to determine the procedure. This House of Parliament should establish its own rules for orderly conduct. I hope we will reach that situation before very long instead of continuing in the way we have in the last year or so.

Debate adjourned, on motion by Mr. Gayfer.

House adjourned at 11.34 p.m.

Legislative Council

Thursday, the 6th November, 1969

The PRESIDENT (The Hon. L. C. Diver) took the Chair at 2.30 p.m., and read prayers.

QUESTIONS (9): ON NOTICE

1. WHEAT

Quotas

The Hon. R. H. C. STUBBS asked the Minister for Mines:

Of the complete number of wheat quota certificates issued by the wheat quota committee in Western Australia—

(a) what was the smallest and the largest quotas; and

(b) will the Minister supply the number, to the nearest hundred bushels, of farmers receiving a wheat quota in each of the quotas?

The Hon. A. F. GRIFFITH replied:

(a) Largest—250,331 bushels.
Smallest—25 bushels.

(b) It is not clear what is meant by the honourable member's question.

2. RAILWAYS

Speed Restrictions: Coolgardie to Esperance

The Hon. R. H. C. STUBBS asked the Minister for Mines:

(1) Are speed restrictions still in force on the railway line between Coolgardie and Esperance?

(2) If so—

(a) at what places;

(b) for what distances do they apply; and

(c) to what speeds are the trains restricted?

(3) (a) How many line repair gangs are there between Coolgardie and Esperance, excluding construction gangs;

(b) where are they situated, and what is the number of miles in their area;

(c) what is the required numerical strength of each gang;

(d) in what proportion of full strength are they; and

(e) what is the manpower turnover in the gangs?

The Hon. A. F. GRIFFITH replied:

(1) Yes.

(2) (a) 404 miles 60 chains to 415 miles 00 chains restricted to 15 m.p.h.
417 miles 00 chains to 421 miles 00 chains restricted to 20 m.p.h.
464 miles 00 chains to 470 miles 00 chains restricted to 20 m.p.h.
566 miles 40 chains to 577 miles 40 chains restricted to 20 m.p.h.
582 miles 40 chains to 583 miles 00 chains restricted to 15 m.p.h.

(b) and (c) Answered by (a).

(3) (a) 6.

(b) Coolgardie 29 miles.
Widgiemooltha 37 miles.
Pioneer 30 miles.*
Norseman 43 miles.
Salmon Gums 58 miles.
Esperance 36 miles.

(c) Coolgardie 13.
Widgiemooltha 10.
Pioneer 9.*
Norseman 14.
Salmon Gums 15.
Esperance 12.

(d) Coolgardie 6.
Widgiemooltha 7.
Pioneer Nil.*
Norseman 15.
Salmon Gums 9.
Esperance 10.

(e) From the 1st January, 1969, to date the turnover has been as under—
Coolgardie 10 on 14 off.
Widgiemooltha 28 on 27 off.
Pioneer 11 on 19 off.
Norseman 22 on 17 off.
Salmon Gums 22 on 22 off.
Esperance 12 on 14 off.

* Pioneer length taken over temporarily by Widgiemooltha and Norseman gangs pending formal disbandment of Pioneer which will not be reformed.

3. *This question was postponed.*

4. LEGAL DOCUMENTS

Use of Ball Point Pens

The Hon. R. F. CLAUGHTON asked the Minister for Justice:

Further to my question of the 20th August, 1968, on the use of ball point pens on legal documents, would the Minister advise the House—

(a) if the new tests have been completed; and

(b) what recommendations regarding the use of ball point pens have been adopted?

The Hon. A. F. GRIFFITH replied:

Regulations under the Transfer of Land Act as amended on the 30th July, 1969, permit the use of ball point pens. These were tabled in the Legislative Council on the 19th August last.

5. RAILWAYS

Use of New Perth Terminal Station

The Hon. J. M. THOMSON asked the Minister for Mines:

(1) Is it the intention of the Western Australian Government Railways to terminate all country passenger train services at the new Perth terminal station?

(2) If so, what means of transport are proposed to convey the passengers from the terminal to the Perth city station?

(3) What are the reasons considered by the W.A.G.R. justifying the alteration of the point of disembarkation?

(4) After the passengers have disembarked, is it intended that the empty trains will then proceed to present facilities west of the William Street Bridge for cleaning purposes in readiness for their return journey?

(5) If the answer to (3) is for better and more convenient railway working, would not the Minister consider the convenience of the travelling public the more important factor for the encouragement of harmonious public relations?

(6) In view of the importance of maintaining that relationship, will he take the necessary steps to see that all country services will continue to proceed to their present city terminal?

The Hon. A. F. GRIFFITH replied:

(1) Yes, but a date for the alteration cannot be predicted at this stage.

(2) Passengers will be booked to the Perth terminal. If they desire rail transport to the city station it will be available from the adjacent suburban platform.

(3) The necessity to reduce rail facilities in consequence of proposed redevelopment of the city area, including the lowering of the railway.

(4) No. The trains involved will be cleaned and serviced at Forrestfield.

(5) Answered by (3).

(6) Country passenger services will continue to arrive at and depart from the city station for as long as is practicable.

6. FISHERIES

Unloading Facilities in Teggs Channel, Carnarvon

The Hon. G. W. BERRY asked the Minister for Fisheries and Fauna:

(1) Is it the intention of the Government to provide unloading facilities for prawns, scallops and fish, in Teggs Channel, Carnarvon?

(2) If so, when is work likely to commence, and when is it anticipated it will be completed?

The Hon. G. C. MacKINNON replied:

(1) No firm intention at the present time. However, the question of unloading facilities at Teggs Channel is under consideration by the Department of Public Works and the Department of Fisheries and Fauna.

(2) Answered by (1).

7. IRRIGATION

Trickle or Drip Experiments

The Hon. F. D. WILLMOTT asked the Minister for Mines:

(1) What progress has been made by the Department of Agriculture in the matter of trickle irrigation experiments at Bridgetown?

(2) On which property at Bridgetown is it proposed to carry out experimental work?

(3) Is it a fact that one owner at Bridgetown on whose property it was proposed to carry out experimental work, has been informed that he would be expected to pay for the experimental irrigation equipment?

(4) If the answer to (3) is "Yes", what was the reaction of the owner concerned, and is experimental work still to be carried out on this property?

(5) Does the Department of Agriculture believe that any owner on whose property experimental irrigation work is to be done, should be expected to pay for the equipment?

The Hon. A. F. GRIFFITH replied:

(1) It is expected that this experiment will commence this summer.

(2) Mr. G. Walters property—Bridgetown.

(3) and (4) It is normal to discuss proposals for experimental work with a number of interested property owners. Such discussions would cover the relative contribution of the farmer and the department to supply equipment, labour, etc.

(5) This would depend on the circumstances, particularly the future value of the equipment to the grower.

8. *This question was postponed.*

9. EDUCATION

Living-Away-From-Home Allowance

The Hon. G. W. BERRY asked the Minister for Mines:

(1) How much is the living-away-from-home allowance for school children?

(2) What are the necessary requirements to qualify for the allowance?

The Hon. A. F. GRIFFITH replied:

	Up to Third Year	Fourth and Fifth Years
(1) Zone A	$	$
(North of 26° parallel)	160	200
Zone B		
(As defined in Regulation 14)	120	160
Zone C		
(As defined in Regulation 14)	100	140
Zone D		
(S.W. Land Division)	80	120

Special classes and handicapped children—$140.

(2) The parents must be domiciled in Western Australia. The residence of the parent must be situated more than 5 miles from an appropriate school and more than 4 miles from the nearest mechanical transport to such a school.

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 5)

Second Reading

Debate resumed from the 5th November.

THE HON. R. H. C. STUBBS (South-East) [2.43 p.m.]: The Bill before us is to amend the Local Government Act, and it contains 17 clauses. It will, I think, be a Committee Bill for those members who desire to debate the particular clauses in which they are interested.

Clause 3 amends section 3 of the Act by adding a new division which will deal with appeals to the Minister. Clause 4 of the Bill proposes to add a new subsection to section 12. This new subsection will allow the Governor to take action to prescribe wards within shires or municipal districts without a petition. I would have preferred this part of the Bill to be considered by the shire councils in the South-East Province.

Nine shire councils and one town council are situated in the area represented by Mr. Garrigan and myself. We visit our shires fairly regularly and, on occasions, we have been asked about legislation which the shires have not had time to consider. I would have liked the opportunity to send this Bill to those shires for consideration; but time has not permitted that to be done.

I am not yet sure of my reaction to the provisions in clause 4 of the Bill, but I feel that most of the amendments are necessary. The clause amends section 12 of the principal Act, as I previously stated, and will give the Governor power to create wards where they do not exist at present. In effect, it means that the Minister will be creating the wards.

Section 12 (1) (g) and section 12 (2) (b) (g) (h) of the Act now deal with the creation of wards, or the division of districts into wards, and provides that a ward will be created on the presentation of a petition by one-third of the ratepayers on the roll. The local authorities have power to request ward changes and now the Minister will be given power to make those changes.

Clause 5 of the Bill amends section 111 of the Act. Section 111 to subsection (9) of section 117 of the principal Act deals with voting procedures, absentee voting, returning officers, posting absentee votes, the authorisation of witnesses, the handing of sealed envelopes containing absentee voting papers to authorised witnesses for placement in the outer envelopes, and the provision of a separate ballot paper for each vote. There has been a great deal of protest and complaint after certain local government elections and I think this proposed amendment will clean up the situation.

I really do think there should be compulsory voting in local government elections. The people would take more interest

in the elections and we would certainly get more interested councillors. At present we have a situation which is similar to that operating in Ireland where there has been so much trouble because of the restricted franchise. This, of course, is a hangover from the old colonial days.

Clause 10 of the Bill will amend section 135 of the principal Act, and provides for remuneration rates similar to those set out in the Electoral Act for officers and returning officers who attend the counting of ballot papers. A disparity will exist between the returning officer and his deputy, and I think the position will be in favour of the deputy.

Clauses 11 and 12 will amend sections 179 and 182, and will simply rectify the situation which has occurred as a result of previous amendments. They provided that more than half the council may sit on a committee. The proposed amendments will provide that a committee shall be less than half the strength of the council.

The most important amendment to the Act is contained in clause 13 of the Bill, and will amend section 245a. It deals with a matter about which I am a little biased. The amendment deals with swimnimg pools, and reads as follows:—

> "swimming pool" means a place or premises provided for the purpose of swimming, wading or like activities which the public are not entitled to use.
>
> (2) A council may so make by-laws—
>
> (a) for requiring the owner or occupier of land on which there is a swimming pool to instal or provide such structures as the council considers necessary for the protection of the safety of persons who may, with or without the knowledge or consent of the owner or occupier, enter upon that land;

A penalty is then provided. This proposal will give councils complete power over private swimming pools, and will allow the councils to make by-laws. Also, the Government will be able to make uniform general by-laws and when adopted by the shire councils those by-laws will serve to protect children who may enter property on which there is a swimming pool.

I have studied the Bill and I find it does everything which is desirable with regard to private swimming pools. I thank the Minister for including the proposal in this Bill. When he spoke to the Local Government Act Amendment Bill (No. 3), which I introduced, he said he would do so. At no stage did I doubt that the Minister would take some action, and I certainly thank him again. The by-laws will be vital and when gazetted they will be the start of a long line of safety measures to save the lives of children. I feel certain that many lives will be saved but even if only one life is saved then the present provisions will be well worth while.

I do not intend to reiterate what I said in this House previously. I have asked many questions about swimming pools and I said my piece when I introduced my Bill. Members are familiar with my case.

Clause 16 of the Bill will amend section 665A of the principal Act, and deals with vehicles which carry loads. Many of us who travel on country roads have seen semi-trailers carrying loads which are not sufficiently secured. This causes a lean to one side and many semi-trailers have turned over on Great Eastern Highway as a result of their loads shifting. There has even been a fatal accident in the metropolitan area. I think this is a good piece of legislation and, once again, I have much pleasure in supporting it.

THE HON. R. F. CLAUGHTON (North Metropolitan) [2.51 p.m.]: I have pleasure in supporting the remarks made by Mr. Stubbs; and, in so doing, I wish to examine some of the details he covered. A number of the amendments which are to be made to the principal Act will have a considerable effect, and others will have only a small effect.

Clause 4 is designed to overcome the situation which arose in the Kalgoorlie-Boulder area and could very well apply in other cases where amalgamations take place. Under the existing provisions of the Act the power to alter boundaries applies only where a petition is made by one-third of the ratepayers of the area, or where a petition originates from the local authority itself. When two councils wish to amalgamate and a dispute arises a stalemate could easily occur, and in that case I think a third party could reach a satisfactory conclusion.

This clause is to amend section 12 in part III of the original Act which concerns the alteration of the constitution of municipalities. Subsection (1) of that section deals with the powers the Governor may exercise on the presentation of a petition. Subsection (2) gives the Governor power to declare a municipality to be a city after the presentation to him of a petition.

Subsection (3) of section 12 of the Act gives the Governor power to make a declaration or order following a petition to sever from a district a portion of the district and annex the portion to another district which the portion adjoins. Looking at it on a logical basis, it would seem to me that the provisions of proposed new subsection (3a) should actually be inserted into subsection (4), which gives the Governor power to make an order without a petition.

Subsection (4)(b) deals with the allocation of an area which has been deleted from some other district, and gives the Governor power to add the area to an existing ward, to make it a new ward, or to divide it up amongst a number of wards. It seems logical to me that the proposed amendment in clause 4 of the Bill should be inserted in this subsection which deals with wards and the power of the Governor to make an order without a petition. This could be done by altering the present subsection (4)(b) to (4)(b)(i), and then the others could run on (ii), (iii), and (iv).

Clause 4 of the Bill also has a paragraph (b) which deals with the referring of a question to the boundaries commission. The order of occurrence is that a petition is presented and then referred to the boundaries commission by the Minister. The Minister may then make a decision after the boundaries commission reports to him. This paragraph does not appear to give the Minister any power to vary the circumstances. I think he does have this power under a previous section of the Act which refers to the boundaries commission.

Subsection (6) (i) of section 12 of the principal Act states—

> The Minister may refer to the Commission for its consideration any question concerning the constitution or alteration of the constitution of municipalities and in every case where a municipality seeks to be united with another or seeks the severance of portion of another district and the annexation of the portion to its district . . .

The commission may consider a question which has been referred to it and make a report to the Minister. Under section 12 (6) (k) of the Act the Minister may then consider this report and make a recommendation to the Governor. Here the Minister has the discretionary power which he does not appear to have under the proposed new provision. I do not know whether this is by design or by accident.

Clause 5 of the Bill amends section 111 of the Act. First of all it deletes the reference to "Form 1" and inserts the words "the prescribed form." For those who might not know, form 1 has to do with an application for an absent vote certificate. The Bill also deletes the twelfth schedule to the Act which has to do with absent vote certificates. It is intended that these should be prescribed by regulation, and I do not think there is anything to dispute in that.

Clause 5 (b) of the Bill provides that postal or absent votes cannot be made more than 35 days prior to an election. This is a limitation which the Act did not previously contain. Under the Act at present an absent vote cannot be handed in before midday on the day of the poll. If the vote is mailed through the post it must not be received less than two days before the poll.

An application cannot now be made earlier than 35 days before the election. Clause 5 (c) refers to forms Nos. 2 and 3 respectively in the 12th schedule of which I have already made mention. Clause 6 of the Bill seeks to amend section 112 of the Act. This section refers to absentee votes. There have been a number of instances in the past where the existing procedure has been abused and any effort that can be made to tighten up absentee voting in council elections is to be applauded. These are only small matters and I think the escape for abuse still remains within the existing legislation.

Paragraph (a) of clause 6 makes clear the intent to deliver. The new wording appearing in paragraph (a) states that the vote shall be posted to the applicant or delivered to him at the place of issue, and the wording in the Act is thus amended. The meaning of "to deliver" in itself was not altogether clear. It is far better that these votes should be sent to the applicants by post or if they apply at the shire office they can be handed over. This is preferable to having a third person make application and being handed the votes. It is a good thing to have this loophole closed.

Paragraph (b) of clause 6 deals with the words "forms in the Twelfth Schedule" for which it is proposed to substitute the words "prescribed form", while paragraph (c) refers to the fact that when an application is made and it is rejected by the returning officer he is then required to give notice to the applicant of the reasons for its rejection.

Some discussion took place on this point in another place and the question was raised as to whether it was sufficient to give notice in writing. No mention is actually made as to whom the notice in writing is to be given or when it is to be given. It is possible that this provision could be made a little clearer even if we add, for example, the words "he shall forthwith issue to the applicant a notice in writing to this effect."

While on this clause I would like to make some reference to irregularities that have occurred. I have had an allegation made to me that on one occasion a candidate signed an application form for an absentee vote. This would indicate that these votes are received at the council office. I feel that a close check should be made of this aspect. Under the existing section 111(2)(a)and(c) reference is made to the right to apply for an absent vote if the person is out of the district—as in paragraph (b) of clause 6—or out of his ward, as referred to in paragraph (c) of that section.

I feel that this provision is far too loose. If a person is out of his ward at any time on that day, he is able to apply for an absent vote even if he is out of the ward for only a few minutes. This is not made clear and I feel the Act is not tight enough in this regard. I would suggest that some change be made to this section in order to tighten up the provisions in relation to absentee voting. Clause 7 contains a small correction to make clear that it is the signature that is being witnessed and not the vote itself.

Section 114 of the principal Act is sought to be amended by clause 8 which seeks to delete the reference to authorised witness and substitutes instead a reference to an elector. Previously the voting slip was folded by the voter and then handed to the authorised witness who placed it in the envelope and sealed it. This is not the answer and perhaps there is some chance of abuse when this is done. Under the amendment contained in the Bill the elector himself places the voting slip in the envelope. Provision is also made for a person with a sight disability to have an authorised witness to do the job for him. This was previously the case.

Clause 9, which seeks to amend section 117 of the Act, deals with the checking of absentee voting papers. I would like to read section 117 (e) which refers to the withdrawal of the ballot papers from the envelopes by the returning officer for purposes of scrutiny and provides that on opening the envelope, or allowing any other person to do so, the returning officer must place in the ballot box for further scrutiny the vote itself. This part is to be deleted.

It reads as follows:—

> ... if only one voting paper is used by a person who is entitled to cast more than one vote, the returning officer shall mark on the inner envelope the number of votes which the elector using the voting paper was entitled to cast;

The intention of the amendment is quite different from the provision I have just quoted. It is to be found on page 5 in clause 9, and reads as follows:—

> he shall mark on each inner envelope the number of votes which the elector using the voting paper or papers is entitled to cast, and if on the subsequent scrutiny any inner envelope contains a number of voting papers in excess of the number marked on the inner envelope, all the ballot papers contained in that inner envelope shall be disallowed, be replaced in the inner envelope and set aside;

That is quite different. I am not sure whether this simply means that the returning officer would understand what to do and that is why the provision has been deleted. However, it was thought necessary to include it previously in order that he might know what to do. It has now been deleted and the amendment contains quite a different instruction to him.

The other paragraphs of clause 9 contain instructions about what must be done if more than the prescribed number of votes have been included. They instruct the returning officer to parcel the papers up and set them aside with other disallowed voting papers.

Clause 10 is designed to amend section 135(2). An attempt is being made to give justice to the polling clerks who labour very long hours. They are usually at the polling centre before 8 a.m. and remain until at least 8 p.m.; and many of them are involved with the counting after the poll is concluded. In my own shire election, they continued to count until about 2 or 3 o'clock in the morning.

At present the amount paid is $1.20 an hour, but this is being amended so that the clerks will be paid the amounts prescribed under the Electoral Act. The other amounts paid for services during the day also seem to be rather meagre considering the number of hours put in. It is true that subsection (2) stipulates that they shall be paid not less than these amounts. For instance, the deputy returning officer must receive $14.70, and the presiding officer $1.20 per hour. These are not great amounts and it is very likely that the fees inserted now are those which are adopted by the shires. I would like the whole section deleted and the amounts prescribed by regulation in order that these people might be paid at least the amounts paid by the State Electoral Office. Even these do not represent a great remuneration for the time spent on the job.

Clause 11 amends section 179. This section has already been amended this session, by the Local Government Act Amendment Bill (No. 4); and now, just a short time later, it has been found necessary to amend it again. It is rather too complicated to try to explain it to members. Subsection (2) of section 182 is to be deleted under this Bill and a new one substituted.

The president is *ex officio* a member of the committees of the council and he may or may not elect to be chairman as well. The idea is that the committee shall not comprise more than half the membership of the council itself, so that when a matter is submitted in council the result will not be a foregone conclusion because a majority from a committee is in favour of it; the matter must be discussed.

I have found that this section and the amendments to it are a bit confusing. The provisions seem to be repeated in subsection (3) of section 182. This states that the mayor or president may preside as chairman of the committees. He has to intimate his intention to do so. Subsection (4) states that the mayor or president may indicate his intention by declaring it at

the first meeting of the council. Similar provisions are found in the amendments to subsection (2) and, as I have said, I have found the whole situation rather confusing; and I am sure this would be the case with anyone who tried to follow it.

Clause 13 deals with swimming pools and, as Mr. Stubbs is much more knowledgeable on that subject, I will not refer to it.

Clause 14 amends part XV of the Act and deals with appeals to the Minister and the protection of works in progress. As far as I can see this clause is quite acceptable. However, if these appeals are so numerous that the Minister must appoint committees to deal with them, it seems to me that there must be something wrong with the building by-laws. Perhaps it is time a more sensible study was made of them.

So far as clause 15 is concerned, again, the words "form of the Eighteenth Schedule" will be deleted and the words "prescribed form" will be inserted. The intention is to have this laid down by regulation.

Clause 16 proposes an amendment to section 665A of the Act, which contains laws designed to prevent unnecessary litter. I do not think there is anything wrong with the laws; in fact, the laws are good. A penalty of $200 is imposed on anyone who—

(a) breaks, or causes to be broken, any glass, metal or earthenware; or

(b) discards, deposits or leaves, or causes to be discarded, deposited or left, other than in a receptacle provided for the purpose, any refuse or litter.

These provisions are good. The only fault is that they are not enforced. It has been suggested that on-the-spot fines should be instituted to try to deal with the problem.

The amendment will make it necessary for drivers to take adequate care to cover or fasten loads. If loads are not covered or fastened properly there is a danger of something falling from the load and causing damage to other vehicles and, also, to other road users. Mr. Stubbs mentioned one example and I believe a problem arose at Kwinana with trucks carrying clay to the sludge pits of Alcoa. Some of the clay was dropped on the road and probably caused a hazard on a slippery surface.

Also, it is not unusual to see various forms of litter on the way to rubbish tips. Litter in the form of shrubs and cuttings often falls from householders' trailers. Parliament can put as many provisions of this nature as it likes into the Act, but unless they are enforced we may just as well not bother. I hope the inclusion of this provision is an indication that the local authorities intend to clamp down on people who do drop litter from vehicles. In this way, not only will our roads be safer, but there will be much less litter on them. I support the Bill.

THE HON. I. G. MEDCALF (Metropolitan) [3.23 p.m.]: I support the Bill, but I would like to mention two aspects of it, and two only. The first deals with swimming pools.

The Minister has already commended Mr. Stubbs who, as a private member, introduced an amendment to the Local Government Act on this subject and I think Mr. Stubbs has shown a very commendable sense of public interest in directing the attention of Parliament to this matter.

The Minister expressed his appreciation on an earlier occasion and, now, I would like to add my small commendation to Mr. Stubbs for having brought this important matter forward. It is true one cannot protect people completely from accidents of fate and from their follies but, particularly when we are concerned with small children, we must, I consider, have a keen sense of our duty in respect of legislation. If there is any measure by which we can, perhaps, protect them a little more than by leaving them to their fate, I think it behoves us as legislators to do something about it.

Therefore, I am very pleased the Minister has introduced the amendments which are contained in clause 13 of the Bill. They provide a means whereby a uniform by-law may be promulgated by the Governor in order to provide some measure of protection for small children in or near swimming pools.

I think it must be obvious to all members that there is a tremendous danger, particularly with the swimming pool which is at the front of a house or premises. These days frequently there are no front fences and many houses have extensive swimming pools right across the area where the front garden used to be in the old days. These are a great danger to small children walking past. I do not need to labour the point further, because I am certain all members appreciate this problem, but once again I commend Mr. Stubbs for introducing his Bill and I commend the Minister for having accepted the situation and for being sympathetic to public opinion. I know the Minister was sympathetic to public opinion before Mr. Stubbs introduced his Bill, because I remember reading in the newspaper a statement whereby the Minister exhorted builders and architects to try to find ways of devising some sensible form of protection for small children near swimming pools.

If I might add a few more words on the subject, I do hope the by-law which is proposed will follow the research that has been done on this subject in the United

States of America; this was referred to by Mr. Stubbs. Having done a little reading on the matter, I think there is a reasonably sensible form of by-law which could be adopted; namely, a by-law requiring that swimming pools should be protected by a structure at least four feet in height without toe holds or hand holds, and with a self-closing or self-locking door. I do not think it is necessary to have a brick wall around every swimming pool, but I think it is quite possible to devise a system whereby there is a structure which is relatively safe for children who are at the most dangerous age. It has been established that the most dangerous age for accidents in swimming pools is between two and four years. Tiny toddlers are most likely to be tempted by the pretty colour of the pool and to fall into it and drown because they have not learnt to swim.

I hope that a sensible uniform by-law will come forth and this will prevent local authorities from adopting all sorts of different by-laws which will only add to the expense of home builders without achieving any very desirable or satisfactory objective.

The Hon. A. F. Griffith: A cyclone fence is not going to be any good.

The Hon. I. G. MEDCALF: A cyclone fence would be no good at all, because it would have toe holds for toddlers.

The Hon. A. F. Griffith: And hand holds.

The Hon. I. G. MEDCALF: It has been established that a wooden fence must have vertical slats so that children cannot get a hand hold or toe hold on the fence. Further, the space between the slats must be sufficiently narrow to prevent children from squeezing through. Clearly, the by-law will have to be carefully designed. I know one of the reasons the Minister hesitated on this matter was that he felt it may be very difficult in practice to frame a satisfactory by-law. I am sure there will be difficulties. However, I believe the move is a good one and that it will be possible to frame something which is reasonably sensible.

The other matter to which I wish to refer is covered by clause 14 of the Bill, which deals with appeals to the Minister. This gives the Minister the power to refer an appeal to persons who may make a report on the subject matter of the appeal and furnish a report to the Minister. It does not mean that the Minister will be delegating to these persons the right to make a decision on the appeal—and that is an important matter—but it does mean that the Minister may refer the appeal to two or more persons nominated by him who may hear the appeal and report back to the Minister. When the Minister receives that report he will proceed just as before to make a decision under sections 374 or 401 of the Local Government Act. These sections refer to building matters.

Section 374 is, perhaps, the more important one in that it refers to the obligation to obtain permission before erecting any building or altering any building on any land. Permission has to be obtained from the local authority and, if permission is refused, or if the use to which one proposes to put the premises is not approved, one may appeal to the Minister. Section 401 deals also with building matters in cases of unsafe buildings and a few other general cases.

But, generally speaking, the Minister will be able to delegate the power to hear a case and the report will be furnished to him; however, he will still be required to make the decision.

One might ask, of course, why should the Minister make such a delegation? If the Minister is the appropriate person to hear an appeal under the Local Government Act why should he not hear the whole appeal and then make his decision, as is laid down in the Act? Why should he refer a matter to referees, or to persons whom he appoints for the purpose? I believe the answer is quite simple: The Minister has so many of these appeals made to him by members of the public and, indeed, often inspired by the local authorities, that he has simply not enough time to hear all the appeals which come before him. Many of them are quite trifling, I believe. They involve a technical breach of a by-law, or something of that nature—something of no great importance to anybody but the appellant. Somebody could have built six inches this way, or that way, quite accidentally, and the case has to go to the Minister for the matter to be rectified.

The Minister has to consider all these facts and it would be very convenient—or it will be if this Bill is passed—for him to be able to refer these matters to two reputable people who could listen to the facts, or look at the matter, and then make a report to him. I suppose in nine cases out of 10, if not 99 cases out of 100, the Minister would accept the decisions of the referees, particularly on technical or formal matters.

The Hon. L. A. Logan: I would need to have a good reason to disagree.

The Hon. I. G. MEDCALF: That is so. However, the Minister still has the right to disagree with the referee's decision; and it is important that he should have that right and keep that power, but under the provisions of the Bill he will be able to refer these technical matters to referees.

I suppose that the more important matters would be heard by the Minister himself. I would imagine that if the Minister felt there was some real point at issue, or the matter was of sufficient importance, he would hear the case himself rather than appoint referees; although under the Bill he would be perfectly entitled to do so. I am sure, however, that

the principal object of the amendment is to relieve the Minister of routine appeals and I am quite in agreement with that.

I would like to say one thing on this subject and, in doing so, I would crave your indulgence, Sir, because I have said it before. I can recall that in a previous session of Parliament we passed an Act which enabled the Minister to vary the by-laws of a local authority, and these are by-laws which have been tabled in Parliament and have thereby been approved by both Houses of Parliament. They would not have been disallowed by Parliament and therefore would be part of the law. However, we passed an Act which provided that such by-laws, although part of the law, could be varied by the Minister. This was done because, as the Minister explained, cases were sometimes referred to him where the local authority was bound by a particular technical interpretation of the by-law and it could do nothing about it. When the matter came to the Minister, on appeal, he could do nothing about it either because if it required a variation of the by-law, and he did something about it, he would be doing something which he was not allowed to do under the Act—he would have been doing something contrary to the will of Parliament.

Therefore, in that amendment to which I have referred, we did empower the Minister to vary by-laws in certain cases and on that occasion I mentioned that I felt—and I think it is appropriate to this subject that I should reiterate it now—the Minister should not have the power to vary by-laws. I think it would be much better for the Minister if this power were given to the local authorities, particularly in regard to technical cases.

If this power were given to the local authorities surely it would reduce the number of technical appeals which have made the legislation before us necessary. If the local authorities had the power to vary by-laws of a technical nature where they felt amendment was necessary, and it was not contrary to the public interest, I think it would be preferable to giving the Minister that power. This would enable the local authorities to take the necessary action without there being the necessity of an appeal to the Minister, and this would obviate the necessity for the Minister, because of the number of appeals being made to him, having to appoint referees to hear cases and produce reports to him and for him having to make decisions overruling the local authorities.

I would suggest we could overcome the position very simply. However, I do not think we should disturb the present Bill but, quite honestly and conscientiously, I suggest to the Minister that I think it would be a good idea for his department, and for the Minister himself, to look into the question of amending section 374; that is the one referred to in clause 14 which deals with appeals which may be made to the Minister in respect of by-laws.

It seems to me that a simple amendment could be made to section 374 and this would overcome the problem. It could be done on some other occasion when amendments are being made to the Local Government Act. A further subsection could be added to read as follows:—

> Where in a case of any particular building proposed to be altered or erected a council, after consultation with the building surveyor, is satisfied that any provision of the regulations is inappropriate, or that a modification or variation of any regulation might reasonably be made without detriment to the public interest, the council, on the written application of any person concerned, may direct that such provision shall not apply to that building or that any regulation shall apply to that building with such modification or variation as the council determines.

It seems to me that this would, to a large extent, overcome the technical problems. I know that it would involve giving a good deal of power to local authorities and that this is anathema to some people, because it is felt that some local authorities may not use this power properly. However, I think we must adopt a mature and adult attitude to local authorities and in technical matters they must be given the power to which I have referred. If a local authority is satisfied, for good reason, that a particular regulation is inappropriate and against the public interest, it should have the power to vary or modify the by-law concerned.

I am quite certain that a subsection along the lines of the one I just read out, perhaps with some alterations made by an expert draftsman, would be most satisfactory and could work quite well and would, in fact, do away with a lot of unnecessary appeals and waste of the Minister's time, and probably waste of the referees' time. Such a proposal would also save certain expense, because if the matter could be handled by the local authority without all the trouble of having to forward papers to the Minister, and the Minister having to engage referees, I think it would be much better. I do not say that the fees paid to the referees would be large—I am sure they would not be. Nevertheless, all these fees add to the cost in terms of the public purse.

Therefore, I feel that something along the lines I have suggested would be highly desirable and very much in the public interest and I ask the Minister to have a look at the proposal and perhaps, on another occasion when some further

amendments to the Local Government Act are necessary, to give consideration to an amendment in this connection.

THE HON. J. DOLAN (South-East Metropolitan) [3.40 p.m.]: I wish to have a few words to say on clause 13. I commend the Minister for introducing it and for the kindly way he praised Mr. Stubbs for raising the subject. I merely wish to make a suggestion which might be passed on to local authorities when they are framing by-laws to control swimming pools. I have seen one type of swimming pool cover which is constructed of metal. The top is hinged so that it can fold. When it is required for use all that needs to be done is to unlock it at the centre and both sides, and when it is not needed the pool can be emptied, and the cover folded up, and stored away. Therefore people owning such a pool bring it into use only when they require it and when they themselves are in attendance.

This type of swimming pool is very convenient and safe, and I feel sure that if local governing bodies conducted some sort of competition to obtain suggestions for making swimming pools safe, someone would come forward with an idea which would render private swimming pools not only safe, but quite simple to use.

THE HON. CLIVE GRIFFITHS (South-East Metropolitan) [3.41 p.m.]: I will not speak for long on the Bill, either. I simply wish to record the fact that I wholeheartedly support clause 13 and to make a few comments on it. When Mr. Stubbs first gave an indication that he proposed to introduce a Bill to make some amendments to the Local Government Act I was a little apprehensive in view of the principle he had in mind, because I felt it would leave the way open for local authorities to frame their own by-laws relating to swimming pools if and when they thought fit to do so. However, now I would certainly like to join other members who have spoken on the Bill in congratulating Mr. Stubbs on the initiative he has shown in making known to Parliament the fact that it is most necessary to have in the Act a provision such as clause 13 to control swimming pools.

I have owned a swimming pool for many years, much to my regret, at the moment. I am therefore in a position to realise some of the failings of, and the disadvantages associated with, owning a private swimming pool. I could certainly render some assistance to those people who intend to frame a relevant by-law, because over the years I have witnessed many situations in which a child or a non-swimmer could have been drowned. This is a matter that should not be taken lightly. I believe we should go even a step further than what is proposed. I consider that at some time in the future a fairly stringent set of rules and conditions should be compiled to be observed by those people who contract to construct swimming pools. In my opinion, some of the construction work and some of the designs relating to swimming pools leave much to be desired.

On several occasions in my pool I have witnessed near-drowning accidents, which no fence or any other safety measure would have prevented. Indeed, I have mentioned to some members that only last summer, on two consecutive weekends, such situations occurred.

Sitting suspended from 3.45 to 4.2 p.m.

The Hon. CLIVE GRIFFITHS: Before the afternoon tea suspension I was about to tell the House about two occurrences at my place last summer. On two consecutive weekends a couple of young children went very close to drowning, notwithstanding the fact that their parents, my wife, one other adult, and I were standing alongside the pool. This shows how easily drowning can occur, irrespective of the precautions that are taken. On the second occasion I had to jump in, fully clothed, to save the child because he was in difficulties.

The Hon. G. C. MacKinnon: You should have reported that incident to the Royal Humane Society. You might have received a medal!

The Hon. CLIVE GRIFFITHS: I did report it to a couple of people, and I thought they would do the right thing and pass on the information. If they had I might have received a medal.

It is in this regard that I made the earlier statement that perhaps other safety features could be included in the initial stages when swimming pools are being built. I am not suggesting that we should depart from the proposal to enclose swimming pools with fences. Even when the fences are erected, there are other safety features which could be included to prevent the possibility of drowning. I will not weary the House at this point of time in dealing with the aspects of safety I have in mind, but there are some safety features which could be provided.

It is only through experience that one finds these things out. Generally when a person orders a swimming pool to be built through a contractor, he has in mind something glorious which he has seen from a photograph. The photograph shows a fantastic pool, and the prospective pool owner is mesmerised; thus he places himself entirely in the hands of the contractor. I think the contractors of swimming pools have a responsibility to the public in what they build.

I have learnt a couple of lessons from my experience of having a swimming pool built, and I have been instrumental in preventing some of my friends from having pools built, because I believe that

anybody who builds a swimming pool in his back yard wants his head read! As a result of my personal experience I have endeavoured to talk my friends out of building swimming pools, but in most cases I have not succeeded. That is because the swimming pools which those people saw in illustrations looked fantastic. However, after they had the pools built they found that they were the ones who had to do the work to keep the pools fantastic.

The Hon. V. J. Ferry: Could you not have filled it in?

The Hon. CLIVE GRIFFITHS: To do that a Bill will have to be passed in Parliament for the reclamation of my back yard. This reclamation would be similar to the project which we discussed last week. Many safety features, other than the provision of a fence, could be incorporated in the uniform building by-laws to ensure that when uninitiated people seek the services of contractors to build swimming pools they do not have to ask for these safety features to be incorporated; they should be incorporated as a matter of course.

In the Bill which Mr. Stubbs introduced, one provision prescribed for the installation of a filtration plant. I go along with that provision, because it is one of the important features of a swimming pool. From my experience, and from the experience of people I know, I think a by-law should be passed to require filtration plants, in accordance with the capacity of the swimming pool, to be installed. For the safety of the people, including the children, who use swimming pools, the water should be purified; if it is not, their health is in jeopardy. This might be a function under the Health Act, so I hope the Minister for Health will introduce a Bill to require the installation of filtration plants.

The Hon. C. R. Abbey: Such a provision will mean more work for you.

The Hon. CLIVE GRIFFITHS: I agree there will be more work for me when a filtration plant is installed. I could speak for half an hour on the advantages of filtration plants, and on the problems which the uninitiated would face in having swimming pools built without one. Some of the filtration plants that I have seen and that I know of are quite inadequate.

Because I am the owner of a swimming pool I wish to record my agreement with the provision in clause 13. I hope that when the uniform by-laws are framed a sensible and sane attitude will be adopted. I also hope that where a swimming pool is built in the back yard, as mine is, and the house covers the whole of the frontage of the property so that no-one can get into the back yard except through a gate which can be locked, there will not be a requirement to construct a fence. In my case the house is actually a part of the fence. I hope that a common-sense view will be taken of this aspect when the by-laws are promulgated.

I support the Bill wholeheartedly, and once again I commend Mr. Stubbs for bringing this matter before the attention of the House. The only other provision on which I wish to comment is in clause 16, which seeks to amend section 665A. This provision relates to the need to secure the loads on vehicles which convey litter or rubbish from one spot to another. I suppose every one of us has had the experience of driving along the road and finding branches of trees, cartons, empty tins, and other pieces of litter which have fallen off utilities, trailers, or other vehicles. Those things fell off the vehicles simply because the load was not secured. The provision in this clause will not involve those who are concerned in any great expense. It merely provides that the load shall be so arranged or covered as to ensure that nothing falls off the vehicle.

Many accidents and many near accidents have occurred, and certainly much damage to vehicles has been caused, when the drivers tried to dodge cartons, and other things that have fallen off the backs of vehicles. I believe this provision is a worth-while and practical addition to the Local Government Act. I have much pleasure in supporting the Bill.

THE HON. R. F. HUTCHISON (North-East Metropolitan) [4.14 p.m.]: I will only take a few minutes to say what I want to say in this debate. Being a woman, and knowing the dangers which confront children in the use of swimming pools and realising what it means to be responsible for caring for young children, I commend Mr. Stubbs for introducing his Bill. On every occasion that he has done something like this, it has been sensible; and one wonders why somebody else had not thought about the matter before. In this respect I refer to the fireworks legislation which he introduced on a previous occasion.

I commend Mr. Stubbs for introducing his Bill, because I think a definite danger exists at the present time. Some mothers seem to be absolutely oblivious of the danger of swimming pools. They allow little toddlers in areas where there is no protection from swimming pools. Mr. Stubbs raised this matter, and by the introduction of the new regulations the attention of many people will be drawn to the danger which exists. People will be forced to think and then, perhaps, tragedies will not occur.

I know that there are many near-tragedies and in my own area three little children have been involved. In one instance the tap for the water for the

swimming pool was turned on and forgotten. I commend the Bill because it is worth while, and I thank Mr. Stubbs for again bringing up the matter of the danger of swimming pools.

THE HON. G. W. BERRY (Lower North) [4.16 p.m.]: There is only one small matter to which I would like to refer. Clause 16 (c) of the Bill refers to the carrying of loads on vehicles, and reads as follows:—

> (c) drives a vehicle carrying a load unless the load is so arranged, contained, fastened or covered that the load or any part of it cannot fall or otherwise escape from the vehicle.

That, in itself, is very good. However, the problem is not so much the litter which falls from vehicles but the litter which people dispose of from vehicles. Those people should be made a little more conscious of the problem they are creating. Someone should enforce the anti-litter laws.

It is an appalling sight on the North West Coastal Highway, in the vicinity of Billabong and other roadhouses, to see the amount of rubbish on the side of the road. It almost seems as though someone is purposely depositing litter in those places. A good impression is not created and some action should be taken.

I know it is difficult to apprehend people, and get the message home to them. I heard it announced on the radio this morning that a person was fined in Victoria for eating cherries in a railway carriage and throwing the seeds on the floor.

The situation in this State is not at all good and I would like to see something more done about it.

THE HON. J. HEITMAN (Upper West) [4.18 p.m.]: I do not intend to speak at any length, but I would like to refer to clause 4 of the Bill which states that the Governor may divide various council districts into wards. That is a very good provision and quite a bit of recent unpleasantness in the Kalgoorlie-Boulder area could have been avoided had there been wards to represent each area.

As shires are amalgamating I think it is necessary that voting should be on ward lines rather than on district lines. We will have the reverse of the present situation. People working in local government are working in an honorary capacity and for that reason they should not have to canvass the whole area. It is better that those people represent part of an area, or part of a district, and when they get together at the council meetings, if the financing is on a district basis, the money available will be distributed more evenly.

That would be preferable to having all the representatives coming from one area and supposedly representing the whole of the district. Usually, in that case, that one area prospers. I think the Minister has done the right thing in bringing down the amendment. We will have workable shires or municipalities which is preferable to having a council elected on a district basis.

I am glad to see that we will now have a uniform by-law for the protection of children with regard to swimming pools. I would like to compliment Mr. Stubbs for introducing this matter to the House in the first place. Without Mr. Stubb's earlier Bill this matter might have been passed over.

Of course, swimming pools are not the only dangers confronting small children. Dams and water holes in the country often induce young children to take a paddle with fatal results. I am glad the provision in the Bill does not go so far that every dam and water hole must be safeguarded with a fence. However, I do feel safeguards are necessary with respect to swimming pools.

I am also very pleased to see that something is being done about vehicles carrying loads. I have seen two or three fatal accidents caused by materials falling from trucks. On one occasion a chap on a motorbike ran into an object which had fallen from a truck. Every precaution should be taken when loading vehicles to make sure that part of the load does not fall off. Apart altogether from the problem associated with litter, such precautions could help to reduce the number of road deaths.

I support the amendments contained in the Bill. It is amazing that so many amendments have had to be made to the Local Government Act over the years, and it is amazing that some matters are left for so long.

THE HON. L. A. LOGAN (Upper West—Minister for Local Government) [4.22 p.m.]: I would like to thank members for their support of the Bill, but I think there are one or two observations I should make, not only because of what was said here, but also because of what was said in another place.

It has been suggested that I should hold back clause 4 of the Bill for the time being. However, clause 4 concerns a decision which has to be made very shortly. Two councils cannot reach a decision so somebody else will have to make it for them. An arbitrator has been appointed but the two councils will not accept his decision so a stalemate has been reached. This position will continue unless someone has the power as provided for in the Bill.

It was suggested we should lay down a formula for wards. We do have a formula which we suggest the local authorities should examine. But, here again, it would

be wrong to put the formula into the Act because it would not always apply. Our formula could not be applied to the two cases which have recently arisen. I refer to the Kalgoorlie-Boulder case and the Midland-Swan case. We would need to have something outside the present-day formula to suit the situation. So it would be wrong to try to lay down a formula in the Act, although the formula is used as a guide when trying to work out the wards.

Reference was also made to a returning officer rejecting an application for an absentee vote. I think the wording of the provision is very clear. It reads as follows:—

> (1a) Where the returning officer rejects an application mentioned in subsection (3) of section one hundred and eleven, he shall forthwith—

That is, straightaway. To continue—

> —give a notice in writing to that effect,—

that is, writing a letter. To continue—

> —setting out the reasons for the rejection, to the applicant.

That means if a returning officer rejects an application he writes forthwith to the applicant and tells him the reason. That is set out in the Bill. I cannot work out why that provision is not understood. My interpretation is that the returning officer must write forthwith and give the reason for rejecting the application. That would give the applicant for an absentee vote an opportunity to straighten out the matter, instead of the application being rejected without notification.

The Hon. R. F. Claughton: What about rearranging the wording?

The Hon. L. A. LOGAN: I do not think that is necessary. I do not know whether the other amendments dealing with absentee voting will solve the problem involved. Perhaps I could have been a little more straightout, in my own sweet manner, and not allowed absentee voting forms to be taken out when persons are canvassing, unless they are taken to institutions. If we find that irregularities are occurring we can tighten the provision further. However, we do not want to disfranchise anyone unnecessarily.

A question was raised regarding the fees to be paid to polling clerks, or assistant returning officers. The question was asked: Why do we not write the fee into the Act, and why do we still refer to the Electoral Act? I think the general opinion is that the Electoral Act is the one to follow rather than that we should have to amend this present Act every time the fees have to be increased.

It was also asked why the returning officers did not receive overtime. The reason is that part of the duty of being a shire clerk is to be the returning officer. The very fact that he is classified as the returning officer is allowed for by the court when working out his award. This provision does not apply to the other officers. The present amendment was requested by the officers' association.

I think we have corrected the wording of section 182 of the Act to the satisfaction of Mr. White. Regarding swimming pools, do not let it be thought there was any easy way out. I have been working on this problem for three years, as has the Minister for Health. At no time were any firm conclusions reached. However, with the passing of time, and with thought and effort—helped along considerably by Mr. Stubbs—my thinking is a little clearer than it was before. We have obtained all the information available, and I think Mr. Stubbs also had some information from America.

Three different situations have to be dealt with regarding swimming pools. There is the pool in a back yard, where the back yard is surrounded with an ordinary 5-foot picket fence. Is it necessary to lay down any by-law for the construction of another fence around that pool? I do not think it is.

The Hon. G. C. MacKinnon: Even if there was a second fence, would it be effective?

The Hon. R. H. C. Stubbs: I made that point, too.

The Hon. L. A. LOGAN: It is fair enough to provide for a self-locking gate between the pool and the front of the house. The next situation is where there is an open swimming pool in the front of a house. This, of course, is a different matter and one we can control.

The third situation concerns the portable-type swimming pool. It is not unusual for children to be given a portable swimming pool for Christmas, and it is placed on the front lawn and filled with water in order that the children may swim in it. I realise portable swimming pools could be defined as to their measurements; however one would still be able to obtain a portable swimming pool which could be placed on a front lawn and would not be required to be fenced off. These are the great difficulties as I see them in trying to introduce a by-law to cover all situations.

However, in conjunction with the local governing authorities and the Crown Law Department, I will do my best, to see whether we can work out a by-law which will at least have some common sense. I will endeavour to do the best I can in this matter.

With regard to clause 4, I wish to make a reference to the Kalgoorlie-Boulder amalgamation, not so much regarding what has transpired, but to try to put the record straight. I have written to two newspapers to tell them that their stories

were wrong and should be corrected. I do not know whether they did so or not. However, I find now that in *The Kalgoorlie Miner* of Saturday, the 1st November, there appeared a statement by the shire president (Mr. Watts) who said he hoped it would clear some misconceptions in the district. In part, the report stated—

> Mr. Watts said that when a deputation from the former Boulder Town Council, which was abolished on June 30 met the Minister for Local Government, Mr. Logan, in May to discuss the abolition the Minister said that he would like to see the new authority named the Shire of Boulder.

Mr. Garrigan and Mr. Stubbs were both present at that deputation and they will know that what I said was that the name ought to be the Shire of Kalgoorlie-Boulder, or the Kalgoorlie-Boulder Shire, at least for the time being, bearing in mind that the Shire of Kalgoorlie was still in existence and the Town of Boulder was going out of existence. I said that, perhaps, in the future that name could be dropped and it could be called the Kalgoorlie Shire and Boulder Town Council so that both names would be retained for historical purposes. I think Mr. Stubbs and Mr. Garrigan will agree that is what I said. I also said that in a letter to the secretary of the Local Government Association I issued instructions for the promulgation of orders; however I was subsequently informed that I had no power to do so. So the newspaper article is not correct.

With regard to appeals, it has been suggested that I should have written into the legislation the number of people concerned, and their names. However I do not know whether that is the right way to go about it. At one time I gave consideration to writing into this Bill that the two or more persons to whom I would refer appeals would be members of the building advisory committee, and I still intend to use those people. However, it has been brought to my notice that in the case of one or two different types of by-law I might want to appoint somebody from outside this group, and so it would be better to leave the matter open. I saw some merit in this proposition and that is why the provision is written the way it is. However, I intend that the persons who are at present on the building advisory committee will hear the appeals.

One good reason for this is that those members will meet every month, or every five or six weeks, to hear appeals, and this will give them an idea of how the by-laws they are promulgating are being put into effect. I think this will give them valuable experience so far as by-laws are concerned.

The point raised by Mr. Medcalf is well worth looking into. I would not mind local authorities making their own decisions on simple issues without worrying the Minister, whoever he might be. However, some local authorities will think—and perhaps rightly so—that if they make a decision for one person, next week the chap down the road will come along and want a similar decision. Although the circumstances may be different, he will think they are the same. This is one of the problems confronting local authorities. I know that local authorities are now required to write a discretionary power into their town planning schemes; but, of course, the point here is that when discretionary power is given to a local authority, a right of appeal must also be given to the individual. So the discretionary power activates the right of appeal. I do not know how we can overcome this problem. However, the matter is worth looking into, and I intend to do so.

Mention has been made of clause 16 which deals with the securing or covering of rubbish being carted by trucks. Like Mr. Berry, I wish I could induce the people of this State, and indeed of this nation, to learn how to keep it beautiful. I sometimes feel ashamed to be an Australian when I drive along the roads of this country and see the deliberate dumping of rubbish. It might result from a lack of thought, but I say it is deliberate. People throw rubbish from the windows of their cars, and they dump it on the side of the road, even when they are only half a mile from the rubbish tip. They are too lazy to drive that half a mile.

The Hon. F. R. H. Lavery: Even the S.E.C. and the P.M.G. cut down trees over private fences and leave them lying there.

The Hon. E. C. House: Yes, even in the suburbs.

The Hon. L. A. LOGAN: This happens everywhere and I think it is time the whole community started to wake up to the problem. I am glad we have received the report on advertising and hoardings and made it public. Everybody realises that something should be done about this advertising. So there are two fields which I think we should clean up.

However, this is mainly a Committee Bill, and it will be debated further during that stage. I thank members for their support.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (The Hon. F. R. H. Lavery) in the Chair; The Hon. L. A. Logan (Minister for Local Government) in charge of the Bill.

Clauses 1 to 3 put and passed.

Clause 4: Section 12 amended—

The Hon. E. C. HOUSE: I fully agree with the Minister's explanation of the need to have the power to declare wards

in shires which have just been created. However, I wonder whether the Minister would give an explanation of the need to alter wards or boundaries within shires which are in existence. I gather that the reference to creating wards refers to shires already in existence, but I may not be correct.

The Hon. L. A. Logan: Yes, the number could be increased.

The Hon. E. C. HOUSE: I feel this power is rather unnecessary. We all know the importance of local government. At present local authorities are expressing concern that they might be interfered with and have some of their powers eroded. I feel a little concerned that in the case of shires which have outlying wards away from the main centre—caused by the growth of the shire and areas being added to it—minority groups might be able to gain certain advantages which are inconsistent with the powers they should have regarding the general revenue and policy of the council.

In my fairly long experience of local government I know this frequently causes dissention because of the altering balance of power with regard to the revenue. I do not object to the principle; I merely wish to raise the point. I would like the Minister to explain why he thinks it is necessary to have this power.

The Hon. C. R. ABBEY: Unlike Mr. House, I think this power is needed. In my experience situations can arise as a result of the shire having a larger cleared area on one side than on the other, causing the shire's responsibility to its ratepayers, and also its financial responsibility for the upkeep of roads etc., to be changed.

If we take a shire in which half the area is covered by forest, or there is some other impediment to the raising of rates, that half may be represented by only two members; but the other side of the shire might consist of an area which has been developed for a long time and has a much greater representation. In this situation the Minister should have the power to rearrange. It is patently obvious that the shire itself would be unlikely to make a change.

If one half of a shire has four representatives and the other half has only two, it is obvious that the more powerful representation will wish to maintain its strength for the future, and it will not agree to an increase in representation from the other side, even though they may be level in responsibility and rating capabilities. Therefore I feel it is wise that the Minister should have this power. I am certain the present Minister and future Ministers would assess the situation fairly, because they would not be swayed by local interests.

The Hon. R. F. CLAUGHTON: When I spoke earlier I queried the placement of this amendment, and suggested that it might more logically be inserted into section 12(4) under which the Governor has power to make a change upon a petition being presented. If the Minister thinks a change is necessary, it would not be difficult to have the Bill reprinted.

In the Kalgoorlie-Boulder case I think it would be better for the situation to be allowed to remain as it is for a while before any boundaries are drawn up. I have heard that quite a lot of dissension occurred during the election and if any changes were made this dissension might again arise.

The Hon. L. A. LOGAN: While I can agree with Mr. House that this is a wide-ranging power I feel that no Minister would stick his neck out unnecessarily. Like Mr. Abbey I feel there are times when it is necessary for a little pressure to be used to bring local authorities into line. In my experience I have known a few local authorities that should have made changes much earlier than they did. They have generally come good after a little gentle persuasion, but this has taken time. We must bear in mind that if major changes are made it will be necessary for the whole council to be re-elected. I know of a case at the moment where certain areas petitioned the council for a redistribution of the boundaries within their wards, but the council has not done anything about it. I do not know whether or not the case has any merit, because it was not submitted to me. Members may rest assured that no Minister will stick his neck out unless it is necessary to do so.

Clause put and passed.

Clauses 5 to 9 put and passed.

Clause 10: Section 135 amended—

The Hon. F. R. WHITE: This clause deals with the fees to be paid to officers on polling day. In the past these officers have received certain fees for overtime and have been paid at the rate of $1.20 per hour. The amendment seeks to delete that and to include a provision to state that they should be paid in accordance with the Electoral Act.

As I read the Electoral Act—and this is where I would like clarification from the Minister—it prescribes that polling officers, with the exception of the presiding officer, under the Local Government Act shall be paid at the rate of 20c per 100 votes counted during the period of overtime. This Bill states they shall be paid in accordance with the Electoral Act, and there is a minimum of two hours payment for overtime.

If we look at the Local Government Act as it appears at the moment we will find a list of things mentioned in section

135(2). In paragraph (d) the deputy returning officer is mentioned and he is paid $14.70 for his day's work. In paragraph (c) the presiding officer is referred to and his rate is $1.20 per hour, not including overtime. Paragraph (d) refers to the poll clerk whose rate is $1 per hour.

It will be noticed that two of these gentlemen are paid at hourly rates while the deputy returning officer is paid at a daily rate. If we have overtime rates established under the Electoral Act how can we fix what the minimum two-hourly rate shall be?

The Hon. L. A. LOGAN: According to the Bill, if a man works overtime for only 10 minutes he is paid for two hours.

The Hon. F. R. WHITE: I am satisfied as to the presiding officer and the poll clerk, but I am not satisfied about the deputy returning officer, because as the Act stands at present he is paid $14.70 for his day's work from 8 a.m. to 8 p.m., and then, during the counting period, he is paid, under the Act, an additional $1.20 per hour. Under the proposed amendment it would appear the deputy returning officer—seeing there is no daily rate mentioned for him initially—will no longer be eligible for overtime payment; he will get only $14.70 for his day's work.

The Hon. L. A. LOGAN: The provisions in the Electoral Act will apply to this Bill.

The Hon. W. F. Willesee: He only gets a flat rate.

The Hon. L. A. LOGAN: If he is paid overtime under the Electoral Act then he will be paid overtime under this Bill.

The Hon. R. F. CLAUGHTON: I am disappointed the Minister did not reply to the query I raised on clause 4. I did say that possibly these rates are taken as a minimum and while it is plain to me that the rates the clerks are paid during an election are extremely low, the Minister has not indicated that they can be improved. It is only the overtime rate which is being amended.

The minimum rate for service during the day is $1.20 an hour. This is not a great deal and something should be done to increase the amount. Perhaps a minimum rate should be prescribed by regulation rather than be included in the Act.

The Hon. L. A. LOGAN: This request was made by the officers' association—it came from the officers themselves who asked that the rates under the Electoral Act should apply. We have complied with their request. The fees laid down in the Electoral Act will be paid to officers who work on elections under the Local Government Act. The only exception will be the returning officer. If Mr. Claughton will read clause 4 he will see that it covers the whole position.

The Hon. F. R. WHITE: I am happy the officers themselves have requested this amendment, but how will we establish the minimum rate of two hours for the deputy returning officer? Under regulations made under the Electoral Act the only time overtime is paid on an hourly rate is when it applies to certain employees of the State Electoral Department.

The Hon. R. F. CLAUGHTON: My experience of elections is that a set fee is paid. I might be wrong, but I feel these are the fees that will be paid after the counting has been done, not during the day when the poll is being taken. Perhaps the Minister could comment. I have already said that the minimum rates should be lifted.

The Hon. L. A. LOGAN: The regulations under the Electoral Act refer to overtime and under the Bill there is a minimum of a two-hour payment. If a man works for only 10 minutes he is paid for two hours.

The Hon. R. F. CLAUGHTON: I asked that some consideration be given to lifting the minimum rates set down in the schedule. Perhaps this could be done by regulation.

The Hon. L. A. LOGAN: When the electoral officers get their increase the officers of local government get theirs.

Clause put and passed.

Clause 11 put and passed.

Clause 12: Section 182 amended—

The Hon. F. R. WHITE: The Minister dealt very briefly with this particular clause and its intent during his second reading speech and he placed emphasis on the fact that the number on a local authority committee shall be less than half the total number of councillors. This is not the intent of this particular clause. Several weeks ago we dealt with the Local Government Act Amendment Bill (No. 4). The clause that has been introduced has been introduced primarily to ensure that a president or mayor may elect to be, or not to be, a member of a committee. This is what I endeavoured to have introduced in the previous amending Bill and I am appreciative that the Minister has seen fit to bring in this amendment.

Clause put and passed.

Clause 13: Section 245A added—

The Hon. R. H. C. STUBBS: I would like to thank members for their kind remarks. Mr. Clive Griffiths said that my Bill contained a provision for filtration which, of course, is correct. I am sure there is a similar provision in this legislation and also in the Health Act. If the provision is not satisfactory the Minister has power under the regulations to do exactly what is required.

The Hon. I. G. MEDCALF: On the question raised by the Minister concerning the necessity for a side fence if a swimming pool is situated in the backyard of premises, I think it would be quite unnecessary for a by-law to stipulate that the swimming pool must be enclosed, provided there is a side fence which meets the requirements; that is, at least four feet in height with no hand or foot holds, but with a self-locking gate. I think that would be quite adequate.

With regard to the regulation, I do not believe it should apply except in built-up areas; that is, the metropolitan area and built-up areas in country towns. I would not suggest for a moment that it should apply anywhere else because the problems of straying children are completely different elsewhere.

Clause put and passed.

Clause 14: Division 18A added—

The Hon. I. G. MEDCALF: The Minister suggested that the tendency in town planning schemes is for a discretion to be given to the local authority and that this normally entails giving the citizen a right of appeal. There would be no objection to this, and it is the suggestion I made. Actually the right of appeal is already contained under sections 374 and 401. Therefore, on reflection, the Minister will, I think, agree that there could be no objection to my suggestion that the local authority should have some discretion.

The Hon. L. A. Logan: There is a difference between the two.

The Hon. I. G. MEDCALF: I am still confident that by giving this discretion to the local authority, particularly in respect of technical matters, the number of appeals will be substantially reduced and this will save the Minister's time and that of the referees, and it will also save expense. It will be for the ultimate convenience of the public, the builders, and the architects.

I believe that a strong local authority will use discretion. If there is any concern because it is thought that such action will create a precedent, the local authority can make the decision, and if it does not want to exercise its discretion it does not have to do so. It can leave the matter to the Minister.

The Hon. R. F. CLAUGHTON: It has been suggested to me that some of the difficulties that arise under our uniform building by-laws occur because the by-laws were drawn up by people who are essentially building surveyors concerned with the ideal situation rather than with what has to be actually applied.

There was a classic example recently. An instruction was issued for the installation of lighting in a school canteen. It was stated that 16 fluorescent tubes would have to be placed in this room, which was about 30 ft. x 20 ft., or less. It was quite a ridiculous number to be placed in such a small area. Actually it was the maximum required for an enclosed room and a room in which people would be undertaking fine work. The canteen is quite open and is used only in the daytime.

It has been suggested that not enough use was made of people other than building surveyors and that greater use should be made of architects. It has been suggested that the situation is improving because of the tendency now for local authorities to use an architect as an adviser when uniform building by-laws are being compiled.

The Hon. G. W. BERRY: I echo the sentiments of Mr. Medcalf with regard to discretionary powers for a local authority in the application of the uniform building by-laws. When a local authority has no power to vary the by-laws, a dissatisfied person can appeal to the Minister who can uphold the appeal. It was brought to my notice by the local authority in my area that it would be better if the Minister handled all the applications and took the matter out of the hands of the local authorities. Virtually that was happening when no discretionary power existed. I agree that if this power is granted, it is not mandatory that the local authorities exercise it.

The Hon. L. A. LOGAN: I wish to correct an impression regarding the building advisory committee. It has only one building surveyor and he happens to be the ex-building surveyor of the City of Perth. The others are the Principal Architect, a representative of the Institute of Architects, a builder who represents the Local Government Association, an engineer, and an officer from my department.

Clause put and passed.

Clauses 15 to 17 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by The Hon. L. A. Logan (Minister for Local Government), and passed.

TAXATION (STAFF ARRANGEMENTS) BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by The Hon. A. F. Griffith (Minister for Mines), read a first time.

RESERVES BILL

Second Reading

Debate resumed from the 5th November.

THE HON. G. C. MacKINNON (Lower West—Minister for Health) [5.11 p.m.]: I thank members for their discussion on this Bill, and I will deal with the matters raised. Mr. Willesee referred to the fact that Reserves Bills are always introduced at this time each session, but I think that Mr. Ferry dealt with this when he mentioned that although there are a considerable number of reserves involved, the principles are understood by members and not a great deal of research is required in order that members might arrive at a conclusion. Mr. Willesee, in referring to this matter, mentioned a discussion which took place last year, and I was able to refer to it. I thank him for reminding me.

I think members are well aware of the contents of this Bill because they are interested in the particular affairs of their electorates. Indeed, only two reserves were referred to particularly, and these were the ones at Two People Bay and Malcolm. I think by interjection Mr. Lavery indicated he was satisfied in regard to Malcolm because it will remain in community hands as a commonage, and if the nickel mining should mean that horse racing is again necessary I am quite sure that arrangements could be made for the return of the racecourse.

The Hon. G. W. Berry: When did the racing finish at Malcolm?

The Hon. G. C. MacKINNON: It was mentioned in my introductory speech to which the honourable member can refer. I think it was several years ago.

The other matter, raised by Mr. House and Mr. Jack Thomson, concerned the fishing station at Two People Bay. Mr. House explained to members just what a fishing station was. He said that generally it comprised a bough shed with, perhaps a bench, and sometimes a portable power saw which at times was used, with a round brush, for gutting fish. What the fishermen do is bring the fish onto the beach, head them, and gut them so they can be transferred to the canning factory at Albany for processing. The heads are sent to Perth for cray bait.

To start with, I would point out that contrary to the view expressed to me both here and outside this Chamber, the local authority was consulted on this matter. It may be that elections have intervened in the meantime and this has been forgotten, but a committee went down to Albany prior to the last amendment to the Fisheries Act and conferred with the local authority. There was at that time some conflict with regard to the use of beaches in the Albany area.

If you will grant me slight tolerance, Sir, I shall deviate a little to explain something of the fishing there in order that members may understand the difficulties. Salmon move from east to west and this is their main run. They spawn somewhere around the Leeuwin, but there is rather a gap in the research on this matter. The return run is much smaller and a little later. The fish on the forward run travel from east to west in schools which, from the air, look like big cells. The schools are accompanied by sharks, by the way, and when one looks from the air one sees the sharks waiting in what seem to be most inviting coves and beaches. After having seen this from the air, I would not be caught swimming in the area for any amount of money.

The salmon swim close to the shore and, literally, work their way along the beach because the action of the ocean produces rounded coves. The bottom of the ocean is generally very smooth.

The fishermen wait in these areas until the salmon come. They shoot their nets around the fish and haul them ashore by tractor or truck. Incidentally, salmon—or the so-called salmon, which is not a salmon at all—can hit top speed in about one yard. The fisherman has only to lift the bottom of the net and he loses the lot, because the salmon stream out like quicksilver. Fishermen have not been successful in catching salmon at sea; on the beach is where they catch them. The salmon have to be handled quickly because of climatic conditions.

The industry is very valuable to Albany and last year 6,000,000-lb. weight of fish was handled in that area. The industry does not represent a livelihood to people, but it adds to their livelihood. The run is quite short in duration and is only six weeks to two months.

There was at one time a great deal of argument about the beaches. We resolved this by allotting the beaches and agreeing to a lease of an area in order that a fishing station could be established. There is no chance on earth that the fishing station will grow into any kind of factory, and certainly there is no prospect of this on six-tenths of an acre.

I shall refer to Two People Bay directly. There were some squatters in residence in the middle of the area. One or more of these were, in fact, salmon fishermen. A fish station was established in the area. This is the area in which the noisy scrub bird was first discovered. I have been there and I have seen the bird. Most of the houses were not in very good condition, but the department purchased the one which was in a good condition and used it as a research station. The others have been removed. The slab floors have been left, however, and they make nice areas for the erection of barbecues for picnickers. The fishing station was established, as I have said, and this is the spot where the noisy scrub bird was originally located.

It is believed by the committee and those who have examined the whole coast that it would be infinitely preferable to move the fishing station to an area which is as far away as possible from the noisy scrub bird or any territory held by it, and also as far away as possible from the area which is most favoured by picnickers.

As this area is within the electorate of Mr. Jack Thomson and Mr. House they would know the topography extremely well. This is why I am a little surprised at them for bringing the matter forward. There is a creek towards the western end and the new fishing station is adjacent to that.

Again, perhaps I should explain that the noisy scrub bird is not a bird which ranges over open territory. It is a territory holder. Each pair of birds holds a territory ranging in extent from, perhaps, one and a half to three acres. The territory has to be of a particular formation. It is generally rocky outcrop surrounded by heathery country, and small stunted trees, perhaps 10 feet high, generally occur on the outcrops. However, in one area in a big gully on the central section the trees would reach, perhaps, 20 feet in height.

The noisy scrub bird does not fly very much, but most of its movement is climbing or, perhaps, running, as it is a very primitive bird, but a magnificent songster. This is where the noisy scrub bird lives and holds the area by the power of song. It is for this reason that Mr. Robinson—in conjunction with the Department of Fisheries and Fauna and the C.S.I.R.O.—is undertaking a very extensive research programme into recording the songs, because one bird will outsing another.

We believe there are about 40 pairs of birds. Two new territories have been taken up in the area. We are running short of territories and the next move will be to take a couple of birds to a new locality.

If members bear these things in mind they will realise there is no possibility of the fishing station disrupting the noisy scrub bird. If it is moved to this area the Wilsons will get to it by travelling down a road which is already made and branching off from the road. Mr. Wilson may have to put in a bridge and he said that he would. The site proposed for the fishing station has been selected in order to safeguard the fauna conservation activities of the reserve which we regard as a very valuable reserve. However, the suggestion will make it easier to handle fish which form a very valuable industry for Albany and at the same time the proposal will eliminate interference, as far as possible, with the activities of picnickers and holidaymakers on this spot.

No other controversial matters were raised on the Bill. I trust this is satisfactory to members, and I commend the Bill.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (The Hon. F. D. Willmott) in the Chair; The Hon. G. C. MacKinnon (Minister for Health) in charge of the Bill.

Clauses 1 to 13 put and passed.

Clause 14: Reserve No. 27956 at Two Peoples Bay—

The Hon. J. M. THOMSON: I wish to express my thanks to the Minister for the explanation he has given. The Minister went to some trouble and I am sure this is appreciated by Mr. House, too.

However, from experience of human nature, I consider that problems can arise in these circumstances. It is a unique area and for this reason, as well as for the reasons pointed out by the Minister, very careful attention should be given before a lease is granted to any part of this area.

There are approximately 40 pairs of noisy scrub birds and it is indeed pleasing to know that an attempt will be made to increase this number.

If we allow this provision to be included in the Bill, I can imagine problems could arise. One or two other people could go into the area and disturb the habitat of the bird. The danger of anyone occupying the area is that he may bring in his own pets—cats and dogs—and these could be a danger to the birds. I am not expressing only my own fear, but also the fears of others who are keenly interested in maintaining the reserve in its present state.

I must express my opposition to the clause and I intend to vote against it.

The Hon. G. C. MacKINNON: What Mr. Jack Thomson has said would receive a great deal of my support as well as the support of the Department of Fisheries and Fauna. If Mr. Thomson reconsiders what he said, he must logically contend that no-one at all should have access to the area of Two People Bay or to the beach which forms one of its boundaries.

I tried to explain that the only difficulty with the noisy scrub bird would be the destruction of its habitat which is, literally, the islands within the reserve. They are islands of outcrop which are covered with the kind of growth which I mentioned.

At the moment there is a road running down to the area in which Mr. Wilson may operate. If specific permission is given to him to use the area, and if he earns money as a citizen and helps to increase productivity and employment in Albany, surely it must be obvious that this man is subject to discipline. It will be possible to tell him not to take in a dog or a cat and he must comply or run the risk of having his rights to the beach cancelled. Those rights might be worth thousands of dollars. Under such circumstances, surely he would abide by conditions which were imposed. I am not sure,

however, that a casual visitor who goes to the beach for a day will do the same thing. I have seen signs on many beaches prohibiting dogs, but I have still seen many dogs on the beaches.

If Mr. Jack Thomson is prepared to recommend to the Department of Fisheries and Fauna that it should completely prohibit all access to the Two People Bay Reserve, and prohibit all picnickers from the Albany area from going to any of the other pleasant beaches and lovely coves in the area, I will give this my closest and most sympathetic consideration. This is a logical outcome of Mr. Jack Thomson's opposition to the clause. I have reason to think that his comments do not reflect the general attitude of the Committee, and I trust that my feelings in this regard are correct.

The Hon. I. G. MEDCALF: I also hope it would be sufficient for the Minister to indicate that dogs and cats are not allowed into this area.

The Hon. G. C. MacKinnon: They are absolutely prohibited.

The Hon. I. G. MEDCALF: I hope the Minister will give the Committee an assurance that there is a notice to this effect where the road enters the area; also that the road will not be upgraded. When I was there about two years ago it was a sandy track and cars were getting bogged. I hope it is no better now.

The Hon. G. C. MacKinnon: You really need a four-wheel drive vehicle.

The Hon. I. G. MEDCALF: I also hope that fire breaks will be provided throughout the reserve so that picnickers and other people who go there will not be able to start fires, which would seem to be a major danger to the habitat of the noisy scrub bird. I agreed with what Mr. Jack Thomson has said, but if the Minister could give us an assurance along the lines I have suggested it would, as far as I am concerned, set the matter at rest.

The Hon. G. C. MacKINNON: I did mention that in the area where the squatters had houses a number of them had a type of cement foundation. The buildings have been taken away but the flat cement has been left and fireplaces for barbecues have been built on those cement slabs. This is where the picnickers light their fires. The departmental officers have run fire breaks through the area and have strip burnt some of the country because the greatest risk to the bird is fire. The person concerned uses the track referred to by Mr. Medcalf but he branches off before he really gets to the habitat of the noisy scrub bird. That track leads to the beach and he literally does not go through the area where the noisy scrub bird is. There is one area that was burnt out a few years ago which is on the left hand side going in and since that time this part has never been occupied. It would be a good quarter of a mile off the track.

The Hon. F. R. H. LAVERY: I think the Minister will agree that I am very sympathetic to anything that is done to protect flora and fauna. As Mr. Jack Thomson has expressed so much concern about the proposal in the Bill, and is perhaps not in a position to say it, I would like to ask whether there is a feeling among the people in Albany that the persons referred to in the clause are not acceptable in the area. The Minister would know that and as he has mentioned the amount of fish caught and the money that is made, I was wondering whether any thought has been given to calling tenders for the right to take fish in this area. Mr. and Mrs. Wilson have been referred to in the Bill which means that nobody else is ever likely to receive the same concession. In view of Mr. Jack Thomson's protest—and he does not protest unless he has something to protest about—I think we should have a further look at the position.

The Hon. G. C. MacKINNON: Mr. Lavery has raised a point which was not raised by Mr. Jack Thomson, but it could affect the matter under discussion. From time to time we do have difficulties in respect of individual salmon fishermen—there is a personality clash. As Mr. Jack Thomson has given no indication of this I take it he has raised the issue only as a matter of principle.

As a general rule the beaches are allotted to certain persons who are named, but those names represent a team, because it is a team operation. There must be somebody watching and then somebody to take the net around. Of recent years this has been done in a jet boat, which is a new development; and then it needs a team of fellows to haul the net up. On occasions sharks come up with the salmon. It is quite likely that large tonnages of salmon are involved, but how the people in the team are allotted their money I do not know. At times there has been some fierce fighting about the possession of various beaches and this was why the committee went down to have a look at the position. On occasions I have had to handle things myself, but generally the questions are resolved by the local people.

On other occasions trouble is caused, not by the fishing people, but by speedboat owners and others. Some people have driven speedboats through the area when fishermen have been trying to haul up 20 or 30 tons of fish. Naturally the fishermen are not very happy when that sort of thing happens. However, I am pleased to say that in 99 cases out of 100 the visitors enjoy watching the fish being netted. There is this conflict of interest, but these personality clashes should be handled in a different way from this legislation. All care has been taken to preserve the park and the reserve, the rights of visitors and of the people who take fish. In other words, the interests of everybody have been given deep consideration.

The Hon. F. R. H. LAVERY: I would like to thank the Minister for the way this debate has developed, but I would also like him to bear in mind the fact that a protest has been made. I take it from what the Minister has said that it was not possible for Mr. Jack Thomson to bring personalities into the debate, but I am in a different position and that is why I raised the matter. I think it should be made known to those whose names are mentioned in this clause that a certain amount of discussion has taken place in regard to the proposal and therefore they need to be on good behaviour—probably better than other people in other areas. I am sure the Minister will see to that.

The Hon. G. C. MacKINNON: I give the Committee that assurance because the department has great pride in this reserve. Quite apart from the noisy scrub bird, which has attracted world-wide attention, there is to be found in this area the whip bird and the emu wren. I have never seen them, but one can hear them. They do not fly very high and their call, strangely enough, blends in with that of the noisy scrub bird, which is a great mimic. Also, there is some very good heath country there which we are anxious to preserve. In fact, the department is anxious to preserve the whole area of the reserve.

The Hon. I. G. MEDCALF: I am not sure whether the Minister indicated that a notice was placed on the main road, but I would suggest that he give careful consideration to this point. I suggest a large notice be erected at a point where people enter the reserve to indicate to all and sundry that it is a fauna and flora reserve, that dogs and cats are not allowed there, and that fires may only be lit in certain areas where fire breaks have been provided.

The Hon. G. C. MacKINNON: I have an idea that this is so, but I am not certain on the point. I will bring the honourable member's suggestion to the notice of the director and I am sure he will agree to it, if it has not already been done.

Clause put.

The Hon. J. M. Thomson: "No."

The DEPUTY CHAIRMAN (The Hon. F. D. Willmott): The Ayes have it.

The Hon. J. M. Thomson: Divide.

The DEPUTY CHAIRMAN (The Hon. F. D. Willmott): Ring the bells.

The Hon. G. C. MacKINNON: On a point of order, Mr. Deputy Chairman, I heard only one voice voting against the clause.

The DEPUTY CHAIRMAN (The Hon. F. D. Willmott): I will put the clause again.

Clause put and passed.

Clauses 15 to 18 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by The Hon. G. C. MacKinnon (Minister for Health), and passed.

WHEAT INDUSTRY STABILIZATION ACT AMENDMENT BILL

Second Reading

Debate resumed from the 5th November.

THE HON. J. DOLAN (South-East Metropolitan) [5.45 p.m.]: I took the adjournment of the debate to enable me to examine the Bill to see whether there was anything in it with which I might not agree. Having perused it carefully I am quite satisfied that it will, in some small way, assist the industry, and I am prepared to support it.

THE HON. J. HEITMAN (Upper West) [5.46 p.m.]: I wish merely to take the opportunity to explain that the need to introduce an amendment to the Wheat Industry Stabilization Act of last year may not have arisen except for the exceptionally dry season experienced by areas all over the State, and the drought conditions that exist in many districts. I think the fact that we have a two or three-price structure in the Wheat Industry Stabilization Act at present has been a great help to many farmers who have been obliged to feed stock over a long period.

In some parts of the province I represent, farmers have been feeding their stock for the past three months and will have to continue doing so until decent rains fall next year. Perhaps further consideration might have been given to the fact that this year there will be a great deal of off-grade wheat that will be subject to a fairly heavy dockage. I believe that perhaps this wheat might have been sold at a lower price to those who are feeding stock, or preparing stock feed. In such circumstances the dockage that was fixed originally for wheat that had to comply with the f.a.q. standard may not need to be so high.

I also consider that, in this piece of legislation, it may have been a good idea to provide that Co-operative Bulk Handling Limited could receive wheat into the silos for storage and not for sale. If this were done it would give many farmers an opportunity to use the company's storage facilities instead of having to erect silos on their own properties to store feed wheat for their stock in the coming season. This may, perhaps, be out of context with the provisions in the Bill, but I feel sure there will be many farmers who will be unable to erect storage silos on their farms, and in such circumstances provision could be made to enable them to store their wheat in the silos of Co-operative Bulk Handling

Limited. The wheat would thus be stored in better conditions and kept free of weevils.

Further, if farmers were able to store their wheat with Co-operative Bulk Handling Limited they need not accept payment for it until they were sure they did not require it for stock feed. I realise that there is no chance of making such a provision at this stage of the legislation, but I merely mention the fact to give the Minister some food for thought so that perhaps action may be taken in the future.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by The Hon. L. A. Logan (Minister for Local Government), and passed.

CONSTITUTION ACTS AMENDMENT BILL

Second Reading

Debate resumed from the 5th November.

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the Opposition) [5.50 p.m.]: This Bill seeks to amend the Constitution Acts Amendment Act. It contains two provisions which are essential for the conduct of public life in this State. The first provision seeks to ensure the positive continuity of representation by members of Parliament in the interim between the two periods of each session. The Minister stated that the Bill would remove any legal doubts about any member having to relinquish his seat because he had been absent from the House during the time when Parliament adjourned in December and resumed again in March of the following year.

I found it very difficult to get into Parliament and also to remain in it and I would hate to think that I went out on a technical K.O. Therefore I certainly support this legislation

The Hon. A. F. Griffith: I cannot agree with you entirely, because you could not have got into Parliament any easier than you did last time; you were unopposed.

The PRESIDENT: Order!

The Hon. W. F. WILLESEE: The Minister knows well the worry I experienced before nomination day and what a relieved person I was after it. So much for that issue in the Bill that seeks to put the situation of members beyond any doubt. I think that every assistance should be given to enable us to continue with two periods in each session.

The second provision in the Bill seeks to deal with a problem associated with the salaries of public men. In this instance the amendment sought is to provide for an increment in the salary of the Governor of this State. In my opinion it is based on sound premises, because the desire is to grant him an increment that has already been granted to his counterparts in other parts of Australia. I would be prepared to argue that this is fully justified, not so much on the basis of population, but on the basis of area, and how necessary it is for the Governor of this State to travel to various parts of it so that he may see for himself the different problems with which we are confronted.

Without this close contact with the people, and without the liaison that exists between the Governor and Cabinet and, in turn, between Parliament and Cabinet, the State could not advance in the best possible manner. Therefore, in regard to the holder of this high office, it is most desirable that this state of affairs should continue. There has to be some formula whereby we can achieve this equality throughout Australia. A most serious situation would be created if Western Australia were to fall behind other States in this regard.

In the light of democracy, it is somewhat unfortunate we have to discuss increments to the Governor's salary in a public manner, although I do not think anything should be hidden. When the salaries of judges or members of Parliament are increased and, in turn, the salary of the Governor, as is provided by this Bill, there is always a tendency for criticism to be levelled against such increases. The same criticism cannot be levelled against increases in the salaries of executives engaged in private enterprise, because no-one knows what those increases are. Perhaps such criticism could be avoided in public life if a similar method were applied by the various States.

I do not know how expensive it would be to the incumbent himself in holding such a high office, to travel, to entertain, and to perform all the duties he is called upon to do by virtue of his office. If his present salary is sufficient to cover all those responsibilities, plus the increment proposed in the Bill, I feel that such increment should be granted.

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Justice) [5.58 p.m.]: I am very pleased about the approach Mr. Willesee has made to this Bill. It prompts me to say that I decry the attitude of some people who take the opportunity to criticise the Governor.

The Hon. F. R. H. Lavery: Not the Governor, but the office of Governor.

The Hon. A. F. GRIFFITH: Probably Mr. Lavery is right. As I was saying, I decry the attitude of those people who criticise the office of Governor at a time such as this. In fact, this criticism has been levelled in the last couple of days, even to the point of His Excellency having

to face up to a television camera to give an account of himself in relation to his salary and that type of thing.

The Hon. F. R. H. Lavery: That is shocking!

The Hon. A. F. GRIFFITH: I think this is in very bad taste, indeed. In the last couple of days I have read Press reports of people who have said that the office of Governor should not exist. I have also read reports of people who have said there should not be a State Parliament. As far as I am concerned, I hope we have both State Parliaments and Governors for a long time to come. The Premier has made it fairly clear, I think, how he feels about the office of Governor, and has indicated that the tendency now is to look for Australian-born Governors. At the moment we have an Australian-born Governor-General.

The Hon. J. Dolan: In New South Wales there is an Australian-born Governor.

The Hon. A. F. GRIFFITH: There is, indeed. Be that as it may, when the time comes this matter can be looked at further. I feel that I should take this opportunity to say that I am very sorry to see the attitude that has been adopted by some people when this sort of legislation has come before Parliament. We are all part of the British Commonwealth of Nations; we all believe in the system; and we have our approach through the Governor of the State to the Governor-General and the Queen. Those of us who believe in this system think we ought to retain it.

As long as we have it then the question of the salary which the Governor receives should be free from the type of criticism which has been levelled on this occasion. I deplore that criticism, and I hope that the next time this type of legislation is before us the people who have sought to criticise in the manner that they did will have some regard for the sensitivity of those who come under their criticism. I have nothing more to say, except to point out that I am very pleased with the attitude adopted by Mr. Willesee. It is an attitude which I could expect him, as an individual, to take; and I am very grateful to him.

Question put.

The PRESIDENT: This Bill requires the concurrence of an absolute majority, and, in accordance with Standing Order 243, a division must be taken. Ring the bells.

Bells rung and the House divided.

The PRESIDENT: It is apparent that this Bill has an absolute majority, and members may resume their places.

Question thus passed.

Bill read a second time.

In Committee

The Chairman of Committees (The Hon. N. E. Baxter) in the Chair; The Hon. A. F. Griffith (Minister for Justice) in charge of the Bill.

Clause 1 put and passed.

Clause 2: Amendment to Section 38—

The Hon. A. F. GRIFFITH: I would simply like to have it recorded that in my experience in this Legislative Council the only other occasion that I can remember when all members of the House were on this side during a division was when we altered the franchise of the Council.

Clause put and passed.

Clause 3 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Justice) [6.5 p.m.]: I move—

That the Bill be now read a third time.

Question put.

The PRESIDENT: The Bill requires the concurrence of an absolute majority, and in accordance with Standing Order 243, a division must be taken. Ring the bells.

Bells rung and the House divided.

The PRESIDENT: I call the division off because it is obvious that the question that the Bill be read a third time meets with the unanimous approval of all the members present. There is an absolute majority, and I cannot appoint a teller for the Noes because there is no member on my left.

Question thus passed.

Bill read a third time and passed.

Sitting suspended from 6.7 to 7.30 p.m.

MARKETING OF EGGS ACT AMENDMENT BILL

Second Reading

Debate resumed from the 5th November.

THE HON. J. DOLAN (South-East Metropolitan) [7.30 p.m.]: I intend to support the second reading of this Bill, but I also intend to ask the Minister if he will postpone the Committee stage until tomorrow because I have a number of amendments which I would like to place on the notice paper.

I would like every member to have a look at the amendments, so that we do not have the same situation we experienced last week when nobody seemed to have seen a copy of some amendments which were being discussed. My proposed amendments will not affect the Bill in its present

form, with the exception of clause 3. There might have to be an alteration to that clause.

The first amendment in the Bill alters the interpretation of "commercial producer." The original interpretation stated that a "commercial producer" meant one who owns or controls 150 head of adult female poultry. That interpretation will be altered so that a "commercial producer" will be a person who owns at least 250 head of adult female poultry, and who has delivered on his own account at least 3,000 dozen eggs to the board in the immediately preceding period of 12 months.

I made inquiries among poultry farmers and they stated that that was a fair number of hens from which to expect 3,000 dozen eggs in a period of 12 months.

The Hon. G. W. Berry: That is a reasonable number.

The Hon. J. DOLAN: Yes. I understand that the Poultry Farmers' Association was a little keen to have the number of hens increased to 1,500.

The Hon. G. C. MacKinnon: Originally.

The Hon. J. DOLAN: The figure of 250 seems to be a compromise. The figure of 1,500 might have met with some opposition because it would have meant the elimination of a number of small producers.

The next amendment in the Bill will add a new subsection to section 7. The amendment will provide that any member of the board by virtue of paragraphs (a) or (c) of subsection (3)—that is, the producer originally nominated by the Minister—and the two producers who are elected by the producers, will forfeit office if at any time they do not fulfil the conditions required in the interpretation of a "commercial producer."

There could be difficulties associated with this provision, as can be imagined. A commercial producer might go away on a trip overseas, and might sell his business. He could be away for three months and his seat would become vacant. If that producer was to sell his business and transfer his operations to another place he would probably start from scratch. Perhaps that is not an appropriate word to use when dealing with the subject of poultry.

The Hon. G. C. MacKinnon: We will have to disregard puns.

The Hon. J. DOLAN: If a producer had to build a new poultry farm he could not start off with chickens because the three-month period would elapse before the chickens were adult. For that reason he would have to buy adult poultry. Those are some of the difficulties which might be associated with the passing of the present Bill. I discussed the matter with some commercial producers and they assured me that it would be a rare occurrence if that should happen, particularly as there were only three producers on the board.

The next clause in the Bill sets out the terms of office, which are to be changed. Each member of the board is to hold office for a period of three years and, of course, he will be eligible for re-election. I would ask the Minister to check the provision relating to good behaviour. I do not know whether the provision has any relation to conduct of a police nature—an offence against the law—or whether by good behaviour it is meant that the producer will go along with everything that is said and behave in such a manner that he will be a "Yes" man.

The Hon. A. F. Griffith: I do not think that will apply. You are well behaved, but you do not go along with us in everything.

The Hon. J. DOLAN: I would not have a bar of a "Yes" man. If the good behaviour is related to actual conduct, that is quite all right as far as I am concerned. There is also provision for the chairman to be nominated by the Minister and he will hold office for a period of three years. At present, under the provisions of the Act, the chairman holds office during the pleasure of the Governor. I think we dealt with something of that nature when discussing other Bills in this House last week.

On this occasion it is proposed that the term of office shall be three years, and the office bearers will be subject to reappointment. I understand the chairman is held in very high esteem and I consider that his term of office should be three years. Probably, he will continue in office after that time.

The next amendment causes me some concern. Section 40 of the principal Act will be amended by substituting for the word "twenty-five" the word "forty." It is the last clause in the Bill and it will mean that the Act will continue to operate for 40 years from the proclamation date.

The Act was assented to on the 5th February, 1946, so that on the 5th February, 1971—that is, in about 14 or 15 months' time—the act would have expired. The intention, of course, is to extend the life of the Act. The life of the Act has been extended on several occasions since it came into operation. The original Act of 1945 stated that it would continue in operation for five years after it was proclaimed. In 1950 there was an amendment to make the period 10 years. In 1955 there was another amendment to make the period 15 years, and in 1958, the progression rate was altered slightly and the life of the Act was extended to 25 years. Now it will be extended to 40 years.

I cannot see why section 40 of the principal Act is not repealed to allow the Act to operate without a limit. If it is necessary to terminate the Act, an amendment

can be introduced at that time. I understand the present extension has something to do with the raising of finance in connection with extensions. The board is in the process of building a big factory or a storeroom.

The Hon. G. C. MacKinnon: I think it is a headquarters.

The Hon. J. DOLAN: I thought the headquarters were in West Perth. However, the board is building new premises near the wool store in High Road, Fremantle. The extensions have been under construction for a long time, and they will cost a great deal of money. I understand that the financial institution from which the board will get its money requires an assurance that the board will continue in office for quite a lengthy period.

I go along with those amendments, and they have nothing whatever to do with the amendments I propose to move to the Bill. So that members can give a little thought to my proposed amendments, before we discuss them in the Committee stage tomorrow, I will state what I have discovered whilst carrying out my research.

One of the first things I was told was that there were now three persons on the board who were commercial producers, and that each of them had been elected. The fellow to whom I was speaking,who was a member of the board, was shocked when I said that that could not be right because only two persons who were commercial producers could be elected. The board member suggested I should read through the qualifications, which I did. Section 7(3)(a) states that one member shall be a person nominated by the Minister, and be a commercial producer whose main source of income is derived from poultry farming. I then said that I could not see how three members could be elected members.

I asked the member of the board if he could check the situation, which he did. He rang me last night and told me to have a look at subsection (4) of section 7 of the Act. Subsection (4) reads as follows:—

> ... where any of the respective offices of member of the Board, which office is referred to in paragraphs (a) or (c) of the last preceding subsection, is or becomes vacant after the coming into operation of the Marketing of Eggs Act Amendment Act, 1949, it shall be filled by appointment made by the Governor of a person who is a commercial producer and who is elected for the appointment by the commercial producers.

The position covered by section 7(3)(a) became vacant and there was an election for another producer to be on the board. So the board is in the position that it has two members appointed by the Governor representing the consumers and another person appointed by the commercial producers. There are now three elected producers on the board and their names are Miles, Hart, and Connell. They have all been elected.

That means that paragraph (a) of section 7 (3) is redundant because there is no provision, now, for a member to be appointed by the Minister. Also, subsection (4) of section 7 no longer operates and is not required.

I think I have followed the right course by putting the amendments on the notice paper so that they can be discussed tomorrow. They may be debatable and there may be some points which do not appear obvious to me. I have given the Minister a copy of my proposed amendments, and he consulted the Minister who is in charge of the legislation. I have consulted both Ministers, and the Minister who is handling the Bill is at present examining my proposed amendments to see if there is any flaw in what I have discovered.

I think it will be appreciated that this situation has arisen by virtue of circumstances and the Act will be in an untidy state unless we delete the unnecessary provisions. My amendments will not interfere with the operations of the board.

The Hon. A. F. Griffith: We do not want to get the Act fouled up.

The Hon. J. DOLAN: I do not get too foul with anybody; I have not got a foul temper or anything of that nature. I support the Bill. I think the amendments are worth while. There are some aspects, of course, which other members might mention in connection with the marketing of eggs but I do not propose to deal with those matters now.

I have given the House an inkling of the amendments I propose to move in the Committee stage and I again ask the Minister whether he would be good enough to leave the Committee stage till the next sitting of the House so that we might have another look at the implications contained in the measure.

THE HON. N. E. BAXTER (Central) [7.46 p.m.]: I would first like to refer to the term of office of the chairman, which is for three years subject to good behaviour from the date of his appointment. I think Mr. Dolan mentioned section 13 of the Act where there is provision for a member to be removed from office by the Governor for misbehaviour.

I do not think the words "good behaviour" are necessary, nor do they convey the meaning intended in this particular amendment. It is rather hard to define good behaviour.

The Hon. G. C. MacKinnon: It is a standard provision.

The Hon. N. E. BAXTER: It is a different thing if a member is removed for misbehaviour.

The Hon. A. F. Griffith: The expression "good behaviour" has a legal connotation.

The Hon. N. E. BAXTER: I do not think the words contained in the amendment to section 12 are necessary because I believe these are already in section 13 of the Act. Clause 5 amends section 40 of the Act and seeks to extend the life of the legislation from 25 to 40 years. Mr. Dolan touched on the extensive additions being made by the board, but this work has already been carried out. All the machinery connected with the operations of the Egg Board has been financed by the producers; it is something to which they have contributed from their returns by way of a levy over the years.

There is no doubt that this can be seen as a continuing industry—one which will continue for many years—and it seems strange indeed that we should seek to limit the legislation to a period of 40 years. It was probably wise to place a limitation on the life of the Act during the early days —but this should not be contemplated at this point of time—because if things were not going as anticipated the Act could have been discontinued.

The future of this industry, however, has been well established for quite a number of years. The board first started operating in 1946 and accordingly I do not think we should place a limitation on the life of the Act. I believe we should repeal section 40 of the Act and approach this legislation as a continuing measure. The industry will continue its operations long after the 15-year limit which is proposed. We should give the legislation a clear life as we have done in the case of other Statutes: we should not bother to set a date. If some thought were given to this matter I am sure my suggestion would be adopted.

Debate adjourned, on motion by The Hon. C. R. Abbey.

STAMP ACT AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by The Hon. A. F. Griffith (Minister for Mines), read a first time.

Second Reading

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [7.51]: I move—

That the Bill be now read a second time.

This Bill contains several amendments to the Stamp Act. There are four main objectives: Firstly, it will extend to other forms of credit, the duty now levied on hire-purchase agreements. This is to protect revenue and was referred to when the current Budget was presented to Parliament. Secondly, the Bill provides exemption from certain stamp duties for local authorities, and junior sporting and youth organisations. Thirdly, its provisions will extend the discretionary power of the Treasurer to exempt from stamp duty instruments concerned with company reconstructions; and finally, there are machinery amendments relating to the definition of money, objections, and exchange of information to facilitate the administration of the Stamp Act.

Stamp Duty collections from hire-purchase agreements are declining as greater use is being made of alternate credit facilities. In 1967-68, $1,073,000 was collected from duty on hire-purchase agreements. The estimate of current collections has fallen to $700,000. The full extent of the loss of revenue is greater however, because of the growth in consumer credit not reflected in these figures. All other states have found it necessary to legislate along similar lines to cover other forms of credit.

The two new parts to be added to the Act provide for retaining the existing duty of 1½ per cent. on hire-purchase agreements, and the application of a similar rate to other forms of credit.

The part titled "credit and rental business" deals with credit arrangements, loans, discount or factoring transactions, and rental business. The second part titled "instalment purchase agreements" deals with credit purchase and rental agreements. These provisions follow in substance those adopted in other States.

The credit arrangements affected are those concerning the sale of goods and provision of services where a charge is made for the credit given. Where no charge is made for the credit, the transaction will not come within the scope of the Act. To be dutiable, a charge for credit must in future exceed the equivalent of simple interest at 9 per cent. per annum. Transactions not exceeding $200 are exempted so that monthly charge or small budget accounts will not be dutiable, if a charge is made. Such accounts in the field of retail credit, are a substitute for hire purchase. Personal loans to finance the acquisition of goods and services are another increasing type of credit facility.

Therefore, the Bill levies duty on loans carrying a rate of interest exceeding 9 per cent. per annum if the loans are made by persons engaged in the business of lending. Loans for housing and loans made by pawnbrokers remain exempted.

The rate of 9 per cent. per annum as also adopted by other States, excludes most lending by banks, insurance companies, and the like. Intercompany lending and isolated transactions between individuals will not be subject to the proposed provisions.

With loans secured by chattel mortgages or bills of sale carrying duty at a lower rate than 1 per cent duty paid on those securities will be deducted.

The discounting or factoring of book debts will also be subject to duty, but provision has been made to exclude discounting of book debts between related corporations where the charge does not exceed 4 per cent. This percentage is allowed to cover administrative and collection charges.

Purchase of book debts associated with exports are to be exempt and also the discounting of promissory notes and bills of exchange, where the rate does not exceed 9 per cent. per annum.

The rate of duty on loans and discount transactions will, as with other types of business subject to duty, be 1½ per cent. However, a special rate of duty applies for short term loans and discount transactions. The rate is one eighth of one per cent. per month, making the cost of duty more appropriate to the time factor involved in these transactions.

Assuming that the short term funds are turned over once a month or 12 times a year on average, this rate is the monthly equivalent of 1½ per cent. With loans on current account, duty will not be paid on every drawing but on the maximum amount of principal owing during any month.

There will be a rebate of duty where loans upon which the full 1½ per cent. has been paid are repaid within 10 months of making these loans. These arrangements also are based on the provisions applying in other States.

There is increased hiring or leasing of all types of goods, such as television sets, motor vehicles, office machines, heavy equipment, and the like, in substitution for hire-purchase arrangements. The bill brings these hiring or rental arrangements within the scope of the Act to protect revenue, as already explained.

Goods leased in connection with real estate are exempted, as these are outside the scope of this Bill. Transactions accordingly, will be exempted when plant and stock are leased with a farm or furnishings are leased with a flat. Book lending is also excluded from rental business subject to duty.

Transactions made by a person solely engaged in hiring goods and services where his annual total transactions do not exceed $5,000 are exempted. The amount of $5,000 is calculated after deducting from the rentals received any costs the hirer may incur in servicing the goods.

Credit purchase and rental agreements are other credit facilities covered by the Bill. These constitute other types of credit financing in some of which the property in the goods passes to the purchaser on the granting of credit, and the instalments are paid after the goods are delivered or otherwise, where goods are leased under specific agreements. This method of providing finance is being used also in place of hire-purchase agreements.

The existing arrangements for payment of duty on hire-purchase agreements have been retained and extended to cover all instalment purchase agreements, but as to other credit facilities, a simplified system of payment by returns, is provided.

Each person who carries on business in one or a number of the arrangements for granting credit, which I have described, will require to register with the Stamp Office, and to submit a monthly return of transactions, together with the duty payable as set out in this Bill. The commissioner may vary the frequency of returns when the volume of business does not warrant monthly returns.

The legislation further provides, subject to qualifications and exemptions set out in the Bill, that where a local resident carries on or transacts credit or rental business with a non-registered person, either inside or outside the State, he will make a memorandum of the transaction and stamp it with the requisite duty.

The extension of stamp duty to all forms of commercial credit will protect State revenues in that they will not be so likely to suffer reduction as new forms of legal credit are developed. Correspondingly, the amendments now proposed provide a cheap and simple form of administration for the lending industry in that it may adopt the best form of credit suited to particular cases, without needing to have regard to tax considerations.

It is estimated that the implementation, as from the 1st January, 1970, of the measures I have outlined, will yield $640,000 additional revenue this current financial year, and that amount has already been included in the Budget presented to Parliament.

The only documents issued by local authorities now subject to stamp duty are cheques and debentures for securing loans. The respective rates levied are 5c per cheque and 25c per $200 of the amount secured. Representations have been made by the Country Shire Councils' Association, for exemption from stamp duty on debentures isued by local authorities.

As all funds obtained by local authorities are issued for the benefit of ratepayers in their respective districts, it is proposed to exempt local authorities from any form of stamp duty. It is estimated that the full year cost to the Treasury of this concession will be $23,500.

In April this year, a motion was passed in Parliament proposing that exemption be given to cheques issued by junior sporting and youth organisations. The Government supports this proposition and accordingly makes provision in the Bill for this purpose.

Under the existing section 75B of the Stamp Act, the exemption from stamp duty which may be granted by the Treasurer, is restricted to companies incorporated in Western Australia. The amendments now proposed to this section are the result of representations made by North Kalgurli (1912) Limited, a mining company now incorporated in the United Kingdom, but carrying on business in this State as a foreign company.

North Kalgurli proposes to go into liquidation and to form a new company incorporated in Western Australia. The liquidator will enter into a contract with the new company under which all assets of North Kalgurli will be transferred to the new company in exchange for shares in that company. The liquidator will then distribute the shares in the new company to shareholders of North Kalgurli on a one-for-one-basis. Under the proposed arrangements, North Kalgurli will change its domicile and become a Western Australian company. The shareholders in the new company will be the same persons and hold exactly the same number of shares as they now hold in the existing company. The new company will own exactly the same assets as are now held by North Kalgurli.

North Kalgurli wishes to undertake the proposed reconstruction for the following reasons:—

> Its operations are conducted entirely in Australia and since transferring operational control from the United Kingdom some time ago has found it unsatisfactory to have its domicile in that country. In the interests of efficiency it desires to have both the board and operational control in Australia.
>
> Over 75 per cent. of shareholders are Australians and in these circumstances the company is of the opinion that Australia is the appropriate location for its domicile.

If North Kalgurli proceeds with its proposals under the current provisions of the Stamp Act, it would be required to pay a substantial amount of duty.

The company takes the view that this amount would be better spent on mining development in this State, and if it is unable to gain relief from stamp duty then it will consider abandoning the reconstruction. The case put forward by the company for relief is reasonable, in that there is no real change in the ownership of either the shares or the assets. In effect, it has always been a Western Australian company and it is in the interests of the State to encourage it to improve its efficiency and extend its development in Western Australia.

It is for these reasons that the amendment is included in this Bill. It will allow the Treasurer, at his discretion, to exempt from duty contracts relating to the allotment or transfers of shares and instruments conveying assets in company reconstructions of both local and foreign companies.

In view of the similar types of stamp duty now being imposed by Commonwealth and State Governments and the interstate nature of a number of transactions subject to duty, it is desirable that Commonwealth and State taxing authorities have power to exchange information to protect their respective revenues. The Commonwealth and some other States have already legislated to provide for this exchange of information between taxing authorities and others have indicated that they intend to do so.

Our Stamp Act contains a limited provision for exchanging information which does not include other State taxing authorities. Therefore, a provision has been included in this Bill to provide the Western Australian commission with similar powers to those contained in the Stamp Acts of New South Wales and Victoria.

One of the amendments made in connection with imposition of stamp duty on receipts was a provision for exempting banking transactions where cash is exchanged for cash or its equivalent, such as cheques or promissory notes. This is described in the Act as the "exchange of money for money." A firm of solicitors has raised the question of the meaning of the word "money." This firm claims that there is a doubt that it includes bills of exchange. The solicitors pointed out that a similar problem arose in Victoria, New South Wales, and South Australia and was overcome by defining "money" in the respective Stamp Acts of those States.

Our Crown Law Department supports the contention of this firm of solicitors and accordingly a provision to extend the definition of "money" to include bills of exchange and promissory notes has been inserted in the Bill.

Under the current provisions of the Stamp Act, a person who is dissatisfied with an assessment made by the commissioner may appeal to the Supreme Court. The appeal must be lodged within 21 days of the date of the assessment. In practice, most dissatisfied taxpayers take the matter up with the Stamp Office direct, and resolve their objections with that office, thus avoiding the expense of court proceedings. However, objections direct to the commissioner are not a legal right. If, after 21 days the commissioner is not prepared to change his assessment and the taxpayer is still dissatisfied, he cannot proceed to exercise his right of appeal because the time of lodgment has expired.

Members of the legal profession have drawn attention to this unsatisfactory position and they have suggested the Act be amended to allow an objection to be

made to the commissioner's assessment within 21 days of its date, and, if, after receiving notification of the decision on the objection, the taxpayer is still dissatisfied, he be given a further 21 days from the date of notication to appeal to the Supreme Court. It is desirable in the interests of fair administration of the Stamp Act, that taxpayers' rights of appeal be protected and a provision has been made in the Bill for this purpose.

This Bill, in addition to arresting the decline of revenue received from hire-purchase transactions, will provide deserving organisations with exemptions and improve the administration of the Act. I commend it to members.

Debate adjourned, on motion by The Hon. W. F. Willesee (Leader of the Opposition).

LOAN BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by The Hon. A. F. Griffith (Minister for Mines), read a first time.

TAXATION (STAFF ARRANGEMENTS) BILL

Second Reading

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [8.9 p.m.]: I move—

That the Bill be now read a second time.

The Commonwealth Government has for many years past collected certain taxes and carried out land valuation work for the State through the Deputy Commissioner of Taxation in Western Australia.

The functions being performed by the Commonwealth, on behalf of the State are the assessment and collection of land tax, metropolitan region improvement tax, vermin and noxious weeds rates, together with associated property valuation work and other land valuation work for State departments, instrumentalities, and local government authorities. The cost of these services is being met by the State.

Western Australia is the only State where the Commonwealth performs these functions on behalf of a State Government.

The Prime Minister, early in 1968, requested that the State take over this work and at that time the Treasurer advised him that we had no objection to undertaking this activity, subject to suitable arrangements being made for the transfer of staff and records to the State Government. As a result, a committee of Commonwealth and State officers was set up to plan the proposed changeover.

The committee recommended in May of this year that the Government create a State taxation department to incorporate the State taxing and valuation functions performed by the Commonwealth and to include with it the Treasury stamp office and the probate duties office of the Crown Law Department. The recommendation was acceptable to the Government and action was taken to establish a State Taxation Department and to appoint a Commissioner of State Taxation in control.

It is proposed that the State take over the taxing and associated work from the Commonwealth by the 1st July, 1970.

This Bill provides the legislation which will enable this proposal to be implemented, with those employees of the Commonwealth Taxation Office who are engaged on State functions and who elect to accept employment with the State being taken over. There are, at present, approximately 200 Commonwealth employees engaged on these State functions.

The Bill makes the necessary provisions for the Public Service Commissioner to offer appointments in the State Public Service to those Commonwealth employees involved in the takeover, and authorises him to appoint them on their acceptance of the offers to be made.

Such appointments will not be subject to normal Public Service entrance examinations, medical examinations, age limits, nor probation. During their employment in the State Public Service, Commonwealth employees appointed under these provisions will not be reduced in salary, nor in increment entitlement as at the date of the takeover, excepting as a result of any normal action taken under the provisions of the Public Service Act which relate to excess officers, incapable officers, or to offences committed by officers.

They will have their entitlement to recreation leave and sick leave credits preserved, and be credited with long service leave for which they are eligible, as also any *pro rata* long service leave due through service with the Commonwealth. On appointment to the State, these officers may elect to accrue further long service leave, either in accordance with their previous Commonwealth conditions, or in accordance with State Public Service conditions.

Special long service leave provisions have been made to cover certain Commonwealth officers who were previously employed by the State on property valuation work. When this work was taken over by the valuation staff of the Commonwealth Taxation Office, their services with the State were no longer required and they were offered Commonwealth appointments.

On appointment to the Commonwealth, their previous State service was treated as Commonwealth service for long service

leave purposes, in accordance with existing Commonwealth legislation. As a result, they found that their long service entitlement was less than it would have been had they continued as State employees.

Therefore, as I have already indicated, provision has been made in the Bill to credit such of these officers who are returning to the State, with the portion of long service which they forfeited on joining the Commonwealth Service.

It will be necessary for the Public Service Commissioner to be able to make firm offers of appointment to the officers involved in the takeover and therefore, the appointments made under this Bill will not be subject to appeal to the Promotions Appeal Board by other Government employees. This provision applies only to the initial appointments made under this Bill and not to any subsequent promotions.

It has been necessary because of fundamental differences between the Commonwealth and State superannuation schemes, to make special provisions to preserve the existing Commonwealth pension benefits and rates of contribution, in respect of the officers taken over.

The Bill provides that an officer may elect to contribute for the number of units of pension in the State fund that would give him a pension approximately equal to the Commonwealth pension benefit due to him at the date of takeover.

The contributions that such an officer will be required to make to the State fund shall be no greater than those being made to the Commonwealth fund immediately prior to his appointment. Any difference between the amount due to the State Superannuation Fund and the officer's contributions, will be paid to the fund from consolidated revenue.

Where an ex-Commonwealth officer has already attained the age of 60 years, as at the date of takeover, and he has contributed to the Commonwealth fund for a pension entitlement at age 60, provisions have been made to preserve his pension entitlement.

In short, a Commonwealth officer's equity in the Commonwealth Superannuation Fund as at the date of takeover, will be preserved at no increased cost to him.

The provisions of this Bill have been discussed with representatives of the staff associations concerned, who are aware of the proposed takeover conditions that, I understand, meet with their general approval.

I commend the Bill to the House.

Debate adjourned, on motion by The Hon. W. F. Willesee (Leader of the Opposition).

LOAN BILL

Second Reading

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [8.17 p.m.]: I move—

That the Bill be now read a second time.

The purpose of this Bill is to authorise the raising of loans to provide finance for the works and services detailed in the estimates of expenditure from the General Loan Fund.

As members know, the public borrowings of the Commonwealth and each State Government are co-ordinated by the Australian Loan Council which is constituted under the 1927 financial agreement between the Commonwealth and the States.

The Loan Council determines the annual borrowing programmes of the Commonwealth and the States, together with the terms and conditions under which loans to finance these programmes are raised.

Subject to the decisions of the Loan Council, the Commonwealth arranges new borrowing, conversions, renewals, redemptions of existing loans and consolidation of the public debts of the Commonwealth and State Government.

The Loan Council also determines the aggregate borrowing programme of semi-governmental and local authorities borrowing more than $300,000 in a year, under what is known as the "Gentlemen's Agreement," originally entered into in 1936. Individual loans raised by each of these authorities are subject to the Loan Council approval.

Since 1962-63 the Loan Council has placed no overall limit on the borrowings of smaller authorities for which State Governments can approve individual loan raisings. This group is confined to authorities raising $300,000 or less.

Last financial year, the Loan Council decided upon a borrowing programme of $170,000,000 for Commonwealth and State works. The amount was raised from the following sources:—

	$
Cash loans in Australia	444,000,000
Special bonds in Australia	16,000,000
State domestic raisings	13,000,000
Overseas loans	126,000,000
Commonwealth subscriptions to a special loan	111,000,000

The special loan of $111,000,000 subscribed by the Commonwealth was provided to enable the authorised works programme of the States to be undertaken.

Commonwealth assistance on this occasion represented 16 per cent. of the total works and housing programme, which

though much less than the amount required in the preceding financial year, represents significant support to the States' works programme.

The borrowing programmes for the current year were determined at a meeting of the Loan Council in June last. These were fixed at $758,000,000 for governmental works and $372,000,000 for semi-governmental and local authorities, raising amounts in excess of $300,000. Western Australia's allocations from these programmes amounted to $70,790,000 and $14,720,000 respectively.

Under this Bill, authority is sought to raise loans amounting to $65,861,000 for the purposes listed in the first schedule.

I should point out that the new authority provided for each item does not necessarily coincide with the estimated expenditure for that particular item during the current year.

Unused balances of previous authorisations have been taken into account and, in the case of works of a continuing nature, sufficient new borrowing authority has been provided to allow these works to be carried on for a period of approximately six months after the close of the financial year. This is usual practice and it ensures that there is continuity in the progress of works until the passing of next year's Loan Bill.

I would mention for the information of members that full details of the condition of various loan authorities are set out on pages 12 to 15 of the Loan Estimates, copies of which are available in the House, together with estimated balances to be carried forward at the 30th June, 1970. These pages also set out the appropriations of loan repayments received in 1968-69.

Provision for the payment of interest and sinking fund is another important authorisation in this Bill, which charges these payments to the Consolidated Revenue Fund and no further appropriation is required from Parliament.

Authority is also sought to reappropriate certain authorisations which are no longer required. The second schedule sets out the amounts to be reappropriated and the third schedule lists the items to which they are to be applied.

I commend the Bill to members.

Debate adjourned, on motion by The Hon. J. Dolan.

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 3)

Second Reading: Order Discharged

Order of the Day read for the resumption of the debate from the 9th October.

THE HON. R. H. C. STUBBS (South-East) [8.22 p.m.]: Owing to certain events which have taken place today, this Bill is now redundant, and I therefore move—

That the Order be discharged.

Motion put and passed.

Order discharged.

ADJOURNMENT OF THE HOUSE: SPECIAL

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [8.23 p.m.]: I move—

That the House at its rising adjourn until 11 a.m. tomorrow (Friday).

Question put and passed.

House adjourned at 8.24 p.m.

Legislative Assembly

Thursday, the 6th November, 1969

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

LOAN BILL

Introduction and First Reading

Bill introduced, on motion by Sir David Brand (Treasurer), and read a first time.

QUESTIONS (27): ON NOTICE

1. HOSPITAL

Fremantle

Mr. FLETCHER asked the Minister representing the Minister for Health:

Adverting to part 4 of my question of the 30th October, 1969, and his reply that more specialised surgical cases could be dealt with subject to availability of bed accommodation to be built in the future—

(1) Would not the present partial use of the specialised equipment limit the training of junior staff?

(2) Is any limitation put upon the admission of junior staff as a consequence of the situation outlined in (1)?

Mr. ROSS HUTCHINSON replied:

(1) No.

(2) No.

2. POWER STATIONS

Production Percentage

Mr. JONES asked the Minister for Electricity:

What percentage of power was generated by the undermentioned power houses on a weekly basis since the week ending the 26th April, 1969—

(a) Bunbury;

(b) Muja;

(c) South Fremantle;

(d) East Perth;

(e) Collie?