority should be established to control these nuisances.

In Perth we are fortunate indeed that at present there are comparatively few chimneys belching forth smoke, dust, and fumes; but, in the near future, with industrialisation coming to this State, we will find this to be a real problem. I think the matter should be looked into very carefully with a view to action being taken by the introduction of special legislation and by the setting up of a particular authority to deal with the question. By that means technical advice would be available for the proper control of these nuisances, and there would be uniformity of action among the different local authorities. If the provision in the Bill to which I am referring is passed, far too great a burden will be placed on health inspectors of local authorities.



The Hon. G. Bennetts: They may be better judges of particular districts than the Government officers concerned.

The Hon. R. C. MATTISKE: They can report to the special authority any cases in their district which they consider should be inquired into.

There is a very small item in the Bill which could have a serious effect on well-meaning individuals. It is the provision which stipulates that it is an offence for a local authority employee to canvass for a candidate. This is something which has been done on numerous occasions, and in the future will be done on many more occasions. If council employees are to be debarred from canvassing for candidates, the matter should be given great publicity before every local authority election; and every local authority should take steps to advise all the employees of the risks they would be taking in canvassing for candidates. If that is not done, some of these employees, acting in good faith, would be committing an offence and would find themselves in trouble.

Another matter in respect of which I would like the Minister to give me a little more information concerns the necessity for local authorities to conduct school hostels. The Minister may have particular knowledge of country districts where this provision is desirable. From my own knowledge, and from inquiries I have made, I am not able to appreciate the reason for the inclusion of this provision in the Bill. I hope the Minister will give the House a little more enlightenment on this aspect.

A further provision in the Bill with which I cannot agree gives power to local authorities to fix the charges of admission to public swimming pools, and the charges to be made by shoe blacks—a practically extinct race, even in hotels. I can well appreciate the desirability to empower local authorities to fix the charges at swimming pools conducted by those authorities; but if an individual, a syndicate, or a company were to establish a swimming pool as a business proposition, I do not think the local authority should have the power of a price-fixing commissioner to fix the charges.

The Hon. H. K. Watson: Is that provided for in the Bill?

The Hon. R. C. MATTISKE: That is provided for in clause 245.

The Hon. L. A. Logan: The local authority will only fix the maximum charge.

The Hon. R. C. MATTISKE: It provides for the fixing of the charges of admission to swimming pools.

The Hon. H. K. Watson: Does the Bill make provision for the fixing of the charges for hair cuts?

The Hon. R. C. MATTISKE: That is not provided for in the Bill; but the Bill does provide for the maximum charges to

be made by shoe blacks. I do not know why they have been singled out; perhaps they have been operating on the black market.

In one respect the Bill has not gone far enough; and that is in respect to the distribution of uniform street numbers. The Bill empowers the local authority to assign street numbers. I would have liked to see a provision in the Bill giving power to local authorities to purchase and distribute to property owners within their district uniform street numbers of a type readily seen in the daytime as well as in the night time. The cost of distributing these numbers would be very small. Such number plates would enable people to find a particular property at night time.

The Hon. L. A. Logan: They can do that now if they want to.

The Hon. R. C. MATTISKE: Such a provision might well have been included in the measure. The issuing of uniform number plates will benefit a very large section of the community, and it will not be very costly to property owners. At present, I do not know how taxi-drivers and such people are able to find a particular house at night, in many cases. There is a wide variety of ways in which the number of a house is displayed. It may be in huge letters, affixed to the house; it may be in figures attached to the property; or it may be in minute figures painted on some post which, at some time, supported a letterbox; also it may be missing altogether.

The Hon. F. J. S. Wise: One would be taking a very grave risk at night flashing a torch to look for a particular number.

The Hon. R. C. MATTISKE: That is right. I draw the attention of the Minister to another provision in the Bill, which relates to the power of local authorities to dig up streets for the installation of gas or water mains. This point requires urgent consideration by the departments concerned. It has been made abundantly obvious in recent years that as soon as a local authority lays down a new roadway some Government department digs a trench across the road for the purpose of laying water or gas pipes. Once a road is trenched after its initial construction, it is never the same as it was; there will always be trouble at the point where it was trenched. A matter of this nature should be capable of satisfactory arrangement between the departments, because there are not many of them concerned. Surely they can make satisfactory arrangements to avoid the needless cutting up of new roadways.

Under clause 435 provision is made for the setting up of an advisory committee to advise the Minister concerning uniform building by-laws. I commend the Minister for including this provision in the Bill.

By doing this he is giving the people directly concerned with the building by-laws an opportunity to express their views, to discuss the various aspects, and to submit a sensible suggestion to him.

There is one provision which I cannot quite fathom. Under the Bill it is provided that the Governor-in-Council shall fix the remuneration of board members. In other legislation it is left to Parliament to determine the scale of fees to be paid to board members, so why should that not be the case in this instance?

The Hon. L. A. Logan: It might be done for nothing.

The Hon. R. C. MATTISKE: If a maximum fee were prescribed, the person who is so public-spirited as to do it for nothing—

The Hon. L. A. Logan: Some have been doing it for the last 18 months.

The Hon. R. C. MATTISKE: —would surely continue to do so. I am fully aware of what the Minister has said; and many have done work in an honorary capacity and will continue to do so. However, I feel that the principle should be adhered to under which Parliament determines any remuneration to be paid to members of boards.

The Hon. J. G. Hislop: Does it not make membership of that committee an office of profit under the Crown?

The Hon. R. C. MATTISKE: I am not clear on that point. Perhaps the Minister could advise us whether that is so.

The Hon. L. A. Logan: They would not be members of Parliament or of a local authority.

The PRESIDENT: Order! Would the honourable member please address the Chair?

The Hon. R. C. MATTISKE: In submitting the Bill the Minister told us that he had taken into consideration the basic measures submitted to Parliament previously, amendments made to those basic measures, and certain other information. The last Local Government Bill provided for the charging of maximum rates by local authorities which operate on the unimproved capital value system and by those which operate on the annual value system. The amendments which were included in the Bill after debate in this Chamber, were, I think, 3s. maximum for unimproved capital value, and 7s. for annual value. I notice in this measure that the 7s. has now been stepped up to 10s.; and I think that is a matter which will warrant a considerable amount of discussion when the Bill is in Committee.

I notice that provision is made for the accounts to be on the ward system, except for specific cases. I am not sure whether I am interpreting the clause correctly, but to me it seems quite clear that the

accounts will be kept on the board system for all practical purposes. If so, I am a little sorry about it, because I have had experience on local authorities where certain individuals are happy and quite content to do a good job when they are representing a particular ward and when money raised in that ward is spent there. I think the people in the ward are also very happy about the system.

However, when the accounts are on the board basis, and money raised in a particular ward is spent in another ward because the representatives of that other ward have greater power in influencing the board members in the spending of the money, then I think confusion can arise; and there can be a certain amount of ill-feeling in the ward from which the money was actually collected.

This is one point where I feel the Bill might give an alternative as it has in regard to the rating system, in the method of electing the mayor, and in the method of appointing an auditor. I think that if provisions were made in the Bill for an authority if it so desired, to operate on a ward basis, it would receive the general approval of the various local authorities.

Another matter which I feel should be given further careful consideration concerns the preparation of plans and specifications before any borrowing can be made by a local authority. The preparation of plans and specifications for local authority work is an extremely big job in connection with roadways, footpaths, and things of that nature, which to a layman may appear to be repetitive work. These works involve a considerable amount of detailed planning on the part of engineers and draftsmen. Levels have to be checked; and everything has to be gone into to the nth degree in order to prepare the plans and specifications. It is an extremely costly and long job and it may so happen—it has happened on numerous occasions to my knowledge, and no doubt will happen again in the future—that an authority will go to that expense and will then not be able, for some reason or another, to proceed with the borrowing.

I feel that if, prior to arranging the actual borrowing, an estimate could be made of the amount required for the different works, then the detailed plans and specifications could be provided when the negotiations had proceeded beyond the stage where permission would be granted to borrow.

There are many other minor matters about which one could comment but, as I said at the outset, this is essentially a Committee Bill and I will therefore not discuss those matters at present. Unfortunately, because of my enthusiasm I have prepared quite a number of amendments for discussion during the Committee stage; but as I did not do this until the weekend, I have had no time to place them on the

notice paper. I hope I will be forgiven for that; and if we reach the Committee stage tonight I trust that full consideration will be given to my proposed amendments. There is nothing of particular moment in them but I do apologise for my inability to place them on the notice paper before we reach the Committee stage. I support the second reading.

**THE HON. G. E. JEFFERY (Suburban)** [5.53]: I rise to address a few remarks to the Bill which is about the seventh of its kind to have arrived in this House in about 12 years. I notice, in passing, that the Minister has had a haircut, and I was wondering whether this is because he has accepted a wager with some of his departmental officers to the effect that until the Bill passed, he would not have another haircut. Because of the number of clauses with which we have to deal on this occasion, I suggest that if he has accepted such a wager he will have an appearance similar to that of Rip Van Winkle. There is quite an amount of work in this measure; and I am not a bit abashed by the people who have spent so much time in its preparation.

The wise man from the east has proved one thing which is the weakness of the thinking of some of the people associated with local government in Western Australia. He came upon the scene and in a short space of time he changed the thinking of some people. However, shortly afterwards some of those people found that many of the ideas he had suggested were not as good as were at first thought.

I do not propose to deal with this Bill at any length because, as the Minister has stated, it is essentially a Committee Bill, and most of the work will be done at that stage. However, I suggest that in an endeavour to amalgamate the municipalities and road boards under one Act, a couple of things have not been ironed out as it was proposed they should be.

In my opinion, the existing set-up with regard to the election of a mayor in a municipality is the ideal set-up. Every ratepayer has the right, if he so desires, to exercise a vote to elect the leading citizen of the town. I feel that is much better than electing the chairman of a road board from among its own members. I have had experience in local government in my own province where the election of the chairman from among the members of the board has been the reason for very good fellows to fall out. As a result of this, the board and the citizens have suffered.

Looking back over the records of clashes and disputes of a serious nature in local government, I find that the main cause has been the election of each road board chairman from among the small numbers of the particular boards. In all instances the election of the president, as he will now become, or mayor, should be

by the electors as a whole. An anomaly has been created with regard to this aspect in the Bill. In accordance with the old system under the Road Districts Act, at all meetings each member exercised one vote, and if there was an equality of voting, the question was resolved in the negative. That was a sound principle; but under the new set-up the mayor or president will not vote unless there is an equal division of votes, and then he may exercise a casting vote. That appears all right. I suggest that it is all right with regard to a municipality; but with regard to a road board it is not quite so sound because the ward represented by the mayor or president will be deprived of one of its votes.

Another point which should be cleared up once and for all—I think it is a case of 2s. 6d. each way—is that in relation to the election of the auditor. Anyone who has had any association with local government can see the vast difference between the audit carried out by departmental supervision in road boards, and the audits made in municipalities, the auditor having been elected by ratepayers.

The Hon. R. C. Mattiske: What is the vast difference?

The Hon. G. E. JEFFERY: The honourable member will find, if he cares to check up—and I will enumerate to him privately several places where he can check—that where there has been a misappropriation of funds, it has generally been in a municipality where the auditor, who has not been skilled, has been elected by the members of the municipality.

The Hon. G. Bennetts: You are right there.

The Hon. G. E. JEFFERY: I believe the new proposition that the auditor be elected by the members of the council itself will, in essence, create the same situation as exists at present. The election of the auditor will be subject to pressure by people in the area; and I feel that the audit of the books, whether a municipality or a road board is involved, should be done by the department. Apparently the road boards are more than satisfied with their system. However, in some municipalities there has been nothing but trouble and argument ever since the present system was introduced; and the fact that the auditor will be elected by a small number of men around a table will not obviate the problem at all, as there will still be pressure brought to bear.

The Hon. L. A. Logan: The Bill states clearly that the auditor must be a skilled man.

The Hon. G. E. JEFFERY: A number of people employ tradesmen because they are supposed to be skilled, but they do not obtain satisfactory workmanship from them. In many cases firms employ accountants, but the businesses still go bankrupt. The word "skilled" merely creates

an illusion of safety, but does not always mean what the Minister would have us believe.

I think the Minister pulled a couple of boners when he suggested that the license for the extraction of timber or clay should be valid until the deposit is exhausted. I say that if this were the case, there would be no need for the license. I feel that there is need for a control of these operations. While I admit that the issuance of a license for 12 months may give a proprietor some second thoughts on investing capital, I think that in regard to clay extraction in my province, the proprietor, in every instance except one, has had no doubts whatever about proceeding on his merry way. I suggest that the road boards and the municipalities are to a large extent very capable of looking after the interests of the people; and they have a genuine appreciation of the needs of the State and its economy.

No one can deny that clay or timber has to be extracted for home construction, and so on, but it is also a fact that people have to live in an area where someone has come in to make a pound and has then departed. Any honourable member who has doubts about that can have a look at the little suburb called Bellevue on the eastern edge of the metropolitan area. If Mr. Mattiske, or anyone else, can suggest how Bellevue can be made into a reasonable suburb without the expenditure of a lot of money on the filling in of disused clay-holes, I will be interested; and I will believe that the provisions in the Bill are not as bad as we have been led to believe.

Another feature is that despite all that has been said, Parliament has a prejudice when it discusses local government matters because half the members of Parliament have come up through the ranks of local government and have a great affection for it. Because of that they are blind to some of the faults of local government.

I believe there is a weakness in the Bill inasmuch as I am of the opinion that the acts and deeds of all road boards and municipalities should be subject to the overriding control of the Minister who, at least, is responsible to Parliament, and who, if he uses the heavy hand at the wrong time, can be brought to book by Parliament. I can recall instances of people who have not received justice from road boards and municipalities; and there has not been much that the Minister could do in those cases. He can certainly advise a road board or municipality with regard to a certain line of action; but that is where the matter starts and finishes, because if they do not like his suggestion he might as well have kept silent in the first instance. Whilst these matters may appear small, and in the great scheme of things they are small, they are most important to the individual concerned. If

justice is to be done, the Minister should have an overriding power in regard to all road board and municipal decisions.

I do not subscribe to the thought that because honorary service is given by local government, it is the best service. I admit there are some wonderful men in local government, but there are also some terrific duds, just as there are in Parliament and in other organisations.

One provision I am pleased with is that concerning canvassing by local government employees during the course of elections, because in local government we must have a strong chairman or mayor who must, in turn, be assisted by competent officers to carry out the directives and dictates of the road board or municipality. But we do get the spectacle—and this has been apparent in Western Australia; even in the metropolitan area—of secretaries and town clerks, because they become experts in their field, directing the activities of the local authority. Then a mayor or road board chairman who has strength of character becomes elected and demands that the secretary carry out his duties as the board desires that they be carried out. In these circumstances, when the mayor or chairman goes up for re-election, the secretary and his wife canvass the district to bring about the defeat of the mayor or chairman. It seems to me that a road board secretary, or any other officer of a road board, should be forbidden to take part in an election.

The Hon. H. K. Watson: What is the position with the civil service?

The Hon. G. E. JEFFERY: I am not sure; but I think there is a vast difference between a civil servant and a road board secretary.

The Hon. H. K. Watson: I think their positions are parallel.

The Hon. G. E. JEFFERY: I think that in the top bracket an under-secretary or his equivalent is entitled to his private opinions; but to use the knowledge he has gained by virtue of his office, or something of that nature, to bring about the defeat or the re-election of a member of Parliament is a different thing altogether. I can give a concrete instance where, in local government elections, a road board secretary and his wife canvassed a district in order to bring about the chairman's defeat because he had the strength of character to carry out his job as he thought it should be carried out, and the secretary, who had done the work for many years, resented it.

There is not a great deal that I should say at this stage; a lot can be said and done when the Bill is in Committee. One point Mr. Mattiske has not got his finger on is that concerning the meaning of the word "justice." If he looks at page 163 of our book of Standing Orders he will see that "justice" means a justice of the

peace. I suggest that his amendments are superfluous; but we can deal with them effectively when the Bill goes into Committee.

I support the second reading because I think the only thing wrong with the Bill is that it is about 12 years too late. If sound commonsense had prevailed a couple of years ago when both Houses had agreed on a similar Bill, the legislation would now be on the statute book. Local government will never be perfect; and the Bill, with all its faults, is a step forward, but it is not a long enough step. However, it at least is a step forward and it will provide us with the opportunity in the years to come to amend the Act and chase the elusive quality of perfection.

**THE HON. G. BENNETTS** (South-East) [6.5]: I support the second reading. Mr. Mattiske mentioned the dust nuisance from chimney stacks. I think local governing bodies should have control over this matter. We on the goldfields are in a bad way. On a couple of occasions a few years ago I brought this question of dust nuisance under the notice of the Minister for Health, and an officer was sent to Kalgoorlie to inquire into it, but he said it was not affecting the health of the community.

We have this dust nuisance occurring at the Kalgoorlie Electric Power & Lighting Corporation Ltd. Its plant, some few years ago, was changed over from wood to coal, and the present low chimney stacks contribute to what I call a danger to health. Within a quarter of a mile of the chimney stacks I have gone up through the man-holes of several ceilings to have a look at the coal dust, and I would say that in many of those ceilings the dust would be lying from 6 in. to 12 in. deep. I think Mr. Teahan and Mr. Cunningham can uphold me in that statement.

If members know what dust and soot from coal is, they will know that it gets into every crevice. During the hot weather, when the temperature was 105 degrees, I saw some small children, and the soot was dropping down on them. They would rub their faces, and because they were perspiring, they would, within an hour of being washed, look like little blackfellows.

Only a few weeks ago the washing on the line of a house in Johnson Street became black within an hour of being put out. It all had to be taken in and re-washed; but it could not be hung out again on the same day because of the way the soot was falling. Yet the officer of the Medical Department says that this falling soot is not dangerous to the health of the housewife there. But I say that, because of the extra work both inside and outside the house that is placed on her, it is. I saw some beds on a verandah where the quilts had holes burnt in them through

the soot falling there. That is dangerous to the health of the people concerned. If the local governing body had the right to do something about this matter—and the Bill seeks to give it this right—it would see that something was done.

It was mentioned here a little while ago that the Kalgoorlie Electric Power & Lighting Corporation Ltd. would change to an oil-burning plant. If it does, the problem will be overcome. But the management said the plant would not be changed. Therefore the people nearby will still have to put up with this nuisance. The soot drops down through the weatherboard ceilings on to the tables where the food is consumed.

Mr. Mattiske does not like the occupier of premises having the franchise. I think the provision by which an occupier may stand for election as a councillor or a road board member, is a good one. Such a person would be able to put forward the point of view of those people who pay rent. He would know more about that aspect than would a councillor who owned property rented by others.

I was a member of a local governing body for 18 years, and I have a fair knowledge of these matters. I think it is all right for an employee of a council to be able to go around and canvass during an election. Any other person can do that. We are living in a democracy, and I think that comes under the heading of democracy. The honourable member made mention of the numbering of houses. I think that is very desirable. Unfortunately on the goldfields in many places, although the houses are numbered, the numbers do not run regularly. This is confusing to a doctor at night unless he knows where his patient lives.

The Hon. J. M. A. Cunningham: Many numbers are completely incorrect.

The Hon. G. BENNETTS: That is so. I wanted to go to a particular number in Campbell Street, but when I got to the end of the street I still had not found the number I was looking for; and I had to go right back to the other end of the street, on the opposite side from where I had been looking, in order to find the number. The houses in the streets should be completely renumbered in rotation. At present it must be very annoying for a medical practitioner or for an ambulance driver, when making calls at night, to be in the position in which I found myself.

Dr. Hislop asked a question with regard to payment to road board members. I was in Queensland some three or four years ago, and the Lord Mayor of Brisbane was, perhaps, on a higher salary than that of any members of Parliament or even the Premier of the State; and the members of the Brisbane City Council were all on pretty substantial salaries.

I understand that road board members some years ago received £1 per meeting in that State. But I do not think road board members in any part of Western Australia receive payment for attending meetings. Members of local governing bodies do a wonderful job; but we must also realise that many road board members and councillors hold their positions for their own benefit—they are either agents, representatives of insurance companies, or representatives of other business firms.

I know that all members bar two—that is 10 out of 12—of one local governing body were concerned with their own interests—they were painters, caterers, insurance men, motor-vehicle salesmen, and so on. The whole of the local governing body's business was cut up amongst these members; so what was left for the outsider? He got nix.

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

The Hon. G. BENNETTS: As I was saying, many of those people who take a position on a local governing body do so for their own interests; and I do not know that we can blame them for it, or even whether it is right or wrong. If a businessman in a town likes to take an interest in local government, and if he is a man with ability and can do some good for the ratepayers, he is entitled to take a part in local government. He would be a man with money invested in the town; and, as the Bill states, if tenders affecting his business were called, he would have no right to participate in the voting. That is only right and proper.

I do not want to leave members with the idea that I am prejudiced in this matter; but it is rather awkward for other business people in a town, because it is only natural that board members will lean towards one of their own members in preference to an outsider.

There is only one other point that I want to discuss, and I do not know whether the Minister can answer the question I have in mind. I have not had sufficient time to go right through the Bill as I was not here last week, but I am rather concerned about any provisions which might cover the keeping of dogs in local authority areas. I would like to know whether the Minister can tell me whether a local authority has some control over the keeping of dogs in its area. Before a person can keep dogs, or rear them, or board them, he should have to make application to the local authority.

The Hon. L. A. Logan: Local authorities can make their own by-laws in regard to that matter.

The Hon. G. BENNETTS: That is what the position should be.

The Hon. L. A. Logan: That is the position now.

The Hon. G. BENNETTS: There are people who live near both hospitals in Kalgoorlie and who board and breed dogs, and at times they are a great nuisance to the hospitals, and the neighbours as well. On some occasions there are as many as 20 dogs in these places, and if the local authority has no control over the keeping of dogs, I would like some provision inserted in this Bill. I support the measure.

THE HON. W. F. WILLESEE (North) [7.35]: I would like to take the opportunity of saying a few words on this Bill, which is similar to measures that have been before Parliament frequently since the year 1948. I hope that on this occasion we will take the opportunity to put on the statute book a comprehensive and workmanlike Act. In principle this measure is closely related to the amended Bill that left the Legislative Assembly in 1958; and I think it is the duty of Parliament to pass it in a form as near as possible to that in which it now appears. We will have the opportunity of giving it a trial period of, say, two years, and any improvements which we feel are desirable to enable better administration of the legislation can be made after that trial period.

As was previously submitted by my Government, the franchise has been extended slightly, and I see no reason why we should not accept that moderate improvement in the spirit in which it is placed before us. The franchise may not be all that some of us desire, but at least it is a step in the right direction.

The provision that Government employees occupying houses belonging to the Government will be entitled to be enrolled as electors if the Government is paying to the local authority an *ex gratia* payment of rates at least equal to those that would be charged by the local authority, is a good one, because in many local authority districts beyond the metropolitan area, we frequently benefit greatly from the influx of new blood and the knowledge and experience that Government employees can bring. This is so because their outlook with respect to local government is completely altruistic. They have no local axe to grind, and they believe that what they are doing is for the benefit of the particular town. There are many who will accept local government office as a hobby, and in the short time they may be in a town, by virtue of their appointment by the Government, they will do all they can to improve it.

The method of electing the mayor or president can be changed at will. Municipalities can and will continue to elect their mayors, as is provided for under the Municipal Corporations Act; and road boards, as we know them, will be able to adopt the same procedure as now exists under the Road Districts Act. However, there is a right for the systems to be changed if it is so desired. It is only

reasonable that the various local governing bodies should be given the opportunity to alter the system of election if they so desire; and a close watch should be kept to see which method most of the local authorities adopt.

There is an alternative system of valuing for rating purposes, and that again can be reviewed in the light of experience of the legislation. The system of valuation is basic to the financial systems of local government; and one particular method must be proved conclusively before it is made compulsory for all local authorities to adopt it. It could easily be that in a State as vast as Western Australia, what suits a closely-settled area would not suit another which may be large and somewhat backward. A local authority which is situated in a sparsely settled district would not have at its command the opportunity to obtain as much income as the more closely settled sections. Therefore, I think the course of time will prove that different systems of valuation will have to be adopted by the various local authorities, and that each one will adopt a certain principle to suit its own particular circumstances.

There are several different systems of valuing, and a local authority using the unimproved valuation system may adopt valuations made by the Taxation Department; or it may have a special valuation made by that department; or, alternatively, it may have a valuation made by a valuer appointed by the local authority. For the annual valuation a council may have a valuation made by a valuer, or may adopt the valuations of the water supply authority. The valuer appointed must not be a member of the council and must be a properly qualified valuer. There is a wide range to cover this difficult problem which varies so much in each area.

As regards the audit, the provisions in the Road Districts Act have been followed in that road boards will still have departmental audit inspectors; and in the case of municipalities there will be an election of auditors by the ratepayers every two years.

The Hon. J. D. Teahan: What has been your experience of Government auditors?

The Hon. W. F. WILLESEE: I have had no experience of Government auditors; I always worked under auditors elected by the ratepayers. They were qualified accountants and very capable.

The Hon. G. Bennetts: Do you think the Government auditors would be an improvement?

The Hon. W. F. WILLESEE: It would depend entirely on circumstances. If we want to delve deeply into the question of audit, I am not sure that the Government audits the books of the local authorities in the State as closely as it might. Only a nominal fee is charged and a periodical audit is carried out. It is essentially a cash

audit. If we want to develop the line of audit of the local authorities we should go so far as to have a continuing audit, which would be much more expensive; and with that continuing audit we could, perhaps, even have a system of internal audit. I do not intend to raise the point at this stage, but I will say that anyone who knows anything about this subject will realise that the system of audit in local government is essentially a cursory audit. Cash is accounted for, expenditure is verified, income is noted, but from that point on there is very little investigation, shall I say, by the auditor. If we went into the system of audit in local government and tied it up further, we would get better results than we do at the moment.

I was pleased to note also that the provisions with regard to the amalgamation of staff in connection with the possible amalgamation of local authorities have been retained in the Bill. These amendments were put before this House some two years ago when they were accepted. They have remained in the measure, and I am sure they will prove worthwhile when the occasion demands.

A very good move, although a small one perhaps, is the fact that the returning officer in any election shall be the clerk of the council. This is good because he, after all, is the man who sees the whole of the machinery of an election. He is entirely responsible for the preparation of the rolls, and he is the person most able—on election day at least—to answer the queries and solve the problems that may arise.

With no disrespect to the men who, over the years have carried out this office, I feel they have been at a disadvantage in that they have not had the capacity or the intimate knowledge necessary for a returning officer, who must know all the answers with regard to the roll which he himself has prepared. In the future, as in the past, despite all that we have written into this measure, most of the problems will be raised only on election day when a person comes in fully expecting the right to vote, only to find that his name is not on the roll. He wonders why; and finds that he himself is responsible for its not being on the roll. It is only an officer of the council who can answer such questions *ad libitum* and explain why such and such a situation has arisen.

A very good thing is that the Cattle Trespass, Fencing and Impounding Act is largely being written into this measure. The Minister indicated the possibility of the Cattle Trespass, Fencing and Impounding Act disappearing from the statute book. It is a very old and out-moded Act.

The Hon. A. R. Jones: Hear, hear!

The Hon. W. F. WILLESEE: The incorporating of it in the Local Government Bill and the rewriting of it to suit particular

areas, is completely sensible. The definition of a sufficient fence would never be answered by one single statement in any particular Act. So surely this measure, in being placed upon the statute book on this occasion, will give immeasurable opportunity for the better functioning of local government in this State.

I also like the provision that there shall be a minimum of accounting procedure with regard to the books of accounts. It is reasonable to say that the bigger the municipality the greater the need for the production of electricity undertakings and the construction of main road work schemes; and these activities would leave openings for different systems of costing, and an extension of bookkeeping in that regard.

I believe there should be some fundamental basis in every local authority in Western Australia whereby the staff—and indeed including the juniors, because they will ultimately become the secretaries of the authorities—should have the opportunity to be trained in the basic, factual background of the one system of bookkeeping, whether they be at Wyndham, at Augusta, or in the City of Perth or Fremantle. So I think it is right to have the minimum of accounting—having particular regard for the word minimum. There should be a system of accounting or budgeting to suit the particular municipality.

I also like the trend towards uniformity with regard to building provisions. Indeed I think we should do more in the future to standardise provisions in parallel Acts.

If there is a provision in the Health Act which is similar to something in the local authorities Act, and in the Traffic Act, those provisions should be standardised in this State. This Bill gives a lead in that direction. I support the second reading of the measure, and I hope I shall have the right in course of time to support, or at least debate, any amendments which will be considered improvements to the measure after it becomes law, and which might be noticeable as a result of practical application.

It is the duty of Parliament to give to the third arm of government—the local government of this State—an opportunity to explore this Act to discover its benefits and its disadvantages; and Parliament should sit and watch the result.

**THE HON. C. R. ABBEY** (Central) [7.54]: It gives me great pleasure to support the Bill. I note the fact that almost without exception the speakers to date have expressed support for the measure. We all know the great interest that local authorities are showing in the Local Government Bill; and we know their desire is to have it passed. I cannot let this occasion go by without making some reference

to the very hard work that was done by the committee appointed by the Minister to consider this Bill.

I do not know whether all members are aware that Mr. Fellows, the representative of the Road Board Association, made, as a member of that committee, numerous trips to the city, travelling from Mt. Barker, which is not an inconsiderable distance. Being an ex-president of the Road Board Association, Mr. Fellows had a great interest in this Bill, and in seeing it was a worth-while measure.

**The Hon. R. F. Hutchison:** He was most undemocratic.

**The Hon. C. R. ABBEY:** I can assure the honourable member that Mr. Fellows is an honest and upright citizen who would do his best to see that all sections of the community had their fair and just rights.

**The Hon. R. F. Hutchison:** How would you know?

**The PRESIDENT:** Would the honourable member please address the Chair?

**The Hon. C. R. ABBEY:** Very well, Mr. President. I am very glad to know that the question of loans will be decided by the ratepayers; those who are paying for a particular road to be built, or whatever it might be. Members will be aware of what happened in the case of the Brookton pool, where there was great controversy over the necessary loan money. Fortunately it has been cleared up and the swimming pool is shortly to be opened. The section dealing with loan holdings is very necessary because, after all, the person who is paying the piper should have a vote on the amount of money to be made available.

In his remarks, Mr. Mattiske mentioned that ward finance no longer existed. I feel it is most desirable that we should not have ward finance in local authorities. My own experience, and that of several members of road boards that have changed over from ward finance to whole-of-the-board finance is that the latter system works very satisfactorily. Members of the board instead of adopting a parochial attitude, then look at the district as a whole.

What, Mr. Mattiske has said may be true, there may be some small difficulties; but I have found with the boards with which I have been in contact, and those which have adopted the latter system, that it works most satisfactorily; and, generally speaking, the boards go ahead fast, and provide better service for their areas; and they have less trouble at their board meetings with regard to one ward being against another. It is unnecessary to worry where the money is being spent, because members are apt to look at it in a far better light.

Making the election of the mayor or president optional is rather a good idea, because then we will have a situation



whereby any district or municipality desiring to elect by either method can do so. I think we would find, almost without exception, that the present road boards would, in the main, stick to the method of electing their presidents by the vote of the members of the board. It seems to work most satisfactorily. If we have the rate-payers electing either the president or mayor in a country town, there is the possibility that politics will intrude into local government affairs; and this is most undesirable.

Mention was made of a secretary and his wife canvassing against the chairman of a particular board. It is amazing to me that an officer of that standing should take such action, because I have found most officers of local authorities very ethical in their approach; and I would suggest that 99 per cent. would not in any circumstances take part in such an election.

There is one matter of which I would like the Minister to take note and perhaps reply to. The fourth Saturday in May has been set down for annual elections. That seems to be very detrimental to the officers of the board inasmuch as if they have to conduct a poll—and on most occasions they have to—it would interfere with the preparation of the rate book and the end of the year tie-up with their finances. Under the previous Bill—as it affected road board elections anyhow—the election day was in April, and this did not interfere with the end of the financial year or the writing up of the rate book which, after all, is a large job and one that seems to take a good deal of time to clean up.

Another matter, too, that exercises my mind is this: I feel a mayor or president should definitely have a deliberative vote as well as a casting vote. It is necessary that a mayor or president who is representing a ward should have the two votes. In cases where only two members are representing a particular ward, that representation is cut down to one if the president or mayor does not have a deliberative vote. It is not always possible to have a full attendance of members at meetings, and therefore it could be necessary for the mayor or president to have a deliberative vote as well as a casting vote.

The Hon. S. T. J. Thompson: If there is no ward system, it does not really matter

The Hon. C. R. ABBEY: It is necessary inasmuch as a member could find himself in the position where even though there was no ward system, he would wish to vote as president but also might wish to bring forward some particular line of thought on behalf of his ratepayers.

A provision in the Bill requiring qualified officers for the positions of clerk, engineers, building surveyor, etc., emphasises the need for courses to enable young men to train in local government so that they

can take these responsible positions. At the present time in a country road board, we often find a senior officer who has had some practical experience but who is not a qualified man. I know that under the Bill he will not be debarred from holding his present position, but it seems to me that we could well ask the Minister to examine the position and see whether the necessary courses for these offices could be made available.

On many occasions young men in local government have expressed to me their desire for such training; and if it were easily available it would be to the betterment of local government. I will have more to say later on in the Committee stage; but I now express my full support for the Bill and hope that by this time next week we may see it well on the way.

**THE HON. J. G. HISLOP** (Metropolitan) [8.4]: There are one or two points of interest to which I would like to refer in regard to this measure. First of all, I would like to congratulate the committee which has done a really powerful job; and I would also like to sympathise with the draftsman, who must have had a fearful time in trying to arrive at some of the definitions. As the use of English has always been a matter of interest to me I think we might look at some of the definitions to see whether we can help the draftsman in some way.

I cannot imagine that the definition "city" means a municipality which is a city in acceptable English in the Bill. I think the definition "city" could well be improved, especially when we realise that later on in the Bill it becomes possible to make a statement that a city is a municipality which, by order of the Governor, has been declared to be a city. If members look on page 9 of the Bill they will see that "city" means a municipality which is a city; but on page 25 of the Bill there is a definition of "city" which is much clearer because the measure states that the Governor, by order made after effective presentation to him of a petition bearing the common seal of each municipality which will be directly affected by the order may declare to be a city a municipality which has certain qualifications.

The Hon. L. A. Logan: That is only to make a new city.

The Hon. J. G. HISLOP: I think any city must be considered a city; and it would be quite simple to declare all existing cities in one issue of the *Government Gazette* in accordance with the provisions of this Bill.

The Hon. L. A. Logan: One of our existing cities would not come up to that definition. It does not have the requirements.

The Hon. J. G. HISLOP: Then the job of the draftsman is more difficult than ever. It does not seem to be English to

say that a city means a municipality which is a city. If members look further at what is a "municipality" they will be still more amused. The word "municipality" is not defined anywhere in the whole Bill. However, one finds that the inhabitants for the time being constitute a municipality. Therefore, if we take the first definition which says a city means a municipality which is a city, we find it means that a number of inhabitants constitute a city.

If we could find some means whereby a city has to be declared under the provision I have just mentioned I think we would make the position a lot clearer than it is at the moment. A municipality is not defined, but on page 17 we find that a municipality is a body corporate having perpetual succession, a common seal, and the powers conferred and the obligations imposed upon a municipality by law. However, directly above those words, we find that the inhabitants for the time being of a municipal district constitute a municipality.

I sympathise entirely with the draftsman, but I think the definitions might be looked at more carefully by the Council to see whether we could find better English for them.

The Hon. W. F. Willesee: Where do you think any confusion exists in practice?

The Hon. J. G. HISLOP: The words in the Bill are not even English.

The Hon. W. F. Willesee: A city is not defined until it becomes a city. Therefore, it must automatically be a municipality.

The Hon. J. G. HISLOP: It becomes a municipality when so declared by the Governor. The procedure is outlined on page 25.

The PRESIDENT: Order! Might I suggest to the honourable member that the points he is raising are something which he could take up in the committee stage.

The Hon. J. G. HISLOP: I raise those points now in order to give the Minister time to have a look at them. I realise the difficulty in altering these things; and if they are brought before the notice of the draftsman, he might be able to make an alteration. A "clerk" or "clerk of the council" means a town clerk, or a shire clerk, as the case requires. Later on we find that a town clerk is also defined. It seems to me that the word "clerk" could be much more easily defined to cover the various positions in respect to which it appears.

The Hon. L. A. Logan: That is put in for a purpose.

The Hon. J. G. HISLOP: A "town clerk" means the clerk of a city or of a town. If we just defined the word "clerk" as applying to this Bill I think it would be more simple.

The Hon. W. F. Willesee: How would you define the subsidiaries to town clerks?

The Hon. J. G. HISLOP: I did not say it would be necessary. He could be clerk to a shire or to the municipal council of a town or city.

The Hon. W. F. Willesee: You would have a succession of clerks.

The Hon. J. G. HISLOP: I feel someone will look at this from the point of view of interest and English; and if Bills are not in simple terms, the law can make very great play with them at some later stage. That is the difficulty. There is one other point of interest to which I would like to draw the attention of members. It appears on page 27 of the Bill. The Governor, by order, may unite two or more municipalities or districts which are adjoining. The Minister might tell me whether I am wrong, but I cannot see any right of appeal, by the affected municipalities, against that provision.

The Hon. L. A. Logan: What is that one?

The Hon. J. G. HISLOP: It is on page 27, paragraph (e). The Governor may unite two or more municipalities whose districts are adjoining so as to form one municipality and one district. I think the House will remember a very long argument that ensued when another Bill was being discussed. It was introduced by the late Hon. G. Fraser. It gave the Governor-in-Council the right to join various municipalities or councils together, and this House was not very happy about the position because we received many petitions from various bodies suggesting that we should allow them the right to contest such joinings.

I think one case was that of the Peppermint Grove Road Board which objected to the request of the Cottesloe Municipal Council to join Claremont, Cottesloe and Peppermint Grove into one big area, using common machinery. This was defeated because a number of people asked me to try to put a provision in the Bill to allow for a referendum before the unification could take place.

The late Mr. Fraser had to accept that provision because the question of referendums were part of his political platform. In this Bill we are giving the Governor-in-Council—which is really the Government—the right to unite two municipalities without any question of appeal. So far as I can see, if the local authorities desire it, well and good; but if they do not, they should have a right of appeal against the junction. I have no objection to the principle because I think there could be a great deal of improvement by joining together a number of these bodies. I think the Perth City Council has done a wonderful job, because this principle has enabled it to enjoy a larger income which it has been able to spend over a very wide area.

However, I doubt very much whether the Subiaco City Council would be happy if the Governor-in-Council suddenly decided that Subiaco should become a ward of the City of Perth. Yet, as far as I can see, this Bill gives that right to the Governor-in-Council. It is just a point at which I would like the Minister to look. I would like to know whether he thinks there should be a right of appeal for municipalities or councils. Perhaps the reference to municipalities means that it cannot be done to city councils. I do not know. I think it is a point which this House has considered over long hours previously, and one to which thought should be given at the present time.

I am sorry I cannot agree with Mr. Mattiske with the question of ward finance, because I believe there will always be, in any large area, wealthy sites and less wealthy sites in council administration. I feel the time will come when the rates paid by those living in a highly rated area will be applied to other areas that really deserve and require further improvements. I doubt very much if the City of Perth had been able to spend its money only in certain wards, whether it could have improved some of the outlying wards from which it normally would not receive reciprocal revenue. For example, I believe that the rates payable in West Perth have, in part, made possible improvements in such places as Leederville and close by. I think that has been very wise. I think the heavy rates that are being received from highly rated parts of Victoria Park are being applied to the adjoining district. Footpaths are being built where they did not exist before.

I cannot imagine that ward finance can add to the progress of a city. I feel that finance should be governed completely by the council and administered where it considers it wise. I feel that by this means a city could be brought to a level more than it ever could by restoring to ward finance.

There are some very interesting measures to be adopted here, but I will not delay the House any longer by speaking on them. However, I do feel that the question of definitions might be considered by the Minister. I suggest that he should ask the draftsman to have another look at this matter in the manner I have suggested, because I feel that at some later date this whole question might have to be considered, particularly in regard to a city. I feel that in this provision it would be very much safer to have a city defined as a place which has either existed as a city, or will in future be declared as a city. I admire the way in which the Bill has been put together, and I congratulate all those who assisted in this work.

**THE HON. L. A. LOGAN** (Midland—Minister for Local Government—in reply) [8.18]: It is quite obvious that members have given a lot of time and thought to

this Bill. I will not attempt to reply to each and every point, as I feel that is unnecessary. I believe the right time to make a full reply is in the Committee stages, when each clause is before the House.

It must also be obvious that there had to be a spirit of compromise in the endeavour to consolidate two separate Acts which had been in operation for 69 years. I think we shall find, as we go through this Bill, that there has been an attempt to take out what was good in the Municipal Corporations Act, and what was good in the Road Districts Act, and to consolidate them into the one Act. It is fair to estimate that in this consolidation there may be some measures upon which conflict must take place. However, we shall find that in most cases where this occurs, there is an alternative provided by which the local authority may decide for itself what it wants.

We should appreciate that this is a local government Bill. As far as possible, a local government can be autonomous, providing it keeps within the framework of the Act and does not override its powers. Every endeavour is being made to ensure that local government maintains as high a standard as possible. I would like to refer to the successful Local Government Week which has just concluded, when 131 of 146 local authorities were represented by either their executive officers or elected personnel. Authorities represented included Port Hedland, Wittenoom, Black Range, which is Sandstone, Cue; and a few places from the North-West. The theme of the week concerned the duties of the elected personnel and the duties of the administrative officers. At the conclusion of the week I pointed out that if any of those who had attended the week had told me they had not learned anything, I would have replied that they did not have a place in local government. The consensus of opinion was that it was very worthwhile and everyone had gained much from it. I am hoping that similar local government weeks will continue every second year. I do not think they are required every year.

Concerning the setting up of a course for local government elected personnel, efforts are being made to introduce such a course which will be on a reciprocal basis with the Eastern States, through the technical college. There is a course already set up, but I do not think this goes far enough. Efforts will be made to see that a course is established which may be attended by any young men or young women who wish to make local government a career. They will have an opportunity of learning the fundamentals, before they accept a job either as a clerk or as an assistant secretary.

As we proceed through the Committee stage, we will find that some of the points raised tonight are already incorporated in

the Acts. As a matter of fact, some have been in either one or other of the Acts since 1906. Mr. Bennetts mentioned smoke from chimneys. Municipalities have had the right to make by-laws dealing with this nuisance since 1906. Mr. Mattiske raised an objection with regard to clay and chimneys. These matters have been in one of the Acts since 1906.

The Hon. R. F. Hutchison: What about my objection concerning the franchise?

The Hon. L. A. LOGAN: The query concerning timber is also incorporated in the Act. It was put in at the request of a Royal Commission in 1948. The one dealing with brickmaking has been included since 1946. Members can therefore appreciate that the Bill is nothing new. Admittedly some of the wording is a little different. It is different because of the information given by Mr. Gifford; and some of our by-laws were declared *ultra vires* by the court; and it was therefore necessary for the wording to be altered to ensure that by-laws promulgated and accepted by Parliament had the force of law.

Mr. Mattiske mentioned boot shiners. That provision has also been in the Act since 1906, if it has not been there since 1879—and I think it probably has. If I find any complaint at all with the work of the committee, it is that there are certain out-of-date by-laws included in the Act at the moment, which probably could have been left out. I presume the committee thought that since the powers were hurting nobody, they could well remain. I cannot see that their retention will hurt anybody if municipalities have the by-law-making power to control these matters.

Local government has done a wonderful job in Western Australia for 69 years. I think that every government, irrespective of party, has acclaimed the work done by local government towards the progress and development of Western Australia. Local government is unlikely to do anything foolish in this regard. Mr. Mattiske summed up the position pretty well when he said that before a by-law can be promulgated it has to be agreed to by a majority of local authorities; vetted by local government departments; and vetted and signed by the Minister. It has to be passed by the Executive Council before it comes before Parliament. Members will appreciate that not too many by-laws are disallowed by either House of Parliament. There are one or two. I myself have been responsible for the disallowance of regulations on two occasions. On a couple of other occasions I was not successful. This at least proves that Parliament is the final arbiter in regard to by-laws.

The Hon. R. F. Hutchison: You haven't mentioned the by-law about franchise.

The Hon. L. A. LOGAN: And I am not going to mention it.

The Hon. R. F. Hutchison: The truth is out.

The Hon. L. A. LOGAN: As each clause is discussed, each item that has been mentioned will be dealt with. Mr. Mattiske apologised for not having his amendments on the notice papers. But I have seen them—I looked through them briefly while members were speaking, and I am prepared to deal with them at this moment. If there is any clause on which I am unable to supply the information required—and I do not think for one moment that I am fully informed on every clause in the Act—or if we have difficulty with a particular phrase, I will postpone the clause and proceed with the others. We can return to the postponed clauses later on.

I thank honourable members for the research they have done on the Bill. Concerning the matter raised by Dr. Hislop with regard to definitions, I cannot supply the answer at the moment. In the Municipal Corporations Act there is a definition of a municipality. It says that "municipality" means the incorporation of any municipal district. I do not know whether that is sufficient to help us.

The point concerning the Governor having the right to unite two municipalities is one I looked at myself, remembering the debate that took place in this House. I am only sorry that we did not let Mr. Fraser have his own way at that particular time. I think we would have been much better off had we done so, because what he tried to do at that time would have been better for the area he represented, and for the benefit of the ratepayers, whether they liked it or not. After studying the question, I have come to the conclusion that in uniting two local authorities, should one withhold support and a referendum be held, so many cross-purposes would be brought into the picture that by the time the electors reached the polling stage, they would not know what they were voting for.

Under this Bill we make provision for a boundaries commission of three people; and I think we will find that most of the work will be given to this commission which will make a recommendation; and if it recommends the uniting of two or three municipalities the Minister will have to give consideration to it. I think that will be a safeguard. I do not think any Minister would be prepared to unite two municipalities if there were any disagreement between them. It would be a different matter, of course, if they were in agreement to unite.

The Hon. J. G. Hislop: And that commission would be called in?

The Hon. L. A. LOGAN: Yes. I appreciate the great deal of thought that members have given to the Bill; and I repeat that any information that is required by

any honourable member I will be only too willing to obtain if I do not have it at hand.

Question put and passed.

Bill read a second time.

*In Committee*

The Chairman of Committees (The Hon. W. R. Hall) in the Chair; The Hon. L. A. Logan (Minister for Local Government) in charge of the Bill.

The CHAIRMAN: If members are agreeable, I will put several clauses of the Bill at the one time. Therefore, if any honourable member should desire to speak on any clause I would be glad if he would give me plenty of notice before I put such clause.

Clauses 1 to 5 put and passed.

Clause 6—Interpretation:

The Hon. A. L. LOTON: On page 8, line 38, there appears the definition of cattle. This is reverting to something that Dr. Hislop referred to previously. It will be noticed that in this definition all the sexes of horses and cattle are broken down, but when sheep are defined, there is reference only to sheep and lambs. There is also only a short definition in regard to goats and swine. Why we cannot just refer to "cattle," which would include all cattle, I do not know. The wording in the clause is certainly not modern language, and I think it would probably be wise if the Committee agreed to alter it.

The Hon. L. A. LOGAN: On a quick glance I would say that the verbiage in the clause is common usage. If one sees a cow in a paddock, one says, "That is a fine cow." If one sees a bull in a paddock one says, "That is a fine bull." However, if one sees a pig in a paddock one can only refer to it as swine. We do not differentiate in the sexes of a pig, although one does sometimes differentiate with goats. I think the words used in the clause represent common usage.

The Hon. J. G. HISLOP: At the top of page 9 there appears the definition of city. I suggest to the Minister that "city" could mean a municipality that has been declared a city or shall be declared a city under section 12 (2). Therefore, I move an amendment—

Page 9, line 1—Delete the words "is a city" and substitute the words "has been declared a city or shall be declared a city under subsection (2) of section twelve of this Act."

The CHAIRMAN (The Hon. W. R. Hall): I point out to the Committee that if there are to be many amendments it would be best for all concerned if members seeking amendments submitted them in writing to the Chair. Otherwise, as this is a large Bill, there may be some confusion.

The Hon. L. A. LOGAN: I will not oppose the amendment, but if it is pressed I intend to submit it to the Parliamentary Draftsman for his consideration. However, I think it will be found that the amendment is unnecessary because all existing cities will be declared cities under this legislation. Under clause 12 (2), municipalities can be declared cities if they comply with the requirements of the provision. Therefore, a city would be a municipality which is already a city. A municipality will be either a town council or a shire council. I think that would be the explanation that would be given by the Parliamentary Draftsman.

The Hon. W. F. WILLESEE: The Bill, as printed, is sufficiently substantive to carry its meaning. Clause 12 (2) enumerates the provisions whereby a city may be declared a municipality. A city means a municipality which, in effect, has been declared. Clause 12 (2) overrides the simple definition of city as defined in clause 6.

The Hon. F. J. S. WISE: I think it is wise to leave well alone. The words at the commencement of this clause read as follows:—

In this Act, unless the context requires otherwise—

and it would then read, "the definition shall be so-and-so." Therefore, I think we should leave the clause as printed.

The Hon. A. L. LOTON: I agree with Mr. Wise. When we turn to page 15 we find that—

"town" means a municipality which is a town under this Act.

So a city means a municipality that is a city and a town means a town under this Bill. I think the Minister's explanation is quite clear and correct.

Amendment put and negatived.

Clauses put and passed.

Clauses 7 to 11 put and passed.

Clause 12—Power of Governor to constitute municipalities:

The Hon. H. K. WATSON: I raise the same point as that made by Dr. Hislop in regard to subclause (4) (e) on page 27 which states that the Governor by order which may be made without a petition may unite two or more municipalities whose districts are adjoining, and their districts so as to form one municipality and one district.

As this stands, it appears that by Order in Council the Government of the day could, without consulting anybody, declare the whole of the metropolitan area from Fremantle to Midland Junction to be one municipality. That would mean the amalgamation of 20 municipalities, so long as their districts were adjoining.

The Hon. L. A. Logan: That is not the meaning of this provision.

The Hon. H. K. WATSON: I would like an explanation from the Minister. The wording of the provision would seem to give that interpretation. I draw attention to subclause (2) (d) on page 26 which contains a similar provision. This states that the Governor may unite two or more municipalities whose districts are adjoining after a petition, consenting to the amalgamation has been received by him. In one case the amalgamation is made by consent; in the other case it is made without a petition being presented. If the provision in subclause (4) (e) is preferred, then the provision in subclause (2) (d) is superfluous.

The Hon. L. A. LOGAN: Subclause (2) (d) relates to the amalgamation of two municipalities, where the Governor receives a petition from the municipalities concerned agreeing to the amalgamation. That happened the other day when I amalgamated the Guildford and Swan road boards, because they both agreed to the amalgamation. In the first case, amalgamation is made with the consent of the parties; in the case of subclause (4) (e), amalgamation is made without a petition being received, because one party may agree to uniting while the other does not, and a lot of sideplay is brought into effect. This provision will save the holding of a referendum.

When a similar Bill was before this Chamber on the last occasion the exact wording appearing in this clause appeared in the measure, and there was no debate on that occasion.

It was suggested by Mr. Watson that the Governor could join the municipalities from Perth to Fremantle, but on reading the clause quickly I find that could not be done, because the municipalities have to be adjoining. Only municipalities with adjoining boundaries can be joined.

The Hon. H. K. Watson: Perth could be joined to Subiaco, and then Subiaco to Nedlands.

The Hon. L. A. LOGAN: Perth could not be joined with Nedlands because the boundary of Nedlands does not join the boundary of Perth.

The Hon. F. J. S. WISE: The powers to join areas without a petition are hinted at, if not described, in the marginal notes to subclause (4). Municipalities which may be joined without the presentation of a petition are those described in clause 16, which do not conform with the population requirements or which have a revenue of less than £1,000 a year. Because of a declining revenue or population, they do not continue to hold the qualifications of a municipality. Under subclause (4) (e) they may be joined with other municipalities by a declaration of the Governor and so become merged.

I am aware the clause does not express the power in those terms, but if we read the specifications which are necessary, in cases where a petition is required, we will

find that the population and revenue are all part of what is requisite to the forming of a municipality.

The provision in subclause (4) (e) relates to cases where a petition is not received by the Governor; and such municipalities may be dissolved or merged with others if they have not a sufficient number of inhabitants or the requisite revenue. It applies to municipalities which have declined.

The Hon. H. K. WATSON: In the interpretation of provisions in the statutes the marginal notes are of no consequence. In my view subclause (4) (e) is too ambiguous to be passed in its present form. The Minister stated that not more than two municipalities can be joined together.

The Hon. L. A. Logan: I did not say not more than two. I said the municipalities from Midland Junction to Fremantle could not be amalgamated into one.

The Hon. H. K. WATSON: I say that can be done. Perth can be joined with Subiaco, then Subiaco with Nedlands, and so on.

The Hon. L. A. Logan: But not all at once.

The Hon. W. F. Willesee: What would be the main reason for doing that?

The Hon. H. K. WATSON: Some Government in the future may decide that it is a good thing to have one municipality covering the metropolitan area. If this provision in the Bill is passed, no-one can say no to such a proposition. It was not very long ago that a report was presented to the Government, and the officer concerned was of the opinion that many of the municipalities could be abolished. If there is a possibility of that being done, I cannot vote in favour of the clause as it stands.

There is provision for the uniting of municipalities with their consent. If two municipalities request to be united, there is no reason why they should not be united; but it is a very different proposition when neither by request nor by the consent of the parties concerned the Government of the day is empowered to declare them to be amalgamated. I therefore move an amendment—

Page 27, lines 34 to 37—Delete paragraph (e).

The Hon. L. A. LOGAN: Subclause (4) (e) provides for the uniting of two or more municipalities whose districts are adjoining. Two municipalities with adjoining districts can be united, but they cannot be amalgamated with other municipalities whose districts do not adjoin.

The Hon. H. K. Watson: They can be amalgamated two each day, and the process can be carried on until they are all embraced.

The Hon. L. A. LOGAN: I do not think that will happen. They would have to be separate acts of amalgamation.

The Hon. H. K. Watson: We are not here to judge.

The Hon. L. A. LOGAN: I think it will be found that this provision was not queried last time the Bill was before the House. It was queried the time before, but it was subsequently reinserted and nothing was said. I hope the Committee will not delete the paragraph.

The Hon. J. G. HISLOP: There is no doubt that in the absolute Mr. Watson is correct. If the Minister is determined that only one, two, or three local bodies are to exist between Perth and Fremantle, he can so stipulate. I wonder whether we can overcome the difficulty which exists by accepting the decisions of the Local Government Boundaries Commission and inserting after the word "unite" in line 34 on page 27 the words "on the advice of the Local Government Boundaries Commission." We would be sure then it was only done if very mature consideration had been given to it by a body, and not merely by the Government on political grounds. I ask the Minister to consider whether he would accept the insertion of these words.

The Hon. L. A. LOGAN: The reason for the insertion of the provision for the appointment of the Local Government Boundaries Commission was for that very purpose. However, if that is the way it is desired it be inserted, I have no objection. The purpose of the boundaries commission is to ensure that the powers will not be used in any arbitrary manner but only after careful consideration has been given to all the facts. On page 30 is the provision that the Minister "shall refer the question to the Commission for its consideration and report."

The Hon. H. K. WATSON: The duties of the Local Government Boundaries Commission are defined; and it is stated that the Minister may refer to the commission—

The Hon. L. A. Logan: The Minister "shall" refer.

The Hon. H. K. WATSON: In line 28 it states that the Minister may refer to the commission.

The Hon. L. A. Logan: In line 28 is the provision that he "shall" refer.

The Hon. H. K. WATSON: That is when an authority is seeking amalgamation. On page 27 reference is made to the Governor, while on page 30 the Minister is mentioned. I suggest to the Minister that he agree to delete this clause for the time being. We can reinsert it later with the amendment suggested by Dr. Hislop. This would make it clear that the matter has to go to the boundaries commission before the order is made. In other words the power

in paragraph (e) shall not be exercised without reference being made to the commission. I feel the situation is too obscure at the moment.

The Hon. W. F. WILLESEE: If we follow the point which Mr. Watson has raised, it must be realised that the same situation could apply even with Dr. Hislop's proposed amendment. The danger is that we could go on adding municipality to municipality whether words were added or not. On the other hand I would not like to see the complete clause deleted. In view of the remarks made, could the Minister postpone this clause in order that he might submit the points raised to some of his officers to have the position clarified. After all I think what we are trying to obtain is some limiting point. There will be instances where the machinery of the Act must operate because a municipality may be unable to cope with its internal problems and yet not want to be absorbed. Therefore we need some provision to cover such instances, but with a limiting factor.

The Hon. L. A. LOGAN: As I said at the outset I have no objection to postponing a clause if we get bogged down. However, let me say that the matter has to go through the Minister before it is submitted to the Government. If the provision is read carefully it will be realised that the Minister "shall" refer the matter to the boundaries commission.

The Hon. J. G. Hislop: No; only if an authority seeks to be united.

The Hon. H. K. Watson: It is ambiguous at the moment.

The Hon. L. A. LOGAN: The point is that if two authorities want to join they will do so. If there are two municipalities, one desiring to join and the other not, and an application is made for their amalgamation, the Minister shall refer it to the boundaries commission. As soon as is practicable a report will be sent to the Minister and then referred by him to the Government. Therefore it has to go from the Minister to the Government before it is agreed to.

The Hon. H. C. Strickland: It has to go to Executive Council.

The Hon. L. A. LOGAN: Of course it has. However, to satisfy members I am quite happy for the clause to be postponed. Nevertheless, I am sure I will have to say the same thing tomorrow night.

The CHAIRMAN (The Hon. W. R. Hall): I suggest that if the Minister is going to postpone the clause, the honourable member should withdraw his amendment.

The Hon. H. K. Watson: I had intended to do so.

Amendment, by leave, withdrawn.

The Hon. L. A. LOGAN: I move—

That further consideration of the clause be postponed.

**Motion put and passed; the clause postponed.**

**Clauses 13 to 34 put and passed.**

**Clause 35—Qualification of mayor, president and councillors:**

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

Page 52, line 8—Delete the word "either."

In order that members may understand the intention of my amendment, I will explain a further amendment I propose to move. The effect of the two amendments will be that an occupier of land will not be permitted to nominate for the office of councillor. As I said earlier in the evening, it was made absolutely clear in previous discussions in this Chamber that he who pays the piper should call the tune; and I feel that if we are prepared to permit occupiers to nominate for the office of councillor, the invidious position could arise of a council consisting of a majority of occupiers who would have the say as to the spending of money which was contributed by the owners. I feel this is entirely wrong in principle, and I ask the Committee to agree to the amendment.

**The Hon. R. F. HUTCHISON:** I oppose the amendment. The man who pays the rates in his rent—he probably pays higher rates than the man who owns the premises—is to be denied the democratic right to use his talents for the benefit of the district in which he lives. I object to branding a man as a nonentity because he does not own a home. In our urban areas the people who occupy houses very often do much more for the community than do the owners. The amendment will put the occupiers on such a plane that they will have no opportunity to do any good for the community. This is about the best resistance movement against democracy I have struck.

It has crossed my mind that Mr. Mattiske would be an excellent dictator, because one could not get out of anything that one had got into if Mr. Mattiske had the say-so. Thank goodness we have a little democracy left. Many owners are absentee landlords and their only interest in the district is in the money they get from their properties.

**The Hon. J. D. TEAHAN:** This is more dangerous than I at first thought. If we deny the occupier the right to stand as a councillor, we could be depriving some of the best citizens of their opportunity to serve in local government. In the municipality in which I live, two or three hotels are owned by people who do not reside there.

**The Hon. F. J. S. Wise:** Are all the buildings in Hay Street occupied by the owners?

**The Hon. J. D. TEAHAN:** The occupier is the one who wants to see the district in which he lives go ahead; and he is the

one most fitted to be on the council. It is not correct to say that the rates are paid by the owners. When the rent of a place is assessed, rates and taxes are taken into account. So the occupier really pays the rates. The biggest hotel in Kalgoorlie is owned by a London company. But the local man who runs the hotel is the person who wants Kalgoorlie to go ahead; and he is the one fitted to be on the local authority.

**The Hon. E. M. DAVIES:** I agree with the previous speakers. It would be ridiculous to suggest that because a person was an occupier he could not stand for local government. Most absentee owners are only concerned about the rent they obtain. The occupier pays the rates in his rents because frequently when the rates are increased the rent is raised to cover the additional charges. I oppose the amendment.

**The Hon. W. F. WILLESEE:** I supported the Bill in its entirety when I voted for the second reading. I did not know that Mr. Mattiske had circulated a series of amendments. The amendment before us is a premeditated move to take away the goodwill that was the backbone of the Bill when it was put forward. I oppose the amendment.

**The Hon. L. A. LOGAN:** I hope the Committee will not accept the amendment. This provision has been in the Municipal Corporations Act for as long as I can remember. I do not think we have any right to take from an occupier a right he has had for so many years.

**The Hon. R. C. MATTISKE:** I appreciate the views that have been expressed. I moved the amendment to test the feeling of the Chamber, because this is an important point and should not be passed over lightly.

With regard to the amendments I circulated this afternoon, I point out that at the last sitting we sought an adjournment of the debate in order that we might have an opportunity to go through the Bill and draft any amendments that we might wish. As I did not have time to put my amendments on the notice paper, I did the next best thing and circulated them. I did that this afternoon. I then apologised for what I had done. But I do not think an apology was really necessary. I think it was my right to submit these amendments. Had I not circulated them, I would have had no alternative but to move for an adjournment of the Committee stage.

**The Hon. H. K. Watson:** Was this amendment in the Bill as it left the House on the last occasion?

**The Hon. R. C. MATTISKE:** No.

**The Hon. F. R. H. LAVERY:** I oppose the amendment. Today many properties are leased to big businesses for periods of 30 years or so. Such properties are leased



to firms which own buildings worth £150,000 to £200,000. Does the honourable member intend to exclude the occupiers of such buildings?

The Hon. G. E. JEFFERY: I oppose the amendment. The types of individuals who would be disfranchised in country towns would be bank managers and such men. These people would be living in the best accommodation, with business quarters attached, in the main street of the town; and those buildings would be carrying the highest rates.

Who is the best citizen to vote in a municipal election or to stand for a seat on a municipality or road board, the person who occupies the premises and who pays the rates, or the owner of the land who is not paying rates, or is in arrears with the rates? I suggest that many of the most reputable citizens in the community own property in some place other than that in which they live. Bank managers and oil company managers frequently occupy premises owned by their employers.

The Hon. H. K. Watson: Would they not be agents for their masters?

The Hon. G. E. JEFFERY: I suggest that by the amendment these people would be disfranchised.

The Hon. H. C. STRICKLAND: Mr. Mattiske, when speaking during the second reading debate, gave the Bill a pat on the back and said it certainly agreed with his idea that he who paid the piper should call the tune. But by this amendment the honourable member wants to take right out of the Bill the reference to the man who pays the piper.

**Amendment put and negatived.**

The Hon. R. C. MATTISKE: The next two amendments on the notice paper are consequential; I shall not proceed with them.

**Clause put and passed.**

**Clauses 36 to 40 put and passed.**

**Clause 41—Longest possible term of office:**

The Hon. L. A. LOGAN: When replying to the second reading debate, I forgot to mention the point raised by Mr. Abbey with respect to the elections being held at the end of May. In years past it was found that by holding the elections in April, Easter very often interfered. It was thought that by transferring the date to the end of May the problem would be overcome, and it would be better for everybody concerned.

**Clause put and passed.**

**Clauses 42 to 44 put and passed.**

**Clause 45—Eligibility for registration as an elector:**

The Hon. G. C. MacKINNON: It has been brought to my notice by one of the authorities in my district that it expects

to have some difficulty with the compilation of the roll. I would like to bring to the Minister's notice paragraph (c) of subclause (1). Although the local authority has a list of the actual owners, it has no knowledge of the occupiers, and it may involve a local authority in considerable cost to discover the names of the occupier or occupiers. Local authorities would need to have a fairly close liaison with the S.E.C., and authorities such as that, or have an officer specially detailed for this purpose. I want to know from the Minister whether this problem was considered by the committee which dealt with the Bill; and, if so, whether the committee thought there would be much work involved.

The Hon. L. A. LOGAN: This matter was given a fair amount of consideration by the committee, and during the week I dealt with a request from a local authority in respect to the same subject. The committee was of opinion that whilst there may be some movement of occupiers the difficulties would not be so great, and the local authorities would be able to handle the position without much trouble.

The Hon. W. F. WILLESEE: It is quite a simple matter in any reasonably sized town for the local authority to contact the local postmaster and get a list of occupiers. In many towns the rate book carries the name of the owner and the name of the occupier in parenthesis. In any case, I do not think it would cost a great deal if a physical survey had to be made in a small township, because it is usual for the municipality to control the electric lighting authority; and its records are sufficiently comprehensive to cover every occupier in the area.

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

Page 66, line 15—Delete the word "occupier" and substitute the word "owner."

The purpose of this and other amendments which I have is simply to make sure that in a case where land is situated partly in one ward and partly in another the owner shall have the say as to which ward shall be selected for enrolment. He should have that right, but as the Bill stands it gives the occupier the opportunity of nominating to which ward the property shall be attached. It is only a small point but I think it is wrong in principle, and the position should be reversed. In the event of the owner failing to make a decision the occupier will have the opportunity of making it.

The Hon. R. F. HUTCHISON: The same argument applies in this case as applied previously. If an owner is not living on the property he is not sufficiently interested and the occupier, who is the interested person, should have the say as to which ward the property shall be attached. Mr.

Mattiske wants to have the position so that might is right. That should not be agreed to. If the owner were sufficiently interested he would be living in the house and then he would have the right to say which ward would be selected. As the occupier is looking after the property, and is interested in the local authority, he should have the right.

The Hon. R. C. MATTISKE: I just want to make one point in reply to the honourable member: The owner is permanent and the occupier is temporary. Therefore, if the permanent person—the owner—has the opportunity of deciding he should be able to do so. On the other hand, if he fails to decide, the occupier for the time being will have that right.

The Hon. R. F. Hutchison: That won't happen if this amendment is agreed to. There is no provision for it.

The Hon. L. A. LOGAN: This only prevails where a house is occupied and the occupier is on the roll, or if the owner is on the roll for that particular property. Whichever one is affected applies to have that property placed on the roll for the ward he selects. I see no reason why that should be altered.

#### **Amendment put and negatived.**

The Hon. R. C. MATTISKE: The other amendments are consequential and I shall not proceed with them.

The Hon. G. C. MacKINNON: I have a further query with respect to subclause (7). Does this subclause cover permanent boarders in country hotels? They could be classed as occupiers. Does it also cover people who live in multi-storied flats? As the clause does not specifically exclude hotels, hostels, and the like, the local authorities could be involved in a considerable amount of work checking their rolls. There are towns where a large number of people live in hotels and hostels.

The Hon. L. A. LOGAN: This does not apply to people living in such places. The honourable member's fears are groundless.

The Hon. H. C. STRICKLAND: I wish to refer to subclause (14). I think the wording of this subclause is rather ambiguous and I propose to move some amendments which will clarify it. I discussed this matter with the Minister during the tea suspension, and if members read the subclause they will see that on page 70 it says—

—is entitled to be so registered as occupier if he so applies and, if the application is granted by the council, it shall divide the valuation of the land equally between the owner and the spouse.

The use of the word "if" seems to imply that the council may not grant the application; and I think we should make the

position quite clear by deleting the word "if" secondly appearing on line 2, page 70, and substituting the word "on." A little further on, in the same line, we should delete the word "is" and substitute the word "being." The clause would then read—

—on the application being granted by the council,—

The Hon. A. F. Griffith: What happens if it is not granted then?

The Hon. H. C. STRICKLAND: The Bill says that they are entitled to be enrolled.

The Hon. A. F. Griffith: But the word "on" would not make it obligatory on the council to enrol them.

The Hon. H. C. STRICKLAND: They are entitled to be enrolled, and I think the amendments would clear up the position. At the moment there could be considerable legal argument about it. I move an amendment—

Page 70, line 2—Delete the word "if" secondly appearing and substitute the word "on."

The Hon. L. A. LOGAN: I think the clause is better as it is. There would be no great difference to the position if we accepted Mr. Strickland's amendment. The qualification is set down to provide for a person who applies to be so registered when he is not qualified to be so registered; and the registration could be refused. The effect is the same as that required by Mr. Strickland. I oppose the amendment.

The Hon. E. M. HEENAN: We should not make unnecessary amendments. I am satisfied that Mr. Strickland's fears are not justified; and I agree with the Minister that the amendment is not warranted. The clause is safe as it is.

#### **Amendment put and negatived.**

#### **Clause put and passed.**

#### **Clause 46—Electoral lists:**

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

Page 70, line 34—Delete the word "persons" and substitute the word "owners."

This would have the effect of correcting the position to which Mr. MacKinnon referred. In its present form the Bill means that any occupier having once got himself on the roll would automatically have his name carried forward from year to year even though he may have left the district. As the tenants of houses move around a great deal, it could clutter up the register unduly, and make a great deal of work for the administrative staff of local authorities. The amendment would mean the names of owners eligible for registration being included in the list. The clerk will know the owners recorded in the rate book. The list of owners will be fairly accurate, but this will not be so with

the list of occupiers. If the clause is amended, it will permit those occupiers who are interested to have their names included, but those who have left the district will have their names automatically cancelled at the end of each year.

The Hon. R. F. HUTCHISON: I oppose the amendment. If a local authority is so badly run as not to know who should be on the list, it is time it mended its ways. This should be compiled in a proper manner, not as it is now. There is no reason why a local authority should not know the occupier and owner of a house. To put in the word "owner" would be accepting something we have just defeated. I oppose the amendment.

The Hon. G. C. MacKINNON: For Mrs. Hutchison's information I would point out that the particular municipality that brought this matter to my notice is quite efficient. The town clerk is well qualified for the job; but the municipality assures me it will have some difficulty. I suppose the difficulty will vary from town to town, because there are areas which are fairly set in relation to their citizens. There is not a great deal of movement in farming districts, for instance. On the other hand, the turnover in a town like Bunbury is amazing. There are something in excess of 60 insurance representatives there, men who are transferred away from time to time. Also, a considerable number of Perth firms are represented. For instance, there are Woolworth's, Boan's, Caris Bros. and so on, whose managers are coming and going. The occupants of the various buildings change rapidly. A number of people also come in just for six months. This difficulty would probably not apply to Bridgetown, where the population is fairly set. I would like to hear the Minister on this. It is not a matter of the efficiency of a local authority, but more a case of the nature of the town, and the peculiarities of a particular district.

The Hon. W. F. WILLESEE: The difficulties envisaged by Mr. MacKinnon are not insurmountable. The registration is effected at a particular time, and once the roll is made up it is declared to be the roll of the municipality for the next twelve months. Subsequent changes are no concern of that electoral roll, until it is again prepared with the name of the current occupiers or owners. To return to the principle sought by Mr. Mattiske in his amendment would be to restrict the right of owners. Nothing would be gained, and the roll would not be 100 per cent. efficient. The word "persons" would enable the clerk to prepare his roll in the light of his great local knowledge. It would be the most efficient roll prepared by the most efficient person to do the job.

The Hon. L. A. LOGAN: If we agree to the amendment the effect would be opposite to that sought by Mr. Mattiske. The clerk prepares the roll on the lines of the

previous roll, and if we were to take out the word "persons" and put in "owners" it would mean that the secretary would have to deal with every new applicant in the six schedules and make every occupier re-apply; whereas in this case if the secretary is doing his job, he will automatically strike them off, thus making his new roll efficient.

The Hon. J. D. TEAHAN: The wording as it now stands is that used by municipalities at the moment. The turnover in a town like Bunbury would be no greater than that of a mining town like Kalgoorlie or Boulder. If a secretary is efficient he will keep the list of occupiers up to date. He may miss some, but the position will be corrected two or three months before the roll closes. The present wording is sufficient.

The Hon. R. C. MATTISKE: I can assure Mrs. Hutchison and others there is no nigger in the woodpile in connection with this amendment. I thought it was necessary to draw the attention of the Minister to it in the hope that the legislation could be administered smoothly by those responsible for its administration. In view of the explanation given by the Minister, there is no sense in my proceeding with the amendment. Therefore, I seek leave to withdraw it.

*Amendment, by leave, withdrawn.*

The Hon. R. F. HUTCHISON: I would like to go back to subclause (1).

The CHAIRMAN (The Hon. W. R. Hall): The honourable member will not be able to move an amendment to subclause (1).

The Hon. R. F. HUTCHISON: What is the position if some honourable member gets up after you, Sir, have called the clause and says he wants to move an amendment in line 24 and I want to move an amendment in line 1?

The CHAIRMAN (The Hon. W. R. Hall): I take it the honourable member would have the opportunity of going through the Bill and preparing amendments if she so desired.

The Hon. R. F. HUTCHISON: I am protesting against this Bill and am debating the points now, to stop something worse from happening.

The Hon. A. F. Griffith: You adjourned the debate on the Bill for six days; you should have had time to look into it.

The Hon. R. F. HUTCHISON: I have looked into it; but I have learned through bitter experience that it is necessary to speak when the opportunity presents itself. I want to protest against this provision. I was not going to amend it. I am protesting about the period of one month. It should be possible to get on the roll at any time of the year.

*Clause put and passed.*

*Sitting suspended from 10.4 to 10.25 p.m.*

**Clauses 47 to 91 put and passed.**

**Clause 92—Candidates for election:**

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

Page 94, line 27—Add after the word "election" the words "or at any other election held by that Council on the same day."

This is to deal with a situation such as that which occurred at the conclusion of the Melville Road Board election last Saturday. One of the candidates in that election nominated for two wards and was successful in both. The road board has now to hold another election which is a waste of time and money. This is the first time that this has occurred, otherwise the provision would have been amended before this. I have known a man to nominate for election to two different road boards on the one day, but not for two wards in the one local authority.

**Amendment put and passed.**

**Clause, as amended, put and passed.**

**Clause 93—Form of nomination papers. Ninth Schedule:**

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

Page 95, line 34—Insert after paragraph (a) in lines 30 to 34 the following to appear as paragraph (b):—

(b) A nomination is accompanied by a cheque which is subsequently dishonoured; or

This amendment is self-explanatory. If a candidate pays his deposit with a cheque which is subsequently dishonoured he should have his cheque returned to him.

The Hon. L. A. LOGAN: I will admit there is a period between the nomination date and the date of the election. At any rate, the cheque would automatically be returned without the necessity for this amendment, because the cheque would not be honoured.

The Hon. R. C. MATTISKE: I disagree with the Minister. As the Bill is printed it is perfectly in order for the amount of a deposit to be paid by some form of legal tender, cheque or bank draft. It does not make any provision to meet a position whereby a cheque is ultimately dishonoured. I think the clause should be amended to make the point quite clear.

The Hon. A. R. JONES: I am merely rising to my feet to ask a question. Is it not correct, so far as the deposit lodged by a candidate for Parliament is concerned, that any cheque submitted must be a bank marked cheque? The same could apply in regard to local authority elections.

**Amendment put and negatived.**

**Clause put and passed.**

**Clauses 94 to 100 put and passed.**

**Clause 101—Ballot papers:**

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

Page 102, lines 13 and 14—Delete the words "Where there are more than two candidates for election to fill a vacancy the " and substitute the word "The."

The clause is either a typographical error or a printer's error, because it does not read correctly, and the amendment seeks to rectify the error. The words in the amendment belong to the second paragraph, and the words in the second paragraph of the clause should be moved up to the first paragraph.

**Amendment put and passed.**

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

Page 102, line 19—Delete the word, "The" and substitute the words, "where there are more than two candidates for election to fill a vacancy the."

This amendment is consequential on the one that has just been passed.

**Amendment put and passed.**

**Clause, as amended, put and passed.**

**Clauses 102 to 104 put and passed.**

**Clause 105—Declaration by returning officer and other electoral officers:**

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

Page 104, line 35—Add after the word "justice" the words "of the peace."

I did not need Mr. Jeffery to remind me this afternoon that the Interpretation Act defines "justice" as a justice of the peace, because I had made inquiries and ascertained that the term "justice" also included the term "magistrate." I was also informed that if it was the intention of the Committee that the declaration should be declared before a justice of the peace only and not before a justice of the peace or a magistrate, it would be well to include the words "of the peace" to put the intention of the clause beyond any doubt.

**Amendment put and passed.**

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

Page 105, line 3—Insert after the word "justice" the words "of the peace."

**Amendment put and passed.**

The Hon. R. C. MATTISKE: I would now like to ask the Minister a question in regard to subclause (3). I presume it is the intention to give the power contained in that subclause to an elector. The reason why I raise this point is that under

the Evidence Act these declarations can be made only before a justice of the peace, a commissioner for declarations or a commissioner for affidavits.

The Hon. L. A. LOGAN: The only explanation I can give is merely to quote the words of the subclause. Apparently the intention is that if one cannot find a justice of the peace, but can find an elector who is eligible to vote, the declaration can be made before that elector.

The Hon. R. C. MATTISKE: Would the Minister mind making a note of the point I have raised, because if there is any legal catch to it it could be rectified upon re-committal of the Bill?

The Hon. H. K. WATSON: It seems to me that there is nothing in the point raised by Mr. Mattiske. The person is not required to make the declaration according to the provisions of the Evidence Act or by statutory declaration. He is required only to make the declaration according to the schedule and therefore it can be witnessed by any person.

Clause, as amended, put and passed.

Clause 106—Powers of returning officer, deputy, presiding officers:

The Hon. R. C. MATTISKE: I take it that in other places where the word "justice" occurs, consequential amendments to include the words "of the peace" will be made.

The CHAIRMAN (The Hon. W. R. Hall): Yes, but the amendments will have to be put as we come to them.

The Hon. R. C. MATTISKE: Very well. I move an amendment—

Page 105, line 15—Insert after the word "justice" the words "of the peace."

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 107 to 116 put and passed.

Clause 117—Checking authorisation of votes cast in absence and acceptance or rejection:

The Hon. G. C. MacKINNON: It has been brought to my attention that clause 117 (b) indicates that absentee votes received after the close of the poll are to be disregarded. Absentee votes could be vital to a contest, and some provision as to the closing time should be included in the Bill. A provision could be added to make the position quite definite. Although the local authority in question desires such a provision, it is agreeable to the provision in the Bill being given a trial.

The Hon. L. A. LOGAN: This clause deals with ballot papers, in respect of absentee votes, received by the returning officer up to the close of the poll. The clause makes provision for what shall be

done with those ballot papers, but there is no provision to deal with absentee votes received after the close of the poll.

The Hon. G. C. MacKINNON: The comment from the local authority with which I am concerned is to this effect: This implies that absentee votes received after the close of the poll are not to be counted. If there is any doubt whatever, there could be added a provision to make the position quite definite. However, the matter could be left until the provision in the clause before us has been given a trial.

The Hon. L. A. LOGAN: There has been no further discussion by the officers of the department concerning the request referred to by the honourable member. The provision in the Bill could be left as it is until it has been given a trial.

Clause put and passed.

Clauses 118 to 145 put and passed.

Clause 146—Prohibition of canvassing near polling places:

The Hon. L. A. LOGAN: In consequence of a promise made by the Minister when the Bill was considered in another place, I move an amendment—

Page 139, line 27—Delete the words "fifty yards" and substitute the words "twenty feet."

Amendment put and passed.

The Hon. L. A. LOGAN: Again, as a result of a promise made by the Minister in another place, I move an amendment—

Page 139, line 30—Delete the word "Fifty" and substitute the word "Twenty."

Had I been the Minister in another place I would not have given that promise. The reason for the first amendment is that it complies with the provisions of the Electoral Act; and the amendment has been agreed to by the Government. The penalty of fifty pounds is provided in the Electoral Act, but members in another place requested that the penalty be reduced to twenty pounds.

The Hon. H. K. WATSON: Do I understand that if this amendment is defeated the provision in the clause will be completely uniform with the provision in the Electoral Act?

The Hon. L. A. Logan: Yes, in respect of those two matters.

The Hon. H. C. STRICKLAND: Road board and municipal council elections cannot be regarded as important as Legislative Assembly or Legislative Council elections. To fix the maximum penalty at £50 is rather high, although I am aware that the actual penalty for a breach of the provisions in this clause may be £1 or even a caution. When the Bill was before another place the Government agreed to reduce the proposed penalty to £20. I support the amendment.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 147 to 170 put and passed.

Clause 171—Ratepayers' meetings:

The Hon. R. C. MATTISKE: The marginal reference applies to ratepayers but I feel that this should read "Electors' meetings."

The CHAIRMAN (The Hon. W. R. Hall): If that is so it can be corrected by the clerks, I understand.

The Hon. R. C. Mattiske: I just wish to draw attention to the fact.

Clause put and passed.

Clause 172 put and passed.

Clause 173—Proceedings at council meetings:

The Hon. C. R. ABBEY: I am afraid I cannot agree to subclause (8). I believe that it should be amended in order that the president or mayor might have a deliberative as well as a casting vote.

The Hon. L. A. LOGAN: Mr. Abbey mentioned this matter during the second reading debate. He said that a member of a ward may be disfranchised from voting in a council. Mr. Abbey's proposed amendment would give the mayor or president two votes. For instance, where there are eight members present, including the mayor or president, and four of the members vote on one side and three on the other, and the mayor or president votes, the numbers would be equal. Under the honourable member's proposal, the mayor or president would also have a casting vote, thereby giving the ward he represents an extra vote.

There is no need to give the mayor or president any more than a casting vote because the circumstances are that if seven members, including the mayor or president, were present and three voted one way and three the other, the mayor or president could use his casting vote—which in effect is a deliberative vote—and so would not be disfranchised. The necessity for a deliberative vote will therefore not arise and there is no need for an alteration.

The CHAIRMAN (The Hon. W. R. Hall): To move the desired amendment Mr. Abbey will have to have words struck out before he makes any substitution.

The Hon. C. R. ABBEY: Would it be possible for the Minister to postpone this clause in order that I may study it further?

The Hon. L. A. LOGAN: Yes; I am quite willing to do so. I therefore move—

That further consideration of the clause be postponed.

Motion put and passed; the clause postponed.

Clauses 174 to 197 put and passed.

Clause 198—Brickmaking:

The Hon. R. C. MATTISKE: I hope the Committee will not agree to this clause. There is no need for me to remind members that the purpose of all legislation is to provide for things that may arise in the future. Persons previously carrying on a vocation should not be debarred from continuing it. There is no need, either, for me to remind members of the huge amount of capital invested in brickworks in this State. If because of a whim of a particular local government an existing brickworks were put out of business, I think a grave injustice would be done, this not being the intention when the legislation was before the House.

The Hon. H. C. Strickland: How many have been put out of business?

The Hon. R. C. MATTISKE: None; but under this clause as it stands it would be possible for a brickworks to be put out of business. I therefore hope the Committee will not agree to the clause.

The Hon. L. A. LOGAN: As I mentioned when replying to the second reading debate, this provision has been in the legislation since 1953, and this measure has been before both Houses a number of times.

The Hon. H. C. Strickland: Before 1953?

The Hon. L. A. LOGAN: It has been in the Municipal Corporations Act since 1946; but it was not in the Road Districts Act at that time. However, it was included in the 1953 Bill. This Chamber did pass an amendment as a proviso as follows:—

Provided that nothing in this section shall empower a council to prohibit the continuance of brickmaking which is being carried on at the commencement of this Act unless the person carrying on such brickmaking is paid reasonable compensation in such amount as the council and such person agree upon or failing agreement in such amount as is awarded by a single assessor in case the parties agree upon one otherwise by two assessors, one to be appointed by each party.

I am quite willing for that proviso to be reinstated in this Bill. The reason the Committee decided that it was not warranted was because of the safeguard which I gave earlier, this being that before a Bill can become effective it has to be accepted by the local authorities, vetted by the Local Government Department and by the Minister, approved by Executive Council, and ratified by Parliament. However, if the Committee is of the opinion that the proviso should be included in the clause I am quite willing for it to be reinstated.

The Hon. R. C. MATTISKE: That proviso will achieve my purpose, but by a different means, and I thank the Minister for his co-operation. If that proviso is included, I will gladly vote for the clause.

The Hon. H. C. STRICKLAND: I would like to ask the Minister to explain whether regulations could be made which would conflict with zoning or planning in the municipalities. It seems ridiculous that we should give local authorities power to make building or zoning by-laws, or in fact all types of by-laws, but we intend to restrict them in some form in regard to by-laws connected with clay pits. I know that the mining of clay in the Bellevue and Swan areas has caused a lot of trouble. One local authority found that even with its powers under the existing Act it could not adequately control one of the brick-makers in that area.

In the face of that I do not think this clause should be tampered with. In the case I have in mind the Minister made a final decision, and I think it was in keeping with the requirements of both the local authority and the brickmaker. However, it still did not force the brickmaker to stand up to his undertakings which he had given verbally to two Ministers. He broke them on each occasion. When these people can simply flout the law, so to speak, we should not make it any easier for them, particularly when we consider the danger of clay pits.

I understood Mr. Mattiske in his second reading speech to suggest that the royalties from clay mining activities might be utilised for the purpose of filling in the clay pits. I do not know whether there are any royalties connected with the mining of clay. I think when a person buys a block of land he owns it and can do what he likes with it to a depth of so many feet. I would like to be assured that the local authorities will have sufficient power properly to regulate and control all industries, whether they are brickmaking or any other kind. They have the power to say to a person, "You cannot build a shop on that block, or operate that type of business because it is a residential area". Are we going to deprive the local authorities of the power to say the same sort of thing to a person who makes bricks? I would prefer to see the position remain as it is.

The Hon. R. C. MATTISKE: I think Mr. Strickland is overlooking the fact that clause 235 deals specifically with excavations as distinct from the running of brickworks. The points he made relate to clause 235.

The Hon. L. A. LOGAN: The amendment will not reduce the power of local authorities to make by-laws. All it will do will be to add a proviso that where a local authority makes a by-law prohibiting a

manufacturer of bricks from continuing his business he will have the right to claim compensation. The proviso was accepted in 1957 and not even debated in 1958. For that reason I am prepared to accept the amendment now.

The Hon. H. C. Strickland: Is the proviso part of the law now?

The Hon. L. A. LOGAN: No, but it was accepted by this Chamber.

The Hon. E. M. DAVIES: I am sorry that the Minister has agreed to accept some amendment because I think we must be most careful in dealing with trades such as brickmaking. I cannot see anything wrong with the clause as it stands. There are a number of industries which are regarded as offensive trades and which operate on a yearly license. While those industries are carried on in a proper manner and cause no nuisance, the licenses are renewed each year. That is an incentive for the proprietors to carry on their industries properly. I think it would be wrong to try to water the clause down, because many of us know that a great deal of disservice was rendered in some districts years ago. One has only to look around the Fremantle area to see how the countryside has been scarred with quarries.

The Hon. R. C. Mattiske: That has nothing to do with this clause.

The Hon. E. M. DAVIES: We know that, but it means the same thing. This is the control of those industries. I am surprised that Mr. Mattiske is continually raising this question. As a matter of fact he was most vocal the last time the Local Government Bill was before the Chamber. I still maintain my objection to the proviso.

The CHAIRMAN (The Hon. W. R. Hall): I would point out to honourable members that at present there is no amendment before the Chair. They must either vote for or against the clause.

The Hon. L. A. LOGAN: I would like to move that the clause be postponed because members have not had a chance of appreciating what is in the amendment I am prepared to accept. It will not water down the by-law-making power which the local authorities have. That will still be there. All it will do will be to add a proviso which states that where a brickmaker is forced to go out of business he has the right to get compensation.

The Hon. A. F. GRIFFITH: Before the clause is postponed I would like to have a word or two to say in my capacity as Minister for Housing. Clay is very important to the building industry, and there is not a lot of clay in Western Australia. At the Housing Commission we have a committee called the Housing and Advisory Panel. On that panel there are representatives of industry, including the brick

manufacturers, and of the unions. One matter which constantly crops up at meetings of the panel is the question of clay, and all other matters pertaining to the manufacture of clay bricks. We all know there is a big delay in the provision of clay bricks at present. There is a serious shortage in Western Australia of clay suitable for brickmaking.

The Hon. H. C. Strickland: You mean throughout the State or in the metropolitan area?

The Hon. A. F. GRIFFITH: Throughout the State, and particularly in the metropolitan area. Under the Mining Act, clay is a mineral, but the local authorities can, under their legislation, override the Mining Act in this regard. I appreciate the difficulty that local authorities can encounter in connection with clay, but clay is just as necessary in the scheme of things as goldmines. If somebody discovered a goldmine in a local authority area there would not be any complaints about how deep the hole was going to be; but because clay is involved there seems to be an opinion that it should be treated differently.

The Hon. E. M. Davies: This has been in the Act for a long time.

The Hon. A. F. GRIFFITH: Yes; and for a long time there has been a certain amount of difficulty. I do not think it is right that we should have a provision which will entitle a local authority to wipe out an industry. A local authority can say, "From this point on you are not going to manufacture any more bricks." We cannot expect people to spend large sums of money buying plant and equipment for a business when there is a likelihood that it will be closed up, either peremptorily or otherwise.

I ask members to appreciate the importance of clay. We have only to look at what is happening at the State brickworks at Armadale. Look how far the works has to cart clay because there is not the amount of clay which was thought to be there when the works was first established. As Minister for Housing it is not good for me to find, when I want to build a block of flats for people in South Perth, that there is a six months' delay in clay bricks. It is not good for housing and building generally.

I appeal to members to permit the proviso the Minister for Local Government will move, to go back into the clause. It simply provides that the people who are there now, and who have been there for some time will be permitted to continue their operations. That is reasonable as long as an approach on both sides is amicable; and as long as both the local authority and the brick manufacturers can get along side by side. Once we give power to one body and nothing to the other we could have an unsatisfactory

state of affairs. I appreciate the difficulties confronting local authorities, but we cannot stop progress, and we cannot do without clay for the manufacture of bricks.

The Hon. E. M. DAVIES: From the statement made by the Minister for Mines, one would be led to believe that because there is a shortage of bricks the local authorities are to be blamed.

The Hon. A. F. Griffith: You can place what interpretation on it you like, but that is not what I meant.

The Hon. E. M. DAVIES: I fail to see what other interpretation I can place on it. The Minister said he wanted to build some flats and there was a six months delay in the manufacture of clay bricks. The inference to be drawn is that some local authorities have prevented the manufacture of these bricks and thus caused a shortage.

#### *Point of Order*

The Hon. A. F. GRIFFITH: On a point of Order, Mr. Chairman, I think it is quite unfair for Mr. Davies to draw the inference he has. I ask the honourable member not to read into my speech what was not intended. I did not say that local authorities had prevented the manufacture of clay bricks. It is unfair for the honourable member to indicate to the Committee that I said some local authorities had been stopping the manufacture of bricks.

#### *Committee Resumed*

The Hon. E. M. DAVIES: My remarks were not meant to be personal to the Minister. We know that brickmaking has taken place for a number of years and that some local authorities have permitted the manufacture of bricks. I know of no local authority that has stopped it. Now it is proposed to insert a provision which will override the jurisdiction of local authorities in their own territory. I cannot see where the local authorities have failed in their duty. If I wish to build a house I must comply with certain regulations. I must have certain air space, and the block of land must be of a certain area. If I wish to start a certain type of business I must start it in a particular area suitable to that business. There must be power for local authorities to control industry. The industry in question could be regarded as an offensive industry, and a permit could be issued for 12 months. If the business was conducted properly a further permit could be issued. I fail to see the reason for the proviso.

Progress reported, and leave granted to sit again.

### **FIREARMS AND GUNS ACT AMENDMENT BILL**

#### *Assembly's Message*

Message from the Assembly received and read notifying that it had agreed to the amendment made by the Council.



## COUNTRY HIGH SCHOOL HOSTELS AUTHORITY BILL

### Assembly's Message

Message from the Assembly received and read notifying that it had disagreed to the amendments made by the Council.

### BILLS (4)—FIRST READING

1. Esperance Lands Agreement Bill.
2. Prevention of Pollution of Waters by Oil Bill.  
Bills received from the Assembly; and, on motions by the Hon. A. F. Griffith (Minister for Mines), read a first time.
3. Plant Diseases Act Amendment Bill.  
Bill received from the Assembly; and, on motion by the Hon. L. A. Logan (Minister for Local Government), read a first time.
4. Coal Mine Workers (Pensions) Act Amendment Bill.  
Bill received from the Assembly; and, on motion by the Hon. A. F. Griffith (Minister for Mines), read a first time.

### BILLS (2)—RETURNED

1. Local Authorities, British Empire and Commonwealth Games Contributions Authorisation Bill.
2. Interstate Maintenance Recovery Act Amendment Bill.  
Bills returned from the Assembly without amendment.

House adjourned at 11.46 p.m.

## Legislative Assembly

Tuesday, the 11th October, 1960

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