

# Legislative Assembly

Wednesday, 30 May 1984

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

## DISTINGUISHED VISITORS

### *Presence in Speaker's Gallery*

THE SPEAKER (Mr Harman): I wish to announce the presence in the Speaker's Gallery of the Ambassador of Thailand, Mr Sucharintwn and his wife, and the consul for Thailand in Western Australia, Brigadier Jamieson and his wife.

## LOCAL GOVERNMENT AMENDMENT BILL 1984

### *Returned*

Bill returned from the Council with amendments.

### *Council's Amendments: In Committee*

The Deputy Chairman of Committees (Mr I. F. Taylor) in the Chair; Mr Carr (Minister for Local Government) in charge of the Bill.

The amendments made by the Council were as follows—

#### No. 1.

Clause 3, page 2, line 26—Delete “or 72” and substitute “, 72 or 156”.

#### No. 2.

Clause 4, page 3, lines 15 and 16—Delete “interested persons” and substitute “electors”.

#### No. 3.

Clause 4, page 3, after line 26—Insert the following subclause—

(2) Section 12 of the principal Act is hereby amended by inserting the following subsection:

“(4A) An Order made pursuant to subsection (3)(a) or subsection (4)(d) of this section is a regulation for the purposes of, and is subject, to section 42 of the Interpretation Act 1984.”

#### No. 4.

Clause 8, page 5, line 14 to page 8, line 11—Delete the proposed section 36 and substitute the following section—

Eligibility for registration as an elector. 36. (1) Subject to this Division, a person is eligible to be registered as an elector on the electoral roll of a municipality if—

(a) he is enrolled as an elector for the Legislative Assembly in respect of a residence within the district of the municipality; or

(b) he—

(i) has attained the age of 18 years;

(ii) is an Australian citizen or is ordinarily resident in the State; and

(iii) is the owner or occupier of rateable property in the district of the municipality.

(2) Where the person is eligible under subsection (1)(a) to be registered as an elector and the district is not divided into wards, he shall not be eligible to be registered under subsection (1)(b).

(3) Subsections (4) to (7) apply where the district is divided into wards.

(4) Where the person is eligible under subsection (1)(a) to be registered as an elector, he shall be eligible to be registered in respect of the ward in which the residence referred to in that provision is situated.

(5) Where the person is eligible under subsections (1)(a) and (4) to be registered as an elector in respect of a ward, rateable property that is situated in that ward or that is held as one holding and is situated partly in that ward and partly in another ward or wards shall be deemed not to be rateable property owned or occupied by him for the purposes of subsection (1)(b)(iii).

(6) Where the person is eligible under subsection (1)(b) to be registered as an elector and the rateable property referred to in subsection (1)(b)(iii), or a portion of it, is held as one holding and is situated partly in one ward and partly in another ward or wards, he shall be eligible to be registered in respect of only one of those wards, being the ward nominated by him.

(7) Except where subsection (6) is applicable, where the person is eligible

under subsection (1)(b) to be registered as an elector he shall be eligible to be registered in respect of each ward in which the rateable property referred to in subsection (1)(b)(iii) is situated.

(8) Where 2 or more persons in conjunction own, or wholly occupy, rateable property—

- (a) each, if there are only 2 of those persons; or
- (b) if there are more than 2 of those persons, each of 2 only of them, being the 2 from time to time selected by all or a majority of them, shall, for the purposes of this Part, be deemed to be an owner or occupier, as the case may be, of the property.

(9) Where one person occupies a separate and distinguishable portion of rateable property, whether the occupancy is of a separate portion of a building on the property, or is of any other portion, he shall, for the purposes of this Part, be deemed to be an occupier of rateable property being the portion so occupied.

(10) Where 2 or more persons in conjunction occupy a separate and distinguishable portion of rateable property, whether the occupancy is of a separate portion of a building on the property, or is of any other portion—

- (a) each, if there are only 2 of those persons; or
- (b) if there are more than 2 of those persons, each of 2 only of them, being the 2 from time to time selected by all or a majority of them, shall, for the purposes of this Part, be deemed to be an occupier of rateable property being the portion so occupied.

(11) Where rateable property is owned or occupied by a body corporate each of 2 persons nominated by it shall, for the purposes of this Part (other than section 65), be deemed to be an owner or occupier, as the case may be, of the property.

(12) A nomination or selection mentioned in subsection (6), (8)(b), (10)(b) or (11)—

- (a) shall be in writing addressed to the clerk and, if the person nominated

or selected applies for registration as an elector pursuant to section 37, shall accompany that application; and

- (b) may be made from time to time and shall remain in force until it is withdrawn by notice in writing, served upon the clerk, by the persons eligible at that time to make a further nomination or selection or until the property ceases to be held, owned or occupied as referred to in subsection (6), (8), (10) or (11), as the case may be.

(13) Where a person occupies property that is owned by the Crown in right of the Commonwealth or State or by any agency or instrumentality of the Crown in right of the Commonwealth or State, if in respect of the property the Crown or the agency or instrumentality pays to the municipality in the district of which the property is situated an *ex gratia* payment in lieu of rates, the property shall for the purposes of this Part, be deemed to be rateable property.

(14) The husband or wife, as the case may be, of the owner or occupier of rateable property, if residing on the property, shall be deemed to be an occupier for the purposes of this Part.” ”.

#### No. 5.

Clause 8, page 9, lines 7 to 29—Delete the proposed section 39 and substitute the following section—

Duration of effect of application. 39. Subject to this Division a person whose application under section 37 is accepted under section 38(1) or (3) shall, while he continues to be eligible under section 36(1)(b) to be registered as an elector, be qualified to be registered—

- (a) on any district roll or combined ward roll; and
- (b) on any ward roll for any ward in respect of which he is eligible under section 36(6) or (7) to be registered.”.

#### No. 6.

Clause 8, page 12, line 31—Delete “36(2)” and substitute “36(4)”.

#### No. 7.

Clause 8, page 13, lines 11 to 16—Delete subsection (3) of the proposed section 43 and substitute the following subsection—

"(3) The clerk shall include on an owners and occupiers roll each person who is qualified under section 39 to be registered as an elector on the district roll, combined ward roll or ward roll of which that owners and occupiers roll forms part."

No. 8.

Clause 8, page 13, lines 17 to 23—Delete the proposed section 44 and substitute the following section—

Multiple enrolment on same roll prohibited. "44. Without limiting the generality of section 36, a person shall not be registered more than once on the same district roll, ward roll or combined ward roll."

No. 9.

Clause 8, page 14, lines 9 and 10—Delete "the electoral roll" and substitute "a roll of electors".

No. 10.

Clause 8, page 14, line 23—Insert after "36(1)(b)" ", (1)(b) and (6) or (1)(b) and (7)".

No. 11.

Clause 8, page 16, lines 5 to 12—Delete the proposed section 52.

No. 12.

Clause 8, page 18, line 8—Delete "53 and 54" and substitute "52 and 53".

No. 13.

Clause 8, page 18, lines 19 and 21—Delete "54" and substitute, in each case, "53".

No. 14.

Clause 11, page 19, lines 32 and 33—Delete the clause and substitute the following clause—

Section 85 amended. "11. Section 85 of the principal Act is amended in subsection (4) by deleting paragraph (c) and substituting the following paragraph—

(c) the person nominated as a candidate is neither registered as an elector on the electoral roll of the municipality nor a person who would have been so registered if his name had not been omitted in error."

No. 15.

Clause 29, page 24, lines 16 to 19—Delete the clause.

No. 16.

Clause 30, pages 24 to 26—Delete the clause and substitute the following clause—

Section 611 amended. "30. Section 611 of the principal Act is amended—

(a) in subsection (1) by inserting before "to liquidate" the following—

" for a purpose mentioned in section 601(1)(b) or "; and

(b) by repealing subsection (5) and substituting the following subsections—

"(4) The roll to be used for the purposes of the poll shall be compiled in accordance with subsection (5) and the regulations.

(5) Subject to subsection (6), where the notice states that in the opinion of the council a portion or portions of the district will benefit specially from the works or undertakings for which the loan is proposed, only the persons who, on the day prescribed in the regulations, have or are entitled to have, their names recorded in the rate book in respect of rateable property in that portion or those portions are entitled to be registered on the roll, but otherwise all persons who, on the day prescribed in the regulations, have, or are entitled to have, their names recorded in the rate book in respect of rateable property are entitled to be registered on the roll.

(6) The regulations shall provide—

(a) that where, in respect of any rateable property, more than 2 persons would be entitled under subsection (5) to be registered on the roll, only 2 of them, being the 2 from time to time selected or deemed to be selected in accordance with the regulations, shall be entitled to be registered on the roll; and

(b) that where, in respect of any rateable property, a body corporate would be entitled under subsection (5) to be registered on the roll, 2 persons nominated by it in accordance with the regulations shall be entitled to be registered on the roll on behalf of, and instead of, the body corporate."

No. 17.

Clause 31, pages 26 and 27—Delete the clause and substitute the following clause—

Section 692, amended. 31. Section 692 of the principal Act is amended by inserting after "polls" wherever it occurs the following—"and referenda".

No. 18.

Clause 33, page 27, line 30—Delete "37" and substitute "36".

No. 19.

Clause 34, page 28, line 11—Delete "33" and substitute "32".

No. 20.

Clause 35, page 28, line 30—Insert after the word "on" the following—"the ground that he is not an Australian citizen or on".

No. 21.

Clause 36, page 29, line 11—Delete ", 533 or 611" and substitute the following—"or 533".

No. 22.

Clause 37, page 29, line 20—Delete "or 611".

No. 23.

Clause 37, page 29, line 21—Delete "those sections" and substitute "that section".

No. 24.

Clause 38, page 29, line 34—Delete "may" and substitute "shall".

No. 25.

Clause 38, page 29, lines 37 to 40—Delete "notwithstanding that the determination of the matter may not affect all ratepayers or may not affect all ratepayers uniformly".

No. 26.

Clause 45, page 43, line 6—Delete "552(5)" and substitute "552(6)".

No. 27.

Clause 45, page 44, before line 17—Insert the following new subparagraph to stand as subparagraph (i)—

" (i) land which is zoned for a residential purpose and on which the improvements consist of or include a dwelling house; "

No. 28.

Clause 45, page 47, line 35—Delete "533A(3b)" and substitute "40(2) and (3) of this Act".

### *Progress*

Progress reported and leave given to sit again at a later stage of the sitting, on motion by Mr Carr (Minister for Local Government).

Continued on page 8707.

## **PENSIONERS (RATES REBATES AND DEFERMENTS) AMENDMENT BILL 1984**

### *Second Reading*

Debate resumed from 29 May.

**MR MENSAROS** (Floreat) (2.27 p.m.): Last night the Leader of the House told the Opposition that this is the only measure with which the Government wishes to proceed today. I received the second reading speech notes only last night. I do not know which Minister is representing the Minister for Water Resources in this House today, but maybe that fact will be revealed during my comments.

This Bill is amending legislation in order to remedy a situation which obviously is not in line with the spirit of the original intention of the parent Act. This situation was discovered during the implementation of the Act and subsequent amendments to it. This, in itself, is not strange because I suppose 50 per cent of our time is taken up with legislation of this nature.

The parent Act is a social measure to alleviate the burden of municipal rates and sewerage, water, and drainage rates on pensioners. Once a person becomes a pensioner he does not have the capacity to earn a high income, but he still has to meet rate payments. Obviously, the official valuation of his property will increase, but the value of the property to the owner does not rise because he uses it for the same purpose. Consequently, he wants to be safeguarded from paying higher rates and the increase in rates should be in proportion with the increase in his pension.

It is interesting to note that this social piece of legislation was introduced and subsequently amended by non-socialist Governments. As far as I understand, the amendment before the House was triggered by the Hon. Tom Knight who wrote to the Premier about the Glen-Craig Nursing Centre in Albany. The Hon. Tom Knight complained that those persons who had bought units in that complex for a certain amount of capital and who then undertook to pay the ongoing expenditure of maintenance, etc, are subject to the payment of full rates.

However, if these people were pensioners and living in their own homes, they would have been eligible for a concession choosing either a 50 per cent rebate or deferment of the rates and water charges. Mr Knight received a reply from the Premier stating that because these people were not owners and because the Act refers to owners and owner-occupiers, the concessions generally could not apply. Mr Knight pursued this subject and apparently it was then decided by the Government to amend the parent Act. The problem arises not

only in this case referred to, but also in various other circumstances in which the implementation of the legislation appears to be creating situations which are contrary to the intention of the original Act.

It is a pity that the explanation—that is, the second reading speech to the current amendment in the Legislative Assembly, is drafted in a cumbersome way and does not have the same sequence as the Bill. Therefore, it is fairly hard to follow. It does not even tally 100 per cent with the provisions of the Bill itself. Also, if any person paid attention last night to the delivery of the second reading speech, I do not think he would argue with my comment that it was very badly made. The Minister giggled throughout the delivery of the speech and quite obviously did not understand a word he read. That Minister was the Leader of the House. When this kind of thing happens—and it is not an isolated case or the first time it has happened—one wonders where we shall go from here.

The Premier told the Leader of the Opposition last night that he did not need to explain legislation; the Opposition should ascertain the details if it is interested. That is all right with me. However, if that is the attitude of the Government I suggest we should hold conferences between officers of the departments and Opposition members and not involve Ministers who are not interested and who do not understand the subject.

Mr Wilson: What point were you making when you referred to a proposal which arose from an interest taken by Tom Knight?

Mr MENSAROS: I was referring to the situation last night when the Leader of the House read his second reading speech. The Minister for the Environment was present. The Leader of the House could not read the speech without giggling because he did not understand what it was about.

Mr Wilson: You brought Tom Knight's name into it and said he had raised this issue. What point were you trying to make?

Mr MENSAROS: I was referring to the history of the case. Tom Knight brought the issue to the Premier's attention via a letter.

Mr Wilson: Is that not a good indication of response by the Government?

Mr MENSAROS: I did not complain about that part of it. I complained about the performance last night. I am not complaining about any other aspect of the matter.

I refer to a further fairly important aspect; a fortnight ago the Attorney General gave an undertaking in another place, in response to a complaint by the Hon. Tom Knight, that certain aspects

which were not covered by this amendment, would be looked into. The Attorney undertook to put forward further amendments if necessary or in any event to ascertain what the situation was. What has happened? Has the Attorney looked into the matter? If so, has he communicated with the Minister in charge of the Bill in this House? Alternatively, has he forgotten or not taken into consideration his promise? This undertaking is printed in *Hansard* from which I cannot quote under our Standing Orders, but members can check what I am saying. I still do not know which Minister is in charge of this Bill, but I ask whether the responsible Minister has any information on this point. The silence indicates that no-one has any idea about anything. Obviously nothing has been done. There has been no communication between the Minister in the Legislative Council and the Minister handling the Bill in this House.

The Opposition agrees with the general aim of this Bill with the following reservations: Firstly, some aspects could have been solved in a much better way; secondly, at least one provision should be added in accordance with the stated general aim of the legislation; thirdly, a further provision should be changed; and, fourthly, I must disagree with one of the provisions.

For easier understanding, let us look at the general principle behind the whole measure; it is to allow local authorities or any of the water authorities—the Metropolitan Water Authority, country water undertakings, or any of the boards—either to rebate up to 50 per cent of a pensioner's account or, if the pensioner is the owner and owner-occupier of the premises, to defer payment during his or her lifetime.

The first question this measure deals with is those pensioners who are not living in a single home with free title, but who are living in a block of flats which is not strata titled and who have a share in a company which owns the block of flats. In this case the Bill allows them to be deemed as owners and, therefore, they may receive the concession. However, if they are in a similar unit and according to an agreement enjoy and pay for the occupation and all benefits of residency, but are not shareholders in the ownership of the complex, it appears that the concessions would not extend to them. The aim of the legislation is to extend the benefits to people other than *prima facie* owner occupiers.

That is the first query I have and the Attorney General had said he would look at and remedy the situation. Obviously it is the intention of the Bill to extend the benefits in this area. It appears that Tom Knight and the Attorney General did not quite understand each other because in their dis-

cussion the Attorney asked whether the organisation involved was a commercial undertaking or a religious body. That is not relevant. The question of whether it was a non-profit organisation could be relevant because non-profit organisations are charged for water rates at a rate which is less than would normally apply. Therefore, there is nothing to be rebated or deferred. The Attorney General did not appear to understand this when he handled the query on the floor of the other place. The question with regard to local government rates still remains and also water rates where a religious or other organisation is involved and the pensioner is not a shareholder but just has owner-occupier rights based on a contract.

Some people live in premises of which they are not the owners but life tenants. In these cases, because of the strict interpretation of the Act, concessions do not apply, particularly the concession to defer rates. It was still thought that the provisions of this Bill should not apply to the life tenant, because if he dies the owner is then burdened with rates which might have been deferred. That could be solved very easily by introducing an encumbrance on the title so that everyone would know what the situation is.

The Attorney General said that this situation is like a tenancy, but I do not think that could really be said, because in the case of a tenancy there is no financial involvement in the capital cost of the unit, whereas in the case of a member of an aged persons' home there is a financial involvement. After a person's death, the asset reverts to the heir—not necessarily the unit itself, but the value of it.

Another question arises when the owner or occupier, being a pensioner, leaves the premises. Either he departs for somewhere else, or he may cease to be eligible for a pension for some reason or other—perhaps he has a higher income. In these cases previously the concessions were extended to the dependent pensioner left in the premises. This legislation seeks to validate this action and therefore provide that the validating provisions pertaining to these cases should come into force from 1977. In other words, it is retrospective legislation, but we do not usually complain about such instances because they are in the interests of the citizens and not the State.

That is true, but theoretically I would like to place it on record that we cannot ignore even that kind of retrospectivity, because the Government of the day is responsible for the State. If we complain something is retrospective from the point of view of the citizen, equally this measure is retrospective from the point of view of Consolidated Revenue.

I do not think this point can be entirely ignored. However, there is one clause in the Bill where this retrospectivity should apply. I am talking about clause 4, which will become section 4. This will come into operation only in 1984, whereas some of the intended provisions should have been operational retrospectively, because in these cases the water authorities and the local authorities have allowed concessions in the past which are intended to be validated.

Finally, I have to deal with the last provision of this Bill, and that is to remove the statutory right of the Metropolitan Water Authority to claim a rebate from Consolidated Revenue for expenses incurred in implementing this whole Act as from July 1983. If a rebate has been given to a pensioner, the water authority is entitled to be paid by the Treasury that same amount. Government last year decided that the water authority should take this burden upon itself. That is utterly and absolutely wrong. If the Government decides to hand out social measures, that is quite all right, but the burden should not be transferred to some other body.

I said at the beginning we originated this concessional legislation and amended it, but it is wrong to say that the water authority ought to pay; that it ought to be the Father Christmas to give social handouts to the consumers. This principle prevails in some ways during the term of office of all Governments. It prevailed during my time. I never made any secret of it. I bitterly complained about it and I complain now.

Why is it, from the point of view of water rates, the Government school next door to me pays much less than I do? Why is it that a hospital or a non-profit-making organisation pays a fraction of the water rates which other people do, yet it must pay the same electricity rate? There is no concession for electricity for hospitals or schools, but there is for water. That means consumers must pay more for water. This is the reason the principle is absolutely wrong. It should not be in the legislation at all.

I do not know whether I have achieved anything by my remarks. I conclude by saying that I still do not know which Minister is in charge of this measure. The Leader of the House wanted to handle this piece of legislation because certain measures will come into force at the beginning of the next financial year—during the period the House is in recess. I did not have much reward, because it appears to me there is not only apathy on the Government benches, but also a lack of understanding of this legislation.

**MR BRYCE** (Ascot—Deputy Premier) [2.38 p.m.]: On behalf of the Minister I would like

to thank the member for Floreat for his remarks, and members opposite for their support. This measure has been supported in the Legislative Council. It was brought to this place and introduced only last night.

This matter was introduced on a fairly hasty basis at the end of the session because it was perceived to be an issue about which there was fairly widespread understanding. It relates to the administration of a scheme with which all of us, as local members of Parliament, are fairly familiar. I suspect this will not be the last time this particular piece of legislation is brought before us. As time goes on, various aspects of the administration of this scheme will warrant amendment.

This particular amending Bill has been designed to smooth out some of the anomalies which have arisen. I thank members for their support.

Question put and passed.

Bill read a second time.

#### *In Committee, etc.*

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

#### *Third Reading*

Bill read a third time, on motion by Mr Bryce (Deputy Premier), and passed.

### **LOCAL GOVERNMENT AMENDMENT BILL 1984**

#### *Council's Amendments*

Amendments made by the Council further considered from an earlier stage of the sitting.

#### *In Committee*

The Deputy Chairman of Committees (Mr I. F. Taylor) in the Chair; Mr Carr (Minister for Local Government) in charge of the Bill.

Progress was reported after the Council's amendments had been presented.

Mr CARR: I move—

That amendments Nos. 1 and 2 made by the Council be agreed to.

Question put and passed; the Council's amendments agreed to.

Mr CARR: I move—

That amendment No. 3 made by the Council be agreed to.

This amendment is an exception to the other 27 amendments in that the other amendments were placed on the Notice Paper at the initiation of the Government, following the well-publicised meet-

ing which was held at the Sheraton on 18 May. I refer to the fact that, by concessions being made on both sides—by the Government and local government representatives—a compromise was arranged and agreed to quite overwhelmingly by all parties at the meeting. That is the reason 27 of these amendments are now before us.

Amendment No. 3 is an exception in that it was initiated in the Legislative Council without any wish from the Government to support it in that Chamber and, indeed, the Government opposed it. Perhaps previously I had given an indication that the Government would be opposed to this amendment; but this morning a much closer examination of it has taken place. It is clear that the amendment will not cause anywhere near the degree of difficulty to administration and sound government which it was thought last night might be the situation.

It is a fairly extraordinary amendment and it seems to me to bear very little relation to the rest of the parts of the Bill. Indeed while it is not for me to comment on requests coming from the Legislative Council, I would not have been at all surprised if it were found to be out of order because it deals with some powers to make regulations, and that does not seem to be referred to in any of the headings of the Bill.

The particular part of this Bill under which this amendment was listed relates to elections, rate-payers, polls, and petitions. The amendment did seem a little bit surprising, because it relates to quite different things. Nevertheless the Legislative Council wants that amendment, and we in the Government do not see that it will cause any great difficulty.

I should perhaps put on record for the benefit of the Chamber the effects of that particular amendment. The amendment seeks to insert in section 12 of the principle Act a new subsection to stand as (4A). It reads—

(4A) An Order made pursuant to subsection (3)(a) or subsection (4)(d) of this section is a regulation for the purposes of, and is subject to, section 42 of the Interpretation Act 1984.

As I understand it the amendment the effect of it is that an order made in accordance with this particular proposed subsection could be required to lie on the Table of the House in both Chambers of Parliament, with the possibility of being disallowed.

In order to fully understand that amendment we should look at the relevant sections of the Act which it is proposed to be amended. I refer to section 12 (3) which states—

The Governor, by Order made after effective presentation to him of a petition bearing the common seal of one or more of the municipalities which will be directly affected by the order, may—

- (a) sever from a district a portion of the district and annex the portion to another district which the portion adjoins;

That relates to a situation where, after a petition, an order is made to sever part of a council district from that council. Quite frankly I cannot see what it has to do with the rest of the Bill. I cannot see its doing any harm, considering that it is necessary to secure a petition in the first place anyway. I find it peculiar, but nevertheless that is the amendment moved by the Opposition in the Legislative Council and agreed to by the Legislative Council. I guess if that is what the Council wants, so be it.

The other part of the Council's amendment refers to subsection (4)(d) of section 12 which states—

- (4) The Governor by Order which may be made without a petition may—
  - (d) give such directions as the Governor thinks necessary in order—
    - (i) to give effect to an alteration in the number of offices of councillor of a municipality or in the number of offices of councillor for a ward of a municipality;
    - (ii) to give effect to an alteration in the number of wards; or in the description of the boundaries of the wards, of a district;

Once again the Council has agreed to a fairly peculiar amendment, because the advice I have received from the Parliamentary Draftsman is that this subsection provides a general pick-up power to make some minor ancillary orders consequential upon some far more significant order made in other sections of the Act.

I presume that the Council is trying to include some sort of provision that any order made relating to members of councils in various wards be tabled, but in fact it does not have that effect at all because the significant section relating to the power of the Government to make orders about numbers of councillors in wards is contained in section 10 of the Act.

For the benefit of the members I refer to section 10(2) which reads as follows—

- (2) subject to subsection (7) of this section, the number of offices of councillor—
  - (a) of a municipality; or
  - (b) for a ward of a municipality,

is such number as is from time to time declared under this section in respect of that municipality or ward.

So, that is the power for the Order-in-Executive-Council to be made, and to establish the number of councillors in a council or the number of councillors in a particular ward. That is followed up by subsection (3) which provides the power to issue the order subject to subsections (4) and (5), and provides that the Governor may by order declare the number of officers of a council municipality.

Subsection (6) provides the power for the order to be issued providing for the number of councillors for a ward in councils where the district of a municipality is divided into wards. The Governor may, by order, declare the number of officers of a council or a ward.

So the real decision-making power and the power to declare the significant orders with regard to changes of numbers of councillors in a ward is contained in that section.

If there were any doubt as to whether that was the main decision-making clause, section 20 of the Act provides for further orders related to this to be made. It refers specifically in section 20 (1)(a)(i) where the power is contained for an order to be made declaring which councillors would cease to be holding office in a situation where ward boundaries are changed. Further to that, subsection (ii) of that part refers to an order for the days on which an election may be held.

After all of those things have been clearly dealt with in section 10 and section 20, in addition an ancillary provision—in fact to some extent I suppose a minor duplication I suppose—picks up other items in section 12(4)(d) which is referred to.

So, clearly the amendments do not affect the power of the Governor to issue an Order-in-Council for any major aspects relating to wards, boundaries of wards, or numbers of councillors.

That is not my view. I have had lengthy discussions with the Parliamentary Draftsman and he has confirmed each of these points. After our briefing he conferred with the State Crown Solicitor and he confirmed the view that was expounded to me this morning regarding the interpretation of the amendments moved in the Legislative Council.

The situation with which we are confronted in this Chamber is that the Legislative Council moved some minor amendments which do not make much sense and do not achieve very much. We could say that we are not interested in the amendments, but if that is what the Legislative Council wants, the Government is prepared to accept them.

I was pleased to find out that these amendments did not have much power because the sorts of things discussed in the Legislative Council by the mover of the amendments would have created an unwieldy situation. If implemented and if there had been a change in ward boundaries it would have been necessary, before a disallowance could take place, for that change to be held over until it had lain on the Table of the Chamber for 14 days to enable that course to be followed. If a council wanted to change its boundaries this week and I agreed and the Governor-in-Executive Council agreed, the document would have to lie on the Table of this Chamber for 14 sitting days and if, on the fourteenth day, the motion was moved to disallow the amendments, the debate could carry on for months and could even extend over a Christmas period.

The amendment which was considered last night does not do what it is supposed to do and if it had it would have caused considerable difficulties to those councils which want to change ward boundaries.

The Government is, at the moment, engaged in the process of consulting with local government authorities.

Mr Laurance: With a threatening letter.

Mr CARR: I am referring to the last liaison committee, where representatives of the three local government organisations met with me and discussed the question of whether there should be a statutory provision to deal with such things as the formula to be used for ward boundaries, how often a review should take place, what objections to the proposal would be put up by councils, and what provisions would be made for appeal tribunals to consider whether there should be an appeal against a decision. Those points were raised with me at the liaison committee meeting and again on Monday this week when I met with the Presidents of the Local Government Association and the Country Shire Councils Association. I said I would be happy to discuss with them the process of implementing changes to the Local Government Act.

I am not enthused about having the powers that some members think I should not have. As I have mentioned, the Government is in the process of consulting with local authorities, although the Opposition makes the claim that it does not consult with them enough. The Government does not want to be involved in *ad hoc* amendments of the kind to which Mr Pratt referred last night.

I have given an assurance to the shire councils that in the meantime I have no intention of being dogmatic in regard to party policy concerning the formula that will be used for boundary changes.

Even if the proposed amendment had done what it was supposed to do, it would have been unnecessary because the Government is proceeding to consult with councils.

Finally, while the amendment that has been moved does not make much sense, it does not do much harm and the Government does not wish to oppose it.

Mr TRETHOWAN: It is of concern to me if the legal advice given to the Minister is correct; that is, that the problem that was sought to be addressed by the Legislative Council has not, in fact, been fully solved. I think the Minister understands the principle involved in the amendment that has been moved. As I understand it, the intention of the Council was to provide for any changes to ward boundaries or any changes to the number of councillors within wards to be required to be placed on the Table of both Chambers of this Parliament. That intention was derived from statements the Minister made in consultation with local government and at the conference of local government to which the Minister referred again today.

The intention was to provide an interim or perhaps long-term, legal change to require the scrutiny of both Chambers of Parliament to alterations of ward boundaries or changes to the number of councillors in wards. After all, this is what local government is seeking at the present time—a statutory mechanism to cover these functions, and the Minister has admitted that.

I understand the intention of the Legislative Council in moving those amendments was fully supported by all associations of local government. If, as the Minister says the effect of that amendment is not as wide as perhaps even members on both sides of the Chamber may have thought, then that does not change the intent of the Legislative Council in moving the amendment. The Minister has said he has no intention of moving to make a change to ward boundaries or to the number of councillors in wards while the process of dialogue with members from both associations continues.

All the amendment sought to do was to reinforce in the Act, as a halfway step, the scrutiny of the Parliament upon such changes. If the eventual aim of the current negotiations between the Minister and the local government associations results in legislation for the review of boundaries and for the review of the number of councillors in wards, the amendment would require the scrutiny of both Chambers. It may be that as a result of that change to the Act the scrutiny of Parliament may be required on the results of any boundary changes as they are determined upon the boundaries for the Legislative Assembly.

The Opposition certainly supports this amendment and will endeavour to assure itself about how widespread the legal effect of it may be. The intention is to allay the fears of local government in regard to dramatic changes which have been proposed to the boundaries of wards and to the number of councillors in wards and that such changes should not proceed before negotiation takes place with local government. The Opposition vigorously supports that intention of the Legislative Council.

The concern over potential dramatic changes in ward boundaries, a concern which has been expressed in many shires and local authorities throughout this State—needs to be considerably allayed. The Minister's words are obviously an attempt to allay those particular fears, particularly in relation to the Shire of Carnarvon, the situation of which is frequently quoted to me by other local authorities.

I suppose if the effect of this amendment is not as widespread as was hoped, local government will have to rest on the Minister's assurances in regard to this very difficult problem. The amendment before us is supported by the Opposition.

Mr CLARKO: I thank the Minister for his explanation of this amendment as he and his advisers see it; namely, that it will have very little effect. I was not in the Legislative Council last night, but I assume that what its members were trying to do was to arrange that, if the Minister sought to change the wards of a council without a petition, such a change would need to lie on the Tables of the two Chambers for 14 days after six days from the commencement of the new session. The amendment is an attempt to prevent what now applies under the Local Government Act, where the Minister can, if he so wishes, arbitrarily arrange the wards in any way he likes. The Minister would seek to have voting on the basis of one-vote-one-value.

The Minister has said he is not now going to proceed to impose on the councils of this State any provisions of that sort at short notice without discussion. I take it he is happy to negotiate with the associations and separate councils with a view to bringing in legislation to lay down the way in which ward boundaries can be changed, and presumably the number of councillors in total and per ward. I take it the Minister is entering into such negotiations because he is happy to have legislation to take the responsibility away from the Minister.

Mr Carr: It is reasonable there should be a statutory provision to set down what the basis should be for redistribution procedures rather than some other form of provision.

Mr CLARKO: I cannot speak for the Opposition, but that would seem to me to be a reasonable approach. I am not the shadow Minister, that is the member for East Melville—but we would be keen to look at such proposals and give them our support if we felt they were reasonable and would enhance the position of local government so that it could play a more significant part in deciding these particular boundary lines and the number of councillors.

I may be quite wrong, but I wonder whether those who worded this amendment really meant subsection (3)(a) or should it have been subsection (3a)? If (3a) was meant, then we should be talking about what is set out at the top of page 26. There, section 12 of the Local Government Act states—

(3a) Notwithstanding anything contained in this section, the Governor by Order which may be made without a petition may—

- (a) divide a district into wards and fix the boundaries of the wards;
- (b) alter the boundaries of, or abolish wholly or in part, wards existing in a district;
- (c) create new wards in a district;
- (d) re-describe the boundaries of a district or of a ward of a district as existing for the time being, and for that purpose may correct any error in the original description thereof.

It would seem to me that a member or members in the Legislative Council who would like to restrain the Minister—the present Minister or anybody else—from taking the action concerning wards, might be more appropriately dealing with that particular part of section 12, and I think subsection (4)(d) would follow on from that. It seems to me the Minister's advisers might have been giving different advice if I am correct.

I am familiar with the real concern of those people who have been unhappy since the letter was written at the Minister's direction concerning the alteration of the ward boundaries to bring them into line with the principle of one-vote-one-value. I cannot see why the amendment should be (3)(a).

One or two authorities may be concerned about this, particularly Albany. I am surprised that this amendment specifies (3)(a). It seems to me it would be more logical if it had been (3a). That is what concerns local authorities. I am sure the Minister would agree that many councils have been perturbed by the suggestion that the Minister might use powers arbitrarily so that all wards in the State might be changed to have equal numbers of electors.

Even in the City of Stirling—a council on which I served and in which I reside—an unequal situation exists in regard to Maylands. There is one councillor in one ward, but the other six wards have two each, which gives 13, the odd number required. Maylands does not have half the population or the number of electors of the other six wards. From time to time there have been arguments within the council chambers that Maylands is overrepresented. It is a pity the Speaker is not here at the moment because he would have a keen interest in that because he has played a very important part in supporting the council for that district. The Minister's statement, which would change the boundaries in that particular council, would have a considerable impact on the City of Stirling. Does he want to move to a situation where the six wards have an equal population? In fact it would probably raise the whole question of splitting the City of Stirling in two, something I believe in because the shire is far too big.

In my view, the City of Stirling should be divided at Wanneroo Road, with one council representing the area to the east and another one to the west.

The amendment before us is one that the Minister and his advisers think will have no effect. The reason for that may be that the amendment is not the one that was sought to be moved.

**Mr LAURANCE:** The amendment we are discussing arose out of the recent situation at Carnarvon when the Minister quite arbitrarily changed the ward boundaries in the shire and reduced the ward representation. I am pleased the Government has seen fit to accept this amendment, although I am disappointed that it does not achieve what the Legislative Council set out to achieve.

**Mr Davies:** Whose fault is that?

**Mr LAURANCE:** As my colleagues have already said, the intention of the amendment is quite clear, although I take it that the Minister does not accept its intention. That is apparent by his explanation.

**Mr Davies:** Intention does not count, you know.

**Mr LAURANCE:** It does in future actions, because if the Minister intends to proceed as he has in the past, the Legislative Council will need to have another look at this amendment. If it was not effective last night, it will have to be more effective the next time.

**Mr Davies:** Whom are you blaming for the blunder?

**Mr LAURANCE:** It is not a blunder. We did not have the weight of the Government machinery behind us.

**Mr Davies:** All of the blame is on the Legislative Council. They foundered at the crucial moment, and they had the previous Minister advising them. He was up there, and it was just a bit of bad luck. He should not have kept them up so late.

**Mr LAURANCE:** Perhaps that is the reason.

The intention is quite clear, but if it is not accepted by the Government, obviously the shadow Minister for Local Government will need to have a look at the legal advice made available to the Minister, or seek his own legal advice on the matter, to find out what sort of amendment is required in order to achieve what the Opposition set out to achieve in the Legislative Council last evening.

It may be the Minister could pre-empt such a move by his consultation with the liaison committee. That may produce a result satisfactory to both local government and the Opposition.

The situation in Carnarvon was that the ward boundaries had been in existence since 1964, and they were arbitrarily changed by the Minister when the council was sacked. It had not been sacked for anything to do with the ward boundaries. The two Ministers responsible for this dastardly deed came here with a report concerning health matters within the town boundaries of Carnarvon. I would really like to know what that had to do with the ward boundaries in the pastoral wards of the Shire of Carnarvon. Nevertheless, once the council had effectively been removed by being replaced by a commissioner, the Minister indicated the reason for the sacking of the council—a far more politically motivated one—as the introduction of his political ideology with changed boundaries.

The boundaries had been negotiated with the Government of the day, and they had existed since 1964. The Minister knows that he broke that arrangement. The Minister mentioned the compromise reached at the local government conference on 18 May, and he knows that the new President of the Shire of Carnarvon raised this matter with him and said that very little consultation had taken place over the changes to the boundaries of Carnarvon. The Minister admitted that that was the case; no consultation had taken place because the change was made at a time when he could not consult with the local shire because there was not one, as a result of his own action.

That was an irresponsible act, and it was politically motivated at a time when the Government was seeking to take action against the Shire of Carnarvon for something completely unrelated to ward boundaries. In fact, it was related to health.

Mr Davies: I think the boundaries made some people sick.

Mr LAURANCE: Like the Minister does to many people in local government.

The DEPUTY CHAIRMAN (Mr I. F. Taylor): Order!

Mr Davies: Don't be nasty again. You have been very good this week, but you are starting to play up because you blundered.

Mr LAURANCE: The Minister for Local Government could have restructured the ward representation, after consultation with the local authority. I am sure that if he checked the feelings of the community he would find some requests for changed ward representation but still leaving the pastoral representation at the same level. The Minister substantially increased the number of councillors in the local authority, and he could have evened up the number of town wards without affecting the overall representation of the pastoralists. That would have had the effect of watering down their overall representation, which has been happening over the years, as the Minister is well aware.

In 1964, the pastoral ward with its four members represented four of the total of seven councillors. They had a majority position. When the Minister took up his office, the pastoral representation was four out of 11, so the ratio had moved substantially. That gradual move away from a pastoral majority was supported by all sections of the community, including the pastoralists and, I believe, the vast majority of townspeople. Some of those wards were out of kilter, and they could be evened up by extending the size of the council but still leaving the representation of the pastoral wards at four.

The effect of what the Minister has done is to take an area of land half the size of the State of Victoria and reduce its representation from four councillors to one. That is absolutely crazy. No person in his right mind would do that, and the Minister admitted publicly that he was wrong. He said, in front of the conference on 18 May, that he would have to have another look at correcting the situation, which was an absurdity.

It is absolutely absurd to have one councillor representing an area of that size. It is a huge area, and an enormous amount of revenue is derived from it. Difficulties of communications and transport are experienced in that area. However, the Minister rushed in. He was very poorly advised and politically motivated, and now he finds he must back down and make a change to something more reasonable. If he had been prepared to be reasonable in the first place, he might have

been able to achieve his aim with the support of the local authority, instead of holding a shotgun at its head.

The people of Carnarvon will not forget. Carnarvon is a scar on the history of local government, and it is a scar on the performance of the Minister. Despite what happened at the Sheraton Hotel on 18 May, if the Minister thinks he has pulled off a satisfactory compromise, he has a lot of thinking to do yet, because the truth is that the people have not compromised. That applies particularly to the Country Shire Councils Association. By having the situation explained in that way and by being taken to the cleaners by the Premier and the Minister, the people's wrath will continue for even longer because of what they have received at the hands of the Minister.

While talking about boundaries, I will touch on another matter that was raised by the Minister.

The DEPUTY CHAIRMAN (Mr I. F. Taylor): I hope the member for Gascoyne will ensure that what he touches on is more closely related to the amendment than what he dealt with in the last three or four minutes.

Mr LAURANCE: I understand your request, Sir, although I did refer to the 18 May meeting at the Sheraton Hotel, in response to the Minister's comments on the same matter.

I know you, Sir, would want my contribution to the debate to be appropriate not only to the amendment before the Chair, but also to the Minister's comments. The Minister says that, despite the amendment, he wants to retain the right to deal with these matters virtually according to his whims. We can take the situation in respect of the Shark Bay Shire Council where this matter first arose and which is the reason for the amendment before us. At Useless Loop we have a community of 150 people and the mining company gets two votes on the local council, because the people there are not ratepayers. Those people live in a community which is not a gazetted townsite. They live at a mining site, so the mining company gets two votes on the council. The Minister has suggested that is quite wrong and they should have one-vote-one-value. The Minister would emasculate the pastoral vote and replace it with the vote from the people of Useless Loop.

I would like the people at Useless Loop to have the opportunity to pay rates—not all of them may wish to do that—and that being the case, they would then have the opportunity to have a greater say in local government.

I want the Minister's position to be made quite clear. On the one hand he has indicated what I have just said is what he wants to achieve in that

shire: He wants to change the boundaries to reflect that community. However, on the other hand, another Minister of the Crown, the Minister for Regional Development and the North West, has written to one of the local members of Parliament—one of my colleagues—and said that the Government has no intention to allow those people to own land on that mining site and, therefore, to be able to pay rates. The Government's stance is inconsistent.

The Minister for Local Government should write to the Minister for Regional Development and the North West and inform him he was quite wrong to tell a local member of Parliament that, and the Government will make Useless Loop a gazetted townsite to enable the people to own land and pay rates.

The DEPUTY CHAIRMAN (Mr I. F. Taylor): Order! I have a little difficulty trying to ensure that members speak to the amendment before the Chamber. The member's comments do not relate directly to it.

Mr LAURANCE: They relate to the amendment only inasmuch as they have a bearing on ward boundaries.

Finally, the Minister's argument in relation to his legal advice on this amendment was fatuous. He said it would hold up local authorities if changes to ward boundaries had to be tabled in the Parliament. I make the point that I made by way of interjection; that is, any shire which wants to do important work within its boundaries, which wants to excise a portion of land from or add land to an "A"-class reserve, has to bring that matter to the Parliament by way of a reserves Bill. That happens once a year. It is an established procedure and it does not seem to unduly delay the work of local authorities. It is a requirement which has been long accepted by the people of this State, so it is absolute rubbish for the Minister to say that the requirement we are seeking to insert in the legislation to table any proposed changes to ward boundaries would be unwieldy and difficult for local authorities. That is absolute rubbish, because we already have a clear precedent in other areas where a requirement exists to come to Parliament to get such matters approved.

I leave those points with the Minister. He has a great deal of thinking to do about his position. He cannot sustain it. The Minister must change his position in respect of Carnarvon and he has virtually given an undertaking to do that. It would have been better had he thought about the matter clearly before taking precipitate action and upsetting people. He would have been better off had he thought out the matter beforehand and he

would not have had to pay the sort of penalty he will face in the future.

I support the amendment. I hope it does more than the Minister says it will do. If it does not, the Government is beholden to do more to achieve what we are seeking, otherwise it will be up to the Opposition, through its shadow Minister for Local Government or its Legislative Council members, to look at the matter and take appropriate action in respect of the legal advice to which the Minister has referred today.

Mr COWAN: I am pleased the member for Karrinyup has the same view as I do on this amendment. Knowing the attitude of the Legislative Council to the issue in hand—that is, the representation in respect of ward boundaries—I am certain that, when members there successfully moved this amendment to ensure any changes to ward boundaries were brought before the Parliament, that is precisely what they meant. As the member for Karrinyup said, that relates to subsection (3a), not subsection (3) (a). Therefore, one way or another a mistake has been made by the Legislative Council in its intent in respect of the section of the parent Act it wanted to make subject to section 42 of the Interpretation Act.

I hope the Opposition spokesman on local government matters will seek to further amend this amendment, because, as it stands at the moment, it defeats completely the intent of the very long debate which took place over this issue last night. If he does not, I will do so, because that is one of the major issues to which local government, particularly the Country Shire Councils Association of Western Australia, is opposed.

The concept of adult franchise in itself was something to which there was not an enormous amount of opposition, but the combination of adult franchise and the power of the Minister to direct councils to alter their ward systems to one of a single ward within any shire or district, was something which concerned them greatly. The whole purpose of this amendment was to prevent the Minister from doing that.

As I said, we were not supposed to be dealing with subsection (3) (a), but rather with section (3a). I hope the Opposition spokesman will move an amendment to this amendment and, if he does, he will get my support.

Mr RUSHTON: The expressions of the member for Karrinyup and the Opposition spokesman for local government were spot on. The Legislative Council moved an amendment in respect of subsection (3) (a) and I believe a typographical error occurred.

The **DEPUTY CHAIRMAN**: Before taking the Chair I was aware a problem existed in respect of amendment No. 3 in relation to subsection (3) (a). I took the liberty of speaking to the Clerk of the Legislative Council in respect of the possibility of that being a typographical error. He assures me it is not and, as we read subsection (3) (a), it is in fact what was moved and passed in the Legislative Council.

**Mr RUSHTON**: I checked with the people who did the work in the Council and confirmed that subsection (3) (a) was what was spoken about and worked on. I would support an amendment which would give voice to what the Legislative Council has sought to do. The current position makes a nonsense of its actions. The Minister is too smart by half. The meeting at the Sheraton stirred up local government representatives and there was great disquiet among them in respect of the Minister's conduct. I was once a proud member of the Local Government Association of Western Australia. It must now answer for its actions a unified association when in fact it let down country shires very badly at that conference. More will be said about that on another occasion.

The Minister is accepting the amendment, but the amendment's intention is "(3a)". The intention is that a stoppage will be applied to the Minister's powers to implement ward changes relating to one-vote-one-value. This is what local government wants at the Local Government Association level and at the Country Shire Councils Association level.

The Minister said that he would negotiate with local government. He told local government that he would not be dogmatic on ward boundaries and he would recognise problems and discuss with the liaison committee a scheme for determining ward boundaries by legislation. Has he made a commitment not to make changes until he has negotiated with local government to arrive at a policy that it accepts?

**Mr Carr**: I said I would not initiate changes without full consultation with the council directly concerned.

**Mr RUSHTON**: The Minister's sort of consultation to date has been merely direction; it has not been consultation with both parties being equal. His first letter to local government directed it to do certain things. Last week he sent another letter telling councils which had not responded that they had better get on with it. Does he deny that?

**Mr Carr**: Of course I do not deny it.

**Mr RUSHTON**: The Minister is not acting on an aboveboard basis. He is using power which it is not intended should be available to him. The

Legislative Council is seeking to clip his wings and to do what local government wants. We had to do this once before when the Tonkin Labor Government set out to amalgamate councils and to get rid of many councils. We put in a stopper then. This amendment is another one.

The Minister should not try to carry out through the back door what local government does not want to be done. If the Minister is not going to be honourable and is not going to act in the spirit of what has been presented to the Parliament and approved in another place, other things will have to be done. Local Government will know what the Minister is doing. The Minister is breaking the spirit of conciliation and not accepting local government's point of view.

The Minister is setting out to introduce one-vote-one-value. This is not what local government wants. Local government wants to have the number of electors in wards to be related to the old policy, which allowed for a weighting. This makes commonsense. Members should remember when the Minister directed that councils should have their councillors representing an equal number of voters. This idea is totally unworkable in the country shire areas, and the Minister has found this to be so. Shires now have to go to the Minister with cap in hand, saying, "What you are trying to do to us is idiotic and crazy". He then has the "benevolence" to say that he is willing to be conciliatory and that they need have only 50 per cent of the lot.

What an insult to local government to have a Minister working in that way. He ought to resign. The Minister is not doing things openly. He is an insult to local government, not a friend. He insults it daily by thinking he can continue to act in this manner. They will bitterly resist the Minister's attempts to amend their ward boundaries and to direct the number of representatives they will have in each ward. Anyone who knows anything about local government knows this is so. For example, what would happen in Hall's Creek if the Minister's rules were applied? We would have all the members of the council from the town and none from the rich and large countryside. This applies in a number of municipalities, and the Minister had to acknowledge this when local government went to him and said, "Look, this is unworkable".

The Legislative Council would like to have moved substantive amendments if it had had the time, but in a spirit of conciliation and goodwill, rather than hold up the whole of Parliament, it decided to accept this amendment because it was a simple way to meet what was wanted. The Legislative Council could have locked up the whole of Parliament for another day while it arranged for a

draftsman to prepare substantive amendments. The Council did not have time to consult local government about the full implications of the substantive change. It was a reasonable measure to introduce so that Parliament would have a say when local government said that the Minister was imposing changes against its will. That is the only time this provision would be used. The Minister says it is unworkable to have Parliament as a backstop to local government. What an insult. We ran into this situation in 1974. We had to move to block the ability of future Labor Governments to be able to move in and amalgamate local authorities willy-nilly. We achieved that effectively. We do not want the whole face of local government changed because the Minister wishes to carry out his will against its will. Day after day we hear him saying, "I am consulting with local government, I am thoughtful about what it wants". The opposite must be known to be true when we consider what has been said.

Mr MacKinnon: That is not what they are saying to us, either.

Mr RUSHTON: Local government is seething at the duplicity of the actions taken at the Sheraton meeting. The Minister will have to pay the price for what he got up to on that day. The manipulations of the Minister and his associates will be known.

Mr Carr: My manipulations?

Mr RUSHTON: The Minister's manipulations; his consultants who were involved. Local government knows a fair bit about it already.

Mr Carr: Who moved the compromise motion?

Mr Old: After what?

Mr RUSHTON: Do not insult Ray Ward. He stands tall on a pedestal in my eyes for what he has done for local government.

Mr Carr: I did not insult him. I thought he did an excellent job. You are denigrating him.

Mr RUSHTON: I am talking about things done by stealth and guile on that day on the part of the Minister.

Several members interjected.

The DEPUTY CHAIRMAN (Mr I. F. Taylor): Please direct your remarks to the amendment.

Mr RUSHTON: What is important is that the Legislative Council has sought to ensure that should the Government move to direct local government in a way it does not wish to be directed, the opportunity will be there for the direction to be gazetted and tabled in both Houses of Parliament. In this way local government will have the opportunity of having Parliament redress

the wrongs that would be inflicted upon it by the Government.

We want an undertaking from the Minister that he will honour the intent of the Legislative Council's amendment so that the two major local government associations will know that if the Minister attempts to change their ward boundaries as he is threatening to do, local government will have the opportunity to redress that wrong by having the direction disallowed.

So, what we want from the Minister now is his commitment as to what he is going to do. He was talking about the intent of this place. The intent is often read by judges of this land and if there is any doubt about a law, they usually refer to the intent of Parliament.

I am hoping the Minister will respond on that basis so that he will allow us to clear up the situation. I hope he will tell us what he intends to do in respect of this amendment. More important than that, will he indicate to the Chamber whether he will comply with the conciliatory procedures he said he would undertake, and let local government know what he is doing? There will be an opportunity, where he so wishes, to impose a change against the will of local government, so there will be an opportunity for to have a say in such a dispute.

The Minister has an opportunity to make a clean breast of that matter, and if he does so, it will help us as we proceed through the rest of the amendments.

Mr CARR: The member for Dale is even more remarkable every time I hear him speak. For a start, at an earlier stage he went to great pains to interject, and to say again, towards the end of his speech, that the two associations of local government supported the intention of what was thought to have been moved in the Legislative Council last night. At a different stage of his speech he said there had not been the opportunity for the Opposition to consult with local government.

Several members interjected.

Mr CARR: That is an indication of the level on which this debate has been conducted by this former Minister for Local Government.

Mr Rushton: Don't try to mislead the Committee.

Mr CARR: One thing needs to be put clearly on the record; that is, that the debate in this Chamber, at this moment, should be about the words that appear in the amendment that has been sent to us from the Legislative Council for our concurrence.

We are debating the words sent to us from the Legislative Council requesting our concurrence.

We are not debating what someone in the Legislative Council might have thought was a good idea last night. How on earth can this Chamber possibly expect to put itself into the heads of individual legislative councillors to ascertain what they might have been thinking last night?

The whole tenor of this debate has been nonsense. What was put into the legislation last night in the Legislative Council was not by consensus and co-operation; there was in fact a very clear division taken on that and the Government in the Legislative Council opposed strongly the amendment moved last night, not for the sort of reasons given here by the member for Gascoyne, about "clipping Ministers' wings". It was simply because the amendment is unworkable. It would slow up the whole process of local government. It would be a nuisance and an obstruction.

I thought the member for Gascoyne gave a very good argument to support me when he said "We often have Bills before this Chamber such as the Reserves Bill, to change reserves from one purpose to another". That is exactly the point: Every member in this Chamber knows, from experience in his electorate, the number of times requests for changes of reserve status are delayed for long periods because of that provision that they have to come to this Parliament.

Mr Laurance: When is a boundary change an urgent matter?

Mr CARR: Let us just follow it through. Suppose a council decides it wants its wards changed for next year's election, almost 12 months away. It makes representations to me for a change, I agree, and the matter goes to Executive Council for an Order-in-Council. That means that the council does not have any ward boundaries any more. The Order-in-Council has removed the ward boundaries. The old boundaries do not exist. The councillors who are there continue to be councillors until a date to be fixed, such as next year's election date, but it may well be a special date set earlier than that so that the new boundaries can be put in place.

So we have that situation. The amendment lies on the Table of the House for weeks or months, then we might have a motion from the Legislative Council disallowing that proposal. So where does that leave the local authority? It has lost its old boundaries. Maybe it could be argued that it reverts back to its old boundaries. That is a very tenuous argument—there is a strong indication that that would not be the case. The council would be caught stranded. Suppose it did revert back to its old boundaries, and suppose a new Order-in-Council was issued saying there will be a new set of boundaries; namely, the original ones. What

happens if this Chamber then says that the boundaries are ridiculous and unreasonable and it rejects them? What sort of a deadlock does that place local government in? Imagine the situation the council would be in.

I am sympathetic to the situation where councils want some sort of clear knowledge of where they are going as far as ward boundary changes are concerned, and that they do not want to have something sprung on them; I understand that, I have no intention of springing things unreasonably on any council.

The intention of what was thought to be moved in the council last night certainly does not achieve a workable solution, and it cannot be agreed to on that basis alone. The only reason the proposed amendment before us is agreed to is that it will not cause any difficulty at all.

The next point I want to make is to clear up a couple of assurances which I have been quoted as having given. I want to make this very clear. The first is that I have said in discussions with the associations of local government that I believe it is appropriate to have a statutory provision as to how ward boundaries are determined. I am very pleased to have the Opposition indicate it is also of the view that it is an appropriate way to go.

I just hope when we get to the stage of negotiating as to what is an appropriate formula and basis for regular reviews, and so on, there is such an agreement at that time. The other assurance is the question of my actions in the meantime, until such time as legislation might be brought before the Chamber. I have not said that I will take no action with any council. The member for Dale quite rightly referred to circulars that have been sent out.

I intend to keep approaching councils that have not replied to the original circular, with the intention that there be discussions between them and me to arrive at mutually agreeable amendments.

Mr MacKinnon: What if you don't arrive at mutually agreeable amendments?

Mr CARR: I have given an assurance that there will not be changes introduced without a thorough consultation with the council concerned.

Mr MacKinnon: What happens if that thorough consultation with the council does not reach agreement?

Mr CARR: That has not arisen yet with any of the councils that have been to see me. Some people make a fuss about Carnarvon, but that was really a very clear exception. I might say the commissioner was consulted in that case.

Representatives from the Kent districts came to me and said "We want to change our boundaries,

but we don't want to go to an equal number of electors per council with a 10 per cent margin as is the Government's view". Those people came up with a proposal which had up to 50 per cent variation. Their quota was 60 electors per councillor, and they put up a proposal which had wards varying from 30 to 90, and I agreed to that.

Mr Rushton: You are pursuing a policy local government does not support and you are putting yourself up as being magnanimous. It doesn't want what you are doing.

Mr CARR: The people from Kent put the proposal to me! I have absolutely no indication that they are other than completely happy with it. All I can say about the member for Dale is that it is quite remarkable to think that someone who knows so little about modern local government could ever have been a Minister for Local Government in this State.

Several members interjected.

Mr CARR: I conclude my comments by harking back to the main point I made: This Chamber is not debating the thoughts in someone's mind last night, it is debating the words of the message before it today.

As far as the role of the Legislative Council last night is concerned, I would say there is some hope yet for democracy in this State while the Council has its one redeeming quality of incompetence.

Mr TRETHOWAN: The one redeeming comment the Minister made in his speech will readily be turned against him; that is, calling the Legislative Council incompetent. Had the Legislative Council not been available to amend this Bill, local government would not have achieved any of the concessions which are outlined in the amendments before us, and the misdrafting of a number of those amendments would not have been corrected.

Mr Clarko: The first two clauses we have dealt with are due to Government incompetence.

Mr TRETHOWAN: That is right. The Legislative Council has done a tremendous job with this piece of legislation, not only in terms of the parliamentary process—the correcting of badly prepared and unskilled legislation—but also in its attempt to represent and preserve the interests of local government within this State. Had the Legislative Council not been there, and had its members not taken the trouble to interest themselves in the needs of local government, there would have been no serious amendments before this Chamber to correct the flaws and the onerous conditions contained in the original Bill. That legislation was rushed through this place without sufficient debate in many areas.

Mr Laurance: I hope *Hansard* recorded the fact that the Minister spoke with tongue-in-cheek.

Mr TRETHOWAN: It is important to consider the intention of the people who moved the amendment. After all, if we are saying that the fact that brackets were put in the wrong place during a parliamentary debate represents incompetence, how much more incompetent is it if whole clauses in legislation are shown to be totally inaccurate in terms of their effect, and have to be changed? Is that incompetence of a greater degree than the misplacement of brackets?

Mr Jamieson: You are clutching at straws on this; it is the opinion of one person.

Mr TRETHOWAN: The member for Welshpool obviously does not understand. I have had information from the people involved in the debate that the intention was quite clear to refer to subsection (3a), not as appears typed here, subsection (3) (a). It is my intention to move to rectify that mistake. I move an amendment—

That the amendment made by the Council be agreed to, subject to the following further amendment—

Clause 4, page 3, after line 26—Delete the subsection designation "(3) (a)" with a view to substituting the subsection designation "(3a)"

Mr CLARKO: I support this amendment. As I indicated at the start, there was no relationship between the argument which I understand was advanced in the Legislative Council last night and the amendment in front of us. When the Minister began by reading (3) (a), it became apparent to anyone listening that the Legislative Council debate was not about changing a council's external or peripheral boundaries, so the debate is now back where it should be.

The intent of the Legislative Council was to place before the Parliament of this State the question of changes to ward boundaries and to the number of councillors within a ward, or the number of councillors on a council as a whole. So we are back where we should be and we have a proposal for legislation to deal with the matter of changes in ward boundaries and, particularly, the issue of one-vote-one-value. As the member for Dale pointed out, if we are just dealing with a number of electors we will finish up, particularly in a State like Western Australia which is one of the most sparsely populated political units in the world, with the towns in each case having total political control at the local government level.

In places like the Kimberley and Pilbara, where people occupy vast areas of land equivalent in many cases to the size of countries, those people would be without any political say whatever. The

fact that they are often contributing the major portion of funds which ensure the operation of the local authority means it would be unfair and iniquitous for us to seek to place those people who have traditionally paid for the costs of local government out of their pockets in this very different situation which is proposed. When we discussed the Bill some weeks ago, I pointed out the situation that could occur if we moved to one-vote-one-value. In a place like Wiluna the wards would then be shaped like the pieces of a circular cake all of which would come to a point in an Aboriginal village. It could be at any point in the town, but I do not believe that is a logical way of forming the sub-parts of a political unit.

This is the direction in which the Minister says he is prepared to go. When I asked earlier whether he supported legislation which would in future be responsible for changes to boundaries of wards, he said he would. He said he was negotiating with councils to achieve something like that. The shadow Minister for Local Government and I indicated that we would support sound, fair, and reasonable legislation which would place the problem of ward boundaries under the purview of Parliament, as this amendment is doing. It takes decision-making in respect of the amendment of ward boundaries from the Minister of the day, and places it in front of Parliament. What could be superior to that? That is the most superior system in existence. It gives the Parliament, the representatives of the people of the State, the opportunity to consider a matter of fundamental importance to a particular council.

Mr Pearce: That is the attitude the Minister has taken to local government. When it is fairly elected, it should have the additional responsibility. We would say that when the Legislative Council is fairly elected, it should have this responsibility at that point and not before.

Mr CLARKO: This Minister has taken a hammering from the member for Dale whose argument is correct. The Minister, who normally has a pleasant manner and style, has adopted a most assertive style in his relationship with local government.

Mr Carr: I got on fairly well with them on 18 May.

Mr CLARKO: As I said to the meeting at the Sheraton in local government week last year, he has behaved in a most Boucher-like style—he has run straight through them. He is the person who, almost on day 1, wrote this letter—or Mr Harding wrote it on his behalf—and asserted that councils shall rearrange their wards on the basis of one-vote-one-value.

As the member for Dale has said, the Minister has continued to write to local authorities pressing that point. He did not do it in a soft way. I invite

members who are interested in local government to read a copy of that letter and see how this Minister is pressuring local government to his way of thinking in regard to boundaries. He has followed up this letter with a further letter demanding the same thing. The Minister indicated a few moments ago that he will continue to pressurise local government.

The Minister uses the term "consultation" but his consultation is a bit like the "guided democracy" of President Sukarno who said that he would get the representatives of the people together and listen to them, but after he had listened to them he would do what he wanted in the first place.

Mr Pearce: Was that Sukarno or Sir Charles Court?

Mr CLARKO: It was Sukarno. It cannot go under the label of consensus. There is a strong feeling among local government about the action the Minister has taken.

In regard to the Minister's comments on the decisions at the meeting which was held at the Sheraton on Friday, 18 May, I would be very surprised if an overwhelming majority of the 139 authorities in Western Australia did not come out in contradiction to what has been decided. I have numerous letters in my file from local authorities in answer to a letter I wrote to them last July. They advised me that they were opposed to the adult franchise arrangements that were being proposed by the Government.

Mr Pearce: Their spokesman said they were in favour of adult franchise.

Mr CLARKO: I have letters on this matter and I know that the Minister for Education would be interested in them.

Several members interjected.

Mr Pearce: It was David Black and they paid him to speak.

Mr CLARKO: He should have been given a cheque that bounced because his speech to that meeting was along the lines of what he had been asked to say and he did not believe in what he said.

Several members interjected.

Mr CLARKO: I am stating what happened. David Black did not believe in the brief he was putting forward. There is no doubt about it. The Minister and his colleagues had a very great win that day in terms of the motions that came out of that meeting. However, I do not believe he had a win in regard to individual councils. If this matter which is being put through this Chamber far too rapidly—

Several members interjected.

The DEPUTY CHAIRMAN (Mr I. F. Taylor): Order! The member for Karrinyup is on his feet.

Mr CLARKO: Members know the history of this legislation. The Bill consists of 63 clauses and the Opposition was given one hour and five minutes to deal with them in Committee and the third reading stage. We reached clause 39 only because my colleague jumped from clause 20 to clause 39 in order to move an amendment before the time expired.

Mr Bryce: It was a lack of discipline.

Mr CLARKO: I invite any fair-minded member to read the debate to ascertain whether a fair opportunity was given to debate this Bill.

The DEPUTY CHAIRMAN: Order! The member for Karrinyup will direct his remarks to the matter before the Chair.

Mr CLARKO: It is something that has been worrying me.

The DEPUTY CHAIRMAN (Mr I. F. Taylor): Order! I ask the member for Karrinyup to resume his seat. It is my intention to allow freedom of debate on the amendment before the Chair. However, I do not want members to abuse that privilege. If they do, I will take a stronger view.

Mr CLARKO: I do not intend to abuse that privilege.

The Government should accept the amendment before the Chair because it would place before the Parliament changes to ward boundaries and other things and it would be consistent with the Press statements the Minister has made. He has said that matters of this nature will result in legislation after consultation with local government. I do not see why the Minister and the Government would not want to pass this amendment because it is a step in the right direction. For the first time it will place matters of this nature in the hands of the Parliament rather than in the hands of the Minister, and that is a desirable step.

In addition, councils in Western Australia are afraid about what is likely to happen in terms of the Minister's correspondence. They believe that it is gross interference in the individual management of separate local authorities in Western Australia.

In the one million square miles of Western Australia there are 139 local authorities and their activities are very diverse indeed. The Shire of Albany is totally dissimilar in its operation to the shire responsible for Halls Creek. They have different responsibilities and lifestyles and, in a sense, are almost a world apart. That is the reason that local government, as the Minister repeatedly says, should have more power back in its hands. I believe him when he says that is his objective. How-

ever, the method he has used today has not achieved that.

The devolution powers of this Bill are inconsequential and they would not make any difference if they were not passed. That is what was said at the Sheraton meeting. They said repeatedly that apart from the victory the Minister had in other ways he had not been first-class in items he has devoluted. Who cares whether the appointment of an honorary freeman is decided by the council instead of by the Minister? Finally, it is wrong to accept what the Minister continually puts forward and that is that he has been so reasonable. He has not been reasonable because of the locking together of the three items. He repeatedly made statements that if the adult franchise sections were not passed the Bill would fail and was sheer blackmail. He said there were councils which wanted the rating changes. I do not think these changes are as good as some people imagine them to be. This business of letting only seven councils have the opportunity to use this rating change is ridiculous. They should all be able to try it.

In regard to adult franchise the Minister said that he would not make a lot of changes. However, he has made a lot of changes. He said in regard to wards that he could not philosophically see a situation where a person should be allowed to vote in two separate wards of a council. Yet, at the same time he had conceded that people who own properties in two different councils could have a vote in each council, when initially he did not agree to that. He tries to represent himself as being reasonable by accepting these changes. I think it proves only one thing and that is his argument was wrong in the first place. He is making a number of changes to the Bill and each one makes it better than it was before. Here is another opportunity to make change.

Mr COWAN: I urge the Minister to accept this amendment. If he is genuine in his statement that he intends not to interfere with councils' ward representation as it stands, without their consent or approval, he should have no objection to this amendment.

This would eliminate the need for the introduction of a private member's Bill as soon as Parliament resumes in spring. I am sure such a Bill would be introduced in the other place and it would bring about precisely the effect that this amendment is designed to achieve.

There is no question that a great deal of the debate last night in the Legislative Council centred around ward representation. The amendment as prepared and passed by the Legislative Council is incorrect. The Minister should accept that it is incorrect and be prepared to accept an

amendment to it. If he is not prepared to accept it on those grounds then he should do so on the basis that it carries out the very things he has been talking about; that is, it gives Parliament access to the matter of ward boundaries and ward representation. The Minister can circumvent the need for a member in another place to introduce a private member's Bill at the earliest possible opportunity next year, and for this Chamber to consider such legislation. If that does occur, I imagine we would then be faced with a deadlock between the two Chambers. The Minister can avoid a great deal of work and time wasting by accepting that this amendment conveys the intent of the Legislative Council last night.

Mr OLD: I appeal to the Minister, if he is listening, to take a fairly broad view of this. By implication he has already indicated to the Chamber that if the amendment had come down in the form in which it was originally intended, it would have been opposed, defeated, and sent back to the Legislative Council. On that basis it would be honourable to oppose this amendment and allow the same course to be followed. The Bill will be returned to the Council for further amendment and come back to this place. It may appear pointless, but at least it is democratic and that is more than can be said about the present actions of the Minister. The Minister is today demonstrating that he is prepared to take advantage of an error. I do not know whether that error occurred in the drafting or whether it was a mistake by the person moving the amendment, and I am not interested in that aspect. Every member acknowledges the fact that an error has been made somewhere along the line and the intent of the Legislative Council has not been conveyed to the Legislative Assembly. It may still be possible to have some benefit from this amendment under an interpretation under a different section of the Act, a section which could give cause for some litigation and argument between councils and the Government of the day.

Local authorities in this State are scared out of their strides about the Minister's power and his intention to fiddle with ward boundaries. He has made it perfectly clear that he intends to do that. He referred to a meeting last Monday morning with representatives of local authorities and the accord reached. If accord was reached, it was on a very tenuous basis. I spoke to members of one sector of the association later that day and it appears that members are not at all comforted by the Minister's "assurances" that he will consult fully with local government before taking any actions. The Minister may think it is perfectly satisfactory to consult fully with local government and give it an opportunity to disagree with what he intends to

do. If that is the case and the Minister is genuine in his offer to local government, let him bring the matter to Parliament, table it, and allow Parliament to debate it in both Houses. That will allow a truly democratic decision to be made. If he is, in fact, perfectly genuine in his desire to appease local government and intends to honour the obligations made on 18 May, this amendment should be agreed to and the amendment sent down by the Legislative Council disagreed with and returned to the Council for further consideration.

The Minister is not taking note of the wishes of the people he is supposed to represent. That is why this amendment was brought forward. It is all very well to say that there will be undue delays if regulations have to be placed on the Table of both Chambers and the requisite time allowed before they are automatically agreed to or disagreed with by either House. That is not a valid argument. The changing of boundaries and representation of various sectors in a local authority do not require implementation in 10 minutes. There is no great rush about this. However, the people within local government are experiencing a great rush of blood because of their fears about what this Minister may do.

I refer to my home town of Katanning which is a glaring example of what could happen if the Minister is given his head. If that happens, he will chop off some heads in local government. In Katanning, changes to boundaries could mean that all representation would come from the townsite. That may appease a few people, but it would not provide adequate representation to those people in country wards.

The Minister has demonstrated his disdain for country wards in the Carnarvon shire incident. That incident will go down in history as a surreptitious move by the Minister who dismissed the council with the intent of upsetting the ward districts in that local authority. People from pastoral areas who were represented by a separate authority agreed to an amalgamation when the new Local Government Act was introduced and were then betrayed by this Government because they now have no representation. That is probably the most dishonest action taken by any Government against local government in this State.

I ask the Minister to either accept this amendment on the amendment, or reject the amendment sent down from the other place.

Mr RUSHTON: I have good reason for supporting this amendment and I am delighted that we have the opportunity to debate it. It is showing the Minister up for what he is. The Minister was faced with this amendment which destroyed his one-vote-one-one-value concept, a concept which

he wanted to present to the people of Western Australia to indicate that he is reaching his goal. He has now had his objective restricted. He will find that this amendment with regard to 4(d) is valid. By refusing to accept this amendment, if he intends to do that, he is making a nonsense of his argument that the amendment was a nonsense. He has said he will accept the amendment because it means nothing. If he objects to the amendment before the Chamber he has broken his own argument.

Mr Bryce: May I ask you a non-facetious question?

Mr RUSHTON: The Deputy Premier should stay out of this because the House will be kept six extra hours. Last time he called councillors dirty names.

Several members interjected.

Mr Bryce: It is simply a non-facetious question.

Mr RUSHTON: Everything the Minister says is contentious. He should see whether he can talk with his mouth shut.

Several members interjected.

The DEPUTY CHAIRMAN (Mr I. F. Taylor): Order! The member for Dale will confine himself to the amendment before the House.

Mr RUSHTON: The argument is hurting. The Minister is trying to present certain things to the House as if he were winning his point. He says the council has been incompetent when it has not. Advice has been given to local government and to the people in Western Australia about the intention to protect local government against this Government. That is very important.

We are faced in this amendment with the position that the Minister says it is not important, but he is not prepared to accept it. He has identified for me his complaint about the amendment which was intended to introduce subsection (3a), and it has come unstuck in the process of being debated. The intention of the other Chamber was not to hold up the works, but to speed up the consideration of the legislation. We are now receiving this sort of treatment from the Government, and it is quite different treatment from that which the Government received from the Legislative Council.

The Minister is destroying himself over what he says is a nonsense amendment. He is not prepared to accept this amendment which, in his own words, is nonsense anyhow, so he is destroying his argument.

Mr Carr: I am surprised you are relating this. It is a wonder you are not too embarrassed.

Mr RUSHTON: I know who will be embarrassed. The Minister will be embarrassed. He is declaring to local government, from Halls Creek to Esperance, and from Fremantle to Kalgoorlie, what his intention is. He wants to steamroll one-vote-one-value through local government. If that is not his intention let him say so. Let him say his intention is not to have one-vote-one-value in local government. He does not say a word.

Mr Jamieson: It is a good principle.

Mr RUSHTON: He only agrees to change when it is his way.

Several members interjected.

The DEPUTY CHAIRMAN (Mr I. F. Taylor): The member for Dale will more closely address himself to the amendment before the House.

Mr RUSHTON: We are dealing with this amendment which will give voice to the intention of the Legislative Council. The amendment intends to protect local government against the Government's actions or directions which are against the will of local government. The Minister has been found out; he has his finger in the till.

Mr Carr: What a vicious thing to say!

Mr RUSHTON: As far as local government is concerned, he has been found out. It is good he is running away from this amendment. He did not want to be faced with the fact that an amendment would block his one-vote-one-value principle, and if he were sticking to his guns he would say we cannot have any of the legislation. He is not prepared to face that, so he is biding his time. He has eaten humble pie. He is trying to say that it is the incompetence of the Council, that it does not mean anything.

He will find out what it means. He is totally dependent upon a political adviser, not upon his department.

Mr Carr: I have a very good department.

Mr RUSHTON: I cannot see the Secretary for Local Government and we did not see him here last night.

Mr Carr: He is travelling in the country speaking to country councils.

Mr RUSHTON: This is a major issue before Parliament and the secretary is travelling in the country.

Mr Carr: The member calls a couple of brackets a major issue.

Several members interjected.

The DEPUTY CHAIRMAN (Mr I. F. Taylor): Order!

Mr RUSHTON: The Minister has already indicated to the House his intention is in fact to

discuss with local government the changes relating to ward boundaries. If his words are to mean anything, now is his opportunity to put them into effect by accepting this amendment. He says the amendment is nonsense and does not do him any harm, but it gives effect to what took place in the Legislative Council.

Mr JAMIESON: We have just heard from the member for Dale, who was a former Minister. His performance was so appalling he should crawl away.

Mr Rushton: It is what local government wanted.

Mr JAMIESON: When I challenged him in respect of certain local government boundaries and wards, and the fact that in one local authority there were 36 ratepayers and nine councillors, he defended it.

Mr Rushton: Which one?

Mr JAMIESON: Gascoyne or somewhere—

Several members interjected.

Mr Rushton: You do not understand local government, that is why you are saying what you are.

Mr JAMIESON: I understand what I am saying, and I understand the reason the member is trying to do this. He must remember, and so must other members of the Opposition, that this amendment was deliberately drawn up in relation to another section of the Act; it was not in the original Bill at all. As I understand it, it went through about 10 preliminary drafts. All of them were in the identical form to that which appears before us now.

Mr MacKinnon: You still made 27 mistakes.

Mr JAMIESON: It appears to me that it means what it says. That is what the Legislative Council wants, and that is what it should get, because something was drafted into the Bill. Very rarely is action taken in the Legislative Council to go beyond the sections which are proposed to be amended by the Bill. It is quite in order to do it, but it is very rarely done. If the member for Dale wants this done, he is going the right way about tying himself down so that he cannot move amendments. If he moves the wrong sort of amendment through inefficiency on the part of his advisers, that is his fault. He should not come back here crying about it when he has this despicable record.

Mr Rushton: I did what local government wanted me to do.

Several members interjected.

Mr JAMIESON: What a lot of rubbish and nonsense.

Several members interjected.

The DEPUTY CHAIRMAN (Mr I. F. Taylor): Order!

Mr JAMIESON: The member said he took action. That was whether local government wanted it or not.

When the previous Government had power to do something in respect of ratepayers, when it was obvious that something should have been done, it reneged. It did not bother about it, and it was not concerned about pleasing everybody all the time. Any reasonable Minister would know that one cannot do that. It is an impossible position to put anybody into.

Mr Rushton: I could please them more times than your bloke could, and do it more practically and honestly.

Mr JAMIESON: Even in places like Belmont, some of the wards have five times as many voters as other wards with similar representation. It is time that somebody had a look at the situation.

I The member is saying that that is not reasonable, and that because the kingdoms have been built up, they cannot be altered. That is why this place voted to remove the distribution of electorates from the hands of members of Parliament and put it into the hands of an independent body. Consider the fixes that members got into by trying to do deals with one another in order to protect their own kingdoms.

Mr Rushton: You are the champion who wanted to obliterate local government. You wanted to get rid of six or seven councils.

Mr JAMIESON: Yes, I did. Each time a commission has been established in this State to inquire into local government boundaries, the report has recommended exactly what I have been advocating for a long time. The member knows that.

As the member for Dale knows, I also justified the establishment of many councils originally; but the time comes when adjustments need to be made. It would be ludicrous not to have an adjustment of ward boundaries and, for that matter, of local authority boundaries.

Such a thing must take place, and somebody must direct it. We are one of the legislative Chambers in this State. We formulated the Local Government Act, and this matter is part of that Act. Surely the Minister administering the Act on behalf of the Parliament of this State should be able to request and negotiate, as he has done, even when a council has gone beyond the pale with variations that were not in line with his views.

The Minister is agreeing to these amendments for the purpose of fitting in with the requirements of various local authorities. That is reasonable; but

it is high time these adjustments were made. If they had been made regularly before now, there would have been no argument about this clause.

Assembly's amendment on the Council's amendment put and a division taken with the following result—

## Ayes 17

Mr Bradshaw	Mr Mensaros
Mr Clarko	Mr Old
Mr Cowan	Mr Rushton
Mr Coyne	Mr Spriggs
Mr Crane	Mr Trethowan
Mr Grayden	Mr Tubby
Mr Laurance	Mr Watt
Mr MacKinnon	Mr Williams
Mr McNee	

(Teller)

## Noes 25

Mr Bateman	Mr Hodge
Mrs Beggs	Mr Jamieson
Mr Bertram	Mr Tom Jones
Mr Bridge	Mr Parker
Mr Bryce	Mr Pearce
Mrs Buchanan	Mr Read
Mr Brian Burke	Mr P. J. Smith
Mr Terry Burke	Mr A. D. Taylor
Mr Burkett	Mr Troy
Mr Carr	Mrs Watkins
Mr Davies	Mr Wilson
Mr Grill	Mr Gordon Hill
Mrs Henderson	

(Teller)

## Pairs

## Noes

Ayes	
Mr Peter Jones	Mr Tonkin
Mr Court	Mr D. L. Smith
Mr Blaikie	Mr Evans
Mr Thompson	Mr Barnett
Mr O'Connor	Mr McIver

Assembly's amendment on the Council's amendment thus negatived.

Question put and passed; the Council's amendment agreed to.

Mr CARR: I move—

That amendment No. 4 made by the Council be agreed to.

Mr TRETHOWAN: There are a number of things I must point out in regard to this amendment. One relates to the drafting and mistakes in it. It was evident that when the Opposition and the Government agreed, mistakes in drafting were corrected; however, when the Opposition and the Government is agreed, they were not. In the amendment before the Chair, proposed new subsection (7) has been changed in handwriting; and that was picked up before presentation to the Legislative Council. We believed that this very important subsection was defective in its drafting to achieve the intent.

1 The intent agreed to by both the Opposition and the Government was that the people who, for instance, may live in one ward of a municipality and have a business in another ward of the municipi-

pality should be able to vote in both wards. The intent was that not only should the voter be able to vote in the wards in which the business and the residence were established, but also in the case in which a person had businesses in more than one ward of the municipality, the intent was that he should be able to vote in those wards as well. The original intent was that one would only be eligible to vote in more than one ward if the person owned properties other than the residence. There was considerable doubt about the effect of it.

The way in which the provision has been redrafted gives effect to the original intention. It shows how easy it is to make an error in this regard and the complicated number of words which need to be changed for that to be remedied.

The Opposition supports the current form, because this was a fundamental and important part of the agreement reached between the Government and local government at the conference. As such, it was important for it to be seen to be given full effect.

The other matter which was raised in the Council by the Opposition to give effect to the intention of the agreement that was made between local government and the Government, related to the question of ratepayers automatically being placed on council rolls and ratepayers on existing council rolls being transferred automatically to new rolls being prepared under this legislation.

It is my understanding that the Attorney General gave undertakings in regard to that matter in the other place, and, as a result, the amendment proposed by the Opposition was not proceeded with because the Government indicated that the drafting involved was extremely complex, although the existing section of the Act, section 40(c), provides that the name of each person who has become entitled to be registered as an owner of property within a district shall be proceeded with. It is my understanding that is what happens at present. When one purchases a property within a municipal district, as soon as one becomes part of the ratepayers' roll, one is placed automatically on the electoral roll for the district.

The amendment the Opposition sought to ensure that that situation continued under the amendments proposed to the Local Government Act and that those people who already were in the position of being electors registered because they were ratepayers, should be transferred automatically to the new roll.

The Opposition would like to see those occupiers who would not automatically be placed on the roll under the provisions of section 36(1) (a) of the amendment also being transferred automatically; but we understand that would have

represented a major problem for local government to decide which occupiers were to be placed on the new roll because they were non-resident occupiers and to separate them from occupiers on the current roll who were covered because of their eligibility under the new clause as being on the Legislative Assembly roll.

We seek from the Minister reassurance that he will proceed with the undertakings given in the Legislative Council in terms of introducing legislation in the Budget session to remedy this, because it is my understanding that there is no difference in intention between the Government and the Opposition as to the effect of this proposal.

The only concern the Opposition has with the delay is what may happen should an election be held under the new proposed Act between the time this Bill, presuming it is passed and given assent as seems likely, comes into operation and the time the proposed amending Bill is introduced in the spring session.

A concern exists that, should an election be held, a situation could arise where many people who would automatically assume under the existing Act that they were on the roll because they were ratepayers and on the ratepayers' roll, could find themselves in a position where they were disfranchised without being aware that, under the Bill if it becomes law, they needed to apply for registration. I seek some reassurance from the Minister as to how that circumstance could be overcome before the proposed amending legislation to ratify the position is presented to the Chamber.

The other aspect I mention in regard to this is that I understand a problem has existed, exists currently, and will continue in the future, in terms of establishing beyond doubt those people who are eligible to be placed on the ratepayers' roll, and I believe that some very careful consideration needs to be given as to how the current system can be improved.

My understanding is that local government is advised under the Real Estate and Business Agents Act or the Transfer of Land Act. A form is produced by real estate agents as part of the sale of a property; they are required to produce it by law. That form requests an adjustment of rates from the local authority as part of the transaction of sale. At present I understand local government takes that request for an adjustment of rates to be an indication that the property has changed ownership and that the person who is now entitled to be placed on the ratepayers' roll is the person who appears to be purchasing the property under that instruction.

I understand this procedure is not foolproof and some problems occur in respect of situations in which the sale is not put into effect and in relation to legal transactions. This can render a person being put on the ratepayers' roll when in fact he is not the owner of the property, and a person being taken off that roll when he is the owner of the property, and the sale which was to be effected did not in fact occur.

I raise those points in respect of the sale and transfer of ownership transactions in regard to advising local government of that change of ownership to enable it to place the new owner on the ratepayers' roll. It seems to me that is not a problem which directly affects the transfer of the names on the ratepayers' roll to the electoral roll as owners. There is primarily a need to attempt to overcome the existing problems of notification that a person should be placed on the ratepayers' roll of a local authority.

I seek the Minister's assurance in regard to the introduction of that legislation to ensure that those who are eligible on the ratepayers' roll are transferred as owners, if they are eligible under the other requirements of the Act, onto the electoral roll and that those people who currently enjoy that privilege are able to be so included.

Mr CARR: First of all, the member for East Melville referred to subsection (7) of the amendment and I made the point that the Government did not necessarily consider its amendment was in error. We accepted the point that there could be some doubt, and we agreed to the proposal so that there would be no doubt whatsoever.

The main points the member for East Melville referred to related to the assurance that was given in the Legislative Council last night by the Attorney General on my behalf. I am happy to repeat that assurance, which relates to people who are presently on the roll having a property ownership qualification, and who will be again eligible to be on the new roll, with a property qualification being transferred automatically from their existing enrolment to the new enrolment.

The second point relates to the proposition that where people acquire property they be placed automatically on the property roll. It is our intention, as the Attorney General said, to introduce an amending Bill in the spring session of Parliament to incorporate those two items. There are difficulties there, and I appreciate the point the member for East Melville made when he said we should be able to take out the existing part and put it into the new Bill.

It is not as simple as that because there will be two rolls and there will be people who are eligible to be on either roll and it will have to be deter-

mined whether they are on the residential roll and whether they are entitled to be on the property roll. It is intended that the residential roll be the primary roll and anyone who is entitled to be on that roll is on that roll on the basis of his place of residence.

A better name may be found, for the secondary roll but at this stage I use the term "property". I appreciate the points the member raised concerning the weaknesses of the existing system of notification of councils concerning changes in the ownership of property. An amendment should be in place in the spring session, and the member's comments will be considered. We will be able to provide legislation, hopefully, to accommodate that situation. We will seek to address that problem.

The other point raised was about the time at which this proposal comes into effect, and what would happen if elections were held prior to the legislation in the spring session. First of all, my understanding is that subsection (2) will come into effect on 20 March next year and there is no intention that these provisions should apply prior to the May elections next year. If a by-election should occur in the meantime, the existing provisions will prevail.

**Mr TRETOWAN:** I wish to raise one other matter in relation to the problem the Minister mentioned in terms of people having dual eligibility under the Act—eligibility because they are on the Legislative Assembly roll, and eligibility because their house or place of residence is also property that they own.

It would seem to me that this problem could be overcome if local authorities were allowed to compile a composite roll. It would not be difficult for a computer programme to be written for the roll from the Electoral Commission, which is the roll of residents taken from the Legislative Assembly roll and the roll authorised by the clerk, which is the roll compiled from the ratepayers' roll. It could be placed within a computer and sorted alphabetically, then if a person's residential address as it appeared on the Legislative Assembly roll and his address as a resident appearing on the ratepayers' roll, coincided they would come out at the same point and the computer could easily reduce those single entries.

I have received representations from larger local authorities which have pretty sophisticated computer facilities and more and more local authorities are seeking to use those facilities in order to efficiently manage their administration. For them to be allowed to do that sort of combination, to produce a much greater ease of using the rolls at election time, they would always obviously have to preserve bound copies of the two

rolls required under the Act. They would have to have available a roll which represented those under section 36 (a) and a roll under section 36 (b). For practical purposes in polling booths and for the use of candidates and councillors it would seem to me much more logical if a single alphabetical roll could be produced from those two certified rolls. It would then be certificated by the clerks. It would also be technically easy for the Chief Electoral Officer's roll to be supplied to the local authority on computer tape. It would not represent a problem to incorporate that base information.

It seems to me that that same combination of rolls could be used to eliminate dual enrolment of people who qualify under section 36(1)(a) and (b). That may well be a way of overcoming the problem, from the local authorities' point of view, of whether to put someone who appears as a new owner on the roll compiled under section 36(1)(b), because that person also appears on the roll under section 36(1)(a). I realise there is a time lag because the notification for change of ownership would be immediate, whereas the notification for the qualification as an elector under the Assembly may occur two, or perhaps three, months after a person purchases a property.

Surely during that time the person would then be qualified under section 36(1)(b) anyway, and as soon as his name appeared on the Assembly roll it would be removed from the second roll kept by the municipality.

There is probably a technical solution available to solve those particular problems, and certainly that is something the larger local authorities would want to explore in greater detail.

**Mr CARR:** It was the intention when the legislation was drafted that we would be looking at separate rolls and that the residential roll would be the prime roll and the property roll would be appended to it and kept separately from it. They may be bound together, but in two separate parts. Notwithstanding that, the comments made by the member for East Melville do make a lot of sense and I am aware of the level of computer technology that is available to some local councils. I would be happy to have discussions with them to see whether in fact that is a practical proposition.

In regard to his point that the rolls could be provided by the State Electoral Office to the council in the form of computer tapes, I see that as being a practical possibility. Members would be aware that part of the compromise that was agreed to at the Sheraton Hotel was that no charge be made to councils for the rolls that are made available by the State Electoral Office, provided that they are provided on the basis of

computer print out. There is probably no reason that that should not be further modified.

One of the points that I perhaps should throw in at this stage which is perhaps relevant in terms of considering the practical application of the Bill, is that it is the intention of the Government, once the Bill is proclaimed, that we set in motion a fairly extensive programme of advice and consultation with local authorities so that we are able to explain what the Bill means. I would expect that there possibly could be a series of seminars arranged in various parts of the State and that the Secretary for Local Government and other officers familiar with legislation could move around the country as widely as possible to be available to councils, and quite possibly a booklet of some sort will be put out in an attempt to explain in fairly simple layman's terms what the procedures are intended to be. If we are able to agree in practice to the type of suggestions made by the shadow Minister, obviously by that booklet and consultation could be a means of communicating the practical aspects of it.

Question put and passed; the Council's amendment agreed to.

Mr CARR: I move—

That amendments Nos. 5 to 28 made by the Council be agreed to.

Question put and passed; the Council's amendments agreed to.

### *Report*

Resolutions reported, the report adopted, and a message accordingly returned to the Council.

## **VALUATION OF LAND AMENDMENT BILL (No. 2) 1984**

### *Returned*

Bill returned from the Council without amendment.

## **STATE ENERGY COMMISSION AMENDMENT BILL (No. 2) 1984**

### *Receipt*

Bill received from the Council.

The SPEAKER: We have a message before the House seeking concurrence and no action has been taken. Unless some action occurs within the next few minutes the Bill will have to lapse.

### *First Reading*

Bill read a first time, on motion by Mr MacKinnon (Deputy Leader of the Opposition).

### *Second Reading*

MR MacKINNON (Murdoch—Deputy Leader of the Opposition) [5.15 p.m.]: I move—

That the Bill be now read a second time.

The Bill was introduced in another place by the Hon. Gordon Masters. It deals with some minor matters concerning the SEC and I understand that the Minister has agreed with it.

Mr Parker: That is not right.

MR MacKINNON: I ask the attendants for a copy of the Bill.

The Bill seeks to amend section 54 of the principal Act to provide that the duty imposed on an occupier under subsection (1) does not apply to a local authority in relation to native vegetation growing on a reserve.

I understand that the SEC previously carried out this work and its current administration is trying to pass that responsibility to local authorities. It will place a greater impost on local authorities which, in turn, will be passed to ratepayers in due course.

The member for Kalamunda has a much better understanding of this Bill and will support my remarks.

### *Adjournment of Debate*

MR PARKER (Fremantle—Minister for Minerals and Energy) [5.17 p.m.]: I move—

That the debate be adjourned.

Motion put and a division called for.

### *Point of Order*

MR RUSHTON: Mr Speaker, does the motion moved by the Minister for Minerals and Energy effectively disallow the House to debate this Bill during this session of Parliament?

The SPEAKER: Order! That is not a point of order. What has happened is that the Bill was introduced and a member of the Government moved to adjourn it.

Mr Bryce: It is one week's notice normally.

Mr Rushton: That is great for the electors of this State. What a disgrace!

Several members interjected.

The SPEAKER: Order! A division has been called for. Does the Opposition wish to proceed with that division?

Mr Rushton: We certainly do.

Mr MacKinnon: Yes.

Mr Brian Burke: You did not raise this matter with us. The only other piece of legislation to be debated is the bingo Bill.

Mr Mackinnon: It was a five line Bill and all we had to do was to hear the Minister's response.

Mr Brian Burke: The Minister did not know about it.

Mr Parker: It was introduced last week in the other House.

Division resulted as follows—

Ayes 24

Mr Bateman	Mr Hodge
Mrs Beggs	Mr Jamieson
Mr Bertram	Mr Tom Jones
Mr Bridge	Mr Parker
Mr Bryce	Mr Pearce
Mrs Buchanan	Mr Read
Mr Brian Burke	Mr P. J. Smith
Mr Terry Burke	Mr A. D. Taylor
Mr Burkett	Mr Troy
Mr Carr	Mrs Watkins
Mr Davies	Mr Wilson
Mr Grill	Mr Gordon Hill

(Teller)

Noes 17

Mr Bradshaw	Mr Mensaros
Mr Clarko	Mr Old
Mr Cowan	Mr Rushton
Mr Coyne	Mr Spriggs
Mr Crane	Mr Thompson
Mr Grayden	Mr Trethowan
Mr Laurance	Mr Tubby
Mr MacKinnon	Mr Williams
Mr McNece	

(Teller)

Pairs

Ayes	Noes
Mr Tonkin	Mr Peter Jones
Mr D. L. Smith	Mr Court
Mr Evans	Mr Blaikie
Mr Barnett	Mr Watt
Mr McIver	Mr O'Connor
Mr I. F. Taylor	Dr Dadour
Mrs Henderson	Mr Stephens

Motion thus passed.

Debate adjourned.

## ACTS AMENDMENT (BINGO) BILL 1984

### Second Reading

Debate resumed from 29 May.

**MR BRADSHAW** (Murray-Wellington) [5.22 p.m.]: The Opposition does not oppose this Bill. In the last few years a number of forms of gambling have been encouraged, and the base for gambling has been extended quite dramatically. I guess this is another case of the expansion of forms of gambling. There has been a fairly large expansion already, with casinos on the horizon. Soccer football pools have been introduced.

This Bill provides that bingo may be played in a wider range of places. Basically, it is to be allowed to be played in unlicensed premises such as club premises. Also religious and charitable organisations will be able to obtain a permit from the Lotteries Commission to run bingo games.

Bingo can be conducted in a whole range of licensed premises such as hotels, taverns, premises with a limited hotel licence, a canteen licence, or a winehouse licence.

The Minister for Administrative Services said pressure had been applied to enable bingo to be played on premises where liquor is supplied. I would not be surprised if this community pressure came from the Australian Hotels Association, trying to encourage people to return to hotel premises. I can understand why. In the last few years there has been a decline in patronage due to various outside influences. This is one way to encourage people back into their premises.

Licensed clubs have been permitted to conduct bingo on their premises since 1982. It is probably right to broaden the base in this way. It may have several effects. One will be to encourage people to leave their TV sets and perhaps it will encourage communication between people. It will perhaps create employment in hotels and in the tavern trade, as well as helping religious and charitable organisations.

We do not oppose the Bill.

**MR PARKER** (Fremantle—Minister for Minerals and Energy) [5.25 p.m.]: I thank the member for Murray-Wellington for his support of the Bill. This Bill does not widen the base of gambling. It simply means that people will have a greater opportunity to play bingo in places such as unlicensed club premises and other places where they currently cannot. For example, in my electorate there is a football club, Spearwood Dalmatinac, which has a liquor licence. As the legislation currently stands, bingo can be played to raise money for the club's own purposes on their premises. The East Fremantle Tricolore club does not have a licence. It can certainly play bingo, but not at the same time as a function. I am sure the same position applies throughout the State.

This Bill will allow that situation to change so that an unlicensed club can play a bingo game, or it can be played in an hotel or a tavern. Of course, clubs which have no association as such will be able to make an arrangement with an hotelier or tavern keeper to play bingo there.

As the member for Murray-Wellington has said, this is a sensible arrangement, and I commend the Bill to the House.

Question put and passed.

Bill read a second time.

*In Committee etc.*

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

*Third Reading*

Bill read a third time, on motion by Mr Parker (Minister for Minerals and Energy), and passed.

**WAR RELIEF FUNDS REPEAL BILL 1984***Second Reading*

Debate resumed from 4 April.

**MR MacKINNON** (Murdoch—Deputy Leader of the Opposition) [5.30 p.m.]: The Opposition has no objection to this move by the Government and is happy to support the Bill.

Question put and passed.

Bill read a second time.

*In Committee, etc.*

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

*Third Reading*

Bill read a third time, on motion by Mr Parker (Minister for Minerals and Energy), and passed.

**QUESTIONS**

Questions were taken at this stage.

**ADJOURNMENT OF THE HOUSE: SPECIAL**

**MR BRYCE** (Ascot—Deputy Premier) [5.32 p.m.]: I move—

That the House at its rising adjourn to a date and time to be fixed by the Speaker.

Question put and passed.

*House adjourned at 5.33 p.m.*

## QUESTIONS ON NOTICE

### PENSIONERS

#### *Pensions: Indexation*

3399. Mr MENSAROS, to the Premier:

What is the estimated amount saved, which does not have to be appropriated for indexation of pensions in the financial year 1984-85, on account of implementing the Act recently passed by Parliament amending the Superannuation and Family Benefits Act?

Mr BRIAN BURKE replied:

The member will be advised in writing in due course.

## GOVERNMENT PUBLICATION

### *"WA Government Notes"*

3425. Mr MENSAROS, to the Premier:

Would he consider changing the tone and contents of the further editions of the recently started *WA Government Notes* to something more resembling the similar publication of the United Kingdom Government, *Survey of Current Affairs* which is much more objective, mentions also Opposition activities, acknowledging that the Opposition is part of the system of Government and does not feature dorothy dix questions?

Mr BRIAN BURKE replied:

I believe I made it quite clear in my statement in the first edition of *WA Government Notes* as to the purposes of the publication and the suggestions of the member are not appropriate.

## GOVERNMENT DEPARTMENTS AND INSTRUMENTALITIES

### *Boards and Tribunals: Abolition*

3426. Mr MENSAROS, to the Premier:

Is his Government proposing to statutorily abolish the boards and the tribunal enumerated under Item No. 42 of the first edition of the *WA Government Notes*, to be substituted by a single statutory authority?

Mr BRIAN BURKE replied:

The commercial tribunal will take over the responsibility of each of the licensing boards referred to at item 42, after prior consultation with each of the industry groups involved and on a timetable to be worked out in conjunction with those groups and the boards concerned.

## CONSERVATION AND THE ENVIRONMENT

### *Weed Harvesting*

3427. Mr MENSAROS, to the Minister for the Environment:

(1) Has he received yet the Public Works Department's report, which he has mentioned having initiated and commissioned, about the more efficient execution of the weed harvesting operation in the Peel Inlet?

(2) If so, would he please table the report?

Mr DAVIES replied:

(1) No, the work involved will take 2-3 months yet.

(2) Not applicable.