

but we will give the tenth to the farmer. I commend this Bill to the House with all confidence. I hope and believe it will be dealt with in a sympathetic manner. I am sure I have a reasonable chance of support from this side of the House, but surely I can also look to members opposite to help the under-dog. We are all here to help those on the lower rungs of the ladder. Some are more vociferous than others about doing this. The under-dog in the agricultural districts is the wheatgrower. In the days when he was supposed to have plenty of money, he is said to have been extravagant. We were told by the Royal Commission on farmers' disabilities, which made an investigation in 1931, that the farmers owed £32,200,000. This was mainly incurred in development work. I would point out that 50 per cent. of our wheat farmers went on the land after 1922. I heard the Minister for Lands say that it took ten years to establish a farm on the land to which he was referring. Does that not apply to existing farmers?

The Minister for Lands: Farming is a lifetime job.

Mr. BOYLE: It really takes three generations to make a farm. We do not want to shorten the lives of those engaged in this industry by giving them a mass of worry and trouble because of their family affairs. I suppose any probable increase in a farmer's family would have to be delayed until the Agricultural Bank found it possible to make a refund of interest already paid. This Bill will make things a little better for the farmer. I hope it will be the beginning of something big. In this country we seem to be afraid to pay an acknowledgment to those who are making this country. We hear a lot of what is being done for the farmer. In 1932-33 the farmers, by freights on produce, accounted for 60 per cent. of the goods receipts of our railway system. This was in the worst year of the depression. In that year £2,100,000 was received by the railways for the carriage of goods, and of this, agriculturists provided £1,204,000, though they made only losses in return. Wheat that year was sold at 2s. 2d. a bushel, which would be considerably less than the cost of production. The railways collected from the farmers 60 per cent. of their entire revenue for that year. It is time the House gave them a little more consideration. It is with

confidence I leave the measure to the attention of members. I move—

That the Bill be now read a second time.

On motion by the Minister for Lands, debate adjourned.

*House adjourned at 10.22 p.m.*

## Legislative Assembly.

*Thursday, 30th September, 1937.*

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

### QUESTIONS (2)—RAILWAYS.

#### *Carriage of Bulk Wheat.*

Hon. W. D. JOHNSON asked the Minister for Railways: 1, How many railway wagons were constructed specially for the transport of wheat in bulk? 2, What was the cost, and who paid such cost? 3, Were other wagons marked as needing repairs brought into use for transport of bulk wheat? 4, If so, how many of these wagons have been used? 5, Who suggested that these wagons be used? 6, How were they made usable? 7, If provided with special equipment, who conceived the idea and demonstrated its practicability? 8, Who paid for the equipment? 9, Did it increase the bulk wheat carrying capacity of these wagons? 10, What is the estimated cost of equipment per truck? 11, Is it essential to remove this equipment at the port, and forward it back to the country to be again used on other such wagons? 12, Who pays for the transport of such equipment from port

to country? 13, What amount has been paid for such transport during the past three years? 14, Is the bulk wheat carried in such equipped wagons subject to a special impost?

The MINISTER FOR RAILWAYS replied: 1, None, but 120 singles and 40 bogies were altered to transport wheat in bulk. 2, £1,905—cost of alterations; the Westralian Farmers. 3, Various highside wagons were used for carrying wheat in bulk, but they were not those marked off for repairs. 4, No record has been kept of the number. 5, No suggestion was necessary. 6, By the lining of trucks with hessian and canvas free board. 7, Co-operative Bulk Handling, Ltd. 8, Co-operative Bulk Handling, Ltd. 9, Yes. 10, See answer to No. 8. 11, Yes. 12, The consignor. 13, No record has been kept of the amount. 14, Yes.

#### *Diesel Cars.*

Mr. SEWARD asked the Minister for Railways: As the new Diesel cars about to be installed on the railways are expected to effect a reduction in the running time for passenger services, in which case they will be particularly adapted for feeding the faster trains on the main lines—(a) Has provision been made in the new time table for using those cars on branch lines running out from such centres as Merredin, Wagin, Narrogin, Katanning, etc.? (b) If so, can he state what is the estimated time saving that will be effected on the Narrogin-Bruce Rock and Narrogin-Narembeen lines? (c) If the Diesel cars are not to be so employed, on what lines will they operate? (d) If not, why not?

The MINISTER FOR RAILWAYS replied: (a) The sections proposed for Diesel car operations are as follow:—Perth-Merredin (main line), Perth-Merredin (via Wyalatchem), Perth-Merredin (via Quairading), Perth-Katanning (main line), Bunbury-Northcliffe, Bunbury-Busselton, Geraldton-Mullewa, Geraldton-Yuna. (b) and (c) Answered by (a). (d) Routes chosen are considered the most suitable.

#### **BILL—ROAD TRANSPORT SUBSIDY.**

Introduced by the Minister for Works and read a first time.

#### **BILLS (2)—THIRD READING.**

- 1, Mining Act Amendment (No. 2).
  - 2, Legal Practitioners Act Amendment.
- Transmitted to the Council.

#### **BILL — FREMANTLE MUNICIPAL TRAMWAYS AND ELECTRIC LIGHTING ACT AMENDMENT.**

Report of Committee adopted.

#### **BILL—MUNICIPAL CORPORATIONS ACT AMENDMENT (No. 2).**

*In Committee.*

Resumed from the 28th September, Mr. Sleeman in the Chair, the Minister for Works in charge of the Bill.

Clause 35 (partly considered).

The CHAIRMAN: Mr. Doney had moved an amendment to delete all words after "it" in line 3 of the proposed subsection.

Mr. DONEY: The Minister has made up his mind to oppose my amendment, although I really think he does not know on what grounds. The only objection stated by the Minister is that the amendment will enable municipal councils to participate in retail trading. That seems to be a futile argument, especially for the Minister to advance, because as a Labour Minister, naturally he should agree with the principle of trading, not only by the State Government, but by municipal governments. Also the Minister has overlooked the fact that this right to trade retail is already in the clause, a clause which doubtless is of the Minister's own construction. The amendment concerns itself with certain unnecessary restrictions. If they conferred any compensatory benefit upon anyone, I would not mind, but they fail to do that. The restrictions I refer to are those embodied in that part of the clause that I wish to see deleted. Perhaps the Minister is concerned with the possibility that the department may not have quarry supplies where they would like to acquire them. My amendment will not restrict them in that regard, for the municipal council will still have the right to sell to other statutory bodies. Altogether I see no reason whatever for the Minister to object to the clause. Another member objected that the local authority would be in competition with other quarries in stone for building material. But generally such a quarry would deal only in stone for roadmaking purposes. So that objection has but little point.

The MINISTER FOR WORKS: The hon. member accused me of inconsistency. His inconsistency amounts to a somersault. Since when has he become a champion of State trading?

Mr. Doney: This is not State trading.

Hon. C. G. Latham: It is municipal trading.

The MINISTER FOR WORKS: It is socialisation.

Hon. C. G. Latham: No, municipalisation.

The MINISTER FOR WORKS: There are some powers that the State does not give to local authorities. If the amendment were carried I think the hon. member would be in conflict with the local authorities.

Mr. Doney: Quite the contrary; they have asked for it.

The MINISTER FOR WORKS: Sufficient power is given to municipalities to dispose of material and the necessary restrictions have been imposed. No objection can be taken to the restrictions, which will not hamper any council. The limitations are appropriate when we consider that this is a delegated power and an added power.

Mr. SAMPSON: I oppose the amendment, which would enable the real cost to be hidden. If this general trading were permitted it might happen, when tenders were called for work, that a low price submitted could be hidden and an excessive charge made when prices were not called for. A council could submit prices that would not be competitive. It is sufficient if councils are able to sell to Government departments.

Mr. WITHERS: I support the amendment. The latter portion would merely give permission to sell material to any person constructing footpaths, roads or ways in the district. If a contract for work were let the council should be able to supply the material. Ratepayers, however, might want approaches constructed to garages on private land and the material would be unprocurable because the council would not be permitted to sell it.

The Minister for Works: Yes, it could.

Mr. WITHERS: The word "ways" would not apply to private property. Therefore supplies would have to be obtained from a distance at heavier cost. I would not object to a council supplying material to builders at a profit of a few pounds and thus keeping men in employment.

Mr. SHEARN: I suggest that the clause will not re-act as the hon. member suggests. It is a wise provision and would be acceptable to councils. I believe that the word

"ways" would give a council power to deal with the matter mentioned by the member for Bunbury. That aspect would have been anticipated in drafting the clause.

Mr. WATTS: I support the amendment. The provision will be of considerable assistance to country municipalities. I agree with the member for Bunbury that the word "ways" could not be taken to apply to a private drive. It would include only those ways used for the passage of the public. A local authority in my district has a small quarry, and from this source has been asked to supply material to builders for foundation purposes and to supply also a limited quantity of metal for a pipe factory. If the local authorities are not able to comply with such requests, the material required would have to be conveyed from some other district, possibly 200 or 300 miles away.

Mr. Doney: That is largely the reason for my amendment.

Mr. WATTS: The opportunity for having quarries in the country districts is limited almost entirely to the local governing bodies. There are few, if any, instances of privately-owned stone-crushing appliances being available to supply the needs of the local community.

Mr. HILL: I support the amendment, and would point out that the position of country municipalities is entirely different from that of metropolitan municipalities.

Mr. DONEY: Perhaps the Minister would be satisfied if the preference to Government departments was preserved in some other way. If so, the clause could be amended in that direction. The objection that my amendment would lead to general trading on the part of municipal councils is without foundation.

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

Ayes .. .. .	11
Noes .. .. .	25
<hr/>	
Majority against .. .	14
<hr/>	

# AYES.

Mr. Boyle  
Mr. Doust  
Mr. Hill  
Mr. Patrick  
Mr. Raphael  
Mr. Thorne

Mr. Warner  
Mr. Watts  
Mr. Welsh  
Mr. Withers  
Mr. Doney

(Teller.)

NOES.	
Mrs. Cardell-Oliver	Mr. Munsie
Mr. Collier	Mr. Needham
Mr. Coverley	Mr. North
Mr. Cross	Mr. Nulsen
Mr. Fox	Mr. Rodoreda
Mr. Hawke	Mr. Sampson
Mr. Hegney	Mr. Shearn
Mr. Johnson	Mr. F. O. L. Smith
Mr. Lambert	Mr. Styans
Mr. Marshall	Mr. Tonkin
Mr. McDonald	Mr. Troy
Mr. McLarty	Mr. Wilson
Mr. Millington	(Teller.)

AYES.	PAIRS.	NOES.
Mr. Stubbs		Mr. Wise
Mr. Latham		Mr. Willcock

Amendment thus negatived.

Mr. DONEY: I move an amendment—

That at the end of proposed Subsection 2 the following words be added:—"and to any ratepayer of the municipality."

If the amendment be accepted, it will not conflict with the sense of the clause, and will retain to the Minister all the privileges the clause now gives. It will also ensure to the ratepayers the right to purchase from their own quarry such material as they may require.

The MINISTER FOR WORKS: Already, for the purposes agreed, municipalities can sell to "any person," which includes any ratepayer. It will not enlarge the powers of the councils to provide that they may sell to "any ratepayer," in addition to selling to "any person." The clause meets all the requirements of the councils.

Mr. Doney: Then why do the councils object to it?

The MINISTER FOR WORKS: The hon. member, having been defeated, seeks to re-open the question by another method. The proposed addition is meaningless.

Mr. DONEY: Of what use, after all, is the generous aid supposed to be given to ratepayers by the clause? Not one ratepayer in a thousand will ever want to make a purchase as suggested.

Mr. WITHERS: The amendment covers the ground for a second time. If it were defeated, I would move an amendment deleting certain words and thus achieving the desired effect.

Hon. W. D. JOHNSON: I understand that the member for Williams-Narrogin proposes to give to the ratepayers, who own the quarry, the right to use it. If that right is to be given to "any person," we should make it clear that it is to be given to all the persons owning the quarry. As a ratepayer, a man should be entitled to obtain stone or

gravel from a municipal council quarry when and as he liked.

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

Ayes .. ..	13
Noes .. ..	22

Majority against .. 9

AYES.	NOES.
Mr. Boyle	Mr. Thorn
Mr. Doust	Mr. Warner
Mr. Hill	Mr. Watts
Mr. Johnson	Mr. Welsh
Mr. Marshall	Mr. Withers
Mr. Patrick	Mr. Doney
Mr. Raphael	(Teller.)

NOES.	AYES.
Mrs. Cardell-Oliver	Mr. Munsie
Mr. Collier	Mr. Needham
Mr. Coverley	Mr. North
Mr. Cross	Mr. Nulsen
Mr. Fox	Mr. Sampson
Mr. Hawke	Mr. Shearn
Mr. Hegney	Mr. F. O. L. Smith
Mr. Lambert	Mr. Styans
Mr. McDonald	Mr. Tonkin
Mr. McLarty	Mr. Troy
Mr. Millington	Mr. Wilson
	(Teller.)

AYES.	PAIRS.	NOES.
Mr. Stubbs		Mr. Willcock
Mr. Latham		Mr. Wise

Amendment thus negatived.

Clause put and passed.

Clause 36—agreed to.

Clause 37—New section: Children's playgrounds and women's grounds:

Mr. NORTH: I move an amendment—

That after paragraph (b) in Subsection (1) of proposed new Section 347A, the following new paragraph be inserted:—" (c) a site for the re-erection of historical buildings or other objects."

As Perth continues to expand and the population increases, some of the old historical buildings will have to give way to modern improvements, and I think some could, with advantage, be re-erected elsewhere. The Barracks is a picturesque structure, and the time may come when it will have to be removed altogether. If the amendment be agreed to, the council would have authority to provide a site where the building could be re-erected. At some time in the future it may be decided to complete Parliament House, with its dome and so on, in which event the Barracks will be removed. We may have youths at that time requiring something to do, and they could indulge in vocational training on the re-erection of such a building.

The MINISTER FOR WORKS: The clause seeks to amend Section 347 of the principal Act, and that section relates to places of recreation. I do not think the amendment will be in its appropriate place in the clause. Then again, what does the hon. member mean by the words "or other objects"?

Mr. North: That might refer to the Old Mill at South Perth.

The MINISTER FOR WORKS: The hon. member should have included "etc." in the amendment. Section 347 makes it lawful for a municipal council to appropriate out of revenue money for providing, maintaining and improving museums, libraries and reading rooms; for the improvement of any recreation ground or public reserve under the control of that body, and also for providing desirable amusements thereon.

Mr. Doney: That hardly covers what the member for Claremont has in view.

The MINISTER FOR WORKS: No. I have no objection to what the hon. member desires, but I do not think his amendment applies to the appropriate provision in the Act. In any event, I must object to the inclusion in the amendment of the words "or other objects."

Mr. NORTH: I would like to see provision made in King's Park, but I know that is not intended. With the development of the city, buildings of historical value will be crowded out. The present tendency is to destroy such buildings and turn Perth into a sort of American city with buildings of a different type. The amendment would not mean that the council would be forced to do anything. The Cloisters is another very pretty building that I think should be preserved.

Mr. Raphael: Have you been at the back of that building?

Mr. NORTH: We could improve the back of the premises. I would like to see land set aside, and four or five buildings, such as the Cloisters, the Barracks and others I could mention, re-erected there amid lawns and shade trees.

Mr. Watts: Would they provide recreation for the people?

Mr. NORTH: I have not a dictionary just now, but I think "recreation" means refreshing the spirit and body. It is refreshing to take one's mind back over the years to the doings of one's ancestors. Some time ago I heard speeches delivered at Rottneest with

regard to Vlaming, and the wonderful character of that man was extolled. My amendment suggests one way by which we may be reminded of the doings of our own ancestors.

The Minister for Railways: We could re-erect the old Fremantle Bridge there!

The MINISTER FOR WORKS: I am prepared to accept the amendment so far as it relates to historical buildings, but I object to the reference to "other objects." We should know what we are doing, and I would draw the attention of the hon. member to the effect of his proposal. If we agree to the amendment to insert an additional paragraph with reference to sites for the re-erection of historical buildings, the next portion of the proposed new section relates to enclosing and reserving any such children's playground for their exclusive use. I suggest to the hon. member that he move to add a proposed new subsection, to stand as Subsection 6, dealing with what he has in mind.

Mr. North: I would be pleased to see the amendment put in the right place.

Mr. McDONALD: I will move an amendment on the amendment to strike out the words "or other objects."

The CHAIRMAN: I suggest that the mover of the amendment withdraw his amendment and move it later on in the proper place.

Mr. NORTH: I ask leave to withdraw my amendment.

Amendment, by leave, withdrawn.

Mr. SAMPSON: I move an amendment—

That after "girls" in Subsection 3 of proposed new Section 347A, the following words be inserted:—"and provide for adult control, supervision and caretaking."

Under the parent Act there is a provision for providing, maintaining or improving libraries and reading rooms, but these recreation reserves, that is, the children's playgrounds and women's grounds, do not come under any of those headings. If the provision I suggest is not inserted there will be no authority for providing supervision and caretaking which are essential.

The MINISTER FOR WORKS: I do not propose to accept the amendment because it is not required. The other night I read ten pages relating to matters on which municipalities may make by-laws. It would be a surprise to me if they had not the power to appoint caretakers anywhere they like. Of course they have the power to look after their grounds, to see that they

are set aside for the purpose specified and that they are properly policed. There is no need to put all these trifling things in a clause which is providing for authorisation to be given to a council to set aside land.

**Mr. SAMPSON:** I have looked for this power and failed to find it, but of course if the power is there the amendment is superfluous.

**The Minister for Works:** The councils can make by-laws for almost anything.

Amendment put and negatived.

**Mr. WITHERS:** Provision is made here for a council to set aside portion of land belonging to it for the purposes set out in the clause. I would like to ask the Minister what power the councils have to resume land which they do not already own for the purpose of creating reserves?

**The MINISTER FOR WORKS:** The Act itself contains that power. It reads—

It shall be lawful for a council from time to time to appropriate out of the ordinary revenue of the municipality such sum or sums as the council shall think proper for or towards any of the following purposes:—

**Mr. Withers:** Read on.

**The MINISTER FOR WORKS:** This clause comes in there as Section 347A. I do not know that a definite authorisation is required for the purchase of land. This particular clause says that the council may set aside land for the purposes specified, and I consider that if the council desired to resume land they could do it all right; they have sufficient power.

**Mr. NORTH:** I move an amendment—

That a new subsection be added to the proposed Section 347A as follows:—“(6) Provide sites for the re-erection of historical buildings.”

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

Clause 38, Amendment of Section 377:

**Mr. DONEY:** There has been a good deal of controversy in regard to the subject matter of this clause. I wish to express my pleasure that the Minister has seen fit to change last year's Bill in regard to this particular clause. He has now precisely met the wishes of the councils. The order now in respect to this matter has been reversed, much to the relief of all municipal councils, including, I think, the Perth City Council. There is no doubt that the rating on the annual value will be the method more generally adopted.

Clause put and passed.

Clause 39—Amendment of Section 378:

**Mr. DONEY:** I move an amendment—

That the following paragraph be inserted before paragraph (a):—“By deleting from paragraph (b) all words after the word ‘less’ in line 7 and inserting in lieu thereof the words ‘forty per centum of such average amount of rent.’”

I do not know whether members have read the relative portion of Section 378, and so it might be of benefit if I were to quote it. It is:—

In the valuation of land on the annual value the following rule shall be observed . . . (b) the annual value of ratable land which is improved or occupied shall be deemed to be a sum equal to the estimated full, fair, average amount of rent at which such land may reasonably be expected to let from year to year, on the assumption that such letting is allowed by law, less the amount of all rates and taxes, and reduction of £20 per centum for repairs, insurance, and other outgoings.

It will be plain to the Committee that that involves councils in some intricate computations, and since it has been found that those various matters amount to 40 per cent., it certainly would seem wise for the Committee to consent to the unanimous viewpoint of the councils to cut out all that, and in lieu thereof to insert the words “forty per cent.” The amendment would make for much easier bookkeeping. Monetarily the councils will neither gain nor lose anything and so the change will be wholly beneficial.

**The MINISTER FOR WORKS:** I have no serious objection to the amendment but I am not quite sure whether it is required by the municipal councils.

**Mr. Doney:** I can give you that assurance.

**The MINISTER FOR WORKS:** The point is that the amendment may interfere with rating, and the revenue might be reduced unless the council raised the valuations. At the present time they deduct an amount prescribed after valuation, and municipal councils do not like to alter valuations. It may be possible that where valuations are fixed, and the councils desire to get a certain amount that they are after, the deduction would not amount to 20 per cent. The practice now is to deduct rates and taxes allowable plus 20 per cent., and there is the possibility that in some instances municipalities, in order to get some revenue, would have to raise the valuation, and that, I think, might not be desirable. The reduction in rates might be 37½ per cent. now, and the hon. member proposes a flat 40 per

cent. deduction on the present valuation. That may possibly affect the revenue of certain municipalities.

Mr. DONEY: If municipal councils had felt that any great interference with their revenue would ensue from the adoption of the amendment I have moved, it would have been reflected in the discussions at their meetings. On the occasion when a deputation from the association waited on the Minister, this particular requirement was amongst the many submitted to him for his consideration, though I am not quite sure about that. Anyway, it was submitted to me. But since the Minister has agreed to accept the amendment, there is no further need to argue it.

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

Clause 40—Amendment of Section 386.

Mr. McDONALD: I move an amendment—

That in line 8 of paragraph (b) the words "then being used by any Government department under the authority of Section 35A of the Interpretation Act, 1918," be struck out, and the following inserted in lieu:—"approved by the Minister."

The clause in the Bill amends Section 386 of the Act. That section requires the municipal councils to keep a rate book in which are to be entered particulars of all rateable lands and the names of owners or occupiers. It is desired by the council, in accordance with modern methods, instead of using a book in which to keep those records, they should be permitted to use loose leaves or cards. A council might wish to use some system of keeping records of ratepayers and rateable lands, a system which in fact the Government departments are not using.

Mr. Doney: Would not that make an audit more difficult?

Mr. McDONALD: I propose to insert instead of the words I wish to see struck out, these words, "approved by the Minister." My amendment will enable councils to adopt any modern system from time to time of recording particulars of rateable land and the names of the ratepayers, but it will be safeguarded in that the Minister's approval will have to be obtained beforehand.

The MINISTER FOR WORKS: I have no objection to the proposed amendment; in fact I think it is an improvement in the framing of the clause. Of course any such

system adopted by the councils would have to be approved by the Minister.

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

Clauses 41 to 46—agreed to.

Clause 47—Repeal of Section 411:

Mr. DONEY: I hope the Committee will not accept this clause. The section proposed to be repealed provides that rates overdue for 12 months shall carry interest at five per cent. It is easy to be generous in this way with the revenue of municipal councils, but we are not nearly so generous with our own revenue. In fairness to those councils, Section 411 should be retained. I think we must have in the Act something to prompt a man to pay his municipal debts. If not, many of those who can pay but will not pay will seek to defer their payments as long as possible. Money not paid when due becomes borrowed money, and in accordance with the monetary practice under which we operate interest should be paid on it. The Government themselves always observe that practice, and I can see no excuse for endeavouring to force any other practice upon the municipal councils. I do not think the Government would be prepared to adopt the proposed new system in regard to the Agricultural Bank. To be consistent the Government should permit this Section 411 to remain in the Act.

Mr. SAMPSON: If that section be repealed it will make the work of town clerks and municipal treasurers very much harder than it is to-day. It is already difficult to collect rates in some instances, and if Section 411 goes, rates possibly will remain unpaid from year to year. I hope the clause will not be approved.

The MINISTER FOR WORKS: This practice might have been all right 30 years ago, but those who wish to see it maintained should remember that it was struck out of the Roads Districts Act years ago. And there is a better prospect of recovering rates in a municipality than in a roads district.

Mr. Doney: There is no more disinclination to pay in a roads district than in a municipality.

The MINISTER FOR WORKS: Section 411 is being deleted because the municipalities rate upon the property and the rates are a first charge. The hon. member cited the Agricultural Bank. I do not know that the Agricultural Bank charges interest on interest; I think most of its spare

time is taken up in writing off interest. The power enjoyed by the municipality arises from the rates being a first charge and from the fact that there is a legal process by which their collection can be enforced. The property is always there.

Mr. Doney: So is the farm.

The MINISTER FOR WORKS: Is it? The hon. member will find that the rate of interest required on a farm is quite different from that in a municipality. The point is that rates may easily be collected. I cannot see why a town clerk should be encouraged to allow rates to run on. Let such officials do their job. The fact that a town clerk is dilatory is no reason why interest should be charged on arrears. No difficulty has been experienced in road districts where rates are harder to collect.

Mr. Doney: You will concede that this will discourage payment.

The MINISTER FOR WORKS: We are bringing this legislation into line with the Road Districts Act.

Clause put and passed.

Clause 48—agreed to.

Clause 49—Repeal of Sections 414, 415 and 416:

Mr. DONEY: The repeal of these sections has not been asked for, but I am not going to oppose it. Distraint upon personal effects is obnoxious to me, but seldom have councils exercised the power to distrain where the ratepayer has been genuinely unable to pay. They have flourished the power to those who could pay and would not pay.

The Minister for Works: One would think you were parting from an old friend.

Mr. McDONALD: I sympathise with those who wish to ensure that no hardship shall be inflicted upon ratepayers who are not in a position to pay. Still, rates have to be paid. The Act provides inexpensive summary means by which a warrant of distress might be served on an occupier. If the sections are repealed, a council will sue the occupier for the rates. He might pay on the summons, but if not the council will get judgment, take out a warrant and put in a bailiff. The ratepayer will have gained some time between the issue of the summons and the arrival of the bailiff, but the expense of those proceedings will have increased the burden.

The MINISTER FOR WORKS: Municipalities have a first claim on a property

for rates, and the time is past when we should provide this method for collecting rates. If a case is heard before a local court, the magistrate will give consideration to the circumstances of the ratepayer and make an order within the ability of the man to pay. We have received a good many complaints, not necessarily in municipal districts, and have decided as a matter of policy to repeal those sections. Other lenders of money would like to have the security available to a municipal council.

Mr. Patrick: Municipalities seem to allow rates to run on for years, and then advertise the property for sale.

The MINISTER FOR WORKS: Yes. If councils cannot charge interest on arrears they will see that rates do not fall into arrears. They should take means to collect the rates as they become due.

Mr. CROSS: I was surprised that the member for West Perth should advocate the present method of distraining for rates, particularly as councils have power to distrain on the goods of a tenant when the non-payment is the fault of the landlord. If a tenant pays his rent regularly, the council should not be permitted to put him to inconvenience when the rates are the liability of the landlord. Seeing that the municipalities are so well protected already I was very surprised at the remarks of the hon. member. Quite a number of business people require that this power shall be taken away from the City Council. Some of the city landlords are the worst ratepayers.

Hon. C. G. Latham: Why should they not be made to pay?

Mr. CROSS: I do not say they should not be made to pay.

Hon. C. G. Latham: You want to protect them.

Mr. CROSS: I want to protect the tenants, many of whom are paying twice as much rent as they should pay. The municipal councils should be obliged to exact the rates from those who are responsible for their payment.

Mr. WITHERS: I support the clause. It is better that a civil action should be taken for the recovery of rates than that the municipal council should take steps to recover them. It is always an unpleasant job to have to distrain upon a tenant's property in order to secure the payment of rates. If a person has a good case he will be likely



to get a better deal from the magistrate than he would get under the existing system.

Clause put and passed.

Clause 50—Repeal of Sections 429 and 430, and new section:

Mr. DONEY: My desire is to amend the order of priority as set out in proposed Section 429. The cost and expenses of the local court come first, and the cost and expenses of the municipal council come fourth. I do not see why the latter should not come second. Municipal councils are responsible for all the expense of putting a property up for sale, and should therefore rank next in order to the local court in the matter of priority. I move an amendment—

That after "accordingly" in line 22 of proposed new Section 429 (Subsection 1) the following words be inserted:—"Secondly—in payment of all vendors' costs and expenses of and in connection with conferring upon the purchaser a clear title to the land."

The MINISTER FOR WORKS: This order of preference has been carefully thought out. The same order appears in the Road Districts Act, where it has been found to work effectively. The municipal councils are already well protected by the second preference. Within a municipality the Crown also has to be considered, and it ranks second with the local authorities. The second preference the hon. member proposes to make the fourth.

Mr. Doney: No; the third.

The MINISTER FOR WORKS: But the hon. member proposes to put the fourth in front of the second. "Secondly" is so important that I propose to retain it in its present position. The State and the municipal councils must be protected. There is something to be said for uniformity when dealing with local governments. I do not think the road boards are entirely satisfied with the order of preference in their Act.

Mr. Doney: Most certainly they are not.

The MINISTER FOR WORKS: No good case has been made out for the amendment.

Mr. DONEY: No good case has been made out by the Minister for retaining the present order. There must be some ground for the dissatisfaction of the road boards, and I take it the same ground operates in the minds of municipal councils. Perhaps the Minister has overlooked the fact that first preference is given to payment of the costs and expenses of the clerk of the local

court in connection with proceedings in the court and sale of the land. On behalf of the municipal councils I want a better priority for similar expenses. I am not impressed by the fact that the order proposed here is the order in the Road Districts Act, which the Minister admits is not acceptable to road boards.

The MINISTER FOR WORKS: Precedence in payment is to be given to all vendors' costs and expenses of and in connection with conferring upon purchasers a clear title. That can certainly not be done until rates and taxes have been paid. If "fourthly" becomes "secondly," it will not be in accordance with the proper procedure.

Mr. DONEY: I do not concede that the Minister is necessarily right, but I admit that he has hit upon a situation which I cannot explain away.

Hon. C. G. LATHAM: The great difficulty is that for a long time there has been accumulation of rates. If the municipality can make no progress in collecting rates, it decides to put up the land for sale, and that is a costly process. The next trouble is to get a buyer. Frequently municipalities do not put up land for sale simply because by doing so they cannot recover the costs thereby incurred. Land can have little value if it does not find a ready buyer without a forced sale. The owner must know that by selling he cannot get more than the rates and taxes, otherwise he would pay the arrears. I know the difficulty of dealing with fee-simple land when the owner cannot be found.

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

Hon. C. G. LATHAM: The clause really deals with unsaleable land. If a block had any sale value, the owner would naturally dispose of it. I dislike very much the process we have been adopting in recent years in making land of this description, including abandoned holdings, revert to the Crown. In Albany there are blocks for which one could not get a bid to-day. That makes for the inconvenience of other land owners and at times the Government have to run their water pipe through such blocks in order to supply some other resident. That land is idle only because it is an unprofitable proposition to the local authorities under existing circumstances, from the standpoint of sale. The sale of such land should be made as easy as pos-

sible and purchasers should get possession as easily as possible. The Bill will not have that effect because the clause requires the local authorities to provide for rates and taxes owing to the Government. Such blocks should be disposed of to anyone willing to become a ratepayer, because that would give advantage to both the Government and to the local authority. I ask the Minister to give further consideration to this matter so as to make the disposal of vacant blocks as easy as possible.

Mr. CROSS: For once I agree with most of what the Leader of the Opposition has said.

Hon. C. G. Latham: Then I must be wrong.

Mr. CROSS: On the other hand, the hon. member did not give any reason for altering the proposed order of priority set out in the clause. The present methods in connection with sale of these properties is slow and costly and, in my opinion, the Minister should introduce amending legislation at a later stage to simplify and cheapen the process. Many of the owners of vacant blocks cannot be found, and if the sale of such blocks to new owners were simplified, it would be of assistance to both the local authority and the Government. Under existing conditions the granting of facilities to resident occupiers of adjoining properties is held up. Because of vacant blocks, water supplies have been withheld from residents in some parts.

Mr. DONEY: The only argument the Minister advanced in support of the clause was that the order of priority set out is the same as that contained in the section in the Road Districts Act dealing with this particular matter. That may be true, but it does not advance us very much. The Minister seems to take it for granted that the Government are entitled to priority merely because they are the Government. On the other hand, the Government should be subject to precisely the same laws as anyone else. With regard to the sale of land at the instance of a local governing body, the proceeds of any such sale are divided in accordance with the legislation. If sufficient money is realised. If the sum realised from the sale is not sufficient to meet all charges against the property, the proceeds are distributed in accordance with the proviso attached to the second paragraph of the order of priority. Any such

sale is not held up merely because all the encumbrances are not discharged. The sale goes on, no matter how small a return may be received. The only objection that the Minister, I think, could have to any change in the order of priority that I suggest, is that there is a likelihood of the payments to the Crown being decreased, but the Crown should take the same chance as anyone else.

The MINISTER FOR WORKS: I realise the difficulty pointed out by the Leader of the Opposition and others with regard to the expense incurred in advertising the sale of land that is almost valueless. I do not see how we can overcome that difficulty here. In common with the local authorities, we do sometimes write off the whole or portion of the rates due to the department. Therefore it is not a question of the Government insisting on their prior rights in such circumstances. This will not overcome the difficulty. I understand that, particularly in the case of road boards, the utmost difficulty is experienced in getting back the expense incurred in advertising. I believe it costs 30s. to advertise the sale of a block of land for which there may eventually be no bid. Big estates are subdivided—

Hon. C. G. Latham: They are sometimes hawked around New Zealand and the other States.

The MINISTER FOR WORKS: Enormous areas are taken up and rated by the local authority, but the rates cannot be recovered and the arrears of rates look very bad on the balance sheet. I think arrangements are being made for a writing off of uncollectable rates. With the approval of the Minister, rates may be written off, and that is being done fairly often in the case of road boards. I have discussed this matter with the local authorities, and can see no way out of the difficulty unless means are found to simplify advertising.

Hon. C. G. Latham: Then care has to be exercised that a man's property is not confiscated.

The MINISTER FOR WORKS: That is the point. Publicity must be given to the proposed sale of land, and often it is not worth it. Where there is any difficulty, the Water Supply Department is always prepared to co-operate with the local authority. I cannot agree that the Crown and the local authority shall come too far down the page.

Hon. C. G. Latham: It is a question of giving a clear title before the Crown comes in; that is all.

The MINISTER FOR WORKS: I realise the difficulty, but I do not know any way of overcoming it, and I have received no effective suggestions.

Mr. Doney: What about local authorities, mortgagees and the municipal authorities sharing the expenses?

Amendment put and negatived.

Mr. DONEY: I move an amendment—

That in line 27 of Subsection (1) of proposed new Section 429 after "1911-1933" the words "and all unpaid water rates, water charges and meter rent due to or imposed in favour of any water authority other than a Government authority" be inserted.

It will be noticed that a little further up in the same paragraph water rates are included in the debt due to the Government, and I suggest it would be proper to accord similar treatment to municipalities which are also water boards. This would not affect all municipalities. It would affect Bunbury, Geraldton and Collie, but not municipalities like Northam or Narrogin.

The MINISTER FOR WORKS: It has to be remembered that this clause deals with the question of priority in the matter of the distribution of money realised from saleable land, and we must leave the local authority the right to collect debts where money is realised from the sale of such land. I have said previously that I cannot see any way of overcoming the difficulty in respect of land which does not realise sufficient to pay expenses.

Mr. Doney: This would operate equally in connection with the sale of land which realised sufficient to pay expenses.

The MINISTER FOR WORKS: Such land is sold for rates, and the clause sets out the prior claims to the money realised. The order of preference given here is the one which should obtain. I do not see why an essential liability should be deleted. This is one of the charges I would insist upon.

Mr. Doney: I am not omitting a liability, but inserting an entirely new charge which I suggest was omitted inadvertently when the Bill was drafted.

The MINISTER FOR WORKS: I cannot agree to alter the order of the distribution of the amount realised.

Mr. DONEY: The order of priority is not affected by this amendment. This is as clearly a debt due to the municipality as are

the other forms of debt referred to in the same clause, and I cannot see that the Minister has any grounds for his objection to the inclusion of the words suggested.

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

Ayes .. ..	14
Noes .. ..	17

Majority against .. 3

#### AYES.

Mr. Boyle  
Mrs. Cardell-Oliver  
Mr. Hill  
Mr. Mann  
Mr. McDonald  
Mr. McLarty  
Mr. North

Mr. Patrick  
Mr. Sampson  
Mr. Thorn  
Mr. Warner  
Mr. Watts  
Mr. Welsh  
Mr. Doney

(Teller.)

#### NOES.

Mr. Coverley  
Mr. Cross  
Mr. Doust  
Mr. Fox  
Mr. Hughes  
Mr. Johnson  
Mr. Marshall  
Mr. Millington  
Mr. Munals

Mr. Needham  
Mr. Nulsen  
Mr. F. C. L. Smith  
Mr. Sytants  
Mr. Tonkin  
Mr. Troy  
Mr. Withers  
Mr. Wilson

(Teller.)

#### PAIRS.

AYES.  
Mr. Keenan  
Mr. Shearn  
Mr. Brockman  
Mr. Latham  
Mr. Mann  
Mr. Stubbs

NOES.  
Mr. Collier  
Mr. Hegney  
Miss Holman  
Mr. Willcock  
Mr. Wilson  
Mr. Wise

Amendment thus negatived.

Mr. SAMPSON: I move an amendment—

That after "distributed" in line 7 of the proviso the following words be inserted:—"first to the council in payment for its out-of-pocket expenses in respect to the sale of the land, and thereafter."

The council should be reimbursed out-of-pocket expenses, and those expenses should take priority of all other payments. Thus the very difficult matter of carrying out the sale would to some extent be overcome. The expenses are heavy to the local authority, the method is cumbersome and difficult, and I think the least the Government might do is to allow the payment of out-of-pocket expenses of the council to be the first charge on the amount produced by the sale.

The MINISTER FOR WORKS: When the hon. member proposes to alter a far-reaching practice, he should put his amendment on the Notice Paper so that members might see exactly what it means. I am inclined to believe that it is already provided for. However, I do not think we can for a moment alter these things in their order by merely fitting in words at haphazard.

I doubt if the hon. member has any conception of the effect of this proposed amendment. Already every charge is provided for, and that in its correct priority. The insertion of words here and there will make the whole thing unintelligible, whereas at present it is very clear. Personally, I feel that the words proposed to be inserted by the hon. member would not fit in at all. And it must not be forgotten that all this is contingent upon money being available. I must resist the amendment.

**Mr. SAMPSON:** The first claim relates to the out-of-pocket expenses that the council has to meet in the sale of this land. Surely those out-of-pocket expenses met by the council should be the first to be reimbursed. It is quite in order that thereafter the other authorities should divide what remains, but the first payment is certainly due to the municipality that offered the land for sale.

**Mr. WITHERS:** I think the clause as printed is all-embracing. Even though the council may be put to the expense of advertising and that sort of thing, the term "pro rata" in the penultimate line of the proviso will adjust the whole thing.

**Mr. Doney:** But only for such debts as are provided for in the proviso.

**Mr. WITHERS:** I think the term "pro rata" will put it all in order.

**Mr. WATTS:** If £3 is available and £9 is due for the various items, and £3 has been expended by the council for the sale of the land, the council will receive pro rata about 15s. for its £3, whereas that amount will have been expended in order that the property might be disposed of and in the hope that it will produce enough to pay all parties. If sufficient is not realised to satisfy all claims, the sale will probably provide a ratepayer who in future will meet the charges, and so the prospect for all parties will be improved. The amendment would ensure that the actual out-of-pocket expenses would first be recouped to the council, and that any surplus would then be distributed amongst the parties. The Minister surely does not expect local authorities to incur expense in order that a sale might be held and to be out of pocket to the extent of the fees. If that is the Minister's intention, no wonder the member for Swan has moved the amendment.

**The MINISTER FOR WORKS:** An unsuccessful attempt was made to give the vendor's costs priority over the payment of

rates and taxes, and the amendment is another attempt to place the vendor's costs in a position that will ensure priority. I must resist this surreptitious method to give priority to that claim. Unless an inordinate amount of rates had accumulated against the property the council would receive its rates. I am assuming that the proceeds from the land would cover the charges.

**Mr. Doney:** You cannot be sure of that.

**The MINISTER FOR WORKS:** We had better retain this complicated clause; it has been drafted with great care.

**Mr. McDONALD:** I cannot share the Minister's admiration for the clause because it seems to leave the position in doubt. I am in sympathy with the member for Swan in trying to ensure that the council is protected from the expenses of selling the land. We shall not encourage local authorities to incur such expense if other claims are given priority. The clause is difficult to construe. Provision is made, secondly, for the payment of all the council's expenses incidental to the court's proceedings or the sale of the land; thirdly, in payment of moneys due under mortgage to the Agricultural Bank, and, fourthly, in payment of the vendor's costs and expenses. Why they should be called by different names—the council's expenses and then the vendor's costs—I do not know. The Minister might well postpone the clause and have it drafted more satisfactorily.

**Mr. HUGHES:** I support the amendment. There appear to be a number of creditors who are awaiting their shares of the proceeds of the sale of the land. The municipal council is obliged to start the proceedings, and to lay out certain money to bring this about. Without that money being laid out the creditors would get nothing. As the council has had to spend this money, it is only fair that it should get that money back in the first place out of the proceeds.

**Mr. WATTS:** It is unreasonable to require municipal councils to expend money for this purpose, and then say it shall be returned to them only pro rata with the various other claims that may be made upon the proceeds. Many of those claims would be only in the nature of bad debts. The Minister has failed to understand the intention of the mover of the amendment. I doubt if this clause has received the attention he would have us believe. Far from considering the position of municipal councils the Parliamentary draftsman has simply taken this

proposed new section from Section 282 of the Road Districts Act, 1933.

Mr. SAMPSON: The amendment is straightforward and provides an equitable means of dealing with the proceeds of the sale of the property. Many sales are held and no proceeds whatever are forthcoming, but if there are proceeds then this is the way they should be distributed.

The MINISTER FOR WORKS: I certainly do not know what the mover of the amendment intends. If there is any money resulting from the sale of property, the first charge upon it will be the local court costs. If there is anything left the municipal council will get the rates that are due to it. Local authorities should not allow the rates to mount up beyond anything the property might be worth. I admit that the proposed section is a little intricate, but I have heard no real argument why it should be amended.

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

Ayes	..	..	..	16
Noes	..	..	..	17

Majority against	..	1
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## AYES.

Mr. Boyle  
Mrs. Cardell-Oliver  
Mr. Doust  
Mr. Hill  
Mr. Hughes  
Mr. McDonald  
Mr. McLarty  
Mr. North

Mr. Patrick  
Mr. Raphael  
Mr. Sampson  
Mr. Thorn  
Mr. Warner  
Mr. Watts  
Mr. Welsh  
Mr. Doney

(Teller.)

## NOES.

Mr. Coverley  
Mr. Cross  
Mr. Fox  
Mr. Johnson  
Mr. Lambert  
Mr. Marshall  
Mr. Millington  
Mr. Munsie  
Mr. Needham

Mr. Pantou  
Mr. Rodoreda  
Mr. F. C. L. Smith  
Mr. Styants  
Mr. Tonkin  
Mr. Troy  
Mr. Withers  
Mr. Nulsen

(Teller.)

## PAIRS.

## AYES.

Mr. Collier  
Mr. Hegney  
Miss Holman  
Mr. Wilcock  
Mr. Wilson  
Mr. Wise

## NOES.

Mr. Keenan  
Mr. Shearn  
Mr. Brockman  
Mr. Latham  
Mr. Mann  
Mr. Stubbs

Amendment thus negatived.

Mr. WATTS: Will the Minister explain the difference between "vendor's costs and expenses of and in connection with conferring upon the purchaser a clear title to the land" and "the council's expenses of and incidental to the proceedings in the local court or the sale of the land"? I presume that the council is the vendor.

The MINISTER FOR WORKS: There is no difference.

Mr. Doney: Then what is the excuse for the repetition?

Clause put and passed.

Clause 51—Amendment of Section 438:

Mr. NORTH: The clause refers to motor vehicles and garages. The Act has been in force for many years, and many changes have taken place. I therefore move an amendment—

That in proposed paragraph (a), after "words," there be inserted the words "aero and."

Mr. DOUST: I notice that the paragraph proposes to delete "motor cars" and substitute "motor vehicles." At first I thought the expression "motor vehicles" preferable, but it cannot be the intention that the sanction of the Governor should be obtained prior to the purchase of a motor car or motor vehicle by a municipality. Section 20 of the Act empowers municipalities to purchase motor vehicles without the Governor's sanction. The reference in this Bill should be to motor vehicles engaged for hire or reward. To the purchase of such vehicles the Governor's sanction should be obtained.

The MINISTER FOR WORKS: Already we have dealt with the clause that permits municipal authorities to provide for landing grounds. I assume that landing grounds will have something to do with aero-garages. However, I have no objection to the amendment.

Amendment put and passed.

The CHAIRMAN: The member for Nelson suggested a further amendment.

The MINISTER FOR WORKS: In drawing attention to the point he raised, I think the member for Nelson was correct. Section 438 deals with works and undertakings that a municipal council may undertake, and these are enumerated in a number of subsections. Of these Subsection (5), relates to the construction and purchase of water works or the procuring of a water supply; Subsection (6) deals with the construction and purchase of gas works, electric lighting plants or any other works for lighting the district, and Subsection (7) with the construction and purchase of tramways, trams and motor cars. The proviso to the section sets out that in respect of the matters referred to in Subsections (5), (6) and (7), the consent of the Governor must

first be obtained. This matter will have to be looked into, because as the Act stands it means that before a municipality could purchase a motor vehicle they would have to get the consent of the Governor, and that is not intended.

Mr. WITHERS: I support the remarks of the member for Nelson. I believe that when the Act was originally drafted it was provided that the consent of the Governor would be necessary in the event of a municipality purchasing tramcars or motor cars for passenger service purposes. I do not think it was intended to refer to the purchase of ordinary motor vehicles.

The Minister for Works: At any rate the matter will be referred to the Crown Law authorities for adjustment.

Mr. NORTH: I move an amendment—

That in line 2 of proposed new paragraph (21) the words "acro and motor" be inserted before "garages."

The CHAIRMAN: I would suggest the word "aerodrome" instead of "aero."

Mr. NORTH: I do not desire this measure to come before the Chamber again for some years, and I want to provide for future developments.

The CHAIRMAN: According to the dictionary a "garage" is a place where motor cars are provided for, and an "aerodrome" is a place where aeroplanes are accommodated.

Mr. NORTH: But the vehicles I speak of are not aeroplanes. They are composite vehicles that can be driven along the ground; and if it is desired to leave the ground, they just flop up in the air and then flop down when they wish to return to the earth. They can hover in the air. They are garaged just the same as motor cars.

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

Clause 52—agreed to.

Clause 53—Amendment of Section 446:

Mr. DONEY: I move an amendment—

That in line 3 "fifty" be struck out with a view to inserting the words "number representing four per centum being."

The section deals with the power of owners of rateable land in a municipal district to demand a vote of owners on the question of a loan to be raised by the local authorities. The Minister can surely see that the clause would impose an intolerable burden upon small municipalities, although it would be all

right for larger municipalities. The property owners of Busselton or Carnarvon would not be able to demand a poll except under most extraordinary circumstances. If we put the matter on a proportionate basis, it would overcome the difficulty. On the basis of 4 per cent. as I suggest, it would mean roughly 50 property owners in Northam, Geraldton, Bunbury, and such towns, could demand a poll, and 10 property owners would have that right in places like Busselton and Carnarvon. That, of course, would probably be about the number they should raise for a meeting. It would also be on the same proportionate basis for the larger municipalities.

The MINISTER FOR WORKS: The Act provides that before a council can borrow money, notice shall be given and within a certain period 20 ratepayers may demand that the question whether a loan shall be raised or not shall be submitted to a referendum of the owners of rateable land in the district. The amendment increases the number to 50. It must be remembered that municipalities have grown since this Act came into being.

Mr. Doney: But Busselton would need to grow as big as Perth before this clause could be applied fairly.

The MINISTER FOR WORKS: It is inadvisable that a trifling section of the community should put the whole community to the expense of a poll. If there is any valid objection to a loan being raised, it should not be difficult to get 50 signatures to a demand for a referendum.

Mr. Doney: Is it right that the same number of signatures should be required from a country municipality as would be required in Perth?

The MINISTER FOR WORKS: I admit that 50 would be rather negligible in Perth.

Hon. C. G. Latham: There would be a job to get as many as that at Carnarvon.

The Minister for Mines: If it were difficult to get that number, there should be no necessity for any objection at all.

Mr. Doney: If Carnarvon has to raise 50 signatures, Perth should raise a great many more.

The MINISTER FOR WORKS: It is not advisable to have a small section of malcontents putting a municipality to the enormous expense of a poll. Municipalities have represented to me that 20 signatures are not enough to justify a referendum.

Hon. C. G. Latham: As far as the city is concerned, I agree with that.

The MINISTER FOR WORKS: Twenty was regarded as too small a number to demand a poll so we fixed the number at 50. There is no particular virtue in 50 except that there is more likelihood of there being a valid objection if 50 signatures are obtainable.

Mr. WITHERS: The clause should be allowed to stand. We had an experience in my district recently of a poll which cost £15. Twenty signatures were got in one part of the municipality and there was no necessity to hawk from street to street. Forty ratepayers signed and this committed the council to the expense of a referendum at which 23 per cent. of the people in the district voted.

Mr. Watts: How many votes were recorded?

Mr. WITHERS: About 400 or 500. In consequence, we have had to resubmit the loan. Therefore, if disgruntled persons want to put the council to the expense of another referendum, they need to get only 20 signatures.

Hon. C. G. LATHAM: Considerable hardship can be imposed on the smaller municipalities by this amendment. Last year's Pocket Year Book shows the following statistical returns for the municipalities:—Busselton 210 dwellings, Carnarvon 254, Wagin 318, York 300, Guildford 501. The city of Perth has 19,703. It will be seen from those figures how unfair this provision is to the smaller municipalities. There should be no trouble in getting 500 names in Perth, but it would be a hardship for Busselton or Carnarvon to get the required number and I consider the Minister might leave the position as it is.

Mr. WATTS: I should like to support the member for Bunbury in what he said. They had a loan poll in Bunbury at which only 23 per cent. of the ratepayers voted out of approximately 1,500 persons entitled to vote. Four per cent. of that number would be roughly 60 persons, so four per cent. would get over the hon. member's objection to having too few people. When we come to the city of Perth, to ask for only 50 persons to sign a petition out of 19,000 persons would be enabling 50 malcontents to set up a demand for a referendum when they had not the faintest hope of getting away with it, but nevertheless would be putting the

municipality to great expense. The hon. member, I know, wants to make the arrangement fair and equitable for ratepayers in both small and large municipalities. To do this, provision should be made for the same proportion of the people concerned.

The MINISTER FOR WORKS: When we invited the local authorities association to make suggestions for amendments, "fifty" was sent in by the metropolitan local government association and also by the country municipalities association. Their request that the section regarding a poll on the question of raising a loan should be amended asked that the petition should be signed by not less than 10 per cent. of owners of rateable property. In Perth that would be a considerable number.

Mr. Doney: But it would have the advantage of being a fair proportion.

The MINISTER FOR WORKS: However, I am not going to oppose the amendment.

*Amendment put and passed.*

The Minister for Works: It would have been better to leave it as it is in the Act, namely "twenty."

Mr. DONEY: I would rather that than the other, but I have been asked by the country municipal bodies association to do this. The Minister says he has been asked by the Perth City Council and by the country municipalities to attend to this and that they instructed him the same as they have instructed me.

The Minister for Works: What did they instruct you?

Mr. DONEY: Four per cent. of the owners of rateable land.

Hon. C. G. Latham: I think we ought to get back to what we had previously.

Mr. Cross: Why not make it 20 persons for the country and 50 for Perth?

Mr. DONEY: Since no figure seems to suit everybody, I will stick to the four per cent. I move an amendment—

That the words "number representing four per cent. of the" be inserted in lieu of the word "fifty" struck out.

Hon. C. G. LATHAM: That will be almost impossible to operate. It would require 800 signatures in the City of Perth and 8 only in Carnarvon. It would be preferable to say we shall have 20 or 30, and leave it at that.

Mr. Cross: Make it 20 for the country and 50 for Perth.

The CHAIRMAN: Something must be inserted, or the clause must be wiped out altogether.

Hon. C. G. Latham: Four per cent. will be impossible. I hope the amendment will not be carried.

Mr. DONEY: I suggest that the Committee vote against the whole clause and thereby revert to the "twenty" which is in the Act. I simply want to save the Committee from imposing on small municipalities a burden that they cannot stand.

Amendment put and negatived.

Clause, as previously amended, put and negatived.

Clauses 54 to 56—agreed to.

Clause 57—Amendment of Section 476; Repeal and new section:

Mr. DONEY: I move an amendment—

That after "Act" in line six of paragraph (a) of the proposed new section the words "and may also out of such sum allow to the mayor as an honorarium or for any other purposes whatsoever specified by the council such amount as the council deems fit" be inserted.

The amendment would permit of the payment of an honorarium to a mayor from the 3 per cent. account. Amongst auditors there is a diversity of opinion as to whether this is permissible under the Act. I should like to have the Minister's opinion on that point. Payment has been made in Kalgoorlie and, I understand, in Northam, but in other municipalities auditors have declined to permit such payment. A mayor's social obligations are expensive, and the cost should fall on the council. I am submitting the amendment largely in the hope of getting the point clarified.

The MINISTER FOR WORKS: I do not favour the amendment. It would mean that out of the 3 per cent. fund remuneration or salary could be paid to the mayor for his services, whereas other members of the council would not benefit similarly. A principle is involved. Would the money be paid definitely as salary? If so, the mayor would not have to account for it. If it were paid for entertainment purposes, it would be public money and would have to be accounted for.

Mr. Patrick: Some of the other States make such payments.

Mr. Raphael: Yes, South Australia.

The MINISTER FOR WORKS: A mayor would be placed in a false position if he had not to render an account of the manner in

which money granted for entertainment purposes had been spent.

Mr. Doney: Would you object to the payment in such circumstances.

The MINISTER FOR WORKS: It is inadvisable to invite this sort of thing. There is no dearth of applicants for the position of mayor. Several are offering in Perth at present. The work is honorary and I know of no demand for the payment of a salary. If the hon. member was deputed to move the amendment, all I can say is that I have not been taken into the confidence of the councils. Neither have I noticed that the proposal has received any great publicity. Fifty pounds would be a large amount for some councils to pay, whereas a couple of thousand pounds might not be missed by a municipality like Perth.

Mr. DONEY: Does the Minister say that he has not been approached by the councils on this point?

The Minister for Works: They mentioned it; it is one with which I did not agree.

Mr. DONEY: Then the Minister knew where the proposal emanated. The Minister, in framing the Bill, selected the amendments he considered desirable and rejected the rest. I am dealing with the rejects, which accounts for my lack of success.

The Minister for Works: The councils made this request, but did not press it.

Mr. DONEY: Probably the Minister indicated his attitude very plainly. Will the Minister say whether the existing Act permits the payment of such amounts? It is done in the case of the Kalgoorlie and Northam municipalities. I do not know whether accounts of the expenditure are rendered to the municipal council.

Mr. Raphael: The Kalgoorlie Municipal Council allows its mayor £500 a year.

Mr. DONEY: I am told that such an amount is paid to the mayor at Kalgoorlie, and that an amount is also paid to the mayor of Northam.

The Minister for Works: It looks as if an attempt is being made to cut down the amount. At any rate, I do not like the principle.

Mr. DONEY: That is another question.

The Minister for Works: Municipalities can pay what they like out of the three per cents. so long as the money is accounted for.

Mr. DONEY: That is tantamount to saying that if the mayor accounts for the expenditure the council may allow it.



The Minister for Works: That could be done in such circumstances.

Mr. DONEY: If the question is submitted to the Minister's Department I suppose that will be the answer given.

Mr. RAPHAEL: The Minister by his refusal to accept the amendment is displaying a lack of knowledge of the subject. The member for Williams-Narrogin is endeavouring to provide that the mayor shall have some control over the finances of the municipality in respect to what is spent on entertainment, etc. At present that matter is controlled by a committee of the council. Before any civic reception can be tendered by the Perth City Council, for instance, the Lord Mayor must get the permission of the council. In other cities of the Commonwealth the Lord Mayor is allowed many thousands of pounds, and in addition spends double or treble his allowance out of his own pocket. The Minister wants the mayor to be under some direct control before he can be permitted to entertain visitors. He should be independent of the council in such matters. The request is a fair and reasonable one.

Mr. WITHERS: I consider the mayor should receive some compensation when discharging his duties. On the other hand, it would be creating rather a dangerous precedent to pay a salary to the holder of the office. If the mayor is to receive an honorarium it should be paid out of the 3 per cents. Most municipal councils have sufficient confidence in their mayor to leave it to him to handle the money judiciously.

Hon. C. G. LATHAM: Surely the mayor of Bunbury would not ask the councillors if he could do some entertaining.

Mr. WITHERS: No. He would probably ask how the 3 per cents. stood, and if there was sufficient money the entertainment would be given. If the 3 per cents. were insufficient to meet all contingencies, and the mayor was out of pocket by reason of some expenditure he was obliged to incur, some means should be provided to reimburse him from some other source. I do not think mayors should be paid a salary.

Hon. C. G. LATHAM: This may establish a dangerous precedent. Some municipalities have only a small number of rate-payers. If this privilege were extended to them some of the road boards might want it too. There should be enough elasticity about the 3 per cents. to cover the whole

position. Undoubtedly the City of Perth would spend more than any outside municipality would do.

Mr. Raphael: Perth does not spend a half per cent. let alone its 3 per cents.

Hon. C. G. LATHAM: If the council liked to hand over the authority to spend the 3 per cents. to the mayor it could do so.

The Minister for Works: That is so.

Hon. C. G. LATHAM: The town clerk would have to see that vouchers were provided for the auditors, to show that the 3 per cents. had not been exceeded. The unexpended balance would then be returned to revenue.

Mr. Raphael: Nothing ever comes back; it all goes out.

Hon. C. G. LATHAM: There is no great demand for this proposal. On the other hand, there has been a demand for travelling allowances for road boards.

Mr. Doney: There has been a unanimous demand for the proposal in the country.

Mr. STYANTS: In justice to the member for Williams-Narrogin, I wish to mention that I was present when representatives of the Kalgoorlie Council, with representatives of other local authorities, waited on the Minister as a deputation concerning the traffic regulations. That deputation incidentally did put up this request to the Minister, though its members were not specially keen about it. Their particular desire was to have the Act clarified. Certain municipalities make allowances to their mayors. For many years Kalgoorlie has given its mayor £500 annually for entertainment. If he spent only £460, the balance of £40 was his; if he spent £540, he had to find the other £40 out of his own pocket. The deputation stated to the Minister that if such a course was adopted in another municipality, with a different auditor, the expenditure might be queried. The granting of a lump sum to the mayor for entertaining on behalf of the municipality is often a much cheaper plan than that of the 3 per cents. I feel sure that if the cost of municipal entertainment in Kalgoorlie were met out of the 3 per cents., it would be more than £500.

The MINISTER FOR WORKS: The provision dealing with the 3 per cents. is in the principal Act. Councils have absolute discretion in that respect.

Mr. Doney: If that is so, I wonder at the attitude of some auditors.

The MINISTER FOR WORKS: Municipalities are in a different position from road boards, for which Government auditors audit the accounts. The Government do not intend to supervise the expenditure of municipalities, in the auditing of whose accounts they have no say. I know that some local authorities want to pay their mayors an honorarium, but they want Parliament to authorise that course. Local authorities themselves should accept the responsibility, having all the power they need.

The Minister for Justice: In Kalgoorlie the mayor is paid for time as well as for entertainment.

Mr. DONEY: In view of the explanations made by the Minister and the member for Kalgoorlie, I am not quite as satisfied with my amendment as I was previously. I ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Mr. DONEY: I move an amendment—

That in subparagraph (i) of paragraph (b) of Subsection 1 of the proposed new section the words "or of any road district," in line 8, be struck out.

I have difficulty in determining exactly where the land, on which a municipality with the approval of the Governor may expend revenue, is situated. If it is not within the municipality, or any other municipality, or in any road district, I am hard put to it to decide where the land is. I should imagine the land must be either within a road district or within the boundaries of a municipality. There may conceivably be some explanation for this provision, but as it stands it seems to me the suggestion is that the land is nowhere.

The MINISTER FOR WORKS: When discussing the Bill with officers of the department, I put the same question to them. They assured me that there are instances of land circumstanced as indicated. For instance, there is in Perth land around the river that is not within the municipal boundary. At Geraldton there is land on the foreshore that is not within the municipality nor yet in the road district. There may be other instances, and the clause is designed to deal with them.

Mr. Doney: What if a man built a house on such land?

Hon. C. G. Latham: It would be Crown land.

The MINISTER FOR WORKS: Yes, and where there are such instances we desire to

give the municipality concerned power to spend money on that land. The areas affected will probably be on a water course or a foreshore.

Mr. DONEY: In view of the explanation, there is no point in proceeding with the amendment and I shall ask leave to withdraw it.

Mr. WITHERS: In the Bunbury district, there is a cemetery in a road district, but the municipality control the cemetery board.

Hon. C. G. Latham: This provision would not affect that.

The Minister for Works: This applies to no man's land. It will apply to reclaimed land.

Amendment put and negatived.

The MINISTER FOR WORKS: I move an amendment—

That in line 14 of subparagraph (i) of paragraph (b) of proposed new Subsection (1), the words "tourist propaganda" be struck out.

Amendment put and passed.

The MINISTER FOR WORKS: I move an amendment—

That in line 10 of subparagraph (2) of paragraph (b) of proposed new Subsection (1), the words "tourist propaganda" be struck out.

Amendment put and passed.

The MINISTER FOR WORKS: I move an amendment—

That at the end of proposed new Subsection (1) a new subparagraph to paragraph (b) be added as follows:—“(iii) providing all forms of tourist propaganda both within the district of the council and elsewhere in connection with or in relation to any tourist resort within the district of the council.”

This merely represents a reconstruction of the provision relating to tourist propaganda.

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

Clause 58—Amendment of Section 477:

The MINISTER FOR WORKS: I move an amendment—

That after "accountants" in line 8, the words "or the approval in writing of the Minister" be inserted.

Section 477 relates to the appointment of auditors. I have in mind one man who has acted as auditor to an important municipality for 20 years. He is a thoroughly competent man.

Hon. C. G. Latham: What age would he be?

The MINISTER FOR WORKS: I should say he is a fair age.

Hon. C. G. Latham: We retire officers at 65.

The MINISTER FOR WORKS: This man is quite vigorous, and I should say the municipality would desire to retain his services. While we should retain the principle of qualified accountants being appointed as auditors, there may be instances where it is desired by a municipality to retain the services of their auditor who would meet with the approval of the local government department as being fully competent. In those circumstances the auditor could be appointed with the approval of the Minister. To that extent we could then depart from the provisions of the section.

Mr. Hughes: Is there a definition of "a recognised institute of accountants"?

The MINISTER FOR WORKS: There are two such institutions, are there not?

Mr. Hughes: There is the Commonwealth institute and the corporation. There are two or three others, such as the A.A.A., whatever that means.

The MINISTER FOR WORKS: I thought there were two recognised institutes of accountants in the State. At any rate, this is a question of fact, and the officers would have to hold certificates of competency from a recognised institute of accountants.

Hon. C. G. LATHAM: Auditors have to be elected. I would have no objection to the Minister agreeing to permit an auditor to remain in office until the next election. It should be remembered that we provide free education for our young people, and if they become qualified they should have the preference. I know it seems very hard to deprive of the job a man who has held the position for a long time and run the gauntlet of an election, but I do not think the House should discourage young men who have the necessary qualifications. I know that the man to whom the Minister referred must be getting on in years, and I am glad that provision has been made for men of that kind. Nevertheless I should like to have seen the clause left as it is.

The Minister for Works interjected.

Hon. C. G. LATHAM: I tried to avoid referring to that matter, but since it has been raised. I declare it is a most extraordinary thing to have a man who belongs to a

party which says that no person shall join a carpenters' union unless he is a carpenter, and afterwards sends out instructions to departmental heads that contractors tendering for the erection of buildings for the Public Works Department shall not employ men unless they are trade unionists; it is a most extraordinary thing for such a man to put up legislation of this kind, permitting unqualified men to hold this office.

The Minister for Works: The contractors belong to a union, I found out the other night.

Hon. C. G. LATHAM: Not all of them do, and anyway it is a voluntary organisation. It is an extraordinary thing to have a member of a Government which is doing more than any other Government of this State has done to force people to become unionists, and which is using public money to bolster up political funds—

The CHAIRMAN: Does the hon. member think that has anything to do with this clause?

Hon. C. G. LATHAM: I think it has. Surely you, Mr. Sleeman, know that the inclusion of this provision is opening the door to a man who is not a trade unionist.

The Minister for Works: I thought you would like the provision for a carry-over, being a sympathetic man.

Hon. C. G. LATHAM: Yes, but this will go on permanently. I would not mind if it were a matter of a year or two, or even five years, but if we have to wait for other amendments to the Act for as long as we have had to wait for this Bill, this provision will be in force for a long time. We should encourage young people who have been trained to take up these positions and discourage the employment of men who have not qualifications.

Mr. HUGHES: I should have liked to see a definition of "recognised institute," because the accountant seems to be the one man who does not get any protection in this community. Anybody can put up a plate on which he calls himself a public accountant or a qualified accountant, and carry on business. There are two institutions—the Federal Institute and Commonwealth Institute—the certificates of which can only be obtained by examination, but there are other institutes. I have seen certificates three feet square bearing the letters "A.A.A." These were distributed by people from Sydney who banded themselves together for the

purpose and sent them to anyone who cared to pay a guinea for one. There are several in Perth, and it is difficult for the general public to know who is really qualified. In addition to the Federal Institute and the Commonwealth Institute there is a corporation of accountants, which really consists of members of the Commonwealth Institute. A Royal charter was obtained and all members of the Commonwealth Institute are eligible to be members of the corporation, but they have to retain their double membership. The moment they go out of public practice, they lose their qualification as members of the corporation. There are a number of bogus institutes which have issued certificates to people who have not qualified, and those people practice in Perth. Not a great deal of harm will be done by allowing a man who has been a municipal auditor for a number of years and who has become proficient to carry on. So long as we can be assured that not any number of persons who get together and call themselves an institute can become a recognised institute, it will be all right. I hope the time will arrive when there will be in the Act some definition of an accountant, such a one as is going to be recognised. The eligibles should be limited to those who have certificates of competency obtained by examination. Reputable institutes of architects issue certificates only after examination.

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

Clauses 59 to 67—agreed to.

Progress reported.

*House adjourned at 9.56 p.m.*

## Legislative Council,

*Tuesday, 5th October, 1937.*

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

### BILL—FAIR RENTS.

#### *Second Reading.*

Debate resumed from the 29th September.

**HON. A. THOMSON** (South-East) [4.35]: One may recognise the sincerity of the Government in introducing this Bill, and if it would improve housing conditions I would give the measure serious consideration. My practical knowledge of the cost of building however causes me to fear that the measure would merely result in curtailment of the erection of houses. In the metropolitan area conditions are arising which ultimately must prove highly unsatisfactory to the average householder. Those who are compelled to live in flats have not the same privacy and home life as are enjoyed in a house separate and distinct from others. At the present juncture anything tending to hamper the construction of houses in the metropolitan area either for rent or for sale cannot have my support. If the Bill passes, conditions will become worse instead of improving. It is said that on the goldfields the housing situation is unsatisfactory. I am inclined to agree with the statement that many of the houses on the goldfields are unsuitable and inadequate. But whose fault is that? I would commend to some of the supporters of the Bill a series of excellent articles which have appeared in the "West Australian" dealing with delinquencies of youth. Certainly the homes provided on the goldfields are not what one would like them to be. There are plenty of men on the fields earning a decent wage, but not prepared to take upon themselves the responsibility of providing homes of their own. That remark is applicable to most goldfields because of the degree of uncertainty as to their permanency. On the