Hon. H. Hearn: That is because you are so well known in York.

The HONORARY MINISTER FOR AGRICULTURE: Whether the official was authorised to accept it, I do not know. If we double the fees, it will be worth while to pay 10s. rather than 5s. As I have mentfoned, our trouble has been lack of finance, but everything that can be done will be done. Where the compulsory scheme has operated in the Armadale area, the results have been very pleasing, and I have tried to influence the people of Kalamunda to adopt a similar scheme. They prefer to watch the progress in the Armadale district for perhaps another year or two. However, I am firmly convinced that the scheme is well worthwhile and that there is no objection to the additional levy.

Hon. W. J. Mann: What about the word "plant"?

The HONORARY MINISTER FOR AGRICULTURE: I am not sure why it was inserted. Perhaps it was to cover any other plant or tree that might harbour the fruit-fly.

Hon. Sir Charles Latham: In the interpretation section, a tree is not mentioned. It says "Plant includes any part of a plant and extends to fruit."

The HONORARY MINISTER FOR AGRICULTURE: I do not think it matters much.

Hon. Sir Charles Latham: It does not. We know what it means.

The HONORARY MINISTER FOR AGRICULTURE: I have been informed that the fruit-fly can be carried over by rose trees, but not by any native fruit.

Question put and passed.

Bill read a second time.

In Committee.

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

BILLS (3)—FIRST READING.

1, Rights in Water and Irrigation Act Amendment.

2, Rural and Industries Bank Act Amendment.

3, Farmers' Debts Adjustment Act Amendment (Continuance).

Received from the Assembly.

House adjourned at 5·44 p.m.

Legislative Assembly.

Tuesday, 19th July, 1949.

CONTENTS.

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

AUDITOR GENERAL'S REPORT.

Section "B," 1948.

Mr. SPEAKER: I have received from the Auditor-General a copy of Section "B" of his report on the Treasurer's statement of

the Public Accounts for the financial year ended the 30th June, 1948. This will be laid on the Table of the House.

QUESTIONS.

HOUSING.

(a) As to Evicted Applicants for Rental Homes.

Hon. J. T. TONKIN asked the Minister for Housing:

(1) How many applicants for Common wealth-State rental homes have had fina orders issued against them by the Court to quit premises in which they are residing?

(2) How many such applicants reside in the area covered by the Cottesloe, Mosman Park, North Fremantle, Fremantle, East Fremantle and Melville local authorities?

(3) How many applicants have actually been evicted from premises n the districts mentioned in Question 2?

(4) Are all applicants who have been evicted given priority over all others in the allocation of homes?

(5) If not, what method is followed by the Housing Commission?

The MINISTER replied:

(1) During the twelve months ended the 30th June, 1949, 199 applicants received final orders from the Court to vacate premises in which they were residing.

(2) 48.

(3) In 17 cases warrants were issued for execution by the Bailiff.

(4) No. Each case is dealt with on its merits.

(5) In all allocations of Commonwealth-State rental homes and flats applications from persons against whom court orders have been made are considered against the need of other urgent cases of hardship, and in the final determination approximately 20 per cent. of the accommodation is made available to eviction cases, preference being given to applicants with young children or families with adverse medical backgrounds.

(b) As to Fixation of Fair Rents.

Mr. NEEDHAM asked the Minister for Housing:

(1) Is he aware that exorbitant rents are being charged for furnished houses let for occupation since September, 1939?

(2) That many people paying exorbitant rents for furnished or unfurnished houses are unable to approach the court to fix a fair rent because of the expense incurred?

(3) Will he bring down amending legislation empowering the rent inspector to fix a fair rent for furnished or unfurnished houses as well as a fair rent for shared accommodation?

(4) In view of the changed economic conditions, will he favourably consider amending legislation enabling owners of property who were in receipt of rentals prior to September, 1939, to apply to the court for the fixation of a fair rent?

The MINISTER replied:

(1) There is evidence in some cases of such rents being charged in excess of a fair rent.

(2) In the case of shorter tenancies in particular the cost of court proceedings is a factor influencing tenants.

(3) and (4) These matters of policy are being kept under consideration.

RAILWAYS.

(a) As to Locomotives on Main Line Work.

Mr. STYANTS asked the Minister for Railways:

(1) How many A.S.G. Engines were available for main line work at the 28th June, 1949?

(2) How many had been available for main line work continuously for the three months immediately prior to that date?

(3) What was the average number, each month, available for main line work for the year ending the 28th June, 1949?

(4) What was the average total mileage run by each A.S.G. engine during the twelve months ending the 28th June, 1949?

(5) What was the average total mileage run by U class, P and PR class engines for the same period?

(6) How many A.S.G. engines have—

(a) Knocked the end out of the steam chest;

(b) Knocked the end out of the cylinder;

(c) Broken the chassis framing;

(d) Bent or broken their driving rod?

(7) Has the Commonwealth Government been paid for these engines?

(8) If so, what was the total amount paid by this State?

The MINISTER replied:

(1) 15.
(2) 16 (Average).
(3) 11.
(4) 15,603 miles.
(5) "U" 28,667; "P" 32,713; "PR" 33,642.
(6) (a) 4; (b) 13; (c) 21; (d) 14.
(7) No.
(8) Answered by No. 7.

(b) As to Derailments and Damage.

Mr. GRAHAM asked the Minister for Railways:

How many railway mishaps resulting in—
(a) derailment;
(b) damage to rollingstock or track have occurred in each of the past three years to the 30th June last?

The MINISTER replied:

Year ended—	(a)	(b)
30th June, 1947	618	333
30th June, 1948	725	431
30th June, 1949	794	474

COAL.

As to Stockton No. 2 Open-Cut.

Mr. MAY asked the Minister representing the Minister for Mines:

(1) If the total tonnage of overburden removed from the No. 2 Stockton open-cut is not known, as stated by him in reply to a question on Tuesday last, how is it proposed to arrive at the cost of removing same?

(2) What is the total tonnage of coal won from the No. 2 Stockton open-cut only, since its inception?

(3) What is the total value of same?

The MINISTER FOR HOUSING replied:

(1) The Mines Department has no records of the cost of removal of overburden on open-cuts.

(2) Not available, as production figures relate to Stockton open-cut as one producer.

(3) Answered by No. (2).

GRASSHOPPER PEST.

(a) As to Ploughing and Government Assistance.

Mr. LESLIE asked the Minister for Lands:

(1) What is the total area of land which has been ploughed during the 1948–49 season for the purpose of destroying either known or suspected grasshopper-egg beds?

(2) What is the total area of such land which has been so treated during the 1948–49 season with financial assistance from the Government?

(3) What is the total amount paid during the 1948–49 season for the above purpose?

(4) In what road districts was this work carried out either with, or without, Government financial assistance?

(5) Can he give any indication of the area of land known or suspected to be infested with grasshopper-egg beds which has not been treated, and in what road districts is such land, if any, situate?

The MINISTER replied:

(1) It would be impossible to determine, without considerable inquiry, the area of land ploughed during the 1948–49 season for the purpose of destroying grasshopper-egg beds.

(2) The total area ploughed, with financial assistance from the Government, from the 1st January, 1948, to the 31st December, 1948, was 51,461 acres, and from the 1st January, 1949, to the 30th June, 1949, 38,117 acres.

(3) The total amount paid from Government funds for ploughing operations in the destruction of grasshopper-egg beds from the 1st January, 1948, to the 31st December, 1948, was £6,511 4s. 6d., and from the 1st January, 1949, to the 30th June, 1949, £8,775 18s.

(4) The road districts concerned in the work of ploughing under the Grasshopper Eradication Scheme are—Mukinbudin, Westonia, Merredin, Nungarin, Mt. Marshall, Koorda, Yilgarn and Mullewa. In addition, small areas were ploughed in the Morawa, Narembeen and Lake Grace road districts.

(5) No. Action is proceeding in all road districts to deal with affected areas.

(b) As to Prevalence in Mullewa, Mingenew and Morawa Areas.

Mr. BRAND (without notice) asked the Minister for Lands:

(1) Is he aware that grasshoppers are becoming numerous in the Mullewa, Mingenew and Morawa road board areas?

(2) Has he received any reports from these districts concerning their early appearance?

(3) As the present season is very similar to that of 1938, when hoppers consumed what pastures remained after a late season, will he make every effort to have whatever measures have already been decided upon applied immediately and bran and poison made available to the districts mentioned ?

The MINISTER replied :

(1) A report received today indicates that the position is serious.

(2) Answered by No. (1).

(3) Yes.

EDUCATION.

As to Hall's Creek School and Hostel.

Hon. A. A. M. COVERLEY asked the Minister for Education :

(1) Has a definite decision to erect a school at Hall's Creek yet been agreed to ?

(2) If so, can he advise at what date it is proposed to start the erection of this building ?

(3) What number of children will the proposed school accommodate ?

(4) Have any negotiations been undertaken for a hostel for the children ?

The MINISTER replied :

(1) Yes.

(2) Plans and estimates for the erection of a school building and hostel are now being prepared by the Department of Public Works.

(3) 24.

(4) See reply to (2). No definite arrangements for the management of the hostel have been completed yet, but the Australian Inland Mission authorities have expressed their interest in the matter.

WESTERN AUSTRALIAN TURF CLUB.

As to Administration of Rules of Racing.

Mr. FOX asked the Minister representing the Chief Secretary :

(1) Is he aware that, in the use of its powers under the W.A. Turf Club Act, the W.A. Turf Club is showing discrimination as between those who contravene its by-laws or rules of racing, the case of Jockey Whitbread and owner Reynolds being a striking example of such discrimination ?

(2) Will he amend the Act for the purpose of enabling Ministerial intervention where obvious misuse of power by the club is occurring ?

The MINISTER FOR HOUSING replied :

(1) No.

(2) The law already provides a remedy if the club misuses its powers and no amendment of Act is therefore necessary.

HEALTH.

As to Deaths from Cancer and Tuberculosis.

Mr. GRAHAM asked the Minister for Health :

How many deaths have occurred in Western Australia in each of the last three years on account of—

(a) cancer ;
(b) tuberculosis ?

The MINISTER replied :

	1946	1947	1948	Total for 3 years.
Cancer	549	594	620	1,763
Tuberculosis....	170	141	161	472

UDIALLA NATIVE STATION.

As to Wool Clip Return.

Hon. A. A. M. COVERLEY asked the Minister for Native Affairs :

What was the total financial return received by Udialla for the 1948 wool clip ?

The MINISTER replied :

Gross—£1,399 15s. 2d.
Nett—£1,347 9s. 4d.

NORTH-WEST.

As to Additional Vessel and Subsidy on Vegetables.

Hon. A. A. M. COVERLEY asked the Premier :

(1) Has he given any consideration to the purchase of another passenger vessel for the North-West coast ?

(2) Has he given any consideration to a subsidy payment on vegetables on a permanent basis to residents of Kimberley ?

The PREMIER replied :

(1) This matter has received consideration and information is now awaited from the Commonwealth Government as to building prospects in Australian or British yards.

(2) Permanent transport subsidies have been approved for perishables in circumstances where alternative means of supply such as local production or sea transport.

can be used, but where this has been impracticable, as in the case of Hall's Creek, the subsidy on the aerial transport of perishables is paid throughout the whole year.

TOBACCO.

As to Distribution Committee.

Mr. LESLIE asked the Premier:

(1) In view of the fact that his replies to my questions on the 30th June, did not give the specific information sought in regard to (a) the composition of the Western Australian Tobacco Distribution Committee; (b) the name of the executive officer of this committee; (c) the address where the committee conducts its business, and that his replies to any further questions indicate (a) that the information was not denied to him; (b) that the information is not in his possession, will he inform the House—

(a) What efforts, if any, were made to obtain the specific information asked for in my questions on the 30th June;

(b) from what sources, if any, was the required information sought?

(2) In view of the fact that the specific information sought has not been obtained, will he make further attempts to obtain that information?

(3) If not, why not?

The PREMIER replied:

(1) to (3) The committee is a voluntary one and is not in any way under the jurisdiction of the State Government.

COMPREHENSIVE WATER SCHEME.

As to Steel Plate Requirements.

Mr. PERKINS asked the Minister for Water Supply:

(1) What tonnage of steel plate is required to install the 30 in. main from Wellington Dam to Narrogin?

(2) What tonnage of steel plate is required to complete the mains connecting the G.W.S. at Merredin to Bruce Rock dam, Wadderin dam and Kondinin dam as planned under the Comprehensive Water Scheme?

The MINISTER replied:

(1) 17,300 tons.

(2)

Merredin to Bruce Rock Dam	1,735	tons
Bruce Rock Dam to Wadderin Dam	641	tons
Wadderin Dam to Kondinin Dam	1,779	tons
Total	4,155	tons

GRAIN DISTILLERY HOSTEL, COLLIE.

As to Closure.

Mr. MAY (without notice) asked the Minister representing the Minister for Mines:

(1) Is he aware that instructions have been issued for the closure of the Grain Distillery Hostel next Friday?

(2) If so, what does he propose to do in order to provide accommodation for the miners who are at present accommodated at the hostel and number approximately 36?

The MINISTER FOR HOUSING replied:

(1) and (2) I have no personal knowledge of the matter, but will undertake to make immediate inquiries and let the hon. member know what I can ascertain.

IRON AND STEEL.

(a) As to Export.

Hon. J. T. TONKIN (without notice) asked the Premier:

(1) Did he have inquiries made concerning the proposed export of bar-iron and steel from Fremantle?

(2) What information was obtained about the matter?

(3) Did he take any action to have the material retained in Western Australia?

The PREMIER replied:

(1) Yes.

(2) and (3) McKay, Massey Harris have not exported steel of any type from Western Australia. I am assured that they cannot get sufficient steel to do their work here. The manager of the International Harvester Company states that they have exported to their factory at Geelong a small quantity of steel bar to complete the manufacture of certain agricultural machinery and tractors which will come to this State when completed.

(b) As to Action by Government.

Hon. J. T. TONKIN (without notice) asked the Premier: As the replies he has given indicate that he misunderstood the question in the first place, as they did not refer to iron which has been exported but to what is about to be exported, I now ask whether he will get in touch with both these firms again and ascertain whether it is their intention to export this week or next week approximately 30 tons of bar-iron and steel?

The PREMIER: Yes, I will make the inquiries suggested by the hon. member.

PRICES CONTROL.

As to Report of Conference.

Mr. HEGNEY (without notice) asked the Attorney General:

Does he propose to submit for the information of members a report of the proceedings of the recent conference of Prices Ministers at Brisbane?

The ATTORNEY GENERAL replied:

No. The conference of Ministers for Prices is held on a Cabinet basis and no report is made.

Mr. Hegney: It is all secret?

The ATTORNEY GENERAL: Yes.

QUESTIONS BY MEMBERS.

As to Placing on Notice Paper.

Mr. NEEDHAM (without notice) asked the Premier:

When will he be in a position to revert to the custom of placing on the notice paper questions of which notice has been given?

The PREMIER replied:

Now that power has been restored, I am hoping we shall be able to revert to the usual parliamentary procedure immediately.

COAL STRIKE.

As to State Government's Intervention.

Mr. GRAHAM (without notice) asked the Premier:

(1) In view of the settlement of the dispute at Collie, will his Government, if it has not already decided to do so, withdraw the intervention of which he spoke in support of an application for the imposition of penalty rates?

(2) Will he make representations to the employers who intimated their intention of making the application with a view to their withdrawal?

The PREMIER replied:

(1) Members will recall that when I made that statement the other evening I said the Government would not intervene if the strike ended; and that is now the intention of the Government.

(2) This is a matter for the employers and not for the Government.

BILL—SUPPLY (No. 3), £4,700,000.

Returned from the Council without amendment.

BILL—ELECTORAL ACT AMENDMENT (No. 2).

Introduced by Mr. Rodoreda and read a first time.

BILL—RIGHTS IN WATER AND IRRIGATION ACT AMENDMENT.

Read a third time and transmitted to the Council.

BILL—RURAL AND INDUSTRIES BANK ACT AMENDMENT.

Third Reading.

THE MINISTER FOR LANDS (Hon. L. Thorn—Toodyay) [4.56]: I move—

That the Bill be now read a third time.

MR. LESLIE (Mt. Marshall) [4.57]: At the second reading stage I made reference to clauses in the Bill which I considered imposed unfair treatment on some of the officers employed by the bank. The particular portion of the measure to which I refer is that which deprives bank officers from participating in any benefit, whether fixed by agreement or by a court of law, in regard to long service leave concessions or remuneration in lieu thereof, if they had less than three years' service with the bank up to the 28th November, 1948. I have since been informed that some agreement satisfactory to the bank officers has been made with regard to long service leave. When I mentioned this question at the second reading stage, the Minister promised to investigate it. I would like him now to inform the House what arrangement, if any, has been made to satisfy the employees with regard to this provision of the Bill, in order to make certain that the 25 or more men concerned will not be deprived of the benefits that would have accrued to them had their services in the bank continued in the ordinary manner.

THE MINISTER FOR LANDS (Hon. L. Thorn—Toodyay—in reply) [5.1]: The member for Mt. Marshall did raise this question, as he has said, and at that time I stated that I would have inquiries made. The matter concerns the younger men who have entered the service of the bank since the cessation of hostilities. It will be understood that

the bank had to arrive at some deadline with regard to the privileges to be extended to its servants. I believe that in this case the Commissioners did overlook the services of these younger men, and struck a deadline of three years. On the representations made by the hon. member I discussed the matter with the Commissioners of the bank. They are prepared to consider the question as a privilege, and I think that as a result of their consideration they will probably offer the officers concerned an ex gratia payment to meet the position.

Question put and passed.

Bill read a third time and transmitted to the Council.

BILL—FARMERS' DEBTS ADJUSTMENT ACT AMENDMENT (CONTINUANCE).

Bill read a third time and transmitted to the Council.

BILL—THE WESTRALIAN BUFFALO CLUB (PRIVATE).

Second Reading.

MR. NEEDHAM (Perth) [5.3] in moving the second reading said: Members will recall that earlier in the session I brought down a private Bill in connection with the West Australian Club, a body that had been registered under the Companies Act and, finding itself in difficulties, was desirous of being registered under the Associations Incorporation Act. The Bill, the second reading of which I am now moving, is brought down for similar reasons. The Westralian Buffalo Club, Ltd., now finds itself in a position akin to that of the West Australian Club. All the formalities in connection with this private Bill have been gone through. In the course of evidence the Select Committee was informed that the club is in a unenviable and difficult position. The Westralian Buffalo Club, Ltd., was incorporated in 1919 as a limited company under the Companies Act, 1893. Its nominal capital is £500, divided into 4,000 shares of 2s. 6d. each.

The articles of association are in no way similar to what are generally the articles of association of a limited company, as they are virtually rules for the conduct and management of the club, although article 44 does state "that the rules and such portion of Table A of the Second Schedule of the Companies Act, 1893, as are not consistent herewith shall be articles of association of the club and shall be binding on its members." The rules make provision for the government of the club to be vested in a general committee. That is set out in rule 13. The rules also make provision for honorary temporary members. That provision, of course, relates purely to a club and not to a company. Membership, under Rule 8, is limited to a person who is an adult member of any lodge of the Order of the Royal Antediluvian Order of Buffaloes.

Every eligible person who desires to apply for membership makes application in the prescribed form, under Rule 7, and applies for the allotment of one share in the company. With the exception of two of the original subscribers to the memorandum of association, only one share has been issued to any individual person. According to the club records 2,506 people have become members since its registration and, theoretically, the same number have become shareholders in the company. The company has maintained in some form a share register, but this shows only 2,268 shares as having been applied for. No scrip has ever been issued to any person. Rule 5 provides that no share shall be lodged, transferred or sold to or registered in the name of any person who has not previously been elected a member, and Rule 6 states that no share in the club shall be transferable by any member. Rule 9 makes provision for an annual subscription and provides further that any member whose subscription is in arrear may be excluded by the committee from all privileges of the club until the subscription shall have been paid, and if a member fails to pay his subscription within six months of its becoming due, he shall cease to be a member of the club. That is under Rule 11A. Under Rule 11C a member is entitled to resign his membership.

Under Rule 11B no unfinancial member is entitled to be eligible for office or to vote. Under Rule 11D a member who has retired from the club or ceased from any cause to be a member, is not entitled to and has no claim of any kind upon any portion whatever of the property of the club. All of these rules are consistent with the management of the club, but are in no way consistent with a man being the holder of a fully paid share in a limited liability company. Subclause (1) of clause 3 of the memorandum of association authorises the club to distribute any of its property in specie among its members.

In the event of the club, as at present constituted, going out of existence, this provision would doubtless come into operation, but apparently, read in conjunction with the articles, it would mean that distribution would be made only among the members who were financial at the date of winding up. During the war years many Servicemen temporarily stationed in Western Australia were members of the Order, and became members of the club. The only address recorded for them, due to the wartime secrecy regulations, was care of the club's registered office. These members subscribed and in effect became entitled to one share each.

At present the club has a financial membership of approximately 500 but, as I have already said, there are over 2,000 persons entitled to shares in the company. So far as can be ascertained, no deceased member's share has ever been included in his assets for probate and this would be correct as, upon death, he would cease to be entitled to any participation in the assets of the club. A considerable number of members has passed away since the registration of the club and many hundreds more have ceased to be financial members for various reasons. This is verified by the fact that when a general meeting of the club was called for the purpose of initiating a petition to this House, the secretary sent notices of the meeting to every person who, according to the records, had ever been a member. Over 1,000 of those notices have been returned unclaimed, in several cases accompanied by covering letters advising that the former members were deceased, and expressing the desire that similar notices should not be sent in future as they only caused unnecessary pain to relatives.

The club filed returns under the old Companies Act and also the return due under the new Companies Act as at the 31st March, 1948, but showed in these returns as shareholders of the club the financial members only. This was done in ignorance and was, of course, quite erroneous. The club cannot file its returns now that it is aware of the legal requirements and, whilst the names of all people who are in fact shareholders can be supplied, their addresses cannot. In addition, as so many are deceased the return would undoubtedly be a false one and the person making it would be wilfully making a false return. This position has been explained to the Registrar of Companies who appreciates it. There appears, from a careful examination of the legal position, no alternative but for legislation, as appears in the proposed Bill. There is no remedy through the courts. The club should never have been incorporated as a limited company but should, from its inception, have been registered as an association under the Associations Incorporation Act.

All avenues that might be available to remedy the position, without the Bill, have been explored, but to no avail. The proposal is for the club to become incorporated as an association under the Associations Incorporation Act with members consisting of those who are actually financial members of the club as at the 31st May, 1949. This provision will dispose immediately of approximately 2,000 members who whilst being shareholders, are not members. The club has no freehold property but has personalty assets exceeding £8,000 and its only liabilities are current trade liabilities amounting to a few hundred pounds.

The Bill proposes that upon incorporation of the club, as an association, its assets will automatically vest in that association and the company will be struck off the register of companies by the Registrar. Members will recall that in the case of the West Australian Club, that club had property which it transferred upon incorporation under the Incorporations Act, and, if members will recollect, an amendment had to be moved to enable it to do that. However, in this case there is no property to transfer.

The position is similar, however, to that in which the West Australian Club found itself, with the exception that that club had exceeded its nominal share capital in respect to the number of members, who had become members over a period of years. So far as the Buffalo Club is concerned its present intake of members is approximately 50 per month and if this continues the club, in less than three years, would have issued all its present inscribed capital and would be unable to carry on as at present constituted.

Those are the reasons submitted to the Select Committee of this House when taking evidence from responsible officers of the club and they are advanced as reasons for the Bill. The report of the Select Committee is in the hands of members and I presume they have read it.

I trust the House will agree to the measure and I move—

That the Bill be now read a second time.

On motion by the Attorney General, debate adjourned.

BILL—WATER BOARDS ACT AMENDMENT.

Second Reading.

Debate resumed from the 14th July.

HON. A. R. G. HAWKE (Northam) [5.20]: The Minister for Works, in introducing the Bill, told us that he considered it to be necessary because the approval which the Governor may grant, under the existing Act, to a water board to borrow money, must be a complete approval and cannot be conditioned in regard to any important aspect of that approval. The Minister went on to tell us that difficulties had arisen in relation to at least one water board in the State because of the rigidity of the existing Act in connection with the granting by the Governor of approval to borrow. In explaining the provisions of the Bill the Minister read the appropriate portions. Those portions clearly explain what the Bill aims at achieving, and one could hope that every Bill introduced into Parliament would as clearly explain what it is proposed to achieve as this one does. If that was the case then the task of members of Parliament would become so much easier although in the ultimate it might lead to considerable unemployment in the legal profession.

The Bill aims at giving the Governor power to grant approval to water boards to borrow money on a conditional basis or, if he considers the circumstances would justify it, he may grant an unconditional approval as is the case under the existing law. Where the approval to be granted in the future by the Governor is conditioned, the conditions may be such as to authorise the water board to borrow the money, to carry out the work for which the approval is sought and to complete the carrying out of that purpose. The Bill goes on to give the Governor other discretionary powers which have been found necessary because of the difficulties which have arisen as between the Governor's approval, under the existing Act, and some of the money-borrowing activities of the water boards. There is no doubt that the passing of the Bill will improve the law and will make relationships between the Governor and water boards in future much safer and more businesslike than is possible under the Act as it now exists. Therefore, I support the second reading of the Bill.

THE MINISTER FOR WATER SUPPLY (Hon. V. Doney—Williams-Narrogin—in reply) [5.24]: I am obliged to the Deputy Leader of the Opposition for his friendly attitude towards this small Bill. I will take pleasure in going to a little trouble in order to pass on to the legal gentleman responsible for the construction of the Bill, the compliments that have been voiced by the hon. member.

Question put and passed.

Bill read a second time.

In Committee.

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

BILL—ADMINISTRATION ACT AMENDMENT (No. 2).

Second Reading.

Order of the Day read for the resumption from the 14th July of the debate on the second reading.

Question put and passed.

Bill read a second time.

In Committee.

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

BILL—ACTS AMENDMENT (INCREASE IN NUMBER OF JUDGES OF THE SUPREME COURT).

Second Reading.

Debate resumed from the 14th July.

HON. E. NULSEN (Kanowna) [5.28]: I consider this to be a most desirable measure and I therefore do not intend to oppose it. At present the Supreme Court Act provides for the appointment of four judges. In other words it makes provision for the appointment of the Chief Justice and three puisne judges. This Bill alters the word "three" to "four" which really means the appointment of four puisne judges

instead of three. However, including Mr. Justice Jackson, the Supreme Court now has four judges. Mr. Justice Jackson has become the President of the Arbitration Court and he was appointed to undertake those duties. I understand he will not be called upon to do ordinary Supreme Court work but, according to the Minister who submitted the Bill, only on special occasions will he be asked to sit on the bench to deal with appeals that necessitate the services of three judges. Under the existing provision there are not sufficient judges to allow of that being done unless the trial judge also participates in the proceedings, and that, of course, is not right. Neither the trial judge nor the appellant could be satisfied under such circumstances, and certainly it is not fair to the trial judge that he should be required to sit upon and deal with an appeal against his own finding. I regard the Bill as necessary from that point of view alone.

There is another phase that is also important. I am glad to note that since the present Attorney General took office, the Chief Justice has allotted one of the puisne judges for circuit work. Under the new arrangement a judge sits in Kalgoorlie once a year, and I think provision should be made for courts to be held at Bunbury, Albany, Geraldton or any other of the larger towns when necessary. That is only reasonably fair to the people in the back areas. In my opinion, important cases, such as criminal trials, should be conducted before a jury comprised of residents of the district where the crime had been committed. I do not know that the Attorney General agrees with me on that point; but I feel that if that course were adopted, a jury would be provided of men who would know more about the case and understand the psychology of the people concerned than would be possible with a jury drawn from residents of the metropolitan area.

Then again, the Bill makes provision for deleting the salary provisions from the Supreme Court Act and embodying them in the Constitution Acts. That means the deletion of Section 13. It might have been better had Section 14 been deleted before I left ministerial office. The Attorney General will know what happened with regard to Section 14 so far as I was concerned. With the amendment suggested in the Bill, the Constitution Acts will make provision for salaries with respect to all the more important positions of the State, such as that of the Governor for whom a salary of £4,000 is provided and others are: His Excellency's Private Secretary, £350; the Clerk of the Executive Council, £350; the Chief Justice, £2,600; and three puisne judges, £2,300. The Bill proposes to add another £2,300 for the fourth puisne judge. In addition to that, there is £10,250 provided for the eight ministerial salaries. The effect of the Bill in that respect will be to increase the total amount from £24,600 to £26,900. I regard the Bill as very desirable. The Minister mentioned that the mere fact of the Bill being agreed to did not necessarily mean that an additional judge would be appointed in the immediate future, but that the provision would be there should such a course become necessary.

With regard to Mr. Justice Jackson, I feel that his services should not be used in the Supreme Court on any occasion when there is work for him to do in the Arbitration Court. We received an assurance on that point from the Minister. Personally, I think the necessity for the appointment of the additional judge will arise very soon if members of the judiciary are to continue to be engaged in circuit work. Under existing circumstances, there are not enough judges to enable them to cope with the whole of the work entailed. On the other hand there is, of course, no absolute certainty that Mr. Justice Jackson will not be called upon to sit on the bench in the Appeal Court although there may be work for him to do in the Arbitration Court, which I regard as most essential. In fact, he should not be called upon to act in the Supreme Court at all if he is required to sit on the Arbitration Court bench.

HON. A. H. PANTON (Leederville) [5.36]: I regret that the Bill has been introduced at this juncture, more particularly because I have on the notice paper a motion dealing with the question of the appointment of a judge in the dual position of President of the Arbitration Court and a member of the Supreme Court bench. As a matter of courtesy, the Government should have replied to that motion. Had the Attorney General, or some other Minister in his absence, adopted that course, an explanation might have been forthcoming as to the intention of the Government. We now have a Bill introduced to authorise the appointment of an additional judge and it is proposed that instead of having three puisne judges and another who will be partly a judge and

partly President of the Arbitration Court, we are to have four puisne judges and still the other who will be partly President of the Arbitration Court and partly a judge of the Supreme Court.

I am only assuming that the appointment of Mr. Justice Jackson was made under a certain agreement. I was hopeful that the Government would at least have given some consideration to the question, of appointing him wholly and solely as the President of the Arbitration Court, but it seems to me that Ministers have made up their minds that it will have four puisne judges and retain Mr. Justice Jackson in his dual capacity. It is all very well to say that the latter will not act as a Supreme Court judge except when that course is essential. My complaint is that it is essential that he should be retained for Arbitration Court work only.

Hon. E. Nulsen: That is more essential.

Hon. A. H. PANTON: In my opinion, it is more essential. Apparently, the Bill has been rushed before Parliament—I use that word advisedly because the Attorney General was in Queensland but the Government could not wait for his return and the Bill was submitted by the Minister for Education—and I repeat that it would have been merely courtesy for the Minister to have replied to my motion before the measure was introduced.

MR. MARSHALL (Murchison) [5.40]: I cannot argue as to whether or not there is a vacancy on the Supreme Court bench; that is a matter for the Attorney General. When submitting the Bill to the House, the Minister for Education did not give us any detailed account of the activities of the Supreme Court judges. With the member for Leederville, I feel that if the Government insists on the procedure of appointing a President of the Arbitration Court who will also be a judge to assist on the Supreme Court bench, that should suffice. My object in rising is not to discuss those features of the Bill but to take exception to the amending of the Constitution Acts and the Supreme Court Act by means of this one Bill. The procedure of endeavouring to amend two principal Acts by the introduction of one Bill has been followed before, and on each instance was vigorously opposed because such a course was regarded as particularly misleading. In justice to lawyers and others concerned, the Government should have presented one Bill to amend the Constitution Acts and another to amend the Supreme Court Act. That is the proper way of handling such matters.

The amendment of the Constitution Acts that is embodied in the Bill could easily be overlooked, even by a lawyer. He certainly would not look at an Act which seeks to amend the Supreme Court Act for an amendment to the Constitution Acts. Of course, I am fully aware that the index might possibly indicate that the Constitution Acts had been amended by this legislation, but the practice is wrong. I have heard legal members of this House criticise such a procedure, telling the Government concerned that it was unwise in pursuing such a course. I draw the attention of the Government to the fact that what is proposed is wrong in principle, and similar attempts in the past have been justifiably attacked. I agree with the member for Leederville that the Government has rushed this Bill before Parliament, and I certainly contend that the procedure therein is all wrong.

THE ATTORNEY GENERAL (Hon. A. V. R. Abbott—North Perth—in reply) [5.44]: Dealing first with the technical question raised by the member for Murchison, the drafting of Bills must necessarily be left by the Government to the skilled parliamentary draftsmen. The object of the Bill is clearly stated in its Title. It deals with one matter only. It is for an Act to increase in number the judges of the Supreme Court. Where we have one object only to achieve, I suggest it is unnecessary to introduce more than one measure and I assure members that this practice is followed not only in the House of Commons, but also in the Parliaments of the other States. As to the drafting of Acts, we must be guided by the legal advisers of the Government.

So far as concerns the point raised by the member for Leederville, I assure him there is no wish to rush this Bill through and it certainly was not intended that there should be any discourtesy shown to him or to the House. I am anxious to reply at the earliest possible moment to the hon. member's motion and therefore I shall not deal fully with his point just now, except to say that in the Government's view the President of the Arbitration Court should unquestionably have the prestige of a Supreme Court judge. The hon. member can also rest assured that Mr. Justice Jackson will at all material times devote himself to his duties as President of the

Arbitration Court. Only on such occasions as he feels that his duties will permit him to do so will he sit on a court of appeal. That is quite clear and definite. If the hon. member is interested I have no objection to his perusing the file dealing with the appointment of Mr. Justice Jackson.

Hon. A. H. Panton: I am not as suspicious as that.

The ATTORNEY GENERAL: The agreement sets out the conditions under which he holds his office. So far as the hon. member's motion is concerned, I will, as I said, deal with it as quickly as possible.

Question put and passed.

Bill read a second time.

In Committee.

Mr. Perkins in the Chair; the Attorney General in charge of the Bill.

Clauses 1 and 2—agreed to.

Clause 3—Construction:

Mr. MARSHALL: The Attorney General's statement that we must allow our expert draftsmen to draft legislation must go without challenge, but I still insist that it is wrong to amend two Acts by one Bill. Subclause (2) of the clause provides that the principal Act, as amended by this measure, may be cited as the Constitution Acts Amendment Act, 1899-1949. That provision, therefore, amends the Constitution Acts, and any person desirous of ascertaining how that Act was amended will certainly start searching the statutes to ascertain where the amending Act is. He certainly would not look at the Supreme Court Act. I do not propose to labour the point, however, other than to say that the principle is wrong.

Clause put and passed.

Title—agreed to.

Bill reported without amendment and the report adopted.

BILL—LAND SALES CONTROL ACT AMENDMENT (CONTINUANCE).

Second Reading.

Debate resumed from the 7th July.

THE MINISTER FOR LANDS (Hon. L. Thorn—Toodyay—in reply) [5.52]: I do not intend to cover ground already traversed.

Hon. A. H. Panton: Are you replying to the debate?

The MINISTER FOR LANDS: Yes. Did the hon. member want to speak?

Hon. A. H. Panton: No.

The MINISTER FOR LANDS: The adjournment of the debate was moved by the member for Canning to give the Leader of the Opposition an opportunity to launch his motion on the subject for the consideration of the House before this Bill was proceeded with. The House has had a full discussion of the subject. Members expressed their views on the motion moved by the Leader of the Opposition, and I would merely be reiterating remarks already made if I attempted to reply to what he said. He expressed a wish that the Bill should not be proceeded with until after the findings of the Select Committee had been made available. It will be remembered, however, that I suggested to him that the Bill should be allowed to go through; and I gave an assurance that if there were any suggestions of the Select Committee that could be adopted, the Government would be prepared to introduce legislation at a later stage of the session, for that purpose. This is only a continuance Bill, which we desire to forward to another place so that it can be dealt with there. I have an understanding with the Leader of the Opposition that it shall be allowed to proceed. The measure proposes to continue the present Act, which every speaker has considered should be continued.

Hon. J. T. Tonkin: It might be all right, but it is out of order.

The MINISTER FOR LANDS: No. I think that point can be cleared up very ably. I do not think it is out of order; in fact, I am sure it is not.

Hon. A. R. G. Hawke: How are you sure?

The MINISTER FOR LANDS: Because I happen to know.

Question put and passed.

Bill read a second time.

In Committee.

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

BILL—LOCAL GOVERNMENT.

Second Reading.

Debate resumed from the 30th June.

MR. NEEDHAM (Perth) [5.57]: I have been very surprised at the manner in which the Government has treated this Bill. I notice that the Government has not been in any great hurry to proceed with it since, on the 15th June, the Minister for Local Government moved the second reading. One would have thought that a Bill of such importance would have been placed further up on the notice paper than has been the case up to today. I was under the impression that the speech delivered by the member for Northam would cause the Government furiously to think. That, and the very severe criticism to which the Bill has been subjected and the strong opposition manifested by local governing authorities, have probably been factors which have induced the Government to take its time and not hurry consideration of the measure.

When the member for Northam was speaking, a number of interjections came from the Government benches, chiefly from the Minister for Local Government, indicating that the Bill was the result of the deliberations of a special committee and that it contained no suggestions from the Government. It is somewhat strange that the Government should submit to the House a Bill in connection with which it has made no suggestion, simply accepting what was proposed by a committee. To my mind that is just a new idea of a sense of responsibility. I was somewhat surprised to hear an interjection of that nature from the Minister.

The Minister for Local Government: I think you are somewhat misinterpreting my remarks.

Mr. NEEDHAM: I can only go on what I heard, and I think the point was emphasised by the member for Northam when he was speaking. I would have welcomed a Bill to consolidate the system of local government throughout the State, providing it had been brought under the notice of those most concerned, namely, our local governing authorities, and they had a reasonable time in which to consider the proposals it contained. I would support such a Bill without any hesitation, but I find that the local authorities did not have the opportunity to consider the proposals here to the extent that their importance demands. The local authorities did not have ample time to consider the measure, and too much emphasis cannot be placed on that fact.

Notwithstanding the assurance given by the Minister, when he introduced a measure last session, that the local authorities would have at least six months in which to consider the provisions of the Bill, members got copies of it about the end of March or April, and some of the local authorities did not get theirs until the 2nd May. There was a period of only about six weeks from then until the Minister moved the second reading. The Perth City Council did not get a copy of the Bill until the 2nd May. Another complaint—to my mind a justifiable one—from the local governing authorities is the fact that only one copy of the measure was supplied to each of them.

I realise that the Bill is a voluminous one, and took some time to be printed, but I still think more than one copy should have been supplied to each local authority. I will say at this stage that the Minister cannot be blamed for the delay in circulating the Bill. I realise that there was a breakdown at the East Perth Power House which necessitated electricity restrictions and thus handicapped the Government Printing Office in the printing of the measure. But that is all the more reason why, before the Bill was brought down in this House, more time should have been given to the local authorities to consider it. Another matter I desire to refer to is the composition of the drafting committee. The Perth City Council, as a council, was not represented on it. I understand that Mr. McI. Green was appointed to the drafting committee, not representing the Perth City Council, but the Local Government Association.

The Minister for Local Government: Who said he was representing the Perth City Council? I did not.

Mr. NEEDHAM: I am saying that he was not representing the City Council, but the Local Government Association.

The Minister for Local Government: That is quite right. No-one said anything to the contrary.

Mr. NEEDHAM: I do not know whether it is right or not. I consider a council of the importance of the Perth City Council was entitled to direct representation.

The Minister for Local Government: That would be a brand new idea.

Mr. NEEDHAM: He was appointed as a representative of the Local Government Association. Unfortunately, owing to illness, he was not able to attend more than one or two meetings. No other member of the Perth City Council was nominated, even to represent the Local Government Association. The local government authorities requested that they be allowed reasonable time for the consideration of the Bill. In that regard I will quote some passages from a letter which I think was sent by the Perth City Council to all members. It will throw some light on the position in relation to the time allowed to the local governing bodies for that purpose. At page 2 of the letter appears the following:—

> A review of the action taken by the Council concerning this Bill shows that on the 19th February, 1948, the Council's views were expressed in a letter to the Minister for Local Government in the following terms:
>
> "The Council is also greatly concerned to learn of the extremely limited time in which it is proposed to draw up the draft of this legislation, and feel that it is virtually impossible for a committee constituted in the manner of the present one to prepare a satisfactory draft of a Bill of the size and complexity involved in this case, and that it would, in fact, be an onerous task for a skilled draftsman with a full knowledge of the case law relating to local government."

The Council further enquired:—

> "Whether you will consent to the Council being represented by two representatives to sit on any committee appointed to advise on the proposed legislation, and whether you are prepared to accept suggestions for the nature of the preliminary inquiries that should be set up and decided before a formal draft of the local government legislation is contemplated."

The reply of the Minister, dated the 3rd March, 1948, read inter alia:—

> "I would like the Council to reconsider its request (for two representatives of the Council to be appointed to the Minister's committee) and to accept the assurance that any Bill for consolidation of the two Local Government Acts will not derogate from nor diminish the powers or responsibilities already devolving on your Council."

I think I will be able to prove this evening that, instead of the power at present possessed by the Perth City Council and other municipalities being preserved, as stated by the Minister, it will be diminished if the Bill becomes an Act. The powers will not only be diminished considerably but also, in many instances, entirely removed. I think the proper Title for this measure would be "The Local Government Abolition Bill." The letter continues—

> The Council having agreed to the Local Government Association's request that the Town Clerk of Perth (Mr. W. A. McI. Green) be permitted to represent the Association on the Minister's Drafting Committee, received the intimation that owing to ill health the Town Clerk was obliged to relinquish the position of Local Government Association representative on the Drafting Committee, and also that the Town Clerk, after considering the general formation of the proposed legislation had expressed in writing to the convenor of the Minister's Committee (Mr. D. L. Davidson) the following opinion, dated 17th June, 1948.
>
> "As a result of consideration of this matter and discussions with the solicitors of the Council and the Town Clerks of the other capital cities of Australia, I am firmly of the opinion that the compounding of the Roads Districts Act with the Corporations Act will be a wholly inadequate piece of legislation bearing the title of the "Local Government Act for Western Australia." The relatively scant consideration that can be given to the full implications of combining the existing Local Government legislation within the short time available for preparation, and without consideration of the case law which has already arisen under the statutes or the implications which may well ensue if the draft is proceeded with in the manner at present contemplated by the committee, may easily result in an extremely poor piece of legislation.
>
> "The matter of a Local Government Act for Western Australia is such an important piece of legislation that I feel it should be prepared with a proper consideration of the Local Government Acts of other States and of the case law which has resulted after their enactment, and I strongly urge that this be done."
>
> On the 12th July, 1948, concern was again expressed in writing to the Minister for Local Government in respect to the manner in which the draft of the Bill was being prepared and received a reply from the Minister, dated 14th July, 1948, which indicated that after the Bill had been prepared the Minister's proposals were such as to afford
>
> ". . . that local authorities can examine the Bill and make any suggestions over a period of six months or more before Parliament proceeded with the matter . . . . . and I think on consideration you will realise that if this procedure is followed the desire of your Council will be reasonably met."

That letter, portion of which I have just read, is typical of many that members have received from other local governing bodies. No later than today I received a further letter.

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

Mr. NEEDHAM: I was about to read a letter which I have received from the Perth Chamber of Commerce. It is as follows:—

> Dear Sir,
>
> Municipal and Corporations Act Amendment Bill.
>
> This Bill, which is at present before the Legislative Assembly, has been considered by my Chamber. The list of amendments is formidable and my members consider they should have more time to study the proposals. The Bill in its present

form is unacceptable and is opposed until such time as the Government and representatives of Local Authorities have had an opportunity of conferring on the amendments.

Under the circumstances, we respectfully suggest that you ask that the Bill be referred to a Parliamentary Select Committee or a Royal Commission for the purpose of hearing evidence and subsequently redrafting the measure in accordance with the evidence tendered.

Yours faithfully,
E. S. SAW,
Secretary.

I have emphasised the point that instead of members of this House and local governing authorities having six months in which to consider this all-important Bill, in some cases only about six weeks was given. The Minister for Local Government in his reply to the City Council stressed the point that the powers of local governing authorities would not be diminished. I have already mentioned that fact and I have come to the conclusion, after a close perusal of the Bill, that if it becomes law in its present form it will not only diminish the powers of local governing authorities, but it will also take away power from them and vest major powers in the Minister himself. I do not think members of this House will approve of those conditions.

The Bill does not stop there. It goes further and takes away the votes of occupiers of premises unless the occupiers appeal or apply for votes. This Bill is supposed to be a progressive measure and it has been introduced by a Liberal-Country Party Government. The very fact that the vote which an occupier can now exercise is to be taken away from him unless he applies for it, does not show any sign of progress. That is one of the main reasons why the Bill has been so strongly opposed throughout the country. Another feature of the measure is that the appointment of the chief officers of various local governing authorities cannot take place until the Minister approves of them. Any officer who may be dismissed will have no right of appeal and that again is a retrograde step.

Surely the local governing authorities should have the right, not only to appoint their own officers without the approval of the Minister but also to dismiss those officers if they cannot carry out their duties properly and efficiently. Local governing authorities should be permitted to retain the power that they already possess in that regard. If it is considered that the law should be altered so that the appointment of officers to municipalities and road boards should first receive the approval of the Minister, then surely some provision should be made in the event of those officers being dismissed. They should have the right of an appeal and I do not think any member of this Chamber, after due consideration, will approve of such a retrograde step.

If the measure passes in its present form, then, instead of being a democratic measure, it will be a bureaucratic one. It will confer upon the Minister, and a few officers of his department, many of the powers already vested in local governing authorities. The Bill suggests a sort of shandy-gaff method whereby members of councils shall be elected on the principle of "first past the post" or on the preferential system. Surely we are too far advanced to revert to the old-fashioned idea of "first past the post" in any election, municipal or parliamentary. As is well known, the principle of an election system based on the idea of "first past the post" invariably results in minority representation to the exclusion of majority representation. I cannot conceive what came into the minds of the members of the special committee to suggest such a backward step and the introduction of such an old-fashioned and undemocratic principle.

To my way of thinking the preferential system is the fairest and most democratic form of election where such bodies are concerned. It may be a little more cumbersome and necessitate more time and expense, but it does ensure that the candidate elected has received the majority of the votes. I also notice that the Bill suggests a reduction in the number of votes to be recorded by any ratepayer. So far so good, but that does not go far enough because it still means the perpetuation of the pernicious system of plural voting. Members on this side of the House have always opposed plural voting. We do not see why the possession of property and bricks and mortar should enter into the question of the election of a man or woman seeking municipal honours any more than it does in the election of members of this Assembly or representatives of the Commonwealth Parliament.

In the Commonwealth Parliament where subjects of world-wide importance are considered, members of that Assembly are elected by persons who have attained the age of 21 years, have been resident for six months and are of sound mind. The same principle applies to the election of members

of this Chamber and to perpetuate the pernicious system of plural voting with municipal elections, is not, to my mind, in accordance with the times. I see a further objection to supporting this Bill in its present form and that is the strange feature that ministers of religion are barred from standing as candidates for municipal elections. They are placed in the same category as criminals or convicted persons or persons of unsound mind. What prompted the Minister or the Government in accepting such a provision as that? It is an insult to a minister's ability when the provisions of the Bill disqualify him from offering himself for election as a member of a council or a road board. I think it is a gratuitous insult to ministers of religion.

The Minister for Local Government: They cannot stand for Parliament either, so it is six of one and half a dozen of the other.

Mr. NEEDHAM: That provision is in the Bill and I am expressing my amazement at its inclusion. I know of one minister who is a member of the Rockingham Road Board and he has done a good job as far as I can understand.

The Minister for Local Government: That would not happen as a member of Parliament.

Mr. NEEDHAM: I do not see why any reverend gentleman who desires to be a member of a municipal council should be disqualified in such a harsh manner. Together with the Bill supplied to members and local authorities, was a memorandum which made little reference to many of the important phases of the measure. For instance, as to advisory boards, I had the opportunity to be in conference with the Perth City Council Committee dealing with the matters contained in the Bill and that committee, in the short time it had at its disposal, studied the Bill as closely as possible.

The Governor is empowered to appoint advisory boards of three persons to advise the Minister on any matter connected with local government. Also, the Minister may refer any question or questions arising under the Bill or with respect to local government to the advisory board for its inquiry, report and recommendations. It further grants an advisory board the same powers as are granted to a Royal Commission. It is a serious matter to give to such a board the power of a Royal Commission without any special reference as to what it shall consider. In the Victorian Local Government Act I understand there is a proviso for the existence of an advisory board. Part 2, Division 9, Section 45, Subsection 1, however, shows the scope of such advisory board as being, "for the purpose of this section provided," and Subsection 3 (b) of Section 45 sets out "matters to be considered by the board." That is to say, it specifies in that particular section which subjects the advisory board shall deal with.

Subsection (3) of Section 45 of the Victorian Act sets out the matters to be considered by the board and Section 46 provides for the reference to the board of requests resulting from polls of ratepayers of local authorities. One would think that if the committee dealing with this Bill took into consideration the Local Government Acts of other States of the Commonwealth, it would be guided by the experience gained as a result of the operations of those Acts. But evidently this committee has not done that because the provisions in this Bill are not as specific as they are in the Victorian Act. The provisions in the latter Act do not apply to the City of Melbourne and are vastly different from the provisions of the Bill under consideration, which empowers the Governor to appoint an advisory board of three persons to which the Minister may refer any matter under this Bill or any matter relating to local government.

This board will have practically all the powers of a Royal Commission. Our experience is that the power of a Royal Commission is limited to a certain subject, and the reference defines the limits beyond which the commission may not go. Members will appreciate the greatly differing circumstances of a Royal Commission appointed under the authority of Parliament as in all such cases the terms of reference are most specifically stated for the guidance of the commission. The chairman of a Royal Commission, too, is usually a person well versed to inquire into the subject and in the manner in which the proceedings should be conducted. I do not care who the Minister for Local Government might be; I cannot see that he would necessarily be able to advise what matters should be referred to the advisory board. Parliament should appreciate how serious this matter is for local government. It is one of the main objections to that portion of the Bill.

That is only one of the important phases. There is also the question of by-laws. This measure proposes to give the Governor-in-Council very wide powers in the making and repealing of the by-laws of a council. This aspect should receive careful consideration when the Bill is in Committee. The Municipal Corporations Act contains no such provision, but there is a section of similar purport in the Road Districts Act. From the general appearance of the Bill, it would seem that the drafting committee set out with the idea of using the Municipal Corporations Act as a nucleus, and then included particular sections that previously applied to rural areas or road districts so as to bring the law governing these local authorities under the one Act. Municipal councils object to this. It is noteworthy that wherever the Minister lacked an overriding power under the Municipal Corporations Act, the drafting committee conveniently adopted an appropriate section of the Road Districts Act.

The municipal areas of the State include nearly half the population and nearly two-thirds of the capital value of improvements. It is therefore a retrograde step in local government to demote the cities and principal towns of the State to the restrictive measures that apply to small rural areas. This should be remembered when the Bill is in Committee. At one time, I understand, small road districts had practically no trained administrative staff, and the power of the Minister to make by-laws was therefore necessary. Probably the Minister made the only by-laws, but that is a totally different matter to applying this method to large towns and cities. The major number of municipal councils object to this provision, and they should be permitted to retain the power of making by-laws now vested in them.

Moreover, the Minister is to be empowered to repeal all a council's bylaws and presumably to enforce bylaws that may be quite unacceptable and, in fact, quite unsuitable for the particular requirements of the district. It is most likely that a general bylaw made to apply to a State as large as Western Australia will be able to meet the varying circumstances of each district or town. I have only to mention Perth, Kalgoorlie, Albany and Geraldton as compared with other parts of the State to show how objectionable that provision is. The whole business of local government is to minister to the particular needs and requirements of its own district, and its bylaws are framed to meet those requirements.

The Minister is also to have over-riding powers in respect of all local authorities in the appointment of officers, and members are justified in asking why the Minister should be vested with such power. The Bill requires a council to appoint such officers, including an overseer, as may be necessary to assist in the execution of the Act, but immediately afterwards prescribes that no officer shall be appointed or removed without the approval of the Minister. Further, the Minister may remove any clerk, engineer or building surveyor from office by giving him notice in writing. I cannot understand why a provision of this nature should be submitted to Parliament, particularly in view of the fact that many statutes dealing with similar matters affecting employees invariably give the right of appeal. Under this measure, however, the Minister proposes to deprive any officer employed by a council of that right.

Here again, I come to a comparison of this proposed legislation with the existing Victorian legislation. The Victorian Local Government Act, Part 5, Division 1, Sections 158, 159 and 160, vests councils with the power to appoint and dismiss officers and it provides for such officers to have the right of an inquiry into such dismissal. The provisions of the Victorian Local Government Act, and also those of the New South Wales Act, conserve the rights of the officers of the council to appeal; and apparently it was recognised by Parliament in 1943 that it was essential for the senior officers of local authorities to be secure against capricious dismissal. I do not suggest for a moment that the Minister would lend himself to a capricious dismissal; but that such a provision should be included in a statute for Western Australia, so contrary to similar legislation recently enacted in other States, is an additional reason for the deferment of this Bill until a Select Committee has had an opportunity to examine and recommend upon its provisions.

A further perusal of the measure, so far as bylaws are concerned, is worth while. The power of the Minister to make model bylaws and the denial of discretionary power to local authorities in the bylaws

relating to the issue of licenses are other dangerous portions of the measure. If Parliament approves of this provision and it becomes law, a council will have no discretionary power at all; everything will rest with the Minister. I have already referred to the fact that it seems that the powers possessed by local authorities will be gradually whittled away. The whole question of bylaws appears to have been inadequately considered. The Minister apparently has power to make model bylaws and for a council to adopt them ultra vires the Act.

It is most illogical to suggest that the council is to exercise no discretion at all, no matter what circumstances may arise, in its administration and action under the bylaw-making powers. Furthermore, there appears to be a contradiction in this principle of discretion even within the Act itself. In respect of the discretionary power of local authorities, quite a number of instances could be quoted, particularly relating to bylaws which cover the installation of equipment such as petrol pumps, and even in the control of inflammable liquids, where circumstances might arise in which it is essential to exercise some discretion. It would be most undesirable for a large quantity of highly inflammable liquid, even though stored in accordance with the provisions of a council bylaw, to be permitted to be located in a situation which might endanger the lives of, say, a number of school children.

The whole matter relating to bylaws requires to be thoroughly reviewed. Another important feature of the Bill, to my mind, is that which deals with the question of loan programmes. Under the present law, a council has power to proceed with a loan after a poll of the ratepayers has been taken. According to the Bill, the requirement for loan programmes to be submitted for the approval of the Minister, may in some cases be thought desirable in areas where the staff may not be considered adequately qualified to determine the works necessary for a loan programme; but to insist that such a restriction should apply to nearly 150 local authorities in the State is unduly hampering the processes of local government and could easily bring the effective action of a local authority to a standstill.

This provision aims at the very essence of local authority. Once the power of a local authority to raise a loan is taken from it, it is deprived of practically all its power. It is well known that the person who controls the purse controls everything. I have heard members of the present Government and members supporting it complain bitterly about the financial relations between the States and the Commonwealth. I myself have pointed out in this House that this State has no sovereign authority. We are not a sovereign State, not even a half-sovereign State, because we must go cap in hand, or our Treasurer must, to get whatever money is required from the Commonwealth Government or Loan Council in order to carry on public works and the administration of the State. The same applies to every State Treasurer.

In addition, we have the Grants Commission, to which we must submit through our Treasury Department the reasons why we require money for this, that, and the other. Neither this State Government, nor any other State Government has any real sovereign right at all while it does not control its revenues. If this Bill becomes an Act, that remark will apply to the local governing authorities. This provision is all the more irrational in a Bill which provides for the better qualification of officers and is also made to apply to cities and large towns where highly qualified officers are employed.

The present provisions requiring due advertisement of loan programmes and for ratepayers to demand a poll are sufficiently protective. I do not see why that particular power which a local authority deems necessary for its district should be altered and the power taken away from the local authority and placed in the hands of the Minister. There is also the aspect that the Minister would require quite a considerable staff to examine the loan programmes of the whole of the local authorities of the State in any year. That could occur. Most of the 150 local governing authorities have a trained and efficient staff, including an engineer, a surveyor and a health inspector, ready with information to help when the loan programme is being drafted, and I can quite easily visualise a large increase in the Minister's Department of Local Government if it is to take over such work.

Those are some of the reasons why I am opposing the measure generally. I do not mean that I am opposing the second

reading. I will support that in the hope that when the Bill reaches the Committee stage many of the improvements suggested by local authorities will be included in it. We have to remember that the men and women who have helped in our local government for years are men and women of public spirit. They have given freely of their service in an honorary capacity, and we want that attitude to continue. We want to encourage them to persevere with their work in that very laudable spirit; but I am afraid that if this Bill becomes an Act there will not be much encouragement for them to continue their service to the public in the same manner as in years gone by, because the Bill provides an entirely new concept of local government, vastly different from that to which we have been accustomed over the years. One would have thought that a Bill of this magnitude would have been introduced not in the last session of a Parliament but in the first. In that event there would have been some justification for congratulating the Government on its action.

Mr. Bovell: You have to give a Minister time to study conditions. He could not do it very well in his first session.

Mr. NEEDHAM: There was ample time for the department over which the Minister presides to prepare a draft Bill and have it ready for the first session of Parliament. I presume it has been in the minds of our friends on the Government bench to bring down this legislation. The Bill could have been introduced in the first session instead of the last. There would have been some chance then for members to give the measure reasonable, careful and intelligent consideration. But despite the fact that five weeks have elapsed since the second reading was moved, I still consider, even taking into consideration the added period during which the local governing authorities and members have had copies of the Bill, there has not been sufficient time in which to consider it in all its important phases.

The member for Northam indicated that at the appropriate time I would move that the Bill be referred to a Select Committee. That is my intention, provided I have the opportunity to do so. That is not in my hands. But whether I move in that direction or some other member does so, I am sure that the feeling of the House is that the Bill should be referred to such a committee, for the reasons adduced by the member for Northam and by myself, and for further reasons that I am sure will be adduced by other members before the second reading debate is disposed of. Because I know that that will occur, and because I feel sure that the consensus of opinion is in favour of reference to a Select Committee, while I have many other phases of the measure to which to refer, I will leave further criticism till that particular time or when the Bill is in the Committee stage.

I can see no way of satisfactorily disposing of the very strong criticism levelled against this measure from many parts of the State and many responsible bodies other than to refer it to a Select Committee. That committee will then be able to take evidence from the many experienced people throughout the State who have a first-hand knowledge of municipal government. It might not be a bad idea if there were a Joint Select Committee of both Houses, because there are members in another place who have had many years' experience of local government. While the appointment of a Select Committee composed of members of this Chamber would be a welcome step, I think it would be an improvement if we had a joint committee. But whether there is a Joint Select Committee or one representative only of the Legislative Assembly, I am sure that much misunderstanding will be removed by its appointment and there will be a better realisation of the objects of the Bill. Further, when it came back from the Select Committee following the tendering of evidence by experts, the Committee of the House could pass a really satisfactory measure for local governing authorities in Western Australia.

MR. READ (Victoria Park) [8.19]: My remarks on this Bill will be designed to direct members to the great importance of the measure. The Bill is one which will make for the domestic happiness of the selected rulers in local government areas or the reverse. The 727 clauses cannot be dealt with by means of the amendments which many of the local governing authorities in this country wish to make. I have here quite a lot of matter which has been covered by the member for Perth, because the considered opinions of some of the large local governing bodies around Perth have been conveyed to both of us. However, I will endeavour not to go over the

same ground as he did, but to confine my remarks to what I think are matters of importance to local governing bodies throughout the country. When the members of the Perth City Council learned that the Bill was to be read a second time on the 15th June, and they only received a copy some time in May, as did the other councils, they considered that the preparation of the draft Bill was mainly in the hands of Government officials. Whilst it was agreed that those gentlemen had great technical knowledge, it was thought that they had not much experience of local government administration, or local government affairs generally.

When it was learned that the Bill was to to be brought down on the 15th June, the Perth City Council called together some of its most expert councillors in local government, and a committee was formed to go as far as possible into the different clauses to see what effect the measure would have on civic management. The members of that particular committee comprised in the main men with upwards of 20 years' experience in local government. Those appointed were Councillors Beadle, Book, Deal, Glowrey, Spencer, Veryard and myself, with, of course, the Lord Mayor who is a man of great experience in this city in local government.

The committee reported to the council that it had given consideration to the Bill, but the decision arrived at was that it had not had sufficient time in which to go properly into the different clauses, and that therefore it was impossible to make a report which would be of any use. As a result, a special meeting of the council was called when it was decided to ask the Minister to postpone the second reading of the Bill for three months. However, the idea then was that the Minister would go straight ahead to push the Bill through. We had some of the clauses of the Bill analysed, and those results have been given by the member for Perth. I might, perhaps, supplement his remarks by saying, in connection with the appointment of an advisory board to the Minister, that it was considered that such a board was not at all necessary because we must remember that the Minister already has the services of the Under Secretary for Local Government, of the Public Works engineers, the Crown Solicitor, the Surveyor General and the Town Planner to advise him on any matter referred to him.

If an advisory board were appointed it would have to consult these different officers on any matter brought before it by the Minister. Then again, the Bill lays down no qualifications for the members of the advisory board. Anybody, irrespective of his knowledge of local government, could be appointed. Another clause—I think not touched on by the member for Perth—provides that the title to streets shall be vested in the Crown. That is an absolute departure from all the principles of local government. Under the Bill it would appear that the local governments would not have the property in the streets. At the present time it is estimated that the main roads alone in the city are worth nearly £1,000,000, although they are not shown in the council's books as assets.

As a result of the measure the council would not be able to exercise any control in regard to damage caused to the roadways, sale of food from kerbstone markets, erection of awnings, signs, etc., auctions in the street, planting of street trees, trolley-bus stands, etc. That particular portion would further deplete the powers of local government in connection with the very things over which they should have power because, in the first instance, they were road boards. To deprive them of the control over their roads would be to defeat their usefulness in a great measure. Power is given to the Minister in connection with the appointment of officers. The Minister is also allowed to retrench those officers. There is nothing in the Bill, as far as we can see, allowing any officer the right to appeal if dismissed by the Minister. From a perusal of other Acts, I find that right is contained in most other legislation, although it is omitted here.

I really think that more powers will be given to the local governing bodies as the years go by. I believe that in the future such power will be given to local bodies that there will be only one central Parliament in Australia. On this side of the House I think that is called unification. Other parties do not like the idea at all, but when we come to consider that we can now get on a plane here tonight and have breakfast in Melbourne, or that in a very few minutes we can talk to Canberra, the seat of government, the matter of distances between the

Government and the people no longer counts. I believe that in future years the Commonwealth Constitution will be amended so that every State will have an equal number of representatives. Greater power will then have to be vested in local governing bodies.

In the short time that my committee had to deal with some of the clauses of this measure, six salient features became evident. One had reference to the appointment of the advisory board and the second was the power of the Minister to make overriding by-laws. The third was the Minister's power to make model by-laws. Then there was the provision for the approval of the Minister for works programmes from loan estimates, and then the provision for power regarding the titles of streets to be vested in the Crown, and the appointment and dismissal by the Minister of council officers. None of those phases was mentioned by the Minister in the memorandum that was circulated to the local governing bodies. Those six features alone would have a crippling effect on the activities of any local governing body. Most other relevant Acts that I have perused definitely uphold the powers vested in such bodies.

The preamble to the Local Government Act of New South Wales, 1919-46, states, "An Act to make better provision for the government of certain areas and to extend the powers and functions of local governing bodies." This measure is just the reverse. It is a measure to repeal certain Acts and to amend others, and for other purposes incidental thereto. The principle of this measure is not to extend the powers and functions of local governing bodies. The financial clauses embodied in this legislation would be almost unworkable for the larger cities. I understand there is a formula laid down in one clause with regard to rating, and the method applied there would mean that we would not be able to see 12 months ahead in striking our estimates.

When striking our estimates last year we were faced with certain unknown factors that could not have been catered for by working to the formula provided in this Bill. For instance, the 40-hour week necessitated the Fire Brigades Board putting on one-third more men, which meant a 17½ per cent. increase in the fire brigade rate for the next year. That could not have been provided for under this measure. Consideration should also be given to the clauses of this Bill dealing with superannuation. I believe that in relation to the 1947 Act Mr. Gray asked the local road boards to fill in a form containing questions about the schemes that were being put in hand collectively between two or more local governing bodies, or singly. I believe that at present there are some such schemes in hand. This measure would make the position awkward for such bodies because they would possibly have to hand back to the contributors the money already subscribed, and they in turn would lose the benefit of the schemes already put in hand.

Local government is the most ancient form of government in the world and deals with community amenities, health and social affairs. Certainly a great deal of power should be vested in local governing authorities, while always conceding to the central government national or international affairs. In times of stress all countries rely on local governing bodies to keep order and carry on. During the war in Europe had it not been for the over-riding powers of local governing bodies there would in many instances have been chaos. Before the German soldiers actually came into occupation in many areas, the local governing authorities supervised transport for the removal of people from one place to another, the distribution of food and so on. In the circumstances, no central government could possibly have done that.

During two wars and a depression we have seen, in this country, local governing bodies doing magnificent work that could not have been done by any Parliament. That was exemplified by many councillors and road board members working on committees related to war activities. A good instance of that is the work that was done by Dr., now Sir Thomas, Meagher, then Lord Mayor of Perth. He worked night and day on duties that could not have been performed by any other citizen of the State. When we thought the Japanese were about to bomb Fremantle and that we might have to evacuate the people there within 12 hours, officers of the Perth City Council made a survey of a great number of houses with the result that we were ready within eight hours to place beds for the people who might have had to be shifted. That survey was made possible by the powers of the local governing body under the Health Act.

Nearly 2,000 years ago, in the early Christian era, when the Apostle Paul was endeavouring to preach in a strange town, he was arrested by Roman soldiers, as we are told in the Acts of the Apostles.

Hon. A. H. Panton: He must have been a "commo."

Mr. READ: The captain asked the soldiers to chain Paul with two chains. When he was taken to the castle he said to the captain, "May I speak with thee?" His request was granted and the captain said, "Are you not an Egyptian, a trouble-maker?" He said, "I am a man that am a Jew of Tarsus, a city of Cilicia. I am a citizen of no mean city." And they let him go.

Hon. A. H. Panton: I should think so.

Mr. READ: That was under the power vested in the local governing bodies of that day.

Hon. J. T. Tonkin: Under the power of Rome.

Mr. READ: It was not according to the power of Rome; It was against the power of Rome. The City Government had supreme power over the position as it arose. The Roman soldiers released him because of the power vested by Tarsus, where the local government was in existence.

Hon. J. T. Tonkin: Because he claimed Roman citizenship.

Mr. SPEAKER: Order!

Mr. READ: In the Old Country—

Hon. J. T. Tonkin: He said, "Civis Romanus sum." I am a citizen of Rome.

Mr. READ: —considerable power is vested in the Shire councils. Of course, it was started there about 1,500 years ago, when the various tribes and families were forced to get together for their own protection. They formulated rules, and from these organisations sprang the local governing bodies of England. These shire councils control education, as well as health matters and various other activities. This Bill should set up an Act which will live for all time and be the guiding factor in the smooth running of local governing bodies. Therefore, the Minister should consent to the appointment of a Select Committee of Parliament to take evidence in order that this Bill may set up something that will last down the years.

Certain local governing bodies, such as Claremont, Fremantle and Subiaco, wrote and asked the Lord Mayor to form a committee to discuss different clauses of the Bill and put something before a Joint Select Committee of this Parliament. We could still do that. We asked that it be done in the first place, before the Bill was brought before Parliament, but even now it could still be done. It is remarkable that many clauses of the Bill, referred to by the member for Perth, were noted simultaneously by three of the largest governing bodies in the metropolitan area. I have with me a letter from the Municipality of Subiaco. Fremantle was another, and also the City of Perth. If members of those bodies could get together and analyse this Bill, we would have something that would be worth while.

All this correspondence and the advice that have been directed to the Minister by the various councils and road boards have not been forthcoming with a view to carping criticism. We understand that he has done what he considers to be the right thing according to his beliefs. The advice given was meant to be helpful, and not for the benefit of any individual local authority. The idea was to have a Bill that would be almost perfect, as it should be after consideration by members of Parliament and representatives of local governing bodies. I have with me the opinion of several solicitors whom the Perth City Council requested to go hurriedly through some of the clauses of the Bill. I do not propose to read them to members, as they are voluminous. One of them states:—

> In this case I am instructed to comment on any deficiencies in the drafting of this Bill, and accordingly all the following comments are critcial. This does not mean that there are no good points in the Bill but, in my opinion, it is not unfair to say that over all the Bill is poor work.

Two points are evident at even a cursory examination:

> (1) The Bill is not a new and comprehensive piece of draftsmanship: It is the Municipal Corporations Act, 1906–1947, with a lot of scissors and paste additions and very little attempt to produce a modern and coherent draft.
>
> (2) The Minister's explanatory memorandum is virtually useless as a guide to the important provisions of the Bill.

He then goes on to give four examples of his comments, and they are as follows:—

(1) Examples of careless drafting and proofreading.

(2) Examples of incompetent drafting.

(3 Examples of undesirable amendments to the law and failure to make desirable amendments.

(4) Proposed Ministerial control.

I would say that if we tried to amend the clauses of this Bill, the effort would be a failure. There would be a flood of amendments, a virtual forest of them, from different local governing bodies, and it would be impossible to deal with them all in Committee in the time available. If these amendments, received from the different bodies, were analysed by a Select Committee of Parliament, then we would get somewhere. I support the contention of the member for Perth that a Select Committee should be appointed. As regards the second reading of the Bill in its present form, and without attempting to put forward any of my council's amendments, I would certainly vote against it.

MR. PERKINS (York) [8.49]: This Bill is undoubtedly an extremely important one and deals with a question with which every member of this House has some personal contact. Some members may be representatives on local governing authorities, but at least all members come into close contact with these authorities, because they are bodies responsible for local government in the particular areas represented in this Chamber. Those authorities naturally impinge, in many directions, on the wider questions which are considered in this Parliament. I have spoken many times in this House on our local government set-up and on each occasion it has been towards preserving the prestige and powers of local authorities and, where possible, extending them. I believe that the Acts under which our local authorities are operating, the Municipal Corporations and the Road Districts Acts, have been far too restrictive in their scope and, in many respects, the local authorities have not the prestige and authority which the local authorities in some of the other States have enjoyed.

I consider that in any of the Australian States the local authorities have not the power and prestige which are possessed by the local authorities in England, for instance. In considering this question of the powers of local authority inevitably we revert to how the local authorities came into existence. The fact is they constituted the first form of government which English people knew. That is shown by early historical records. That must be the history of any country which gradually developed from a barbarian state to one of ordered government. Central government was gradually built up from government in local areas and that in turn probably was evolved from early tribal customs. Therefore, local government has a long history and the way it has developed in older countries has not been accidental but has been evolved through trial and error.

Most members, especially those with a knowledge of English conditions, will agree that local government in England has served that country exceedingly well indeed and probably has been responsible for the sound basis on which English democratic institutions have developed and which have set an example to the world. The beginnings of local government in Australia were entirely different. All the Australian colonies were originally Crown colonies and in the first instance they were governed from England. When responsible government was granted to the Australian colonies a central government was constituted and local government in Australia in every instance has been developed from powers delegated to it by the various central governments.

The State Governments were the original and from them sprang the various local governing authorities and also the Commonwealth Government as we know it today. So in considering the system of local government which we have in Australia at present we need to pay due consideration to how that system came into being. In my opinion some other States have made a better job of constituting their system of local government than has Western Australia. Of course, those other States are more populous than in Western Australia, but I think this State has now arrived at the stage where it can well follow the example of some of the other States and raise the prestige and power of our local governing bodies.

Mr. Needham: This Bill will not do it.

Mr. PERKINS: It can do it. Few lengthy Bills are introduced in this Chamber which do not require some considerable amendment. The set-up of local government in Western Australia has provided for two

sets of local authorities in many of our country areas and which operate under two separate Acts. Whilst that procedure may have had some precedent when it was instituted I think that those who have experience of the local authorities working under the Municipal Corporations Act and the Road Districts Act will agree that both those measures require some overhaul and and I believe the Minister has taken the right course when attempting some reform of those Acts to make a proper job of it and frame a Bill which will cater for all our local government needs. However, we will reach that point soon enough. Nevertheless, I will point out to the House, without going into too much detail, that I am not suggesting that the set-up of our local authorities is entirely disadvantageous as compared with those in the Eastern States. I am conversant with the system of local government in the Eastern States and I am firmly of the opinion that they are in more financial trouble than are those in this State.

Mr. May : They must be pretty bad, then.

Mr. PERKINS : They are indeed bad, and any member conversant with the set-up will know that there is a great deal of worry for those responsible for local government as to what the future holds for them. However, I do not want to enter into that question tonight because it touches on other aspects of finance which has to be provided outside of the actual legislative set-up. One of the major points of difference in relation to the financial side is that in this State our country local authorities are fortunate enough to have the fees from the licensing of motor vehicles whilst in the Eastern States it is the practice for the fees to be collected by the central authority. That is an important point which all country members will appreciate because with most country local authorities, the license fees amount to as much as the rates. I think that has been responsible, in some degree, for cushioning the severe financial difficulties which have beset most of the local governing authorities throughout Western Australia. That is beside the point but I did not want anyone to gain the impression that I considered the whole set-up of local government in this State was disadvantageous compared with the set-up in other States of the Commonwealth.

It is the legislative set-up with which I am more particularly concerned at present. All members, I believe, have had a long list of amendments suggested to them by local authorities. If any member has received more than I have, he has a very long list indeed. I have three large sheets and I believe that a large number of amendments are necessary. I cannot understand how some of the provisions came to be included in the Bill. No doubt the measure was prepared by departmental officers, but I rather wonder at the Minister's agreeing to them in their present form. The explanation may be that all the provisions in the Bill appear in either the Municipal Corporations Act or the Road Districts Act but, when these two pieces of legislation are amalgamated, they make the amalgamated measure more restrictive than either of the parent Acts.

Some provisions are little better than absurdities. For instance, there are proposals to which most country local authorities take great exception providing that before any surplus equipment may be sold, the approval of the Minister must be obtained. That is my interpretation of the provision and it would mean that if some equipment were no longer of any use, tenders would have to be called and the approval of the Minister would have to be obtained before it could be disposed of. Approval no doubt could be obtained, but this sort of thing makes the administration of the Act far too cumbersome. In practice, if the Minister exercised all the powers, it would not be so bad, but we know that these powers are actually exercised by departmental officers, and most members will agree that when extensive powers are placed in the hands of any departmental officer, no matter how conscientious he might be, it tends to develop a bureaucratic outlook.

It has been said on many occasions that power corrupts and absolute power corrupts absolutely. In a matter of this sort no case can be made out for taking away the power from the people who are right on the spot. We should give the power to the people on the spot who are doing the job and I have no doubt that in most cases it would be exercised in a proper manner. In some cases local authorities might abuse their power and some people might suffer in consequence, but the people who suffered would be the ratepayers of the area and, if we believe in democratic government, surely we have no fault to find with that!

Mr. Hegney: Do you believe in plural voting?

Mr. PERKINS: If the people know that their representatives in the council abuse their powers, the obvious remedy is for the ratepayers to elect men of the right type. It is very easy to deal with any of the amendments that refer to the overriding power of the Minister. If it is a matter that concerns the local area, the power should be reserved to the local authority. Of course, if the power were of a wide nature and concerned the health of the community outside a certain local area or could be exercised to the detriment of the people as a whole, it would be an entirely different question and a case could then be made out for reference to the Minister to ensure that one local authority did not do an injustice to neighbouring districts or to the people of the State generally. On the narrow question of whether the people in a local area might be injured by the misuse of power in that area, however, we can very well leave the matter to the people themselves to make a decision.

In the course of the debate some rather misleading statements have been made. Possibly the members responsible for making them have not fully realised the effect of the proposals in the Bill and what the existing position is. I heard one member say that an injustice might be done to officers employed by the local authority in that they would have no right of appeal. They would have as much right of appeal under this measure as they have now in that the Minister must approve of the dismissal of an officer.

Mr. Needham: The Minister's word will be final.

The Minister for Local Government: That is so, and it is designed to protect the officers.

Mr. PERKINS: I know that that has been the position. Surely no responsible local authority is likely to treat its employees unjustly!

Hon. A. R. G. Hawke: A responsible one would not do that.

Mr. PERKINS: In these enlightened times, a local authority that acquired a reputation for treating its employees, whether chief executive officers or others, unjustly, would find it very difficult to obtain the services of suitable men. However, I am not greatly concerned about that provision because, if it is adhered to, no doubt the local authorities will agree to it. The road boards have been working under it. A great deal of the discussion on that provision has, in my opinion, not been warranted because this proposal is not one that ought to cause the rejection or acceptance of the measure.

Hon. J. T. Tonkin: Do you think we shall finish the Bill by the end of October?

Mr. PERKINS: The question of voting is one that causes much concern. It is something that has been fairly well tried out over the years by the various local authorities both in this and the other States, and there has been a great deal of discussion on the subject in reference to this measure. All of the opinions which I have received from local authorities in the district I represent are in favour of the retention of plural voting, and surely we cannot ignore what the people ask for. I understand that in England the voting system is different. In some districts in that country there is ordinary adult franchise.

Mr. Hoar: Quite right!

Mr. PERKINS: Members should realise, however, that the rating system in England is entirely different from that in Australia. I understand that in the Old Country agricultural lands are almost entirely exempt from rating and that the bulk of the rates comes from what is really a tax on rents. It is difficult to get concrete information on the subject, but a person who is in a position to advise me—and I put his information forward for what it is worth; I have no authority to back it—said that the local rate amounts to approximately one-third of the rent of the average dwelling. Therefore members will realise that rates in England are really a tax on the whole population. There is every justification on that basis, if all the people pay the rates, for all the people to have a vote in regard to the spending of them. However, that does not apply in Australia. Rating in Australia is on a purely property basis and therefore it has been thought right that the franchise should also be on a property basis, because all the members elected will be spending the money collected in rates.

Hon. A. H. Panton: Who would you say paid the rates in Hay Street, the shopping centre?

Mr. PERKINS: The fact that the rating is on a property basis here accounts for the insistence by local authorities upon the franchise being on a property basis. I am aware that local authorities deal with many matters other than those directly concerned with property; but in general the system has worked reasonably well in our country districts at all events. I do not presume to speak for the metropolitan area as we have plenty of members who can do so. It will be impossible for Parliament to ignore the advice tendered by so many local authorities and it is just as well that we should know the background of the advice given us.

There are one or two thorny questions about which I notice there is much conflict of opinion. In my district there is one municipal council and there are several road boards. When the advice from these authorities conflicts, it makes it impossible for one to satisfy both points of view. In any case, we are here as representatives of the people who elected us and we must take what we consider to be the proper course after we have made due inquiry. Some of the questions I think could be resolved by giving the people in the district concerned the right to carry on as they have done in the past, rather than by making precise provisions in the Bill as to what should be done. I refer to two matters in particular. One is the election of the president or the mayor. I have noticed that in the districts where road boards are operating the election of the president by the authority is favoured; but in the areas where councils are operating the election of the mayor or president by the ratepayers is favoured, as that has been the practice under existing legislation.

I can see no objection to leaving the matter to the councils to determine under which system they will operate. It is surely in the interests of good government that the people should have a system they are satisfied with; and if the people in any district think they will get a more capable president or mayor by a poll of the ratepayers I have no objection to that system. If on the other hand they think it more satisfactory for the council, after it is elected, to elect the president or mayor under whom they shall work there should surely be room enough in the Bill to allow that to be done. Personally I consider the more satisfactory method is for the council to elect the president, as in the past instances have occurred where ratepayers have elected a person to act as mayor who cannot get on with the councillors and consequently most of the time of the council is taken up in a dispute between the executive head and the councillors. That is undesirable in any district; the mayor or president and the councillors should work together for the good of the district.

The other question is whether members should retire annually or every three years. Here again there is a very sharp difference of opinion. In my view either system would work satisfactorily. If a new council is elected every three years, there might by some extraordinary chance be a big change in the personnel of the council, and it would take the new members some time to get a proper grasp of the affairs of the council. In practice, however, that is extremely unlikely; but again I see no objection to allowing the local district itself to decide which system it wishes to adopt. It has been said that the cost of annual elections is a bar to their being held, but from what I know of such elections the cost involved is very small indeed. In the discussion on this Bill we might very well ignore the cost factor as I do not believe it is of sufficient importance.

Hon. A. R. G. Hawke: What about the voting system?

Mr. PERKINS: I think the member for Northam must have been out of the Chamber. I have been discussing that point. I do not know that there are any other portions of the Bill concerning which I need to make my opinions clear. I think I have made my general attitude sufficiently plain in what I have had to say up to this point.

Mr. Hegney: Not as clear as usual.

Mr. PERKINS: I believe that a new measure is very necessary. The two Acts under which our local authorities operate at present are very old, and most people agree that in many respects they are entirely out of date. Whether this Bill is passed or not, it is absolutely necessary that those old Acts should be overhauled. It should be within our power so to mould this Bill as to make it a suitable measure for our local authorities to work under.

Hon. J. T. Tonkin: It will not be power we lack, but time.

Mr. PERKINS: In some respects the measure should have very beneficial consequences. For instance, in some of our country areas we have a municipal council acting as the local governing body covering

a comparatively small town; and then we have a road board governing the area outside of that. Any member conversant with that set-up—I think the member for Wagin is familiar with it in his area, and I have it at York—will agree there is a tremendous waste and overlapping under that system, and sometimes friction develops. But in the bringing about of an amalgamation of these bodies, we must be careful that there is no loss of prestige on the part of those who have been working under the Municipal Corporations Act, and who would be very reluctant to be compelled to go back, as they would regard it, to working under the Road Districts Act. In any event, that Act is an absolute misnomer insofar as giving any idea of what our local authorities are responsible for is concerned.

The members of a municipal council are known as councillors; those of the other local authority are just called members of a road board. In other States of the Commonwealth the members of any local authority are always given the title of councillors. Any measure that will build up the prestige of our local authorities is all to the good, and it is little enough for us to do for people who give a great deal of time to local government in a voluntary capacity and who are doing an excellent job. They are the people who are really making local government in our country districts tick. Personally I favour the delegation of a lot of powers which are administered by State departments in the city to the local authorities, because I think they can better interpret the needs of the people in their own particular area than can people in a department at a considerable distance from where the actual work is being carried out.

Mr. Hoar: Would you still retain the present franchise if you gave them more powers?

Mr. PERKINS: I see no objection to that. If the government is being suitably carried out and the powers to which I am referring are ones that affect the local area intimately, I see no reason why the people who are elected under our present system should not be quite capable of doing the job satisfactorily under the amended set-up. My general attitude towards the Bill is that if possible we should deal with it and obtain the necessary amendments. I do not look forward to the Committee stage. Obviously the number of amendments that are likely to be necessary is very great; but it must be done somehow and the situation must be faced some time. The general framework of the measure is here and I do not see very much wrong with that.

Mr. Read: Nobody does.

Mr. PERKINS: I am glad to have that interjection. Seeing that we have the general framework, I think we should do our job and deal with the necessary amendments. It is fairly simple to decide between the amendments we should have and those we should not have. Any proposals that place power and authority back in the hands of the people on the spot should be acceptable provided that they are not likely to cause any injustice to people in other areas or over the State as a whole. Undoubtedly in any local government measure there must be restrictive provisions, but certainly not the tremendous number that are in this Bill. On that basis I support the second reading.

On motion by Mr. Ackland, debate adjourned.

House adjourned at 9.28 p.m.

Legislative Council.

Wednesday, 20th July, 1949.

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