Mr. Blaikie: Rural reconstruction operating within the same region is working much more effectively than the Marginal Dairy Farms Reconstruction Scheme.

Mr. H. D. EVANS: That is a totally different set of circumstances. The honourable member made the further remark, "The funds are not being fully expended." There seems to be alarm about this. However, the funds are not being fully expended in Western Australia or in any other State of the Commonwealth, although proportionately Western Australia has arranged the disposal of more marginal dairy farms than any other State with the exception of Queensland. I do not think the delay can be laid at the door of the authority.

I feel that the honourable member should have examined the situation a little more closely instead of latching onto a superficial criticism which is, to say the least, unjust. If the honourable member had looked for the real reasons, he would have discovered economic and sociological factors which are nullifying the efforts of the scheme to overcome the low-income dairy farm problem not only in Western Australia but also in other States.

Mr. Blaikie: How can you explain that farms in these dairying areas are now changing hands by private treaty outside the scheme? You cannot explain it at all.

Mr. H. D. EVANS: I would have to know a little about the circumstances before I would offer an explanation.

Mr. Blaikie: I would have hoped this would be in the reply.

Mr. H. D. EVANS: The honourable member suggested one avenue of criticism and that is the maladministration of the dairying industry. He said that the industry was inadequately equipped with officers, but this is ludicrous. The honourable member also suggested that the approach to the problem has been inefficient. However, our results compare favourably with those achieved in all States except one.

The real reasons for the delay are economic and sociological and I have referred to several of these. Such factors will only be counteracted if the terms of the agreement between the Commonwealth and State are widened or the economic climate changes significantly. An inquiry into the administration of the scheme is unlikely to change either of these factors. I suggest that the whole submission was misleading and ill-informed.

I also asked the member for Vasse to be specific rather than list a series of generalised complaints. I would have appreciated the presentation of facts from farmers who had not received satisfaction under the scheme, and we must bear in mind that there must be a number of disappointed farmers as there are insufficient farms available to purchase. On four separate occasions I asked the honourable member to be specific and he said, "I will come to that." He is still coming to it. Apart from the two separate letters which he read he did not substantiate the points he made. The complaints he was levelling at the authority were never manifest and it is on that ground, as well as the lack of consideration of the real factors behind the difficulties of the scheme, not only in this State but also in other States, that I ask the House to reject the motion.

Debate adjourned, on motion by Mr. I. W. Manning.

FISHERIES ACT

Amendment of Regulations: Council's Resolution

Message from the Council received and read requesting the Assembly's concurrence in the following resolution:—

> That the Regulations made pursuant to the Fisheries Act, 1905-1969, as published in the *Government Gazette* on the 21st September, 1971, and laid upon the Table of the House on the 5th October, 1971, be amended as follows—
>
> > To insert after paragraph (a) of subregulation (2B) of regulation 3AA, a new paragraph to stand as paragraph (aa) as follows:
> >
> > (aa) is in receipt of a pension under the provisions of the Coal Mine Workers (Pensions) Act, 1943-1971;

House adjourned at 10.07 p.m.

Legislative Council

Thursday, the 5th October, 1972

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

QUESTIONS ON NOTICE

Postponement

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the House) [2.31 p.m.]: I ask leave of the House to postpone questions until a later stage of the sitting.

The PRESIDENT: Leave is granted.

ADJOURNMENT OF THE HOUSE: SPECIAL

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the House) [2.32 p.m.]: I move without notice—

That the House at its rising adjourn until Wednesday, the 11th October, at 2.30 p.m.

Question put and passed.

CRIMINAL CODE AMENDMENT BILL (No. 3)

Standing Order 93: Statement

THE HON. CLIVE GRIFFITHS (South-East Metropolitan) [2.33 p.m.]: I seek permission to make a statement under Standing Order 93.

The PRESIDENT: Permission is granted.

The Hon. CLIVE GRIFFITHS: Mr. President, you will recall that this House continued the debate on the second reading of the Criminal Code Amendment Bill (No. 3) yesterday and that I, and some other members, participated in that debate.

As a result of the comments made by the various members during the course of the debate, an article appeared in this morning's copy of *The West Australian* at page 14 under the heading, "Plea for exclusion right on abortion." Reference is made in the article to the comments I had made. I wish to read that particular comment, Mr. President, which is as follows:—

> Mr. C. E. Griffiths (Lib., South-East Metropolitan) said he believed that there was room for clarification of the law and he supported the Bill.

Mr. President, I am sure you, as well as other members, will recall that I did no such thing. I stated emphatically that I am opposed to the Bill and intend to vote against the second reading. Indeed, I mentioned that particular point of view two or three times in the course of my speech of 12 sentences.

I take strong exception to having my name associated with a comment such as this. I feel I am entitled to expect *The West Australian* newspaper to print a complete retraction of the statement and, indeed, a complete copy of the speech I made in this regard.

DAYLIGHT SAVING BILL

Second Reading

THE HON. R. H. C. STUBBS (South-East—Chief Secretary) [2.36 p.m.]: I move—

That the Bill be now read a second time.

In view of an expression of surprise by certain members of the Opposition in another place that the Government has made another effort to introduce daylight saving legislation, I feel that I should enumerate to this House the steps that led up to such a decision being arrived at. In actual fact the first step in such a move was initiated by a member of the Opposition in this Chamber and I refer to The Hon. I. G. Medcalf who moved a resolution—

> That in the light of recent experience of daylight saving in the Eastern States and bearing in mind the varied results and conclusions reached in those States, this House is of the opinion that the Government should arrange for a properly qualified committee of persons to report on the likely effects of daylight saving on the Western Australian population having regard for health, sociological, climatic and meteorological considerations so that if some Eastern States propose to reinstitute daylight saving next summer, the Government may in the national interest of interstate trade, commerce and communications be in a position to produce some authoritative evidence to support a case for all States standardising on a time adjustment which achieves an acceptable compromise in view of varying time factors and conditions in the several States.

The Government gave the motion consideration and agreed that it had considerable merit and I pay tribute to its author. Accordingly a committee of inquiry was established.

Although the committee did not hear verbal evidence it did, by way of advertisement in both metropolitan and country newspapers, seek written submissions from those in favour and those opposed to the scheme. Additionally the committee secretariat wrote to Government departments in the Eastern States seeking their views on the effects that daylight saving had had on their various States.

Consequently the committee compiled a summary of its deliberations which was supported by two appendices, A and B. Appendix A dealt with submissions made to the committee by organisations and individuals. Appendix B dealt with the experience of daylight saving in the Eastern States.

I think the committee did a good job in that it reported on the likely effects of daylight saving on the Western Australian population. No recommendations were recorded and this appeared to upset certain members, but it did not upset the Government as no recommendations were required. The Government did not seek recommendations, because it felt that it was the duty of Parliament to make up its own mind about such a scheme on evidence produced to it.

The next step towards taking the decision to introduce the legislation was my attendance at a conference of State

Ministers in Sydney on the 21st July. The views of the various States were discussed at this time.

At this meeting, New South Wales, Victoria, South Australia, and Tasmania intimated they were prepared to again introduce legislation for daylight saving, but this time it was to become a permanent feature and not simply a trial as it was last year.

Queensland on the other hand decided that it would continue the trial period, but with a change. It would have no daylight saving this year and the trial would be to examine the effects that would arise when other States had daylight saving and it did not.

Let us make no mistake, the Queensland people have not made a definite decision to scrap daylight saving. At the conference Queensland assured the other States that it will re-examine the position next year and make a judgment based on a year with daylight saving and a year without it.

If this legislation becomes law, Western Australia will be able to conduct its own trial—the first year, without daylight saving and then a year with daylight saving.

The final step that led up to the decision was Cabinet's consideration of firstly the committee of inquiry's report, and secondly, my report of the State Ministers' conference.

In making a decision to introduce the Bill, the Government had two objectives in view. In the first instance it was felt that the introduction of daylight saving would be of benefit to the State as a whole from both a health and sociological angle; and secondly, in view of the proposed permanent participation of four States, including New South Wales and Victoria, it was felt that Western Australia could not cope indefinitely with an increased time differential of three hours.

Last year Western Australia did not have daylight saving, and contrary to the arguments of some members of this House and in another place, this caused many hardships to quite a large number of people.

The Hon. J. Heitman: Could you tell us about some of them?

The Hon. R. H. C. STUBBS: For that reason it is the Government's desire to implement daylight saving for a year of trial in order that we may be in a position to make a balanced judgment. At the risk of being criticised for repeating myself I will again say: In order that we can be in a position to make a balanced judgment.

The Hon. A. F. Griffith: What were some of the hardships?

The Hon. R. H. C. STUBBS: I will not be unruly and reply right now.

The Hon. A. F. Griffith: Why not?

The Hon. R. H. C. STUBBS: I will reply later to the Leader of the Opposition.

The Hon. A. F. Griffith: I simply asked a civil question: what were some of the difficulties which arose?

The Hon. R. H. C. STUBBS: I will tell the honourable member in due course.

The Hon. A. F. Griffith: You do not want to reply. You obviously cannot.

The PRESIDENT: Order!

The Hon. R. H. C. STUBBS: To my way of thinking, such a judgment is most necessary as I feel that both opponents and supporters of daylight saving have been guilty of making some extravagant claims to support their cases.

Extravagant as they may appear, the only way they can be judged to be sound or false, however, is by practical experience; in other words, by a trial period.

Opponents of the system want us to make a decision on the experiences last year or during two war years. To use the latter as a criterion is of course ridiculous as things are not normal in wartime and effects apparent then would most likely be entirely different from those of peace time.

As to the former, it strikes me that the claim that last year's experience would enable us to make a judgment savours of being frightened to try a new system in case it is better than the one we have.

Although it is not my intention to speak at length on the propaganda put up by opponents of daylight saving, I feel I should dispel some of the claims put forward by certain organisations, particularly in regard to health.

The two organisations who raised the health angle were the Motion Picture Exhibitors Association of W.A., and the Trades and Labor Council. The former presented evidence which was based chiefly on three specialists from Queensland and New South Wales, and two unnamed Western Australian doctors.

None of the Eastern States doctors were specialists in dermatology or ophthalmology and their evidence was not detailed and therefore it was not possible to ascertain whether their views were expressed on the basis of exposure to the sun during the critical hours, which are regarded as between 10.00 a.m. and 3.00 p.m., or whether to exposure to the sun on such hours as 4.00 p.m. to 6.00 p.m. or after.

Of course this is exceedingly important as. unless daylight saving is going to expose people to the sun in the critical hours, I fail to see how it can be claimed that it will have a detrimental effect on the eyes and the skin.

The T.L.C. indicated that after a lengthy discussion with its 86 unions—and there was no mention that it had received any expert advice on such a complex question—it had been overwhelmingly

decided that the council is not in favour of any disturbance to existing local time. The submission also added that the council considers that in the summer, daylight hours are adequate enough and in particular it mentioned the hazards that are already with us in respect of solar radiation exposures and the long hours of heat in the middle of the summer months. Once again, there is no tie-up with daylight saving and exposure as a change of hours cannot expose workers to more time in the critical hours and it certainly cannot lengthen the long hours of heat.

The Hon. J. Heitman: They will spend most of their time in the hotels.

The Hon. R. H. C. STUBBS: On the other hand the report made to the committee by the Commissioner of Public Health quotes the opinion of specialists trained in the field of dermatology and ophthalmology; those who have practised for a considerable time in Western Australia. Additionally their names were supplied to the secretariat of the committee and their evidence was directed to the effect an extra hour of daylight saving would have on people and not the effect of the exposure to the sun between the hours of 10.00 a.m. and 3.00 p.m.

As a result of evidence submitted I think that the committee did the only thing possible when it agreed by a majority decision with the submission of Dr. Davidson which claimed—

(1) that daylight saving in Western Australia would have no adverse effect on the skin;

(2) that daylight saving will not affect the eyes and in so far as people are likely to have an extra hour of natural light instead of an hour of artificial light it could be considered an advantage;

(3) to the extent that people use the extra hour of daylight in outdoor activities, it could be beneficial to their health because exercise as a prevention of coronary heart disease is well known.

This evidence, coupled with that of a spokesman of a medical organisation who said, "I know of no ill effects upon the health of any child or adult from daylight saving; on the contrary daylight saving can provide additional opportunity to enhance the physical health of the community," influenced the Government to the same conclusion as the majority of the committee who felt that on balance daylight saving should benefit the health of the people of Western Australia.

Whilst on the question of the health aspect I think it is opportune to mention that a number of States that operated daylight saving last year were most impressed by the fact that the scheme enabled people to participate more fully in family activity and recreations.

Sporting bodies throughout the State have indicated strong support for the scheme because of the additional amount of time for recreation.

At this stage I think it opportune for me to refer to the second objective in the Government's decision; that is, the prevention of an increase in the time differential.

I would not be telling the truth if I said that business dealings with the Eastern States were not possible during the times when the Eastern States were on daylight saving and we were not, but it would be equally false for opponents of daylight saving to say that the increase in the time differential did not cause considerable inconvenience, that efficiency was not impaired, and there were no financial losses.

The Hon. A. F. Griffith: What was the financial loss, and what was the inconvenience?

The Hon. R. H. C. STUBBS: I am well aware of the suggested remedies for an increase in the time differential put forward by the opponents of daylight saving, but I do not agree with them and neither do the majority of industrial, manufacturing, and commercial interests who, from bitter experience, have found they just do not work.

The committee of inquiry sought evidence on this question and probably the most illuminating statistics that were forthcoming were those submitted by the Chamber of Manufactures which sought an opinion from its members and, of a total of 126 replies, found that 95 or 75 per cent. were for daylight saving and no time differential increase, 21 or 17 per cent. were opposed to daylight saving, and 10 or 8 per cent. had no view either way.

The Stock Exchange, banks, and other financial organisations all expressed support, and a most interesting comment was that of the Secretary of the West Australian Road Transport Association who had this to say—

> When the subject was raised last year the association policy was opposed to the introduction of daylight saving. The industry, however, is also aware of the difficulties experienced last year in contacting the Eastern States offices, etc.
>
> These problems were emphasised at a meeting of the executive and it was finally resolved that the association would support any proposal that would not interfere with the present time relationship with the Eastern States.

We as a Government would be most unrealistic if we were not aware that the introduction of daylight saving would present problems to some people. Let me say we are well aware of this and for that reason we are anxious to see if these problems cannot be eliminated or at the least minimised.

Country people claim that they will be seriously affected and in the main their evidence in support of their claim is consistent with that of country people in other States.

It is evident that some inconveniences will occur to certain sections of the rural industries—

The Hon. J. Heitman: Does not that worry you?

The Hon. R. H. C. STUBBS: —but I feel that some of the claims, like some of those in Eastern States, will not stand up to close examination.

We have for instance claims that there will be loss of hours in which grain could be deposited at receiving bins, but Co-operative Bulk Handling Ltd., has stated it is prepared to alter its hours to assist and that alterations will not cause industrial strife.

Some country members in another place have claimed that daylight saving could seriously inconvenience farmers if they had machinery breakdowns. I think an examination of the Telephone Directory will reveal that all the leading machinery organisations have special after-hours numbers and it is therefore very evident that daylight saving will have no effect whatsoever in obtaining replacements if so required.

The Hon. J. Heitman: Have you ever tried ringing up for replacements?

The Hon. R. H. C. STUBBS: Additionally, there are quite a few people in country areas, maybe not farmers, but still country folk who are strong supporters of the scheme. Support for the scheme for instance has come from the Kununurra Progress Association, the Kalgoorlie Chamber of Commerce and I am told that the Leader of the Opposition in another place has received a petition from some 85 employees of Western Titanium of Capel requesting him to support daylight saving.

Whilst dealing with the protests from the rural sector I feel I should make mention of the genuine concern that has been expressed by many country people about the possible effects daylight saving will have on school children and of how they will have to leave home early in the morning and return in the heat of the day.

It should be borne in mind that school children will be on holiday for seven of the 18 weeks the scheme would operate if approved and, secondly, that it is possible to vary the starting and finishing times of school.

I now come to an important part of the Motion Picture Exhibitors Association's submission; that is that the introduction of daylight saving would mean a fall-off in attendance, with consequent retrenchment of theatre and drive-in staff.

I am quite willing to concede that, in keeping with happenings in other States, daylight saving could cause a loss of patronage to picture theatres and drive-ins, but I somehow feel that the industry is trying to indicate that the fall-off of patronage would assume disastrous proportions.

The industry has put together an excellent case, but here again I feel that all its evidence is based on pure conjecture and conjecture does not always become fact. Reports from the Eastern States indicate that dire predictions were made there last year, but authorities, when questioned, all stated that these predictions did not eventuate to the degree prophesied. I think the same will happen in this State if daylight saving is introduced. The Bill before the House is not the same as that presented last year in that it differs in the period of daylight saving sought. Last year the Bill was for daylight saving from 2.00 a.m. on the last Sunday in October to 2.00 a.m. on the last Sunday in February. This Bill seeks daylight saving from 2.00 a.m. on Sunday, October 29th to 2.00 a.m. on Sunday, March 4th, which is the first Sunday in March.

The Hon. A. F. Griffith: How about the Government issuing a guarantee to the motion picture industry against losses?

The Hon. R. H. C. STUBBS: Much more can be said for and against daylight saving, but in my humble opinion the only way it will be possible for us to satisfactorily answer the question as to whether daylight saving is necessary is to experience a trial period with it and without it.

We have had a summer without it whilst others have tried it. Let us try it along with other States in order that we can truly evaluate the position.

I deplore the suggestion that we would be merely experimenting on the public if we tried daylight saving. Those who do not want daylight saving have had a chance to evaluate their ideas; those who are in favour are entitled to a chance to prove their points.

If any honourable member wishes to put a question to me during his contribution to the debate on this Bill I will answer it in the best way I can.

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

BILLS (4): REPORT

1. Factories and Shops Act Amendment Bill.
2. Public and Bank Holidays Bill.
3. Interpretation Act Amendment Bill.
4. Inheritance (Family and Dependants Provision) Bill.

Reports of Committee adopted.

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 3)

Second Reading

Debate resumed from the 19th September.

THE HON. J. HEITMAN (Upper West) [3.02 p.m.]: This Bill seeks to amend something like 25 sections of the Local Local Government Act. I think it is necessary to go through each of them and speak to each one in turn. I will not worry about the title or the commencement of the Bill.

I feel that clause 3 of the Bill, which seeks to amend section 12 of the principal Act, has not been asked for by any of the local government associations, though I think it has been asked for by the Local Government Department and the Boundaries Commission.

I think I should explain in connection with the members of the present Boundaries Commission that all of us would speak very highly of the way they carry out their work. When they are presented with a petition to inquire into boundary changes they do not just go at it like a bull at a gate. They have a thorough look at the situation; they approach the municipalities concerned and acquaint them with what they think; they talk the matter over with those who may be concerned, and give them time to consider the proposal; after which they return and take evidence as to whether or not the councils or municipalities are keen enough to go ahead with the recommendations of the committee before a report is made to the Minister.

I do not think we can get anything fairer than this. The members of the Boundaries Commission cannot do anything at any time unless they are presented with a petition from the people who wish to have their boundaries altered.

This clause—clause 3—asks for the petition requirement to be done away with, thus giving the Boundaries Commission and the Minister the go-ahead to make what boundary changes they feel are desirable without asking for submissions from anybody else. It will be the prerogative of the Boundaries Commission and the Minister to carry this out.

I feel this tends to take away from an individual shire the right it possesses in this regard, apart from which sections 3 and 4 of the Local Government Act provide plenty of scope for the Boundaries Commission where only one shire presents a petition for a boundary change. I do not think we should take away this right which the shire possesses to present a petition to have its boundary changes investigated. I think it should be the right of any body to say whether or not boundary changes should be investigated.

Clause 3 (c) seeks to add a new subsection which provides that councils shall not have the right to employ a solicitor or barrister to assist them.

The Hon. R. H. C. Stubbs: You mean to assist them in court?

The Hon. J. HEITMAN: Yes. The new subsection reads—

> (7) On any matter for consideration before the Local Government Boundaries Commission appointed under subsection (6) of this section a municipality or other person shall not be represented—
>
> (a) by a barrister or solicitor or by a person who has qualified for admission as a barrister or solicitor; or
>
> (b) by any person acting for fee or reward,

It is possible we could have a situation where one or two of the persons representing a shire may be barristers or solicitors, but they can only represent the shire so long as they are not paid for the job. This certainly would not be fair to the council concerned, particularly if it were opposing a change of boundary.

The amendment sets out that a barrister or solicitor can advise a municipality or a shire and can even completely set out the entire case for the municipality or shire, but the barrister or solicitor concerned is not permitted to give evidence before the Boundaries Commission to assist the shire to put up its case.

Here again I think we are taking away the right of the shire or municipality when we provide that it cannot be represented by a barrister or solicitor before the Boundaries Commission, even though it may wish to employ such assistance. To me this does not seem to be quite right. I feel the shire should be given this right.

I know the Minister does not agree with this but, for the life of me, I cannot see why we should make this provision. The Minister did say that a particular shire in Kalgoorlie was represented by a barrister.

The Hon. R. H. C. Stubbs: Several areas were.

The Hon. J. HEITMAN: And it was necessary for the shire at a cost of $3,000, to obtain the services of a solicitor from Perth. Is that correct?

The Hon. R. H. C. Stubbs: Yes.

The Hon. J. HEITMAN: This may be so but I do not think we should take away the right from the shire to secure this assistance if it thinks it can afford it. I know a number of shires cannot afford to pay for such representation, but I do think we should allow shires and municipalities to obtain the best possible brains that are available to assist them in their case.

It is possible for a shire to have a barrister or solicitor prepare the complete case, which can be used by the president or the councillors—they can use this evidence in court—but the provision to which I have referred prohibits a barrister or solicitor from presenting in court the case he has prepared.

I cannot go along with such a provision because, as I have said, I think it takes away from the shire a right which I feel it should possess. The shire and the ratepayers concerned may wish to obtain the best possible brains to prevent their losing a certain portion of land which may be in dispute and they should be permitted to do this.

I know the personnel of the Boundaries Commission very well indeed and as long as they remain members of that commission I am sure we will have no trouble in this regard. But, like all of us, they will not live forever and it is important that we make up our minds now for what is likely to happen in the future. We should see whether we can agree to permitting shires to be represented in court by barristers or solicitors. I do not agree with the amendment contained in clause 3 of the Bill.

Clause 4 lowers the voting age to 18 years, and I do not think anyone will disagree with that provision, because it is fair and reasonable. Accordingly we need not worry about this clause because we already have the voting age for parliamentary elections and 18-year-olds are eligible to vote so long as they are electors and ratepayers. So, we will not oppose that clause.

Clause 5 contains another provision which is necessary. If a shire clerk prepares a case for a loan plebiscite or for a referendum I do not think it is fair that he should act as the returning officer. He should be able to appoint another officer to take his place so that there is no chance of any accusation of gerrymandering being made. I think this provision is quite necessary.

The provision contained in clause 6 is also very necessary. Instead of a returning officer asking a person whether he is over the age of 21 years he will simply ask him whether he is over the age of 18 years. If we agree to clause 5, then, of course, we must agree to clause 6.

Clause 7 increases by 20 per cent. the amount of wages payable to returning officers. Shire clerks and others who work in local government realise that wages have gone up by something like 50 per cent. but it seems they are quite happy to receive a 20 per cent. increase for a day's work. I think that the wages could have been increased to an even figure instead of to the amounts listed in the Bill. However, paragraph (a) of clause 7 will substitute for the expression "$14.70" the expression "$17.64." I think it would have been better to increase the figure to an even $18 so that the amounts would have been easier to work out. However, I will not oppose that provision. The wages of returning officers and clerks will be increased by 20 per cent.

The provisions of clause 8 will alter a principle which has applied for many years. In the case of a special meeting a shire clerk will be able to telephone members of the council if there is insufficient time to post out written notices.

The Hon. R. H. C. Stubbs: That is for a special meeting.

The Hon. J. HEITMAN: I think that provision is quite all right because in some places in the country if seven days' notice or even 14 days' notice is given of a meeting there is no guarantee that the mail would be delivered within that time. I feel the principle is quite all right as long as it is a person-to-person telephone call. However, I would still like to see some provision to enable the shire clerk to post out a notice in confirmation of the telephone call. There would then be no dispute as to whether or not the shire clerk did telephone.

The Hon. Clive Griffiths: Does the provision apply only to councillors?

The Hon. J. HEITMAN: Yes, only to councillors, and only to special meetings.

The Hon. Clive Griffiths: It does not apply to ratepayers or to people who might have signed a petition?

The Hon. L. A. Logan: It will apply only to a special meeting of the council.

The Hon. J. HEITMAN: That is right. I will not argue the point but I would like to see a provision for the telephone call to be confirmed by a letter.

Clause 9 of the Bill will amend subsection (1) of section 217 of the principal Act and will alter the provisions which apply to hawkers. I know that over the years local authorities have had a great deal of trouble with hawkers. The situation has not been so bad in recent years but at one time hawkers were not licensed and they simply came into a district and sold whatever wares they had. Of course, that sort of thing upset the business people in the town concerned.

The Act was amended to allow hawkers to sell certain goods after obtaining a license from the local authority concerned. I think most local authorities charge a fee of between $10 and $20 depending on what goods are to be sold. The Act sets out that only certain items can be sold. A hawker who obtains a license is able to sell vegetables, fish, or fruit. Under the provisions of the Bill hawkers will not be able to sell fish. They can sell newspapers, brooms, and matches, but they cannot sell game, poultry, butter, or eggs. They are able to sell milk and other victuals. The proposed amendment will allow only certain goods to be sold.

I think it may have been better if the health officer of a local shire were permitted to control some of the items which are available for sale. If the health officer decided that fish, or any other food, was not handled hygienically he could stop its sale.

The Hon. G. W. Berry: The health officers do have that control.

The Hon. J. HEITMAN: Well, under the new provisions hawkers will not be able to sell fish at all. I would like to see this restriction removed from the Bill because fish can be taken to country areas in ice packs and sold while it is still frozen stiff. I cannot see much wrong with that because when one is living hundreds of miles from the coast the delivery of fresh fish at the door is appreciated. I think the decision should rest with the health officer; he should decide whether or not the conditions of sale are hygienic.

The Hon. S. T. J. Thompson: A fish merchant fills a need that is not supplied in the town.

The Hon. J. HEITMAN: I will oppose the amendment contained in clause 9 of the Bill because I think it goes a little too far. People who live in country areas should be given every opportunity to buy fish providing the health regulations are observed.

Clause 10 of the Bill will amend section 265 of the principal Act so that a council may vary the trust upon which it holds any property. I would like to ask why and in what way a council may want a trust varied.

I do not think it is much good asking the Minister about this matter at the present time, but perhaps he would like to reply to it later. It concerns the local authority, with the approval of the majority of the electors, altering the trust imposed upon certain properties that have been bequeathed or given to the authority. It appears a local authority can even alter the purpose of an "A"-class reserve. We ask the Minister to tell us how the amendment contained in clause 10 will work and why this amendment was required.

I would not like to think that if I left something to a shire for a certain purpose upon my death the shire could alter it and make some other use of it. I think "A"-class reserves and land bequeathed or given to a shire should be used for the purpose for which it was intended. I would like to know why the change is to be made. I think it was said a shire wanted to build a civic centre. I want to know whether that is a justifiable reason for the change.

Clause 11 deals with temporary road closures and allows adjoining owners to erect a gate and use the land while it is temporarily closed. It helps people for the time being and we have no objection to it.

Clause 12 amends section 374 of the principal Act. I think the idea of this amendment is to ensure that where a shire inspects and approves a plan submitted by an owner the appropriate fee shall be paid and the license obtained before the owner commences building. This will make everyone toe the line and ensure that the shire receives the fee after it has given its approval, and I think that is quite in order.

Clause 13 adds a new section 412A to the principal Act. The proposed new section also refers to compliance with the building by-laws and to the cost of forcing people to erect the right type of building. In many cases people who have obtained permits to erect buildings do not stick to the plans. The proposed new section will prohibit such a person from selling the property until it has been altered and ensures that the new owner is not responsible for the misdeeds of another person. I think that provision brings the matter into its correct perspective.

Clause 14 amends section 433 of the principal Act in regard to prescribing the forms of license required or permitted by this part of the Act. We have no quarrel with that.

Clause 15 amends the principal Act by adding a new section at the end of part XVII. The provision is similar to that applying to the property of a pensioner who does not pay the rates on his land, in which case it passes to the shire. The proposed new section provides that unpaid fire rates are a debt against the land, and no matter who buys the land thereafter the debt still remains.

Clause 16 amends section 513 of the Act to provide for the payment of $20 to any two delegates and observers who attend a conference. It also increases from $10 to $20 the amount that can be paid for loss of earnings when councillors attend conferences, and provides for the payment of telephone rental charges incurred by a councillor in relation to a telephone at his place of residence. Telephone rentals in the country are about half those in the

city, but if a telephone is used mainly for shire work I do not think it is unreasonable for the shire to pay the rental.

It appears that over the years officers of local authorities are being paid for more of the work they do for the authorities. At one time it was a matter of pride that whatever one did for the community was done freely, but nowadays the president of a shire is paid an amount for expenses incurred while entertaining, as well as the 3 per cents. If a councillor goes to a conference, he has his hotel expenses paid and in addition receives $20 to tide him through the time of the conference. I cannot see a great deal wrong with that.

The Hon. R. H. C. Stubbs: It was requested at a meeting of Ministers.

The Hon. J. HEITMAN: I know it was asked for by both organisations.

The Hon. T. O. Perry: I think it is a backward move. We should all take pride in doing these things freely.

The Hon. J. HEITMAN: I think we should. I was a president for many years and I attended many conferences, for which I did not receive any payment or hotel expenses. That is not to say no-one else should have them if they feel they need them.

Clause 17 refers to parking funds. In the past, parking funds had to be paid into two separate accounts and trust funds had to be paid into certain trust accounts. Under the new set-up it is felt there will be sufficient control by keeping separate accounting in the books. I go along with that because a shire often has to borrow money from a bank, on which it pays interest, to tide it over a certain period. As long as the accounts are properly kept and it is known how much belongs to each account, the ability to use trust funds will save a shire paying interest on borrowed money while waiting for funds to come in.

The Hon. A. F. Griffith: Why would they combine any two of the three accounts?

The Hon. J. HEITMAN: Perhaps the Minister could answer that.

The Hon. R. H. C. Stubbs: I will tell you later on.

The Hon. J. HEITMAN: At the present time I cannot see anything wrong with it, but perhaps the Minister will explain it when he replies. Clause 18 of the Bill amends the principal Act by adding after section 522 a new section 522A as follows:—

> 522A. Notwithstanding any other provision in or under this Act or in or under any other Act, a council shall not apply any fund or part thereof—
>
> (a) for the carrying out or maintenance on or after the date on which this section comes into operation, of such works and undertakings as are designed, constructed, or intended to be used solely or primarily for the purposes of any religious body, religious institution, or religious practice.

The proposed new section then continues. The effect of it is to prevent local authorities from building or renovating churches, or from helping people in their districts to erect a communal place of worship. As I said before, certain amendments in this Bill take away the rights of a shire to do what its ratepayers may want it to do; and I feel this applies to clause 18.

I think this provision is the result of an incident which occurred at Jerramungup when five or six ratepayers objected to the construction of a church. The Press took up the matter and made a song and dance about it. The people concerned refused to pay their rates, and they received great publicity. I feel that had the Press kept out of it altogether the local people eventually would have persuaded the handful of objectors to agree to the proposition, and no trouble would have occurred. If we let the minority rule in all walks of life, I am sure we would not know where we were going. All questions before this Chamber are decided by a majority.

The effect of the amendment is that we are now going to say those six or seven people in Jerramungup were correct. I do not think they were. I think that if a majority of ratepayers wants something to be done, that should be sufficient. If a plebiscite is held and the majority is in favour—and in the case of Jerramungup it was an overwhelming majority—that is good enough for me. I intend to oppose clause 18.

The Hon. G. C. MacKinnon: You might ask the Minister for Local Government whether a local authority could erect a chapel on the site of an old people's village.

The Hon. J. HEITMAN: I can answer that myself: It cannot do so under the proposed amendment.

The Hon. G. C. MacKinnon: I think the Government is confused. Only Marxists are required to be completely anti-religious; socialists are not.

The Hon. J. HEITMAN: Apparently someone on the other side is completely anti-religious, because I am sure nobody on this side of the House would want to oppose the will of the people in any district and tell the people that it does not matter what the majority may be, they just cannot have it.

Clause 19 amends section 533 of the Act. In my opinion the effect of the amendment is that taxation values must be used when residential land is rezoned. In the past shires have

been able to use unimproved capital values for certain land in certain areas. It now appears that if the land is within a residental part of the townsite annual rentals are to be used, and people are to be asked to pay higher rates. In the past the local authority could take 70 per cent. of the taxation value if it so wished, but under the amendment it appears that it must use the Taxation Department valuation. I would like the Minister to explain the situation further when he replies before I make a decision. At the moment I cannot see a great deal wrong with the provision, but I fail to understand the full complexity of it.

We will not argue about clause 20 because it merely alters the minimum rate from $10 to $20. Clause 21 alters the required number of people who must sign a petition for a poll to be held or for a special meeting of ratepayers to be convened. Under the Act at present 10 per cent. of the ratepayers or 50 people, whichever is the lesser, can demand that a poll or a special meeting be held. It is now proposed that where the total number of people does not exceed 5,000, the requirement shall be 50 per cent. of the total number or 50, whichever is the lesser. In the case of a shire with between 5,000 and 10,000 ratepayers, 100 people are required to sign the petition. Where the total number of people exceeds 10,000, 200 are required to sign a petition before a poll or a special meeting can be conducted.

I cannot see much wrong with that provision. I feel that if a councillor wishes a special poll to be held in an area where there are 10,000 ratepayers he should have no trouble whatsoever in finding 200 people to sign a petition.

Clause 22 is merely a machinery matter and refers to the transfer of land. The Act states that the transfer must be signed by an authorised person, such as the Surveyor-General or the chief draftsman. Clause 23 sets out new penalties for wilful damage to local government property. In the past it has been necessary for offenders to make restitution, and they were also subject to a penalty.

It is now proposed to increase the penalty to $300 or six months' imprisonment, or both. A terrific amount of damage has been done to local government property from time to time. I know that recently in a certain shire a young lad was found breaking with a crowbar the windows of a large shed at the showground. He did $150-worth of damage in two shakes. His parents were unable to pay for the damage, and the lad was too young to be taken to court, so he was reprimanded and made to do a little work on the weekend as punishment for his crime. Obviously such a lad could not be gaoled for six months or fined $300. Therefore, we must exercise common sense when policing the new provisions.

We would all like to make sure that the punishment fits the crime. This provision should be looked into, and we should ensure that we do not overstep the mark as far as the very young offenders are concerned.

Clause 24 prescribes on-the-spot fines for acts of vandalism and litter offences. Each offence will carry a certain fine, and if the culprit pays it on the spot or the money is forwarded to the shire no further action will be taken; if the fine is not paid the case will be taken to court. I cannot find anything wrong with this provision.

Clause 25 contains a schedule of fines in respect of offences against local authorities. In the main all the existing fines are to be doubled. Similarly, I can find nothing wrong with this provision.

Many of the amendments in the Bill are along the right lines. I have referred to those with which I do not agree, and those on which I would like more enlightenment. I hope that in his reply the Minister will be able to tell us something about those particular amendments.

THE HON. L. A. LOGAN (Upper West) [3.41 p.m.]: I do not intend to deal with all the clauses, because they have been covered fairly well by Mr. Heitman. In dealing with clause 3 I will be making some comments, but I hope that members will not think that I am switching horses when I get to clause 18. I believe there is a difference between what I will say on clause 3 and what I will say on clause 18.

I appreciate the fact that clause 3 contains a very controversial provision. After a full inquiry by the Boundaries Commission before it makes its recommendations, and then having to await the presentation of petitions from the local authorities affected, it seems to me that very few alterations will be made to boundaries of local authorities. I do not blame local authorities for being parochial; I say that, because, to a large extent such parochialism has maintained local government in its present form.

From the reports of investigations made into alteration of local government boundaries throughout the world, I find that in each case the recommendations have gone too far. However, I do not think the same can be said of our Boundaries Commission, because of the high calibre of its members. I am quite prepared to accept their recommendations. One member is Mr. Heron the Assistant Secretary of Local Government, who has had a great deal of experience in local government; another is Mr. Colin Pearse now serving his seventeenth term on the Mingenew Shire Council; and another is Mr. Ernie Clark, who formerly was President of the

Canning Shire Council and now the mayor of that local authority. The last mentioned was the Australian President of the Local Government Association, and he is also the President of the Local Government Association of Western Australia.

I believe that the recommendations of such people, after having heard evidence in public and given every local authority and ratepayer an opportunity to present a case, would be fair and reasonable.

I instigated the inquiry by the Boundaries Commission into the local authorities in the Pilbara area, because of the developments which were taking place. It seemed to me to be imperative for the boundaries to be altered, so I instructed the Boundaries Commission to look into the matter. The report of the commission was not completed before I vacated that portfolio. It was found that the commission could not put its recommendations into effect, because one local authority concerned would not sign the necessary petition to enable the alteration to be put into effect.

Sitting suspended from 3.45 to 4.01 p.m.

The Hon. L. A. LOGAN: Before the afternoon tea suspension I was dealing with clause 3 (a) and talking about the recommendation of the Local Government Boundaries Commission and the alteration of the boundaries in the Pilbara. The whole of the scheme fell through to a certain extent because of the refusal of one of the shires to sign a petition.

The DEPUTY PRESIDENT: Order! Will members please cease conducting conversations in loud voices around the Chamber?

The Hon. L. A. LOGAN: I believe that the recommendation of the commission was in the best interests of the area and of local government.

I realise that the personnel of the commission will change, but it must be remembered that the nominations will come from the Country Shire Councils' Association and the Local Government Association. I imagine that the calibre of the nominations would be the same as that of the two gentlemen I mentioned earlier; that is, Mr. Clark and Mr. Pearse. We can rely on the associations to nominate their best men for the job. Therefore, on balance, I am prepared to accept this amendment.

The Hon. G. C. MacKinnon: You might be hard pushed to expect those fellows to be there all the time.

The Hon. L. A. LOGAN: The Act stipulates that the chairman will be the Assistant Secretary for Local Government and the other two will be selected from a panel of three names submitted by the two associations to which I have referred.

The Hon. G. C. MacKinnon: The Government cannot put one off and put in its own choice, as was the case with Robertson?

The Hon. L. A. LOGAN: No. These men cannot be sacked. They can only resign of their own volition. Ernie Smith had to resign because the Mosman Town Council was involved in an amalgamation.

The Hon. S. T. J. Thompson: Any age restriction?

The Hon. L. A. LOGAN: No. I think these gentlemen will have enough nous to resign at the appropriate time.

The Hon. G. C. MacKinnon: That is heartening after what the Government did to the Bunbury Harbour Board. It just sacked a man and put in the secretary of the waterside workers.

The Hon. L. A. LOGAN: These men cannot be sacked.

Dealing with the right of local authorities to engage barristers or solicitors, I would point out that representations were made to me as Minister for the exclusion of legal representation at hearings because of the enormous expense incurred by some councils. It hurts a local authority particularly when it does not want an alteration to its boundaries, but because an adjoining council petitions for some of its area and the petitioning council engages legal aid, the other council which has not requested an alteration is forced to spend enormous sums in rebuttal of the petition.

The Hon. Clive Griffiths: Why?

The Hon. L. A. LOGAN: Can the honourable member imagine a small shire not engaging legal aid if this is done by the petitioning council? It will be appreciated that it is very difficult for the smaller shires to present a case in rebuttal in those circumstances.

The Hon. Clive Griffiths: I disagree.

The Hon. L. A. LOGAN: I do not know whether the honourable member has had the experience—I know I have—of receiving requests from small local authorities because they have been forced to spend a lot of money on legal representation merely because the petitioning council had engaged legal representation.

The Hon. Clive Griffiths: I think that only bolsters the argument that legal representation is necessary. Otherwise, why are they forced to engage it if it is not necessary?

The Hon. L. A. LOGAN: I could easily go along with that if legal representation were to be abolished altogether. Certain difficulties are, however, involved.

The Hon. S. T. J. Thompson: It would debar an elected councillor with legal experience.

The Hon. L. A. LOGAN: I agree that the clause as printed is not right because a mayor or president is permitted to act as a representative. It could be that two or three councils have a mayor or president who is a practising barrister or solicitor, but the other councils desiring to give evidence in rebuttal might not have a similar legally qualified councillor. Therefore one local authority would still have an advantage over the other. If we are to adopt the principle of no legal representation at all, the loophole would have to be closed.

The Hon. I. G. Medcalf: You would have to debar anyone with legal training from sitting on the council.

The Hon. L. A. LOGAN: No; only from appearing before the commission.

The Hon. I. G. Medcalf: Yes, but that person could appear for the council.

The Hon. S. T. J. Thompson: It would be part of his duties as an elected councillor.

The Hon. Clive Griffiths: I think we should scrub the lot.

The Hon. F. D. Willmott: You are getting in deep water.

The Hon. L. A. LOGAN: I am mentioning these difficulties as I envisage them. I do not oppose the Bill though I consider the enforcement of its provisions will present problems.

Clause 4 deals with the reduction of the voting age from 21 to 18 years. The age of 18 years is accepted for voting in other areas and under those circumstances I can see no objection. Very few will be affected.

I wish to indicate that I consider we made a mistake in reducing the age from 21 to 18 years in the first place. We would have done the community and the young people themselves a greater service if we had for a start reduced the age to 20 years. Unfortunately we were caught up with a minority pressure group in the Press despite the fact that from my observations I believe the majority of 18-year-olds at that stage did not want the voting right. However it is an accomplished fact now and we can do nothing about it. Local government will be affected very little because only a small number will qualify.

I do not altogether agree with clause 5 which gives a council the opportunity to replace the returning officer by another member of the staff. Every member of the staff is subject to the control and direction of the council whether he be the shire clerk, the mayor, or the lowly office boy. I do not see any difference in their attitude when it comes to obeying the policy laid down by the council. I cannot understand why the town clerk or shire clerk could be more prejudiced or biased than the assistant who would be the obvious choice if the top man were unavailable.

To my knowledge only one council has made representation in regard to this matter and I do not consider we should legislate for one council alone. I repeat that every member of the staff of the council is subject to the direction of the council. The town clerk or shire clerk would be no more prejudiced or biased than would the assistant. The Minister should have another look at this.

A Member: Could there not be other reasons?

The Hon L. A. LOGAN: No.

The Hon. J. Heitman: The same thing applies if a councillor has a pecuniary interest in a matter under discussion. He cannot vote.

The Hon. L. A. LOGAN: How can he have a pecuniary interest when he is acting under the direction of the council? He is only obeying such direction.

I do not think I should mention the payment of expenses because it has already been covered.

Clause 9 is another hardy annual. It is an attempt to alter the definition of an itinerant vendor and bring it into line with that of a hawker. I can appreciate the difficulties in country areas and right throughout the State. However, this amendment has been requested particularly by the Local Government Association because of the difficulty in the metropolitan area. Storekeepers pay high rents for their premises so that when these vendors cart items from door to door in opposition to the storekeepers I believe their action could be almost classed as unfair trading.

This is not an easy matter to resolve. However it is an attempt to put the two into the same category. It has some application to the metropolitan area, but if we are to apply the law throughout the State, it has its problems.

The Hon. A. F. Griffith: It has its problems in the metropolitan area, too.

The Hon. L. A. LOGAN: Of course, many problems indeed are created under the present law.

The Hon. A. F. Griffith: The principal problem is caused by people who want to stifle private enterprise.

The Hon. L. A. LOGAN: Not necessarily. I think all they want to do is to stop unfair trading.

Clause 16 will give local authorities the right to send an observer to a conference. It is up to the council to decide whether or not it can afford to do this. If the council is prepared to pay for an extra delegate to be an observer and thinks that it is in the best interests of the council for that observer to attend, it is fair enough to leave the decision to the local authority itself.

Clause 18 deals with the refusal to allow any ratepayers' funds to be spent on churches and the like. I agree with Mr. Heitman that this is another erosion into local government power. This has come about only because of the Jerramungup issue. Those who take the trouble to research the background and who use some reasoning will realise that this has been the greatest possible asset to a town like Jerramungup. Had it not been for the Jerramungup issue I am certain this provision would not have been included in the legislation.

The man who started all the objections to the church being built in Jerramungup was not even a ratepayer. He was the one who whipped up all the publicity. In fact, many of the people who made representations to the Minister in this regard did not even live in the area. Many lived in Perth and the matter had nothing whatsoever to do with them. I am quite sure that none of them has ever been to church in his life and I am certain it had nothing whatsoever to do with them. It was a local matter.

On the opening day 550 people were present. Only a group of 11 people stood on one side. It is quite obvious that 11 out of 550 is not a large number. The rest were all in favour of it. The two people whom I would call "knockers" and who, at the time, contributed so much to the Press were given a special invitation to attend but they did not because they realised that, had they attended, their arguments would have been blown sky-high. I repeat that this has been the greatest possible asset to a town like Jerramungup.

If local people—ratepayers—in any new towns of the future want this kind of thing, surely it is their prerogative and we do not have the right to take this away from them. In a place such as Jerramungup perhaps 10 ratepayers belong to one denomination, 10 to another, and 20 to another. If each denomination wanted to build a church of its own, those belonging to the denominations in question could not possibly finance it. In fact when we go around some of the more developed country centres of our State we find many churches are going to rack and ruin because of the difficulties people of a certain denomination experience in finding sufficient money to keep the church going. I feel very strongly on this point. We are eroding the powers of local government.

When I was Minister for Local Government many representations were made to me about the erosion of these powers. Resolutions were passed at annual conferences objecting to the powers of local authorities being eroded. It seems to me too many local authorities are falling down on the job these days. When the going begins to get a little rough they cave in. I refer specifically at the moment to the handing over of traffic control.

The Hon. J. Heitman: Hear, hear!

The Hon. L. A. LOGAN: At Kondinin the members of the local authority had a petty argument amongst themselves. Kondinin was only one of a group of five, but because of a petty argument, the council took the huff and went to the Commissioner of Police. This is not standing up to obligations; it is letting the side down This is what has happened. The differences could have been settled amongst themselves. Instead, powers were given away and, by this erosion, other local authorities are forced to do the same.

Let us look at the position at Northam. The only reason given up to date is that the set-up is not satisfactory. Whose fault is this?

The Hon. J. Heitman: Their own.

The Hon. L. A. LOGAN: It is an admission that the members are not capable of running their own local authority. They said that they were not satisfied with the existing set-up. Is this any reason to give away powers? Of course it is not. When we bear in mind that for many years the Northam Town Council had a representative on the Country Traffic Committee I think this makes it all the worse.

In this morning's paper we read that the Albany Town Council is negotiating to hand over powers. The only reason given is that if Albany goes in now, before it becomes compulsory, it may be able to obtain better conditions for the men. Is this any good reason coming from a council the size of Albany? I think it is disgraceful for local government to do this and to cave in so easily. Instead, local government should get on with the job and get behind the majority of the councils which do not want to give their powers away. They should get in behind the councils and not see their powers eroded. They should stand up to their obligations.

To return to the clause which I was discussing, I hope it is deleted. For the benefit of members I mention that on three occasions when I was Minister for Local Government I refused the Gnowangerup Shire the right to raise a loan, because I was not satisfied that the representatives of the churches at that time were in agreement. Pressure was applied from a number of people who wished me to approve the loan. I approved the loan only when I received confirmation from each of the denominations affected in the area. I am sure such a decision would be made by any Minister if the Act were left in its present form. There is no need to include this provision. Instead, we can leave such decisions to the good sense of the local authorities, the ratepayers, and those directly concerned.

I think there is a mistake in clause 19 (d) which will affect subsection (3b) of the principal Act. The words "contained

units" appear in line 30 on page 10 and I feel the words should read "self-contained units."

The effect of clause 20 will increase the minimum rate from $10 to $20. I appreciate this is fair and reasonable in some areas, but there are many blocks in small country towns which are not worth $2. I suggest that local authorities should be careful and use their responsibility in the right manner. If they start to increase the minimum to too high a level, present owners will be forced to relinquish those blocks. Instead of the sum of $2, $3, or $5 which is being received now, the council will receive nothing. If the people give up the blocks these will revert to the Crown. I am sure local authorities will have to use common sense in applying the minimum penalty.

I believe that on-the-spot fines for dropping litter and for vandalism is the only way to educate people to do the right thing. The people of Western Australia have made a definite attempt to clean up their State. Many have become members of the "Keep Australia Beautiful" campaign. Unfortunately, however, we have too many in our midst who, for some reason or other—perhaps because they even think it is funny—drop litter everywhere they go. They do not care where or how they drop the litter. I think a sharp reminder by someone tapping the offender on the shoulder and saying, "Boy, you dropped that litter and it will cost you a certain amount" would have the effect of making that person face up to his responsibilities.

Singapore is a classic example of this. Once it used to be described as a fairly dirty city, but today it is probably one of the cleanest in the world.

The Hon. J. Heitman: They even clean up the heads over there.

The Hon. L. A. LOGAN: The change occurred mostly because of the system of on-the-spot fines. I am quite in agreement with this provision in the Bill.

I have checked through the penalties to be increased and I think that perhaps the Government has taken the easy way out, because all the penalties have been doubled. It would take a close and detailed examination to determine whether the doubling of the penalty is right in every case. It could be, but I am not sure. I do not intend to undertake such an investigation to find out. Instead, I will take the Government's word that this is right.

Under the conditions I have mentioned, I am prepared to support the second reading.

Before I close, I would like to mention the question of telephones on which I have not yet touched. I am inclined to agree with Mr. Heitman and the interjection made by Mr. Tom Perry when they said that we have always taken pride in voluntarily serving local government, though there are those today, who expect payment for some of the things they do.

I believe that if local authorities continue in this way, giving away their powers and responsibilities, they will very shortly be reduced to small local committees.

At the last election we told local authorities that we would give them $1,000,000 per year, and this would have gone a long way towards resolving their financial problems. However, they were prepared to accept half and many are now in difficulties. If they continue to throw away responsibilties they will be reduced to little committees and the commissioners will have to go in. I hope this never occurs.

I should have thought that 95 per cent. of councillors would own telephones for their own use. Therefore, I do not see the justification for paying the whole of these rentals when the councillors would have phones connected in any case for their own benefit and convenience, and sometimes even to run a business. I would have been prepared to support the principle of paying half the rent. This would have been fair enough. I do not know what support I would get for such an amendment but I feel that most councillors would be prepared to accept such an arrangement.

With these comments, I support the second reading of the Bill.

THE HON. CLIVE GRIFFITHS (South-East Metropolitan) [4.32 p.m.]: I wish to make one or two comments on this measure. Firstly, I want to make it clear that I am far from happy with clause 3. I feel that the extent to which the Bill seeks to strengthen the power of the Government without making Parliament the final arbitrator of the Boundaries Commission's recommendations is objectionable.

Members will recall that this House passed a Bill seeking this provision not very long ago. However, it did not receive any support in another place. If there are two local authorities working alongside each other quite satisfactorily, it would be incorrect for the Boundaries Commission to have the power to recommend their amalgamation without giving the local authorities concerned an opportunity to appeal against the recommendations. For this reason I do not agree with paragraph (a) of clause 3 of the Bill.

Similarly, I am not happy with paragraph (c). If a legal practitioner is permitted to prepare the complete case for a local authority, I do not see why he should not be permitted to present it. Mr. Logan's argument is that the powerful local authority could retain the services of an eminent legal practitioner and its case would be be prepared and presented in its

best light and the small local authority would not be able to obtain similar advice, because of the money involved.

The very fact that a second local authority must engage a legal practitioner simply because the first one did so is a clear indication that there is room for the services of a legal practitioner in the presentation of these cases. If it made no difference, it would not matter that one local authority was represented and the other unrepresented. The legal practitioner may instruct the representative of the local authority who is to present the case on the way he wishes it to be presented. By this means the case may be absolutely watertight. However, the adjoining local authority may not be in a financial position to obtain the same advice. Therefore, an equally unacceptable situation arises.

I do not think this measure makes an unsatisfactory situation satisfactory. I believe it takes away the fundamental right of a person or an organisation to have legal representation. I would not accept this at all. I certainly believe that many instances would arise where legal representation is not necessary. However, in many cases representation will be necessary.

I would point out to the Minister that in the future local authorities may employ solicitors on a permanent basis and I can see no justification for excluding these people—

The Hon. R. Thompson: God help the ratepayers then!

The Hon. CLIVE GRIFFITHS: I agree, but that is a different story. However, it may well be that local authorities will employ solicitors permanently. I do not believe this provision benefits the local authority at all—in fact, it would work to its detriment.

If solicitors prepare the cases for both parties to an action, the day will probably be won by the best advocate.

An equally unfair situation could arise when a shire clerk presents a case. The shire clerk of a large local authority may well have had many years' experience in presenting such cases. However, another local authority may have a brand spanking new shire clerk, with no experience whatever, to present its case. If this is not putting the small local authority at a disadvantage, I do not know what is. I feel I am quite justified in my opposition to this provision.

Clauses 4 and 6 of the Bill refer to the reduction of the voting age from 21 to 18. I have no argument with this provision, except to point out that whilst we reduce the age of a person eligible to vote, we are doing nothing about reducing the age of the person eligible to stand as a councillor.

The Hon. R. H. C. Stubbs: He is also eligible to stand at 18.

The Hon. CLIVE GRIFFITHS: The Minister has informed me that if a person qualifies as an elector at 18 he also qualifies as a councillor. I did not understand that to be so, but I will accept the Minister's word.

I also find clause 9 unsatisfactory. This clause proposes to alter the definition, of "hawker." It has already been mentioned that this provision will exclude some people who currently come within the definition. Ours is a very young nation and it has advanced rapidly in a very short time. I believe this development is due to the initiative of the average Australian person.

Just a short time ago, if a young person wished to use his talents to obtain a better way of life for himself and his family, he was able to go out and become involved in many different types of business. He could do this simply by having the courage, the initiative, and the ability to do so. In our community we are rapidly reaching the stage where we are not sure what the children leaving school can do to earn a living. At one time a school leaver could become a poultry farmer if he wished. We have closed the door on that. He could become a wheat farmer, but with wheat quotas and such things this door is being closed also. A person could choose to become a milkman if he desired, but he cannot now.

The Hon. N. McNeill: There will be less opportunities in the future.

The Hon. C. R. Abbey: He could become a politician.

The Hon. CLIVE GRIFFITHS: I am wondering where we are going. What methods can a young person starting out in life use to earn a living? We are closing gate after gate on his ambitions. He must have a license for this, a quota for that, or perhaps undergo an examination. Mr. Heitman said in certain country areas some people were catching fish, packing them straight into ice, and selling them. I daresay we will shortly provide that a person cannot do this.

The nation is being put into a straight jacket of red tape. We will finish up a nation of robots and somebody will have to press a button every time we want to do something.

The Hon. D. K. Dans: Gulliver in the land of Lilliput.

The Hon. J. Heitman: Could a man hawk his tools from door to door and actually clean the windows of houses under this provision?

The Hon. CLIVE GRIFFITHS: If he can today, it will not be long before we close the window on him and prevent his doing so.

The Hon. W. F. Willesee: Let us hope he is not on the outside when we do it.

The Hon. D. K. Dans: On the second floor.

The Hon. CLIVE GRIFFITHS: The Health Act covers this situation, and I do not see why people cannot sell goods from door to door, whether they be food, fish, or confectionery. It should be permissible if the seller complies with the health requirements in the area. I do not like this provision and I hope the House will not agree to it.

I find myself in disagreement with Mr. Logan in regard to the provision contained in clause 16. I believe that men and women who offer themselves for election to local government to serve their communities as councillors sacrifice a great deal of their private lives and time. Certainly, in one way or another, it costs them a great deal of money as you, Mr. President, will be well aware. They are performing this duty because they are civic-minded individuals who are interested and concerned in the way the districts in which they live are administered. Surely without such people in our community the State would degenerate into a most unsatisfactory place in which to live.

Therefore, as clause 16 provides for payment to be made to these individuals—most importantly, the provision to pay their telephone rentals—it is a step in the right direction and I agree with it. If it so happens that the councillor concerned already has a telephone installed in his home, what does that matter? He frequently telephones ratepayers and other councillors to discuss council business. He telephones Government departments to make inquiries about questions that are put to him by his ratepayers. Therefore, surely it is little enough to pay the telephone rental of a councillor because it is merely a token payment.

An alternative would be to have some kind of recording device placed on the councillor's telephone so that it could record those telephone calls which were made in regard to council business and he could be reimbursed for the cost of those calls. However this is not a practical proposition and certainly would not be a cheap method of reimbursing a councillor for his telephone charges. The payment of the telephone rental is merely a token payment, and I do not think it is unreasonable to expect that those engaged in local government should have this facility made available to them. It is little enough recompense for the hours and expense to which the men and women in local government throughout our State are put in many ways when serving the people they represent. Therefore I certainly do not agree with the point of view put forward by Mr. Logan.

I have mixed feelings on clause 18. I have studied it and I cannot get very enthusiastic about it one way or another.

The Hon. G. C. MacKinnon: What clause is that?

The Hon. CLIVE GRIFFITHS: Clause 18. I am inclined to oppose it, but perhaps the Minister can give me further details later which may cause me to change my mind. At the moment however, I cannot get enthusiastic about it.

I agree with clause 24 which deals with litter. Unfortunately we have reached the stage in our community when we have to adopt such a provision to make people understand that the majority of citizens are anxious to live in a clean and beautiful environment; that it is important to our well-being and way of life to keep our streets neat and tidy.

Two or three weeks ago my wife was in a shop and I was sitting in my car at the kerbside waiting for her. A motorcar came around the corner and in the car were a well-dressed and respectable-looking lady and gentleman. After turning the corner the lady casually tossed a cool drink can out of the car. I was aghast at such an action. I have seen young hoodlums committing similar acts, but this was a mature and well dressed woman.

The Hon. G. C. MacKinnon: What did you do about it?

The Hon. CLIVE GRIFFITHS: I picked the can up.

The Hon. A. F. Griffith: Did they leave anything in it?

The Hon. CLIVE GRIFFITHS: No. At first I just sat in my car wondering whatever possessed the lady to commit such an act. Obviously she was under the impression she was not doing any harm.

The Hon. A. F. Griffith: She wanted to get rid of it.

The Hon. CLIVE GRIFFITHS: The lady in question is probably a law-abiding citizen, but through sheer habit she tossed the can out of the car window. We are reaching a sorry state of affairs when we criticise young people for the way they act, and yet find that mature and adult people are acting in a similar manner. I regret that we have reached the stage when we must introduce into the Statute book a provision such as that contained in clause 24, but I am sure that, in the circumstances, it is necessary.

Those are all the comments I wish to make at this stage, but possibly I will have something further to say during the Committee stage of the Bill.

THE HON. G. C. MacKINNON (Lower West) [4.53 p.m.]: Although many matters for discussion in this Bill could be raised in the Committee stage, it would seem only reasonable that we should address any queries to the Minister during the second reading debate to enable him

to obtain answers and information so that, when he replies, we will be better informed in the Committee stage and thus will avoid debating each clause unnecessarily as we proceed. Therefore I think the attitude members have adopted in regard to this Bill is the correct one.

Some questions have not yet been asked, in my opinion, but if they have I wish to emphasise them. Arguments equally good could be put for and against many of the clauses. That being so, there is not sufficient justification for amendments to be made to several clauses, because if the case put forward for a change in the legislation is not forcible and worth while, I can see no reason for changing it. In this regard I will repeat what I said a minute ago; that arguments can be produced, with equal force, for and against many of the clauses.

One example, on which Mr. Clive Griffiths spoke, deals with legal aid. Arguments for and against that clause can be put forward with equal force. As was done by Mr. Logan, a case can be cited of a large shire opposing a small shire over a certain matter, with the large shire being able to afford to engage the services of a better lawyer than could the small shire. That is unfair, and it has been said that neither the large shire nor the small shire should have legal representation in determining any dispute. Then again, as Mr. Clive Griffiths has said, a better case can be put forward if lawyers are in attendance. Therefore, in regard to this clause, I do not think there is sufficient justification to warrant a change. More cogent reasons should be put forward before the Act is amended.

Dealing with the Bill in the regular way, the first clause which has been the subject of some discussion is clause 3, and probably enough has been said about that. This is one of the clauses where, to date, the arguments that we have heard do not indicate that any change is required and therefore I can see no good reason to amend it. Mr. Logan holds one point of view and Mr. Clive Griffiths another. Mr. Heitman is opposed to the clause, and no doubt we could select any two people engaged in local government and find that each has a different point of view. The Act should therefore be left as it is because, to me, the arguments put forward to amend the existing provision in the Act do not seem to have sufficient force.

In view of the fact that we have had discussions on this provision half a dozen times in the past, the clause that interests me is the one relating to hawkers. I was of the opinion that in view of all the work we have done on the provision, we have gone as far as we can go with the existing section in the parent Act, and it is evident that this is so when we realise what has happened concerning the clause in the present Bill. In the Act we have already covered, fish, poultry, butter, eggs, or any other victuals, and we are now seeking to include bread. It has long been a practice in places such as Bunbury for men to catch fish and hawk it round the inland towns close to the coast. The people in the inland towns welcome such hawkers because it gives them a chance to buy fresh fish, and for the life of me I cannot see why we should prohibit those men from hawking fish.

In section 217 of the Act a "hawker" means a person who travels from town to town selling goods or merchandise, but does not include—which provision is contained in paragraph (d) of subsection (1) of this section—"sellers of goods of their own manufacture." In clause 9 the Bill now proposes to add after the word "goods" in that paragraph the passage ", other than food, drink, or confectionery,".

Aerated water firms, such as "Solo" and "Swing" have recently set up in business. One of these has just established itself in Bunbury and its carriers are delivering cool drinks to the door. Firms such as these pay their taxes to the City of Bunbury. I am rather surprised that Miss Elliott did not have something to say on this clause. Perhaps she did in the Caucus room but was overruled. I mention that because the operations of such a firm saves the housewife lugging home one of the many items on her grocery list from the local supermarket or the nearest shop. These days women have a hard enough time carrying their groceries home unless, of course, they are fortunate enough to own a motorcar; but I was under the impression that only Liberals could afford a motorcar.

The point I am making is that if hawkers can bring fish and other commodities to the door, at least the housewife is saved the trouble of having to carry them home from the supermarket or the local store. You, Mr. President, will recall on many occasions in the past that members have put forward amendments to provisions dealing with hawkers, only to find other members speaking against their proposals and suggesting that such amendments were ludicrous. In putting forward this latest amendment to the section of the Act dealing with hawkers, we could soon find that those men who have the task of controlling hawkers will, themselves, be defined as hawkers and will be charged with committing an illegal practice.

I do not want to elaborate on the remarks that were made by Mr. Clive Griffiths, but I hope the Minister will have another look at this amendment to ascertain whether it is justified, because it will literally drive firms such as "Solo", "Swing", "Mr. Whippy", and similar vendors out of business.

Let us consider the matter from the point of view of the ordinary citizen, particularly as we are endeavouring to try to get the people into the country areas and are laying such stress on tourism and the like. There are small beaches adjacent to which there are possibly no shops. These are not justified, particularly as the season generally lasts for only three months.

But we do have mobile vans that visit the areas daily with cool drinks, ice cream, and the like. They generally set up alongside and supply the customers with their needs. This keeps the children happy and makes it easier for Mum and Dad. Everyone generally has a much happier time as a result of this facility.

It may possibly be said that the local authority will allow it. But will the local authority allow it? For example, if there is a local authority which controls a bank of land running up a beach and this belongs to local authority A it is possible that that local authority will ban those hawkers who endeavour to come in from local authority B.

The Hon. R. Thompson: This is so at the present time.

The Hon. G. C. MacKINNON: Yes. The local authority has not the right to ban these people now, but under the Bill before us they will have that right. This will happen in country areas and, as I said, I do not think it is reasonable.

I would like the Minister to explain in some detail just what is meant by clause 10. The paragraph to which I refer is paragraph (c) of clause 10 which is to replace another paragraph. Incidentally, I would also like to know whether the word "any" on page 5, line 27 of the Bill should not in fact be "the"—whether it should read "the property" rather than "any property". Apart from this difference it is word for word with the previous provision. The new words to be inserted are—

> whether such trust was imposed when the property was conveyed, transferred, assigned, given, devised or bequeathed to the municipality or was otherwise imposed thereon and

There must be a reason for the insertion of those particular words. I would also ask the Minister whether this is affected by section 37 of the Land Act which allows the Governor to change the purpose of any reserve other than an A-class reserve.

The only matter I would like to raise on clause 18 is that a number of local authorities are becoming involved in assisting schemes for homes for aged persons, and it is usual to include a chapel in such schemes. It seems to me that clause 18 would ban the inclusion of a chapel. I do not know whether this omission is due to some religious consideration. I would like to know whether thought has been given to this aspect; if not, I think some thought should be given to it, particularly if the Bill is to be passed. Perhaps provision could be made for an interdenominational chapel to be built in. Some local authorities are including such facilities.

The Hon. R. H. C. Stubbs: Are they putting in chapels or community rooms to be used as chapels?

The Hon. G. C. MacKINNON: They are providing chapels. The local authorities want to do this and I think they should be allowed to do so.

The Hon. G. W. Berry: Why should chapels be affected any more than, say, swimming pools?

The Hon. G. C. MacKINNON: I cannot see any reason for chapels being affected any more than swimming pools. I would like some further explanation of clause 19 which seeks to amend section 533. This has to do with ratings and the like and with the councils adopting valuations.

The question I would like the Minister to consider is that from my reading of the clause I feel the Minister is attempting to allow land which has been rezoned and has a dwelling on it to be continued to be rated as residential land, despite the rezoning of the area concerned.

As the Minister knows the town of Bunbury, I will quote as an example Blair Street in that town which is a small street running alongside the railway line. It has houses on it. This was a residential area and it was fairly flat and did not have a high value. The houses there were generally pretty old but the area was gazetted as commercial rather than residential. The value of the houses in that area have now skyrocketed and the people residing there now pay at commercial rates because the land has commercial value. It would not be possible to buy a block of land there for less than $30,000. In this area the houses are generally pushed over or built around and converted into workshops.

If my interpretation of the clause is correct it appears to me that what the Minister will succeed in doing will be to allow the people to remain in the areas which have been zoned commercial while permitting them to continue to pay residential rates until such time as the land values there reach astronomical heights, when the people concerned will, of course, make a great deal of money. I have no objection to that; it is just their good luck.

This, however, will hold up the proper development of the area as a commercial area. As I understand the position the reason for rezoning the area was to make it possible for the people who live there to build elsewhere, but stay there until their houses are completed.

The Hon. R. H. C. Stubbs: You are partly right.

The Hon. G. C. MacKINNON: Accordingly I would like the Minister to explain that aspect fully, if he would.

Bunbury has had an unfortunate experience in recent years in connection with its attempt to have an office block built. Its efforts were, however, made a little late in the day. The Bunbury Town Council has seen other shires build palatial office blocks and the councillors thought they would like to do something similar. Every time they have attempted to do so, however, they have been blocked off by a loan poll. As the Minister knows, the offices concerned are very poor indeed. The Bunbury Town Council would like the loan poll increased. It contends that if it is possible to secure the signatures of 100 ratepayers it is generally possible to get 200, and I think the compromise is fair enough.

These are the questions of which I would like to give prior notice and when we consider the clauses in the Committee stage perhaps the Minister would be kind enough to give me the explanation for which I have asked.

THE HON. D. J. WORDSWORTH (South) [5.10 p.m.]: I am in agreement with most of the clauses of the Bill which seek to amend the Local Government Act. I am a great believer and admirer of the job which is being done by local government, which, of course, is known as the third arm of Government.

I am also a great admirer of the men and women who give their services in a voluntary capacity. Most of the clauses in the Bill seem to contain provisions which they desire as councillors.

I am certainly very glad to see that provision is made in regard to litter. It is most important that we tighten up the provision in question. From what I can see of it we seem to be a very dirty country, particularly when we compare our roads with those of countries in other parts of the world. It is not unusual for us to see numbers of beer cans and bottles lying around our country roads, and I am glad that something is to be done about this aspect.

The question of litter becomes all the more frightening when we realise that a number of people are inclined to drop their garbage along the main road rather than deposit it at the rubbish tip. The penalty for acts of this kind cannot be too severe.

I notice the Bill contains a clause which deals with the conditions under which a poll can be held, and the number of ratepayers who are required to sign. I feel that the provision is perhaps not quite strong enough in its revised form, because 50 people in a town which has a population of just under 5,000 is very few indeed. It would be very little more than 1 per cent.

In the smaller country towns the number of ratepayers must be 50 per cent. and there is a lot of difference between 50 per cent. in a small town and 1 per cent. in a town of a little under 5,000 people. I would like to see the number made greater than 50.

As members know, unfortunately there are always a number of stirrers in the community who seem to take a delight in throwing mud at the local shire council. One of the easiest ways for such people to do this is to go around and get their mates to sign an objection to a loan. In these modern days 50 is certainly not enough. For a town of 5,000 people the requirement should be 200 ratepayers, and not 50. I think we should be doing more to protect our shire councillors. Everyone seems to use them as an Aunt Sally. They are giving of their time voluntarily, and if we expect to get the best people in our community to give their time to the shire they should be respected a great deal more than they are at the moment.

I was very disappointed when the Minister for Local Government took issue in a matter at Esperance recently where the local waterside workers objected to the proportional voting between the country and the towns.

The Hon. R. H. C. Stubbs: Were they the only ones?

The Hon. D. J. WORDSWORTH: I asked a question at the time but unfortunately I cannot find it now. I asked whether the council itself or whether any members of the council had objected, and I found they had not. The ridiculous position in which we find ourselves is that the president of the shire is without a seat; it has been removed and he has been left sitting like a shag on a rock. This certainly does not help a town where this sort of thing is happening, particularly when it is actually carried out by the Minister for Local Government.

While, perhaps, I would agree there is a case for a redistribution, and there is a greater number of ratepayers in the town than in the country, the action should have been taken by way of negotiation with the council. I am sure that if the Minister had indicated he definitely intended to change the proportional representation of wards then a more suitable way could have been worked out. However, the first that the people knew about the situation was when the notice appeared in the *Government Gazette*. I cannot help but feel that the action did nothing to enhance the image of local government in the town of Esperance.

I circulated the Bill amongst all the shire councils in my electorate, and most have indicated that they are in agreement

generally with its provisions. Exception was taken to the provisions of clause 3 concerning the matter of boundaries. Mr. Logan, the former Minister for Local Government, indicated that he had great faith in the Boundaries Commission. The members of the commission cannot be sacked and they are selected from a panel presented by the Country Shire Council's Association. However, I do not have the same confidence—I am not referring to the individual members of the commission—because pressures can be brought to bear on such commissions.

The Hon. J. Heitman: The honourable member does not know the members of the present commission.

The Hon. D. J. WORDSWORTH: As I have said, I am not reflecting on the members of the commission. However, a great deal of protection ought to be given in the case of the amalgamation of shires. We have seen instances of shire councils, which are in financial difficulties, amalgagating with shires next-door. I consider this to be an imposition on the ratepayers of the shire next-door. After all, when I have a property in a particular shire I consider that part of the debts of that shire belong to my property. Indeed, for that reason every ratepayer has the right to object to the raising of loans but in the case of an amalgamation a ratepayer could find that he has had no say in the debts taken over from the shire next-door. Ratepayers should have some say as to whether or not the shire next-door will be accepted, if that shire happens to be in financial difficulties. For that reason I feel there ought to be provision for a poll of ratepayers. Members of the Liberal Party have already indicated this view when discussing previous Bills.

I feel I should refer to the matter of rating for the construction of churches. Jerramungup is in my electorate and I have a great admiration for the people of that community. They consist of a small group of people in what I would call one of the true pioneering centres. The people there have had some particularly bad times with droughts, and a recent flood. However, they are very community minded and I admire the way in which they set out to build a church. What happened in regard to that building was most unfortunate. The publicity given to the people concerned came mainly from outside the district.

I do not think it is fair to suddenly amend the Act so that other shires cannot construct churches in a manner similar to that in which the church at Jerramungup was constructed. If a shire desires to raise money for the construction of a church it should be allowed to do so. Unfortunately because of what has already happened very few people would be game to suggest a similar venture. However, they should still have the right to do so. I do not see very much difference between rating for a swimming pool, a hockey ground, or a church. They are facilities which not all members of the public will use. It is interesting to note that ratepayers can be rated for a graveyard. Apparently there is some difficulty about praying together but there is no difficulty about being buried together.

The Hon. D. K. Dans: It would have to be defined as a community church. A difficult situation could arise if each denomination wanted a separate church.

The Hon. D. J. WORDSWORTH: It would have to be a community church. As Mr. Logan said, he satisfied himself that all denominations did want the church on the occasion at Jerramungup.

The final point I wish to mention concerns the calling of a special shire meeting by telephone. This procedure could be difficult in that no record would be available of the person-to-person call. In the case of a letter the carbon copy is some proof.

The Hon. R. H. C. Stubbs: Mr. Heitman made a good point when he suggested that the telephone call could be confirmed in writing.

The Hon. D. J. WORDSWORTH: I also make the point that if a minority group did not desire to have a meeting then those concerned could refuse to accept the person-to-person telephone call which would be most embarrassing to the shire. I conclude by saying that I will support most of the provisions contained in the Bill.

THE HON. S. T. J. THOMPSON (Lower Central) [5.22 p.m.]: I do not have a great deal to say on this Bill because previous speakers have covered it fairly well. I am in favour of the majority of the clauses but there are some which I do not propose to support.

The first clause to which I object is clause 3 which, basically, deprives a shire council of certain rights. I cannot agree to the matter of legal representation. A man who is elected to a council by the ratepayers, to represent them, would not be allowed to represent the shire unless he were the shire president or the mayor. That is absolutely wrong.

It is desirable in many instances that a shire should have legal representation. The provisions of clause 3 would also apply to an accountant, or any other person acting for a reward or a fee. For that reason I will oppose the clause.

I also object to the provisions of clause 9 which concerns hawkers. A number of previous speakers have expanded on this subject. Refrigerated vans transport fish to country areas, and make regular deliveries. In many instances fish cannot be

purchased in the towns and, for that reason, we very much object to the provision in the Bill. Deliveries to country towns will be cut out.

The Hon. R. H. C. Stubbs: I do not think that is the intention.

The Hon. G. C. MacKinnon: The Bill will make it possible to have them cut out.

The Hon. S. T. J. THOMPSON: That is so. I will question this clause further during the Committee stage.

I find myself in rather a dilemma on clause 18. I think I must oppose the clause on the basis that it will deprive a shire of the right to make its own decisions in such matters. I realise that a number of problems arose regarding the construction of the church at Jerramungup. Perhaps churches should not come within this provision.

Many community groups have built churches in their districts. The church at Jerramungup was not the first community church to be constructed. To be consistent, I would not oppose shire assistance if the ratepayers requested it.

I think that you, Mr. President, with your great wealth of local government experience, would feel the same as I do regarding the payment of some expenses. I refer, particularly, to telephone charges. In the days when I was a shire councillor we did the work but did not seek any remuneration. Very few shire councillors would not have the telephone connected to their homes, and I consider that, perhaps, the payment of half the rental of the phone would be reasonable.

I have some reservations about clause 24 of the Bill which deals with honorary inspectors, and on-the-spot fines. This could get out of hand. It is likely that many people would do a really good job as honorary inspectors but there is the possibility that the power could be misused. We might as well appoint honorary traffic inspectors to help us overcome our traffic problems, just as we have honorary litter inspectors. I can imagine the reaction to a suggestion for the appointment of honorary traffic inspectors.

I went through the schedule of fines and penalties and, in the main, I find they have been doubled. Whether or not the increase is justified, I would not like to say.

With those reservations, I support the Bill.

Debate adjourned, on motion by The Hon. F. R. White.

FUEL, ENERGY AND POWER RESOURCES BILL

Assembly's Message

Message from the Assembly received and read notifying that it had agreed to the amendments made by the Council.

QUESTIONS (11): ON NOTICE

1. CROWN LAND

South-West Province: Release

The Hon. V. J. FERRY, to the Leader of the House:

(1) How many parcels of vacant Crown land have been thrown open for selection, and allocated for agricultural purposes, during the period the 1st March, 1971, and the 30th September, 1972, in each of the following Shires—
  (a) Manjimup;
  (b) Nannup;
  (c) Augusta/Margaret River;
  (d) Denmark;
  (e) Bridgetown/Greenbushes;
  (f) Donnybrook/Balingup;
  (g) Boyup Brook; and
  (h) Capel?

(2) In respect of each parcel of land—
  (a) what was the acreage;
  (b) how many applicants were there; and
  (c) what were the terms and conditions of release?

(3) Were any parcels of land withdrawn for reason of—
  (a) no applicants; or
  (b) any other reasons?

The Hon. W. F. WILLESEE replied:

Statistics are not kept according to Shires. Recasting the figures will be an impossibly long task.

2. POLICE

Black Power Organisation

The Hon. G. C. MacKINNON, to the Minister for Police:

(1) When did the Police Department become aware of the activity of the "Black Power Movement" in Western Australia?

(2) What activities has this organisation been pursuing in Western Australia?

(3) When did the Police Department become aware of the Black Power Organisation interest in Lionel Brockman?

(4) When did the Department become aware that money from the Black Power Organisation had been paid into Brockman's account?

(5) In view of what appears to be the general knowledge that the Black Power Organisation had a special interest in Brockman, what special measures were taken to ensure Brockman's retention in custody?

(6) Is it usual to disregard signs of affluence in a prisoner such as the handling of large sums of money, or the use of taxis?

The Hon. R. H. C. Stubbs, for the Hon. J. DOLAN, replied:

(1) An "all Aboriginal" meeting held in Perth on 20th December, 1971, attended by 13 people decided to formally adopt the name "Black Power Movement of W.A."

(2) It is believed the aims of the Black Power Movement of W.A. are to fight for land rights and cultural recognition, assist Aboriginal unemployed and to become fully integrated into Australia's multi-racial society.

(3) A.M. Tuesday, 3rd October, 1972, after escape.

(4) A.M. Tuesday, 3rd October, 1972, after escape.

(5) It was not known by the Department of Corrections until after the escape that the Black Power Movement had a special interest in Brockman.

(6) No.

The Hon. G. C. MacKinnon: Your liaison must be bad.

3. PRAWN FISHING INDUSTRY

Exmouth Gulf

The Hon. D. J. Wordsworth, for the Hon. G. W. BERRY, to the Leader of the House:

(1) Has any research been conducted, or is being conducted, into the prawn fishing industry at Exmouth Gulf?

(2) If so, have any findings been released?

The Hon. W. F. WILLESEE replied:

(1) The Department of Fisheries and Fauna has been monitoring levels of catch and effort of the prawn fishing industry at Exmouth Gulf and will continue to do so indefinitely. A University post-graduate has been undertaking intensive research over the last few years.

(2) The results are now being analysed and will be evaluated by the Western Fisheries Research Committee early next year.

4. *This question was postponed.*

5. POLICE STATION

Laverton

The Hon. D. J. Wordsworth, for the Hon. G. W. BERRY, to the Minister for Police:

(1) Is the Minister aware of the shocking conditions prevailing at the Laverton Police Station and Lock-up?

(2) If so, are any measures in hand to remedy the situation?

The Hon. W. F. Willesee, for the Hon. J. DOLAN, replied:

(1) It is recognised that improvements are required.

(2) Renovations to the Lock-up are to be carried out in the near future.

6. DAYLIGHT SAVING

Forests Department Costs

The Hon. V. J. FERRY, to the Chief Secretary:

In the event of daylight saving being adopted in Western Australia for the period from the 29th October, 1972, to the 4th March, 1973—

(a) what is the estimated additional cost to the Forests Department;

(b) how is this figure arrived at; and

(c) in what areas of departmental work will disadvantages occur because of daylight saving?

The Hon. R. H. C. STUBBS replied:

(a) Approximately $40,000.

The estimate of added costs is based on averages of past expenditure which vary widely from year to year.

(b) Increased costs will be almost entirely due to overtime payments incurred on prescribed burning and fire suppression and due to additional time for which crews must be stood by in preparedness for fire suppression.

Prescribed burning and wildfire occurrence are inflexibly related to solar time and added costs will be directly proportional to the extra hour per day when crews must be paid overtime or stood by for fire operations.

(c) Adverse effects are not expected in fields other than fire control.

7. POLICE STATION AND COURTHOUSE

Cranbrook

The Hon. D. J. WORDSWORTH, to the Minister for Police:

(1) In what building does the Court of Petty Sessions meet in Cranbrook?

(2) Is there adequate space for those waiting to be called, or do they have to wait in the street?

(3) When is it intended that—
(a) a new police station; and
(b) a new court house;
will be built?

The Hon. W. F. Willesee, for the Hon. J. DOLAN, replied:

(1) Police Station.

(2) The space is not adequate for those waiting to be called.

(3) The Police Department has included the construction of a Stage 2 Police Station and Court in the draft Loan Programme for 1973-1974.

8. FISHING

Carnarvon Area

The Hon. G. W. BERRY, to the Leader of the House:

Has any research been conducted by the Fisheries Department into the possibility of a wet fishing industry being established or based in the Carnarvon area?

The Hon. W. F. WILLESEE replied:

No, but it is planned for 1973 to make test fishing trials, with a purse seine net, on schools of tuna inside and outside Shark Bay to determine whether a viable fishery may be established.

9. DAYLIGHT SAVING

Department of Agriculture Costs

The Hon. V. J. FERRY, to the Chief Secretary:

In the event of daylight saving being adopted in Western Australia for the period from the 29th October, 1972, to the 4th March, 1973—

(a) what is the estimated additional cost to the Department of Agriculture;

(b) how is this figure arrived at; and

(c) in what areas of departmental work will disadvantages occur because of daylight saving?

The Hon. R. H. C. STUBBS replied:

(a) to (c) It is anticipated that the introduction of daylight saving will have little effect on Departmental operations.

Some additional overtime costs may be incurred during harvest on some Research Stations depending on seasonal conditions.

10. LAND

Fauna Reserves: Water Supplies

The Hon. D. J. WORDSWORTH, to the Leader of the House:

Due to the damage caused by fauna to farmers' fencing and improvements, what has been done to supply adequate water within all fauna reserves, as in many cases natural watering points are no longer available?

The Hon. W. F. WILLESEE replied:

Artificial watering points are available on a number of fauna sanctuaries. However, it has been found that some of the larger fauna continue to seek their traditional natural watering points in the valleys which often lie within farming properties. This pattern of behaviour continues when natural watering points in valleys are incorporated in artificial ones. Experience has also shown that other large fauna are not contained within reserves by the provision of artificial watering points thereon.

11. HIGH SCHOOLS

Library Facilities

The Hon. G. W. BERRY, to the Leader of the House:

(1) Where are the eleven District High Schools situated that are to receive new and expanded library facilities?

(2) What are the enrolments for each school?

The Hon. W. F. WILLESEE replied:

(1) and (2)—

	Enrolment as at 1st August, 1972
Morawa	474
Wyalkatchem	345
Corrigin	328
Kojonup	481
York	409
Wagin	513
Bullsbrook	514
Donnybrook	396
Gnowangerup	376
Dalwallinu	335
Kellerberrin ..	398

LAW REFORM COMMISSION BILL

In Committee

The Deputy Chairman of Committees (The Hon. R. F. Claughton) in the Chair; The Hon. W. F. Willesee (Leader of the House) in charge of the Bill.

Clauses 1 to 5 put and passed.

Clause 6: Qualifications of members—

The Hon. W. F. WILLESEE: When Mr. Medcalf was speaking to this Bill he referred to the qualifications of the three members of the proposed commission. It is proposed in the Bill that one member shall be a certified practitioner who is practising.

Mr. Medcalf commented that it is usual to have a judge on a law reform committee or commission, and he suggested that such a practitioner, if not a

judge, should be eligible for judgeship; that is, he should be a senior practitioner of seven years' standing or have status similar to that of the legal practitioner who is at present on the committee.

It is extremely doubtful that any Government would appoint persons who were not of this standing, but no exception whatever is taken to the suggestion of the honourable member that such qualification be written into the Act. I move an amendment—

Page 3, line 6—Add after the word "partnership" the passage "and who has had, in this State or elsewhere, not less than eight years experience as a legal practitioner".

The Hon. I. G. MEDCALF: I appreciate the attitude of the Leader of the House not only for not taking exception to the suggestion I made but also for so readily acceding to it. The original suggestion I made has been changed a little to include, in addition to a person who is eligible for judgeship under the Supreme Court of this State, a person who has had eight years' experience in Western Australia or any other State. A legal practitioner whose experience in the law has been in another State will be eligible for appointment to the law reform commission. It requires eight years' experience for a person to qualify as a judge, but that experience must have been gained in practice in Western Australia under our Supreme Court Act. The amendment proposed by the Leader of the House will quite properly bring in practitioners who have had experience in other States, which will widen the field. I have much pleasure in supporting the amendment.

Amendment put and passed.

The Hon. W. F. WILLESEE: The second amendment is a parallel amendment to write into the Bill a seniority requirement to the effect that the member of the commission who shall be a full-time member of the academic staff of the Law School of the University of Western Australia shall have an academic status or position of associate professor or professor.

Mr. Medcalf suggested that at least reader status be required, but upon investigation it has been found that term is no longer used. I move an amendment—

Page 3, line 9—Add after the word "Australia" the words "who has an academic status or position of Associate Professor or Professor".

The Hon. I. G. MEDCALF: Again I thank the Minister for so readily acceding to my suggestion. The position of associate professor or professor is in all respects in line with the suggestion I made, and I readily support the amendment.

Amendment put and passed.

The Hon. W. F. WILLESEE: The third amendment I propose to move is consequential upon the other two. I move an amendment—

Page 3, line 13—Add after the word "State" the passage "and who has had, in this State or elsewhere, not less than eight years experience as a legal practitioner".

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 7 to 11 put and passed.

Clause 12: Confidential reports—

The Hon. W. F. WILLESEE: Mr. Medcalf advanced arguments for the deletion of this clause. Upon examining his remarks, and upon reading clause 12 in conjunction with clause 11, I have formed the opinion that the clause may be deleted without materially affecting the value of the Bill. Therefore, I ask the Committee to vote against it.

The Hon. I. G. MEDCALF: I thank the Leader of the House for his co-operation and for agreeing to the deletion of the clause. I have pleasure in supporting his suggestion that we vote against it.

Clause put and negatived.

Clauses 13 to 16 put and passed.

Title put and passed.

Bill reported with amendments.

House adjourned at 5.47 p.m.

Legislative Assembly

Thursday, the 5th October, 1972

The SPEAKER (Mr. Norton) took the Chair at 11.00 a.m., and read prayers.

QUESTIONS ON NOTICE

Statement by Speaker

THE SPEAKER (Mr. Norton): I wish to advise members that questions for Wednesday, the 11th October, will close at 12 noon on Tuesday, the 10th October.

ACTS AMENDMENT (ROMAN CATHOLIC CHURCH LANDS) BILL

Introduction and First Reading

Bill introduced, on motion by Mr. T. D. Evans (Attorney-General), and read a first time.

DAIRY INDUSTRY BILL

Second Reading

MR. H. D. EVANS (Warren—Minister for Agriculture) [11.05 a.m.]: I move—

That the Bill be now read a second time.