THE HON. G. BENNETTS (South-East) [10.8]: Over a period of years I have always endeavoured to find ways and means of obtaining hostels for children in the remote areas of the State. I am thinking particularly of the Commonwealth Railways where many children along the line are receiving only an ordinary education. When I say "ordinary education" I mean this: There is generally one schoolteacher at each locality, and this teacher has to teach a number of different classes. When these children reach an age at which they need higher education, their parents are unable to find accommodation for them. This problem has been with us for a long time; and I think the other goldfields members will support me.

Some time ago I wrote to the Government in connection with the establishment of a hostel in Kalgoorlie. I suggested the taking over of the old Maritana Hotel, which was offering at a very low figure at the time. It was a splendid type of building and could easily have been converted into a hostel. At that time the C.W.A. was prepared to run the hostel and cater for the children from the surrounding districts.

The position is the same with regard to children at Salmon Gums on the Esperance line, and similar places. On many occasions I have been asked to obtain accommodation in private homes for these children. Of course, children of high-school age are a big responsibility for a private individual to undertake, with the result that people do not like to accept it. Girls at the age of 15 and 16 years require a very capable person to manage them. The same thing applies to boys of that age group. There is a hostel at Merredin, and it is run in good faith by the Church of England. In my opinion, they do their best to cater for the children. However, segregation is necessary at that hostel. I do not agree with the position as it is. If hostel accommodation is to be provided, we must have segregation. Separate buildings must be provided. If this authority is appointed, that is an aspect to which it must give consideration.

I support the Bill, as I am of the opinion that it is a step in the right direction. As Mr. Strickland said, parents in the North are handicapped; and I suppose children in those areas would have a hard job in finding accommodation. Probably in a city the size of Perth, accommodation is available—more so than in the goldfields areas.

If this authority is set up, children in the remote areas of the outback will be provided with decent accommodation, and they will have the opportunity of obtaining the education to which they are entitled—education similar to that received by children in city areas. I support the Bill.

On motion by the Hon. E. M. Davies, debate adjourned.

House adjourned at 10.13 p.m.

Legislative Assembly

Tuesday, the 20th September, 1960

CONTENTS

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

QUESTIONS ON NOTICE

GUILDFORD MENTAL HOSPITAL

Plans and Type

1. Mr. BRADY asked the Minister for Health:
   (1) Have the plans for the proposed new mental hospital at Guildford actually been prepared?
   (2) Do the plans envisage an asylum type or open colony?
   (3) Has the Director-General of Mental Health been consulted as to plans and requirements of the proposed new hospital?
   (4) Will the children's section be given first priority in construction?

   Mr. ROSS HUTCHINSON replied:
   (1) Plans have been prepared and are now under review by a special committee, including the Inspector-General. The committee's report is expected shortly.
   (2) Open colony type.
   (3) Answered by No. (1).
   (4) A new mentally-defective children's unit is considered a first priority. Its location is under consideration by the special committee.

NATIVES AT ALBANY

Site of New Reserve

2. Mr. HALL asked the Minister for Native Welfare:
   (1) Has a decision been made on a new site for a native reserve at Albany?

   Departmental Control
   (2) How many native families in Albany are under the care of the Native Welfare Department?
   (3) How many coloured families in Albany are under the care of the Child Welfare Department?

   Housing
   (4) What is the number of applications for housing in Albany received by the State Housing Commission and referred to the Native Welfare Department?
   (5) How many of the applicants have been housed?
   (6) How many natives have been housed in Albany by the Native Welfare Department, irrespective of the State Housing Commission?

   Mr. PERKINS replied:
   (1) No. A site has been selected by a departmental officer but awaits approval by the Albany Municipal Council.
   (2) Seven.
   (3) The Child Welfare Department does not segregate families under its care, and therefore could not say how many coloured families anywhere are under the care of the department.
   (4) Seven applications have been made and reported on by the Native Welfare Department. Two recent applications are under consideration at the State Housing Commission.
   (5) Five.
   (6) One married couple and one single pensioner.

KEY WEST PROJECT

Ratification by Parliament

3. Mr. JAMIESON asked the Premier:
   (1) Is it proposed to place before Parliament a ratification of the Key West project, on similar lines to that of the Hilton Hotel agreement?
   (2) If so, when will this matter be introduced?

   Mr. BRAND replied:
   (1) No.
   (2) Answered by No. (1).

RAILWAY LINES

Sinking Below Ground Level

4. Mr. HEAL asked the Minister for Railways:
   (1) When does he anticipate the railway lines will be sunk below ground level, as expressed in Professor Stephenson's plan?
   (2) When is the complete removal of the goods yards to Welshpool anticipated?

   Mr. COURT replied:
   (1) and (2) A prerequisite to major development of the central Perth railway area is the removal of the goods yard to Kewdale.

   An examination of the priorities of the projects involved is being made with a view to assessing when the Kewdale marshalling yard could be undertaken and brought into operation.

   The lowering of the railway line through the city area, would be a subsequent development and the date for commencement would be largely dependent on the completion of the Kewdale marshalling yard.

   Availability of finance and determination of priorities, having regard to over-all loan fund requirements, are important factors.

BANK OFFICERS

Five-day Working Week

5. Mr. OLDFIELD asked the Chief Secretary:

Will he table the submissions presented to him by—

(a) the deputation from the bank officers requesting a five-day week;

(b) the deputation from the Chamber of Commerce opposing a five-day banking week?

Mr. ROSS HUTCHINSON replied:

In response to the request by the honourable member, I table all available departmental papers in connection with this matter.

A. J. MARKS

Political Affiliation

6. Mr. ROBERTS asked the Minister for Railways:

Is A. J. Marks who acted as spokesman for the Joint Railway Unions Committee deputation which I received on the 26th May, 1960, regarding Midland Junction Workshops, and Jack Marks, who has been speaking on radio sessions in this State on behalf of the Combined Railway Unions, the same person as Albert John Marks who stood as a Communist candidate in the 1954 Swan Federal election and the 1955 Federal Senate election?

Mr. COURT replied:

Yes. He is convener of shop stewards for the Amalgamated Engineering Union at the W.A. Government Railways Midland Junction Workshops. I understand his broadcasts from 6PR are claimed to be on behalf of the Midland Junction Workshops Joint Railway Unions.

HONORARY CLUB MEMBERS

Reduction of Permit Fees

7. Mr. O'CONNOR asked the Attorney-General:

(1) Has he given consideration to reducing license fees payable by clubs to admit extraordinary honorary members when the number of persons concerned is less than twenty?

(2) If so, to what extent?

Mr. WATTS replied:

(1) Yes.

(2) Provision will be made by regulation to halve the fee for a permit to admit up to 20 extraordinary honorary members.

GOVERNMENT AID FOR CHILD MIGRANTS

Effect on Decisions of Grants Commission

8. Mr. HEAL asked the Minister representing the Minister for Child Welfare:

(1) What subsidy has the Government paid on migrant children to all homes and organisations for the years 1953 to 1959?

(2) In what years, if any, has the Grants Commission penalised the State for such payments, and what were the reasons given by the commission, if the State has been penalised?

(3) What is the estimated subsidy to be paid for this financial year?

Mr. PERKINS replied:

(1) The amounts paid by the Government and the Lotteries Commission were as follows:—

Year	Total £
1952-53	39,259
1953-54	53,956
1954-55	62,574
1955-56	68,479
1956-57	62,514
1957-58	58,972
1958-59	48,939
1959-60	42,166
	£436,859

(2) The unfavourable adjustment for migrant children in the year 1957-58, the latest year for which information is available, has been calculated at £58,000. The unfavourable adjustment resulted from expenditure on migrant children by this State being in excess of the average of the non-claimant States. Similar information in respect of earlier years is not available.

(3) Estimated expenditure for 1960-61 is £44,500.

QUESTIONS WITHOUT NOTICE

KEY WEST PROJECT

Government's Knowledge of Agreement

1. Mr. GRAYDEN asked the Minister for Lands:

(1) Has the Minister complete knowledge of the proposed Key West agreement involving the South Perth City Council, the Government, and Perth Waters Pty. Ltd. (i.e., Key West)?

(2) Will the Government be represented at the special meeting tonight of the South Perth City

Council at which it is proposed that final approval will be given to the agreement?

Transfer and Valuation of Crown Land

(3) Is it a fact that it is proposed that 12½ acres of Crown land will be passed over to the company on a freehold basis as part of the agreement?

(4) Has a recent valuation of that land been obtained; and, if so, what is that valuation?

(5) Does the valuation in No. (4) take into consideration enhancement of values which will result from development work on the foreshore?

Mr. BOVELL replied:

I thank the member for South Perth for having given me prior notice of this question, and I reply as follows:—

(1) Information of a general nature only.

(2) I have no knowledge of such a meeting and have not given approval for any representative to attend on my behalf. I cannot vouch for any other member of the Government.

(3) Subject to agreement between the South Perth Council and Key West being approved by the Tourist Authority, Town Planning Board, Swan River Conservation Board, and the State—the Lands Department, with my approval, agreed to co-operate to the extent of making an area of approximately 10 acres available on a freehold basis for £5,000 per acre.

(4) Departmental valuation—£5,000 per acre.

(5) No.

Sale Price of Crown Land and Neighbouring Property

2. Mr. GRAYDEN asked the Minister for Lands:

(1) Is it a fact that equivalent foreshore land in the vicinity of the Key West project is bringing prices around, or in excess of, £20,000 per acre?

(2) Is it a fact that the proposed agreement provides for the sale by the Government of the Crown land to the company for a total of £62,000 or less?

(3) Would the Government be prepared to sell the freehold of the said 12½ acres to the company for the sum of £62,000 or less?

Mr. BOVELL replied:

(1) Not to my knowledge.

(2) £5,000 per acre is considered a fair valuation for this purpose, subject of course to all other considerations being agreed upon.

(3) Yes.

SUBURBAN RAILWAY TIMETABLE

Alteration for Night-Shift Workers

3. Mr. CROMMELIN asked the Minister for Railways:

Further to my advances to the Minister and to the question asked of him by the member for West Perth last week in regard to the difficulties confronting shift workers in Fremantle who finish work late in the evening, can he advise whether he has been able to rearrange the railway schedule to cater for them?

Mr. COURT replied:

Representations made by the member for West Perth and by the member for Claremont have been considered by the commission. I understand it is proposed to change the 10.50 p.m. train to 11.10 p.m. ex Fremantle, so that shift workers who complete their work at 11 p.m. can be catered for. This train will now arrive at Perth at 11.45 p.m. This upsets the connection with the Rivervale and Armadale section. A further adjustment that will be necessary is in respect of the Koongamia service, which will now be leaving at 11.50 p.m. instead of the previous time of 11.30 p.m. This rearrangement should meet the requirements of the workers concerned.

KEY WEST PROJECT

Responsibility for Approval

4. Mr. HAWKE asked the Minister for Lands:

Arising out of the first set of answers given by the Minister to the member for South Perth concerning the Key West project, I understood him to say that approval would be required from the State as well as the other authorities enumerated by him. Does the use of the word "State" in that setting mean that approval will have to be obtained from Parliament or from the Government?

Mr. BOVELL replied:

Approval would be required from the Government, and not from Parliament.

PAPER MANUFACTURE

Use of Loan Funds for Establishment of Mill

5. Mr. HAWKE asked the Premier:

(1) Will he undertake to make an early approach to Australian Paper Manufacturers Ltd., for the purpose of trying to renegotiate the existing agreement on a basis which would require far less from State loan funds for the purpose of helping to construct the proposed paper-manufacturing mill at Spearwood?

(2) If not, would he favourably receive any approach which the company might make to the Government on the basis suggested?

Mr. BRAND replied:

(1) The arrangements with Australian Paper Manufacturers Ltd., was the result of protracted negotiations to arrive at a basis which would ensure the establishment of a substantial paper mill in this State by a fixed date.

In view of all the circumstances, there does not appear to be any good purpose to be served in trying to renegotiate the agreement along the lines suggested. The ratifying Bill is about to be explained and the details of the arrangement will be given by the Minister concerned.

(2) The company is free to make any approaches it thinks fit, and I have no doubt it would not hesitate to do so if it wanted to renegotiate the transaction.

PLANT DISEASES ACT AMENDMENT BILL

First Reading

On motions by Mr. Nalder (Minister for Agriculture), Bill introduced and read a first time.

BILLS (4)—THIRD READING

1. Health Act Amendment Bill.

On motion by Mr. Ross Hutchinson (Minister for Health), Bill read a third time and transmitted to the Council.

2. Marketing of Onions Act Amendment Bill.

On motion by Mr. Nalder (Minister for Agriculture), Bill read a third time and transmitted to the Council.

3. State Housing Act Amendment Bill.

On motion by Mr. Ross Hutchinson (Chief Secretary), Bill read a third time and transmitted to the Council.

4. Stamp Act Amendment Bill.

On motion by Mr. Brand (Treasurer), Bill read a third time and transmitted to the Council.

CRIMINAL CODE AMENDMENT BILL

Second Reading

Debate resumed from the 15th September.

MR. NULSEN (Eyre) [4.49]: This Bill seeks to amend the Criminal Code in respect of kidnapping. I consider it to be a very reasonable and good Bill; but I do not know whether it is as severe as I would like it to be. However, I do not think the Attorney-General could have gone much further than he has.

The measure deals with the diabolical and premeditated type of crime which was recently perpetrated in Australia for the first time. I wonder whether the instigator of such a crime should not be dealt with as well. Can it be assumed that the instigator is the perpetrator? At times in the commission of crime, the instigator may not be the perpetrator. In my view the instigator in many instances should be dealt with more severely than the perpetrator, because usually the instigator is a cowardly type and does not take any risk.

Mr. Watts: I think they are all in together, if they can be detected.

Mr. NULSEN: Graeme Thorne, of New South Wales, was the first person to be kidnapped in Australia. I feel that the reason he lost his life was that he was an intelligent lad. Had he been only a baby he would not have been able to recognise those who had kidnapped him, and therefore would not, I believe, have been killed. It seems a terrible thing that because someone has a little luck in winning some money—and he probably did not have very much beforehand—some unscrupulous person will seek a ransom.

Kidnapping is a premeditated crime, and I do not know whether we are dealing with it severely enough. However, I think the Attorney-General has allowed for the maximum penalty. People who commit this sort of crime have no feeling for anyone; and, in most cases they are cowards. They are far worse than burglars when they will take a young boy, like Graeme Thorne, or a baby, for the sake of money. As I have said, it is not an unpremeditated crime, and such people care for no-one's feelings.

I am pleased also that the Attorney-General has, for the purposes of this measure, stipulated the age of a child to whom it shall apply as under 16 instead of under 14, as at present; and has increased the maximum penalty to life imprisonment. No provision has been made for a minimum penalty; but as I do not believe

in a minimum at all, I agree with what has been done. After all, if there is any hope of a person of that calibre reforming—and our prisons are for the purpose of reforming people—I feel that a number of years would have to be spent in gaol before freedom was granted. Life imprisonment, I take it, means imprisonment for a person's natural life.

Graeme Thorne was an intelligent college boy, and apparently was highly respected. Those who kidnapped him have become murderers, and the person for whom I feel most is the boy's mother. The people who commit such a diabolical crime have, as I have said, no regard for anyone or anything but money, which is their god.

The Attorney-General has increased the penalty for the kidnapping of an adult from three years to seven years, but I feel that it should be increased to at least 10 years. As I have already stated, a kidnapper does not act on the spur of the moment but thinks well on all the points involved—as far as he is able to think; and although the penalty has been increased by more than 100 per cent., I believe that a maximum of 10 years should be provided.

In the clause dealing with the kidnapping of adults, the Attorney-General has provided for the deletion of the words "misdemeanour", which will give the police a little more advantage because they will not have to acquire a warrant for the arrest of the kidnapper.

I have no sympathy whatever for kidnappers, but I am pleased that the Attorney-General has given consideration to the deletion from the Act of the brutal punishment of whipping, which is now out of date.

I am in full agreement with the clause which deals with the publication of information about the kidnapping of a child of 16 years or under before the expiration of seven days from the date the offence took place or before the child is returned to its parents. I believe the Attorney-General explained the necessity for this clause very clearly when talking about Graeme Thorne. His life might have been saved if publicity had not been given to the matter. On the other hand, I feel that in this case the lad was too intelligent to be allowed to go free, because he could easily have identified his kidnappers. I agree wholeheartedly that unless the Press has the approval of the commissioner no publication should be made of any information it might receive.

The Attorney-General has taken a very great responsibility in connection with prosecutions, because no prosecution is to take place under this particular section of the Act without his approval. If he is prepared to take that responsibility, I do not see any reason why he should not; but it is a big responsibility. As I have already said, I am very pleased that for the purposes of this measure a person will be classed as a child if he is under 16 years of age. On the other hand, we must remember that a person can still be a child at 17 and 18 years of age; and, in fact, such is the case under the Child Welfare Act. For that reason, I feel that some consideration should be given to those under the age of 21 years. Generally speaking, however, I have no grouch so far as this Bill is concerned.

I would like the Attorney-General to give some thought to increasing the penalty for the kidnapping of an adult from three to 10 years' imprisonment instead of seven years, particularly when it is realised that an adult, for the purposes of this Bill, is one over the age of 16 years. For instance, a girl of 17 or 18 years of age could be kidnapped. If such were the case, I am inclined to think that the kidnapper should be imprisoned for at least 15 years.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr. Roberts) in the Chair; Mr. Watts (Attorney-General) in charge of the Bill.

Clauses 1 and 2 put and passed.

Clause 3—Section 343 amended:

Mr. NULSEN: I wished to move an amendment, but it was to the previous clause.

Mr. Watts: You can recommit the Bill later if you like.

Mr. NULSEN: Very well.

Clause put and passed.

Clause 4 put and passed.

Title put and passed.

[The Speaker resumed the Chair.]

Bill reported without amendment.

As to Recommittal

MR. WATTS (Stirling—Attorney-General) [5.2]: I think the member for Eyre contemplates recommitting the Bill for the further consideration of clause 2. At what stage should that be done?

The SPEAKER: That can be done at the next sitting; but the honourable member will have to place his amendment on the notice paper.

Report

Mr. WATTS: I move—

That the report be adopted.

Question put and passed.

Report adopted.

LOCAL GOVERNMENT BILL

Second Reading

Debate resumed from the 8th September.

MR. NULSEN (Eyre) [5.3]: This Bill is somewhat different from the last one; and I hope that it can be dealt with expeditiously. The Minister for Transport explained it fairly clearly as far as he went; and there are some compromises in the measure which, I think, will ease the positon in regard to its passage.

Similar measures have been before the House on and off since 1948, when the present deputy leader of this Chamber introduced a Local Government Bill. Subsequent Bills were introduced in 1953, 1954, 1956, 1957, and 1958. In 1957 the Bill passed through both Houses, but unfortunately was thrown out at a conference of managers. I shall read the report which I made at the time on the managers' conference. I made the following remarks:—

> I beg to report that the conference managers met in conference on the Bill and reached the following agreement:—
>
> 1. Agreement was reached that adult suffrage should be abandoned. A satisfactory compromise was arranged on plural voting, methods of valuation, appointment of auditors, and in regard to election of shire presidents.
>
> 2. These were dealt with first in the belief that they were the most contentious provisions, and when agreement, as above-mentioned, had been arrived at, it was expected that a satisfactory conclusion could be reached on other amendments made by the Legislative Council.
>
> 3. This, however, was not the case. The Legislative Council had proposed in amendment No. 23 that if a person on the first day of January in any year was the owner or occupier of ratable land he was entitled to be enrolled. It had further proposed that the owner and occupier should not be separately registered in respect of the same land.
>
> 4. One member of the conference—not a member of the Legislative Assembly—refused to agree to both owners and occupiers being registered unless there were two different systems, namely, for cities and towns, the present municipal council system where the occupier is automatically registered to the exclusion of the owner, while in shire councils the occupier would have to make application for registration.
>
> 5. It was clear from the report of proceedings in Committee in the Legislative Council that that House had rejected a proposal that the owner should have preference over the occupier.
>
> 6. A suggestion was made to the dissenting member of the conference that he should cease to dissent from the proposition which, in principle, was agreed to by the other five members, and explain the divergence of opinion to the Legislation Council when the report of the managers was presented, leaving the House to accept or reject the conference report on that subject. This he declined to do.
>
> It became clear that by no means could his agreement be obtained; thus the conference failed to agree and the Bill was lost.

In the concluding paragraph I said—

> I feel that these conferences are just a farce. I think the procedure should be amended in some way so that a majority decision of five to one could prevail. That would give an opportunity to those in the majority of acceding to what they think is right. As the procedure now stands, it is a waste of time to hold these conferences. I have no further desire ever to be on such a conference.

On that occasion the Bill should have been passed, but trouble was experienced at the managers' conference. What occurred was sheer stupidity; and had there been no trouble then, we would not have the expense, trouble, and delay in dealing with this Bill now. The late Hon. G. Fraser, M.L.C., made valuable concessions in principle. For instance, he agreed not to have adult franchise included in the Bill; so that provison was deleted. That meant there would be plural voting—and our principle has always been: One person one vote.

Mr. W. Hegney: And adult franchise.

Mr. NULSEN: That is adult franchise—one person one vote.

Mr. W. Hegney: No.

Mr. NULSEN: If one person has one vote, and that person is over the age of 21 years, I would say that would be adult franchise.

Mr. W. Hegney: What about the property qualifications?

Mr. NULSEN: That is disregarding the property qualifications. I have not come to that point.

The Bill provides for the enrolment of owner and occupier so that they will both have the right to vote. But one of the reasons the last measure was lost was the inclusion of a similar provision.

The Bill also provides that the spouse of the owner may be enrolled. Another clause states that if Government employees who occupy a house belonging to the Government make to the local government concerned an *ex gratia* payment equal at least to the rates that the local government would assess for the property, then those Government employees shall be entitled to a vote; that is, provided they have the other necessary qualifications. Under the Bill, the maximum number of votes allowed to any one person will be four; so that an owner of property in each of the 127 local government areas in Western Australia could have four times 127 votes.

Plural voting, too, has been considered; and the values of properties have been increased in accordance with the value of money today. That, of course, has reduced the impact of plural voting to a certain extent. On the lower values, property owners, of course, would have had four votes; but they will not under this revaluation provision. That also applies to people with three votes and two votes.

The desirability of preferential voting is, I feel, a matter of opinion. Where, in an election, only one candidate out of three has to be elected, the old preferential system will apply. But where two or more have to be elected, the candidates are eliminated as they come down the scale; that is, the one with the lowest number of votes is eliminated, and so on until the required number of candidates is reached.

The electors of existing municipalities will continue to elect the mayor; the road boards will elect their president from among their members. That position is exactly the same as exists at present. Under the Bill the present position may be reversed; but the alteration will have to be agreed to by the Minister or Executive Council; and also, I think, by the ratepayers.

The system of working on the unimproved capital value of property will be the same for road boards as it is at the present time; and the system of annual values for municipalities will be the same as it is now. Later, where local governments can get the consent of the Governor, they will probably be able to reverse those arrangements so that road boards will be able to work on the basis of annual values, and municipalities will be able to use the unimproved capital value system.

The audit inspection for road boards will remain the same as under the existing Act. The same will apply to municipalities to which the auditors, under the present Act, are appointed every two years. However, there is a provision in the Bill under which the position may be reversed and the authorities, by making an application to the Minister, may have the system altered. I have always been in favour of a compulsory Government audit, and I am hopeful that the time will come when the whole of local government, with respect both to municipalities and to road boards, will be controlled by inspectors from the Audit Department.

Those inspectors have done a very good job. I had experience—and this happened years ago, before 1933—of the system under which there were ratepayers' auditors; and accountants were found to be not too satisfactory for that work. However, since the auditing has been done by departmental inspectors, I have heard nothing but praise from the local government authorities.

My party has always been opposed to plural voting. We say it is a safeguard for property voting. In 1956 the member for Kalgoorlie said that plural voting was a protection for (a) landowners, (b) their dependants and (c) occupiers of ratable property; but it is not the ratepayers who contribute the greater portion of revenue obtained by local government. To prove that to members, I should like to quote from page 430, Vol. 1, of *Hansard* for 1956. where Mr. Johnson, the ex-member for Leederville, is reported as having asked the Minister representing the Minister for Local Government a question with respect to the sources of local government revenue. The question he asked reads as follows:—

1. What sources of revenue, other than rates on property, are available to local government?
2. Will he list for each of the authorities in the metropolitan area—
   (a) income from rates;
   (b) income from other sources;
   (c) percentage (b) to total income?

The Minister's reply is worth reading so that it will be incorporated in *Hansard*. It indicates the percentage of income from

other sources and shows just how much the people generally contribute to local government revenue. The figures are sufficient argument to show that we should do away with plural voting. The Minister's reply was—

MUNICIPALITIES

	Rates		(a)	(b)	(c)	
	General	Loan	Total	Other Income	Total	% (B) to Total
	£	£	£	£	£	
Claremont	14,359	....	14,359	34,233	48,592	70%
Cottesloe	15,229	4,067	19,296	30,035	49,331	60%
Fremantle	41,738	10,435	52,173	103,452	155,625	66%
Fremantle E.	9,356	4,678	14,034	30,411	44,445	68%
Fremantle N.	7,288	....	7,288	11,585	18,873	61%
Guildford	5,391	....	5,391	9,147	14,538	63%
Midland Junction	10,874	3,915	14,789	31,709	46,498	68%
Perth	327,960	39,281	367,241	344,836	712,077	48%
Subiaco	27,313	3,767	31,080	34,408	65,488	52%
	£459,508	£66,143	£525,651	£629,816	£1,155,467	54%

I know that the member for Claremont, who represents a prosperous district with land of a high ratable value, will say that it is not possible for the municipality to get all its income from rates. However, that is the position. The figures with respect to road boards are as follows:—

ROAD BOARDS

	Rates		(a)	(b)	(c)	
	General	Loan	Total	Other Income	Total	% (B) to Total
	£	£	£	£	£	
Bassendean	9,688	3,282	12,970	21,536	34,506	62%
Bayswater	22,945	12,903	35,848	26,762	62,610	43%
Belmont Park	19,863	5,941	25,804	45,103	70,907	63%
Canning	27,950	4,271	32,221	33,084	65,305	51%
Melville	33,924	15,107	49,031	65,751	114,782	57%
Mosman Park	12,118	971	13,089	7,979	21,068	38%
Nedlands	42,796	2,967	45,763	34,431	80,194	43%
Peppermint Grove	6,030	....	6,030	2,032	8,062	25%
Perth	78,038	46,070	124,108	89,035	213,143	43%
South Perth	35,461	9,667	45,128	70,965	116,093	61%
Swan	8,613	....	8,613	25,557	34,170	75%
	£297,426	£101,179	£398,605	£422,235	£820,840	51%

The Mosman Park Board is a very small one; and its income, other than from rates, is very small, as can be seen by the percentage. It has appeared to me at times that some of these boards should be amalgamated with bigger ones, because they do not seem to have any income other than from rates.

To my way of thinking those figures prove conclusively that it is not only the ratepayers who keep the boards and municipalities operating. I am not deprecating the work done by boards; because, over the years, they have done a fine job. However, that is no reason why we should continue with plural voting; and I read those figures, which were given in reply to a question asked by the ex-member for Leederville (Mr. Johnson), to illustrate my point that a very great percentage of the revenue of municipalities and road boards comes from sources other than ratepayers. From those figures it will be seen that members cannot argue, as they have been arguing over the years, that ratepayers are the ones wholly and solely responsible for the income of local authorities.

I think people who have lived in a district for six months—or if members would like a greater safeguard, I could say 12 months—should be entitled to a vote. Those people pay license fees for their cars, and they contribute by way of petrol tax which enables our roads to be built in the various local authority districts. People other than ratepayers do make an indirect contribution to the revenue of local government. Therefore, in my view, those people should be given votes at local authority elections.

Can any member tell me why the road boards or municipalities of this State should be treated differently from the local governing authorities of other States? They are treated differently from the Federal Parliament because there is no plural voting at Federal elections. There is adult franchise for the House of Representatives, and there is certainly no plural voting for the Senate.

In my view, the dignity of human life should be accepted as being superior to the right of property in determining the methods of an election for any public

body. Any person over the age of 21 years, if he or she has been living in a district for—let us say—12 months, should be given the right to vote at local authority elections.

The trouble is that insufficient interest is taken in local government in this State. Many people do not realise what members of the various local governing authorities here are doing. Their work is done voluntarily and free of charge. They are not paid for their services, except in some instances when they receive out-of-pocket expenses. Accordingly, there should be more constructive criticism, and not so much captious, or unconstructive, criticism of our local governing boards. The road boards have done a splendid job for the State. I do not know how the Government would manage if it had to assume full responsibility for the matters controlled by local governing authorities.

The State is very fortunate, also, in having a Local Government Department and the personnel of that department. There is no question that the personnel of the Local Government Department know their job well, and they see it is carried out. In the early stages, the local governing authority at Esperance, as a result of the property qualifications, would not increase the rates sufficiently to enable it to carry on with the government of that road board district; and as a result, the Local Government Department had to take it over and place a commissioner in charge of the board. In about 12 months' time Mr. Lindsay, the commissioner, placed the Esperance Road Board on a really good footing.

He carried on for a while; but later, through inefficiency and insufficient opposition so far as the board was concerned —and as a result of property qualifications —too many people did not do their jobs. Now that we have a commissioner there, things are going very well; and I feel that when there is a board, its members will have had a good lesson, and I am sure that it will survive.

I hope there will not be too many amendments to the Bill, because I think we should give this legislation a fair trial. The Government has the numbers, and I suppose some amendments will be moved and not accepted. The Government knows the views of the Opposition on plural voting, and I have no doubt that it will deal with that aspect as it did with the legislation relating to the Electoral Act.

The Bill should go through without undue amendment; and, after a trial of, say, 12 months or two years, we could then make whatever amendments might be necessary as a result of deficiencies in the Act.

It is my fervent hope that the Bill will go through Parliament expeditiously, and that it will not be referred to a conference of managers. If it is again considered by a conference of managers, time will be wasted as it has been since 1948. We know that in 1957 the Bill passed through both Houses, and now we find that exactly what we decided on on that occasion is included in the measure. At that time, however, one member of the conference held out and, as a result, the Bill was lost.

I think it would be advisable to amend Standing Orders to enable a decision to be taken if five of the six managers agree. At the moment, if one of the managers happens to be a bit pigheaded, or wishes to revel in the glory of being intransigent in this matter, the Bill is lost. That can happen at any time. There are bound to be a few amendments; but I hope that the Bill will be accepted by both Houses without delay, and will become an Act.

MR. TOMS (Maylands) [5.35]: Like the member for Eyre, I trust that at least some Local Government Bill will be placed on the statute book in an endeavour to amalgamate the Road Districts Act and the Municipal Corporations Act. I cannot help but feel that the very early pioneers of this legislation would do a bit of squirming if they saw this half-a-crown-each-way effort introduced by the Government.

I believe that the intention of the early pioneers was to have a Bill in which there would be a great deal of uniformity. In his closing remarks, when introducing the second reading of the Bill, the Minister said that every local authority should be satisfied with the measure.

It would be a very poor local authority indeed that could not work under this legislation, because provision is made for local authorities to work either way, and to chop and change to suit their own fancy. Having gone through this measure since it was introduced, I have noticed that quite a few amendments have been made; in fact, I believe one or two of them could be considered major amendments. I know you would not permit me to quote the particular clauses, Mr. Speaker, but suffice it to say that in the 1959 measure, elections were to be held in April, and nominations were to close at 4 p.m. on the day set.

I notice that in this new Bill provision is made for elections to be held in the month of May. I would like the Minister to explain the reason for the change; though it is possibly to balance the fact that elections for local municipalities are generally held in November. At page 1019 of the current *Hansard*, the Minister is reported to have said when introducing the measure—

> The Bill as provided by that committee—

that is, the committee set up to redraft the Bill—

> —is substantially the one which I am now introducing. In one or two matters only has there been a departure from the recommendations of that committee.

Yet in his final remarks the Minister said that the Local Government Association and the Road Board Association are particularly anxious that the Bill should be accepted in the condition in which it is presented to Parliament. Have the two associations concerned been notified of the minor amendments made?

You may recall, Mr. Speaker, that I asked the Minister representing the Minister for Local Government what was going to happen about copies of the Local Government Bill being made available to local authorities. In that connection I would like to say that one of the local authorities in my electorate received its copy of the Bill yesterday; and I am of the firm opinion that had I not asked the question earlier, the local authority would have had to make application for its copy of the Bill; and, not knowing that, it would not have received it when it did.

I am told that some local authorities received their copies of the Bill last Friday. Bearing in mind that they received copies of the Bill only on Friday, and the fact that Local Government Week is in full swing at the moment, I do not think it is at all fair to expect local authorities to go through all the provisions of the Bill and check its contents. The measure before us contains 61 more pages than the Bill that was introduced last session.

I cannot help but feel that the local authorities have been slighted in some way. I do not know whether or not the Minister has done that deliberately; but it would seem that no interference was to be brooked in regard to this Bill, and that no changes were to be accepted. Some clauses contain obvious misprints, and I think I will be able to prove that to the Minister during the Committee stage of the Bill. In one provision, however, there is an obvious error, inasmuch as the penalties for certain offences contained in the Bill last year were quoted as £50 and £100. But where the penalty last year was shown as £100, the penalty this year is only £5. I think that is an obvious error and I will let the Minister know about it later; and, if he thinks it necessary, no doubt he will agree to an appropriate amendment.

It has been the established custom for many years that after nomination it was not possible for a person to withdraw his nomination. But in this Bill provision is made—and I believe it was in the Act some years ago, although it may have been taken out—for a person to withdraw his nomination within 24 hours and not forfeit his deposit. I think the provision in the Bill is a good one, because it will possibly do away with the necessity of the local authority having to run an election. The amount of £5 would certainly not offset any expenses that might be incurred by the local authority in the holding of such an election.

While referring to the minor amendments that have been made. I touched on the question of uniformity. It is interesting to see that a further clause has been added to those dealing with the Perth City Council; and no doubt the Minister will explain that. I know you will not permit me to quote the clause, Mr. Speaker, but it is the one between clauses 168 and 170. I believe local authorities have been let down a good deal, because they have not been given sufficient time to enable them to look at this rather lengthy Bill.

I said earlier that I was certain it was the intention of the framers of the original legislation in seeking to amalgamate the two Acts in question to have some uniformity adopted. In this Bill, however, the mayor can be elected by the council; or there can be a change-over, and the president can be elected by the people. There is a further alternative of making application to the Government.

That applies to many clauses, and I am certain the original framers of the legislation sought to avoid anything like that. They desired to reach a basis where everything could be considered as uniform. That is why I referred to this legislation earlier as endeavouring to have half a crown each way. It will not satisfy the local authorities; it will certainly satisfy those who do not want uniformity. No doubt that would indicate to you, Mr. Speaker, as it does to me, the reason why uniform building by-laws have not been passed in this State.

In the time at my disposal I have been able to consider the Bill only as far as clause 217; but it would appear to me that on the question of hawkers—which is a very important one to local authorities—the gate is about as wide open as it could possibly be. I do not think any local authority will have much protection under the present set-up as to the manner in which a hawker will be identified. When we come to that clause, I hope the Minister will give consideration to some slight amendment so as to bring the clause more in keeping with the system adopted in the 1958 Bill, even though that, to a slight degree, was amended in Committee.

I note that the polling hours for elections have been extended. The usual procedure has been for road board elections to take place between the hours of 10 a.m. and 8 p.m. Under the Bill, polling will take place between the hours of 8 a.m. and 8 p.m. Provision is made for the fees of returning officers. I think an amendment may be desirable in this respect, inasmuch as a presiding officer under certain conditions with an hourly rate could possibly receive more than the returning officer responsible for the control of the election.

I do not want to delay this Bill reaching the Committee stage. Suffice it to say that, in common with the member for Eyre, I would like to see an amalgamation

of the two Acts. I am disappointed—and I feel sure that members of the Local Government Association are disappointed, too—that no attempt has been made in this Bill not so much to pander to local authorities, but to achieve uniformity. At this stage I support the second reading, with the reservation of my discussing it further in Committee.

MR. JAMIESON (Beeloo) [5.47]: Like the members who have already spoken, I feel there is an immediate desirability to enact legislation that will clarify the position of local government in this State. However, with the combining of the two present Acts—the Road Districts Act and the Municipal Corporations Act—into one consolidated Act, there will be some difficulties which are not yet apparent to members.

I would draw the attention of the Minister to the position of officers in local governing organisations. Under the present set-up it is rather difficult, as I understand it, for an amalgamation to take place between a road board and a municipality. But when the consolidation takes place it will be easy for two such authorities to combine their resources and become one authority. Therefore we must give some consideration to what could happen to local governing officers who have been employed by the respective organisations over a number of years. The Minister made no reference to this matter in his introductory speech; and I would ask him to give some attention to it. I feel some protection should be given to these people if it becomes easy for two authorities to join and become one.

If that is not done, the matter will usually resolve itself in the more powerful of the two organisations retaining its officers to the detriment of those of the other organisation. I suggest that if the Minister can provide protection for those people who have, for a number of years, given service in a particular area as officers of local government, he will be doing them a great service.

A provision in the Bill which does worry me is the proposition that voting for local government elections shall take place in May. I think the fourth Saturday in May is mentioned in the Bill. That could be very confusing. It is a bad time of the year and should not have been chosen by the person drawing up this Bill. It would appear as though Mr. Gifford had more than a passing influence in the selection of that date; and this lack of knowledge of the local set-up in this State has possibly led him into this trap.

As the Minister is aware, a Legislative Council election is held each alternate May, about the time set down in this Bill. Because of that, the position is most confusing. The situation could arise where there was an election for a shire council, a town council, or a city council; and the next week there could be an election for the Legislative Council. Therefore the issue could be most confusing for electors, to say the least. It is hard enough now to convince people that they should vote for a particular council; but if elections for two different types of council are held closely together, it will be almost impossible to get people to vote on two consecutive weeks. I suggest that the Minister have a look at this matter and see that the date for elections under this Bill is removed from the present stipulated time, so that it will not confuse the issue as to what authority is being elected.

After all, certain times are mandatory under our constitution; and to alter the date of a Legislative Council election would mean an amendment to the particular Act. The best means of avoiding any confusion will be to change the date in the Local Government Bill so that we will know exactly where we stand. I am not hard-and-fast in regard to any particular date, but the date chosen should be as far away from any normal procedural date as is possible, so that it will not interfere with a general election of any kind.

I would draw attention to the fact that, whatever date is chosen, circumstances could arise where, through some unforeseen happening, some other authority would clash. As a case in point, I recall that several years ago a Federal election occurred at a time when municipal council elections normally take place. It was necessary to introduce legislation to correct the position and allow the local governing bodies to hold their elections in the week following the Federal election. That sort of thing is undesirable, and very unfair to the persons who are contesting local government elections.

I suggest it would be a good idea to select mid-June, or a time that is a long way removed from the normal date set for Federal elections; and if this is done we will be doing a great service for the local government people in that they will have a clear-cut time for campaigning in their particular area. After all is said and done, if we had a Legislative Council election and a Perth City Council election on two consecutive Saturdays, with the intense campaigning that takes place for the various local provinces and the various council wards, the position would be very confusing indeed.

Nobody would understand the position. People would not know where they were going because they do not understand the difference in authorities as do the members of this Chamber. To the average person it is most confusing, and I think the Minister would be well advised at this juncture to get right away from the confusion that might exist.

Although not surprised, I am rather disappointed to see that the Government has chosen to delete the adult franchise provision and retain the valuation of property as the franchise basis; and, to some extent, retain plural voting, although in a somewhat modified form. I feel that this modified form is not one which I can support. Therefore, if this provision is retained in the Bill, I reserve the right to vote against it at the third reading.

With increasing land values, plural voting is to the detriment of the small landowner who previously had an equality of votes with others in the district. However, he will now find this is on a lesser scale. We should not do anything in this Chamber that would have a detrimental effect on the franchise of people in any local government area. The provision in the Bill will do that, and I am very much opposed to it. I would rather that the property qualification was retained with adult franchise, and some other means found for determining plural voting.

Another undesirable feature, as I see it, is the selection of an auditor by a local government body itself. If an auditor is outside the ambit of the Auditor-General, and is elected by members of the council, he immediately places himself in the position where he becomes the servant of the council; and that, in itself, is undesirable. If that person does not approve of the methods or ways of the council, he is liable to be rather caustic in his reports on the council's finances; and we cannot imagine that man being returned to office the following year, irrespective of how good an auditor he might be.

I suggest that is a bad principle to introduce into local governing affairs. Surely the auditor should be in a position where he is unfettered and untrammelled by members of the organisation, whose books he is bound to audit in a true and proper fashion. If he is liable to be influenced by a local governing body itself, then the position is worse than if he were a person elected by a general vote of the people, as is the case under the Municipal Corporations Act where at least he can fend for himself and justify his case before the electors at large. That is something on which the Minister should not insist. Some way should be found around it by the Minister and his advisers.

In the main, the whole set-up features in a small way the two major forms of democratic government as we know it throughout the world today. We have a form of monarchy, and there is the republic system of America. These are similar to the municipal style of government as we know it, in this State at present; and the road board style is similar to that of this Parliament. If it is possible to incorporate the two systems, as is proposed in what I think the member for Maylands termed this two-and-sixpence-each-way effort, it will save a lot of dissension.

Whether it is desirable in the long run to have the two systems—the one where the president or the mayor is directly elected, as against his being chosen by the elected authority—I do not know. It may be quite all right. For my part, I would favour a system where, if there has to be a person in charge of a local authority, he is elected from the bulk of the people —from the electors at large—and is not subject to the whims and desires of members of the local authority who, in general, would be small in number and more susceptible to lobbying and associated practices than would the electors, who comprise the general public in any local governing authority's district.

Should a candidate, for some reason or other, have upset the apple-cart of a local shire council, the members of the council might take it out on the candidate, who might be carrying out his duties to the best of his ability, and to all intents and purposes within the ambit of his prescribed duty. It is far better for a candidate to justify his cause before the electors of the particular local governing body than to the mere eight, or nine, or a dozen councillors who, for some reason or other, may feel that the candidate has gone against the grain.

I think I have covered all the features of this Bill which I suggest require further examination. As the Minister has indicated, there are many features requiring consideration in the Committee stage. But those of which I have spoken appear to me very clearly to require further attention; and I will be interested to see whether the Minister is able to compromise on some of these issues, in order that we may have a better local government Bill.

Whether we like it or not, local government is part and parcel of the party-political set-up of this country, despite what we read in the Press from time to time to the effect that politics should be kept out of local government affairs. I feel that in the long run we will find it necessary to encourage party-political feeling within local governing bodies, in order to create a greater interest in local government elections.

Several members have indicated that not enough attention is paid to local government elections. That is true, mainly because there is a lack of interest in a person desirous of getting on to a board or a council, or whatever it may be, in order to serve. But should that person represent a certain section or party—or whatever one might call it—far greater enthusiasm is engendered. A typical example of this in recent times concerned the Belmont Road Board. The self-styled Hardy Park Protest Organisation was able, within a few

years, to control that board by having elected to it members sympathetic to their particular cause.

That was nothing more nor less than political. There was nothing political from a party point of view, but those people were political in that they had a set purpose and a certain axe to grind. Because of that fact, more attention was paid to those people at the time of the elections than had been paid to local elections for a considerable number of years.

I suggest to all those who have their heads in the clouds and say we should keep party politics out of local government elections, that they are adopting the wrong attitude. The sooner we get some decent political persuasion in local government elections and among local governing bodies, the more active they will become. At the present time, irrespective of which party we follow, there is not much enthusiasm in helping the ordinary John Smith who may be nominated, under his own right, for election to a local governing body. But if there is somebody of a political persuasion, and known to a particular party, he will receive more assistance in the pre-election period, and also on polling day. I have myself been associated with that sort of campaign, where the candidate does not stand necessarily as a Liberal or a Labor member.

Why should we—in a community of mature people—hide our particular politics or persuasions from those who would elect us to represent them on local governing bodies? I may be one of a few in this House who subscribe at the present time to such a philosophy; but I feel that, in the ultimate, we will find it is desirable to bring party politics into local government in order to ginger up its activities in this State; and, in fact, in any other State.

There are several other features of the Bill, which I suggest are attributable to Mr. Gifford's interest, but which I will leave at this stage, but will refer to the Minister at a later stage. I feel that, having little knowledge of local conditions, he may have led the Government into several traps in this Bill. I repeat that I am quite happy to support a measure such as this to consolidate these two Acts into one piece of legislation; but I reserve the right, if certain features are not altered, to reverse my vote when the Bill reaches the third reading stage.

MR. BRADY (Guildford-Midland) [6.10]: Members should be prepared to discuss the various aspects of such an important Bill as this in order that people in the local governing districts can get an idea of what it means. I am sorry the Minister did not give us more detail about what he referred to, in one part of his introductory speech, as numerous alterations.

In one part of his speech he said the Bill was withdrawn in 1959 and referred to a committee of three representatives of local government and departmental officers, and only one or two matters were changed. Later on, in the same address to the House, he said there had been numerous changes. It is difficult for members to go through a Bill containing approximately 600 pages, word for word and page by page, and find these numerous changes. I feel the Minister could have been a little more generous and told us what those changes really were.

I think that one country road board has written to most members giving its views in regard to this measure. From memory, I think it is the Beverley Road Board.

Members: The Brookton Ratepayers' Association.

Mr. BRADY: The Brookton District Ratepayers' Association. That shows that I have not had time to go through the Bill in any detail. I think we should have a look at what that association had in mind. As one member said earlier this evening, some local governing bodies only received this Bill on Friday, and some as late as yesterday. I think it would pay the House to mark time a little in regard to the measure in order that we might obtain the considered views of local government bodies in regard to the matter.

I am pleased that a number of matters have been straightened out in the Bill, in regard to consolidating both road boards and councils into shire councils rather than retaining two distinct bodies. Very often we find that a road board is just as important as a local municipal council, and the fusing of the two bodies into a shire council is all for the good.

Together with other speakers, I deplore the fact that provision for adult suffrage has not been embodied in this Bill as it was in the measure previously before the House. In some areas, people who do not own property pay a substantial contribution towards the municipality, or the road district, or what it is proposed shall be known as the shire council. We might find that a contractor in a district, renting his home and possessing half a dozen vehicles, is paying substantially for his vehicles. If he happens to possess a few dogs, or anything else, it could well work out that, over-all, he would be paying more to the shire council than some people who own a quarter-acre block in the town.

For that reason, I feel that adult suffrage should have been provided for in the Bill and would have been of benefit to a lot of people in road districts and municipalities, where it appears that the main consideration of some road boards is the provision of roads. Women with children and prams lack footpaths, and other facilites. Those women, rearing families and paying rent in the district, are entitled to some consideration in these matters.

Later on, we will be considering the Police Act. I am reminded that in that Act there is a section dealing with control by the Police Department over certain people carrying advertising boards and posters. I think it is envisaged in the Local Government Bill that it should be the prerogative of the local municipal shire council to decide these issues. I hope the Minister will keep that in mind. It is no good giving local government power to deal with matters, and then taking those powers away by introducing them into other measures. I will have more to say about that later on.

I understand that when consideration is being given to whether the owner or the occupier of a house shall be on the municipal roll, it will be more or less automatic for the owner to be put on the roll unless the occupier disputes it. If that interpretation is correct, I feel it will give rise to quite a lot of trouble to people who are paying very high rents and paying high money for leases if the onus is put on the occupier.

Sitting suspended from 6.15 to 7.30 p.m.

Mr. BRADY: Before tea, I was saying that I did not think the position of local government would be very serene if it attempted to give owners registration on the electoral lists whilst the occupiers of their premises had an equal right to registration. One or two members were good enough to mention to me, during the suspension, that they thought my interpretation was wrong.

If members look at both the remarks of the Minister which he made when introducing the Bill, and at clause 46 of this measure, I think they will agree that it will be the clerk of the shire council who will decide whose name shall be placed on the electoral list. In that case, I think the owner will receive preference over the occupier. That is my interpretation as I see the position at the moment.

Like the member for Beeloo, I feel that the local governing authorities were wrong to be guided by the remarks made by Mr. Gifford, from the Eastern States, on the Bill drawn up in 1958; because whilst he may be an authority on local government in the Eastern States, any member who is acquainted with local government in Victoria and New South Wales is aware that Western Australia has an entirely different problem compared with those States because of its enormous area and the many difficulties that are faced by local governing authorities in this State as compared with their counterparts in other parts of Australia.

I agree with the remarks made by the member for Beeloo in regard to introducing party politics into local government. It has been suggested that local government has thrived because party politics has not entered into that form of government. I am not sure whether that is correct. I have seen dozens of examples which have shown that if people had voted on party-political lines they would have obtained better amenities and facilities from their road board or municipal council. Therefore, I would be prepared to see party politics introduced into local government in the fullest sense.

Actually, in local government now there are veiled party politics; but if everyone realised that party politics were carried on in local government. I think this Parliament and the affairs of the State generally would be better off. The sooner every man and woman becomes interested in local government through party politics the better, because I feel that under our present democratic set-up the financial powers that be have everyone in their power, and they exercise that power through local governing authorities as well as through Parliaments.

Another matter I wish to deal with is the appointment of the auditor to a local authority. In my opinion the worst part of the Bill is the provision which will enable members of a local authority to appoint their own auditor. I cannot think of anything worse than that from the point of view of the ratepayers. In a certain area there could be up to 3,000 ratepayers contributing to the finances of a municipal authority or shire council, and yet they would have no say in regard to the appointment of the auditor.

It is a serious matter that the half a dozen or dozen men who conduct the affairs of the municipal council shall have the power to appoint the auditor. I have observed the work of municipal councils and road boards objectively over the past 30 years and I cannot think of any worse feature in local government than an auditor being appointed by the men who sit around the council table making the decisions. The weakness of that provision should be obvious to everyone in this House.

I consider that the Minister in charge of the Bill and the members of this House should have some regard for the seriousness of this position; because surely it is serious when nine or 10 men, who will constitute a shire council, will not only carry out what they consider to be their duties as a council, but also will have the right to make a decision on who shall audit the financial records of their council.

Although I may not be successful in having this clause amended in Committee, I hope members will give serious regard to it; and that before the Bill is passed through this Chamber they will agree that local government auditors should be appointed by the Government in order that they can represent the ratepayers who will pay the piper.

Like most members, I think we can make better progress and more valuable contributions to the Bill by discussing it in Committee; but, before that stage is reached, I hope that the Minister will have a look at the suggestions by the Brookton Ratepayers' Association to which I referred earlier. I do not want to elaborate on all of them, because the member for the district could probably deal with them more effectively than I could.

One suggestion is definitely worthy of consideration; namely, that relating to loan voting. In a recent road board poll held on the question of raising a loan, I received a telephone call, one hour before the poll closed, from an irate ratepayer who said he had all his business interests in the area controlled by this road board; but because he was living in another municipality, although only half a mile from the polling place, he was denied the right to vote on a poll which would affect his business and other interests in that area.

I notice that the Brookton Ratepayers' Association has suggested that anyone living within a mile of a road board area should have the right to vote. That is a very good proposition. Any member in this House can realise that that suggestion is reasonable. A man may have built up a business over a period of 10 or 12 years, and several members of his family may be connected with it; but because he lives half a mile over the boundary of the road board area he is not permitted to vote on a poll held within the area in which his business is located.

I thought I should make some contribution to the debate on this Bill; because, after Parliament, the people in local government are the most important in this State in the making of laws, and we should have some regard for the importance of the positions they hold. Like the member for Eyre, I consider they have made an extremely valuable contribution towards the development of the State and the welfare of the people.

Whilst we are aware of the contribution they have made, we must be mindful of our obligations and responsibilities in regard to granting them powers and rights to the detriment of the people who are helping to pay for the maintenance and the conduct of a local authority, such as in the case I have mentioned this evening, where a local shire council can spend £50,000 and the only person that council has to answer to, virtually speaking, is the auditor, who will be elected by itself. Like the member for Beeloo, I intend to make many more remarks in the Committee stage.

MR. PERKINS (Roe—Minister for Transport—in reply) [7.40]: I thank members for their constructive approach to the measure. As I said in my second reading speech, the Bill has been before the House on a number of occasions and practically all aspects that have been discussed tonight were debated when the measure was previously under consideration by both Houses of Parliament.

I think perhaps one or two members—particularly the member for Maylands—were under some misapprehension. The member for Maylands was discussing the former Bill as it was introduced to this House, rather than the measure as it was amended by the Legislative Council. That applies particularly to the date in May for the holding of the annual election. That was an amendment made by the Legislative Council to the Bill when it was previously before Parliament.

I understand it was discussed at some length, and it was the general opinion that that would be the most suitable time of the year for the holding of the annual election. The month of May, rather than April, has the virtue of keeping clear of any interruption due to the Easter holiday break. In any event, I make the comment that it was only after considerable discussion that May was selected as the most suitable month for the holding of the annual election.

I would like to emphasise that with a Bill of this magnitude which seeks to bring up to date such very old Acts, it is inevitable that, no matter how much it is discussed by both Houses of Parliament, it is unlikely to be perfect when it becomes an Act. Undoubtedly, some further amendments of the legislation will be required. That applies to the appointment of auditors, for instance, as mentioned by the member for Guildford-Midland.

I agree with him that the system of appointing Government auditors is probably the best. The auditors are now appointed by the road board or municipality. Previously, an auditor was appointed by the ratepayers, but no doubt his appointment was made by them after some discussion with members of the local authority. That has worked reasonably well. In some districts there is local feeling that that system should be continued. If, as a result of experience, it is found to be undesirable, it will not be a very complicated matter to alter it at a later stage, and adopt the system used by the road boards, which has proved to be so great a success over so many years.

There is a sincere difference of opinion between us and members opposite in respect of some of the points raised. One of them is the question of the franchise. In my view, no matter how long we discuss that question in Parliament, we will not reach agreement. It will only be resolved by the majority opinion of Parliament, although I recognise the right of members to express the strong views which they hold on this question.

In order to facilitate the passage of the Bill, I have arranged for Mr. White of the Local Government Department to be in the House; and with your permission, Mr. Speaker, and the permission of the Chairman of Committees, and the approval of the House, I would like him to sit beside me during the Committee stage so that he can advise me on matters with which neither the Minister for Local Government nor I are fully conversant in every detail.

I want to emphasise again that not only has there been a great deal of discussion in both Houses of Parliament on this measure, but it has been the subject of very detailed discussion among representatives of the local authorities, and I should say also among all those who are interested in local government affairs.

While in some respects the Bill before us is somewhat of a compromise between the different shades of opinion, I am justified in saying it is a reasonable compromise. We can expect the provisions of the Bill to work much better than those in the out-of-date legislation under which the local authorities have operated for so long. The only way in which it can be determined whether the provisions in the Bill are suitable is by putting them into operation. After that we will become aware of the difficulties; and to overcome such difficulties in the administration of the Act which become apparent as a result of the passing of the Bill, Parliament can pass suitable amendments in the future. I thank members for their approach to this measure.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr. Roberts) in the Chair; Mr. Perkins (Minister for Transport) in charge of the Bill.

Mr. JAMIESON: Can you, Mr. Chairman, give members some information as to the mode in which you will be putting the various clauses? On the last occasion, until you advised members that you were going to put the subclauses separately, as distinct from the clauses, there was some confusion. If the same practice is now adopted the Committee stage of the Bill will be expedited.

The CHAIRMAN: If my memory serves me aright that procedure was not adopted on the Local Government Bill. However, it is my intention to call the clauses, say from 3 to 16, and not each individual clause, as is the usual practice.

Clauses 1 to 5 put and passed.

Clause 6—Interpretation:

Mr. ROWBERRY: The definition of "allowed to use" on page 8, lines 1 to 29, is not very clear. Will the Minister inquire from Mr. White in more detail as to its meaning?

Mr. JAMIESON: There is some need for clarification of this definition by the Minister. I would also like to know the reason for including the definition in such great detail.

Mr. PERKINS: This clause appears in exactly the same form as it was in when it left this House on the previous occasion. As the definition was not then questioned, the draftsman included it in that form because it expressed the intention of Parliament.

Clause put and passed.

Clauses 7 to 9 put and passed.

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

Mr. ROWBERRY: Subclause (7) on page 22 deals with the application for change of mode of election of mayor or president. It states that where a written copy of a majority decision of the councillors or a petition signed by one-tenth of the electors enrolled on the municipal roll or signed by 50 electors so enrolled, whichever is the greater, is delivered to the mayor or president, the question shall be submitted. In this case the important portion is the part which states "whichever is the greater".

I draw attention to clause 12, paragraph (h) on page 25 relating to the abolition of a district and the dissolution of the municipality of the district. It states that if at least 10 per cent. of the number of the persons whose names appear on the municipal roll of the municipality of a district, or 50 of them, whichever is the lesser number, make the application the Governor may make an order exercising his power. In this case the term is "whichever is the lesser number."

I cannot see the reason for this differentiation. In one case it is "whichever is the greater;" and in the other, it is "whichever is the lesser number."

Mr. PERKINS: This amendment was inserted by the Legislative Council when the Bill was considered previously. On a quick reading of the provisions in the two clauses referred to by the honourable member, the contradiction is not apparent to me. One would have to examine the details of how the provisions worked out in actual instances.

Mr. ROWBERRY: I have taken the trouble to work out the provisions in detail, and the difference is apparent to me. I therefore move an amendment—

> Page 22, line 11—Delete the word "greater," and substitute the word "lesser."

Mr. PERKINS: I am not prepared to accept the amendment. The honourable member has not produced sufficient

reasons to support his amendment. A great deal of work has gone into the drafting of the Bill; and unless members are able to submit convincing reasons to justify an amendment, I am not prepared to accept it.

Mr. ROWBERRY: I have stated that the application for a change of mode of election of mayor or president is made more difficult, under the Bill, than an application for the dissolution of the municipality of a district. For instance, 10 per cent. of the electors in a district containing 5,000 would be 500. Therefore I still stick to my argument. I have gone into this, and I see no reason why we should have a greater figure in bringing about a change in the mode of the election of a president or mayor than we have for the dissolution of a district or municipality. Surely the one is equally as important as the other!

Mr. PERKINS: I really think that in matters of this importance there should be a very substantial number or proportion of the electors requesting a change before it is agreed to; otherwise trivial applications will be made. After a more careful look at this subclause I fail to see that any injustice is being created. I believe that 10 per cent. is a reasonable proportion. On the other hand, if in any area it is not possible to find 50 electors who want the change, then there is not much demand for it.

Mr. JAMIESON: I think that is a very poor argument on the part of the Minister in view of the small number required in respect of other alterations. For instance, the number required is as low as 20 for an area being excised from a municipality and shunted somewhere else. If the Minister is prepared to accept such a low figure in that respect, I fail to see why a higher figure is required in this instance.

After all, surely such a step as dissolving a municipality is more important than the mode by which a mayor or president is elected! As the member for Warren pointed out, a much lower figure is required even in respect of the abolition of a local governing body. The Minister is not justified in stating there is no argument on this subject, particularly when his own Bill later on provides for something more diabolical than this.

Mr. ROWBERRY: The Minister stated it was a very poor district which could not raise 50 electors to object to the mode of election; but the fact is that the Bill provides for the greater number to apply. It has to be 10 per cent. or 50 electors, whichever is the greater. In a district of 5,000, 10 per cent. would be 500. After all, this provision is only for a poll to be taken, and I therefore cannot see any difficulty whatever.

Mr. PERKINS: Just one further comment. The member for Warren is not being logical in his approach to this matter. I also said that 10 per cent. was not an unreasonable number to be sufficiently satisfied to demand this reconsideration. I made that perfectly clear; but if the member for Warren is not going to follow my arguments more closely than that there will be no purpose served in my answering the queries raised.

Mr. ROWBERRY: I still think that I have followed the arguments of the Minister very closely. However, if there is no argument to follow it cannot be followed closely, and the Minister submitted no argument at all. He does not explain why it is possible to abolish or dissolve a district with a lesser number of electors than is required to change the mode of election of a president or mayor. The opportunity of changing the mode of election should be made as easy as possible.

After all, there is subsequently to be a poll taken; and if the change is not agreed to by the majority of the people, then the present mode will be sustained. Therefore I cannot see the Minister's objection, except that he wants us to put our hands in his and step forth into the darkness, which I am not prepared to do.

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

Ayes—21.

Mr. Andrew	Mr. Jamieson
Mr. Bickerton	Mr. Kelly
Mr. Brady	Mr. Moir
Mr. Curran	Mr. Nulsen
Mr. Evans	Mr. Oldfield
Mr. Fletcher	Mr. Rhatigan
Mr. Hall	Mr. Rowberry
Mr. Hawke	Mr. Toms
Mr. Heal	Mr. Tonkin
Mr. J. Hegney	Mr. May
Mr. W. Hegney	*(Teller.)*

Noes—25.

Mr. Bovell	Mr. Mann
Mr. Brand	Mr. W. A. Manning
Mr. Burt	Sir Ross McLarty
Mr. Cornell	Mr. Nalder
Mr. Court	Mr. Nimmo
Mr. Craig	Mr. O'Connor
Mr. Crommelin	Mr. O'Neil
Mr. Grayden	Mr. Owen
Mr. Guthrie	Mr. Perkins
Mr. Hearman	Mr. Watts
Dr. Henn	Mr. Wild
Mr. Hutchinson	Mr. I. W. Manning
Mr. Lewis	*(Teller.)*

Majority against—4.

Amendment thus negatived.

Clause put and passed.

Clause 11 put and passed.

Clause 12—Power of Governor to constitute municipalities:

Mr. JAMIESON: I would like some clarification from the Minister in regard to certain portions of this clause. Does he not consider that for the constitution as a new shire of part or parts of an existing shire or shires 20 persons is a small number to

be required? In regard to the abolition of a district and the dissolution of the municipality of the district, 10 per cent. of the number of the persons whose names appear on the municipal roll of the municipality of the district, or 50 of them, whichever is the lesser number, is required. I feel that is a very small number in view of the size of some of the municipalities and districts which exist today, and for that reason I would like some comment from the Minister.

Under subclause (2) (a) (i) is set down a necessary qualification for a municipality to be called a city. There are several cities that would not live up to that requirement. Are they to remain as cities, or are they to become town councils again? I cite Subiaco and South Perth as examples; and the City of Nedlands probably could not live up to the requirement of 30,000 persons. It seems wrong to proclaim the Act without a position such as this being clarified.

Mr. PERKINS: The interpretation of the Local Government Department and of the Crown Law Department—and the Local Government Association approves of it—is that the municipalities that are now cities will remain cities; but the standard is being lifted for the creation of future cities.

The other point raised concerns the number of persons necessary to create a new local authority. This would most likely apply in fairly remote country areas where the total number of ratepayers would be very small. I have some areas in that category in my electorate; and there has been a move to constitute a new local authority. The number of ratepayers is small, and 20 might be a reasonable number. On the other hand, if we are going to abolish a municipality it is thought that 10 per cent. is not an unreasonable percentage in order to make sure that the move is not a trivial one.

Mr. JAMIESON: The Bill provides for 10 per cent. of the number of persons whose names appear on the roll, or 50 of them, whichever is the lesser number. I would like clarification of that point. This provision could mean that in a big municipality, only 50 people need sign the petition.

It would be wrong for a city that fell below the requirements of a city, to remain a city. The City of Subiaco has a falling population. Although possibly it has not a falling income, because of the high rating values, the population has been on the wane for years. It would be unreal for Subiaco, if it got down to 5,000 ratepayers, to retain its city status, while another district—Scarborough or whatever the place may be—with 20,000 people could not be proclaimed a city because it would not have the necessary numbers required by the Act.

A clear-cut decision should be made in regard to this matter: either these places are cities within the meaning of the Act, or they are not. It might not matter much except in regard to prestige. Members of the Subiaco City Council might like to say they are members of that body instead of members of the Subiaco council. The authorities that are just "Johnnies-come-lately"—South Perth and Nedlands; not Subiaco—in the municipal field should surely not be given prestige higher than other municipalities in the metropolitan area that might have a greater revenue and a larger number of people in their areas.

Mr. PERKINS: The member for Beeloo has raised a practical difficulty. If the population of some city falls to a low figure, the position could become something of a public scandal. On the other hand, if we attempted to put something into the legislation to reduce the status of any local authority, it could cause great difficulty and a great deal of argument. In the circumstances I think it is better to leave the clause as it is; and if the difficulty arises in the future, steps can be taken to make some suitable amendment.

I think it is more likely that there will be greater concentration of population in the areas of the existing cities than that the population will fall; and we are more likely to see the ratable values rise. From a practical point of view, I think it is much better to let the *status quo* remain.

The other question raised by the honourable member dealt with the lesser number of people required in connection with the abolition of a district. There does seem to be some contradiction in that phrase, but it has been lifted from the Municipal Corporations Act; and it is another instance where it is thought better, rather than make changes more radical than necessary, to allow a certain amount of latitude. A petition might be considered with rather fewer names on it than could be justified, but it would not be extremely serious; it is just another of those instances where some further amendment of the Act might be required in the future. At the present moment it does not seem likely that this matter will create any anomaly.

Mr. ROWBERRY: I refer the Minister to subclause (2) on page 25 and to subclause (3) on page 26. Why the difference in these two subclauses? Why in one case is each municipality required to agree, while in the other only one is required to agree?

Clause put and passed.

Clauses 13 to 19 put and passed.

Clause 20—New election on change of number of offices of councillor or boundaries:

Mr. JAMIESON: In the case of amalgamations, we will have a duplication of many positions, and someone must fall by

the wayside. Some protection should be provided in the legislation. As the Minister did not mention this matter when he replied to the second reading debate, I ask him now what the position is.

Mr. PERKINS: The next clause deals with that point.

Clause put and passed.

Clauses 21 to 40 put and passed.

Clause 41—Longest possible term of office:

Mr. TOMS: Has the Minister indicated the reason for the elections in May?

Mr. PERKINS: This provision was put into the legislation by the Legislative Council when the Bill was previously before Parliament. I understand there was considerable discussion at the time as to the most suitable month; and it was thought that May was the best. Easter intervenes during April. In practice, if some of the difficulties occur that have been mentioned by the member for Maylands and the member for Beeloo, then obviously Parliament could be asked to make an alteration at some future time.

Mr. JAMIESON: I do not think we should wait until a later date to make some alteration to this provision. I do not see why the elections should not be held in October. Very few elections are held in that month; and the weather is fairly reasonable then. I move an amendment—

> Page 59, line 33—Delete the word "May" with a view to substituting the word "October."

Mr. PERKINS: I am not prepared to accept the amendment. Both the local government associations have accepted May, and I think it should be given a trial. It does not necessarily follow that State or Federal elections occur at that time of the year. The first two elections I contested were in November, and there have been plenty of occasions when both Federal and State elections have occurred in other months of the year. Therefore I do not see that there is any argument which can be produced in favour of one month more than another; and I think we should stick to what is in the Bill.

Mr. JAMIESON: It is obvious that the Minister did not listen to my earlier comments on this matter. It is mandatory that biennial elections for the Legislative Council be held in that month, and we have an opportunity here to make it possible for local authority elections to be held in some other month. I maintain that May has been put in the Bill without due thought to the position of the Legislative Council elections. It is not so much the Legislative Assembly or Federal elections but elections for the Legislative Council, which occur every second year, which will cause confusion. That is why I say the position should be clarified at this juncture.

The Minister has already indicated that on account of the amendment to the Electoral Act last year there is a limitation about that time of the year because of Easter; and the Act expressly forbids holding the elections on the Saturday before Easter and the Saturday after Easter. Therefore those elections are confined to a very small part of May, and now it is proposed under this Bill to use that period also for municipal elections.

Whoever moved this amendment in the Legislative Council did so without due consideration of the position. It will be most confusing if we have municipal elections right throughout the State on one Saturday and Legislative Council elections on the next Saturday. If there is any objection to my proposal for October, it could be ironed out at a later date. There are no party politics about this; I am concerned only with the confusion that will exist, and the Minister has an opportunity now to correct the position.

Mr. PERKINS: I do not think that confusion will occur, and I do not agree with members opposite that we want a lot of party-political activity at local government elections. So far as the Legislative Council elections are concerned, the new members must take office by the 22nd May —that is provided for in the Electoral Act— and the fourth Saturday in May could not possibly fall before the 22nd May. Therefore the dates could not possibly clash. The elections could perhaps be a fortnight or three weeks apart, and I am not prepared to accept that that is sufficiently serious to warrant an amendment to this clause.

Mr. W. A. MANNING: I think one point has been overlooked up to date; and that is that the financial year for all councils ends on the 30th June, according to the legislation; and it seems to me that an election must be held before the end of the financial year. To change the date of the municipal elections from May to October would be absurd, because we would have a new council taking office half way through a financial year. The first object of a new council is to prepare its budget and its rating for the current year. Therefore the election must be held so that the incoming council has time to deal with those things by the end of June. For that reason the election must be held somewhere about the end of May.

Mr. TOMS: I do not think the difficulty in preparing a budget and so on is as great as the member for Narrogin would have us believe. However, I ask the Minister to give consideration to an alteration of the month from May to April. I do not agree with the member for Beeloo on this point, but I think there would be less confusion if the elections were held in April. There was provision in the 1958 Bill for that, and also a proviso should the Easter period fall in that month. I ask the Minister to give consideration to that proposal because

I believe it would be beneficial to all concerned if we could get away from holding two elections in the one month.

Mr. ROWBERRY: The Minister said that members must take office by the 22nd May. I draw his attention to page 61, line 13.

Mr. Perkins: You are on the wrong Act. I was talking about the Electoral Act, which deals with parliamentary elections.

Mr. ROWBERRY: I am drawing the Minister's attention to this Bill, with which we are dealing at the moment. The Minister said that councillors must take office by the 22nd May.

Mr. Perkins: I was talking about Legislative Councillors.

Mr. ROWBERRY: It is possible to have the election deferred. It could be the first Saturday in June, which would be before the end of the financial year; and that would overcome the difficulty of a clash with Legislative Council elections.

Mr. NULSEN: I agree with the member for Maylands, and I do not think it would hamper local governing authorities if their elections were held on the fourth Saturday in April; in fact, it would be of some value because they could get their books ready for audit.

Amendment put and negatived.

Clause put and passed.

Clauses 42 to 44 put and passed.

Clause 45—Eligibility for registration as an elector:

Point of Order

Mr. JAMIESON: Mr. Chairman, I rise on a point of order. Is this Bill correctly before the Committee? This clause widens the franchise for those entitled to enrolment, and that must have a bearing on the Constitution Acts Amendment Act of this State. I draw your attention to page 69 of the Bill, subclause (14), which reads—

> Where a person is the owner of ratable land his wife, if residing on the land, is entitled to be registered as an elector on the roll as the occupier on written application being made by her in that behalf to the council and where a woman is the owner of ratable land her husband, if residing on the land, is entitled to be so registered as occupier if he so applies and, if the application is granted by the council, it shall divide the valuation of the land equally between the owner and the spouse.

I now draw your attention to page 170 of our Standing Orders, subsections (5) and (6) of section 15, dealing with qualifications, which read—

> or if the name of such person is on—
>
> (5) The Electoral List of any Municipality in respect of property within the Province of the annual ratable value of not less than seventeen pounds; or
>
> (6) The Electoral List of any Road Board District in respect of property within the Province of the annual ratable value of not less than seventeen pounds.

This Bill is amending the whole of the Constitution in so far as those two qualifications are concerned. I regret that I did not raise this matter at the second reading stage, but I was occupied in trying to catch up with other aspects of the Bill. I draw your attention to it and raise the point as to whether the Bill is rightly before the Committee stage without its first having been passed by a constitutional majority.

Chairman's Ruling

The CHAIRMAN (Mr. Roberts): My ruling is that the Bill before the Committee at present is in order because it sets out who will be on the list, and the Constitution Acts Amendment Act sets out the names of such persons who are on the electoral list of any municipality. This Bill sets out who shall be on that electoral list.

Dissent from Chairman's Ruling

Mr. JAMIESON: Then I must move to dissent from your ruling, Mr. Chairman.

The CHAIRMAN: Will the honourable member please submit his dissent in writing?

The Speaker Resumed the Chair

The CHAIRMAN OF COMMITTEES (Mr. Roberts): Mr. Speaker, whilst the Committee was considering a Bill for an Act to consolidate certain Acts relating to Local Government by repealing those Acts and re-enacting them with amendments in order to provide for the good rule and government, convenience, comfort, and safety of persons in municipal districts, it reached clause 45. The member for Beeloo raised a point of order in relation to that clause, saying that it contravened the provisions of the Constitution Acts Amendment Act.

I indicated to the member for Beeloo that the Bill was in order. The point raised by the honourable member was that the measure contravened section 15 (5) of the Constitution Acts Amendment Act, which is to be found on page 170 of Standing Orders. The member for Beeloo's written reasons for disagreeing with my ruling are as follows:—

> That the passing of this clause would cause a widening of the provisions of enrolment as provided in the Constitution Acts Amendment Act.

The SPEAKER: I will leave the Chair to study the submissions made.

Sitting suspended from 8.50 to 9.25 p.m.

Speaker's Ruling

The SPEAKER: The member for Beeloo has raised a point of order as to whether this Bill is in order or not because it was

not passed at the second reading stage with a constitutional majority. The honourable member claims that it should have been carried with a constitutional majority. The Constitution Acts Amendment Act, 1899, sets out the property qualification for the Legislative Council elections. It states, amongst other things, that an elector who owns land within the province, and whose name appears on the electoral list of a municipal or road district in respect of an annual ratable value of not less than £17 is eligible to vote in a Legislative Council election.

It does not say that every person whose name appears on a municipal or road district roll is eligible to vote at a Legislative Council election.

Consequently I rule that the Bill does not alter the Constitution Acts Amendment Act, 1899, and is in order.

Committee Resumed

Mr. TONKIN: The Opposition would not go to the length of disagreeing with the Speaker's ruling in connection with this matter. We consider we have discharged our duty by drawing attention to this; and if it is subsequently proved that this is not properly legal, then responsibility is on the Government itself and it will have to meet the situation.

This clause is for the purpose of conferring the right to vote at municipal elections on persons who do not now possess that right. Section 15 of the Constitution Acts Amendment Act reads as follows:—

> Every person of the age of twenty-one years . . . if the name of such person is on—
>
> The Electoral List of any Municipality in respect of property within the Province of the annual ratable value of not less than seventeen pounds;

That says nothing about owning property. It simply says "is on the list in respect of the property". The provision in clause 45 reads as follows:—

> Where a person is the owner of ratable land his wife, if residing on the land, is entitled to be registered as an elector on the roll as the occupier on written application being made by her in that behalf to the council and where a woman is the owner of ratable land her husband, if residing on the land, is entitled to be so registered as occupier if he so applies and, if the application is granted by the council, it shall divide the valuation of the land equally between the owner and the spouse.

My interpretation of that is that at the moment every person who is entitled to go on the electoral list of the municipality is qualified to be enrolled on the Legislative Council roll. If this Bill is passed it will make it possible for two people to go on the electoral list of the municipality, and those two people will then be entitled to vote for the Legislative Council. That provision in the Bill says nothing about having to own the land. There is a further provision in regard to the qualification of the occupier. It reads—

> Where two persons or more than two persons in conjunction occupy a separate part of ratable land,
>
> (a) each, if there are only two of those persons; or
>
> (b) if there are more than two of those persons, each of two only of the persons, selected in accordance with subsection (6) of this section,
>
> shall for the purposes of this Part be deemed to be the occupier of land, being the part so occupied, and the ratable value of the part shall be apportioned in accordance with the provisions of paragraph (a), or, as the case requires, paragraph (b), of subsection (7) of this section, which provisions apply as if repeated in this subsection.

That seems to me to make provision for persons who are not now entitled to be enrolled in the electoral list of a municipality to obtain that qualification. Having got that qualification, under the Constitution Acts Amendment Act they are then qualified to vote at Legislative Council elections, and therefore are able to alter the constitution of the Legislative Council, inasmuch as the additional voting power may have the effect of changing the members of the Legislative Council simply because we have amended the Road Districts Act and permitted people to vote for the Legislative Council who, in normal circumstances, would not have the right to vote. I cannot see that that is other than a radical departure from the Constitution as it exists at present.

I put this question to the Minister: Suppose I am a ratepayer at present and, as such, my name is on the electoral list of the municipality of East Fremantle and, by virtue of that, I claim my vote for the Legislative Council. In existing circumstances, my wife has no such vote. When this Bill becomes law, immediately she can apply to the East Fremantle Municipality to be placed on the roll as the spouse of the ratepayer; and, in accordance with this provision, her name goes on the electoral list and she can then claim enrolment for the Legislative Council, because her name appears on the electoral list of a municipality in respect of property within the province. Her name appears on the electoral list not as the owner, but in respect of the property. If that is not broadening the franchise of the Legislative Council, I do not know what is.

Will this provision in the Bill result in a large number of additional people having their names placed on the electoral list for the municipality? If it will not, why is the provision in the Bill? If it will have that result, we will have enlarged electoral lists; and then, which of the people on the roll will be able to vote for the Legislative Council? Who will determine which of the two people on the electoral list shall vote and who shall not? What shall be the determining factor? It does not say that a person has to own land to get his name on the electoral list. The relevant section in the Constitution Acts Amendment Act reads as follows:—

> Every person of the age of twenty-one years being a natural-born or naturalised subject of Her Majesty, and not subject to any legal incapacity, who shall have resided in Western Australia for six months, shall, subject to the provisions of this Act, if qualified as in this section is provided, be entitled to be registered as an elector, and when registered to vote for each of any number of candidates not exceeding the number of members to be elected to serve in the Legislative Council for the Electoral Province in respect of which such person is so qualified, that is to say, if such person—
>
> (1) Has a legal or equitable freehold estate in possession situate in the Electoral Province of the clear value of fifty pounds sterling; or
>
> (2) Is a householder within the Province occupying any dwelling house of the clear annual value of seventeen pounds sterling; or
>
> (3) Has a leasehold estate in possession situate within the Province of the clear annual value of seventeen pounds sterling;
>
> (4) Holds a lease or license from the Crown to depasture, occupy, cultivate, or mine upon Crown lands within the Province at a rental of not less than ten pounds per annum;
>
> Or if the name of such person is on—
>
> (5) The Electoral List of any Municipality in respect of property within the Province of the annual ratable value of not less than seventeen pounds; or
>
> (6) The Electoral List of any Road Board District in respect of property within the Province of the annual ratable value of not less than seventeen pounds.

That qualification simply means that if a person can show his name is on the electoral list of a municipality with respect to certain property he can claim the right to vote for the Legislative Council; whereas, in the existing circumstances, he has no such right. Members know full well that at present the spouse of a ratepayer has no right to have her name on the electoral list of a municipality simply because she is the spouse of the ratepayer; but if this Bill is passed, she can have her name placed on the roll and then claim the right to vote for the Legislative Council.

I will say no more. We have done our job in drawing the Government's attention to this matter. If the position is found to be as I have stated; and if this has the effect of altering the franchise for the Legislative Council, an amendment of the Constitution will be required. The passing of the second reading of the Bill also required an absolute majority; and as an absolute majority was not obtained, we cannot rectify the mistake by removing this particular clause. The only way we can rectify it is for the Government to withdraw the Bill and obtain an absolute majority when it is reintroduced.

The Government can proceed at its own risk. It can spend a month or two months in discussing this measure and get it passed through both Houses of Parliament; but if the subsequent position is as we see it, the whole of the work will have gone for nought because the Bill will be useless and will have to be brought before a fresh Parliament. The mere fact that a ruling has been given by the Speaker in a certain way does not alter anything; and I suggest that the Government should give further consideration to the matter before proceeding with the passage of the Bill. Having said that, I content myself by leaving the matter in the hands of the Government.

Mr. PERKINS: I think the member for Melville is wrong in his interpretation of the clause and its relation to the Constitution Acts Amendment Act. However, in view of the careful consideration he has given to the matter and the arguments he has put forward, I will obtain the best legal advice possible to make sure my opinion is right and his is wrong.

Mr. BRADY: I stated earlier that I regretted adult suffrage had not been included in the Bill on this occasion as it had been on a previous occasion. Therefore, I move an amendment—

> Page 66—Add after paragraph (c) in lines 22 to 24 the following new paragraph:—
>
> (d) or is residing in the district and contributing twenty-five pounds per annum to the municipal revenue.

I consider that there are many municipalities and road boards in whose areas thousands of people are contributing large sums of money to the local authority revenue; but when it comes to the holding of a poll they have no voting powers whatsoever.

Mr. PERKINS: I oppose the amendment. This matter has been debated at length in both Houses of Parliament, but the principle has not been adopted. The people who will be affected by the amendment will be mainly those paying license fees for their motor vehicles. By paying such fees they would become entitled to a vote.

The principle in the amendment gets away from the concept of local government and also of the Bill, which seeks to confer a right to vote on those who have a permanent stake in the district. I am aware of all the arguments which have been put forward in regard to this question, but I cannot agree to the amendment.

Mr. JAMIESON: The Minister's argument is utter rubbish. He asks members to believe that a person who goes into a district, purchases a block of land, and then departs from the area to live somewhere else, has a greater say in the affairs of the local authority than another person who has resided in that district for many years and who has paid a registration fee for his motor vehicle for a considerable period, although he may not own a block of land.

Is the Minister prepared to accept any amendment at all? He stated that this question had been argued on previous occasions, but I do not remember an argument on this principle. There have been arguments over franchise, but not arguments on this aspect of the franchise; that is, a franchise to the owners of motor vehicles. The attitude of the Minister indicates that he is not prepared to accept any amendment. If that is so, he should tell us and save a lot of time.

Mr. PERKINS: A great deal of consideration has been given to the Bill; and on previous occasions a similar Bill was introduced in both Houses. The Bill has been given very careful thought by representatives of local authorities, and they are the ones who are particularly affected. They have asked for this Bill to be placed on the statute book so that local authorities can work under the new provisions. If in the course of time pitfalls are discovered, amendments can be introduced.

There is no indication that the Bill, as drafted, is unworkable. Members opposite have not been helpful, because not a single amendment has appeared on the notice paper. If members opposite thought amendments were necessary they would have ensured that notice was given. The absence of amendments on the notice paper indicates to me there is much shadow-sparring going on.

It is most important to place this legislation on the statute book and thus enable local authorities to operate under up-to-date provisions. Members who do not take cognisance of these requests from the local authorities are not being fair.

Mr. JAMIESON: The Minister himself is being unfair to local authorities, because some local authorities seeking information on this measure have been shamefully treated. It was almost midday when I contacted the two local authorities in my district—

The CHAIRMAN (Mr. Roberts): Order! I cannot allow the honourable member to proceed on those lines.

Mr. JAMIESON: I cannot understand why the Minister is not prepared to agree to any amendments. If that is his attitude, he should remember it in future years when his Government may not be in office. He should not then complain that the Government will not accept his amendments.

Mr. ROWBERRY: I support the amendment. The underlying principle in the eligibility for registration as an elector is that he who pays the piper calls the tune. I know of many road boards which derive the greatest portion of their income from motor-vehicle licenses; and one in particular—the Manjimup Road Board. The income from that source is a few thousand pounds greater than the income from any other source.

Mr. Ross Hutchinson: The vehicle owners are also ratepayers.

Mr. ROWBERRY: Some of them are not ratepayers. Some of the vehicle owners reside with their parents, and others reside in hotels, and yet others are not owners of ratable land. Local authorities are constituted not only for the purpose of building and maintaining roads, but also to administer the Traffic Act. Under the Bill, the people affected by the Traffic Act—the registered owners of motor vehicles—are to have no voice in the appointment of the traffic inspector. I reject absolutely the argument of the Minister that members on this side are not fair to local authorities. No-one has a higher regard for the excellent work performed by local authorities than I.

It was amply borne out in the second reading debate and during the Committee stage that far too little time has been given to members to consider this Bill fully. The Minister is asking members to close their eyes altogether and pass this Bill. If we do that, we will neglect our duties as members of Parliament. The Minister seems to be entirely opposed to any amendment moved by the Opposition, no matter how convincing the argument may be.

Amendment put and negatived.

Mr. BRADY: I want to refer to subclause (12) (a) on page 69, which provides that the occupier of land on which the Commonwealth or State Government has made an *ex gratia* payment in lieu of rates shall be entitled to be registered.

The import is that schoolteachers, railway employees, and Government servants, who occupy premises in respect of which they are paying a rental to the Government—included in which is a portion for rates and taxes—are not entitled to be enrolled as electors unless the *ex gratia* payment made by the Government is equivalent to the amount of rates which would have been paid if the land had been rated by the local authority. I therefore move an amendment—

> Page 69—Delete all words after the word "rates" in line 17 down to and including the word "ratable" in line 20.

I have taken this action because there are many schoolteachers, Government servants, railway stationmasters and other servants on the railway staff, who are living in houses. It will continue to be a source of argument as to whether the *ex gratia* payment is an amount equivalent to the valuation or rates which would have been levied on the property.

I think the Commonwealth Government, in regard to its banks and properties, very often gives a sum of money equal to the amount which would be the ratable valuation. That also applies to the State Government; but the amounts vary. It is not always the amount that would be paid in rates; and if this provision is allowed to remain in the legislation, some schoolteachers in certain municipalities will be allowed to vote because the amount paid in *ex gratia* payment is equal to the rates which would have been levied, while in other areas it will not be equal. That will apply to the other people to whom I referred. To save continual arguments and more work being placed on the local government bodies, I feel my amendment should be passed.

Mr. PERKINS: I cannot accept this amendment either. The principle is that an *ex gratia* payment must be equivalent to what would have been paid if the property had been rated by the local authority as a private property in the normal course of events. If this provision were not included, people would have the right to vote when the local authority was not receiving the equivalent to what some private owner was paying.

Amendment put and negatived.

Clause put and passed.

Clauses 46 to 60 put and passed.

Clause 61—Clerk to furnish copies of roll:

Mr. BRADY I believe that the fee to be charged under this clause is too severe, and I therefore move an amendment—

> Page 79, line 32—Delete the word "ten" with a view to substituting the word "five".

Mr. PERKINS: I hope the Committee will not agree to this alteration. The amount in the past has been 5s. I think this has applied since 1919, and no scope has been allowed for an alteration of the amount as is provided under this clause. The value of money has changed since 1919, and 10s. is still a small amount compared with the 5s. of 1919. In addition, if there is a case of hardship, it will be possible to vary the amount downwards. It is also, of course, possible to charge more than the 10s. However, in the circumstances I feel that the figure of 10s. is not an unreasonable one.

Amendment put and negatived.

Clause put and passed.

Clauses 62 to 80 put and passed.

Clause 81—Election of mayor or president:

Mr. NULSEN: This is where plural voting applies. As is well known, it is against our policy that any person should have more than one vote. We are not in favour of a property qualification for a voter. I will move to delete this clause.

The CHAIRMAN (Mr. Roberts): The honourable member cannot do that. He can only vote against it.

Mr. NULSEN: Well I will vote against it then; but I want people to know that I vote against it. It seems to be unfair that all this business should be worked on a property qualification where other people make contributions. Anyone over the age of 21 years who has resided in a district for 12 months should be entitled to a vote. There is no reason for plural voting. Other organisations, local governing bodies—and even Parliaments throughout Australia and the world—do not have property qualifications; so I object to them on principle. If we continue with the practice, we will only encourage Communism because this is a capitalistic move.

I know that in a moment the Minister is going to tell me that this has been the practice since the inception of local government in Western Australia. There have been many alterations since then, and we should give consideration to this further alteration. The situation will be altered—there is no doubt about that—even if it is not altered now. It has been pointed out very clearly that the ratepayers do not contribute the greater amount of revenue. It has been proved conclusively.

I had a lot to say on this matter in connection with the Bill I put through the House; and, as I have said before, it was only because the late Mr. Gilbert Fraser was so anxious to have the Bill passed for the sake of local governing bodies in this State that he conceded that adult franchise be not enforced. After we gave that concession, we did not receive the consideration to which we were entitled.

I object to plural voting. It is against our principles, and I believe against the principles of everyone else. Why should we deprive anyone who lives in a local area from voting? We do not do that here. As far as the Legislative Assembly is concerned, everyone has the vote. This is a popular House in that it represents the people. The Legislative Council represents a much smaller section of the people; and it is going to say to these local people, "Well, because you are not a ratepayer; because you are not a property owner; because you are not a big financial man, you cannot have a vote."

We have too, in these various areas, people of great mental capacity, such as schoolteachers, lawyers, and doctors—men with qualifications—and unless they have property, they cannot vote. It is wrong in principle.

Also, we are going to allow certain people, because of their wealth—and their wealth has in all probability not been acquired by the exercise of their minds, but through luck—to vote; whereas a young man of 21 years of age, with high qualifications, and doing good work in an area, would not be allowed a vote.

Looking at the Minister, I cannot but feel that, were he a member of the Labor Party, he would agree with me. I feel that the Minister, if he is fair, will say, "Well, I will give consideration to it; either that, or I will report progress and I will give you an opportunity of looking into the matter and of speaking tomorrow or the next day." I am pleased that my friend the Deputy Leader of the Opposition has returned to the Chamber; and I am confident that he is of the same opinion as myself.

Mr. PERKINS: It is vital to retain this clause in its present form to secure the acceptance of this legislation by local authorities. The Local Government Association and the Road Board Association have indicated very clearly that they desire this provision. As the member for Eyre has pointed out, there have been sharp differences of opinion in this Parliament on this particular question, and the late Mr. Fraser very reluctantly accepted an amendment made in this connection. In order to secure acceptance of the measure by the other House of Parliament, it was necessary to amend the Bill to include this provision. Even if we debated all night, I do not think it would alter our opinions, at this stage at any rate, on this particular provision in the Bill.

Mr. Nulsen: Your opinion has been altered, but you must stick to your policy.

Mr. PERKINS: Let me put it this way: This provision has worked well over the years; and the terrible things have not happened, which members of the Labor Party predicted ought to have happened. Our local authorities have done an excellent job. I think they have been representative of their particular localities, and we have found that the most level-headed people in the particular areas have been willing to serve on local authorities. I think, all in all, that the State has been very well served by the various local governing authorities throughout the State. It has worked; and I suggest that the Committee should not tamper with this clause at this stage.

Mr. JAMIESON: The Minister's argument on this matter is similar to most of his other arguments against proposed amendments or deletions. It is not very convincing to me. He states that all the terrible things suggested by the Labor Party have not occurred while this method of plural voting has been in vogue. I might say that the Minister has never given himself an opportunity to test out the terrible things which he and his colleagues say would happen if it were not in vogue. That is equally as good an argument as his line of reasoning.

This particular clause is obnoxious to me and to those I represent. I have not had the opinion of road boards with which I am associated, but I would be surprised if they wholeheartedly subscribed to this particular line of thought which the Minister is putting forward. It was stated by him —and not vouched for by any quotation from any source—that the local governing associations wanted this provision. I think they would be prepared to want anything from the Government, in order to get a new Local Government Act. They are not particularly worried about the other provision—whose inclusion I feel would be more justified—being included; namely, the normal franchise of one vote for each person entitled to a vote.

There is little justification in our continuing to adopt an age-old style of voting —of giving four votes to people who have the necessary property valuation available to them. It is wrong in principle. There is nothing democratic associated with it, because democracy in its entirety must be founded on the principle of everyone having an equal right of determination.

This is one of those occasions on which I feel the Government is being guided by its particular line of policy, rather than by the best interests of those in local government or those associated with local government. I do not feel that this clause should be supported, either by myself or any of my colleagues; and I will continue to contest the right of the Government, as far as I am able, to include it in any new local government legislation.

Mr. TONKIN: This is a very archaic provision, of course; and the only justification the Minister submitted was that it was vital to local authorities. Why is it?

What can be said in support of it? One might just as well argue that the various members of this Chamber should have a differing number of votes: four to some members; three to others; and two to others, according to the amount of property they own, or the length of their experience in the House.

So far as we are concerned nobody would subscribe to that idea. Yet outside, when representatives are to be elected, it is considered right that some people should have four votes, others two, and others one. Why? What can be said in justification of such a provision? It is years out of date, especially in a country which calls itself a democracy. We could have a situation where the majority of the people wanted to do one thing but a minority, because of the plurality of voting, made the decision.

Mr. Nulsen: And they don't make the biggest contribution.

Mr. TONKIN: I have yet to hear a single argument from anybody that justifies a situation like that. Just imagine the position here if we had 40 members thinking one way, and voting one way, and the other ten, because of a plurality of voting, were able to out-vote them and get their decisions carried! Who would stand for that nonsense? But that is precisely what could happen in local authority elections, and all the Minister says is that it is vital to the local authorities.

I suppose it is vital to the political existence of some of them. I have no doubt that some of them would not be there for very long if the position was one vote one person. But because some persons have more than one vote, some representatives remain on local authorities, and for no other reason. How any party with any pretensions to being liberal-minded in a democracy can support a proposition to retain an archaic provision like that is beyond my comprehension.

One would imagine that if there were an argument in favour of it someone would get up and tell us about it. But no-one has attempted to argue the merits of the provision, and to show why it ought to be retained; all the Minister does is to say that it is vital to the local authorities. I think we should require something more than that to justify the retention of this provision. We should have some argument to show where it is advantageous, or where it would be disadvantageous to take it out. The fact that nobody has attempted to do that emphasises the weaknesses of the argument from that side.

Privilege will go on retaining this provision so long as it is able to do so. If it is able to stand up against public appeal and public criticism this provision will remain for another thousand years; it will remain only so long as privilege is in a position to retain it in its own interests. I cannot conceive of a single argument which could be advanced in support of giving some persons more voting power than others in the matter of selecting representatives to bodies where those representatives themselves have only one vote. The trend in modern times has been even to deny a chairman the right to two votes, and to restrict his voting either to a deliberative vote or a casting vote only, but not to give him both for the simple reason that there could be a set-up where the decision is a decision of one man only if he is given two votes.

I suppose it is expecting rather much to wait for somebody on the other side to get up and try to justify this. Members opposite will not run the risk; they will stay there and use their numbers to retain the provision, irrespective of the criticism which has been levelled over the years, and will continue to be levelled. They will retain this provision so long as they have the power to do so, not with any argument to justify it, but just with strength alone. All the Minister has said is that it is vital to the local authorities; but he has given us no evidence to show why it is vital to them.

Mr. FLETCHER: I, too, oppose the clause, because I think it is an absolute negation of democracy which members on both sides allege they represent, but which we on this side truly represent. I ask members opposite how many wage-earners in the community would possess property worth £1,600, which would enable them to get four votes? Because they do not have £1,600 worth of property, those people are penalised. Those who condone that sort of thing are only paying lip service to democracy.

This is the sort of provision which was passed in feudal times, and it is certainly not of benefit to a cross-section of the community. Local authorities should be representative of all, and if this provision is permitted to remain in the Bill it will be typical of the attitude of members opposite and the interests they represent. It will be apparent to all electors that members opposite really represent business interests, or the privileged interests.

Somebody said that politics should not be involved with local government; here is a classic example of where politics are involved. I believe that to allow one person four votes is not democratic, and I oppose the provision.

Mr. NULSEN: It is not the ratepayers who make the greatest contribution to local authority revenue, but the members of the general public. It has been mentioned that there are 126 road boards and 20 municipalities; and, in each of their areas, I suppose more than 50 per cent. of the members of the general public—in some cases the figure is even as high as

75 per cent.—would contribute to the funds of the local authority. Therefore, does not the Minister consider that the people who contribute the most revenue should be entitled to a vote? Even the ratepayers enjoy benefits from the money obtained from those people by the provision of better roads, and so on.

As the position exists at present, anyone who owns property in various areas under the jurisdiction of several municipalities or road boards is entitled to four votes for each district; but under the Bill, such a person will have only four votes no matter how much property he owns throughout the State. I am not quite sure whether that is correct, but I think Mr. White made that point. However, the Minister should make clear whether a person who has property qualifications in each district of a municipality or road board area is entitled to four votes for each district.

Mr. Perkins: Such a person would, in that unlikely event.

Mr. NULSEN: Under the Bill, such a person will have only four votes in all. That is right, is is not?

Mr. Perkins: No.

Mr. CURRAN: I oppose the clause because I have been opposed to this system of voting for many years. Unfortunately, having come to know parliamentary procedure for what it is, I realize it is not very simple to change something that is completely obnoxious to the democracy under which we live. The Minister went to great pains to give reasons why certain clauses should be retained in the Bill. He opposed any argument against such clauses. However, on this occasion the Minister has made no attempt to justify the retention of this clause. When discussing other measures that have been before the House he spoke at great length to justify his reasons for bringing up to date the penalties provided in the various Acts. However, he makes no attempt to justify this mediaeval clause; nor does he make any attempt to bring it up to date.

The hypocritical silence of members on the other side of the Chamber completely justifies the arguments that have been put forward by members of the Labor Party on this occasion. If we asked the Minister whether he believed in democracy he would immediately reply that he did. So why does he proceed with something which is the very antithesis of democracy? It is an outrage for any Government to foist this on the people of Western Australia, because no such provision exists in any other legislation in other parts of Australia. The clause will be forced through not because it has any logic but because the Government has the numbers. Any Government that proceeds with a clause such as this has no right to lay claim to support from a democracy.

Clause put and a division taken with the following result:—

Ayes—25.	
Mr. Bovell	Mr. Mann
Mr. Brand	Mr. W. A. Manning
Mr. Burt	Sir Ross McLarty
Mr. Cornell	Mr. Nalder
Mr. Court	Mr. Nimmo
Mr. Craig	Mr. O'Connor
Mr. Crommelin	Mr. O'Neil
Mr. Grayden	Mr. Owen
Mr. Guthrie	Mr. Perkins
Mr. Hearman	Mr. Watts
Dr. Henn	Mr. Wild
Mr. Hutchinson	Mr. I. W. Manning
Mr. Lewis	*(Teller.)*
Noes—20.	
Mr. Andrew	Mr. W. Hegney
Mr. Bickerton	Mr. Jamieson
Mr. Brady	Mr. Kelly
Mr. Curran	Mr. Moir
Mr. Evans	Mr. Nulsen
Mr. Fletcher	Mr. Oldfield
Mr. Hall	Mr. Rowberry
Mr. Hawke	Mr. Toms
Mr. Heal	Mr. Tonkin
Mr. J. Hegney	Mr. May
	(Teller.)

Majority for—5.

Clause thus passed.

Clause 82—Election of councillor for a ward:

Mr. TONKIN: If I interpret this provision correctly, it now means that whereas a ratepayer who had property the unimproved value of which exceeded £300 was entitled to four votes, under the Bill his spouse will apply to get on the roll and she will have four votes, making a total of eight votes for that property. If that is to be the position, it becomes more absurd. It will simply increase the disparity of the voting and make the position a farce.

According to my interpretation of this clause, the number of votes shall be one where the annual value of ratable land does not exceed £150. Under the provision previously agreed upon the spouse of the ratepayer can apply to the local authority and claim enrolment. The value of the property is divided by two, and each one will get one vote—which means two votes for the one property, the total value of which does not exceed £150. At the moment there is only one vote.

If the property exceeds £150 in annual value the ratepayer at present gets two votes. Under the provision previously passed his spouse will also get two votes—which means four votes for the property. The whole thing is a negation of commonsense and democracy, and I would like to know where it will end.

Surely we should not be worsening the position with regard to the voting. Some attempt should be made by the Minister, or somebody on the Government side, to justify multiplying the plurality of votes. Apparently we could reach the situation with regard to voting for mayor or president where a property would have eight votes; that means eight votes being recorded for some properties as against one vote by other people. The whole thing is sheer nonsense.

Mr. PERKINS: I do not think the *status quo* will be materially disturbed; because, under the legislation, the occupier has been given the right to be enrolled, and there will be many more enrolments on that score. Unless the rates being paid are very high indeed, in many cases dividing the ratable property between the husband and wife will mean that the votes are just shared. In some instances no greater voting power will exist at all. It is one of those provisions which, not until it is applied will we see how it will work out. It is anticipated that the *status quo* will be retained.

Clause put and a division taken with the following result:—

Ayes—25.

Mr. Bovell	Mr. Mann
Mr. Brand	Mr. W. A. Manning
Mr. Burt	Sir Ross McLarty
Mr. Cornell	Mr. Nalder
Mr. Court	Mr. Nimmo
Mr. Craig	Mr. O'Connor
Mr. Crommelin	Mr. O'Neil
Mr. Grayden	Mr. Owen
Mr. Guthrie	Mr. Perkins
Mr. Hearman	Mr. Watts
Dr. Henn	Mr. Wild
Mr. Hutchinson	Mr. I. W. Manning
Mr. Lewis	*(Teller.)*

Noes—20.

Mr. Andrew	Mr. W. Hegney
Mr. Bickerton	Mr. Jamieson
Mr. Brady	Mr. Kelly
Mr. Curran	Mr. Moir
Mr. Evans	Mr. Nulsen
Mr. Fletcher	Mr. Oldfield
Mr. Hall	Mr. Rowberry
Mr. Hawke	Mr. Toms
Mr. Heal	Mr. Tonkin
Mr. J. Hegney	Mr. May
	(Teller.)

Majority for—5.

Clause thus passed.

Clauses 83 to 96 put and passed.

Clause 97—Proceedings on nomination day:

Mr. TOMS: I think I should have spoken on clause 92. This clause mentions the time as 4 o'clock. I wondered why it was changed from 12 o'clock to 4 o'clock. Elections usually take place on Saturday, and it is inconvenient for people to break into their Saturday afternoon. I think the 12 o'clock closing could have been kept in the Act, thus enabling people to have their Saturday afternoon free.

Mr. PERKINS: I understand that the time referred to is 4 o'clock on Friday, and not 4 o'clock on Saturday. This was decided on for the very reasons pointed out by the member for Maylands; namely, that it would not interrupt the enjoyment by people of their weekends.

Clause put and passed.

Clause 98 put and passed.

Clause 99—Voting in person or in absence:

Mr. BRADY: In regard to voting, a provision should be inserted to encourage electors to cast a vote. It is notorious that many people entitled to vote do not do so. In order to encourage people to vote, I move an amendment—

> Page 101—Add after paragraph (b) in lines 30 and 31 the following new paragraph:—
>
> (c) all electors on the roll must record a vote during the hours of polling.

Mr. PERKINS: I do not wish to enter into a discussion on the merits and demerits of compulsory voting. Even if we accept the principle of compulsory voting in other respects, it could not be applied to voting in respect of local government, because many of the electors live at a great distance from the polling centres. I oppose the amendment.

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

Ayes—20.

Mr. Andrew	Mr. W. Hegney
Mr. Bickerton	Mr. Jamieson
Mr. Brady	Mr. May
Mr. Curran	Mr. Moir
Mr. Evans	Mr. Nulsen
Mr. Fletcher	Mr. Oldfield
Mr. Hall	Mr. Rowberry
Mr. Hawke	Mr. Toms
Mr. Heal	Mr. Tonkin
Mr. J. Hegney	Mr. Kelly
	(Teller.)

Noes—25.

Mr. Bovell	Mr. Mann
Mr. Brand	Mr. W. A. Manning
Mr. Burt	Sir Ross McLarty
Mr. Cornell	Mr. Nalder
Mr. Court	Mr. Nimmo
Mr. Craig	Mr. O'Connor
Mr. Crommelin	Mr. O'Neil
Mr. Grayden	Mr. Owen
Mr. Guthrie	Mr. Perkins
Mr. Hearman	Mr. Watts
Dr. Henn	Mr. Wild
Mr. Hutchinson	Mr. I. W. Manning
Mr. Lewis	*(Teller.)*

Majority against—5.

Amendment thus negatived.

Clause put and passed.

Clauses 100 to 107 put and passed.

Clause 108—Time during which polling places open:

Mr. TOMS: This clause is a slight deviation from the procedure under the Act at present. It provides that voting shall take place between 8 o'clock in the forenoon until 8 o'clock in the afternoon. At present voting is between the hours of 10 a.m. and 8 p.m. I move an amendment—

> Page 107, line 22—Delete the word "eight." With a view to substituting the word "ten."

Mr. PERKINS: I hope the Committee will not agree to this amendment. There is something to be said for keeping the polling hours uniform in all elections; otherwise confusion will be caused in the minds of the public.

Mr. Jamieson: You are not worried about the confusion in regard to the polling day.

Mr. PERKINS: In any case, I think the polling hours for municipal elections at present are from 8 a.m. to 8 p.m. It is only to road board elections that the shorter hours apply. I oppose the amendment.

Mr. TOMS: I am sorry the Minister has seen fit to oppose this amendment. It is quite simple; and it is one which I feel would meet with the approval of the majority of local governing bodies. I am of the opinion that the present hours are long enough, and I would like to see the closing time 6 p.m. Therefore, I ask the Minister to reconsider his decision.

Amendment put and negatived.

Clause put and passed.

Clauses 109 and 110 put and passed.

Clause 111—Voting in absence:

Mr. TOMS: When the Bill was before Parliament in 1958 the penalty in this clause was £100. I would like the Minister to explain why it has been reduced to £5, particularly when all other penalties under the Bill are in the £50 to £100 range.

Mr. PERKINS: This was one of the amendments made by the Legislative Council. Apparently considerable thought was given to this clause in that Chamber and strong opinions were held, with the result that the penalty was reduced to £5 as set out in the Bill at the present time. It was thought that rather than have too much argument about this clause, it would be better to accept the amount of £5—and that has been done.

Basically, the Bill which was considered by the various local governing bodies was the Bill as it left the Legislative Council; and while not all of the Legislative Council amendments were accepted, some were; and this is one of them.

Clause put and passed.

Clauses 112 to 134 put and passed.

Clause 135—Payment of expenses of returning officer:

Mr. TOMS: In subclause (2) provision is made for a £5 fee to be paid to a returning officer if the electors registered on the roll do not exceed 2,000. In the same subclause provision is made for the presiding officer to be paid at the rate of 10s. an hour. A 12-hour day has just been agreed to and 12 hours at 10s. will give anyone £6. This means that the presiding officer under those circumstances would receive more than the returning officer, which should not be so. I do not know whether that has been realised, but it should be given consideration.

Mr. PERKINS: This need not work out as unfairly as the member for Maylands might think. The returning officer will be the permanent officer of the local authority, and he will only be performing one of his routine jobs; whereas the presiding officer will be some person—maybe a schoolteacher, or clerk of courts, or some other such suitable person—who will preside at the poll. Obviously this work is something outside his normal duties, and therefore it is considered that the amounts stipulated are reasonable.

Mr. TOMS: That is a most unusual attitude for the Minister for Labour. I thought he always agreed with paying for ability and service. Surely if a returning officer is doing extra work he is entitled to the same remuneration as that paid to the presiding officer, irrespective of whether such returning officer is head of a road board, or a secretary, or a schoolteacher. The Minister has displayed amazing logic on this occasion.

Mr. PERKINS: If members will consider how elections are conducted, they will recall that a returning officer would be assisted. The presiding officer would be tied up all day.

Mr. Toms: It is easy to see you have not had the job.

Mr. PERKINS: It is considered that under the circumstances the scale of fees is reasonable.

Mr. JAMIESON: I cannot agree with the Minister's logic. Besides being responsible for the conduct of the ballot, the returning officer has the responsibility of administering the whole staff on that day; and it is unreasonable to expect him to do that work, irrespective of who he is, unless he is paid a higher amount than that paid to the presiding officer. Consider the situation in regard to our own elections. We might as well say that the men in the Electoral Department, because they are employed there, should not receive any particular set fee for the position of returning officer. That is just too ridiculous. Extra duties are being performed by these men, and therefore they should be paid for them.

Mr. Perkins: I still think it is part of their job.

Mr. JAMIESON: No; it is not part of their job.

Mr. Perkins: I think it is.

Mr. JAMIESON: Their job normally terminates at the end of prescribed hours on a Friday.

Mr. Perkins: No; that does not work out.

Mr. JAMIESON: If they have to work beyond those hours then it must be extra work; and surely it is only fit and proper that the person in charge of the proceedings should be paid a fair fee.

Clause put and passed.

The CHAIRMAN (Mr. Roberts): I must draw the attention of members to the fact that they must call "Mr. Chairman" when

they desire to speak to a clause. The practice has crept in where members are just rising in their places without addressing the Chair. It is difficult enough for me to call the notations to the different clauses; and therefore members must please call "Mr. Chairman".

Clauses 136 to 145 put and passed.

Clause 146—Prohibition of canvassing near polling places:

Mr. NULSEN: I have heard the Minister tonight mention on several occasions that he wants uniformity. I believe there should be some uniformity throughout the State in regard to this matter, as the penalty is very heavy; and without uniformity, some confusion could easily arise. I do not know whether I am right, but I believe that so far as Federal or State elections are concerned the distance for canvassing is 20 feet. In this Bill provision is made for 50 yards, which I feel is too far. Also, I feel the penalty of £50 is too severe. I therefore move an amendment—

> Page 139, line 27—Delete the words "fifty yards" with a view to substituting the words "twenty feet."

Mr. PERKINS: I understand that the figure in the Act is 50 yards. I agree that there does seem to be some anomaly with other legislation, but I would rather that the member for Eyre did not press this amendment. However, I will undertake to study the matter.

Mr. Tonkin: What is there to study?

Mr. PERKINS: To ascertain what the implications might be if this provision were altered. However, I am not particularly anxious to alter a provision which is in the existing legislation.

Mr. Tonkin: A fine approach that is!

Mr. PERKINS: It is all very well for members to say what they want in relation to the legislation, but we are considering legislation which has to be operated by the local authorities, which have been accustomed to using a particular type of legislation which has worked reasonably well. Where we are altering existing provisions, obviously a case has to be made out to justify that alteration. If this Bill does not go through at all, the 50-yards provision continues. I am not prepared to accept the amendment at this stage.

Mr. TONKIN: I have never heard a weaker argument. Because it is in the existing law we have to re-enact it. If an election is held to decide the constitution of the Commonwealth Parliament, 20 feet, is good enough; if an election is held to decide the Government of Western Australia, 20 feet is good enough. But if it is a mighty election for a road board somewhere, where people have eight votes, we have to keep canvassers 50 yards away. That is what we are asked to accept. In an election for the national Government, canvassers are allowed to come within 20 feet of the polling booth. In an election for the State Parliament, canvassers may come within 20 feet. But for local government elections, they must keep 50 yards away. Why not make it 1,000 yards?

It is utter rot for the Minister to say that he will have to have a look at this. It is a most reasonable proposition from the Opposition. The Minister spoke about uniformity once before. When a member on this side rose to suggest an alteration with regard to hours for polling, the Minister advanced that it should be from 8 a.m. to 8 p.m. He said it was advisable to have uniformity.

A distance of 20 feet is allowed in State and Commonwealth elections; but for all-important local authority elections, where people have eight votes for one property, extra precautions have to be taken; so keep them away 50 yards and fine them £50 if they infringe the law! To what heights of absurdity can a Minister go, when canvassers have to be 50 yards away and be liable to a penalty of £50?

Mr. Fletcher: Keep them out of sight.

Mr. TONKIN: I hope the Committee will not support the Minister in his unreasonable stand on this provision; but will show some commonsense and bring this into line with the State electoral law and Commonwealth electoral law, despite what some local authority might want to the contrary.

Mr. PERKINS: I have had time to look more closely at this provision. I begin to realise, from what the member for Melville has said, that he wishes to introduce party politics into local government elections. As a matter of fact, he would be much more convincing, in putting forward his proposition, had he thought of this a long time ago, before the previous Government introduced its Bill.

Mr. Tonkin: What has that got to do with this?

Mr. PERKINS: The honourable member has been speaking about consistency; and I find in the previous Bill—introduced by the Government of which the honourable member was Deputy Leader—exactly the same provision as appears in this particular legislation.

Mr. Nulsen: At that time the distance for State elections was 50 yards.

Mr. PERKINS: I wish merely to reiterate that I am not prepared to accept the amendment.

Mr. BRADY: I move—

> That progress be reported and leave asked to sit again.

Motion put and a division taken with the following result:—

Ayes—20.

Mr. Andrew	Mr. W. Hegney
Mr. Bickerton	Mr. Jamieson
Mr. Brady	Mr. Kelly
Mr. Curran	Mr. Moir
Mr. Evans	Mr. Nulsen
Mr. Fletcher	Mr. Oldfield
Mr. Hall	Mr. Rowberry
Mr. Hawke	Mr. Toms
Mr. Heal	Mr. Tonkin
Mr. J. Hegney	Mr. May
	(Teller.)

Noes—25.

Mr. Bovell	Mr. Mann
Mr. Brand	Mr. W. A. Manning
Mr. Burt	Sir Ross McLarty
Mr. Cornell	Mr. Nalder
Mr. Court	Mr. Nimmo
Mr. Craig	Mr. O'Connor
Mr. Crommelin	Mr. O'Neil
Mr. Grayden	Mr. Owen
Mr. Guthrie	Mr. Perkins
Mr. Hearman	Mr. Watts
Dr. Henn	Mr. Wild
Mr. Hutchinson	Mr. I. W. Manning
Mr. Lewis	*(Teller.)*

Majority against—5.

Motion thus negatived.

Mr. JAMIESON: The Minister's argument on this provision is, again, a ridiculous one. He made much play on the fact that when the Local Government Bill was introduced by the Labor Party, the provision was included in it. So, of course, was the 50 yards provision in the Electoral Act of this State; and it was only last year that it was altered by the action of one of the Minister's colleagues in this House. The principal reason for the alteration was the confusion caused between two styles of elections, and the fact that it was almost impossible to live up to the 50-yards provision.

Imagine the 50-yards provision applying to the Perth Town Hall! A canvasser would be half-way down Barrack Street. It would be impossible to apply; and, as a consequence, people could not remain within the law and still act as canvassers on that day.

I would rather see the Minister prohibiting canvassing altogether. But to try to put in a provision which has proved to be unworkable is ridiculous. Why should the Minister encourage breaking of the law? The proposition of the member for Eyre is quite reasonable because it will bring this Bill into line with Acts governing other elections.

Mr. PERKINS: I did say that I would have the matter looked at. But I think the local authorities should be consulted on these matters; because this, after all, is their legislation.

Mr. Jamieson: I thought that, but you did not give me a chance.

Mr. PERKINS: There is a Local Government Association and a Road Board Association, and all the local authorities have representatives on those associations. I am quite prepared to give serious consideration to any thoughts they have on this question, and I give an undertaking that we will look at this particular question. This provision is in the existing law; although, as the member for Beeloo says, it is probably not observed very strictly. I am not prepared to accept an amendment like this at this stage, but I will give an undertaking to have the matter looked at; and, if necessary, I will do something about it in another place.

Mr. TONKIN: It is somewhat amusing to hear the Minister emphasise that the wishes of the local authorities must be met in connection with this matter, and that their wishes are paramount. Last week I read where the local governing bodies had asked the Minister for Fisheries to prohibit the use of set nets in the Swan, but he took no notice of the local authorities. He listened to the professional fishermen. So it is a case of listen to the local authorities when it suits one to do so.

Mr. Ross Hutchinson: That was not so in my particular case. It was not because it suited me.

Mr. TONKIN: The Minister did not take any notice of the local authorities.

Mr. Ross Hutchinson: I took due notice of them.

Mr. TONKIN: And did the opposite.

Mr. Watts: It is hardly parallel with this case, because this Bill has been dealt with by their representatives.

Mr. TONKIN: The Minister wants to refer this matter to the local authorities to see if they will agree with the amendment to bring the legislation into line with what the Minister who just interjected did with regard to the State electoral laws.

Mr. Watts: I quite agree with the last remark; it is in accordance with what we did.

Mr. TONKIN: The Minister had good reason for amending the State law in the way he did; and so I would like to know what logic is being applied in support of a proposition for 50 yards for local authorities.

The CHAIRMAN (Mr. Roberts): The honourable member will address the Chair.

Mr. TONKIN: I will be delighted to do so, Mr. Chairman. There is a penalty of £50 provided for a breach of this provision, and I suggest there is a greater likelihood of breaching a provision with regard to being 50 yards away than there is when the distance is 20 feet. I think the 50-yards proposal under existing circumstances is absolutely ridiculous and indefensible. It is out of step with other electoral provisions; and we will find, if it is agreed to, that canvassers who are used to observing the law for Federal and State elections will be breaking the law when it comes to local authority elections, which will make them liable to a penalty of £50.

Yet that is something the Minister wants to refer to the local authorities to get their views. I think it is time we said what we think about the proposition.

Mr. Andrew: Hasn't he got a mind of his own?

Mr. TONKIN: Commonsense should tell the Minister what should be done. It is not a question of principle on which the local authorities would be entitled to express an opinion; this is a question of what is in the best interests of the people generally. I support the proposal of the member for Eyre.

Mr. W. A. MANNING: I quite agree with the Minister in his efforts to have this Bill passed through the Committee stage, if possible without amendment. However, I think some consideration should be given to this amendment because it seems to me to be foolish to have the legislation covering local authority elections different from that applying to State and Federal elections. The Minister has given us an assurance that he will consult the local authorities; but I think he should accept the principle at this stage and give us some assurance that he will attempt to bring in some suitable amendment in another place. It seems to me that the amendment now before the Chair is a reasonable one at this stage of the proceedings. It is not connected with a vital principle in the Bill.

Mr. PERKINS: As I indicated, I am quite prepared to accept the uniform arrangement of 20 feet, provided the local authorities, through their associations, are in accord with the amendment. The bodies I referred to are the Local Government Association and the Road Board Association.

Mr. Toms: Not all local authorities are connected with those associations.

Mr. PERKINS: Very few are not, and the associations will reflect opinion fairly adequately. In reply to the suggestion made by the member for Narrogin, consideration can be given in another place to a distance of 20 feet if the local authorities agree.

Mr. BRADY: I regret that the Minister has adopted the attitude he has in this matter. He is insulting the members of this Committee—particularly those on this side of the Chamber—by saying he will refer this matter to the local authorities for their opinion. Who is running this State: this Parliament or the local authorities? We have some rights in this matter. We are responsible for debating propositions which are in the best interests of the State.

The Minister has some responsibility to accept the reasonableness of the claim for the amendment. If the Commonwealth and State electoral authorities accept 20 feet as being a reasonable distance for canvassers to observe, I do not see why the same distance cannot be observed at local authority elections. Apparently, once the Minister has made up his mind, nothing will change it; but if he is to continue with his attitude—

The CHAIRMAN (Mr. Roberts): Order! I cannot allow the honourable member to continue in that vein.

Mr. BRADY: I consider the Minister should agree to the amendment of this clause. But if he is going to persist in his attitude, we will take steps to oppose every clause of the Bill; and if that occurs, he will regret that he was not reasonable in considering this amendment.

Mr. W. HEGNEY: I protest against the attitude of the Minister in indicating to the Committee that he is going to refer this matter to the Local Government Association and the Road Board Association. This Committee should make the decision on this question because it deals with the conduct of a poll. Whilst it may be justifiable for the Minister to refer certain matters to the Local Government Association for its opinion, surely this deliberative Assembly is competent to determine what conditions shall prevail on election day for local authority elections.

It has been said that the Commonwealth electoral authorities recognise 20 feet to be observed by canvassers, and the same distance is set down for State elections. Therefore, we should have uniformity in regard to the distance to be observed in local authority elections, because there is no strong argument for maintaining a distance of 50 yards.

We are now dealing with clause 146, and we have another 500-odd clauses yet to deal with. In many provisions in subsequent clauses the Minister can ask the Local Government Association for its opinion; but not on this proposition. It is an insult to the members of this Assembly for the Minister to adopt the attitude he has. From his attitude I have gained the impression that he intends to use the Government's numbers to put the other 500-odd clauses through Committee without amendment in any way.

The Minister should use his own initiative and indicate to the Committee that he is prepared to accept the amendment and thus bring the distance to be observed by canvassers during a local authority election into line with the distance observed by the Commonwealth and State electoral laws.

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

Ayes—20.

Mr. Andrew	Mr. W. Hegney
Mr. Bickerton	Mr. Jamieson
Mr. Brady	Mr. Kelly
Mr. Curran	Mr. Moir
Mr. Evans	Mr. Nulsen
Mr. Fletcher	Mr. Oldfield
Mr. Hall	Mr. Rowberry
Mr. Hawke	Mr. Toms
Mr. Heal	Mr. Tonkin
Mr. J. Hegney	Mr. May

(Teller.)

Noes—25.

Mr. Bovell	Mr. Mann
Mr. Brand	Mr. W. A. Manning
Mr. Burt	Sir Ross McLarty
Mr. Cornell	Mr. Nalder
Mr. Court	Mr. Nimmo
Mr. Craig	Mr. O'Connor
Mr. Crommelin	Mr. O'Neil
Mr. Grayden	Mr. Owen
Mr. Guthrie	Mr. Perkins
Mr. Hearman	Mr. Watts
Dr. Henn	Mr. Wild
Mr. Hutchinson	Mr. I. W. Manning
Mr. Lewis	*(Teller.)*

Majority against—5.

Amendment thus negatived.

Mr. NULSEN: I have one small amendment which I think the Minister might consider. If a person contravenes this clause, he commits an offence for which the penalty is £50. The amount is too high, because it is so easy to commit such an offence. One is inclined to forget distance. I have done so myself before this. This is not a criminal matter, and the penalty is only in the nature of a deterrent. I move an amendment—

> Page 139, line 30—Delete the word "fifty" with a view to substituting the word "five."

Progress reported, and leave granted to sit again.

BILLS (6)—RETURNED

1. Stock Diseases Act Amendment Bill.
2. Administration Act Amendment Bill.

   Bills returned from the Council with amendments.
3. Absconding Debtors Act Amendment Bill.
4. Marketing of Eggs Act Amendment Bill.
5. Radioactive Substances Act Amendment Bill.
6. Metropolitan (Perth) Passenger Transport Trust Act Amendment Bill.

   Bills returned from the Council without amendment.

SITTINGS OF THE HOUSE

Show Day Adjournment

MR. BRAND (Greenough—Premier) [12.1 a.m.]: I would like to acquaint the House with the fact that we will not be sitting on Show Day. That is the usual practice.

House adjourned at 12.2 a.m. (Wednesday).

Legislative Council

Wednesday, the 21st September, 1960

CONTENTS

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

QUESTIONS ON NOTICE

ESPERANCE ELECTRICITY

Improvement of Service

1. The Hon. J. J. GARRIGAN asked the Minister for Mines:

   (1) Is the Minister aware that the output of the local power station at Esperance is totally inadequate to meet the demands for lighting and power within the town boundaries?

   (2) Will the Minister ask the Government to have an early investigation made with a view to giving the townspeople a better service?