

Mr. Bovell: It is a pity that the same thing did not apply to the Chase agreement.

Mr. HAWKE: It did as a matter of fact. I am surprised that the Minister for Lands does not remember it, because I think he spoke during the debate; the Minister for Railways most certainly spoke on that debate.

Mr. Court: You ran out of answers.

Mr. HAWKE: I am rather worried that the weight of ministerial duties, and the cares of office, appear to have impaired the memory of the Minister for Lands. I suggest that the Premier might let him have a long holiday.

Mr. W. Hegney: At Rottneest!

Mr. HAWKE: Yes; that is a bright thought. I will mention it to the Premier myself.

Mr. Bovell: He will take as much notice of you on that as he will on this.

Mr. HAWKE: It is a coincidence that the Minister for Lands should have mentioned the Chase Syndicate, because that was the next agreement about which I was going to say a few words. The agreement made with the Chase Syndicate was subject to ratification by Parliament. The matter was debated, argued about, and criticised here. However, Parliament—that is, both Houses—finally ratified the agreement and it became law.

It might be said that the cases I have mentioned are not comparable to the cases which would exist in the event of the Government negotiating an agreement with a private company for the sale or lease of a State trading concern. The particular set of circumstances on the one side, and on the other side, may not be exactly comparable; but at least they establish the fact that private companies in the past have made agreements with the Government far more important than any which would be made for the sale or lease of a State trading concern, subject to the legal condition that the agreements would not become the law of the State until such time as they had been ratified by both Houses of Parliament.

So I think there is sufficient precedent to justify the introduction and the passing of this Bill, even if there exists no other reason to justify that course being followed. However, in view of what I have had to say regarding the certainty that some of these concerns—if not all of them—when sold, will be sold at far below the value and price at which they should be sold, it becomes an over-powering argument and reason why Parliament should ask the Government to bring any of these agreements which might be made in the future to Parliament for consideration and approval, or otherwise.

We would then be placed in the position of being able to safeguard the assets of the public, and being able to protect their

interests. After all, they are by far the most important people in this business. It is not the Government or the people to whom these concerns might be sold, or even the men who now work in these concerns—or their future welfare—but the public of Western Australia whom we ought to safeguard. The public own these concerns, and therefore Parliament has an undoubted duty to make sure that the people's property is protected, and that a truly fair and reasonable price is obtained either in regard to any sale which might be made or for any leasing which might be entered into.

In my judgment there is every justification and warrant for the introduction of this Bill, and I have much pleasure in moving—

That the Bill be now read a second time.

On motion by Mr. Court (Minister for Railways), debate adjourned.

House adjourned at 10.26 p.m.

Legislative Assembly

Thursday, the 27th August, 1959

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

QUESTIONS ON NOTICE**DRUNKEN DRIVING***Analysis of Alcohol Content of Blood*

1. Dr. HENN asked the Minister for Health:

- (1) Is it correct that in cases of charges of drunken driving the accused cannot obtain an independent chemical analysis because the Act only recognises the Government Analyst or his approved nominee on each occasion? If so, surely the objects indicated in the Act are defeated?
- (2) Would it not be reasonable for medical laboratories recognised by the B.M.A. to be classed as accredited laboratories for the purpose of blood alcohol estimations?
- (3) Is it correct that an approved analyst signs a document indicating what the alcohol content of the blood would have been at the time of accident, based on his analytical figure?
- (4) Would not such a person need to be knowledgeable in clinical medicine and physiological processes associated with the metabolism of alcohol?

Mr. ROSS HUTCHINSON replied:

- (1) Yes, as so far no private laboratory worker has applied to be certified by the Government Analyst as being a "properly qualified analyst."
- (2) This is at present done by a statutory authority. However, consideration is being given to the suggestion.
- (3) Yes, if the required information is available.
- (4) This is a very complex subject. The interpretation of the results of blood analyses for alcohol calls for knowledge of the physiological and medical factors involved.

IRON ORE*Diamond Drilling of Deposits*

2. Mr. BURT asked the Minister representing the Minister for Mines:

Is it the intention of the Government to diamond drill any of the known iron ore deposits in this State, in addition to Talling Peak, to ascertain the existence of greater ore reserves?

Mr. ROSS HUTCHINSON replied:

Yes. A drilling programme is under consideration.

Transport and Handling Facilities at Geraldton

3. Mr. BURT asked the Minister for Railways:

- (1) Is the railway system between Cue and Geraldton capable of handling regular large tonnages of iron ore?
- (2) If required, could facilities at the port of Geraldton be provided to handle iron ore fed automatically into ships from a conveyor, and would sufficient berthing space be available to allow all the hatches of a ship to be so filled?
- (3) What is the maximum tonnage of ore that could be carried safely from Geraldton harbour by ship at present?

Mr. COURT replied:

- (1) Approximately 1,000 tons of ore traffic is being transported weekly on this section. A precise answer to the question would require a guide as to what the term "regular large tonnages" implies. The standard of track construction has to be considered, i.e., 45 lb. rails with a restricted axle load of 10 tons, and also the limiting factors imposed by a single-line railway.
- (2) Yes. If necessary and funds were available, facilities could be provided to handle iron ore in bulk to be fed automatically into ships from a conveyor system. However, there is not sufficient berthing space in the harbour at the present time to cater for the normal trade of the port as well as large scale shipments of bulk iron ore.
- (3) At 27 feet maximum loaded draft —9,500 tons.

PUBLIC WORKS DEPARTMENT*Dismissals*

4. Mr. TONKIN asked the Minister for Works:

- (1) For what reason has the Government now commenced to sack men from the Public Works Department maintenance organisation?
- (2) How many men have been sacked or given notice of impending dismissal?

Mr. WILD replied:

- (1) (a) Inefficiency.
(b) To maintain a proper relation between the various trades and the type of work in hand.
- (2) (a) Two painters for inefficiency.
(b) Five plumbers for the reason given in No. (1) (b) above.
(c) The present programme requires less plumbing and more painting, and five extra painters will be taken on in lieu of the five plumbers who are to be dismissed.

CARNARVON PRIMARY SCHOOL*New Site*

5. Mr. NORTON asked the Minister for Education:

- (1) In view of the rapid increase in the numbers of children attending the Carnarvon Junior High School and the extreme shortage of classroom accommodation, has a new site been selected for the new primary school?
- (2) If not, will he have this matter treated as urgent?

Mr. WATTS replied:

- (1) Yes.
- (2) Answered by No. (1).

PASTURE EXPERIMENTS*South-West Coastal Plains*

6. Mr. ROWBERRY asked the Minister for Agriculture:

- (1) Is the Department of Agriculture conducting experiments on coastal plain country in the South-West of the State, with a view to establishing pastures on this type of country?
- (2) If not, why not?
- (3) If so, what progress has been made?

Mr. NALDER replied:

- (1) Yes.
- (2) Answered by No. (1).
- (3) Experiments have been conducted on coastal plain soils at centres between Perth and Albany. These experiments have shown that on well-drained areas such as the tuart sands, subterranean clover can be grown by using fertiliser containing zinc, copper, and potash in addition to superphosphate. On the poorly-drained and acid sandy soils, dressings of lime are needed for the establishment of clover. In addition, applications of zinc, copper, potash, and superphosphate are needed for the production of satisfactory pastures.

WAR SERVICE LAND SETTLEMENT*Farms in Northcliffe Area*

7. Mr. ROWBERRY asked the Minister for Agriculture:

- (1) How many farms in the Northcliffe area from the war service land settlement scheme were advertised for sale as at the 10th June, 1959?
- (2) How many have been sold?
- (3) Will he give consideration to making the unsold farms available to settlers in the area on a caretaker basis at a nominal rental as from the 31st December, 1959?

Mr. NALDER replied:

- | | | |
|----------------------------------|-------|----|
| (1) Dairy | | 5 |
| Undeveloped "Group" | | |
| properties ex R. & I. | | |
| Bank | | 29 |
| Tobacco | | 29 |
| (2) Dairy | | 5 |
| Undeveloped ex R. & | | |
| I. Bank | | 20 |
| Tobacco | | 22 |
| (3) This is a matter for Common- | | |
| wealth decision, but any reason- | | |
| able proposal will be considered | | |
| and submitted. | | |

KA RAILWAY WAGONS*Fault in Brake Cylinders*

8. Mr. BRADY asked the Minister for Railways:

- (1) Were brake vacuum cylinders on wagons obtained from Tomlinson Ltd. machined out of round?
- (2) Is the fault being rectified at the Government's expense or that of Tomlinson Ltd.?
- (3) Are Government employees working on overtime rates to remedy the fault in the cylinders referred to in No. (1)?

Mr. COURT replied:

- (1) No. Brake vacuum cylinders manufactured by Tomlinson Ltd. for railway requirements were machined to tolerances laid down by the W.A.G.R. drawings and inspected and passed by a railway engineer before delivery.
- (2) Answered by No. (1).
- (3) Answered by No. (1). It may be that there is some confusion with the general overhaul of vacuum brake cylinders now being carried out in the Midland Junction Workshops. This overhaul is applied to all vacuum cylinders on all locomotives, carriages, and wagons passing through the workshops, being part of the inspection and overhaul programme at present receiving special attention.

UNEMPLOYMENT*Effect on Government's Immigration Policy*

9. Mr. BRADY asked the Minister for Immigration:

- (1) Is it a fact that hundreds of New Australians are numbered among those registered as out of work with the Social Services Department?
- (2) Is it the policy of the Government, in view of the above circumstances, to advocate the continued intake of New Australians into Western Australia?

Mr. BOVELL replied:

- (1) This information is not available from the appropriate Commonwealth Department.
- (2) The Government will pursue its policy of progressively restoring a flow of migrants into Western Australia, having full regard to employment problems and economic difficulties.

QUESTION WITHOUT NOTICE

DRUNKEN DRIVING

Analysis of Alcohol Content of Blood

Mr. HAWKE asked the Minister for Health:

Would he, for the benefit of the non-professional members of the House, explain to us the exact meaning of part (4) of question No. 1 on today's notice paper?

Mr. ROSS HUTCHINSON replied:

As yet I do not classify myself as anything but a layman in regard to these matters, and I think the Leader of the Opposition's understanding of this matter should be clear at this stage. However, if he feels that it is not clear enough, perhaps we might meet subsequently and between us, manage to elucidate the matter a little further.

Mr. Hawke: Over a cup of tea.

INTERSTATE MAINTENANCE RECOVERY BILL

Leave to Introduce

MR. WATTS (Stirling—Attorney-General) [2.25]: I move—

That leave be given to introduce an Act relating to maintenance recovery and reciprocity between Western Australia and other parts of the Commonwealth and New Zealand with respect to the service of summonses for maintenance and the enforcement of maintenance orders to amend the Child Welfare Act, 1947-1958 and for other purposes.

Point of Order

Mr. J. HEGNEY: I would like to draw your attention, Mr. Speaker, to the Standing Orders which deal with the seconding of motions. The practice seems to have persisted whereby no seconder is called to a motion. Standing Order 171 says—

When a motion has been made and seconded, a question thereupon shall be proposed to the House by the Speaker.

We also have Standing Order 216 which says—

A motion not seconded may not be further debated, and no entry thereof shall be made in the Votes and Proceedings.

Some years ago I had the unique experience in this House of moving a motion for about three quarters of an hour, only to find that no member seconded the proposition I submitted; and, as a result, it lapsed. Those are the Standing Orders; and I would draw your attention to the fact that all motions moved should at least be seconded.

The SPEAKER: I thank the member for Middle Swan for drawing my attention to this matter but ever since I have been a member of this House it seems to have been the recognised practice to accept these motions as a matter of formal procedure, without their being seconded. However, I think the honourable member is correct, and I would like a seconder for the motion.

Debate Resumed

MR. BRAND (Greenough—Premier): I second the motion.

Question put and passed.

Leave given.

First Reading

Bill introduced; and, on motion by Mr. Watts (Attorney-General), read a first time.

FILLED MILK BILL

Third Reading

MR. NALDER (Katanning—Minister for Agriculture) [2.28]: I move—

That the Bill be now read a third time.

MR. GRAHAM (East Perth) [2.29]: I feel so strongly with regard to the contents of this Bill—

The SPEAKER: Order: I do not think I put the question.

Several Members: Yes, you did Sir.

Mr. GRAHAM:—that I do not propose to let it pass without a final protest on my part. I am not the least impressed by what action might have been taken, or what action may be contemplated, in other States of the Commonwealth. We are a sovereign Parliament. In respect of matters which come within our jurisdiction, we have an absolute right to make a determination on our own on the merits of the case, without being influenced from outside.

At no stage was it proved—and I do not think it has even been stated—that filled milk constitutes, when consumed by the public, a threat or menace to the health of the community. It is generally acknowledged that the additives to skimmed milk could give the product a nutritional value and vitamin content at least equal to that of whole milk; and that with proper supervision the public could be assured of a

regular standard of milk, which is virtually impossible in the case of whole-milk, because of factors which I need not outline but which will be appreciated by all members.

As far as we can learn, it is understood that the keeping qualities of filled milk are considerably better than those of wholemilk. I think it can be accepted without argument that filled milk would be cheaper to the public than wholemilk, otherwise it would not be a competitor of wholemilk.

It has been demonstrated that there is a potential export market for filled milk to places beyond the Commonwealth; so that if its sale and consumption in other parts of Australia were not possible, there would be an opportunity to dispose of the product to the many millions of people—apart from those in Western Australia—who live immediately to the north of us.

While some general statements have been made, no member has submitted any proof or evidence of the existence of a threat to the wholemilk section of the dairying industry; but on the contrary the statements which have been made show—and a little reflection will convince any member of this—that additional opportunities for dairy farmers would be created if a new enterprise for the manufacture of filled milk were set up in Western Australia.

On all relevant grounds we should permit filled milk to be produced and consumed in Western Australia—if the public cares to purchase and consume the commodity, and if anyone cares to produce it. No member on this side of the House has suggested that the public should be compelled to use this foodstuff, if they did not feel disposed to do so.

I have said on earlier occasions that the legislation contained in the Bill cuts across individual liberty and interferes with the freedom of the citizen to choose for himself a foodstuff of his own liking, which is in no way detrimental to his health. If we defeat this Bill, no damage will be done, because there is no milk-filling industry in the State or elsewhere in the Commonwealth.

Sir Ross McLarty: There will be if we do not pass this legislation.

Mr. GRAHAM: If such an industry were commenced, and if some of the repercussions which some members on the opposite side of the House fear were to be felt, then it would be the duty and responsibility of this Parliament to take appropriate action to meet the situation. Because a few people are becoming hysterical and are drawing magnified pictures of all sorts of eventualities which might stem from the establishment of a milk-filling industry, surely that is not a sound basis for introducing this legislation.

Mr. Brand: Is not prevention better than cure in this case?

Mr. GRAHAM: What we are seeking to prevent is someone's imagination.

Mr. Watts: You cannot get as far as that.

Mr. GRAHAM: As the Chairman of Committees is well aware, many hours were spent in discussing the contents of this Bill during the Committee stage. Nobody was able to establish the existence of a threat to the dairying industry, or to the wholemilk section of it. That a number of people either succumbed to pressure from a group, or became hysterical when gathered together at a conference, is no basis upon which a responsible Parliament should take action.

Sir Ross McLarty: Did not the Agricultural Council establish there was a real danger to the dairying industry?

Mr. GRAHAM: I understand that is so.

Mr. Bovell: Is that not enough?

Mr. GRAHAM: It is not enough for me. If the Agricultural Council had evidence available, then in all fairness that evidence or portion of it should have been made available to this Parliament. It has not been placed before us. We heard a very terse and general statement from the Minister for Agriculture to the effect that he was certain that the Agricultural Council had abundant evidence upon which to make the decision it finally arrived at.

I ask: What was that evidence? What was the nature of it? Was it just a guess? Obviously it was a guess. If a filled-milk industry were to commence in Western Australia, or in any other part of the Commonwealth, there could be an infinitesimal demand for this product by the people of this country, for the reason that we have become accustomed to using fresh milk—a term which I use for the want of a better one. In the same way, notwithstanding a limitation on the manufacture of margarine in Western Australia, the true position is that production has not reached the limit imposed upon that commodity by this Parliament.

This is not a matter of one commodity being better than another. Throughout our lives we in this State have been accustomed to using fats from the dairying industry, so we place butter instead of margarine, on our bread. But there are other countries where, in order to maintain the export trade and to benefit from the high price of butter, the reverse applies. Holland is such a country. There, margarine is the staple fat for domestic purposes, and butterfat is exported. I think I am right in stating that.

So I come to this point: Those of us who have known nothing but the milk, as it comes from the cow, will probably be

somewhat reluctant to change our habits by starting to use filled milk entirely, as a substitute or a replacement for fresh milk.

As a matter of fact, there is naturally no evidence to support that viewpoint, because a pound of margarine can be bought for only a fraction of the cost of a pound of butter, yet a great majority of people prefer to purchase butter in the State of Western Australia. Accordingly, as I survey the situation on any and every count of all of the points that should be taken into consideration, when one is seeking to resolve this matter, argument is in favour of rejecting the Bill. The only possible argument on the other side is that the establishment of the industry and the purchase of this product in Western Australia might endanger the dairying industry.

Having regard to my remarks of a few minutes ago, surely that is fantastic! But if it were found that filled milk, for one reason or another, was making an exceptional appeal to the public of Western Australia, then surely that would be the time for us to determine whether we should take restrictive action in order to protect, 100 per cent., the wholemilk section of the dairying industry; or whether we should have some regard for economics, the well-being of our people, and the freedom of the individual to make a decision for himself without having a prohibition imposed upon him by 25 or fewer members in this Chamber and 15 or fewer members in the Legislative Council.

Mr. Nalder: You do not want to group some of your own members in this matter, because they are in favour of the Bill.

Mr. GRAHAM: I do not know that I heard any expressions along those lines from any members on this side of the House. I think the records of the divisions will establish that the Minister is wrong in his assertion.

Mr. Nalder: I think the member for Merredin-Yilgarn and the member for Warren will support it.

Mr. Rowberry: Under certain conditions, which have not been provided.

Mr. GRAHAM: I know that the member for Merredin-Yilgarn had reservations at the Agricultural Council meeting, as he had reservations in this Chamber when he spoke on the Bill. Amongst other things, he stated that the legislation should not go on *ad infinitum*; that it should be in existence for an interim period only. A brutal majority has decided against there being any time limitation; but how any Liberal member of Parliament could favour the Bill I do not know, having regard to the flowery language which appears in the platform of that Party—freedom of private enterprise; the rights of the individual; and all the rest of it.

The fact that this can become a permanent piece of legislation and be kept on the statute book as long as there are

15 people in Western Australia in favour of it—if those 15 happen to have the letters "M.L.C." after their names—is wrong. I ask: Is it right or proper that approximately 40 citizens of Western Australia should seek to impose their will upon the population of Western Australia in the matter of their making a free choice—

Mr. Nalder: That is a fantastic statement.

Mr. GRAHAM: —and in respect of something that can have no detrimental effect upon them? As a matter of fact, there would be some points of advantage to them in regard to price and better keeping qualities. It would also be an advantage to our friends in the North-West who suffer certain special difficulties.

Mr. Nalder: No application has come from them suggesting that they would buy it.

Mr. GRAHAM: I have a vivid recollection of at least one member representing the North-West seeking to make special provision for the people in that distant part of our State; but his request was treated with scant consideration by the Minister and those who sit about and behind him.

Mr. Nalder: No demand has come from the North-West for this product.

Mr. Hawke: I wish the Minister for Agriculture would speak up when he interjects.

The SPEAKER: I think the Minister for Agriculture had better not interject.

Mr. Hawke: I think so, too.

Mr. GRAHAM: There could scarcely be a demand for an article when such article is not in existence. Let us view it this way: I am not aware that 12 months ago there was any demand for television sets in Western Australia. But, with the coming shortly of television broadcasts, naturally people are seeking to acquire that particular device. In the same way, if there was manufactured in this State the product of filled milk, no doubt there would be a demand from people to meet some of their requirements; and a demand from some of the more remote parts of the State.

But what is the use of Bill Smith and Tom Jones at Marble Bar making representations to the Minister for Agriculture for filled milk when there is no such product in the confines of the Commonwealth of Australia; and there will never be if this legislation is passed? Why, even the curiosity of members and that of the public at large will never be satisfied. I would like to be quite frank and say that I would like to have a look at some filled milk—a lump, slice, or at whatever form it takes. I am sure a great majority of us do not know whether it will be in granulated form, whether it will look like dried cheese, or

what it will be like; yet here we are deciding that we cannot even have a piece or a drop of it. I hope and trust that I have made my protest. I hope too that my approach in expressing my opposition has been logical.

Sir Ross McLarty: It will not please the dairymen.

Mr. GRAHAM: Nobody can deny that this is a distinct infringement of the rights of the people to make a sane choice in respect of a commodity which can do them no harm whatsoever: a commodity which would probably not enjoy very large sales in the State of Western Australia. Until the industry is established, it cannot be maintained by anybody that the introduction of the commodity will be a threat to the dairying industry, or any section of that industry, in the State of Western Australia.

This is a wicked piece of legislation, and will do this Parliament no credit if it is placed on the statute book. Hence my final appeal that members should examine their principles before taking extreme and drastic action. At this stage, I ask them to reject the legislation. If it could be demonstrated to all of us that there was some reason—which cannot be envisaged at this stage—which would make the legislation necessary, appropriate steps to achieve that result could be taken at the appropriate time; but that time has not arrived.

We have no right, even though we have the privilege of being members of Parliament for the time being, to deny the ordinary people access to this foodstuff which is consumed with beneficial results by many hundreds of thousands of people in other parts of the world.

MR. BICKERTON (Pilbara) [2.49]: I would not like to let this third reading pass without again registering my protest in regard to this legislation; and, in particular, as it affects the North-West. I realise that one of the weaknesses of the argument from the North-West point of view in regard to this commodity is the fact that it has not been demanded on previous occasions.

The Minister has used that considerably in his replies to remarks made on this side of the House; but we should also bear in mind that the Minister himself, I feel sure, did not know nearly as much about filled milk before this debate started as he will when it is finished. I recall that during his reply on the second reading, he said he was not sure on points raised as to the nutritional value and keeping quality of filled milk. That possibly applies to a lot of us; but it does appear that this is a commodity the use of which would be of great benefit to many people living in those areas where wholemilk is not available, and where the powdered milk has a definite life.

I think it was the member for North Perth who said that wholemilk was available in various places in the North, including Darwin. That is true, since it is possible to supply it to the coastal towns because of the refrigeration on the State boats. But it must be remembered that the milk is good only while it remains in some form of refrigeration. Some coastal towns have Government freezing works where the milk can be placed immediately; but even in those cases it must be sent to retailers, and it is quite probable that the retailers do not have the necessary refrigeration to keep it for any period. Therefore wholemilk, as a commodity in the North-West, can be forgotten.

I have already pointed out the difficulty experienced with powdered milk. Once it is opened and the air gets to it, its life is definitely limited; and I understand—although I have no technical knowledge of the subject—that this is due to the butter-fat content of the milk. Therefore, if vegetable fats were added, thereby ensuring the longer life of the milk, it would be a definite advantage to the people in the areas who have no way of obtaining wholemilk.

I said earlier that I did not think a great deal of research had been made into this matter before the legislation was introduced. Although I feel it is a subject which affects the whole of Australia, most of the other States do not have the problems that are experienced in Western Australia. In other words, there is no other State with a North-West. Even in Queensland the difficulties are not as hard to cope with as they are in our North.

The Minister was quite right when he said it was rather strange that we of the North-West had not thought of this matter before this Bill was introduced. Possibly we had not studied the matter before then. But we have done so now. Surely it is possible in some way to have this Bill amended—even if it is done in another place—so that it may be considered whether it is not possible for the people of the North-West, who have no chance of obtaining wholemilk—and whose needs are not 100 per cent. catered for with the present powdered milk—could benefit from filled milk. If, under the present legislation, the entire manufacture and sale of this commodity is banned, they will have no chance whatever of enjoying its advantages. I appeal to the Minister, even at this late stage, to reconsider the situation so that in some way the people above the 26th parallel will benefit.

Question put and passed.

Bill read a third time and transmitted to the Council.

FATAL ACCIDENTS BILL

Third Reading

Bill read a third time and transmitted to the Council.

LAND AGENTS ACT AMENDMENT BILL

Second Reading

MR. WATTS (Stirling—Attorney-General) [2.57] in moving the second reading said: This Bill to amend the Land Agents Act is submitted mainly to provide that the Land Agents Supervisory Committee, on showing cause to the satisfaction of a judge that a land agent's trust account is believed to be deficient, may apply for and obtain an order for what we may call freezing of the trust account.

This matter arose as a consequence of the default of a certain land agent, which was reported not very long ago, and an application was made by the Land Agents Supervisory Committee for the cancellation of his license after it had been reported by the auditor that it was apparent there were insufficient funds in his trust account to meet his obligations.

Subsequently, two writs were issued out of the Supreme Court against the land agent, and the creditors obtained temporary injunctions to restrain the bank from allowing operations on the trust account. However, as the position seems to be at present, it would be possible for the land agent to pay out the creditors who had obtained the injunctions, whereupon the injunctions would cease to operate and, in consequence, the bank would be forced to honour any cheque properly drawn by the land agent.

Subsection (3) of section 8 of the Land Agents Act makes it clear that moneys paid by a land agent into a trust account should not be available for the payment of the debt of any creditor of the land agent other than the person on whose behalf the money was paid. Since the incident I referred to transpired, discussions have taken place with the Official Receiver under the Federal Bankruptcy Act in this State; and it is clear that, on the bankruptcy of a land agent, the Official Receiver would not concern himself with the bankrupt's trust account; so that even if the land agent in question were made bankrupt, the position would not be satisfactory to the person whose money was in the trust account.

In the present circumstances, apparently, the proper remedy of the creditor in such a case is to make application under the Trustees Act, 1900, for the appointment of a new trustee in relation to the trust money; and that trustee could then apply to the court for directions as to the disposal of the money. It is not thought, however, that that is a very satisfactory position in which to place anyone, in the circumstances which I have endeavoured to outline. It would be more satisfactory for any distribution of a defaulting land agent's trust account to be made after consideration by a judge of the Supreme Court.

To afford far greater protection to the public, there is an apparent need for the supervisory committee—which, as members know, is in existence by virtue of the Land Agents Act as it at present stands, and which is responsible for the audit of land agents' accounts—to have power, on showing cause to a judge, to obtain an order to freeze the bank account of the land agent. The Bill therefore provides that where the committee, on an application made to a judge, shows by evidence on affidavit, to the judge's satisfaction, that there are reasonable grounds for believing there is a deficiency in the trust account; or that there has been undue or unreasonable neglect, or refusal, or delay, on the part of the land agent in paying money due out of that account, the judge may, if he thinks fit, make an order that the manager or other officer for the time being in charge of the bank, be restrained, until the order is made absolute or discharged, from paying out, transferring, or otherwise dealing with any money standing to the land agent's credit at the bank.

Such an order may contain such terms and conditions—the Bill proposes—as the judge thinks fit; and may relate to all or any of the trust or other accounts of the land agent, as the judge may determine. It is provided, in the first instance, that the order may be made *ex parte*, without notice to the land agent, as an order to show cause only; and unless the land agent shows to a judge, within the time specified in the order, sufficient cause to the contrary, the order—on proof that it has been served—may be made absolute.

Mr. Nulsen: What would happen in the intervening period before the court could act? The land agent could still draw cheques.

Mr. WATTS: That would be determined by the speed at which the committee took action. I would suggest that if the deficiency was one such as that in the case we have in mind, action would be taken rapidly; because there the deficiency was a substantial one, running into many thousands of pounds. There are other cases where the deficiency, perhaps an irregularity only, is quite small; and in those instances arrangements could be made for the whole matter to be rectified within a very short period.

In the case to which I have referred, the position was such that attention was drawn to the need for reconsideration of the Land Agents Act in this regard, because the sum involved was very substantial and there was no hope of the matter being rectified; and, unfortunately, all these difficulties commenced to arise.

Mr. Hawke: It seems that we amend this Act frequently.

Mr. WATTS: I think the position is that the parent Act has not been very long on the statute book; and this is not the sort

of legislation that one can come to grips with all at once, as I saw the first time the measure was introduced.

Mr. Hawke: There always seems to be some shrewd head who can get around it.

Mr. WATTS: That is what I intended to convey when I said that one could not come to grips with it easily; because it is not always easy to anticipate the problems that will arise or the methods that will be devised to evade some section of the Act. I do not think the question of evasion, in that aspect, comes into the matter introduced in this Bill; but it could easily come into it at some future time if the necessary steps are not taken; or at least, that is the belief of those who have examined the matter.

As members know, the Crown Solicitor is chairman of the Supervisory committee under the Act. The Crown Solicitor, therefore, being closely in touch with land agents' activities and being very ready, also, to give consideration to the legal aspects which may concern him, has brought this matter very strongly under notice; and indeed it has been brought under notice by outsiders as well; because the difficulty to which I have referred strikes outsiders most forcibly when it is their money that is involved. The Bill further provides that the committee, as soon as practicable, shall serve a copy of the order on the bank and on the land agent concerned, and it will be an offence to fail to obey that order.

The Bill also indemnifies the bank concerned for its part in carrying out the order. The measure provides, further, that when the bank is served with a copy of the order, it shall disclose in writing to the committee particulars of all accounts kept in the land agent's name, including any account which the bank reasonably suspects is held or kept at the bank for the benefit of the land agent; and it permits the committee or its authorised officer to inspect and take copies of any books or documents.

It is also provided that the judge may, on the application of the committee, the Treasurer of the State, or the land agent, make further orders directing that any money in any account affected by an order shall be paid to the Treasurer by the bank on such terms and conditions as the judge thinks fit; and the Treasurer of the State, on receiving such money under that order, shall pay it into a separate account at the Treasury, and may prepare a scheme for distributing the money as compensation to each person who claims it at any time within six months and who proves he has sustained loss through any act or omission of the land agent; and if the moneys are not sufficient to pay all the proved claims in full, he may apportion the money among the claimants.

It will be apparent that circumstances can arise in which the deficiency is of so considerable an amount that it is impracticable to pay all the claims of those who might be looking to the land agent for their money; and equally impracticable in the majority of cases, if not in every case, to ascertain exactly whose money it is that is missing; because naturally the whole of the money will be in the one bank account, and if one-tenth of it has been misappropriated it cannot be said to which one-tenth of the creditors—by name—it belonged; and therefore it might be necessary to make a distribution on a proportionate basis.

The Treasurer is therefore authorised to draw up a scheme, in such circumstances, for such a purpose; but he cannot carry that scheme into effect without application to a judge for approval of the scheme; and that provision has been inserted as a safeguard. The judge may also give directions in respect thereof; which directions, members will notice, the judge is empowered to give in the last subclause of the Bill.

Mr. J. Hegney: What insurance have they got? Is there a rise and fall according to the amount of business they do?

Mr. WATTS: No; I understand it is a fixed sum. I think it is £5,000; and it is not determined by the amount of business they do, because that would be impracticable. As I see it, they would never know exactly what business they would transact until it had been transacted; they may do a small amount of business for many months, or even years, and then all of a sudden they have some substantial transactions.

It will be quite clear that the whole of the powers contained in the Bill are based on orders to be made by a judge of the Supreme Court who, of course, will be at liberty to make, or not to make an order as he thinks fit; or having power to make the order subject to conditions, may be satisfied that those conditions should enable the land agent to have some authority to operate upon one or more of his accounts. That would depend on the judge's view of the circumstances of the case.

The whole proposal is based on the belief that circumstances which have already arisen in connection with the land agent mentioned earlier may arise in other cases; and it is quite clear that, as the moneys of a number of persons will be deposited in the trust account at the time when the audit discloses a deficiency, it is desirable that some authority—and as far as this Bill is concerned it is a judge of the Supreme Court—should have the right to determine, in the light of the facts, just what should be done to protect to the utmost extent possible the persons concerned.

I would conclude by saying that I believe the Bill is a genuine attempt to provide for eventualities which, if not otherwise provided for, can present many problems and do considerable harm to a number of persons who in good faith have entrusted their business to a land agent who, unfortunately, subsequently makes default. I commend the Bill to the House, and I move—

That the Bill be now read a second time.

On motion by Mr. Nulsen, debate adjourned.

STATE ELECTRICITY COMMISSION ACT AMENDMENT BILL (No. 2)

Second Reading

MR. WATTS (Stirling—Minister for Electricity) [3.12] in moving the second reading said: This is a small Bill to amend the State Electricity Commission Act to make provision for the addition of another member of the commission to represent that part of the State which is not in the metropolitan area. At present there are eight commissioners, of whom three are qualified engineers and obtain their positions on the commission from that qualification; there is a fourth member who is the representative of the Treasurer; there is one metropolitan consumers' representative as such; one representative of commercial consumers; one representative of the employees; and one country consumers' representative.

Actually as by far the greatest majority of commercial consumers are—and for some considerable time to come, if not always, will be—in the metropolitan area, it is apparent that the representative of the commercial consumers can be added to the metropolitan consumers' representative—substantially anyway—as another metropolitan representative.

Representations have been made by the Road Board Association—and by other country bodies—that in view of the substantial activity which is now taking place, and is to take place in the future, by the State Electricity Commission in throwing out further and further its power lines into country districts—into areas hitherto untapped—it is desirable that another representative should be placed on the commission to represent that part of the State which is not in the metropolitan area.

At first sight it might appear—and to be quite frank, it did appear so to me—that the time is not quite ripe for such action to be taken. On expressing an opinion along those lines to the bodies to which I have referred, renewed and stronger representations were made. It was pointed out that the country consumers' representative was originally

appointed from the South-West area proper, where the State Electricity Commission first commenced its rural activities.

I was advised that that gentleman had performed most excellent services, which were greatly appreciated; but in view of the fact that the programme of development was now moving along the Eastern Goldfields line, into the Great Southern and to other parts of the State, opportunity should be taken to permit the appointment of a representative to be able to express to the commission the point of view of those areas whose circumstances differed substantially from those of the South-West areas proper.

Further consideration having been given to these representations, it was decided that Parliament should be asked to permit the Act to be amended so that such an additional appointment might be made; and not to appoint someone as the representative of any body or association, but simply to appoint, as the first gentleman was appointed, another person as a country consumers' representative undoubtedly chosen from other areas of the country districts where the extended activities of the S.E.C. are taking place and will be taking place in the future.

It is provided that the Bill, if it becomes an Act, shall not come into operation until a date to be fixed by proclamation. I think that explains quite clearly the terms of the measure, and I move—

That the Bill be now read a second time.

On motion by Mr. Hawke, debate adjourned.

BILLS (2)—MESSAGES

Appropriation

Messages from the Governor received and read recommending appropriation for the purposes of the following Bills:—

1. Land Agents Act Amendment.
2. State Electricity Commission Act Amendment (No. 2).

TOWN PLANNING AND DEVELOPMENT ACT AMENDMENT BILL

In Committee

Resumed from the 20th August. The Chairman of Committees (Mr. Roberts) in the Chair; Mr. Perkins (Minister for Transport) in charge of the Bill.

Clause 6—Part V added (partly considered):

Mr. NIMMO: In this clause it is provided that 11 members shall comprise the authority. In the Perth Road Board area, part of which is in my electorate, there are large tracts of bush, and much work will have to be done under this Bill. At Scarborough

Beach, the new planning scheme will cost in the vicinity of £90,000. The Perth Road Board area is approximately 45 square miles, and its population is 70,000 out of a total population in the metropolitan area of 380,000. The revenue of the board is about £500,000 and the valuations are approximately £16,000,000. These figures show the extent of the area that comes under the jurisdiction of the Perth Road Board, and the amount of revenue handled.

A tax of one halfpenny in the £ will bring in a revenue of approximately £30,000 from that area. Does the Minister think it is possible for an extra member to be appointed to this authority to represent the Perth Road Board? I realise, of course, that there may be other members of Parliament who feel that a representative should be appointed on this committee to represent each one of their electorates, but I point out once again that the Perth Road Board area is very large.

Mr. Hawke: Is the honourable member going to move an amendment in that direction?

Mr. NIMMO: Before I do so, I would like to hear the views of the other two members who represent this district. The member for Mt. Hawthorn has a large part of it in his electorate, and the member for Maylands has many of his constituents residing in it also.

Mr. W. HEGNEY: When the member for Wembley Beaches started to outline the claims of the Perth Road Board, I thought he intended to move an amendment to increase the personnel of the committee. However, he said that he would like to hear the views of other members before doing so. The member for Wembley Beaches, the member for Maylands, and I, have received a communication from the Perth Road Board which sets out the information already outlined by the member for Wembley Beaches. The secretary of that board has indicated that the metropolitan area is 197 square miles and the Perth Road Board has jurisdiction over 45 square miles, which is nearly 25 per cent.

As the member for Wembley Beaches has said, the valuations in that area total £16,000,000; and it is expected that this unfair sectional tax will bring in, from that area, £33,000 of an estimated total of £140,000; or nearly 25 per cent. of the total. The population of the Perth Road Board area is 70,000, of an approximate total population of 388,000 in the metropolitan area. I know the Minister will ask: What about other road board districts and municipalities? However, in view of the concern expressed by the Perth Road Board, and presumably the concern expressed by those local authorities about whom I cannot speak, I ask: Who drew up the categories in which these local authorities are placed?

The Perth Road Board area extends as far as Green Street, Osborne Park, and past the wireless station to what is called the 8-Mile peg. It goes through to include part of Wembley and on to North Beach; it embraces an area in the Maylands district; and it includes the northern section of Nollamara and takes in the Mt. Yokine golf links. The Minister for Transport would know that a railway was envisaged from Daglish to traverse the Perth Road Board district and to come in again near Bayswater. That district has a great potential, and it is estimated there will be another city eventually established in the Nollamara district.

Mr. Nimmo: And Scarborough, too.

Mr. W. HEGNEY: Yet the Perth Road Board district is linked with local authorities such as Peppermint Grove and Nedlands. Nedlands is only a few square miles in area, and Peppermint Grove about four square miles, or less. The interests there are different.

The Minister and the member for Toodyay would probably say, "What about the Swan Road Board?" I understand that though the metropolitan district is 197 square miles in area, if the Swan Road Board were taken into account, the area would be 571 square miles. This authority would have jurisdiction over 8 or 9 per cent. of the total area, but there would be a good deal of development there. The Perth City Council would have one-eleventh of the representation, and the Perth Road Board would have 1/8 of 1/11th, which is a representation of 1/88th.

I think there is a weakness. From Group B, in which there are eight local authorities, one delegate will be appointed who could be a councillor of the Municipality of Nedlands. He would represent the Perth Road District, or, alternatively, one of the other six local authorities, on behalf of the Perth Road Board; or alternatively again the group of eight may elect a member of the Perth Road Board to represent the entire group.

In all fairness I think the Minister should tell us what circumstances were taken into account when these road boards and municipalities were placed in various groups. Were a number of conferences held between the Minister or his representative, and the town planning authority and the local authority; and was agreement reached as to the categories into which these local authorities should be placed? I do not know what the position is. The Minister did not explain this aspect. Would the Minister accept an amendment to increase to 12 the number on the regional authority; to delete the Perth Road Board from Group B in the schedule; and to make provision for the Perth Road Board to have a representative on the regional committee on the same basis as the Perth City Council?

Mr. OLDFIELD: I support the two previous speakers. The Perth Road Board district contains 16 per cent. of the population of the metropolitan area. It is the largest authority in so far as area is concerned; and it is not too far short of the Perth City Council. The Perth Road Board also has a revenue of £500,000, and a valuation in the district approximating £16,000,000.

I hope the Minister will give special consideration to the Perth Road Board in this instance. In the past the Perth City Council has always been given special consideration by virtue of its area and set-up. Such a scheme is vital to the progress and future development not only of the city, but of the entire metropolitan region. The Minister should give some indication as to whether he will agree to amend the Bill to give the Perth Road Board equal representation with the Perth City Council.

Mr. PERKINS: Various members have made representation to me on behalf of the Perth Road Board and I have given this matter some thought. I have discussed it with the department concerned and with the Minister for Town Planning. If the suggested amendments were agreed to, they would upset the whole basis and conception of the authority to be set up to implement the Stephenson Plan.

I saw a letter from the Perth Road Board, and it appeared to me as though the road board was working on the wrong premise entirely. It seemed to think that whoever was going to be appointed to represent the Perth City Council or the Perth Road Board, would merely peddle the point of view of the authority that sent him there. Actually the conception is to appoint an authority to implement the town planning scheme for the entire metropolitan area. This matter goes right back to the time Professor Stephenson considered the position in Perth and tendered his report, which was accepted by all shades of political opinion in this State.

Subsequently, of course, in 1957 a Bill was brought down by the Government of the day to implement that particular plan. The subject has been under consideration for a long time, and one would think that these difficulties now envisaged would have been ventilated long before this. The authority appointed to implement the plan must be free from the petty considerations likely to arise, if any member on that authority is to regard himself as a delegate from a particular area.

It is desirable to insert some provision in the Bill to enable as wide a representation as possible from all the people around the metropolitan area to be on the committee. The local authorities are to be divided into groups, and a delegate from each group is to be appointed. A panel of names is to be taken from those delegates

for selection as members on the town planning authority. By that means we will have a much more representative body of men on that authority, and they will be able to implement the Stephenson Plan on a broad basis.

Reference was made to the effect that the Perth City Council was placed in a special category on its own. The people responsible for drawing up this measure decided that should be the case; and there is some reason for so doing. The Perth City Council happens to represent the district in the heart of the city. That district will always be the hub of the metropolitan area.

Mr. W. Hegney: That is not so. Have you not heard of Joondanna Heights or Tuart Hill?

Mr. PERKINS: There might be an alteration at some distant future date, but the hon. member is drawing a very long bow when he envisages some other part of the metropolitan area as being the hub. All the planning of the department is on the basis that the hub of the city will remain as it is; and that is the reason for having one representative from that area on the town planning authority. I hope that the representative from the Perth City Council will be more than a mere delegate, and will have a wider conception of the function of this authority, which in the main is to implement the Stephenson Plan.

We must believe that it is possible to implement this plan. A great deal is at stake. Members of this House have accepted the Stephenson Plan and have given lip service to its implementation, and now the Government has to implement it. A great deal of thought has been given to the plan over a long period of time. The previous Government introduced a Bill on similar lines to the one before us. The present Government, of a different political complexion, is justified in hoping that this measure will not be treated on narrow political lines. As the previous Government introduced a similar measure, we should receive the support of members opposite.

To tamper with the proposed constitution of the central authority, which is to be a representative and well-balanced body, is to act in an irresponsible manner. I have discussed this Bill with the Minister in charge and with the officers of the department concerned. I cannot accept an amendment to extend the representation on that authority, or to alter the representation from the various groups.

Mr. OLDFIELD: I appreciate the fact that the Minister does not wish to give the Perth Road Board similar representation on the town planning authority to that which is to be given to the Perth City Council. The trouble stems from the special treatment given to the Perth City Council in the past, in respect of the Swan

River Conservation Board and similar boards. Members here have on other occasions contended that the Perth City Council was not deserving of special consideration. It is a local authority, the same as any other. All Governments including the previous Government and the one before that, gave special treatment to that Council.

Sitting suspended from 3.45 p.m. to 4.4 p.m.

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

Bells rung and a quorum formed.

Mr. OLDFIELD: Before the suspension, I was saying that all Governments have been equally culpable in seeking out the Perth City Council for special privileges in representation on various boards and authorities which have been set up in the past. I would like to know from the Minister, if he is not prepared to give the Perth Road Board the same consideration as the Perth City Council, whether he will put the Perth City Council on the same basis as all other local authorities. I fail to see why the Perth City Council should have special representation, while all the other local authorities are lumped together.

It is all very well for the Minister to say he does not want any delegate with a parochial outlook; but the Perth City Council representative will, at all times, regard himself as a representative of the interests of the City of Perth, and he will act accordingly. If he is one of five representatives, he will have 20 per cent. of the power of all representatives of local authorities. He, with departmental officers, could out-vote the remaining local authority representatives. I would like to know whether the Minister would accept an amendment whereby the Perth City Council would not be given special representation.

Mr. PERKINS: I know that, from time to time, criticisms are made of the Perth City Council; and possibly some are justified. But we have endeavoured to constitute a well-balanced authority to implement the Stephenson Plan, after very careful consideration of the matter; and I hope the fears of the member for Mt. Lawley will be groundless and that the representative of the Perth City Council will come purely as a delegate.

Mr. Oldfield: You do not know the Perth City Council!

Mr. PERKINS: I am hoping that it will be so. This is so important to the development of the greater City of Perth that we must approach it in a reasonable spirit; and we can only hope that any person who is appointed to this planning authority will not take a narrow view.

If necessary, amendments can be made in the future. However, in the initial stages we should proceed on this basis, as very careful consideration has been given

to the matter. I feel that the constituted authority as contained in the Bill should be retained.

Mr. OLDFIELD: Seeing that the Minister is adamant, I think the time has arrived when I should test the feeling of the House. I move an amendment—

Page 4, line 28—Delete the word "eleven" and substitute the word "twelve."

The CHAIRMAN: Before I put that amendment, and in view of my previous comments in regard to this clause, I point out that I will enumerate the proposed new sections; and we are now on 39.

Mr. TOMS: I, along with other members, received communications from the Perth Road Board, and immediately took the matter up with the Minister concerned. I feel that the case submitted by the Perth Road Board is entirely justified in view of the fact that it will, as a local authority—should the taxing power as laid down in the Bill be agreed to—be called upon to contribute at least one-fifth of the tax. However, I see a danger in this as it is constituted, and I agree with the member for Mt. Lawley that if the Perth City Council is to be included in this particular list, then the Perth Road Board should have the same right.

I indicated to the Minister that I believe that in regard to the committee—and the Swan River Conservation Committee, too—it would perhaps have been best to have had no local government representation included. When the time came for each local authority's problem to be dealt with then the committee formed could call in that authority and deal independently with it.

I only wish the Minister would agree with this, because I can see that from time to time the situation I envisage will arise. I also wish that the remarks of the Minister with regard to the people having a broad outlook of the whole position, could be taken as gospel. But, unfortunately, they cannot. That parochial outlook must and will creep in. I am supporting the amendment; and if it is defeated I trust the Minister will give consideration to my suggestion that this local authority, and others, should be left out of committees of this sort, and be called upon when a particular problem arises. It would be no slight to the local authority.

Mr. W. HEGNEY: I would like briefly to support the member for Mt. Lawley in his effort to increase the personnel from 11 to 12, with a view to providing for direct representation for the Perth Road Board. The Minister has said that this committee will not represent particular interests; but if one reads the relevant section of the clause, one sees that this is not so. Sub-section (4) of proposed new section 39 provides that the members shall be the

chairman of the authority, and five members, each one being an officer employed in one of the public authorities set out in Part A of the fourth schedule, and representing the public authority in which he is employed. That is a specific direction to the delegate from the particular body or authority.

The next subsection states that a member being a councillor of the City of Perth will be elected or appointed by the Governor on the nomination of the council. Paragraph (d) states that there will be four members each representing one of the groups of local authorities. As the Bill stands now, there will be four members selected by local authorities who will represent the local authorities.

If a committee of this nature were to represent overall interests and not submit the viewpoint of a sectional interest, the clause should read somewhat differently. It should be something on the basis that the regional committee shall consist of 11 members including or comprised of—and then the bodies should be set out without indicating that particular representatives would represent specific interests. The Perth Road Board has pointed out that it feels aggrieved; and that it feels it should be entitled to the same representation on this committee as the Perth City Council has; and I consider it has some grounds for its claim.

I asked the Minister who was responsible for placing these local authorities in their respective categories, but I have not had any information on that point. I do not know whether any other authorities have made a complaint in regard to their representation; but the Perth Road Board has shown that its jurisdiction extends over a very wide field and covers a big population. In the circumstances I shall support the amendment of the member for Mt. Lawley.

Mr. PERKINS: I would like to indicate that for the reasons I have already advanced, I cannot possibly accept this amendment. It destroys the spirit of the Bill. Despite what the member for Mt. Hawthorn has said, when the word "representation" is used, it means, in the broad concept, representation of the interests of the whole metropolitan area. The question was raised as to who was responsible for placing these local authorities in their respective categories. The Bill was prepared in the Town Planning Department; and it is not something that has happened overnight, but goes back to 1957. In all the circumstances, I feel I am justified in refusing this type of amendment. I would just like to make it perfectly clear that it would upset the balance of the Bill and I cannot possibly accept it.

Mr. OLDFIELD: I do not see how the amendment could upset the balance. Later in the Bill, there is provision for district

planning committees; and again the overwhelming weight is in favour of the Perth City Council, which will have eight members on the committee, while the Perth Road Board will have one. Victoria Park, a pocket-handkerchief suburb, and the North Ward, which would contain about half a square mile, would have one member; and the whole of the Perth Road Board area would have only one member. The present Minister, while on this side of the House over the past six years, helped to add to the numbers on the Swan River Conservation Committee and various other committees. I see no logic in the Minister's argument.

Mr. GRAHAM: The Minister has given no compelling reason why the amendment should not be accepted; because it would not upset the balance, but would allow direct representation of the Perth Road Board in the same way as the measure provides for the Perth City Council. I understand that the Perth Road Board constitutes about one-quarter of the area involved in the scheme, and embraces about one-sixth of the population of the metropolitan area; and those who reside or own land in that area will have to contribute about one-quarter of the revenue to be raised. That indicates that anything less than is envisaged in the amendment would impose an injustice, not only on the local authority concerned, but also on all the people and properties involved in the imposition of this tax.

There can be no question of disturbing the balance; because to suggest that an authority which, in accordance with the measurements, has about 25 per cent. of the interest in the scheme should have only one-twelfth of the say, does not disturb the balance but, on the contrary, helps to establish it. Merely because an officer in the Town Planning Department made a certain grouping, we do not have to accept the number proposed in the Bill as sacrosanct. It could just as easily have been any other number; and the number does not matter so long as justice is done.

Unlike the member for Mt. Lawley, I would concede that the Perth City Council, as the local authority for the capital of this State—together with other considerations I need not go into—may be entitled to special consideration; but, for the reasons adduced, I think the Perth Road Board is entitled to special representation. If such representation were granted, it would have no deleterious effect on this authority; so I appeal to the Minister not to be stuffy in connection with this matter.

Mr. Brand: We could have made that appeal to you, when you were Minister.

Mr. GRAHAM: That appeal was made to me, as the Premier could see from *Hansard*—in the case of the Traffic Act—and, to appease members of the then Opposition, I agreed to the deletion of several pages in one amendment; and that was

acceptable to this Chamber. There were many other instances where that happened, both on account of representations made in this Chamber by members here, and also because of amendments sought by another place.

If we have reached a stage where it becomes an affront to the Government for even a word to be altered, although a reasonable case for the alteration is established, we have reached a pretty pass. What is sacrosanct about the number laid down in the Bill? There is nothing sacred about that figure; and if a case can be made out to change the figure 11 to 12, surely the Minister should accept it! I can tell the Minister, although portion of the Perth Road Board district is in my electorate, that I would have no hesitation in agreeing with him if he could show that the amendment would make the authority unworkable; but he cannot do that.

I remind the Minister that 25 per cent. of the revenue will come from the Perth Road Board area; and it might be a reasonable proposition to be on the side of the Perth Road Board—

Mr. PERKINS: Why weren't these arguments raised in 1957?

Mr. GRAHAM: I do not know. But the Perth Road Board has written to me in the last few days, pointing out certain things; and I think its case has merit. If it were just a bald request, with nothing to back it up, I would not take heed of it; but I think the road board has made out a good case which the Minister should accept unless he is able to answer the points that have been raised in this debate; and so far he has not done that.

Mr. TOMS: In the event of the amendment being accepted, Mr. Chairman, would I be in order in moving for the insertion of another word in place of the word proposed to be added?

The CHAIRMAN: The amendment before the Chair is that the word "eleven" be deleted. We can deal with the honourable member's query when the member for Mt. Lawley moves the second part of his amendment.

Mr. TOMS: I do not want to disagree with the member for Mt. Lawley; but, in the event of the Minister and others not agreeing to the Perth Road Board having representation, I would like to insert the word "six" so that no local authority would have representation on the committee.

Mr. PERKINS: You can have any figure you like if you get this one out.

The CHAIRMAN: As I previously indicated, the member for Maylands must wait until the member for Mt. Lawley moves to insert another word in lieu of the word struck out.

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

Ayes—20.

| | |
|---------------|--------------|
| Mr. Bickerton | Mr. Lawrence |
| Mr. Brady | Mr. Norton |
| Mr. Fletcher | Mr. Nulsen |
| Mr. Graham | Mr. Oldfield |
| Mr. Hall | Mr. Rhatigan |
| Mr. Hawke | Mr. Rowberry |
| Mr. Heal | Mr. Sewell |
| Mr. J. Hegney | Mr. Toms |
| Mr. W. Hegney | Mr. Tonkin |
| Mr. Jamieson | Mr. May |

(Teller.)

Noes—21.

| | |
|----------------|-------------------|
| Mr. Bovell | Mr. Mann |
| Mr. Brand | Sir Ross McLarty |
| Mr. Burt | Mr. Nalder |
| Mr. Cornell | Mr. O'Connor |
| Mr. Court | Mr. O'Neill |
| Mr. Craig | Mr. Owen |
| Mr. Crommellin | Mr. Perkins |
| Mr. Grayden | Mr. Watts |
| Mr. Guthrie | Mr. Wild |
| Dr. Henn | Mr. I. W. Manning |
| Mr. Hutchinson | (Teller.) |

Ayes.

Pairs.

Noes.

Mr. Moir
Mr. Kelly

Mr. W. A. Manning
Mr. Nimmo

Majority against—1.

Amendment thus negatived.

Mr. GRAHAM: I would like some information from the Minister as regards paragraph (c) at the top of page 5. I am disposed to move to strike out the word "councillor" and insert the word "representative," which would still enable a Perth city councillor to be the representative of that authority. But what happens if the Perth City Council wants to have the Town Clerk represent it on the committee? Under the wording in the Bill that would be impossible. I do not know whether the Lord Mayor is a councillor, because there is a separate election for him; but my thoughts on the matter were that if the Perth City Council is entitled to representation, it should be the body to decide who should be its representative.

I notice in the Bill, where it mentions the various departments, that no particular officer is nominated; and it merely says "a representative of the Railway Department," or "a representative of the Main Roads Department," and so on. If there was anything in my viewpoint, and the Minister agreed, it was my intention to give similar treatment to paragraph (d) to allow the local authorities to nominate whom they wanted rather than confine it to a councillor or a member of a road board; assuming that it was their desire that one of their officers should be the one to represent them. Can the Minister give me some information on the point?

Mr. PERKINS: I have not heard of any suggestion along the lines mentioned, and I think all the planning has been on the basis of one of the representatives of the ratepayers being the representative of the local authorities rather than any paid servant of the authorities. I stress the conception of this being a real planning body

without any narrow viewpoint. If any servant of an authority represented it, he would be in a somewhat difficult position because he would be obsessed with the viewpoint of the particular body he represented, rather than that of the ratepayers generally. I will discuss the question raised by the member for East Perth with the Minister for Town Planning; but at present I would be opposed to any alteration of the clause along the lines suggested.

Mr. GRAHAM: I wonder whether the Minister would agree to report progress.

Mr. Brand: No.

Mr. Perkins: No; we must get it through.

Mr. GRAHAM: That places us in an awkward predicament, because it is obvious that the Minister is not too confident about the point I raised. He talks about a general conception. If, where the Bill mentions all these Government departments, it was not to be the departmental officers, surely the Bill would have mentioned the Minister in each case.

Mr. Perkins: You would not enable them to go on this authority, would you?

Mr. GRAHAM: If it is to be a question of being responsible to the public, that would be highly desirable; but in that respect it has not been done. Therefore, the Minister's broad conception does not hold water.

Mr. Perkins: I think you are on a weak argument now.

Mr. GRAHAM: What would happen is that if the Town Clerk or the City Engineer were the nominee of the Perth City Council, his narrowest outlook would be the whole of the Perth City Council territory; but a councillor who represents, say, the East Ward of the Perth City Council would be biased, perhaps, towards that narrow portion of the municipality. There would be a tendency in that direction.

Mr. Perkins: You are not convincing me.

Mr. GRAHAM: Perhaps because the Minister does not desire to be convinced.

Mr. Perkins: No; I have an open mind on this.

Mr. GRAHAM: The local authority should have the right to nominate the person that it thinks should be appointed. Therefore, I move an amendment—

Page 5, line 1—Delete the word "councillor" and substitute the word "representative."

The word "representative" is a term used in other portions of the Bill. I can imagine that a local authority representative, as councillor, could be the local tobacconist; but the secretary of a road board, or a town clerk, or a building surveyor would be a person who has some qualification and would make a far better representative.

Mr. J. HEGNEY: Would the wording of this subclause include the Lord Mayor of Perth? It specifically refers to a coun-

cillor and the Lord Mayor would thus be excluded. Therefore, the amendment would make the subclause broader in scope and would make the authority more representative.

Amendment put and negatived.

Mr. W. HEGNEY: I move an amendment—

Page 5, line 1—Insert after the word "councillor" the words "or the Lord Mayor."

At this stage it will not be necessary; but as far as I know, under the Municipal Corporations Act, a mayor is not a councillor. It would be unwise to exclude the Lord Mayor of Perth should the Perth City Council decide to nominate him as its representative.

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

Ayes—18.

| | |
|---------------|---------------|
| Mr. Andrew | Mr. W. Hegney |
| Mr. Bickerton | Mr. Lawrence |
| Mr. Brady | Mr. Norton |
| Mr. Fletcher | Mr. Nulsen |
| Mr. Graham | Mr. Rhatigan |
| Mr. Hall | Mr. Rowberry |
| Mr. Hawke | Mr. Toms |
| Mr. Heal | Mr. Tonkin |
| Mr. J. Hegney | Mr. May |

(Teller.)

Noes—22.

| | |
|----------------|------------------|
| Mr. Bovell | Mr. Mann |
| Mr. Brand | Sir Ross McLarty |
| Mr. Cornell | Mr. Nalder |
| Mr. Court | Mr. O'Connor |
| Mr. Crommellin | Mr. Oldfield |
| Mr. Grayden | Mr. O'Neill |
| Mr. Guthrie | Mr. Owen |
| Dr. Henn | Mr. Perkins |
| Mr. Hutchinson | Mr. Watts |
| Mr. Jamieson | Mr. Wild |
| Mr. Lewis | Mr. Craig |

(Teller.)

Paired.

Ayes.

Noes.

| | |
|-----------|-------------------|
| Mr. Molr | Mr. W. A. Manning |
| Mr. Kelly | Mr. Nimmo |

Majority against—4.

Amendment thus negatived.

Mr. OLDFIELD: Can I oppose the whole of paragraph (c) and move to delete accordingly?

The CHAIRMAN: The honourable member can only move to delete the words after the word "councillor."

Mr. OLDFIELD: I move an amendment—

Page 5—Delete all words after the word "councillor" in line 1, down to and including the word "and" in line 5.

I do so because the Committee has decided that the representative is to be for the overall plan and not for only a parochial group. The Minister should agree to delete any special representation for the Perth City Council. The Bill would have to be recommitted to be tidied up. We must decide whether the Perth City Council is to have special representation when it has been denied to a local authority contributing equal funds to put the scheme into operation.

The CHAIRMAN: If the honourable member's amendment is successful, does he propose to move to add words in lieu of those struck out?

Mr. OLDFIELD: A recommital of the Bill will be necessary in order to tidy it up.

The CHAIRMAN: I cannot accept the honourable member's amendment, because it will make the sense of the paragraph unintelligible.

Mr. OLDFIELD: I seek your guidance now, Sir. Is there any other way I can oppose the whole paragraph?

The CHAIRMAN: The honourable member cannot make the paragraph unintelligible. If he does, I cannot accept the amendment.

Mr. Hawke: You can add words.

Mr. OLDFIELD: I propose to add other words.

Mr. JAMIESON: I support the amendment, because we have decided there shall be no special representation of any particular body; and this clause if passed will give such representation to the Perth City Council, to which it is not entitled in view of the amount it is paying by comparison with other districts. Taxation and representation go hand-in-hand. The one paying the bill should have the say.

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

Ayes—14.

| | |
|---------------|--------------|
| Mr. Bickerton | Mr. Norton |
| Mr. Brady | Mr. Nulsen |
| Mr. Fletcher | Mr. Oldfield |
| Mr. Heal | Mr. Rhatigan |
| Mr. J. Hegney | Mr. Rowberry |
| Mr. Jamieson | Mr. Toms |
| Mr. Lawrence | Mr. May |

(Teller.)

Noes—26.

| | |
|---------------|------------------|
| Mr. Andrew | Mr. Hutchinson |
| Mr. Bovell | Mr. Lewis |
| Mr. Brand | Mr. Mann |
| Mr. Cornell | Sir Ross McLarty |
| Mr. Court | Mr. Nalder |
| Mr. Crommelin | Mr. O'Connor |
| Mr. Graham | Mr. O'Neill |
| Mr. Grayden | Mr. Owen |
| Mr. Guthrie | Mr. Perkins |
| Mr. Hall | Mr. Tonkin |
| Mr. Hawke | Mr. Watts |
| Mr. W. Hegney | Mr. Wild |
| Dr. Henn | Mr. Craig |

(Teller.)

Ayes.

Pairs.

Noes.

| | |
|------------|-------------------|
| Mr. Molr | Mr. W. A. Manning |
| Mr. Kelly | Mr. Nimmo |
| Mr. Sewell | Mr. Burt |
| Mr. Evans | Mr. I. W. Manning |

Majority against—12.

Amendment thus negated.

Mr. GRAHAM: The Minister did himself no justice by not referring to his intended attitude when the member for Mt. Hawthorn sought to insert a provision to enable the Perth City Council to nominate any councillor for the position of Lord Mayor. When the Minister did not rise

to speak, I construed his action as indicating acceptance on his part. Apparently I was wrong. Because we have made a mistake in paragraph (c), there is no reason why we should perpetuate the mistake in paragraph (d) in respect of municipalities.

Looking at the Municipal Corporations Act, one cannot find a definition of "councillor." The first reference to the term "councillor" is contained in the provision which states that there shall be a council which shall consist, where the population of the district is declared to be under 1,000, of a mayor and six councillors; over 1,000 and not exceeding 5,000, of a mayor and nine councillors. This Act demonstrates quite clearly that a mayor is not a councillor.

The chairman of a road board is a member of the board. We now have this position: If we agree to paragraph (d) on page 5 of the Bill the person presiding over the municipality of Subiaco, who is the mayor, will not be able to be on the Metropolitan Region Planning Authority; but the person who is presiding over the Perth Road Board, who is a member of that board, will be able to be on that authority. In other words, if this authority had been set up a little while ago, the chairman of the South Perth Road Board could have been a member; but because it changed in status to a city council recently, that same individual, presiding over the same people and the same ratepayers of the same district, is denied membership on the authority, notwithstanding the fact that that may be the unanimous wish of the council. So there is a distinct anomaly.

If a mistake has been made in paragraph (c) there is no reason why the mistake should be made in paragraph (d) as well. As this Bill is to be introduced in the Legislative Council, the Minister could make arrangements for the mistake which has been made to be corrected in that Chamber.

I ask members to pay some regard to the importance and significance of the amendment I am about to move. I ask them to cast their minds back to the last division and the one preceding that, from which it will be seen that members of the Opposition are not regarding this Bill on Party lines. Why then should members on the Government side regard it as a Party measure?

Mr. Brand: No more than the private members on your side when you were in office. They regarded it as a Party Bill. That is a fact, and you know it.

Mr. GRAHAM: Reference to the notice paper of yesterday will show the members who voted on a particular motion. The division list shows members from both sides of the House voting for and against. Some strict discipline seems to be exercised; because every private member on

the Government side, irrespective of the merits of the case, is under some obligation to stick solidly behind the Minister, no matter how foolish the position may be.

I am sure the Minister in charge of the Bill realises a mistake has been made. There may be two adjoining local authorities—a road board and a municipality. In the case of the road board the presiding officer can be a member of the regional authority, but in the case of the municipality, because the presiding officer is the mayor, he cannot be a member of the regional authority.

It is not to be expected that every Minister of the Crown should know the answer to every question in detail; but when an obvious error and anomaly is pointed out, there is an obligation on his part to take heed. I concede that if the Committee were to agree with the amendment I propose to move in respect of para (d) we would be out of line with what has been done in para (c). I move an amendment—

Page 5, line 9—Insert after the word "be" the words "mayor or,"

Mr. PERKINS: I do not profess to have more legal knowledge than any other member, but a reasonable interpretation of the term, "councillor" is one who is a member of the council. Perhaps I can take the member for East Perth to task, because I well remember on a certain occasion in this House when the Opposition was severely reprimanded by the former member for Leederville about its shortcomings.

I, in turn, might accuse the member for East Perth of not studying this Bill in sufficient time to enable him to debate it. He is raising points at the last moment and expecting the Minister to give rulings which would normally have to be given by the Parliamentary Draftsman. If the member for East Perth seriously desired the points he has raised to be considered, why did he not put his amendments on the notice paper so they could be referred to the Crown Law Department?

I do not intend to pit my opinion against that of the member for East Perth. But I will give this undertaking: I will refer the various points he has raised to the Minister for Local Government. There will be an opportunity for them to be considered in another place; or perhaps the Bill could be recommitted, if necessary. I do not think any of these shortcomings in the Bill—as mentioned by the member for East Perth—are serious, and so far as I am concerned, the definition of the word "councillor" is sufficiently wide to cover a mayor. Even if it is not, I consider that in normal circumstances one would not expect to find a mayor or a lord mayor on a town planning authority.

Mr. Graham: Why didn't you exclude the chairmen of the road boards for the same reason?

Mr. PERKINS: I do not wish the Bill to be more restrictive than is necessary. This matter was before Parliament two years ago, when it was supported by members on the other side of the House, who saw none of these difficulties then. Mr. Chairman, can you wonder why I am inclined to doubt whether members opposite are very serious about these proposals? I oppose the amendment.

Mr. W. HEGNEY: I hope the Minister will not continue to use the angle which he did just prior to resuming his seat.

Mr. Hawke: It would be a good way to shorten the debate if he did.

Mr. W. HEGNEY: I am surprised that the Minister said he would not do anything about this amendment because he could not refer it to the Parliamentary Draftsman. I suggest that the Minister should not take a rubber-stamp attitude. In the Municipal Corporations Act we have a definition of the word "mayor"; and the mayor, apparently, is not a councillor.

Mr. Perkins: Why didn't you put the amendment on the notice paper?

Mr. W. HEGNEY: Innumerable amendments are made in Committee to thousands of Bills, but the amendments are not placed on the notice paper unless they are of a comprehensive nature similar to that moved by the member for Subiaco when we were dealing with the Fatal Accidents Bill. Why should the Minister insist that it be placed on the notice paper if the amendment does not contain a lot of verbiage?

Mr. Perkins: That is a marked variation of your attitude when you were a Minister.

Mr. W. HEGNEY: If I had amendments to be considered which were not on the notice paper, I would have copies typed and handed around to members of the Committee. This amendment is only for the inclusion of one word.

Mr. Hawke: Do you think the Minister understands its meaning?

Mr. W. HEGNEY: I hope the Minister will use some discretion in regard to this particular matter and allow the inclusion of the word "mayor." If this Bill passes in its present form, the mayor of a municipality will not be able to be a member of the regional committee. The argument used by the Minister that a mayor would be too busy to sit on the regional committee does not make sense when there is provision in the Bill that a member of the Legislative Assembly or Legislative Council can hold office. We all know that members of Parliament are as busy as the mayors of municipal councils. I think it would be tantamount to an insult for the mayor of a municipality to find that he was not eligible for appointment on the regional committee. I hope the amendment will be carried.

Mr. GRAHAM: The Minister, in desperation, is actually stymying himself. At one stage of his remarks he indicated to us that he thought—and perhaps still does—that the term “councillor” includes the mayor of a council. A quick reference to the Municipal Corporations Act reveals that that is not so. Accordingly, the amendment would make absolutely certain that a mayor could be selected—and that would depend on whether he wanted to accept the position—and it would clarify and make clear and definite what the Minister at one stage actually imagined. We would then be putting municipal councils on exactly the same basis as road boards.

The position today is that if a gentleman by the name of “Robinson” is chairman of the Perth Road Board, he can be a member of this authority; but if the Perth Road Board tomorrow or next week became a municipality, that individual “Robinson” would have no right to be nominated by his council. Apart from anything else, this is a gratuitous insult to all mayors.

As I look on the other side of the House I see quite a few members who represent municipalities. Surely they would not be deliberately intending to snub the person who—unlike the chairman of a road board who has been elected by a half a dozen of his colleagues—has been elected by the ratepayers at large. The position is so clear, logical, and unanswerable, that no member should have any hesitation in agreeing with the proposition of allowing him who presides over a council to be eligible for nomination in exactly the same way as he who presides over a road board.

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

Ayes—17.

| | |
|---------------|---------------|
| Mr. Andrew | Mr. W. Hegney |
| Mr. Bickerton | Mr. Lawrence |
| Mr. Brady | Mr. Norton |
| Mr. Fletcher | Mr. Oldfield |
| Mr. Graham | Mr. Rowberry |
| Mr. Hall | Mr. Toms |
| Mr. Hawke | Mr. Tonkin |
| Mr. Heal | Mr. May |
| Mr. J. Hegney | |

(Teller.)

Noes—19.

| | |
|----------------|------------------|
| Mr. Bovell | Mr. Lewis |
| Mr. Brand | Mr. Mann |
| Mr. Burt | Mr. Nalder |
| Mr. Court | Mr. O'Connor |
| Mr. Craig | Mr. O'Neill |
| Mr. Crommellin | Mr. Owen |
| Mr. Grayden | Mr. Perkins |
| Mr. Guthrie | Mr. Wild |
| Mr. Henn | Sir Ross McLarty |
| Mr. Hutchinson | |

(Teller.)

Pairs.

| | |
|--------------|-------------------|
| Ayes. | Noes. |
| Mr. Moir | Mr. W. A. Manning |
| Mr. Rhatigan | Mr. Watts |
| Mr. Kelly | Mr. Nimmo |
| Mr. Evans | Mr. I. W. Manning |

Majority against—2.

Amendment thus negated.

The CHAIRMAN: The question is that the clause stand as printed.

Mr. W. Hegney: The question is that the proposed new section 39 stand as printed.

The CHAIRMAN: The question is that the clause stand as printed.

Mr. W. HEGNEY: I understood that you were going to call the sections one by one. I believe that is what all members understood.

The CHAIRMAN: I did indicate initially that if a member proposed to move an amendment, I would call the numbers of the proposed new sections in order that other members would have an opportunity of moving amendments to earlier sections in the clause. I have now put clause 6.

Mr. W. HEGNEY: You did not mention any No. 6.

Mr. J. Hegney: No No. 6 was mentioned.

Mr. W. HEGNEY: I think that, on reflection, you will agree that the general discussion took place, and then the member for Mt. Lawley moved the first amendment. Following that you said, “We will call now 36, 37—”

The CHAIRMAN: Order! I have given no decision, so the honourable member may proceed.

Mr. W. HEGNEY: I think that decision is a wise and right one. I only want to make sure of your intention. Do you propose to call 40, 41, and so on?

The CHAIRMAN: Not unless a member moves an amendment.

Mr. W. HEGNEY: I have a short one on proposed new section 58.

The CHAIRMAN: The honourable member may move that.

Mr. HAWKE: I want some information on 53. I raised this matter last week, and the Minister indicated that he would obtain some information, which he did. But it did not satisfy me. The proposed new section 53 on page 11 is as follows:—

(1) The Governor may suspend a member from office on the Authority pending inquiry in manner prescribed by a stipendiary magistrate appointed by the Minister to inquire into the grounds of suspension.

(2) A member so suspended is not entitled to any remuneration, expenses, or to act in office, during the suspension, unless the stipendiary magistrate, as he is hereby authorised to do, orders otherwise.

As far as I understand the position, there is no provision at all in this proposed law to remove the suspension, or to confirm it. All the authority given to the magistrate is to inquire into the grounds of suspension.

It seems that this part of the Bill is seriously deficient; because I can see in it no provision to authorise the magistrate to do anything but recommend that a person, during suspension, may receive remuneration or expenses, or even act on the authority; and that seems extraordinary, should such a position develop. Has the Minister in his notes any information that would answer the question I have raised? I think this part of the measure should authorise the magistrate to do something additional to what is provided for here. I wonder whether the member for Subiaco would examine this part of the measure and give the Committee the benefit of his impressions.

As I see it, the only power given to the magistrate is to inquire into the grounds of suspension—he has no power to recommend and the Governor has no power to lift the suspension—and in my view an impossible situation could develop. The Governor, on the recommendation of the Minister, or of Cabinet, could suspend a member of the authority; and automatically the magistrate would inquire into the grounds accepted by the Governor for the suspension; but he could not recommend that the suspension be lifted, and the Governor in Council could not remove the suspension. This part of the measure seems to be incomplete and incapable of being administered. Has the Minister, in the notes provided for him, any explanation of these points?

Mr. Perkins: No.

Point of Order

Mr. TONKIN: I wish to have this question cleared up, Mr. Chairman, while the matter is fresh in our minds. Before the Leader of the Opposition commenced to speak you gave a ruling which was in serious conflict with a ruling you gave on the 20th August; and I want it decided now which we are to follow. Under date the 20th August we read, in *Hansard*, the following:—

The Chairman: It is my intention, if members give notice of moving amendments, to state the numbers of the proposed new sections involved and in view of the fact that the clause is a long one I think that if I do this the position will be clarified and misunderstanding avoided.

A member has given notice of an amendment—on the notice paper—and if you do as you said on the 20th August you intended to do, you will quote the numbers of the sections; but if you do as you stated five or six minutes ago, you will not quote the numbers of the sections. I desire to know what you propose to do.

The CHAIRMAN: In future, on this amendment, I propose to quote the numbers. We have now dealt with proposed new section 39 up to the word “be” in line

9. In future, on an amendment being moved, I will quote the number of the section. At present members can discuss the whole of clause 6 after the word “be” in line 9, page 5. I overlooked the amendment on the notice paper.

Committee Resumed

Mr. PERKINS: The Leader of the Opposition raised his points earlier; and I discussed them with the officer of the Town Planning Department, who also conferred with the Parliamentary Draftsman; and the explanation given me is that the procedure will be that a member can be suspended from office pending investigation by the magistrate. The point the Leader of the Opposition took then was that it might be desirable in some instances, perhaps, to suspend a member without worrying about a magistrate. That it not envisaged.

As this is such an important authority, it is thought, whenever a member is to be dismissed, it will be desirable to have a magistrate to inquire into the matter; and the intention definitely is that whenever it is necessary for this course of action to be taken, a magistrate will inquire into the case. The legal interpretation—and whether it is right or not I do not know; and it may be desirable to have it checked again—is that suspension from office after a magistrate decides that the suspension is justified, means that the member is removed from his office as a member of the authority. In effect, it is dismissal.

In view of the question having been raised again, I will have it checked once more by the Crown Law Department, to make sure there is no drafting deficiency in proposed new section 53. I think the Leader of the Opposition will agree that there is no question of principle involved and that it is simply a question of water-tight drafting. I undertake that, if there is any such deficiency, the Bill will be recommitted in this Chamber or, failing that, the matter will be dealt with in another place.

Mr. HAWKE: I accept what the Minister has said. All I want to do is briefly to restate the main point in order that he will clearly put the position to the draftsman. As I understand it, an inquiry by a magistrate will be automatic whenever a suspension takes place.

Mr. Perkins: That is so.

Mr. HAWKE: As I understand it, the only power given to the magistrate apart from the power of inquiry, is to order that a member, during his period of suspension, may be remunerated; may receive expenses; or may even act in his office as a member of the authority. But during the period of suspension, the magistrate has no power to lift the suspension; and neither does the Bill, so far as I can see, give anybody else the authority to remove the suspension.

Mr. Perkins: The suspension from office is regarded as dismissal.

Mr. HAWKE: I do not think it is.

Mr. Perkins: That is the explanation I have been given.

Mr. HAWKE: I say that because, in another part of the Bill provision is made for dismissal or removal from office; whereas this deals only with suspension. Presumably the suspension is temporary because once the suspension takes place, automatically there is a magisterial inquiry; the inquiry would be for only one purpose, and that would be to ascertain whether the suspension made by the Governor was justified.

I want to know what the position would be if a magistrate found that the grounds used to suspend a person from office were not considered adequate. What happens to the person suspended?

Mr. PERKINS: My information is that in those circumstances he is reinstated with full powers. Whether that is stated sufficiently explicitly, I do not know. However, I will obtain the *Hansard* notes of what the Leader of the Opposition has said, and I will give the Parliamentary Draftsman the honourable member's actual words and not my interpretation of them.

Mr. Hawke: Thank you.

Mr. PERKINS: As it is only a drafting matter, we can discuss it later.

Mr. GRAHAM: Does the Minister intend to have anything to say regarding proposed new section 54?

Mr. Perkins: No.

Mr. GRAHAM: I would have thought he would in view of his earlier attitude. If he looks at line 25 he will see that reference is made to a mayor or councillor. There is a distinction between the two, and that is the point to which I drew attention earlier. If he desires to maintain his viewpoint, he must move to delete the words "mayor or" at the end of line 25.

It is obvious from line 25 on page 11, that it is envisaged that a person who is a mayor can be a member of the authority. To me it is equally obvious that from our decision on proposed new section 39 on page 5, no provision has been made for a mayor to sit on the authority. Will the Minister give an assurance that he will discuss the matter with the Minister for Town Planning and, if it is found that my interpretation of page 5 is correct, he will have appropriate steps taken in the Legislative Council to have the matter corrected?

Mr. PERKINS: I readily give that undertaking because it is every Minister's objective to see that the drafting of a

measure is as satisfactory as possible. I do not accept the interpretation of the member for East Perth; but as it is a drafting matter, I will mention it to the appropriate authorities.

Mr. W. HEGNEY: I wish to move an amendment to proposed new section 58. I mentioned this matter previously. I move an amendment—

Page 14, line 33—Delete the word "fifty" with a view to inserting the word "twenty-five."

The new section states that the authority may make regulations, and I am one of those who believe that penalties prescribed by regulations can be too severe; and I think that is the position in this case. I am not so much concerned about the £5 penalty; because if a person's attention has been called to the fact that he is breaching a regulation, and he continues to breach it, the penalty can be commensurate with the offence. As far as possible, penalties for breaches of the Act should be prescribed in the Act, as is done further on in the Bill.

Mr. PERKINS: This is a matter which the honourable member raised previously. I discussed it with the Minister for Town Planning and his officers, and they consider that the maximum penalty of £50 is not unduly high in the circumstances.

In view of the importance of some of the matters that may need to be regulated in extraordinary circumstances, it may be found necessary to impose a fairly substantial penalty. This is a maximum penalty; and if it were necessary for any punishment to be imposed, the court would exercise discretion. This is one of the provisions that were in the Bill passed by this Chamber in 1957; and presumably the member for Mt. Hawthorn, as a Cabinet member at that time, agreed to this penalty. The value of money might be a little less today than it was in 1957.

Amendment put and negatived.

Mr. BRADY: When the Bill was first introduced, the member for Subiaco commented on various clauses, and he was not sure what the words "one work" meant. Those words appear in proposed new section 60, on page 15. I was wondering whether the Minister could explain what they mean.

Mr. PERKINS: I have not checked that point. The member for Subiaco did not pursue it; and as no amendment was placed on the notice paper I presumed that the drafting was satisfactory. The words are unusual; and, in the circumstances, one would think that the Parliamentary Draftsman would not insert them lightly. However, if there is any doubt about them, that is another part of the Bill I will check with the draftsman.

Mr. TONKIN: I do not think there is any difficulty in interpreting the meaning of this phraseology. Obviously, the word "work" means a specific project. For example, the Minister for Works is responsible for approving a number of special works or projects. That word is in common usage and is perfectly clear.

Mr. BRADY: As there is some doubt as to what these words mean, I move—

That progress be reported and leave asked to sit again.

Motion put and negatived.

Mr. W. HEGNEY: I move an amendment—

Page 27, lines 15 and 16—Delete the words "and at that time in each year thereafter".

If subsection (1) of this proposed new section is agreed to, it will mean that the legislation will be continuous and have no time limit. Whatever is adopted in regard to this sectional tax will overflow into an assessment act that will follow; and there is also provision for a continuing tax.

This tax is extremely sectional because it will apply only to landholders in the metropolitan region defined under the Town Planning and Development Act. If the Bill is passed in its present form these landholders will be subject to the payment of this tax for the year ended the 30th June, 1959, because immediately the legislation is proclaimed, it will be retrospective to that date.

All those who own land as at midnight on the 30th June, 1959, will be subject to the tax to be levied under a subsequent Bill. The landowners in the metropolitan area will be required to pay that tax. It has been said that it is a light tax, but it is superimposed on other taxes; and it is only the beginning. Rates have increased in the municipal or road board section that I have the honour to represent; and there is a big section of my electors within the confines of the City of Perth. In view of a certain event to be held in a few years' time, the City of Perth will impose a further tax. The only way we can attain my objective is to restrict the Act; and I am trying to restrict its application to the 30th June, 1959.

The CHAIRMAN: In view of the amendment on the notice paper it might be as well to move to strike out all the words down to "fifty-nine." That will give the member for Boulder an opportunity to move his amendment later.

Mr. W. HEGNEY: I did not want to take precedence over the member for Boulder, for whom I am acting, and that is why I tried to find out the correct procedure. If my amendment were adopted it would still leave the proposed new subsection, as amended, before the Committee.

The CHAIRMAN: I suggest the honourable member carry out my suggestion.

Mr. W. HEGNEY: If I do, and whether or not the Committee agrees with the amendment I propose to move, at your suggestion, it will be open for subclause (1) to be considered by the Committee.

The CHAIRMAN: Unfortunately the member for Boulder is not here, and the amendments do clash. When the honourable member put the proposition to me initially, I thought the member for Boulder's amendment went down to line 40. Subsequently I found it started at the figure "1" in line 12.

Mr. W. HEGNEY: It embraces paragraphs (1) and (2).

Point of Order

Mr. J. HEGNEY: I rise on a point of order, Mr. Chairman. The member for Mt. Hawthorn has moved to strike out certain words; and if he succeeds it will mean that this proposed new subsection will be confined to the year ending 1959.

The CHAIRMAN: I have already said that.

Mr. J. HEGNEY: The member for Boulder has given notice of an amendment to delete proposed new subsections (1) and (2). The member for Boulder's object could be achieved by voting against this. If the member for Mt. Hawthorn does not take the opportunity to move his amendment now he would not get that opportunity at a subsequent date if the amendment to be moved by the member for Boulder were put and decided.

Whether or not the words in the amendment of the member for Mt. Hawthorn are deleted, it will still be open to any member to vote against the whole of the section. The honourable member seeks to confine the tax mentioned in the Bill to a period of one year.

The CHAIRMAN: The member for Mt. Hawthorn can carry on with his proposed amendment.

Committee Resumed

Mr. W. HEGNEY: Even if my amendment is agreed to, the Government will still have the right to impose the tax on the owners of land for one year, from the 30th June, 1959. If the Government decides to continue the tax, it can introduce a Bill in the next session of Parliament. I am seeking to have the tax abolished altogether; and if I am not successful in that respect, then I shall seek to restrict the tax to a period of one year.

Progress reported.

House adjourned at 6.12 p.m.