

Bill I pass on to the Minister the suggestion that while this industry has reached a stage where this legislation is no longer necessary, there are still many problems facing dairying as an industry and, in particular, the wholemilk industry.

The Minister for Agriculture: I agree with you.

Mr. I. W. MANNING. I believe this legislation no longer serves any useful purpose and can well be repealed. As the Minister pointed out during his second reading speech, the registration of grade bulls is no longer necessary. I support the Bill.

MR. BOVELL (Vasse) [9.37]: If we cast our minds back to 1922 when the dairying industry was in its infancy, we will remember that the late Sir James Mitchell was then embarking on the group settlement scheme to encourage and develop butter production in Western Australia. I understand that we were importing so much butter from the Eastern States that it was considered desirable to develop our own resources and firmly establish butterfat production in this State. As we know, Sir James Mitchell, as Premier of the day, selected certain areas in the South-West for the project. There were many hazards in regard to the scheme, but, despite the early problems, I think today everybody will admit that group settlement has proved one thing: We have now established an industry which produces most of the butter requirements of Western Australians.

The necessity for this Act, which has been in operation since 1922, seems to have disappeared. I have no doubt that the Minister for Works will recall the days of the early settlers when he was a school master in a group settlement in the South-West and was, of course, an aspirant for political honours in the area which I now have the honour to represent. He will probably know first-hand of the problems encountered by the pioneers of the butterfat producing industry back in those days.

Many of the people concerned had, it is true, no knowledge of dairying whatsoever. Many of them came from Great Britain; some had been engaged in the mining industry on the Goldfields; there were others who had an elementary knowledge of the industry. However, today, most people engaged in the industry understand quite a lot of the fundamentals necessary for successful dairy farming and, for that reason, I agree with the member for Harvey and the Minister that there seems to be no purpose in continuing the provisions of the Act.

However, vigilance must be exercised by the Department of Agriculture to see that the progress of our dairying industry is not prostituted in any way and a clear and careful eye must be kept on operations and

workings, both in the wholemilk and butterfat sections. In recent years, a cattle industry has developed in the South-West—beef cattle. I do not think the Bill applies to beef cattle, the raising of which has come into prominence in the South-West in recent years and is quite important in farming operations throughout the whole of the South-West Land Division.

I do not want to occupy any more time of the House but would like to conclude by saying that provided the department keeps a watchful eye on the progress of the industry and sees that no detrimental effects are caused to it by the repeal of this Act, I feel everything will be in order and, for that reason, I support the second reading. However, I wish to emphasise again the necessity of the department's being careful and doing its utmost to see that the standard of our dairy cattle is maintained and improved.

Question put and passed.

Bill read a second time.

*In Committee.*

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

**BILL—SUPPLY (No. 1), £21,000,000.**

Returned from the Council without amendment.

*House adjourned at 9.41 p.m.*

## Legislative Council

Wednesday, 31st July, 1957.

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

## QUESTIONS.

### ALBANY REGIONAL HOSPITAL.

#### *Departments and Amenities.*

Hon. J. McI. THOMSON asked the Chief Secretary:

(1) Are the following departments and amenities included in the proposed plan for the Albany regional hospital:—

- (a) Full x-ray department;
- (b) Pathology department;
- (c) Physiotherapy department;
- (d) Outpatients department;
- (e) Casualty department;
- (f) Dietetic kitchen;
- (g) Infectious ward;
- (h) Children's ward;
- (i) Maternity block;
- (j) Cardiograph equipment;
- (k) Visitors' room with canteen and storage for mobile canteen;
- (l) Adequate provision for matron's and nurses' quarters?

(2) How many operating theatres are included in the proposed plan?

(3) If the answers to (a), (b), (c) and (f) in No. (1) are in the affirmative, will it mean that the following specialists will be engaged at this hospital:—

- (a) Pathologist;
- (b) x-ray technician;
- (c) dietician;
- (d) physiotherapist?

(4) Will a medical superintendent be appointed to the Albany regional hospital?

The CHIEF SECRETARY replied:

(1) (a), (b), (c), (d), (e) and (f) Yes.

(g) Suitable accommodation is available for isolation.

(h), (i), (j), (k) and (l) Yes.

(2) One major theatre and one minor theatre, apart from full casualty treatment facilities.

(3) (a) Either a pathologist or a qualified laboratory technician will be employed.

(b) Yes.

(c) To be decided later.

(d) Yes.

(4) This will be decided later.

### BUNBURY REGIONAL HOSPITAL.

#### *Comparison with Albany Proposal.*

Hon. J. MURRAY (without notice) asked the Chief Secretary:

I apologise to the Chief Secretary because I have not been able to give him prior notice of this question. But in view of the answer given in regard to the Albany regional hospital, would he consider that that was a fair reply as regards the regional hospital at Bunbury, when it was established?

The CHIEF SECRETARY replied;

Comparisons are always odious and at this stage I would not like to answer the question. So I ask the hon. member to give notice of it.

## POLICE.

### *Victoria Park Traffic Branch.*

Hon. C. H. SIMPSON (for Hon. A. F. Griffith) asked the Chief Secretary:

(1) Is it a fact that the newly-established branch of the traffic department in Litchfield-st., Victoria Park is not handling the matter of parking tickets, and that such inquiries are being directed to the Victoria Park police station?

(2) If the answer to No. (1) is "Yes," can something be done to rectify this anomaly because the public are in a state of confusion regarding the departments that are handling traffic matters?

(3) Does it not seem that the best policy would be to have the traffic department handling all matters connected with traffic?

The CHIEF SECRETARY replied:

Action has been taken to enable such matters to be dealt with at the Victoria Park traffic branch.

## TRANSPORT.

### *Cartage of Produce in Northampton-Ajana-Yuna Areas.*

Hon. L. C. DIVER (for Hon. L. A. Logan) asked the Minister for Railways:

(1) What will be the position of the farmers in the Northampton-Ajana-Yuna areas when a contract is signed as a result of tenders now being called for the transport of wheat, super, and coarse grain?

(2) Will they be able to transport their own wheat and coarse grain to port without a permit and without reference to the Transport Board?

The MINISTER replied:

(1) Tenders now being called are for the transport of grain to the port of Geraldton after it has been received into bulk bins along the Ajana and Yuna lines. The same tenders provide for the transport of superphosphate from works at Geraldton; and, unless otherwise required by a farmer, delivery will be arranged on to the farm.

(2) A farmer will be permitted to carry his own grain or superphosphate to or from Geraldton without reference to the Transport Board, but it may be advisable for him to ensure that there will be no difficulty in the receipt of his grain at Geraldton by Co-operative Bulk Handling Ltd.

## BILL—INTERPRETATION ACT AMENDMENT.

Read a third time and transmitted to the Assembly.

## EILL—WESTERN AUSTRALIAN MARINE ACT AMENDMENT.

### *Second Reading.*

**THE MINISTER FOR SUPPLY AND SHIPPING** (Hon. H. C. Strickland—North) [4.41] in moving the second reading said: This Bill proposes to amend Section 96 of the Western Australian Marine Act. Under the provisions of the Act as it now stands, when a shipping accident occurs it is not incumbent upon the owners or the master of a vessel to immediately notify that accident to the appropriate authority—the appropriate authority being the Harbour and Light Department, or the Railway Department or, possibly, the Harbour Trust Department, depending upon the nature of the accident. The department responsible for the Act, however, is the Harbour and Light Department.

The amendment in the Bill proposes to make it incumbent upon a master or owner of a vessel, after being involved in an accident, or a collision, to notify the Harbour and Light Department. The reason for the amendment is an accident which occurred on New Year's Eve when the s.s. "Zephyr" collided with the Fremantle railway bridge at some hour during the night. The collision with the bridge was purely an accident—the vessel was carried by the tide on to the structure—and on that occasion it was not thought to be serious, and, consequently, was not reported immediately. It was later reported quite casually by a passenger on the vessel to a person working in the railways, who in turn reported the matter officially. An inspection of the bridge was made and it was discovered that several piles were broken, and many whaling pieces splintered; indeed, some piles were broken completely off.

It is possible that a little more damage to the bridge could have caused a major train accident; a heavily loaded goods train might quite easily have caused the bridge to collapse. It is also possible that a passenger train could have been wrecked if the bridge had been damaged seriously enough; and then, of course, there would have been considerable loss of life and injury. In order that such occurrences may be avoided, it is proposed that these accidents shall be reported immediately to the department, so that an inspection of the structure can be made and an examination carried out to see whether it is strong enough to carry trains, and safe enough for traffic.

As I have said, the Bill proposes to amend the relevant section to make it compulsory on whoever is in charge of the vessel to notify the department immediately. That is the only requirement in the Bill. When the Bill is read in conjunction with the relevant section of the principal Act, it is possible that members may find it rather lengthy and the

verbiage perhaps might not appear to do what is intended. But the Crown Law Department has prepared the Bill and is satisfied that its provisions will do all that is required.

Hon. J. Murray: What do you mean by the word "immediately"?

**THE MINISTER FOR SUPPLY AND SHIPPING:** The amendment in the Bill states that the master or owner of the ship shall immediately after the happening of any of the events contained in the Act, send to the department by the fastest means of communication available to him a report containing full particulars of the event. That means he can report the matter by means of telephone. That is quite easily done, even on New Year's Eve. The private numbers of the officers of the Harbour and Light Department are in the telephone directory, and those officers will accept such a report at any time.

I am sure members will agree that accidents of this nature should be reported, particularly in view of the increased number of craft now using the rivers and harbours—not only the Fremantle harbour and the Swan River, but also those at Mandurah, Bunbury and Albany. The Act, generally, needs a good deal of overhauling; and the regulations which I propose to table shortly will tighten up its provisions in order to control a number of misdemeanours, such as thieving, etc. Very often fittings and the like are removed at the ports.

Hon. C. H. Simpson: Would not that be within the jurisdiction of the Harbour Trust?

**THE MINISTER FOR SUPPLY AND SHIPPING:** It would in Fremantle harbour, and as far as the Harbour Trust boundary. But the Marine Act is controlled by the Harbour and Light Department.

Hon. C. H. Simpson: Would it apply to all ports?

**THE MINISTER FOR SUPPLY AND SHIPPING:** To all ports within the meaning of the Western Australian Marine Act.

Hon. C. H. Simpson: The Harbour and Light Department takes care of the North-West.

**THE MINISTER FOR SUPPLY AND SHIPPING:** That is so. I move—

That the Bill be now read a second time.

On motion by Hon. C. H. Simpson, debate adjourned.

## **BILL—LOCAL GOVERNMENT.**

### *Second Reading.*

Debate resumed from the previous day.

**THE CHIEF SECRETARY** (Hon. G. Fraser—West—in reply) [4.48]: There has not been much discussion on this Bill, and

it is possible for one to be lulled into a sense of false security with so little debate at the second reading stage.

Hon. J. Murray: Not at your age, surely!

The CHIEF SECRETARY: I dare say it is the calm before the storm.

Hon. J. McI. Thomson: The barrage is yet to follow.

The CHIEF SECRETARY: Nevertheless, I think members have been very wise in leaving detailed discussion on this Bill till the Committee stage.

Hon. Sir Charles Latham: The principles have not been altered anyhow.

The CHIEF SECRETARY: I would like to congratulate members on the sound commonsense they have shown in leaving the main discussion on this Bill to the Committee stage, rather than wasting weeks in debating these matters. This is a most remarkable Bill. It contains 681 clauses, and it has been referred to as the largest Bill ever introduced in the Parliament of Western Australia.

Hon. Sir Charles Latham: That is not correct; the Criminal Code is much bigger.

The CHIEF SECRETARY: My information on this occasion happens to be wrong. It is not often that we have a Bill of this size where there are so few amendments to really vital principles. It is rather remarkable that we can have such a large Bill with so few suggested alterations.

Hon. R. C. Mattiske: Can you give us any further explanation on the fixing of election day?

The CHIEF SECRETARY: That is one of the matters which can be dealt with in the Committee stage. However, I would say that it depends whether one adopts the municipal or road board practice. In this case the road board practice has been adopted; but, in some other parts of the Bill, the municipal practice has been followed. We can find out in Committee what the majority desire.

Question put and passed.

Bill read a second time.

#### *In Committee.*

Hon. W. R. Hall in the Chair; the Chief Secretary in charge of the Bill.

Clause 1—Short title:

The CHIEF SECRETARY: I move an amendment—

That the figures "1956" in line 9 page 1, be struck out and the figures "1957" inserted in lieu.

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

Clauses 2 to 5—agreed to.

Clause 6—Interpretation:

Hon. A. R. JONES: In the absence of Mr. Logan, I formally move an amendment—

That the word "shire" in line 5, page 9, be struck out, and the word "district" inserted in lieu.

I feel that the only reason Mr. Logan wanted this amendment carried was that he considered the word "shire" was not the word to cover the situation; that it was better to have a "city" clerk, "town" clerk or "district" clerk rather than "shire" clerk.

Hon. C. H. SIMPSON: I agree with the amendment. It is not an important point. The word "shire" could be used, but the word "district" has been in use for many years. It is familiar to everyone, and we all know what it means. I see no reason why it should be altered. I am well aware that the word "shire" is used in Victoria, and I think it is in use in New South Wales and South Australia; but it is a word that they have got used to.

There is no reason why we should slavishly adhere to some term simply because it is in use elsewhere. Other States use the word "alderman" in regard to municipalities, whereas we use the word "councillor." In England they use the word "borough" which is not in common usage here. We might well adhere to the term in present use, which we have grown up with, and which is familiar to everyone.

Hon. R. C. MATTISKE: I disagree with the amendment. I feel that the word "shire" has a distinctive meaning when applied to local government. It is far more distinctive than the word "district."

The CHIEF SECRETARY: Mr. Mattiske has hit the nail on the head. We want this body to be distinctive. Up till now it has had a distinctive name—road district. The term "district council" is so common that it could refer to anything. There are district councils of political parties and of almost everything under the sun. But that does not apply to the word "shire." Would it not be better for a person on such a body to be referred to as a shire councillor than as a district councillor?

Hon. E. M. Heenan: It sounds better.

The CHIEF SECRETARY: Of course it does! Even the Royal Commission of 1949 had applications made to it to change the term "district council" to "shire council" because district councils were so common throughout the State.

Amendment put and negatived.

Hon. L. C. DIVER: I move an amendment—

That the definition of "minimum penalty" on page 11 be struck out. If this definition is retained we will set ourselves up as the judges of any offence that may occur under the legislation. No

matter how trifling the offence may be, the minimum penalty will be specified and it will be at least the maximum.

Hon. H. K. Watson: It is the minimum.

Hon. L. C. DIVER: It becomes the maximum.

Hon. H. K. Watson: It is still the minimum.

Hon. L. C. DIVER: By this definition, we, as a Parliament, immediately proceeded to determine what the minimum will be without knowing the circumstances. If we adopt this principle we will be able to do away with the judges, because we can predetermine the minimum penalty. The judiciary will judge each case on its merits and make a determination accordingly. It is unusual for Parliament to say that it will make a minimum penalty. That should be left to the justices to determine from time to time.

Hon. H. K. WATSON: In the Marketing of Potatoes Act, Parliament prescribed a minimum penalty of £500. So we have affirmed the principle of minimum penalties. The Committee might be helped in forming an opinion on this point if the Chief Secretary could advise us in which clauses, if any, a minimum penalty is prescribed, and how much it is. If it is not more than £5, it is hardly worth bothering about; but if it is £50 or £100, it is another matter.

The CHIEF SECRETARY: I had better get some advice on this point as it is rather vital. I shall ask leave to deal with the matter later. To be quite candid, I am a bit each way on this question. Like Mr. Diver I have always taken the stand that we should not set down a minimum penalty, but should leave it to the courts. But this is like some things that people put forward seriously, on public platforms at election time. They sound all right at the street corner; but when the facts are examined, an entirely different position is found.

If we provide a minimum penalty, we are told that we are interfering with the rights of the court. That sounds nice. But what are the facts? I think the best example I can give is that of s.p. betting and of obstructing traffic prior to the registration of s.p. operators. At that time the same law was being interpreted at Fremantle as at Perth and Midland Junction. But at Fremantle an offender was fined for his first offence an amount of £10, and £15 or £20 for his second offence; while in Perth the fine for a first offence was £40 or £50; and at Midland Junction, it was about £20. They were uniform offences, but differing decisions.

So we find that by sticking to an ideal we are not being practical. If we examine the position regarding minimum offences we will find that is what it is. Take building offences: A man could be

prepared to do certain building work and take a risk about the fine. Where, ordinarily, it would be a serious offence, carrying a penalty of £50 or £100, he would know full well that he would have a reasonable chance of getting away with it, with a fine of £5 or £10, and it would pay him to take the risk. However, if a definite penalty were provided, the offender would have to pay the piper. I know that this is an important clause, and I will ask leave to postpone it so that it may be dealt with at a later stage.

The CHAIRMAN: The mover of the amendment will have to withdraw it.

Hon. L. C. DIVER: I ask leave to withdraw my amendment.

Amendment, by leave, withdrawn.

On motion by the Chief Secretary, further consideration of the clause postponed.

Clauses 7 to 9—agreed to.

Clause 10—Number of offices of member of the council of a city or a town:

Hon. Sir CHARLES LATHAM: I move an amendment—

That the words "are those of president and such number of councillors being not less than four" in lines 15 and 16, page 20, be struck out and the words "of councillors shall be not less than five" inserted in lieu.

The clause proposes that the word "president" shall be used but my amendment seeks to retain the term "chairman." Further, the object of my amendment is that the number of offices of councillor shall be not less than five nor more than 12, as declared by order from time to time. I hope the Committee will agree to the amendment, because this will be the first test of whether we are to use the term "president" and to have a limitation on the number of councillors.

The CHIEF SECRETARY: I do not know what policy members are prepared to adopt, but I hope it will be liberal in this instance. By that, I am referring to the way members will allow discussion to proceed. If we keep to the rules of debate we will not be able to discuss the real essence of the programme. In this case, the debate would be stultified unless we allow it to proceed to decide the question of whether there is to be a president or a chairman. It would simplify matters, Mr. Chairman, if the procedure were to follow that pattern.

The CHAIRMAN: In the circumstances, I think it would be very advisable to do what the Chief Secretary has requested.

Hon. A. R. JONES: Are we to continue this debate in Committee on the understanding that the discussion on the term "president" be put aside until we decide the question of whether the councillors are to be limited in number?

**The CHIEF SECRETARY:** I was hoping to save words. In the Bill we propose to call the existing chairman the president. It is merely a question of the choice of names. Personally, I think the word "president" sounds nicer.

**Hon. R. C. MATTISKE:** Are we not on the wrong track with this amendment? As I see it, the amendment is designed to alter a principle—namely, whether there shall be four councillors plus a president, or whether there shall be five councillors, one of whom can subsequently be elected as president. I support the amendment because of the amendments that I propose to move in connection with the principle of electing a president. It is not intended that the name shall be changed from chairman to president; but this concerns the method of election of the president.

**The CHIEF SECRETARY:** The point is that if we discuss the name of the chairman first, discussion on the other question can follow; but if we do not discuss the name first, the debate will be stultified.

**The CHAIRMAN:** The debate has proceeded in the way it has because the Chief Secretary asked that we deal with the issue of the name first.

**The CHIEF SECRETARY:** If the Committee is going to discuss the question of the number of councillors it is a different matter. We now have to discuss the principle. We believe the best principle is the one that is adopted today by municipalities—namely, that each ward elects its members and the electors elect their No. 1 man. We say that it is a more democratic system for all the electors to elect their leader. Members need not tell me that we do not follow that policy in electing the leader of the Government.

A district is placed at a disadvantage because the people elect their 13 members and they then get around a table and decide that one of their number shall be president. He is in the chair. This means that his ward, which should be represented by, say, three representatives, is immediately robbed of one of them.

**Hon. H. K. Watson:** That applies in the Legislative Council.

**The CHIEF SECRETARY:** Exactly. But because it operates here that does not mean that we cannot improve on the system.

**Hon. H. L. Roche:** Are you going to suggest that for the Legislative Council?

**The CHIEF SECRETARY:** No, at the right time! At the moment we are dealing only with local government. If members will seriously consider the matter they will agree that the municipal system is a long way ahead of the road districts system in regard to the election of the chairman or president.

**Hon. R. C. MATTISKE:** I had the honour of representing a local authority on the Local Government Association when this Bill was being considered and strong argument was advanced by representatives of municipal councils to show that their method of electing a mayor was preferable. On the other hand, representatives of various road boards maintained that their method was the best. After hearing the arguments put forward from both sides, there was one aspect that impressed me greatly and it was this: When there is an election for a mayor, those interested in holding that high office must resign from their office of councillor, with the result that only one councillor—if there are two sitting councillors nominating—can be elected. Thus the other is lost to local government.

Recently we had one instance of that in the South Perth municipality. The sitting mayor resigned, and two very good councillors resigned from their office to contest the vacant position. It was a very narrow contest, indicating that the public thought very highly of both candidates. But only one could be elected, so one person who represented the South Perth municipality on many different organisations has been lost completely to local government.

The Minister will agree with me that it is extremely difficult to obtain the right type of person for local government at any time, particularly when conditions are troublesome. For that reason we can ill afford to lose people of high calibre. I propose in the amendment on the notice paper to make it optional for a council to adopt this method of electing the mayor. I sincerely hope that the amendment before us will go through because it involves the whole principle of election.

**Hon. L. C. DIVER:** I support the amendment. I listened to the Chief Secretary saying that the election of the president of a shire council by all the people in the district is preferable to the council members electing their own president. It seems to be an extraordinary proposition to ask us to alter the present procedure, especially after the road boards in the State have functioned so successfully for over 50 years, and have given great satisfaction year in and year out. On more than one occasion when there has been more than one candidate, the election of chairman of a local authority has been carried out by secret ballot. Usually the most satisfactory and most capable member is elected.

Another point should not be lost sight of. In country centres, which will be known as shire councils after the passing of this Bill, issues are much more parochial than in big cities. At times, unpopular decisions have to be made, and the chairman of the local authority is the mouthpiece for the board. If, as suggested

in this Bill, he is to be elected by all the ratepayers, there would be a very remote chance of his being returned in the following election. If the appointment is left to those who constitute the shire councils, he will have every chance of re-election because the council members would have been well informed before they reached their decisions.

Each member is returned as a representative for a portion of a district; so to ask the chairman to go before all the people to answer for a decision of the council would in most cases prove detrimental to his attempt to obtain re-election. This would happen merely because he had done something of which the councillors were in favour. In the country centres there are many instances where the same person has been chairman of a road board for many years. It is well known that if any such chairman has to stand for election under the method proposed in the Bill, he will not be successful. For that reason I support the amendment.

Hon. R. F. HUTCHISON: I oppose the amendment. The democratic way is to appoint the chairman by a vote of all the electors, under the same procedure as now applies in councils. Firstly, this will very often prevent stagnation and stalemate in road board affairs. There are cases where a member is popular with his fellow members on the board, and he is elected chairman because nobody opposes him. I have often seen councillors lose face and lose drive for that reason.

A person might be a very important businessman holding a high office and no one will stand against him, so he is allowed to carry on as chairman whether or not he is very active. The election of the chairman by the ratepayers will keep an interest in road board affairs. If a person wants to become chairman he should work for his election. In all fairness, electors should have the right to decide who shall be chairman. We must remember that he is not only chairman acting for all the members, but he is appointed chairman to act for the whole district. It is the electors in the district who have to put up with what the chairman does.

The method of appointment proposed in the Bill will save pressure being exerted—I know it goes on—on some members. For many reasons the chairman might be a very nice man, but not progressive. Therefore the electors should have the right to say who shall be the chairman. This method would give a much freer hand to progress, and is much more impartial. A very poor example was given by Mr. Diver that a chairman might be elected by the board members, but that if he had to go before all the electors, he would not be elected. I would say that he did not deserve to be elected and should not hold office as chairman.

Hon. L. C. DIVER: Because he did something unpopular?

Hon. R. F. HUTCHISON: After all, the chairman is supposed to represent all the people. We are supposed to be living in a democratic country, and it is a democratic method that is proposed. It will save much parochialism; it will also prevent much that is detrimental to local government.

Hon. J. MURRAY: In reply to Mrs. Hutchison, I would point out that if the principle of adult franchise for local government is adopted, then her argument will have some bearing on the case; but unless adult franchise is accepted, then it is wrong in principle and wrong in policy—

Hon. R. F. Hutchison: Why?

Hon. J. MURRAY: Let me tell the hon. member that local authorities in the country, which are not municipalities, have adopted the present system of appointing the chairman out of the body of elected members for very many years. The people of a district will express their desires as to who shall sit on the shire council. It is a representative body elected by the people. Out of that body, the members will decide to appoint the outstanding person as president. Mrs. Hutchison contends that the president should be elected by all the ratepayers; and the Bill provides for that.

Let us take a district with a large percentage of its people residing in the main town. There may be 500 to 700 electors living closely in one district, and there may be another 700 electors scattered over 70 miles of territory. They are all in the same road board district. It cannot be said that because a road board member lives in a town, he has outstanding ability. The member who has the greater ability may live in the outer reaches of the district. He may possess far greater qualifications to govern the local authority than any of the members living in the township.

A member representing the town will be elected in nine cases out of ten if the Bill is passed, and it will be phenomenal for one living in the outback to be appointed chairman. If the people believe in adult franchise for local government, the suggested method of electing the president will not matter, and it is possible that a member living outback can be pushed into the position of chairman by the people in his district.

Surely if the people of a shire council elected a group of five to 13 members as their representatives on the council, that would be a mandate for those members to elect the president from one of their numbers. Surely they can be relied on to do the right thing!

Hon. R. F. Hutchison: They often don't.

Hon. J. MURRAY: Can the hon. member point out one case in local government where the right thing was not done?

Hon. R. F. HUTCHISON: Be careful! I know two or three.

Hon. J. MURRAY: I will ask the hon. member to name them, and to show where a local government has gone haywire under the present method.

Hon. G. C. MacKINNON: The Chief Secretary made an interesting statement when he said that the word "democracy" will be used a lot in this debate. It is a pity he did not go on to define it. It seems that we have to decide what is meant by that term, and we may be talking at cross-purposes. The particular amendment before us leads on and on.

It seems to me that in discussing whether we shall have this method or that method we are being quite contrary in regard to what the Chief Secretary avows he requires. He wants local government to be on a democratic basis. Very well, let us leave it to the people. Surely the most democratic way to settle this matter would be to say, "There are two methods, both of which are very popular. You take your pick." If the people want one method, they will use it, and there is machinery for them subsequently to change their method if they desire to do so. That is the principle in this Bill that has been overlooked. It will be found that there are several stages at which the Minister or the Governor can decide the method. So let us settle the matter by saying that we will leave it to the people. In my opinion Mr. Murray's speech was a very logical one, and very well reasoned.

It was said by the Chief Secretary that he was convinced that the best system was the municipal system. Never would a truer word have been spoken, if he had added, "for municipal districts." But for road board areas, as Mr. Murray clearly put it, the present system is the best one. If we want to be democratic, we will let them use it. We need to be very clear about what we mean by "democratic." Let us give them as wide a choice as we can. I support the amendment.

Hon. G. E. JEFFERY: I support the clause as it stands. I was rather tickled to hear mention of democracy. I am not going to attempt to define it. I lean to Abraham Lincoln's view.

Hon. Sir Charles Latham: That is old-fashioned.

Hon. G. E. JEFFERY: It may be. There is a more modern one which does not reflect very great credit on that so-called land of democracy. It is, "Buy the people sell the people and to hell with the people." The municipal system has proved a success, and nobody here will speak against it. I see no reason why a shire council should not have a president elected under the same system. The weakness of

the present system is that in 999 cases out of 1000, the people of the district would elect the same individual to the job of president as would the people who sit on the road board today. One weakness of the amendment is that the shire council is elected—

The CHAIRMAN: Order! I would point out that we are dealing with the amendment by Sir Charles Latham.

Hon. G. E. JEFFERY: It makes no difference.

The CHAIRMAN: Yes, it does.

Hon. G. E. JEFFERY: It makes a difference so far as the actual amendment is concerned, but the clause is the only way to get over the problem.

Hon. J. D. TEAHAN: I have listened to many debates on local government, and it appears to me that we are all conservative. We all want to hold what we have. Road boards have been used to the system of electing a chairman from amongst their number and they say that that is what they want to continue to do. The municipalities similarly prefer their system. I have had experience of both methods; and I would prefer to be elected by the people rather than by a small crowd, with re-election dependent upon one's pleasing a majority of those with whom one sits. One speaker said earlier that a chairman is often chosen because he has held the office in the previous year and the year before that. I am afraid that that does happen.

I know of a case in which a certain man held the position of chairman for a number of years. But when he was opposed by a man who was practically a newcomer to the ranks of local government, he was beaten; and the people were generally pleased. That was because, in my opinion and in the opinion of others, he had not been a success as chairman. He did not have that wide discretion and tolerance that are needed.

There is another road board—a fairly big one—with about 10 members; and three of them indicated their desire to occupy the position of chairman. A certain number favoured "A" and another number favoured "B." Candidate "C" was considered to be the least suitable for the position because he did not have the experience required. But those who favoured "A" gave their second preference to "C" and those who favoured "B" did likewise, with the result that candidate "C" obtained the position; and he was not the right one for it by any means.

That would not happen in an election by the people. I would not have liked to have to please a small crowd of councillors; and from my knowledge of other districts, I feel that far better results would come from the election of the chairman of a road board by the people than is the case under the present system.



The CHIEF SECRETARY: I am surprised that so many members are quite prepared to allow the Minister for Local Government to select chairmen of road boards, because that is what they are doing. I have had to do that on numerous occasions. Why? Simply because a little band of men around a table could not agree who was best fitted to be their chairman.

Hon. L. C. Diver: Did you make a good or a bad choice?

The CHIEF SECRETARY: I do not know. They were so split in their opinion that their votes were equal.

Hon. Sir Charles Latham: We are going to provide for 13 members, so that could not happen.

The CHIEF SECRETARY: Of course it could!

Hon. Sir Charles Latham: Not with 13.

The CHIEF SECRETARY: Often when these little contests occur, someone is sick at the time the vote is taken, and the numbers are equal. I have had to call special meetings of boards; and when the members have got together, no one would change his mind, with the result that I have had to elect the chairman. Mr. Thomson will know of one case which occurred only the other week—about a month or so ago. I think it was in the Kojonup district. I did the electing on that occasion.

Hon. J. Murray: The members of the board did not walk out afterwards.

The CHIEF SECRETARY: I do not know. I have not been game to go there since. What I am saying is that members in this Chamber are prepared to go to the extent of allowing the Minister for Local Government to have the power to elect chairmen of road boards in preference—and let me emphasise that—to allowing ratepayers to do so.

Hon. G. C. MacKinnon: They could have a vote.

The CHIEF SECRETARY: Not if we allow a board to elect its chairman. What could occur is that I—or, whoever happened to be the Minister—could be electing dozens of chairmen. I have never before heard of anything so ridiculous.

Hon. A. R. JONES: I support the amendment for the reasons outlined by previous speakers, and for the additional reason that if we permit a chairman or a president to be elected by the people, it could result in a newcomer to the district, a man with no experience of local government whatsoever, being chosen to lead a body of men with many years of experience. Once in a while, of course, it is possible that there would be a really good man chosen in such circumstances; but generally it can be said that years of

experience are necessary before a person is competent to be appointed to such a position. Apart from that, it is the generally accepted principle for groups of people to elect their own leader. That is what is done by the Labour Party and by my party and that is what should apply in all cases.

Hon. R. C. MATTISKE: Even if the Minister for Local Government had to make a selection, he would be making it between two or three men who were regarded by the local governing authority as being the best fitted for the job. Therefore, whether he chose "A," "B" or "C," he would be electing someone whose name had been submitted to him with a recommendation from the council that the individual concerned was worthy to be appointed chairman or president.

Under the other system which has been outlined, when two or more people stood for election, we would lose one or more to local government on account of their being defeated in the contest and thus having missed the boat for inclusion amongst the councillors for that particular area. So I have no compunction at all about seeing the Minister make a decision on any number of occasions, because he would be making a selection from persons fitted to hold the job.

Hon. L. C. DIVER: A Royal Commission was appointed in 1950 to go into the matter of local government. Nobody so far has mentioned what its conclusions were on this particular matter. In the report, in regard to the election of mayor or president, we find the following:—

None of the present municipalities urged any alteration in the system of electing the mayor. Most of the road board evidence was strongly opposed to that system being used in shire councils and they urged the continuation of the present road board system of the chairman being elected by his fellow members.

That was a conclusion arrived at after the hearing of far more evidence than has been put before this Chamber.

Hon. Sir Charles Latham: Who signed the report?

Hon. L. C. DIVER: We need not go into that; but I think the Chief Secretary would be well advised to take notice of that recommendation.

Hon. Sir CHARLES LATHAM: It is easy to select the right man in the metropolitan area or any other congested area, because he will be well known. But a road board of perhaps 13 members will know who among them is best suited to the position. A coterie of 10 men—members of Cabinet—elects our judges and takes the responsibility of picking the best men.

Hon. G. E. Jeffery: They have certain safeguards.

Hon. Sir CHARLES LATHAM: No, because all the lawyers who desire to become judges are available for selection. We should accept the present position; and I think it is far better for the councillors to make their own choice. On occasions, the best man has not won by election—

The Chief Secretary: But that is the only democratic way.

Hon. Sir CHARLES LATHAM: It does not always secure the best men available.

The Chief Secretary: Those who must pay the piper are the best judges.

Hon. R. C. Mattiske: We will remember that when dealing with a future clause.

The CHIEF SECRETARY: From the tenor of the debate one would think we were legislating only for Woop Woop. Mr. Mattiske is a member of a road board which is the second most financial local authority in Western Australia.

Hon. Sir Charles Latham: What about the other 126?

The CHIEF SECRETARY: How silly can the debate become? What about Belmont, Bayswater, Gosnells, Melville, and so on? The municipal council at Bunbury could fit into one corner of Melville.

Hon. G. C. MacKINNON: The Chief Secretary's impassioned speech has nothing to do with the case in point. The amendment seeks to give the people of a particular area a choice. If all the Chief Secretary said is right, I believe the people are rarely wrong for long, and they will justify his view by turning over to municipal methods. If his arguments are fallacious, the people will stick to their present method; and the amendment seeks only to give them the choice.

Hon. E. M. HEENAN: The Bill seeks to reorient an out-dated system, and I think we should leave the vital choice to the people concerned. I know of two glaring examples of chairmen entirely unfitted for the job.

Hon. F. D. Willmott: Have you seen a mayor in that category?

Hon. E. M. HEENAN: No; I am speaking of road board chairmen. These two men held office because they owned material possessions in their localities and had so much influence that they overawed their colleagues. Eventually, when someone had the temerity to oppose one of these men, and people had an opportunity of expressing their views, he was quickly disposed of. We cannot go wrong in giving the electors the choice.

Hon. L. A. LOGAN: This is the first difficulty arising from an attempt, which should never have been made, to amalgamate two measures. During the debate on the second reading I referred to two

road board chairmen who would never have been elected had election by the people been in vogue. One has just been elected. The other has been chairman for about 16 years, with the exception of one break when he was defeated, but his value was so great that before long he was back again in the job. In densely populated areas, those on the fringe often pay greater amounts in rates, but they will be denied the right to elect a chairman.

The Chief Secretary: You will not give them the opportunity.

Hon. L. A. LOGAN: Mr. Heenan says they should have a choice, but he would deny them the choice. We would give the electors the right to nominate and elect the candidates for their wards; and then, if a man was good enough, he would be elected chairman.

The Chief Secretary: Who says he is good enough?

Hon. L. A. LOGAN: The other members elected by the people. Under our present system there have been many mayors who have not fulfilled their obligations, having been elected over the heads of men much better qualified for the job. I do not take everything in the Royal Commission's report as gospel; but when practically every road board asks for this method of electing the chairman, surely that shows it is a democratic way. When 120 out of 127 road boards ask for the retention of this principle does that not show it is democratic?

The Chief Secretary: No.

Hon. L. A. LOGAN: The Chief Secretary would deny the wish of the majority.

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

Hon. L. A. LOGAN: To carry the proposal in the Bill to its logical conclusion would mean that the President and the Chairman of Committees in this Chamber could, if the suggestion were adopted for elections for parliamentary representatives, be elected by the people as a whole and not by the members of this Chamber.

The Chief Secretary: We are prepared to do that, too.

Hon. L. A. LOGAN: But I am not. Are we going to allow the Premier of the State to be elected by the people as a whole, or are we going to allow him to be elected by the members of his party?

The Chief Secretary: I am afraid if you make suggestions like that, you will strike a lot of trouble.

Hon. L. A. LOGAN: I would not object to the president of a shire council being elected by the people except that in practice it would not work. If a person were elected as president the other 12 or 13 members of the council might not be happy about him and there would be a sorry state of affairs.

The Chief Secretary: Frequently we are not happy about some members who are elected; but it is the people's choice and not ours. It is not a mutual admiration society.

Hon. L. A. LOGAN: I know that; but it would be quite easy to elect somebody who had not the slightest idea what to do. Do not let us forget that electors can be swayed into voting for somebody who might not act in the best interests of the district. We had an instance in Western Australia when a certain gentleman was elected to Parliament because he had the gift of the gab; but he did not last long.

Hon. Sir Charles Latham: Did he take his seat?

Hon. L. A. LOGAN: No; but somebody with the gift of the gab could sway the electors and have himself elected as president of a council.

Hon. L. C. DIVER: Mrs. Hutchison said that the proposal in the Bill is a far more progressive way of electing the president. While searching in the archives of Parliament House I looked through some old records of "The West Australian" and in the news and notes column in the early part of 1908 I saw where the Perth City Council had instructed its architects to draw up plans for a new town hall. That is 49 years ago, and look how much progress has been made in the building of a new town hall! I am wondering whether the olympic pool will be in the same category. I make those comments to show the hon. member that the proposal in the Bill does not necessarily denote progress.

Hon. R. F. HUTCHISON: How silly can we get! Sometimes I become quite indignant at the standard of debate in this Chamber. Can any member here tell me where there is a really democratic road board? There is not one in this State. Road board members are elected on a franchise, and the only way one can get on the roll is to put one's name down every year. Whether one is ill or not, a certain number of days in a certain month are set aside for enrolments.

Hon. L. C. Diver: That is not right.

Hon. R. F. HUTCHISON: That is the experience I have had after going around Belmont. That is all a road board is required to do. At least with a municipal council the roll is compiled; but the same cannot be said of a road board. They do not compile their rolls in the same way.

Hon. L. C. Diver: How silly can you get?

Hon. R. F. HUTCHISON: There is nothing narrower than the road board franchise; and it is of no use members here trying to cover it up with the blanket of "democracy."

Hon. L. A. Logan: You are trying to camouflage it.

Hon. R. F. HUTCHISON: If electors made mistakes they would be no worse than members of road boards, because they make mistakes too. I know of instances where men have been chairmen of road boards year after year. It is possible to get good men; but many of them become chairmen of road boards simply because they are influential in their districts, and no one will stand up against them. That narrows down the selection of the person responsible for spending the people's money. It would be much more democratic and much better for the electors as a whole to elect the chairman or president, because at least he would be impartial, and he could act for the whole district without fear of being accused of not being impartial. A member elected as chairman or president is also the member for a ward.

Hon. A. F. GRIFFITH: What we have listened to from the hon. member is an indictment of a lot of people who put a good deal of time into local government work.

Hon. R. F. Hutchison: I object to that. I did not indict anyone. I was speaking of what I think are the democratic and undemocratic ways of electing chairmen.

Hon. A. F. GRIFFITH: Apparently the hon. member's opinion of people who put a great deal of time into local government work is not very high.

Hon. R. F. Hutchison: I object to that, too, Mr. Chairman.

The CHAIRMAN: I did not think there was anything offensive in the statement.

Hon. A. F. GRIFFITH: The best thing is to let members of local governing authorities read Hansard to see what the hon. member thinks of them.

Hon. R. F. Hutchison: That will suit me, too.

Hon. A. F. GRIFFITH: I hope the amendment will be agreed to, and I oppose the statement that no local authority is democratic.

The CHIEF SECRETARY: I am surprised at the hon. member's interpretation of what Mrs. Hutchison said.

Hon. A. F. Griffith: There is no need for you to square off.

The CHIEF SECRETARY: I want to be fair in all things. I do not think that, by any stretch of the imagination such an interpretation could be placed on her remarks. As far as I am concerned, what she said was that there was no really democratically elected road board in this State.

Hon. A. F. Griffith: That is right.

The CHIEF SECRETARY: I will back her up in that statement; it is absolutely correct. A number of members here laughed at the idea when she said that road boards did not compile rolls. They

doubted what she said when she made the statement that an individual has to make an application every year. It is not a laughing matter, because the hon. member was correct.

Hon. L. C. Diver: They do not have to make an application every year.

Hon. R. C. Mattiske: The rolls are made up from the rate book.

The CHIEF SECRETARY: Are they? If the hon. member's board is doing that, it is doing so illegally.

Hon. F. D. Willmott: Every other road board in the State is doing the same thing.

The CHIEF SECRETARY: No, they are not.

Hon. L. C. Diver: Have you ever made an application to have your name put on roll?

The CHIEF SECRETARY: I am not living in a road board area.

Hon. Sir Charles Latham: That is why you know nothing about it.

The CHIEF SECRETARY: If members look at the Act, they will see that it deals with "occupiers," and in a road board area the occupier has to make an application every year to get on the roll.

Hon. H. L. Roche: What about the owner?

The CHIEF SECRETARY: The owner is different. But the hon. member mentioned how undemocratic it was because the provisions differentiate between the method of putting an owner on the roll and placing an occupier on the roll. Mrs. Hutchison's statement was quite correct. What is more in areas where the Government is not rendered liable to pay rates it makes an *ex gratia* payment equivalent to rates. But the individual who is possibly contributing by the payment of his rates cannot get on the local authority roll. That is the sort of thing we are trying to alter. We want to bring local government up to present-day standards.

Even though I am Western Australian born I must say that people born in this State are, as a rule, the most conservative in the world. They do not want any change. They want to stick to the same old methods. If we adopt these new methods in local government, I feel sure that in the years to come members will tell us that we have done a good job.

Hon. R. C. MATTISKE: I do not want to labour this point, but I would like to read the provisions of Section 38 of the Road Districts Act. It is as follows:—

On or before the 14th day of January in every year the board shall make out in the prescribed form a list of owners of rateable land within the district, etc.

So there is a roll made out by the board every year, and it does not depend for its compilation on people coming in voluntarily to the board and applying to have their names included.

The CHIEF SECRETARY: I expected something better than that from the hon. member, who has had years of experience serving on a road board. He is dealing with owners; but in many cases the owner is not the ratepayer.

Hon. R. C. Mattiske: You are dealing with what you wishfully think will go through.

The CHIEF SECRETARY: I am dealing with fact. No occupier can get on to a road board roll unless he makes application every year. I make that statement deliberately and defy contradiction.

Hon. G. C. MacKINNON: The question as to whether they vote or not has nothing to do with the matter. We are discussing whether we should give the people a choice in the method of electing their president or whether we should arbitrarily say, "You should follow this method and no other."

Amendment (to strike out words) put and a division taken with the following result:—

Ayes	.....	13
Noes	.....	9
Majority for		4

#### Ayes.

Hon. N. E. Baxter	Hon. J. Murray
Hon. L. C. Diver	Hon. H. L. Roche
Hon. A. R. Jones	Hon. C. H. Simpson
Hon. Sir Chas. Latham	Hon. J. M. Thomson
Hon. L. A. Logan	Hon. F. D. Willmott
Hon. G. MacKinnon	Hon. A. F. Griffith
Hon. R. C. Mattiske	(Teller.)

#### Noes.

Hon. G. Bennetts	Hon. F. R. H. Lavery
Hon. G. Fraser	Hon. H. C. Strickland
Hon. E. M. Heenan	Hon. J. D. Teahan
Hon. R. F. Hutchison	Hon. E. M. Davies
Hon. G. E. Jeffery	(Teller.)

Amendment thus passed.

Hon. Sir CHARLES LATHAM: I move an amendment—

That the word "twelve" in line 17, page 20, be struck out and the word "thirteen" inserted in lieu.

This would not include the president.

The CHIEF SECRETARY: In view of the amendments made, I would prefer the number to be 13, because we always endeavour to work on an odd number.

Amendment put and passed.

On motions by Hon. Sir Charles Latham, clause further consequentially amended by—

Striking out the words "and includes the president" in line 22, page 20:

striking out the words "or president" in line 24, page 20.

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

That after Subclause (3), line 25, page 20, the following subclauses be added:—

(4) The mode of election of the president of a municipality, which is a shire, shall be that at the first meeting of the council held after the third Saturday in April of each year, or at the first meeting of a newly constituted council, the council shall elect one of its councillors to the office of president.

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

(a) the mode of election of the mayor be by the council instead of by the electors of the municipality; or

(b) the mode of election of the president be by the electors of the municipality instead of by the council,

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

(6) The returning officer shall cause sufficient voting papers in, or substantially in, the form in the Twenty-Sixth Schedule to be provided for the taking of the poll, and shall, for the purpose of taking the poll, use the roll of the municipality as last settled prior to the taking of the poll.

(7) Such of the provisions of this Act relating to the taking of the poll at the election of members of a council, including voting in absence, as are appropriate, shall apply *mutatis mutandis* to the taking of the poll on the question.

(8) If at the poll a majority of the valid votes cast are in favour of the alteration in the mode of election, the Governor shall by order declare that such mode of election of the mayor or president, as the case may be, shall apply as from the date upon which the office next becomes vacant.

I propose that every municipality shall have the option to select the method by which it shall elect its mayor or president immediately after this Bill becomes law. My amendment further provides that should conditions change in the future, a municipality will have the option of varying the method of election. It is not a simple procedure, which will enable a municipality to change from system to system, at will as it were; but through the necessity to go to the people by referendum before a change can be made, I think stability will be obtained; and at the same time, it will provide for a change should the conditions warrant it.

The CHIEF SECRETARY: I hope the Council will not agree to this amendment. It is the most outrageous proposal—

Hon. Sir Charles Latham: That “*mutatis mutandis*” frightens you.

The CHIEF SECRETARY: —I have ever seen, as it takes something away from the people. It takes away their right to say how they will elect their mayor.

Hon. G. C. MacKinnon: Tell us how.

The CHIEF SECRETARY: It is left to one-third of the council to say how.

Hon. R. C. Mattiske: By referendum.

The CHIEF SECRETARY: This is 1957 not 1837. There is not one provision in the amendment for the ratepayers.

Hon. F. R. H. Lavery: It is an imposition.

The CHIEF SECRETARY: It takes away a right from people which they have enjoyed for many years. One-third could be five men, who would say how the mayor was to be elected; and I am surprised at the hon. member for putting up such a proposal.

Hon. R. C. MATTISKE: Surely to goodness the Minister is not trying to convey to this Chamber that local government works as he has just said! Where the people in any particular municipality require a certain thing, they have a very definite voice in saying what they want. We have councillors coming up for election periodically, and they are elected by the municipality. If the people want a change from one system to another, they will elect those councillors who will give effect to what they want. I am sure the Minister is not serious when he says that it would not be possible to get three councillors to petition the mayor and have a referendum.

The CHIEF SECRETARY: The hon. member says three. Why not give proper figures? There is provision for 13. Therefore, one-third must be five. His case would not be worse, so why not say five instead of three?

Hon. R. C. Mattiske: The principle is the same.

**The CHIEF SECRETARY:** I would ask the hon. member: What possible chance have people in the Perth Road Board of getting an alteration to a system which they want changed? They would not be in the race; and Mr. Griffith knows to what I am referring. There has been trouble in one road district in this State.

**Hon. N. E. Baxter:** Only one?

**The CHIEF SECRETARY:** Protest meetings have been held and 180 people have attended. Therefore, the matter must be regarded as important in that district. They have been fighting for a long time to have a referendum taken, but Mr. Griffith knows just how far they have got.

**Hon. R. C. MATTISKE:** I am more astounded at the Chief Secretary than he is of me, because a few minutes ago he was not going to give the people of the municipality any chance at all. He wanted one method to be obligatory. I now propose it shall be optional.

**Hon. J. D. TEAHAN:** I am afraid that under this amendment it will be left to the say-so of four councillors. That is the weakness in the amendment which has not been mentioned. If a mayor had been elected by the people and a small number of the councillors did not like him and wanted to get rid of him, they could alter the system of election. This could be corrected by having a referendum to decide which method the ratepayers desired. Once a choice was made they would have to retain that choice for five years, and not alter it at the whim of one or two.

**Hon. R. C. MATTISKE:** It is the whim of the majority.

**Hon. R. F. HUTCHISON:** This amendment makes things much worse. We are dealing with an undemocratic set-up. By the time members get through this Bill the people will want to read it, and there will be some opinions very much altered.

**Hon. J. McI. Thomson:** That is your opinion.

**Hon. A. R. Jones:** Are you criticising the amendment or the member?

**Hon. R. F. HUTCHISON:** The amendment has nothing to recommend it, and I oppose it.

**Hon. J. MURRAY:** The amendment moved by Mr. Mattiske clearly outlines the position. If in the view of the people, the method of election is considered to be wrong, a referendum can be held. Therefore, the ratepayers can decide which method shall be adopted. What is more democratic than that? I support the amendment because I believe it is right in principle, and there should be a clause in the Bill to provide for a change of thinking in a road district or municipality.

**Hon. A. R. JONES:** I consider that this amendment could be better worded in order to give ratepayers the opportunity of making objections. The amendment only provides for one-third of the council—which could be five, four, or three members—and makes no provision for the people to have a say at all.

**Hon. R. C. MATTISKE:** By referendum.

**Hon. A. R. JONES:** Yes; but who will decide there will be a referendum?

**Hon. R. C. MATTISKE:** Councillors express the views of the people they represent.

**Hon. A. R. JONES:** Not until there is another election.

**Hon. R. C. MATTISKE:** It is not intended to change every five minutes.

**Hon. R. F. HUTCHISON:** The hon. member is being naive.

**The CHAIRMAN:** Order!

**Hon. A. R. JONES:** I feel so strongly about this, that I shall vote against the clause if something is not done to give a certain number of ratepayers an opportunity to lodge a protest by signing a form as they can at present. I think the number is 20.

**Hon. R. C. MATTISKE:** I would be prepared to accept as a further amendment that it be one-third of the councillors or a certain number of ratepayers who may petition the mayor or president. But I suggest seriously that it be a fairly substantial number, in order to prevent frivolous appeals. It is a serious matter to change from one system to another. Recently we have had instances of a certain number of ratepayers petitioning for different things; but, on analyses, the petitions have been found to be not worth the paper they were written on. I suggest that the number of ratepayers be not 20, but 50 or 100.

**Hon. L. A. LOGAN:** I do not understand the objection of Mr. Jones or the Chief Secretary. The principle is that the president be elected by the members of the council. That has been done for 60 years. Now we are worrying about a change, and we reckon two years is too long. If we have agreed in principle that they have done the right thing for 60 years, surely we can accept the proposition that for another two years it will not hurt to carry on with that principle. If one-third of the members of a council have been told by their electors that they want a change, that amount of time is surely sufficient. I cannot understand why it is necessary to put in anything else.

**Hon. Sir Charles Latham:** This refers to municipalities.

**Hon. L. A. LOGAN:** I know. We are asked to alter the mode of election. In one case it has been by the ratepayers; and in the other, we have had the road

board chairmen being elected by the members. Now members are worrying about changing the method within two years. Let it take its natural course.

Hon. A. F. GRIFFITH: I would like the Chief Secretary to tell the Committee whether he thinks that local government, generally, in Western Australia, is of a satisfactory nature.

The CHIEF SECRETARY: Like the curate's egg, it is good in parts. Overall, our local governing bodies do a wonderful job.

Hon. A. F. Griffiths: Where does the Chief Secretary find trouble or strife?

The CHIEF SECRETARY: We are dealing with a Bill and not with my experience with local authorities. We are, in our advanced thinking, suggesting that certain alterations should be made. We are putting before the Committee what we consider is right as a result of our experience. So far we have not been too successful, but there could be a change for the better. This amendment is one of the most outrageous proposals I have ever seen. It will give to three, four or five people the right to say what method of election will be adopted.

Hon. J. Murray: No; as to whether a referendum will be taken.

The CHIEF SECRETARY: Yes. Mr. Mattiske's case is so strong that when another hon. member points out a weakness, he says, "I will accept that." But, in his opinion, it will take at least 100 ratepayers to equal those three, four or five men.

Hon. R. C. Mattiske: To use your own words, I am being reasonable in adopting a reasonable suggestion.

The CHIEF SECRETARY: His proposition is so solid that within a minute or so he is prepared to switch around to bolster it up. When a thing has to be bolstered up, it is time to give it away altogether.

Hon. A. F. GRIFFITH: The Chief Secretary says that certain changes were to be made. I suggest that in this instance there is one change—not certain changes—which the Government wants to make arbitrarily. It says, "This shall be the method and there shall be no other." Then the Chief Secretary switches and says that three, four or five people will make this decision. A few minutes ago he said three or four people would not be able to make it. What does he mean?

The Chief Secretary: What I said.

Hon. A. F. GRIFFITH: The Chief Secretary said five. But now he says three, four or five.

The Chief Secretary: The maximum is 13. It could be five.

Hon. A. F. GRIFFITH: The statement of three, four or five is not right. It will be any five of 13; not a particular five. The whole of the number will be taken into consideration. In principle, all these people will make the decision. At least this will give a choice; and it departs from what the Minister hopes to write into the measure—namely, that there will be one method only—an arbitrary one.

Hon. A. R. JONES: I move—

That the amendment be amended by inserting after the word "councillors" in line 2 of proposed Subclause (5) the words "or 50 ratepayers."

The CHIEF SECRETARY: At this stage I will support the amendment with the idea of throwing out the whole lot later. At least some attempt is being made here to give a say to the people who pay the piper—50 ratepayers. It is an improvement on what has been suggested. I do not agree it is right, but I take the attitude that as it is an improvement I shall support it. But do not hold that against me later when I vote against the whole lot.

Amendment on amendment put and passed.

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

Ayes	.....	13
Noes	.....	9
Majority for	.....	4

#### Ayes.

Hon. L. C. Diver	Hon. J. Murray
Hon. A. F. Griffith	Hon. H. L. Roche
Hon. A. R. Jones	Hon. C. H. Simpson
Hon. Sir Chas. Latham	Hon. J. M. Thomson
Hon. L. A. Logan	Hon. F. D. Willmott
Hon. G. MacKinnon	Hon. N. E. Baxter
Hon. R. C. Mattiske	(Teller.)

#### Noes.

Hon. E. M. Davies	Hon. F. R. H. Lavery
Hon. G. Fraser	Hon. H. C. Strickland
Hon. E. M. Heenan	Hon. J. D. Teahan
Hon. R. F. Hutchison	Hon. G. Bennetts
Hon. G. E. Jeffery	(Teller.)

Amendment, as amended, thus passed.

Clause, as amended, agreed to.

Clause 11—agreed to.

Clause 12—Power of Governor to constitute municipalities:

Hon. L. C. DIVER: I move an amendment—

That at the end of paragraph (d) on page 22, the following proviso be added:—

Provided that the Governor is satisfied that the majority of the electors in each of the municipalities affected have signified their assent to the petition at a referendum of such electors held for that purpose.

That proviso is suggested in order to be certain that people are given the democratic right of deciding whether they should remain as they are or be amalgamated with another local authority.

The CHIEF SECRETARY: Ordinarily, I would favour a referendum; but on occasions the holding of a referendum is not the best method of deciding a question. It is certainly not the most suitable method of deciding the issue when it is a matter of amalgamating one local authority with another. I will take the risk of being accused of not being democratic, because in this case the facts are that I invited the hon. member to put forward a case to show that Peppermint Grove Road Board was being carried on in the best interests of the State or even of the districts surrounding it.

What possible chance would one have of holding a referendum in Peppermint Grove on the question of its amalgamation with another local authority? Can any person prove to this Committee that a small, pocket-handkerchief local authority such as that is acting in the best interests of the State? In fact, it is so small that it has no facilities of its own and is so close to other local authorities that it avails itself of the amenities provided by them. It is such a small watertight compartment that there would be no possible chance of successfully holding a referendum on the question of its amalgamation with one or more local authorities.

If the proviso were inserted at the end of this clause, at no time could an improvement be made in the conduct of the affairs of local authorities in the metropolitan area. No matter what Parliament may think, the time is fast approaching when amalgamation of local authorities must take place. Three or four years ago I appointed a commissioner to investigate this question in the metropolitan area. I guarantee that that person knows as much of metropolitan local authorities as any other person in this State, if not more. After taking evidence, he considered that there should be a reduction in the number of metropolitan local authorities to about 12.

Hon. Sir Charles Latham: Would you abolish the municipality of Carnarvon?

The CHIEF SECRETARY: At the moment I am dealing with what happened in the metropolitan area. During the inquiry that was held by this person, every member of the public was invited to give evidence. I am mentioning this because tonight I heard members bolstering up the evidence given before the Royal Commission on Local Government, and I am now putting forward the facts of this inquiry to support my argument.

Hon. A. F. Griffith: Bearing this clause in mind, what would be included? An amalgamation or the severance of portion of a district?

The CHIEF SECRETARY: That is too big a question to deal with at this stage. The method adopted is for the Minister to have power to approve of any particular action after investigation is made. I cannot see any better method than that. If amalgamations are proposed, we find that the small personal interests of certain people intrude themselves.

Hon. R. C. Mattiske: Are they democratic rights that you are speaking about?

The CHIEF SECRETARY: No; I am speaking of the few individuals who set themselves out to oppose the holding of any referendum because if that were done it would interfere with their personal advancement. This question was debated in this Chamber previously. Under the existing Act, amalgamations can take place by a stroke of the pen. But what cannot be done is to redesign the wards of the various local authorities. We therefore came to Parliament to obtain that power; and, as a result, this question of holding a referendum was raised. I do not wish to cast any reflection on the members of this Chamber; but I do ask that they make some investigation of what they did on previous occasions, because they submitted a proposition that a referendum had to be held in the areas affected.

Hon. Sir Charles Latham: What damage has been done since then?

The CHIEF SECRETARY: They then added a stipulation that the case for amalgamation should be put by the Minister, and a case against it should be put by the local authority. It is possible for the boot to be on the other foot—for a local authority to want an amalgamation, and for the Minister to oppose it. Nevertheless they will have to put the case forward. In questions of this description, the holding of a referendum is not the suitable way out. What has happened since is what will happen anywhere and it is why amalgamations will have to take place.

Local government today is branching out into many more avenues than was contemplated. The amount of finance necessary is much larger than it ever has been. The amount and type of machinery required to carry out the work in municipalities is very expensive, and it is quite beyond the powers of individual local authorities to acquire it.

We had a spectacle, during the last amalgamation, of one or more local authorities opposing the amalgamation. But immediately after the amalgamation they turned round and said, "We have to have more territory; we cannot find the finance." If a referendum were to be held, there would be no hope of carrying it. Who is to put up the case for amalgamation? There will be those who fight against it, but it will be a one-sided contest. I cannot agree to this.



Hon. L. C. DIVER: The Chief Secretary has pointed out the safeguards; and how, in due course, the people will be forced to support a referendum. But I do not think he has read the wording of the amendment as closely as he might have done. He said there was no hope of a referendum being carried. But my amendment refers to "a majority of the electors;" and that means to say there has to be a majority of the people in the district entitled to vote. So the fewer the people recording votes the greater would be the chance of bringing about amalgamation.

I agree that local government over the last 20 years has found it far more expensive to carry on its work because of the need for modern equipment, and because of the high cost of administration. We do not seem to know the best basis for getting value from the rates paid. It will only be a matter of time, if the amendment is agreed to, that the state of affairs envisaged by the Chief Secretary will come about, and the people will vote for amalgamation into larger municipalities.

Hon. A. F. GRIFFITH: The Chief Secretary is credited with saying some time ago, when certain amalgamations of road boards were going on, that he thought that ultimately, in the metropolitan area, there would be only four or five road boards.

The Chief Secretary: I have not said that in my life.

Hon. A. F. GRIFFITH: I am pleased to hear it. If such a state of affairs were to exist, I venture to suggest that local government in Western Australia would be brought to a very low level because I can see in the hands of a ruthless Minister—not like the one we now have, who does not believe that the metropolitan area should be reduced to four or five road boards—the bringing about of that very state of affairs. We would then find politics playing a very large part in local government. The day that happens will be a sad day for Western Australia.

Hon. R. F. HUTCHISON: There have always been party politics in local government.

Hon. A. F. GRIFFITH: As far as the Labour Party is concerned. The only party which endorses candidates for local government elections is the Labour Party. I sincerely hope that the party to which I belong will never come to that stage.

The CHAIRMAN: I would ask the hon. member to address his remarks to the question before the Chair.

Hon. A. F. GRIFFITH: When you, Sir, allow an interjection of that nature it is a bit hard to let the interjector get away with it. Regarding the amendment, the

Chief Secretary has a lot on his side. I can see the difficulties in amalgamation of road boards, particularly in the circumstances he mentioned where it would be quite impossible to bring about amalgamation because of the parochial attitude of the ratepayers in a district. I do not feel happy to give away the right of the people to express their views on their own districts.

The CHIEF SECRETARY: I am surprised to hear the question of politics being raised. The amendment makes provision for the Governor to do certain things.

Hon. A. F. GRIFFITH: Who is the Governor but the Government?

The CHIEF SECRETARY: I admit that previously I did not read the proviso as closely as I should. But now that I have read it closely, I am more convinced that the attitude I have taken is the right one. It would be impossible to carry a referendum if the amendment is agreed to. The very most that one could expect from a poll of this nature is 50 per cent. of the voters. That would be a tremendous poll. If 49 per cent. voted for the amalgamation, it could not be effected.

Hon. J. D. TEAHAN: What is the average poll in referendums?

The CHIEF SECRETARY: It fluctuates. The amendment will bring about something impossible of being carried out. So we will reach the position that no amalgamation, however necessary it might be, will ever be carried in this State.

Hon. R. C. MATTISKE: Local Government is dependent on the very localised nature of its activities for success. If there is a municipality governing a particular district, the people there are generally well in touch with their councillors, and vice versa. If it should be the desire of a local authority to amalgamate with another because of the high operating costs, or for other reasons, then the ratepayers of the local authorities concerned, who have to bear the cost, should be entitled to a great say on this matter, particularly in view of what we have heard from the Ministers and others this evening regarding the democratic right of the individual.

We have just been told that if two districts involved in a possible amalgamation were asked to go to a referendum, there would be a low proportion of the electors voting. I can only say that if they regard so lightly the matter of possible amalgamation, which would benefit both districts, then they would not deserve to have the benefit of the amalgamation.

But that has not always been the case, because the Chief Secretary will recall that not so long ago in his own area in

East Fremantle the voters faced the problem of holding a referendum. I think I am correct in saying that if not 100 per cent. voted, then it was so close to 100 per cent. that it did not matter.

The Chief Secretary: You should talk of what you know something about. The percentage was 33.

Hon. R. C. MATTISKE: Then it was incorrectly reported in the Press. The Press statement clearly indicated that it was practically a 100 per cent. poll. I repeat that if a matter as important as an amalgamation, which is to benefit both districts, is so lightly regarded that there is a low percentage of voters, then they do not deserve to have that amalgamation.

Hon. G. C. MacKINNON: I am in complete agreement with the Chief Secretary on this point. In view of the known results of referendum polls, perhaps Mr. Diver will give consideration to clarifying the position. The proviso states—

Provided that the Governor is satisfied that the majority of the electors in each of the municipalities affected have signified their assent to the petition at a referendum of such electors held for that purpose.

I have a feeling that he meant the electors voting at that referendum, because a 40 to 45 per cent. poll is the average.

I disagree with Mr. Mattiske on this point, because some people do not care about these things one way or the other and are prepared to abide by any decision reached by the referendum. I do not bow to the extreme faith of the Chief Secretary. I believe we should leave it to the people. This amendment is very similar to an amendment which I shall move later. If the people do not want to do something we should not force them. If we analyse the speech made by the Chief Secretary, we will realise that economic pressure will force many amalgamations. However, I would feel happier if Mr. Diver could clarify this amendment.

Hon. L. C. DIVER: I think it has been laid down in just about all procedures that there should be a common majority; and that is what is set down here—a common majority of ratepayers.

Hon. Sir Charles Latham: Voting at the time. It is their fault if they do not get a proper vote.

Hon. L. C. DIVER: It is implied but not set down.

The Chief Secretary: The wording is very definite—a majority of the electors in each of the municipalities.

Hon. L. C. DIVER: It needs a little clarifying.

The Chief Secretary: I am prepared to move that progress be reported.

Hon. L. C. DIVER: Very well.

Hon. A. F. GRIFFITH: I do not want to interfere with this; but to my mind it seems easy to fix this matter without reporting progress. If Mr. Diver will agree to the word "voting" being inserted after the word "electors" I think it will be all right.

Hon. L. C. Diver: Yes; that will cover it.

The CHAIRMAN: Is Mr. Diver prepared to include that word in the amendment?

Hon. L. C. Diver: Yes.

The CHIEF SECRETARY: I do not think that the wording is very good.

Hon. Sir Charles Latham: You should have time to think it out.

The CHIEF SECRETARY: I am prepared to report progress, as I said before.

Hon. A. F. Griffith: You want to stop your Bill at this point, at this moment?

Hon. R. C. Mattiske: Could we not postpone the clause if the Minister wants to clarify the position?

The CHIEF SECRETARY: I do not want to overwork members. I am not thinking about myself. I will have six weeks' holiday. I consider that I have had a fair go from members tonight; and if we progress as much as this each time we consider the Bill, no one will have any complaint about the progress being made.

Hon. A. F. Griffith: I beg pardon. I thought the Minister wanted to continue with the Bill.

The CHAIRMAN: Before progress is reported, I would like the matter of this amendment cleared up. Is the hon. member prepared to withdraw it?

Hon. L. C. DIVER: Yes, Mr. Chairman, I ask leave to withdraw it.

Amendment, by leave, withdrawn.

Progress reported.

#### BILLS (4)—FIRST READING.

- 1, Agent General Act Amendment.
- 2, Agriculture Protection Board Act Amendment.
- 3, Fremantle Prison Site Act Amendment.
- 4, Dairy Cattle Improvement Act Repeal.

Received from the Assembly.

*House adjourned at 9.10 p.m.*