Legislative Assembly

Tuesday, the 10th October, 1978

The SPEAKER (Mr Thompson) took the Chair at 4.30 p.m., and read prayers.

WATER SUPPLIES: RATES

New System: Petition

MR HARMAN (Maylands) [4.31 p.m.]: I have a petition from 78 citizens of Western Australia which reads as follows—

> The Honourable the Speaker and Members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.
>
> We, the undersigned object to the present arrangements for a pay-as-you-use scheme for water. We ask that a system be introduced which provides for a fairer and more equitable system.
>
> Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

I certify that the petition conforms with the Standing Orders of this House.

The SPEAKER: I direct that the petition be brought to the Table of the House.

(See petition No. 26).

EDUCATION: WA SCHOOL OF MINES

Principal and Funding: Petition

MR T. D. EVANS (Kalgoorlie) [4.33 p.m.]: I have two petitions which are related. The first one reads as follows—

> To the Honourable the Speaker and Members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.
>
> We, the undersigned students of the Western Australian School of Mines and concerned citizens of this State, hereby Petition and Enjoin you to:
>
> (1) Institute an external investigation into the circumstances behind the resignation of Dr I. O. Jones, the Dean of the School of Mining and Mineral Technology and Principal of the WA School of Mines.
> (2) Determine the funding necessary to establish a leading tertiary centre for mining and related fields in Kalgoorlie and structure funding to achieve this.
> (3) Maintain such a level of funding having once achieved it.
> (4) Ensure that adequate funds are allocated for capital works at the School of Mines whilst it is developing to its full potential.
>
> Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

I certify that this petition contains 66 signatures and that it complies with the Standing Orders of the Legislative Assembly. I have signed accordingly.

The SPEAKER: I direct that the petition be brought to the Table of the House.

(See petition No. 27).

EDUCATION: WA SCHOOL OF MINES

Principal and Funding: Petition

MR T. D. EVANS (Kalgoorlie) [4.34 p.m.]: My second petition reads as follows—

> To the Honourable the Speaker and Members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.
>
> We, the undersigned concerned citizens of this State, hereby Petition and Enjoin you to:
>
> (1) Institute an external investigation into the circumstances behind the resignation of Dr I. O. Jones, the Dean of the School of Mining and Mineral Technology and Principal of the WA School of Mines.
> (2) Support the increased funding of the WA School of Mines in Kalgoorlie so that it may develop into a major tertiary centre for mining and related fields of study in this State.
>
> Your petitioners therefore, humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

I certify that this petition contains 2 241 signatures and that it complies with the Standing Orders of the Legislative Assembly. I have signed accordingly.

The SPEAKER: I direct that the petition be brought to the Table of the House.

(See petition No. 28).

TRAFFIC: PEDESTRIAN CROSSING

Spencer Road: Petition

MR PEARCE (Gosnells) [4.35 p.m.]: I have a petition from 1 721 people which reads—

> The Honourable the Speaker and Members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.
>
> We, the undersigned, respectfully pray that Her Majesty's Government of Western Australia give earnest consideration to the installation of a traffic light controlled pedestrian crossing across Spencer Road, Thornlie between Connemara Road and Thornlie Avenue, due to the increasingly hazardous situation which prevails at this location.
>
> Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

I certify that this petition contains 1 721 signatures and is in accordance with the Standing Orders of the Legislative Assembly.

The SPEAKER: I direct that the petition be brought to the Table of the House.

(See petition No. 29).

QUESTIONS

Questions were taken at this stage.

BILLS (7): INTRODUCTION AND FIRST READING

1. Pensioners (Rates Rebates and Deferments) Act Amendment Bill.
   Bill introduced, on motion by Sir Charles Court (Treasurer), and read a first time.
2. Government Railways Act Amendment Bill.
3. Taxi-cars (Co-ordination and Control) Act Amendment Bill (No. 2).
   Bills introduced, on motions by Mr Rushton (Minister for Transport), and read a first time.
4. Law Reform Commission Act Amendment Bill.
   Bill introduced, on motion by Mr O'Neil (Deputy Premier), and read a first time.
5. Country Areas Water Supply Act Amendment Bill.
6. Country Towns Sewerage Act Amendment Bill.
7. Water Boards Act Amendment Bill (No. 2).
   Bills introduced, on motions by Mr O'Connor (Minister for Labour and Industry), and read a first time.

LOAN BILL

Second Reading

SIR CHARLES COURT (Nedlands—Treasurer) [5.01 p.m.]: I move—

That the Bill be now read a second time.

Members will be aware that each year authority is sought through a measure of this nature for the raising of loans to finance certain works and services detailed in the Estimates of Expenditure from the General Loan Fund.

The Bill seeks to provide authority for the raising of loans not exceeding $84.5 million for the purposes listed in the schedule.

It will be noted that in most instances the borrowing authority being sought for each of the several works and services listed in the schedule does not correspond with the estimated expenditure on that item during 1978-79.

The reasons for these variations are twofold. Firstly, in determining the loan authorisation requirement, account has been taken of the unused balances of previous authorisations. In addition, where projects are of a continuing nature, it has been necessary to provide sufficient new borrowing authority to enable work to proceed for a period of about six months beyond the close of the financial year.

Such provision is in line with normal practice and ensures continuity of works pending the passage of next year's Loan Bill.

Details of the condition of the various loan authorities are set out at pages 42 to 45 of the Loan Estimates together with the appropriation of loan repayments received last financial year.

The allocation of Commonwealth general purpose capital grants and the $10 million transferred from earnings on the short-term investment of Treasury cash balances is also summarised.

As I pointed out in the recent Loan Estimates speech, it is the Government's intention to continue the arrangement announced last year to finance the construction of the District Court building as far as practicable from these investment earnings.

The main purpose of this Bill is to provide the necessary authority to raise loans to help finance the State's capital works programme.

However, as members are no doubt aware, actual borrowings are undertaken by the Federal Government which, under the terms of the Financial Agreement, 1927, acts on behalf of all States in arranging new borrowings, conversions, renewals, and redemptions of existing loans.

The Australian Loan Council, established under this agreement, determines the annual borrowing programme for the Commonwealth and each of the States and prescribes the terms and conditions of loans raised to finance the programme.

A proportion of the total programme for State Governments agreed to in the Loan Council is provided as a capital grant by the Commonwealth, which also undertakes to complete the financing of the States' borrowing programme by subscribing any shortfall from its own resources.

The capital grants now constitute one-third of each State's total programme and are intended to assist in financing capital works such as schools, institutions, and the like from which debt charges are not normally recoverable.

The Loan Council at its June, 1978, meeting approved for 1978-79 a total State Government programme of $1 433.8 million. Two-thirds of the total State Government programme, or $955.9 million, will comprise borrowings, and one-third, or $477.9 million, will be provided as interest-free capital grants to the States.

This State's borrowing allocation for the current financial year is $88.4 million and our capital grant $44.2 million. This is the same allocation as in 1977-78 and represents a substantial reduction in real terms. I have already discussed at length the problems with which we have been faced because of the allocation and I do not intend to cover the same ground once again.

I mentioned earlier that all borrowings on behalf of State Governments are, with limited exceptions, arranged by the Commonwealth.

It may, of course, happen that amounts raised on the local and overseas markets are not sufficient to cover the States' programmes. When this situation occurs an arrangement exists whereby the Commonwealth makes up the shortfall by subscribing the required amount from its own resources to a special loan. The terms and conditions of the special loan are the same as those prevailing for the previous Commonwealth public loan raised in Australia and the proceeds are allocated to the States as part of their normal borrowing parcel.

This arrangement has been of practical benefit to the States over the years in that it has provided an assured supply of capital funds at times when the loan market could not supply sufficient finance to maintain adequate State works programmes.

Under a "gentlemen's agreement" which originated in 1936 the Loan Council approves an aggregate annual borrowing programme for those larger semi-government and local authorities wishing to raise in excess of $1 million in new borrowings during the financial year.

The Loan Council has set a total borrowing programme of $1 296.5 million for these larger authorities in 1978-79, of which Western Australia has been allocated $105.5 million. This represents a substantial increase on last year's allocation of $69.3 million.

The increase includes a special permanent addition of $18 million to Western Australia to improve our *per capita* share of the programme relative to the other States. Loan Council allocations are made without regard for the growth of State populations. For some considerable time now we have argued that this disadvantages the developing States, and particularly Western Australia. It is therefore gratifying to see that the Loan Council has at last recognised our deteriorating position by making this permanent addition to our base.

This State's allocation also includes three temporary additions—

> $7 million for the conversion of the power station at Kwinana to dual coal and oil firing under arrangements agreed to at the July, 1977, Loan Council meeting.
>
> $9 million for further development of electrical power at Muja.
>
> $14.5 million for the rehabilitation and upgrading of the railway between Kwinana and Koolyanobbing, which represents the first allocation against a programme of $65 million over six years.

Further details of the borrowing programmes of authorities raising in excess of $1 million in 1978-79 are set out on page 46 of the Loan Estimates.

The borrowing programmes for State authorities raising up to $1 million in 1978-79 are detailed on page 47. No overall limit is placed on such borrowings. However, these also are subject to the terms and conditions applying under the "gentlemen's agreement" and it is the responsibility of the State Government to ensure

that the authorities conform with those terms and conditions.

The Bill also makes provision for an appropriation from the Consolidated Revenue Fund to meet interest and sinking fund on loans raised under this and previous Loan Acts.

I commend the Bill to members.

Debate adjourned, on motion by Mr Davies (Leader of the Opposition).

MARINE NAVIGATIONAL AIDS ACT AMENDMENT BILL

Second Reading

MR RUSHTON (Dale—Minister for Transport) [5.09 p.m.]: I move—

That the Bill be now read a second time.

Conservancy dues provide revenue to offset the cost of constructing and maintaining navigational aids such as lights and beacons. It is only reasonable that all vessels which use these facilities should be required to contribute towards their cost and maintenance.

At present, charges are levied under the Shipping and Pilotage Act. Since the application of this Act is confined to proclaimed ports and harbours, it is not possible to require fishing boats to pay these dues unless they use a proclaimed port such as one of the fishing boat harbours at Fremantle, Geraldton, or Carnarvon.

However, the facilities provided by conservancy dues are by no means confined to proclaimed ports. All fishing boats use at least some of them at one time or another whilst they are about their business.

Over recent years substantial sums have been spent on providing facilities specifically for the fishing industry. For example, of the almost 50 navigation lights used by fishing boats being maintained by the Harbour and Light Department, 16 have been installed since 1975, five at Oyster Harbour, two at Rottnest, one at Cervantes, eight at Carnarvon, and one at Exmouth. A further six new lights will be erected in the next year or two—one at Shark Bay, two at Seabird, two at Snag Island, and one at Duck Rock. In addition, the lights at Lancelin, Port Denison, and Jurien Bay are scheduled to be upgraded.

In order to enable this charge to be raised, it is proposed to amend the Marine Navigational Aids Act. This Act has application in all of the waters under the State's jurisdiction.

The fee will be prescribed by way of regulation and in the first instance it is expected to be struck at a flat rate of $20 per year. The Minister will have a discretionary power of exemption where circumstances warrant.

I commend the Bill to the House.

Debate adjourned, on motion by Mr McIver.

SHIPPING AND PILOTAGE ACT AMENDMENT BILL

Second Reading

MR RUSHTON (Dale—Minister for Transport) [5.12 p.m.]: I move—

That the Bill be now read a second time.

When I outlined the purpose of the previous Bill, I referred to the need for all fishing vessels to make at least some contribution towards establishing and maintaining navigational facilities provided specifically for their safety and convenience. Similarly, it is reasonable for the industry to contribute towards the cost of harbour and mooring facilities provided for its exclusive use.

This Bill provides the authority for charges to be raised against vessels using fishing boat harbours and mooring pens.

With the escalation in the number of craft on the river and outer harbour, problems are being encountered with permanent and private moorings. In certain areas they have escalated to the degree where they are encroaching on navigation channels and are causing interference to other craft and to organised aquatic events and courses. Certain parts of the Swan and Canning Rivers and the waters around Rottnest Island are examples of areas where severe congestion is taking place.

Furthermore, a considerable degree of poaching on moorings is occuring. A mooring can be dangerously weakened when used by a vessel larger than that for which it was designed.

The Western Australian Marine Act already provides for the issue of licences to yacht clubs and to operators of private marinas for the control of moorings within the limits of their licences, but no similar effective provision applies elsewhere. If order is to be maintained where congestion is occurring, it is necessary for some authority to exercise control over the allocation, establishment, and use of moorings.

This Bill provides for areas of navigable waters to be declared "controlled mooring areas". It also provides for the promulgation of regulations concerning the regulation, collection of rentals, and the proper maintenance, use, and control of moorings established within those areas.

A controlled mooring area may be placed under the control of the Harbour and Light Department or of a body corporate such as the Rottnest Island Board when waters such as, for example, Thompson Bay, are involved.

Another matter requiring attention is the method by which a vessel's tonnage is assessed for the purpose of levying port charges. Gross registered tonnage is the basis used for calculating conservancy dues and pilotage charges.

The ports and harbours regulations define "tons or tonnage" for a British vessel as the "gross registered tons or tonnage calculated in accordance with the British measurement of registered tonnage".

For other vessels it defines the gross registered "tons or tonnage" as that "calculated in accordance with the standard of measurement adopted by the authority with which the vessel is registered". However, not all countries use a system comparable with that of the British, and in practice a ship's tonnage can fluctuate widely depending on the authority with which it is registered. As a result, in some cases this State is being deprived of very substantial amounts in conservancy and pilotage charges.

The problem is common to marine authorities throughout Australia and there is an urgent necessity to arrive at some reasonably uniform standard of measurement. It is proposed, therefore, to require a visiting vessel to show on its certificate of tonnage, the gross tonnage which has been determined in accordance with an approved system of measurement.

Where an approved system has not been used, the amendment proposed will authorise the calculation or determination of tonnage by either measurement, estimation, or, reference to information appearing in the vessel's certificate of registry. It will also confer power on a person to board, inspect, measure or survey part or all of the vessel or to detain the vessel or require its discharge of cargo, if necessary, in order to assess the tonnage of the ship.

Should these latter measures be necessary, the responsible authority concerned and any authorised person will be exempted from liability for any loss or damage occasioned by any act done in good faith pursuant to powers conferred by the legislation.

I commend the Bill to the House.

Debate adjourned, on motion by Mr McIver.

FIRE BRIGADES ACT AMENDMENT BILL

Second Reading

MR O'NEIL (East Melville—Chief Secretary) [5.18 p.m.]: I move—

That the Bill be now read a second time.

This Bill deals mainly with the term of office of members of the Fire Brigades Board and arose from the necessity to replace the late C. W. Campbell as president of the board and subsequent Crown Law Department advice to clarify the position of appointments.

In 1951 section 9 of the Act was extensively amended. The section deals with the term of office of the several categories of members and fixes a terminating date for the first appointees.

There are 10 members of the board and the Act prescribes seven factors to be applied to their terms of office. This led to misunderstanding when subsequent appointments were made.

The opportunity is being taken to repeal and re-enact the section and the Bill proposes the setting out of procedures in a clear and simplified manner.

Certain members are appointed by the Governor and the term of appointment for such members is fixed for the period specified in the instrument of appointment, but not exceeding three years. The standard term for an elected member is three years.

The Bill also clarifies the term of appointment of the appointed members currently serving on the board. It provides that the term of these members is three years from the date on which they commenced their current term.

The Act presently requires that elections to fill ordinary vacancies shall be held in the month of November or December. This would not synchronise with the arrangement proposed. It is now put forward that section 10 be repealed and re-enacted to require elections to be held within two months before the normal date of retirement of an elected member.

The Act currently provides for the filling of casual vacancies of both appointed and elected members. Under the amendments already explained the Governor will be able to exercise his power to appoint at any time a casual vacancy occurs. This proposal is to amend section 11 so that it relates only to casual vacancies among elected members, and fixes a time limit of three months within which an election must be held to secure a replacement.

The Bill also seeks to validate the acts and proceedings of the board during the period when

there is doubt as to the manner in which certain appointments were made following the 1951 amendment.

I commend the Bill to the House.

Debate adjourned, on motion by Mr Pearce.

BILLS (3): MESSAGES

Appropriations

Messages from the Governor received and read recommending appropriations for the purposes of the following Bills—

1. Loan Bill.
2. Consumer Affairs Act Amendment Bill.
3. Appropriation Bill (General Loan Fund).

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 3)

Second Reading

Debate resumed from the 21st September.

MR CARR (Geraldton) [5.22 p.m.]: It is usual for the second reading debate on a Bill to be conducted on the general philosophy behind the measure. It is a little difficult to do that in this instance because the Bill does not seem to have a general philosophy running through it; in fact it consists of a number of quite separate and quite distinct measures. I suppose one could describe it as the annual patch up of that monstrosity we in Western Australia have all come to appreciate as the Local Government Act.

The Bill contains a number of measures to which we in the Opposition have no objection. However, it contains some proposals to which we do object.

First of all, I would like to deal with three provisions which were described by the Minister in her second reading speech as being three minor measures. The first deals with a change in the formalities concerning the raising of a loan. The Opposition has no objection to that provision. The second concerns a change in the formality concerning descriptions by the Governor of council or ward boundaries. Once again, we have no opposition to that proposal. The third minor measure deals with the rating of private property being used for charitable purposes. Again, we do not object to it.

Turning now to what the Minister has described as being the major measures, the first I wish to deal with is the matter of penalties being imposed on outstanding rates. I indicate at the outset that members on this side are opposed to this provision. We are not without a little sympathy for shire councils which are confronted with the problem of non-payment of rates. We realise councils gain a considerable amount of income from interest. The loss of such interest is a loss of revenue to the council, and that, of course, is important. Similarly, it is a loss to the ratepayers who may have to pay slightly higher rates in the following year to make up for the lost interest.

We in the Opposition are sympathetic to this problem. We have sympathy for the problem of anybody who is owed money and does not receive it, or encounters a delay in receiving it. However, in spite of that we have two major objections to this proposal. Firstly, the Bill appears to ignore the provisions that already exist through normal legal channels for the recovery of debts. The council can use the normal channels and take legal action and issue a summons for the recovery of rates owed to it. Every other business must do that, so why should local authorities have a special provision included in their Act to enable them to impose an additional penalty on rates outstanding?

Our second objection—and far and away the most important one—is that this Bill lumps together in the one bracket those who could well pay their rates and will not pay them, and those people in the community who simply are not able to pay their rate bill in one lump sum. I think there are two different situations which need to be treated quite differently. Councils should be able—and at the moment they can—to make allowance for those needy people who cannot pay their rates in one lump sum, such as the person who is earning only the basic wage and is suddenly landed with a bill for $150 for local government rates. I am referring to people who at the present time are in financial difficulties for one reason or another; and let us not forget that 35 000 of them are unemployed at the moment and are receiving a much lower income than they would normally receive. Such people who are in difficulty can generally be accommodated at the present time.

One of the jobs I have in my electorate office—and I am sure every other member is confronted with it at times—concerns the person who comes into the office and says, "I am broke; I have absolutely no money, but I have several debts." Usually the debts are owed to various organisations or Government instrumentalities and arrangements can be made regarding the payment of the debt by contacting the various departments or creditors and explaining the financial situation of one's constituent.

Arrangements are made regarding how the money will be paid and at what rate.

I am sure we have all done that in respect of different people, and I am sure many of us have done it in regard to local authority rates. I know most local authorities are reasonable in terms of taking into account the financial situation of a person and dealing with the problem as best they can. However, under the legislation before us this evening this will be prevented because once a council adopts the provision enabling it to exercise its right to impose penalties, a penalty must be applied to everyone. This includes the rich person who decides that if he hangs on to his rate bill—which may involve several thousand dollars—for a few extra weeks he can collect the interest rather than the council collecting it.

Just as the penalty must be applied to that wealthy person, it must be applied to a needy person who is already experiencing great difficulty in paying off his rate bill of $150. Now such a person is to be faced with an additional penalty. We consider that is unnecessary and unjust. We believe councils should be prepared to take legal action to recover rates from those who can afford to pay, and that they should maintain their present tolerance towards those people who do encounter serious financial difficulties from time to time.

That is the view of the Opposition, but it appears that the Government has rather a different view. It appears the Government is pursuing its bookkeeping view: its view in which financial priorities seem to come before human considerations. I might say this is not all that unusual; it is something we have seen from this Government in respect of other matters such as the Tresillian issue, and it is something we have seen recently from Liberal Party Governments in other places.

To me this business of putting bookkeeping and financial priorities ahead of human considerations shows the same sort of mentality as that shown in proposals to tax invalid pensioners and to take family allowances away from paper boys. Another Liberal Party Government in the Federal scene has had to back down from such measures because the population stood up and said, "We will not tolerate this situation in which financial considerations come first and human considerations come second, third, or even further behind."

The Government should have a second look at the proposal in this Bill. I suggest it should come to the conclusion that the measure it is proposing may be all right from an accounting point of view, but it is not very fair to those people in need and in difficult situations who will have an extra penalty placed upon them simply because of the Government's lack of compassion for them.

The second of the so-called major proposals with which I want to deal is the provision confirming the right of a local authority to acquire land for subdivision and resale. The Opposition does not object to this proposal; in fact, it supports the extension of Government activity in the business world, and regards this measure as good, socialist legislation.

In saying that, the Opposition makes one proviso; namely, that the legislation as it is before us will apply only if private enterprise cannot or is not prepared to carry out that particular function. In other words, councils are to be allowed to engage in subdivision only if private enterprise is not able to do so.

While I have been in this Parliament I have seen a number of socialist measures introduced by this Government aimed at extending the influence of the public enterprise in unprofitable areas. This is at least the second Bill which has been before the House this session to provide for an extension of Government activity in an area which is unprofitable or at least, where private enterprise has not found it profitable enough. I refer to the Industrial Lands Development Authority legislation, which laid down that ILDA could engage in building and so on provided private enterprise did not find it profitable enough.

We have a situation in this State where, if Government businesses are profitable, the Government sells them off or, in fact, almost gives them away to private enterprise. We have such examples as the sale of State hotels and sawmills and the sale of the Wundowie Charcoal Iron and Steel Works. We have a situation where public enterprise is kept to the unprofitable fields and where restrictions are placed on public enterprise to ensure that its areas of activity are unprofitable or of low profitability. I give as an example the State Government Insurance Office and its restricted franchise.

The irony of all this is that after Liberal Governments have acted to ensure that public enterprise should operate only in areas of low profitability or of no profit at all, and after they have sold any profitable enterprises owned by the State, we have the cry that public enterprise is inefficient and cannot show the same profit as private enterprise. To me, that is a most ironical situation. I am sorry, Mr Speaker; I have diverted slightly from the main thrust of the Bill.

Mr Laurance: Are you adding your support for the nationalisation policy?

Mr CARR: Cliches from the member for Gascoyne. He persists in using the bogey word "nationalisation" when playing politics. We see no reason at all that local governments should not be allowed to engage in subdivisions and we also see no reason that the proposal should be hocked around the various private enterprise companies operating in the development field before the local authority can go ahead on its own behalf.

The third so-called major measure in the Bill deals with the payment of councillors' expenses on trips. Certainly, there is a need to clarify this position. Publicity has been given recently to a couple of quite notable cases principal of which was the Perth City Council experience where something like eight councillors currently are on an extensive tour of the United States and Japan.

Mr Blaikie: Do you agree with that?

Mr CARR: I will come to that in a moment. Another case which attracted some attention a while ago involved a couple of councillors from the Port Hedland Shire Council who accompanied a fact-finding mission to Singapore in relation to the North-West Shelf gas proposals. There was some controversy and dispute as to whether a council had the authority to send people on such trips or whether the Minister first should grant approval.

We support the decision to clarify the position but we are opposed to one of the major parts of this section of the legislation; namely, the part dealing with the Minister having to approve overseas travel. The Opposition has no objection to the situation where, for a councillor to travel intrastate, all that is needed is an ordinary decision of the council. We have no objection to the provision regarding interstate travel, where an absolute majority of the council is required.

I am directing my attention now primarily to the provision which will require the Minister to have the final say as to whether or not a council may send a councillor or councillors overseas. When the Minister introduced this Bill she spoke about local autonomy and spoke as if the Government supported that concept. In fact, I believe she even stated quite deliberately that the Government supported increased autonomy for local government. It is very surprising, then, that the Bill should include a measure so clearly opposed to extending that autonomy but which, to the contrary, entrenches the strong State Government hold over local government.

This State Government seems to delight in playing "big brother" to local government. The Opposition supports an extension of the autonomy of local government, particularly with regard to this measure. Of course, there are some constraints placed on local government autonomy with regard to grants, and so on. We must consider the fact that local government grew out of the State Parliament and, in particular, the Local Government Act. Therefore, necessarily, there are some constraints on its autonomy.

Similarly, local government receives most of its money from the Federal Government—which collects it from taxpayers. Therefore, it is reasonable there should be some constraints on its autonomy from the Federal Government.

In general terms, however, we are strongly of the view that local government should be responsible for its own spending policies; it should be responsible to its own electors for how it spends its money. If abuses occur it is the electors of that local authority who should deal with the council.

The member for Vasse asked whether I approved of Perth City councillors making a tour of the United States and Japan, part of the cost of which is being met by the council. The first point I should make is that any analysis or opinion as to whether this trip is valid or warranted is a value-judgment.

Mr Blaikie: What is your value-judgment?

Mr CARR: I will come to that in a moment.

Mrs Craig: You are taking an awfully long time.

Mr CARR: The second point I should make is that it is the value-judgment of the ratepayers—the electors of the council—which should make the decision. I do not believe a decision as to whether certain councillors go overseas should depend on my value-judgment or the judgment of the Minister for Local Government; ultimately, it should depend on the value-judgment of the electors of that council.

I have been asked for my value-judgment on the matter. I refer firstly to the Port Hedland case. That seemed to be a very reasonable situation; two councillors joined a rather large party of Western Australian businessmen to travel to Singapore and conduct discussions relating to the North-West Shelf gas proposals. I believe some excellent contacts were made, and in fact negotiations have been taking place between the shire and various companies resulting from the very beneficial contacts made on that visit. So, that was a very good idea.

Mr Clarko: Did not one of the members of the council who went on that trip retire as soon as he got back?

Mr CARR: I do not know about that.

Mrs Craig: You are giving us your retrospective opinion. What was your opinion in the first place, before the councillors went away?

Mr CARR: I did not hear about the trip until after it had taken place.

Mr Davies: How are you going to make up your mind as to whether or not they should go? That is a stupid interjection!

Mr CARR: The second controversy related to the trip by some eight Perth City councillors. I make no secret that, in my personal opinion, the trip is nothing but a junket and a holiday; I find it very difficult to justify what so many councillors are doing in the United States and Japan.

The point I am trying to make is that it is not my place to say those councillors should not have gone on the trip, and I do not believe it is the place of the Minister. I believe it is the place of the electors of the Perth City Council to say to those eight councillors in very clear terms through the ballot box at the next election, "You should not have gone on the trip." While they are about it, they might as well say the same thing to the members of the Perth City Council who supported the original motion to contribute to the costs of the trip.

In no way do I support the decision of those eight councillors to go on the trip, or the decision of the council to send them. I believe a mistake was made. However, it is the electors of the Perth City Council who should deal with the council's wrong decision.

Mr Blaikie: In other words, you are saying you disapprove of the decision, and that is your value-judgment.

Mr CARR: That is my value-judgment.

Mr Blaikie: Aren't you a hypocrite!

Mr CARR: That is another bogey word. It seems to me that this State Government consistently is intruding on the role of local government.

It would be interesting to compare the attitude of this State Government to local government with its attitude to the Federal Government. I wonder how the State Government would react if the Federal Government intervened and said, "This Western Australian Minister cannot go overseas." Imagine what the Minister for Local Government would say if the Federal Treasurer or the Prime Minister tried to introduce legislation which required Federal Government permission before Western Australian Ministers of the Crown could go overseas. I could imagine the outcry from this Government.

If the Federal Government were so inclined, it could pick on a couple of very good examples. Imagine its attitude to the trip of the Western Australian Minister for Tourism, who has just returned from a $73 000 holiday and junket to Acapulco. Imagine what our Premier would say if the Prime Minister tried to say, "That Minister should not go on that holiday."

This Government talks a great deal about decentralisation and autonomy. However, the simple truth is that it is consistently introducing measures which work against decentralisation and cut down on autonomy.

The Premier has criticised Federal Governments on a number of occasions as being centralist; he claims to be the opposite of that. The truth, of course, is that he is a State centralist. He wants as much power as possible gathered around him and he wants to give the very minimum of power to local authorities and other decision-making bodies wherever they may be in this State.

The simple truth is that this Government does not trust local government. It speaks nicely about local government as of course it should do. After all, the Liberal Party dominates local government and it gets most of its politicians from local government, so the Government must speak nicely about it. However, it does not give local government any power. It does not trust local government, so it is frightened of giving it power.

I conclude by reiterating that the Opposition objects to two proposals in this Bill. We object to the proposal which seeks to impose penalties for the non-payment of rates and to the proposal by which the Minister will have the power of veto over a council's decision to send councillors overseas.

Mr Watt: Will you oppose those particular items in Committee, or do you intend to oppose the total Bill?

Mr CARR: I thank the member for Albany for his interjection. While there are a number of smaller measures in the Bill with which we agree and to which we raise no objection, our objections to those particular proposals to which I have just referred are sufficient to warrant our opposing the second reading of this Bill.

MR HODGE (Melville) [5.44 p.m.]: I support the comments of the member for Geraldton. I wish to speak briefly on what I consider are the three most important aspects of this Bill.

The first is the amendment which seeks to give local government authorities the power to impose interest charges on overdue rates. This is a penal provision which the Local Government Act can

well do without. Many ratepayers, particularly in my electorate, believe local councils already have too much power, and that they interfere too much in their day-to-day activities.

The Minister gave no adequate justification for this added unreasonable and unnecessary measure. Why should councils be given special treatment? Why should they be given a special power to recover debts owing to them? Surely they can adopt the normal procedures and work through the usual legal channels through the courts to obtain money owing to them. Why should councils be put in a position of such special privilege?

Mrs Craig: We are just giving them more autonomy—three choices now instead of one.

Mr HODGE: I believe ratepayers already feel that councils have too much power. The Minister has not put forward any argument to justify giving the councils this additional penal power.

Mr Sodeman: Your colleague was saying we should give them more power.

Mr HODGE: My colleague is entitled to his opinion, just as I am. The only justification the Minister put forward was that the local government associations were in favour of the idea. Some weeks ago I asked the Minister a series of questions about amendments to the Local Government Act which would give local government power to prohibit heavy and noisy vehicles using residential roads within a municipality.

That is the policy of the Local Government Association and the Country Shire Councils' Association, and has been since 1975. They have made representations to the Government about this, as have individual shires. The Government has not been prepared to act and appears to be very selective in which aspects of Local Government Association policies it is prepared to take up.

Mrs Craig: The last approach was in June and presently there is a committee looking into it.

Mr HODGE: It has been their policy since 1975 and the Government has had plenty of time to amend the Act if it wanted to follow their policies. I am told it is the official policy of those associations.

I believe the councils have adequate facilities to go to court and obtain any rates owing to them through the normal channels. This amendment does not allow for any flexibility, because if a council decides to impose a penalty it must do so with every ratepayer owing rates, except pensioners.

As the member for Geraldton pointed out, there are about 35 000 unemployed people in the community who probably would have a great deal of trouble paying rates in a lump sum. I believe there are genuine cases of hardship, and if councils opt for this treatment of ratepayers—I refer to the penalties they will be able to impose—they will not be able to be selective. The councils will not be able to consider individual cases on their merits; they will have to impose a penalty on everyone who is late with rate payments, no matter whether that person has a very good reason or not. I believe it is a pity this should be allowed and the Minister should reconsider this aspect.

My next comments relate to the subdivision powers of local government. Why do we have this restriction on councils? The Bill virtually states that only if private enterprise does not find it possible or profitable to handle subdivisions, may a council undertake that work. I cannot understand this thinking. Private enterprise will often undertake subdivisions, not because it is necessary but because it is profitable. That is not the best way to determine which land will be made available.

Surely local authorities are in a much better position to develop land if it requires developing. Local authorities do not have that profit motive in mind. Why do we need a profit motive; why must we wait for private enterprise to find it unprofitable to divide land and then rely on local government doing it? What is wrong with local government taking the initiative? Surely local governments are there for the welfare of the people. Local government is referred to as the section of government closest to the people. A council must know whether subdivisions are required or not; it is not hampered by the question of whether a subdivision will be profitable or not.

Surely we are here to try to promote people's interests and to see that people are looked after. I think local government authorities should be able to do that without having to take into account whether a project is profitable or not.

Members should consider the publicity surrounding the subdivision near the Royal Australian Air Force Base at Pearce. If the local authority had been in charge of that subdivision I am sure it would not have gone ahead and offered those lots for sale. However, private enterprise was in charge and went ahead without having the interests of the public or the base at heart and offered the land for sale. That is a perfect example of what is wrong with the argument used by the Minister.

The third aspect of the Bill I wish to comment on is that of overseas trips by councillors. At the beginning of her second reading speech the Minister stated that the Government is strongly in favour of autonomy in local government. She pointed out the complexity and technical nature of problems facing local authorities these days. I agree that is so but she went on completely to undercut all that by taking the "big brother" attitude and saying the Government must interfere in the day-to-day running of councils by approving overseas trips.

I can imagine the screams if, as the member for Geraldton said, the trips of Ministers in the State Government were subject to veto by the Commonwealth Government. It should be remembered that local government authorities are elected "democratically" by ratepayers.

Mr Bryce: In a fashion.

Mr HODGE: Yes, and in a fashion the councillors are answerable to the ratepayers. I cannot see any justification for interfering in the running of an elected body, and I do not think in her second reading speech the Minister advanced any justification for this interference.

She did say we were all aware of recent controversies. I know only what I have read in the newspapers and I know there was some fairly emotive newspaper talk about overseas trips by councillors, but I do not know the facts of the cases. I did not sit in on the Perth City Council deliberations or any of the other council deliberations. I do not know whether the Minister has first-hand knowledge of the council's deliberations.

Are we going to legislate on newspaper articles? I do not know the facts of the cases; I do not know whether the trips are warranted or not. The Minister smiles. Perhaps she has information to prove the trips are unwarranted and are only overseas holidays for the councillors.

I am prepared to believe the councillors are genuine people acting in the interests of the ratepayers and taking the trips because they are necessary and will contribute substantially to the efficient running of the councils. I am not prepared automatically to believe the worst of the councillors, nor am I prepared to agree to legislate on the strength of newspaper articles.

If the Minister can offer conclusive evidence that there is corruption in local government or to prove the trips are unwarranted and are merely junkets, that is a different matter; but to make vague reference to recent controversies as a justification for intruding into the practices of elected bodies is not good enough. The Parliament should have hard evidence to show something is not being done correctly. We should have evidence to show that the ratepayers' money is being misused by councillors. That is a serious charge and if it is true some action should be taken, but the Minister has not said that.

Like the member for Geraldton, I believe it is appropriate for a simple majority to be sufficient for internal travel in this State or for an absolute majority for travel interstate. I cannot see the justification for giving the Minister final veto over a council.

MR NANOVICH (Whitford) [5.55 p.m.]: I would like to comment—

Mr Bryce: Another fine product of local government!

Mr Tonkin: Were you a Liberal when you were in local government?

Mr NANOVICH: What has that to do with the Bill? When introducing the Bill the Minister said—

> ... no sitting of Parliament passes without consideration being given to proposals to amend the Local Government Act.

Further on she said—

> ... this reflects the dynamic nature of local government and the consequent need for the legislation that sets out its functions and procedures to keep abreast with the ever-changing problems and responsibilities of this form of government.

Mr Carr: It shows what a mess the Local Government Act is in.

Mr NANOVICH: I agree with the Minister's remarks; the Act is so far out of date that major reforms are needed. Over the past few years there have been quite a number of changes to the Act to bring it up to date. I certainly hope in the near future the Minister does consider the reforms which are required.

The Bill is quite simple and covers six general items. I agree with the member for Geraldton that the Bill is good in that it will allow councils to wait just one meeting to take action with regard to raising loans; this will reduce red tape.

The amendment regarding boundaries is simply a tidying-up procedure because recently legislation passed through the Parliament which clearly put the appropriate sections right.

Another part of the Bill deals with the rating of land where charitable organisations are involved. Currently, the councils have no power to accept rates from certain charitable organisations. It is funny to note in legislation a provision where

persons or an organisation can go to a council and say they want to pay rates. The amendment is good and I am sure it is supported by a number of local authorities. In some local authorities there is a much larger number of charitable organisations than is found in other authorities. The number of these organisations existing in certain localities is probably affecting the financial viability of those authorities.

I believe the amendment is a good one. If a charitable group does go to a council, that council has only to say it has far too many such institutions already. The amendment gives the opportunity to an organisation to say it is prepared to pay rates.

The main provision in the Bill is that which will enable the councils to impose a penalty rate. If the Opposition only knew what local authorities have to face at times they would not be so critical of this move. Under the present Act councils have the power to issue summonses to recoup outstanding rates. At present, they have to wait for periods up to three years before they can take steps such as the selling of land to recoup moneys owing. This does not occur very often, and neither does the summonsing of ratepayers because a council will give every consideration to the non-payment of rates before deciding to take drastic steps.

A council officer can decide to make a recommendation to council that certain procedures should be taken against a number of people. The councillors are hesitant to take this action because a large number of ratepayers affected could be in an individual councillor's ward and, of course, councillors would be very loath to support such a recommendation.

However they do, and I believe they should because many people just accept their rate notices; and this is not good. For example, recently I had an opportunity to view the previous year's financial statement of the Wanneroo Shire Council. If all the oustanding rates had been recouped the council would not have shown a debit at the end of the year. The council exceeded its budget by $420 000 to $430 000, but a sum of $500 000 in unpaid rates was still outstanding. Anything which will encourage ratepayers to forward outstanding money more quickly will be welcomed by local authorities. The Local Government Association supports the measure very strongly.

For a long time the councils have expressed their desire to have that little extra power. It is a power; we cannot deny that, but it could result in speeding up the payment of rates. It will be a valuable tool which will not be abused.

Another portion of the Bill deals with land purchases and sales, and I heard the member for Melville express his views about councils' dealings in land, and he referred to private enterprise. If anyone can tell me that someone does anything without profit, I will go walk-about. Everyone's aim is to make a profit. I do not agree with the interpretation the member for Melville has placed on the provisions.

As an example I must refer again to the Wanneroo Shire Council which purchased land for the establishment of an industrial estate. Surely the council should have the right provided it does not purchase to speculate. I would not support the provision if this was the case.

Mr Jamieson: The State Government does it, so why should not—

Mr NANOVICH: Local authorities should do so when the occasion arises.

Mr Jamieson: It is a big area and as one section develops, another area might be needed.

Mr NANOVICH: Land was purchased in other areas for the future. There is nothing wrong with a council holding land, particularly within a townsite boundary where it should have as much land as possible, not for residential purposes, but for the development of community facilities and so on. Land is always required, particularly when a local authority has an expanding population.

The Bill will enable councils to obtain land on a proper basis. Under the present Act councils do not have the power to do so. This power will not be abused, but if it is on some occasions, it will be possible for certain measures to be taken. The provision is particularly important in country areas where perhaps the owner of land which is required for development is not financial enough to have it subdivided. Under the provision in the Bill the council will be able to negotiate in order to purchase the land from the owner. Actually a council has this right now in connection with town planning schemes, but the provision in the Bill will give the councils greater power and thus enable them to carry out their functions in a responsible manner.

Another point I wish to raise concerns overseas trips by councillors. This matter has been highlighted over the past few months, as a result of an overseas trip by eight Perth City Council members. I believe this should be the responsibility of the local authority without any intervention by the Minister. Trips within the State can be undertaken following an ordinary resolution of the council; trips outside the State,

but within the Commonwealth, can be undertaken following a resolution by an absolute majority of the council; while trips outside the Commonwealth can be undertaken following a resolution by an absolute majority of the council, and with the approval of the Minister.

Many councillors have undertaken trips within the State, and now they will be encouraged to go outside the State. I believe such trips should be permitted. If progress is to be made in local government these days it is vital not only for the experts but also the councillors themselves to be fully informed. On many occasions planners will make decisions based purely on their own experience and expertise. If a councillor has no such knowledge or experience and has had no opportunity to learn first hand of the situation elsewhere by attending seminars and so on, he is not in a position to judge whether the decisions of the planners are in the best interests of the local authority. I believe the amendment in this respect is a good one.

In the very near future perhaps it would be a wise move to enable such trips to be made outside the Commonwealth following a resolution of the local authority concerned. However, at this time it may be wise to leave the position as it is because the Minister does have some control. Nevertheless, I do not believe the provision is being abused. If someone is aware of such instances he should make the facts known.

Mr Pearce: Why should there be ministerial control? Do you not agree with the member for Geraldton that the Minister should not have—

Mr NANOVICH: I say the situation should be left as it is, but the Act could be amended again in the near future and the power left entirely with the local authority.

Mr Bryce: Be a devil and do it now!

Mr Davies: Come on! What kind of nonsense is that?

Several members interjected.

Mr Davies: Take him out to have a drink.

Mr NANOVICH: The Leader of the Opposition can do that afterwards and he should also stand up in his place to make a contribution instead of indulging in his usual red-rag drivel.

Mr Pearce: I do not know why you support the provision.

Several members interjected.

The SPEAKER: Order!

Mr Pearce: Why support the provision if you do not agree with it?

Mr NANOVICH: With regard to the recent controversy concerning the overseas trip by eight councillors of the Perth City Council, I would like to quote from a letter to the Editor of *The Western Australian.* It appeared on the 4th October and reads—

> So the holiday tour of Japan and America by eight City of Perth councillors largely at the ratepayers' expense continues. What hope is there that this conglomerate of "butchers, bakers and candle stickmakers" may offer something worthwhile to the ratepayers?
>
> What expertise does it have in order to justify such expense? The answer of course is that nought of value will be obtained. Were the council to send a professional town planner there might, just might, be some sense in it . . . .

This is the point I am trying to get over to the Opposition. Qualified planners have probably visited all parts of the world as a result of their profession. A professional planner will give a council his views which he has gained as a result of his occupation. However, on many occasions such views may be to the detriment of a certain section of the shire. A councillor who represents a particular ward may find some recommendations unacceptable to him because of a short period of inconvenience which may be experienced by those he represents. What he must realise is that the overall concept is the important aspect. Therefore if he has had an opportunity to make trips elsewhere, he will be in a position to judge for himself. This is why overseas trips are essential for councillors.

The author of the letter to which I have just referred is taking a rather naive attitude to the situation. The letter concludes—

> As one of their bosses I shall withhold part of my rates as protest. Many more are doing the same.

By withholding portion of his rates in an attempt to prevent councillors from making interstate or overseas trips, the ratepayer is going the wrong way about the problem. What he should do is to take action at election time.

Mr Pearce: Why support the provisions? You have been for five minutes talking against them and you are perfectly right. Therefore why support the provisions?

Mr Davies: Don't spoil a good argument by voting the wrong way.

Mr NANOVICH: Without labouring the issue any more, I wish to say I support the Bill which is another step forward.

Mr Davies: Another great leap backwards.

Mr NANOVICH: The Liberal Government believes in giving a local authority wider powers in order that it might formulate its policies to enable it to progress. Local authorities are close to the people—probably far closer than we are. I believe the Bill will be of tremendous advantage and I look forward to, and will welcome, further changes to the Act because it is about time the structure of the Local Government Act, which has been a bogey for many years, was streamlined in accordance with the requests of local authorities.

Sitting suspended from 6.13 to 7.30 p.m.

MR HERZFELD (Mundaring) [7.30 p.m.]: It had not been my intention to speak in the debate on this Bill because I felt the matters it contained were rather straightforward and that they had been adequately explained by the Minister. However, after listening to the Opposition's viewpoint as expressed by the member for Geraldton, and to the few words the member for Melville had to say, I felt I should get up and at least clarify one or two matters to which they referred.

It is rather interesting to note, first of all, the conflict in the Opposition's own ranks with regard to policy on local government as expressed by the member for Geraldton and the member for Melville. Because the member for Melville has many admirable qualities, as a gesture of friendship I think I should give him a little warning. He should be aware that if he is not careful and he steps too far out of line with the ALP pledge he has signed he might well end up in the same sorry position as the Hon. Ron Thompson.

Mr Bryce: As Mr Jennings, a Liberal member of the Victorian Parliament.

Mr HERZFELD: It may be that the knives are out and the ALP Kadaichi man has already caught up with him because I notice the member for Melville is not in his seat.

Mr Davies: You have ten-ten eyesight.

Mr Tonkin: That is a nice racist statement. You are a racist, are you?

Mr HERZFELD: I am not interested in the stupid interjections of the member for Morley. He is not contributing very much to the debate.

I wish to comment on two or three matters which were raised by the member for Geraldton. He made great play about the Minister's second reading speech, saying that on one hand the Government believed in allowing local government to determine its own destiny and on the other hand the will of her department was being imposed daily on all facets of local government.

Of course, the Opposition does not recognise that local government exists because of the very fact that this Parliament has given it the powers with which to operate and that for this reason certain responsibilities are placed on the Minister to ensure these powers are not abused. There must be a balance.

But the question of the integrity and independence of local government is very important to this side of politics, and I would like to compare the different attitudes of this side of the House and the Opposition. It is a matter which should be understood by the public at large because the ramifications of the differences are extremely important.

Mr Bertram: Do not bring politics into local government.

Mr HERZFELD: The member for Geraldton said that, as far as he is concerned, where a value-judgment was required he did not feel it should be made by him, by this Parliament, or by the Minister but that it should be made by the electors. That is a very noble thought—

Mr Bryce: Such as they are in local government.

Mr HERZFELD: —but it is not borne out by the actions and practices of the Opposition, and I will prove that in a minute. In contrast, members on this side of the House do believe in independence of action for local government, as has been demonstrated in practice. I have only to quote the Liberal Party's policy document which was issued prior to the last election to prove my point. On page 33, dealing with local government, it states—

> We will take further steps towards keeping our promise to give local people more say on local matters.

Mr Carr: When are you going to do that?

Mr HERZFELD: This, of course, has been borne out on a number of occasions already this year. I do not need to go back beyond this year to find examples, for the examples are legion. I will quote two of them for the Deputy Leader of the Opposition so that he may be reassured there is more than one.

I refer first of all to the amendments to part IV of the Local Government Act. The Government could have decided to implement certain changes to that part of the Act in accordance with its

promise to undertake an ongoing review of the Local Government Act. When criticisms are made by the other side of the House that it is an archaic Act and needs to be repealed, the Opposition fails to recognise that with an Act such as the Local Government Act it is impossible to make all the changes in one day.

Mr Pearce: You could do it in one session.

Mr HERZFELD: So the Government has adopted and implemented a policy of reviewing parts of the Act progressively in an order of priority.

I come back to part IV of the Act. As I said, the Government could well have designed a Bill to change that part unilaterally, but it did not do that. It consulted over a long period with local government and came up with suggested changes. Having done that, it still submitted the changes to all local authorities to ascertain their response to the proposed changes. When the Bill finally reaches this place we can rest assured it will reflect the views of the 138 local authorities in this State.

The next example I quote is that of the Bill relating to off-road vehicles. Again we saw matters pertaining to local government brought to this House and, as a result of reaction from various interested sectors, the Government agreed to withdraw the Bill and consider the objections that have been made. Submissions and alternative views have come not only from local government—although it has had a major say—but also from other interested groups in the community. Out of this consultation undoubtedly will come a revised Bill which I know will go a long way towards meeting the wishes of those who see some problems in it. They are two examples of the self-determination to which I referred.

Mr Carr: Third time lucky!

Mr HERZFELD: I now turn to the ALP approach to consultation, grass roots responsibility, and choice where matters of local government are concerned. As a classic example of the ALP's attitude, I refer to the occasion in 1975 when the Liberal Government, again to meet its undertaking to the electorate in connection with consultation with local government and giving more and more say to local government and local people, brought in an amendment to the Local Government Act relating to boundary changes. The purpose of the Bill was to give the final say on boundary changes to the electors and ratepayers themselves. What more democratic action could any Government take?

I looked back on the debate at the time, and it is rather interesting to note the comments of the Opposition. I would like to quote from page 1246 of *Hansard* for 1975, where the member for Cockburn had this to say about the amendments—

> I believe that with this Bill the Minister abrogates one avenue of responsibility which is rightly that of Government.

What the member for Cockburn said at that time is in direct contrast to and in conflict with what the member for Melville said tonight; that is, that the Local Government Department had far too much say in local government. But back in 1975, when this major initiative was taken by the Government to give more say to local people, the member for Cockburn claimed the Minister was abrogating his responsibilities.

In the same year, and probably on the same day, the then member for Mundaring supported the member for Cockburn, and is reported on page 1253 of *Hansard* as saying—

> I believe, as do other speakers from this side of the House, that the purpose of this Bill is not to bring about an improved democratic process in regard to local government boundaries, but merely to enable the Minister to shed his responsibility for establishing local government boundaries in accordance with the logical considerations associated with boundaries on a sensible statewide basis.

That member said the changes would not bring improvements to the democratic process, despite the fact that the Bill was designed to give the choice on boundary changes to the grass roots level of people—the electors.

So it can be seen that on the other side of the House there is a great deal of inconsistency in attitude, and when the member for Geraldton, who is the Opposition's spokesman on local government, said he believes it is the elector who should be making the value-judgment, he was in effect speaking against the policies and platform of his own party.

I now refer to the State platform of the Australian Labor Party to which every member on the other side of the House is committed because of his signature on the ALP pledge. In the four pages covering the ALP policy on local government, we find the words "will", "will be", or something of that nature, are repeated 36 times. For the record I will list the options that the Labor Party will take away from local authorities, as a matter of democracy, no doubt.

Mr Davies: Is this the printed copy after the last conference, or are you out of date as usual?

Mr HERZFELD: If there is a more up-to-date copy, I would be pleased to have one from the Leader of the Opposition.

Mr Davies: You can go and buy one. You are like your leader; you criticise without knowing what you are talking about.

Mr HERZFELD: If the platform I have here has been altered, I will be happy to be corrected. Until the Leader of the Opposition tells me otherwise, I will assume this is the current platform on local government.

Let us look at the freedom of choice that would be available to local government under a Labor Government in this State. The platform says that the present property franchise will be abolished, voting will be compulsory, wards will be of similar sizes in terms of eligible voters, and ward boundaries will be adjusted automatically.

Mr Pearce: That is right.

Mr HERZFELD: It goes on to state that all elections will be held on Saturdays, members will be elected by the system of optional preferences, meetings will be held in the evenings, and local government councillors will be paid an honorarium or salary.

Mr Bryce: A great platform!

Mr Pearce: Sheer democracy this is. You are making a fool of yourself.

Mr HERZFELD: The policy goes on to say that the contract system will be replaced by the employment of day labour.

Under ALP policy, local government would not have any say at all; all policy would be imposed from above.

Mr Pearce: The electors will have a proper say in who their representatives will be. Surely you can understand the democratic principle in that.

Mr HERZFELD: I agree with the comment made by the member for South Perth that if local authorities realised what was contained in this document they would be horrified.

Mr Bryce: Only the Liberals.

Mr HERZFELD: That is the reason that I decided to contribute to the debate, so that we could have the truth of the matter; we see illustrated clearly just how deep is the gulf between Liberal Party and ALP policies in regard to local government. It is clearly spelt out in this document.

Mr Grayden: You want to send a copy of that to the local authorities.

Mr Bryce: We would be indebted if he would; it would save us some postage.

Mr HERZFELD: I wish to refer to one other aspect of the State ALP platform in regard to local government. I note that the Leader of the Opposition has not challenged me on any of the points I have raised, and I assume they are still the same.

Mr Bryce: They are completely and utterly out of date, and you are too stupid to know that.

Mr HERZFELD: I had hoped that the Leader of the Opposition would enter the debate to correct me.

Mr Davies: I won't, but others will.

Mr HERZFELD: It would be very interesting to hear the views of the Leader of the Opposition on this matter. One of the most horrifying aspects of the ALP platform on local government is paragraph 15 which says that the Labor Party will revise local government boundaries with a view to reducing the existing number of local government authorities for the purpose of achieving greater efficiency.

Mr Pearce: That has been changed.

Mr Shalders: It was not much good to start with.

Mr HERZFELD: Further down we are told that the ALP would encourage the concept of regional government. That is an extremely important aspect of the ALP policy as it relates to local government, and an aspect which should be noted by local government. As I have said many times before—and I believe I have heard the previous Minister say this—the strength of local government lies in the fact that it is parochial, it is local, and it is close to the people.

Mr Davies: "Big brother" has control.

Mr HERZFELD: We know the centralist attitude of members opposite.

Mr Pearce: Do members over there have a special cliche school?

Mr HERZFELD: Members opposite do not believe in local government; they do not believe in State Governments; they do not believe in the bicameral system; and they do not believe in having a Governor—our Royal representative. They believe in regional government—"big brother" government.

Mr Pearce: Absolute nonsense. Regional government is not "big brother" anyway. When we win the next election, we will be the Government, and will exercise our powers.

Mr O'Connor: Won't you ever!

Sir Charles Court: Shudder, shudder!

Mr Clarko: You will not be here after the next election.

Mr Pearce: I will not be on this side; I will be over there.

Mr HERZFELD: I will now simply summarise the difference between our policy on local government and that of members opposite. It has been stated by the Minister, and it is in our policy document, that local government should determine its own destiny; it should retain its integrity and independence. I have read to the House the platform of members opposite as it relates to the independence of local government. They want to impose all controls from above.

The next point mentioned by the member for Geraldton related to the source of income for local government. This matter is often raised by Opposition members to try to justify some of their policies on local government. It is a constant red herring which the Opposition throws out; for example, the Labor Party says it wants to bring in compulsory voting.

Mr Bertram: Which aspect of the Bill are you discussing now?

Mr HERZFELD: The Labor Party policy states that no longer does a very significant amount of the total income of local government come from the collection of rates.

Mr Pearce: No-one said it was not a significant amount; we said it was not a major amount.

Mr HERZFELD: That comment is not correct.

Mr Pearce: Give us the figures.

Mr HERZFELD: If the member for Gosnells will give me half a chance and cease his interjections, I will give some facts and figures to indicate the real situation.

Mr Pearce: Well give them now instead of saying you are going to give them.

Mr Bertram: Are you going to get to the Bill now?

Mr O'Connor: How about letting him go so that he can get to the Bill?

Mr Pearce: I am quite happy to. I have paused to let him continue.

Mr HERZFELD: The member for Gosnells does himself no credit at all.

The figures which I now intend to give, Mr Acting Speaker (Mr Watt), were collated by the Australian Bureau of Statistics for the year 1976-77. They are the latest figures available. On an aggregate basis for Western Australia we find that for that year $69 961 million came from rates. In addition, loans to the total of $32 629 million were raised, giving an aggregate of $102.5 million. I am certain the Opposition will say, "What has loan raising to do with money coming from the ratepayers?"

Mr Pearce: That is counting money twice, isn't it? The loans have to be serviced by the rates.

Mr HERZFELD: The loans raised are a debt, a commitment, which the landowners, the ratepayers, have to find. Therefore, justifiably they can be added in any particular year to the total amount of money found by the ratepayers.

Mr Pearce: But you are counting the same money twice.

Mr HERZFELD: It is not counted twice.

Mr Pearce: Yes it is, because you are using the money paid from rates to pay off the loan, so you are counting it as income and then income again.

Mr HERZFELD: The member for Gosnells forgets there are other sources of money, and I will come to these in a minute.

Mr Carr: Is this related to the Bill, by the way?

Mr Bryce: A good point. How do you relate this to the Bill before the House? It is very interesting and quite esoteric, but how is it related to the Bill?

Mr HERZFELD: Mr Acting Speaker (Mr Watt), I seek your protection. I am trying to make a point to the House. Obviously the Opposition does not want to hear the point I wish to make. At this distance from the Chair, it is extremely difficult to talk across a great barrage of interjections that I cannot hear anyway.

Point of Order

Mr BRYCE: I rise on a point of order, Mr Acting Speaker. We on this side of the House would be perfectly happy for the member for Mundaring to come to the Table of the House and address us from there to enable you to hear him.

Mr O'Connor: What a stupid point of order.

Sir Charles Court: If you would just shut up for a while we would hear.

The ACTING SPEAKER (Mr Watt): There is no point of order.

Mr BRYCE: I was just demonstrating our goodwill.

Debate Resumed

The ACTING SPEAKER: I would suggest to the member for Mundaring that he should ignore the interjections if he wishes to proceed with his speech.

Mr HERZFELD: I will try to do so, Mr Acting Speaker. As I pointed out, when I am on my feet there always seems to be a great barrage of interjections from the Opposition benches.

Mr O'Connor: Because you are putting sense to them and they do not like it.

Mr HERZFELD: I made the point that in the year 1976-77, in the aggregate for Western Australia, some $102.5 million came from property owners.

I will now turn to the amount that came from the taxpayers in that year. The figures show that income tax entitlements given to local government amounted to $13 161 million. In addition to this, an item "other Government grants" is shown within the statistics. This amounted to $22 756 million. There is one other source of Government funds that could be at least partially provided by the taxpayer, although the money comes from a variety of sources so it cannot be fully identified as coming from the taxpayer. However, as it comes from the community generally, I am prepared to add it in. I am referring to reimbursements for the road system, and in 1976-77 the amount was $16 540 million.

So the total money collected by local government from the ratepayers in that year amounted to $102.6 million. I am sorry, I said $102.5 million before, but that figure was incorrect. Against that, the money collected from the taxpayers came to $52.4 million.

The ACTING SPEAKER (Mr Watt): I suggest that the member should confine his remarks more precisely to the terms of the Bill.

Mr Bryce: Hear, hear!

Mr HERZFELD: I addressed myself to this matter because it was raised by the Opposition. I did this to clarify some of the matters which obviously confuse them thoroughly.

I conclude my remarks on the source of income by saying that the proportion that comes from ratepayers or landowners is roughly twice the amount that comes from the taxpayers. That matter in itself—

Mr Bryce: Is an argument against democracy.

Mr HERZFELD: That will give the lie to the constant remarks made by the Opposition that the taxpayer is carrying the burden of local government these days.

I believe the changes that have been proposed in this Bill are simple. They have been explained by the Minister in terms that should readily be understood by members of the Opposition. In each and every case they add to the catalogue of power held by local government to exercise at its own discretion. In some small measure the Bill proposes certain safeguards on certain of the proposals to ensure that the interests of the ratepayer are protected. This is a responsible action for the Parliament to take, and for these reasons I support the Bill.

MR BRYCE (Ascot—Deputy Leader of the Opposition) [8.01 p.m.]: I join my colleagues, the member for Geraldton and the member for Melville, in opposing this Bill.

I have listened carefully to the contribution made by the member for Mundaring—

Mr Herzfeld: And interjected a fair lot, for a patient man.

Mr BRYCE: I did have to assist him at one stage. I also listened with some interest to the member for Whitford. The member for Whitford convinced all of us on this side of the House that we were quite right in the position we have adopted. We think it is a great pity that he does not realise how effectively he convinced us. We would like to extend to the member for Whitford an invitation to cross the floor this evening and to vote with his conscience and his good sense of reasoning in opposing this Bill.

Mr Herzfeld: You are putting the wrong interpretation on his words.

Mr BRYCE: He was the member who described the parent Act of this legislation as an antiquated, old-fashioned piece of legislation. The member for Mundaring subsequently took exception to that description.

Mr Nanovich: It would be for the crossword puzzle expert to work that out effectively.

Mr BRYCE: I have never been particularly good at crossword puzzles. I have never had the time to waste on trying to improve my skill at crosswords.

Mr O'Connor: The fingernail parings of the member for Whitford would know more about crosswords than you do.

Mr Pearce: That was very subtle!

Mr BRYCE: The Bill is a bureaucratic piece of legislation. It smacks of centralisation. I was about to say that it was paternalistic; but with due deference to the gender of the Minister rather than the department itself I would say it is very maternalistic. It is maternalistic in the sense that the very basis of this legislation suggests that local government cannot be trusted.

It suggests that in the sense that a matriarch, or a maternalistic figure, or a paternalistic figure, for that matter, would care for the well-being of a teenager or a youngster in her family or his family. It would appear that the Minister has adopted this attitude in regard to one particular amendment proposed in the Bill. That is the amendment on which I would like to focus my attention. The amendment relates to the question

of overseas travel by representatives of the people at the level of local government.

I would like to pose a question to the Minister, through you, Mr Acting Speaker (Mr Watt). Could she indicate to me why she believes—since my understanding of the position is this—that it is necessary to authorise from her position of responsibility a decision to send a councillor overseas? As I understand the Bill and the parent Act, it is not necessary to authorise the travel by a member of staff or an employee.

Mrs Craig: In my reply I will deal with that. Many people have raised the question. The answer is too lengthy to give by way of interjection.

Mr BRYCE: There is a critical aspect to this. I am sorry that the member for Mundaring has left his seat and is now occupying the smokers' bench. Maybe he could nod his reply to me. I simply wish to have the position accurately. Do I understand correctly that the member for Mundaring is one and the same as the Tom Herzfeld who was employed by the Bayswater Shire? Is that correct?

Mr O'Connor: You would know, would you not?

Mr BRYCE: I am asking a question. I simply want to know the answer. That is right.

Mr Clarko: How does that relate to the Bill.

Mr BRYCE: Very specifically. The member for Mundaring has indicated, by his nod, that he is one and the same. He was employed by the Bayswater Shire Council, I understand, as an engineer. He was a very good engineer.

Mr Tonkin: I will second that.

Mr BRYCE: In that position, he was a professional. He was employed by the council.

The legislation before us means that when the member for Mundaring was a member of the staff of the Bayswater Shire Council, it was all right for that shire council to make a decision to send him overseas. It could decide to send him to the United States of America, or to Europe, or to Britain, if it thought fit. However, the member for Mundaring, as a typical, fine young Liberal, joined the ranks of the elected members of local government, as a stepping stone to becoming the member for Mundaring. The Minister is suggesting to us, by this legislation, that there would be something improper in the civic fathers of the Mundaring Shire carrying a resolution to send the member for Mundaring, then a shire councillor, overseas if they thought it was a good idea.

Mr O'Connor: He is obviously showing a lot of potential, for you to be so worried about it.

Mr BRYCE: In this respect, there is a clear inconsistency.

On behalf of the part of the metropolitan area that I represent I can assure members that the Belmont Shire Council benefited tremendously from a decision to send its engineer overseas in 1973-74. As a result of his trip, a significant number of ideas and initiatives were brought back to the community.

As an elected representative in this Chamber, I find it difficult to imagine why legislation should spell out that it is not proper for local governing bodies to send elected representatives overseas in precisely the same fashion as staff members.

I did suggest at another time and in another place that Western Australians are well known for their rather Ptolemaic view of society. Ptolemy, as the learned member for Mundaring would remember and know well, was that ancient Greek philosopher who thought that the universe revolved around the earth. Regrettably there are too many Western Australians in this Cabinet, and too many Western Australians occupying positions as departmental heads, who adopt this Ptolemaic view of the earth. They think the whole of the universe revolves around Western Australia.

Mr Shalders: It is a whole lot better than completely overtaking us.

Mr BRYCE: The sooner these Western Australians who hold that view get outside Western Australia to see, like Copernicus and Galileo did without the benefit of travelling, that in fact the universe does not revolve around the earth, the better. This is the most isolated city in the world—or it is one of the most isolated. We remind foreign visitors to this place, year in and year out, that it is one of the most isolated provinces of government anywhere in the world. All members say this, whether they are Liberal or Labor. We tend to emphasise this.

If the member for Mundaring would like me to elaborate upon the point, I agree I have used that description of this State. There is nothing new in that. What is new is that right now we have a brand new opportunity to allow local government to step into the breach and send its elected representatives overseas, without necessarily deferring to the Minister.

Is there something magical or mystical about this? Why do we have to make distinctions? Intrastate travel is all right; interstate travel is all right; but should somebody suggest that a representative of a local governing body be

allowed to travel outside of these shores, there is something terribly, potentially wrong! There is something wrong with giving the decision-makers of the 136 or 138 local governing bodies the right to make that decision!

Some of the people in this Parliament who are adopting that view should spend a little time in Europe. They would see how insignificant national and territorial boundaries are. Can members imagine in all seriousness a Parliament in Luxembourg saying that the local civic fathers would have to refer a decision to the Minister in charge of local government to send representatives to Scandinavia, or to nearby Germany, or to nearby Holland, or across the Channel to Britain?

Mr MacKinnon: How far is that from Luxembourg?

Mr BRYCE: This situation is absolutely absurd. There is scarcely an iota of trust in it.

The members who preceded me on this side of the House—the member for Melville and the member for Geraldton—have demonstrated that there is no justification. They have demonstrated that the Minister herself did not provide any justification.

Mr Sodeman: They debated at cross-purposes against each other.

Mr BRYCE: They did not indeed. I suggest that the member picks up the copy of *Hansard*. I am talking explicitly about the question of overseas travel. I prefaced my remarks by saying that. That is exactly the subject to which I am confining myself.

Mr Sodeman: The principle does not follow through.

Mr Herzfeld: Has it occurred to you the electors and ratepayers may have a viewpoint also?

Mr BRYCE: Has it occurred to the member for Mundaring that when the Premier and his ministerial colleagues on the front bench travelled to the four corners of this earth, at very considerable expense to the taxpayers, the same argument applies to them?

I have always said in this place that the minds of Western Australians—and certainly of legislators, whether they are at the national level, the State level, or the local government level—are broadened when they move outside Western Australia. This gives them a sense of balanced perspective about the world at large.

How could one argue the question of a local council somewhere in the extreme north of this State making a decision to send a councillor or two to Indonesia, or maybe to New Guinea, for the sake of a geographical comparison. That would involve maybe five hours' travel by jet. There seems to be something conceptually wrong if that council has to obtain permission from the Minister for Local Government.

This particular Bill suggests to us that if somebody from the Kununurra Shire Council is to be sent to Tasmania or, for that matter, to Canberra—four hours by jet to Perth, and another four hours to the eastern coast—that is all right because it is within Australia. Why do we not grow up and allow local government to grow up in this particular respect? Who can suggest seriously that the elected representatives of the people in local government will act irresponsibly when it is suggested that one of their members, or two of their members, ought to be sent overseas? It is a classic—

Mr Sodeman: Would you agree with 12?

Mr BRYCE: Twelve what?

Mr Sodeman: Twelve members of a particular shire council going overseas.

Mr BRYCE: I would suggest that if a particular local governing body wanted to send a group of its councillors overseas, for a legitimate reason, it should have the right to make that decision. I might disagree with the worth of it. I have disagreed with some of the publicity stunts that the Premier has involved himself in, at taxpayers' expense. He then turns around and says—

Mr Herzfeld: What a lot of rot!

Mr BRYCE: —that the Deputy Leader of the Opposition or the Leader of the Legislative Council is not entitled to any more than one instrastate air fare—inside Western Australia—every three miserable years!

He does this because he is petrified that an alternative point of view may be put to the people in some of the more inaccessible parts of Western Australia.

This is a classic opportunity for the Government to prove all the vitriol that has dripped on Canberra over the years is quite valid. Regrettably, with 70 per cent of our people concentrated in the metropolitan area in this State, despite the fact that it embraces a million square miles, we have probably the most centralised State in Australia in respect of its method or system of government. People in the Kimberley, the Pilbara, the Murchison, and the eastern goldfields do not identify with the people they regard as desk-bound decision-makers—they

slip in a few other adjectives, I might add—down here in Perth.

I suggest this is a classic opportunity for the Government to demonstrate its sincerity, if it does not believe in the over-centralisation of government we have achieved, and to say as far as this particular aspect of the legislation is concerned—the overseas travel provisions—that the right and responsibility should be given to local government people in each and every respective area they represent.

As I have said, no justification has been give to the Chamber for this particular provision. It is my view the legislation is maternalistic; it is bureaucratic; and it smacks of unnecessary centralisation in Perth on the assumption that all wisdom is reposed in the people who sit behind the desks in the city making the decisions.

With all sincerity I ask the Minister how she can distinguish in terms of simple validity the value of giving a local authority the right to send its engineers, health inspectors, or shire clerks overseas to study other societies and problems, and to say in respect of the presumably unreliable types who have been elected to handle the affairs of the people and to make the decisions at local levels that they can go overseas only if the Minister for Local Government approves of their doing so. I do not support the legislation.

MR TUBBY (Greenough) [8.18 p.m.]: I rise to support the Bill. It has been interesting to listen to the debate tonight and to hear the confusing points of view coming from Opposition members. One member opposite supported more power for local government and another member suggested local government should have less power. We heard then the policy of the Government explained by the member for Mundaring.

Mr Pearce: That is where the confusion came in.

Mr TUBBY: He set out the centralist policies. We then listened to the member for Ascot. It all adds up to utter confusion so far as the attitude of members opposite towards local government is concerned.

This is a relatively small Bill, but it is very important as far as local government is concerned and the effect it will have on local government and ratepayers in general.

I support strongly one part of the Bill which has been brought forward by local government over many years. It relates to the permission to charge interest on overdue rates. In the particular shire in which I was involved, on a number of occasions it was operating on an overdraft and paying interest on borrowed money, which was ratepayers' money. At the same time we had a number of ratepayers owing several thousand dollars to the council.

It is easy to say, as a number of councils do, "You give a discount and you do not have any problems so far as the collection of rates is concerned." I do not support that proposition, because in a very strict budgetary situation if a 10 per cent discount is given rates must be increased by 10 per cent in order to cover the discount. There is very little benefit in allowing a discount on rates.

I believe councils should have the power to charge interest on overdue accounts. It amounts to a large sum in some country areas, because rates are levied in September, but councils usually do not put pressure on ratepayers until after the harvest when the farmers have received most of their income. Councils then start to apply pressure and it is essential that rates should be received and that shrewd financial manipulators should not have the benefit of being able to play with money which is virtually the property of the ratepayers. Ratepayers should not be subsidising interest which may be paid to the financial manipulators.

I support very strongly the clause in the Bill which provides that councils may carry out development of building blocks in their particular areas. In my electorate the present method of developing blocks in two towns has delayed development for approximately 2½ years. These blocks are not yet available to the public and they cannot go on the market. Consequently this has created a false value for building blocks in the towns concerned. The number of people waiting to buy blocks far exceeds the number of blocks coming onto the market. When these blocks are auctioned they will be sold at a tremendously inflated value which will prohibit a number of genuine home buyers acquiring blocks and building their own homes.

If local government is able to accept the responsibility of developing some of these town development areas, particularly in the smaller, fast growing, coastal towns, they will be able to keep ahead of the demand in the particular areas and this will reduce the value of land to everybody's benefit.

I support the clause in the Bill which deals with travel by councillors. I believe councils should have the right to send their staff to an area within Australia or overseas to view projects which are of particular interest to their own areas. The experience gained could be to the advantage of

ratepayers as a whole. I support strongly that move.

Councils would be pleased to know they have the support of the Minister as far as overseas travel is concerned. I do not believe councils would be greatly concerned, because if a majority resolution of council has been gained, the support of the Minister would be a formality.

Mr Bryce: But they do not seek that when it comes to sending an employee overseas. If they want to send their shire clerk or engineer overseas they do not seek the support of the Minister.

Mr Clarko: Different people make the decision.

Mr TUBBY: The councils make the decision, and the salaried employee of the council is controlled by the council. Councillors work on a voluntary basis, therefore they appear in a different light from engineers or shire clerks who are salaried employees of the council.

Mr Clarko: It is like setting your own salary.

Mr Pearce: Are you saying they cannot be trusted?

Mr TUBBY: This Government has indicated very clearly it has the utmost trust in local government. Members opposite indicated this Government does not trust councils. Had the member for Geraldton taken note of what has occurred in shires around his electorate in the last couple of years, he would have seen very clearly that this Government has the utmost trust in local government. This can be seen from the large amount of money made available for drought relief and the assistance given to the unemployed. This is a very clear indication of the trust the Government has in local government. This Bill also indicates that trust.

I support the Bill.

MR JAMIESON (Welshpool) [8.26 p.m.]: Mr Speaker, I say regrettably you have returned to the Chair, because debate has ranged far and wide on the Local Government Act. Possibly I will not be accorded the advantage given to some of the other members in your absence. However, I hope in the initial stages I may be able to expect some latitude on your part, because we have ranged from local government boundaries to ward set-ups and from the Australian Labor Party's former platform to what we should and should not be doing.

However, comment on the debate is warranted. One of the remarks I should like to make in regard to local government in this State is that its area should be set by Parliament. Somebody has to set it and once this has been done, the wards have been created, and the members elected they should be able to operate as they wish within the powers accorded by the Local Government Act.

I do not accept the proposal in the Bill and the argument put forward by members opposite who have spoken tonight that all councils should be able to do as they like, and if they do not they will be made to do so. That is a contradiction in the same way as the Minister made a contradictory statement when she introduced the Bill. In the second reading speech the Minister said as follows—

> Mention frequently is made of the desirability of providing local government with greater autonomy and I must say that that is an objective to which this Government firmly subscribes.
>
> However, the system of local government in Western Australia is established by an Act of this Parliament and the Parliament therefore carries the responsibility of ensuring, in the public interest, that this system contains reasonable controls. There must always be a proper balance between autonomy and control.

I do not know how one can have proper balance between autonomy and control. If something is made autonomous, it becomes autonomous. It has its own function. It cannot be controlled, except that it is subject to the Act under which it operates. It can be said the Local Government Act is subject to the Minister; therefore, local authorities are subject to the Minister.

If the Minister wants to take full responsibility for and control of local government, it would be interesting to see the reaction of some of the members who have argued tonight that we should not interfere with the boundaries of local government and we should not do anything which will upset local authorities. We have the situation in this State of one authority with 36 ratepayers and nine councillors. I do not believe this adds up; but the present Government thinks it does. Of course, while these absurdities exist there is no sense in local government. The provisions in the Bill give local authorities greater power particularly in respect of their boundaries and neighbouring boundaries. In effect, under the provisions contained in the Act a referendum of the people concerned must be held to determine whether a takeover shall take place. I wonder in what manner those 36 people would vote on that occasion.

It would be hard to get a majority decision in favour of another local authority. Nevertheless, I think it is fair and reasonable to state it would be a reasonable amendment to the boundaries of

local government to have this area encompassed within another local authority. That is only one absurdity because of the amendments which have been made to the Act by the present Government. Those amendments have been lauded by the member for Mundaring, but I will say no more in that regard, even though I consider one could go further into the matter and find equally stupid cases that exist.

I mentioned some years ago, at a Constitutional Convention, that while transferring finance from Federal funds into the arena of local government, it was desirable to have some sort of assurance that the funds would be spent reasonably well. It would be necessary to know that they would not be wasted. On that occasion at the Constitutional Convention I mentioned that 0.8 of a square mile—or very close to that area—constituted one of our local authorities. I had a problem convincing the *Hansard* reporters in Sydney that there was a local authority of that size in Western Australia. They kept sending down inquiries to me to the effect that surely I meant eight square miles or eight square kilometres. It took a lot to convince those reporters that a local authority as small as Peppermint Grove existed as a shire entity in this State.

I do not say these areas should not have been established as local authorities. Initially, that was justified. I again relate my oft-mentioned comment on this matter that it seemed absurd in those days that a horse and dray had to travel from Perth to Peppermint Grove so that a pot hole could be filled in, and then return to Perth. Local autonomy was right in those days, but circumstances have changed vastly. So also should the local government system change.

Every commission that has inquired into this aspect of local government has come down with the same conclusion, but no Government has been prepared to act because Ministers have always been frail on this issue. They have not been prepared to go further. The former Minister for Local Government went the other way and said there were to be no amalgamations unless and until a local authority, by referendum of its own ratepayers, so determined. Of course, those ratepayers will not so determine. All the local authorities have little kingdoms, and they will not alter.

Members are aware that in local government the ward numbers increase and decrease. Some wards have three councillors representing X number of electors, with the next ward having twice the number of electors. Nothing is done to solve that problem and the local authority is allowed to remain in that position. There again, the small kingdoms are affected; neighbouring ward representatives do not want additional responsibility so nothing is done. A substantial amendment should be made to the Act to allow for revision from time to time, the same as is the case with boundaries for State elections. We do not like to see our boundaries altered because we get to know the people we represent but, because common sense prevails, the electoral boundaries are altered when they are out of perspective. This should occur also with local government.

Having said those things, which are right outside the purview of this amendment, I will get back to the provisions in the Bill. I thank you, Mr Speaker, for your tolerance.

Mr Laurance: You have not mentioned the Murchison Shire, I am disappointed.

Mr JAMIESON: Do not worry; that is included in the 36 ratepayers I mentioned.

The first amendment is to allow the charging of a penalty on unpaid rates. I might go along with that provision except there seems to be a fault somewhere. We find fault in the fact that where a council does apply a penalty, it must do so uniformly against all ratepayers except those who are pensioners.

There are other ratepayers who, because of an accident or because of other unfortunate circumstances, find themselves unable to pay their rates in the stipulated time. There are those referred to by the member for Greenough. I well remember having to deal with that type of person when I was Minister for Water Supplies. When the list of cut-offs came in from the country water supplies I would regularly see the names of shire presidents on those lists. They were doing exactly what a previous member said: manipulating finance for their own purposes. That is unfair to the ratepayer who pays his rates as soon as he receives his notice. A person who has to receive two or three notices causes more expense to the rest of the ratepayers in the shire. It is not fair. However, there are other occasions when people genuinely cannot afford to pay their rates.

If this provision is to be included in the Act—and we do not believe it should be—there should be the availability for the shire to make a determination and exercise some discretion. It has been said it could not be exercised fairly, but surely provision could be made for discretion to be exercised—if the Government so desires—and for the Minister to be advised. There would then be some reasonable surety placed against the local authorities not to act unwisely.

Let us look at the provisions with regard to discretion when it comes to interstate and

overseas trips. I do not quite go along with my colleague in respect of his statement about the Perth City Council trip overseas. I do not know whether he is aware of the fact, but Perth has a sister city in Japan. Only a few years ago a large group of councillors, with the Lord Mayor, actually came to this State. Surely if we are to encourage this sort of thing—and I think it is worth while that our trade relationship with places such as Japan be encouraged—there must be a reciprocal arrangement. It cannot be all one way.

I think it was the Deputy Leader of the Opposition who indicated that some time ago the Belmont Shire Council sent its engineer overseas. The same man is now the shire clerk. When he went overseas he plagiarised many ideas, and undoubtedly saved the ratepayers of the Shire of Belmont thousands of dollars.

Let us look at the decision of the Perth City Council. That council has been criticised—although I am not being critical of its decision—because of the accommodation provided in the form of a surf club at City Beach costing in the vicinity of $250 000. The Perth City Council changed the shape of Delhi Square, which had been a broken-down garden area for many years, at a cost of $250 000. Nothing was said about that. The ratepayers did not get very excited about those moves. I suppose if Delhi Square had not been changed, not much damage would have been caused, but it is much more pleasant now.

Mr Clarko: Proceeds from the sale of endowment land were used also for the surf club.

Mr JAMIESON: Maybe so, but whatever money it was it was well spent.

Mr Clarko: I am not criticising; I am saying that there was a bit extra there.

Mr JAMIESON: I am not complaining about the provision of the facility. I am saying that if the representatives of the Perth City Council are able to go overseas and visit places such as Hawaii, where there is a considerable amount of modern equipment associated with the sport of surfing, they are able to plagiarise ideas and gain from that knowledge. They are then able to develop modern amenities here. Strangely enough, I did not see any large surf clubs in that country but, undoubtedly, there would be some fairly heavily sponsored clubs. However, beach amenities are quite different and the visit by the councillors may lead to a considerable saving of money.

It is all very well for the Minister to say it is all right to send the shire engineer and the shire clerk—or the town clerk, whatever the case may be—and the health inspector overseas on these tours in order to gather knowledge, but it seems it is not all right for the councillors to send the chairman of one of their committees or other councillors, for that matter. Those people are responsible to the ratepayers or the electors, and they have to know the facts. It is all very well for the shire engineer or the shire clerk to return to this country and say this or that should be done in order to save some money. However, without the knowledge of practical experience, and a knowledge of what they are about, their views may not be accepted by other people. The ratepayers might consider that the suggestions are just some whim or fancy that is to be put over them.

Exactly the same applies to members of Parliament. Members of the State Parliament go away and see things and learn from local contact. They bring back what they have learnt and put it into operation. The situation is the same federally, and without this interchange of ideas and experience nothing will be achieved, particularly in a State such as Western Australia which is so far away from other cities.

Let us examine the three proposals in the Bill. Evidently it is all right for any person to be sent anywhere within the State without reference to the Minister. We then come to the absurdity—possibly because both centres have some access to the ocean—where the East Kimberley Shire desires to send somebody to Albany. That will cost considerably more than it would cost to send that person to Darwin, which is only about an hour's flight. Possibly, that person could be sent to Singapore where he may gain some knowledge of tropical vegetation which could be useful to the East Kimberley Shire. A trip such as that would not cost as much as a trip to Albany. However, for a trip out of the country the shire has to obtain ministerial approval. There is no rhyme nor reason in the suggestion because in the ultimate those who have to answer are the elected representatives.

It is all very well for the Minister to say—and for other members to argue the case—that any overseas trip should be subject to approval by the Minister. Then, what does the shire do? It could easily claim that a certain trip was permitted by the Minister, and it was not the fault of the shire; the Minister said it was all right. I suppose that could be a let-out if we have a sympathetic Minister.

No; the right and proper place to put the responsibility for such tours and visits is on the elected representatives; the individuals in the

Parliament whether it be the local government "parliament", the State Parliament, or the Federal Parliament. There should not be the "big brother" attitude from Canberra looking over our shoulder. Goodness knows, we have heard enough criticism from the other side about specific grants money, and the ties attached to it. We know the attitude of Government members towards these things, yet they turn around and adopt this type of argument in connection with visits by members of local governing bodies.

As a Minister I attended International Road Federation conferences, and I noted quite a sprinkling of members of local government at these conferences. Engineers and others were there to gain knowledge for their local authorities. They were interested in the best methods of road building, the best type of materials to use, etc. They attended these conferences because of the advantage to the ratepayers in their shires.

The Commissioner of Main Roads and I attended conferences to learn the best way to administer the department for which I was responsible. Although these trips may be referred to as "junkets", after the first two or three trips the novelty of travelling wears off, and one is no longer amusing oneself, but rather one goes to gain some specific knowledge.

I suggest that the wise course for the Minister to follow would be to forget about this provision and to opt out of the responsibility. It should not be the State's responsibility to control the funds of the ratepayers. If local governments want this responsibility, let them have it. Three-eighths of the whole territory of South Australia does not come within the control of any local government. It may be that the State wishes to administer local governments from Perth, but if it wants local governments to act in their own right, let them do so.

I referred earlier to the ward boundaries which are mentioned in the Bill. I suggested to the Minister that it would be wise to have someone from the department look at the amendments to the Act to ensure that local governments are responsible for regular reappraisals of the local government boundaries. An instruction such as that would not be incorrect. That is the right and proper type of instruction for this Parliament to issue to local government bodies so that the voting values within the shires and wards are kept on a reasonably equitable basis.

The last matter dealt with in the Minister's second reading speech is the matter of aged persons' units run by charitable organisations. This has long been a contentious issue. I do not know whether or not the Minister realises it, but she is extending a franchise to vote to the people living in these units—something which is well overdue. Many older people sell up their homes in the district they have been associated with all their lives and move into these areas which are controlled by local authorities or sometimes by charitable organisations. Despite the fact that often these people had taken an interest in local government matters all their lives, once they move into these units, they are denied the right to vote at local government elections. This should never happen. Certainly, our legislation should never have been so callously written that it took away from these people their rights to vote, even though they had an actual equity in the unit they were living in.

If these people had continued to live in their own homes, although they would no longer need to pay their rates, nevertheless they would have had a vote in local government. However, immediately they enter these units, they are denied their right to have their names on the electors' roll. At least in future when an organisation desires to continue to pay rates, there will be no doubt that the people in these units will have the right to vote at local government elections. These people have an equity and a stake in our State. In many cases these are the pioneers. They have undergone many hardships and they have acquired a nice little place to live out their lives in the way they choose. It is not equitable that they should then be denied the right to vote in local government elections although they can vote in Federal and State elections. It is shameful that such a provision appeared in our Local Government Act.

I have indicated the amendments I would like included in the Local Government Act. I again thank you, Mr Speaker, for letting me roam a little. The debate has been an enlightening one because we were reacquainted with the former platform of the Australian Labor Party so we are now in a better position to understand our new platform that has been adopted in recent months. I oppose the Bill.

MRS CRAIG (Wellington—Minister for Local Government) [8.53 p.m.]: I would like to thank all those members who have contributed to the debate. I would like to say also it is not my intention to reply to the many and varied comments that have been made. In fact it is my intention to confine my remarks in reply to those matters in the Bill to which the Opposition has raised objection.

I believe it is important at the outset to indicate that the autonomy which was referred to so often,

firstly by the member for Geraldton and later by the member for Melville, and supported sometimes on our side, must also be tempered with my remarks during my second reading speech. These were mentioned later by members, but certainly the member for Geraldton did not refer to them at all although the member for Welshpool did at a later stage. I said that it is absolutely necessary to retain the proper balance between autonomy and control.

One of the Opposition members suggested that this is not possible, but of course it is possible when we are acting within the confines of an Act. Local government is responsible to the Act, and this Government, while wishing to provide local government with true autonomy, finds also a very great need to be responsible to the great number of people in Western Australia, the ratepayers who depend on the Government to retain this balance.

It was somewhat difficult to follow the objections of the Opposition. The member for Geraldton, in discussing first of all the levy or the fine that can be imposed on outstanding rates, admitted that he sympathised with local authorities. He did indeed say there was a necessity for local authorities to generate some funds, and he knew that they had to meet interest payments. However, he did not believe that this Government should give the autonomy to local authorities to be able to make a decision as to whether they levied the rates which this Bill makes it possible for them to levy, or indeed whether the authorities choose to use two of the other sections already in the Local Government Act open to them.

One of those devices has been mentioned, and that is, if rates have not been paid within a period of 35 days, a council may take action to recoup them. Also contained in the Act is a section allowing local authorities to decide to have rates paid in equal moieties. So what the Government is doing in this Bill is to give councils an opportunity to decide which course of action they wish to take, and in saying that, if a council decides to apply that fine or levy, it must decide to apply it to all persons—with the exception of pensioners, and we are all aware of this provision. When the councils are making their decisions, that ought to be a moderating factor.

The Opposition carried on for a long time telling us what we already knew; that is, that local authorities are the bodies closest to the people in the areas they represent. They know very well the number of people within the authorities who can afford to pay their rates. Therefore, I have great confidence in the fact that the authorities will see fit to take action in the manner that is best suited to the people within their area.

The member for Melville told me that I must do something because the Local Government Association, the Country Shire Councils' Association, and the Country Town Councils' Association, support it. Let me assure him that all those organisations support this amendment, and indeed, they have asked for this provision to be enacted for a very long time. So on this occasion we are taking notice of a request made to us.

Mr Hodge: I was not criticising you on this occasion. I was saying that you were very selective when you listened to them.

Mrs CRAIG: I do not think the honourable member would be able to sustain that comment because it would be clear to him that the last approach made by one council was in June, 1978. So in regard to the instance he referred to, this provision has had the long-standing support of all the associations. They have wanted it for a long time. This Government is quite sure that local authorities will use this provision only when they need to do so, and they will be mindful of the needs of the people within their areas.

The next bone of contention was the right of councillors to acquire land for subdivision and for resale. It had long been thought that local authorities had this power, and indeed, they were encouraged actively, under certain circumstances, to acquire land in order to subdivide it, particularly in country towns where there was a need for some land to be opened up, but where it was not an attractive proposition for private enterprise to do so. The Crown Law Department—I think about 18 months ago—brought to the attention of the Government the fact that the Act was not sufficiently specific, and that there was a need to amend it so that the situation would be quite clear. So when one member—I believe it was the member for Geraldton—said that this was good socialist stuff and that he was glad to see we were introducing it, he was obviously unaware that it has in fact been a power that councils have had and which they have exercised for some considerable time. This Bill seeks only to validate that power.

Mr Hodge interjected.

The SPEAKER: Would the member for Melville speak up when he interjects so that the *Hansard* reporter may record it.

Mrs CRAIG: It is necessary for the Minister to give his approval, and as I mentioned in my second reading speech, it is not the intention of this Government to allow local authorities to enter into the speculation and land developing market.

However, it is contended by us that there is a need for local authorities, under certain circumstances, to be able to develop land when this action will be to the benefit of the ratepayers generally. I instanced the case of a country town where no land was available for residential purposes. The person who owned the land adjoining the townsite had no interest in subdividing it himself or herself and therefore the local authority was able to purchase the land and develop it so that purchasers may be offered an area of land to build on in this town. It is quite true, as the member for Melville has said, that there is a need for this to be approved by the Governor.

The subject that raised the greatest amount of controversy was that concerning overseas trips by councillors. I am not sure whether members of the Opposition are completely aware of the situation that existed prior to the introduction of this amending Bill into the House. In case they are not, I think it is pertinent for me now to indicate to them exactly what was the situation.

The situation was that councillors had accepted a responsibility to refer, or had felt there was a necessity for them to refer, to the Minister any overseas and interstate trips councillors were to make. This is a practice that had been generally adopted by councils, and it is only in recent times that the wording of the Act was questioned, and it was decided it was necessary to clarify the issue.

This Government has said it accepts the fact that there is a need for councillors to be able to attend conferences; to be able to travel to other parts of Western Australia and of Australia; and to be able to acquaint themselves with many of the new developments that are taking place and are of interest to them and would indeed be of great benefit to the local authority concerned. I do not dispute the contention of the Deputy Leader of the Opposition that there is much to be gained and much to be learnt by many people by overseas travel; nor do I say for one instant that any Minister would see fit to restrain unnecessarily such travel. However, this Government believes it is fair and equitable to the ratepayers that councillors who wish to travel overseas at the expense of ratepayers ought to be able to justify the reasons for which they wish to travel. For that reason they will submit to the Minister the reasons for wishing to make the trip.

Mr Bryce: What is the difference between travel within Australia and overseas?

Mrs CRAIG: The Deputy Leader of the Opposition would know very well that in the first instance a considerable difference in expenditure is involved.

Mr Jamieson: That is not so.

Mrs CRAIG: If the honourable member wants to cite the difference in expenditure between a trip to Sydney and a trip to Bali, I would have to agree; but if he cites the difference between making a trip to the Eastern States and making a trip to Scandinavia to investigate, for example, the latest developments in rubbish disposal—and I agree it is imperative in many cases that people should go away and study—then I think it is only fair from the point of view of ratepayers that the people who are sent overseas should at least have the expertise to be able to absorb that which it is necessary for them to absorb so that they may return to Australia and disseminate the knowledge they have gained in the best interests of the people and the council they represent.

It is possible for officers of the council to travel, and it has always been so. That is because they are administrative officers and, of course, the council makes the decision in respect of their travel.

Mr Bryce: What is the difference?

Mrs CRAIG: The council—that is, the ratepayers—makes the decision in respect of councillors; but the ratepayers do not make the decision in respect of councillors' trips.

It has been assumed in this debate that the Minister will always reject any application for overseas travel. I can assure members that, certainly whilst I am the Minister and while anybody on this side of the House is the Minister, that will not be so because we are in agreement with the fact that councillors ought to be able to travel for specific purposes.

Mr Jamieson: Your predecessor would have knocked back the City of Perth had he the power to do so.

Mrs CRAIG: I am not able to answer for what he said at the time.

Mr Jamieson: You said, "anybody on this side".

Mrs CRAIG: I have said very carefully there is a need for councillors to demonstrate the benefits that will be gained by members who are to travel overseas. By that I am not talking about the value-judgments that the member for Geraldton talked about when a decision is made when the councillors return as to whether or not their trip has been useful; rather I mean it is necessary for them to go overseas to pursue something of particular interest about which they wish to learn.

I believe it is pertinent for me to conlcude my remarks at this stage. I have covered the matters raised by the Opposition, and I again thank members for their contributions.

Question put and a division taken with the following result—

Ayes 28

Mr Blaikie	Mr Nanovich
Mr Clarko	Mr O'Connor
Sir Charles Court	Mr Old
Mr Cowan	Mr O'Neil
Mrs Craig	Mr Ridge
Mr Grayden	Mr Rushton
Mr Grewar	Mr Sibson
Mr Hassell	Mr Sodeman
Mr Herzfeld	Mr Stephens
Mr P. V. Jones	Mr Tubby
Mr Laurance	Mr Watt
Mr MacKinnon	Mr Williams
Mr McPharlin	Mr Young
Mr Mensaros	Mr Shalders

(Teller)

Noes 18

Mr Barnett	Mr Hodge
Mr Bertram	Mr Jamieson
Mr Bryce	Mr T. H. Jones
Mr T. J. Burke	Mr McIver
Mr Carr	Mr Pearce
Mr Davies	Mr Taylor
Mr H. D. Evans	Mr Tonkin
Mr Grill	Dr Troy
Mr Harman	Mr Bateman

(Teller)

Pairs

Ayes	Noes
Mr Coyne	Mr B. T. Burke
Dr Dadour	Mr Skidmore
Mr Crane	Mr Wilson
Mr Spriggs	Mr T. D. Evans

Question thus passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr Clarko) in the Chair; Mrs Craig (Minister for Local Government) in charge of the Bill.

Clauses 1 to 6 put and passed.

Clause 7: Section 513 amended—

Mr STEPHENS: Once again speaking as an Independent Country Party member, I did not contribute to the second reading debate because I support most parts of the Bill. However I feel the Government could agree to one small aspect in respect of travel outside the country.

The Government is to be commended on most aspects of this Bill because it is giving greater autonomy to local government. Therefore, it is a pity that its record is being spoiled by one small aspect. In the document "Liberal Policy 1977-80" the following is found—

> We will take further steps towards keeping our promise to give local people more say on local matters.

That is a policy with which I certainly agree. Therefore I find it rather unfortunate that the Government should seek to force local authorities to obtain ministerial approval before overseas trips may be made.

Councillors are elected and are responsible to the people. They must face the people again. I think it is reasonable that we accept that they have a sense of responsibility and would not make such decisions about overseas travel lightly. Even if they did, their electors could get rid of them at a subsequent election, just as we in this Chamber could be disposed of at a subsequent election if we do not act responsibly—as sometimes happens, I am afraid.

Therefore, I move an amendment—

Page 4—Delete paragraph (b).

That paragraph refers to approval being obtained from the Minister for payment in respect of a duty or act carried out or performed outside the Commonwealth. I am merely seeking to delete the requirement that the approval of the Minister must be sought for trips outside the Commonwealth.

Mrs CRAIG: I have already made it quite clear that the Government will not support the amendment. We have made a decision that we believe is fair and just. I gave the reasons for this previously. Therefore, I do not support the amendment.

Mr BRYCE: The Minister has not explained why the Government reached this decision. It would be unduly chauvinistic of me to say that it was womanly intuition on her part to suggest that she had drawn a line of demarcation between stepping outside the State and stepping outside the nation; but that was the implied suggestion with absolutely no explanation.

I ask members to recall that the Minister said that she urged members to appreciate that the Government had made a decision in respect of this question. No explanation has been given to the House or the Committee as to why it is acceptable for a group of elected councillors of a local governing authority to authorise a trip overseas for a shire clerk, an engineer, a health surveyor, or a town planner. The same group of councillors should be entitled under the Act to authorise one of their members to be sent overseas without first obtaining the permission of the Minister.

I do not think it matters from which direction one looks at this clause, the implication is clearly there that the Government does not trust the elected members of local government to sit in judgment on the merits or demerits of a particular councillor or group of councillors going overseas in the interests of a council. The suggestion is quite clear that if the engineer of a council wants to investigate something overseas it is all right; there is nothing devious about the trip because he is employed by the council.

I ask the Minister in all sincerity to tell the Committee why it is proper for a council to decide in favour of the staff, but why it is improper, or requires some sense of caution to be written into the Act, presumably, to prevent councillors running amuck.

Mr DAVIES: Is the Minister going to give us an answer, or are we going to get the usual treatment? Is the Minister going to say, "The Government has made up its mind and that is it." I am a little sick of good arguments being put up and logical questions raised by those on this side of the Chamber, and the Government completely ignoring it all and relying on its numbers to pass legislation.

If we are not going to get replies I can only put it down to two things; complete incompetence, because the Government does not know its Bills or the reasons for their introduction; or ignorance on the part of the Government in that it is not going to bother with the Opposition and the parliamentary processes. I do not say this in regard to the present Minister handling the Bill, but we have seen this time and time again this session.

I think we deserve something better than the Government ignoring the questions raised and relying on its numbers. Are we getting to a situation where we might just as well go home? The Deputy Leader of the Opposition has raised very proper points. It seems it is okay for staff to go overseas, but the heavy hand of "big brother" has to come down on councillors themselves who, apparently, are considered to be quite inept and able to take unfair advantages of the funds they control.

We have listened to the arguments mouthed by the Government about wanting to keep bureaucracy out of local government and wanting local government to be the body closest to the people. However, on very important matters like this where we hear the Government refer to councillors as good and responsible people, those very people are being told they cannot spend money in a certain way; they must ask the Minister.

The Minister herself said that while she was Minister, or anyone of her political colour was Minister for Local Government, she did not think there would ever be a refusal. If that is the case, it means a proper recommendation is being made and if the Minister is able to pre-judge the matter and say there will be no refusal, why is there any need for an application to be made?

We consider a reply must be forthcoming, not only for the record but also so that the information can be sent out to the electorate. What would it look like if our questions were unanswered? Surely the Government wants to provide answers if it believes it is on proper ground in bringing legislation of this kind to the Chamber. The Government should be able to defend the legislation and give proper answers to questions raised; not only to questions it expects to be raised, but also questions that are unexpected. We on this side have a capacity for looking at legislation and picking faults. That is our prime purpose.

We are prepared to support legislation, as we do regularly. We even go as far as congratulating the Government on bringing legislation forward if we consider it worthy legislation. However, if we have a Bill we do not like we are prepared to question it. It is unfortunate we had to vote against this Bill as a whole because there are good points in it, but on measure we believed the good points were outweighed by the bad points.

I think the member for Stirling has done the proper thing in moving his amendment because he obviously listened to the debate like the rest of us and was not satisfied with the Minister's answers. If we can be satisfied we will vote with the Government, as we always have done in the past. If we are not satisfied, we will certainly vote with the member for Stirling.

Mr McPHARLIN: From listening to the debate tonight, it appears to me the autonomy and responsibility of local government councillors, who have been elected by the people, are being eroded a little more. The Minister did make reference to the position regarding these trips before this Bill was introduced and indicated that councillors regarded it as a responsibility to refer the matter of trips to the Minister before going overseas. If that has been the case in the past, I do not recall any great controversy being raised in the Press except with respect to the current trip being undertaken by members of the Perth City Council. This trip is to Japan and America.

In the main, shire councillors are responsible people who give a great deal of their time without payment and they make many sacrifices. If a decision is made by a council for councillors to make a trip to study a certain matter if the need is there, surely the council is going to reward those people by granting them that trip because the councillors get very little other reward.

It think it is a travesty of local government council's decision-making if they are compelled under this Bill to make an approach to the Minister for permission to undertake a trip.

A great amount of dissension has surrounded this most recent trip by Perth City Councillors. I feel the Government would be well advised to accept the amendment moved by the member for Stirling. I believe the provision in the Bill will erode the autonomy of responsible people, democratically elected to our shire councils and our local government administration. After giving the matter some thought, I feel I am justified in giving my support to the amendment.

Mr BRYCE: I feel it is incumbent upon me to point out to the Minister that she was quite wrong in her concern for this apparently tremendous difference in the cost of travel between different parts of Australia and overseas. This is the other argument which underpins the decision that presumably the cost of an overseas trip is so prohibitive that local civic representatives cannot be relied upon to make a decision reliably and with responsibility.

The cost of eight hours' air travel first class inside Australia—it is quite conceivable that councillors could cover this distance when one considers the travel certain of our civic leaders could be involved with—is conceivably higher than covering similar distances on overseas travel.

If the Minister is prepared to say this provision is included because of cost, we must bear that argument in mind. That argument is working in the reverse of what the Minister has said. Every year that goes by finds the cost of international air travel coming down very considerably. Regrettably for us in Australia the cost of internal air travel does not seem to be going in the same direction.

On one hand the Minister seems happy to say that irrespective of the cost of travelling from one part of Australia to another—and presumably more than once a year on an unlimited number of occasions—a council can say to a shire president or some other staff member that he can travel anywhere from Perth to Sydney or from Port Hedland to Sydney, but on the other hand there seems to be a conceptual hang-up which so many Australians have, that the moment someone thinks of stepping outside the nation it is presumed, because of the cost, that the argument enters a different plateau.

I would like the Minister seriously to consider that that is not a valid argument in 1978; perhaps it was in 1958, but it certainly is not now. I would like the Minister to turn her mind to the practice of Cabinet Ministers travelling overseas. Can Cabinet Ministers be trusted to grant one another collectively the approval to travel around the world? The Minister for Tourism has just spent $73 000 on a round-the-world trip. It may well be he had legitimate reasons to some extent in promoting the sesquicentennial celebrations. The Minister for Industrial Development has been around the world several times. The Premier has travelled the world dozens of times at taxpayers' expense, so much so he has formed a string of friends and supporters in the capitals of the world.

Is the Government to say it is good enough for elected members of Cabinet to make those decisions when they consider it is in the interests of Western Australia, but so far as local authorities are concerned—take, for example, the City of Stirling or the City of Perth which represent an enormous proportion of the people and the wealth of Western Australia, and which are dealing with matters of very considerable importance to the welfare of the State—the elected members must submit proposals for a trip to the Government for approval?

Why does the Government have such a fixation with overseas travel by councillors. Why is it prepared to allow the employees of local government to travel, but not those people who are elected to administer the affairs of local government?

Mrs CRAIG: The member for Mt. Marshall has suggested that in some way the amendment would preserve the power which councils already have. He does not seem to understand that previously councillors were not able to travel even within Australia without reference to the Minister and, indeed, they were severely restricted in the amount of travel they could do within the State.

I will not enter into a debate on the cost of air fares from point A to point B and whether they are inside or outside Australia. I simply say I believe that the public interest dictates that some reasonable restraint be built into the Act.

I accept there are many conferences within Australia which are directly concerned with local government and its administration and it is very necessary for councillors to be able to have fairly free access to those conferences, following such a

decision by an absolute majority of their councillors. However, in relation to overseas travel, it is necessary for councillors to gain the permission of the Minister.

Mr Bryce: The Minister therein rests the case based on intuition and certainly no logic!

Mr Tonkin: Based on numbers, I suggest.

Amendment put and a division taken with the following result—

Ayes 21

Mr Barnett	Mr Jamieson
Mr Bertram	Mr T. H. Jones
Mr Bryce	Mr McIver
Mr T. J. Burke	Mr McPharlin
Mr Carr	Mr Pearce
Mr Cowan	Mr Stephens
Mr Davies	Mr Taylor
Mr H. D. Evans	Mr Tonkin
Mr Grill	Dr Troy
Mr Harman	Mr Bateman
Mr Hodge	*(Teller)*

Noes 24

Mr Blaikie	Mr O'Connor
Sir Charles Court	Mr Old
Mrs Craig	Mr O'Neil
Mr Grayden	Mr Ridge
Mr Grewar	Mr Rushton
Mr Hassell	Mr Sibson
Mr Herzfeld	Mr Sodeman
Mr P. V. Jones	Mr Tubby
Mr Laurance	Mr Watt
Mr MacKinnon	Mr Williams
Mr Mensaros	Mr Young
Mr Nanovich	Mr Shalders
	(Teller)

Pairs

Ayes	Noes
Mr B. T. Burke	Mr Coyne
Mr Skidmore	Dr Dadour
Mr Wilson	Mr Crane
Mr T. D. Evans	Mr Spriggs

Amendment thus negatived.

Clause put and passed.

Clause 8: Section 514A added—

Mr JAMIESON: I did not touch on this clause during my earlier remarks. For some time now metropolitan local authorities have undertaken town planning schemes and, as the Minister stated, it was always thought they had the right to do so.

Sometimes it is impossible for a single property owner to undertake the necessary subdivision of a property, and all that entails. Also in some instances when a number of owners are involved, some may raise an objection to the type of development envisaged. In these instances, without the legislation before us, such schemes could not be undertaken and the local authorities would be the poorer as a result.

The Canning council has about 30 town planning schemes all of which have resulted in the area being a much better place in which to live because of new amenities provided and the general topography having been improved. In some instances low-lying areas would have been useless had the local authority not become involved.

As a consequence I consider the clause desirable and one which I can support even though I find some of the others hard to reconcile with my point of view.

Mrs CRAIG: I am afraid I cannot see any relevance between clause 8 and a town planning scheme except that a council, if it chose to undertake its own subdivision, would have to do so in compliance with its own town planning scheme. However, the town planning scheme certainly does not allow it to acquire land as this does, and no-one else could develop the land except in accordance with the town planning scheme.

I am afraid I do not see the relevance of the comments of the member for Welshpool in relation to the clause.

Mr JAMIESON: The Minister probably would have been better off had she said nothing. The point is that this portion of the legislation is a means by which the development can take place. In fact it must be undertaken in accordance with the provisions. This is the point I made.

The town planning schemes are small localised schemes dealing with a set of circumstances where there are some broad acres and some subdivided areas and because of the provisions in the clause the schemes will be possible.

Clause put and passed.

Clauses 9 and 10 put and passed.

Clause 11: Section 550A added—

Mr CARR: This is the principal clause of the three which touch on penalties and this involves the other major objection the Opposition had to the Bill.

The temptation exists for me to proceed with the argument on this particular point and try to persuade the Minister to justify why this provision is in the Bill. However, in view of the rather scant replies already given in regard to clauses 7 and 8, I guess that would be a little too much to hope for.

Instead I propose to direct a couple of questions to the Minister in the hope that she can assist in the matters. Firstly, there is the reference to the "prescribed" percentage, and regulations will be drafted prescribing the percentages. Is the Minister prepared to give the Committee an indication of the kind of percentage the

Government is considering at this stage as being the prescribed percentage?

Mrs Craig: A definite percentage has not been arrived at, but it would probably be fair to say that it would be the prevailing bond rate or something of that nature. It is important that you should know that we would be prescribing the maximum.

Mr CARR: I do appreciate that point.

The second question concerns clauses 11 and 12. I do not know whether a peculiar piece of drafting is involved or whether there is something I do not understand. Clause 11 provides a new section 550A which comprises eight subclauses. This clause specifies what will be in the section. Then we have clause 12 which does one simple thing only; that is, it amends clause 11. I want to know why the two words "objection or" were not inserted as part of clause 11. It seems amazing to me that we draft a new section, pass it, and then in the very next clause proceed to amend the new section which we have decided will be part of the legislation. Is it a drafting error?

Mrs CRAIG: The legal technicality of that particular clause escapes me. I am prepared to indicate to the honourable member tomorrow the reason for its inclusion. I am unable to do so now.

Clause put and passed.

Clauses 12 to 19 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

ROAD TRAFFIC ACT AMENDMENT BILL

Second Reading

Debate resumed from the 14th September.

MR T. H. JONES (Collie) [9.45 p.m.]: This Bill amends the Road Traffic Act in several ways. It deals with the general administration of the Act and with some legal aspects in relation to the powers of the courts, including the power to refer certain charges to other courts. In the main the Opposition goes along with the Bill with some minor exceptions, which we will indicate, and my legal colleague will indicate our position as far as the legal angles are concerned. I will mention the clauses in relation to which I wish to raise some queries with the Minister.

In introducing the Bill the Minister said it has resulted from suggestions made by members of Parliament, the Parliamentary Commissioner for Administrative Investigations, the National Association of Australian State Road Authorities, and officers of the Road Traffic Authority. No mention was made of local government or the Municipal Officers' Association. When legislation was introduced to establish the Road Traffic Authority as a separate operation divorced completely from the Police Force, the views of those two organisations were strongly canvassed. The then Minister for Police said a number of the clauses of the Bill resulted from close co-operation and discussions with those two bodies. I note that the organisations involved in the discussions in relation to the Bill now before us did not include the Country Shire Councils' Association or the Municipal Officers' Association.

Mr O'Neil: The country shires and local authorities are well represented on the RTA now.

Mr T. H. JONES: I am mindful of that, but I am asking why they were not consulted in relation to this Bill.

The Bill contains a provision that clergymen will not be exempt from the payment of a licence fee except on the authority of the Minister. Apparently the number of lay preachers is increasing and the Act is to be amended to give the Minister power to decide whether a free licence shall be issued. I am wondering what the figures are. It will be interesting to know what changes have taken place in recent years which have given rise to this amendment. On my reading of the Bill there will be no change in the case of a full-time minister of religion. The amendment will apply only to those who are working in other employment as their prime occupation.

The next matter I wish to deal with relates to stickers on the windscreens of unroadworthy vehicles. The Minister mentioned the problem the Road Traffic Authority is having in sustaining prosecutions because in a number of instances the stickers are removed. A licence can be cancelled when the owner of such a vehicle does not present the vehicle for reinspection.

There may be good reasons for this amendment, but what about the case of a person who does not know a sticker has been placed on his car? It could well be that he is not responsible for removing the sticker and that he is an innocent victim. The Opposition realises that some action must be taken, but I suggest a follow-up letter could be sent.

Someone could come along and remove a sticker a few moments or hours after it had been placed on the vehicle, and the owner of the vehicle would have no knowledge that the sticker had been on his vehicle. In these circumstances it is a drastic measure to cancel his licence if he does not

present the vehicle for re-examination. We think it would be fairer to the motoring public if, after a sticker has been placed on a vehicle, a follow-up letter were sent. This would overcome the problems which could arise.

I come now to the question of the appointment of authorised garages and vehicle testers. The Minister indicated it was not intended to make these appointments on a permanent basis but only on a restricted basis, and that the proposals follow a similar scheme operating in New South Wales. It is not envisaged that under the pilot scheme the person involved would have to pay for the service, but if a full scheme is adopted the owner or user of the vehicle would be required to pay. The scheme will ease the work load on branches and agencies.

I would like the Minister, when replying to the debate, to tell us who will be responsible to determine that an inspection must be made, and who will determine where the authorised garages will be. Will they be situated throughout the State?

I notice that the crash avoidance courses for motorcyclists are to be established only in the metropolitan area. I will refer to that matter again in a moment. I wonder whether this principle will extend right throughout Western Australia so that all parts of the State will be covered. Perhaps the Minister will be able to answer my query when he deals with my remarks.

Section 42 of the Act is to be amended to allow the issue of a licence to drive a moped to a person who has attained the age of 16 years. We hope the examination will be reasonably strict. I know that mopeds are different from motorcycles. It is considered necessary for persons who drive mopeds to have a licence, but I am wondering what schooling young drivers will receive in order to ensure that they are efficient.

Mr O'Neil: A moped is really a motorised push bike.

Mr T. H. JONES: It is a fairly highly motorised push bike, and it can be dangerous. I have seen them operating. I hope there will be sufficient protection in the granting of licences to 16-year-olds, to ensure that they are sufficiently skilled to have control of such machines. The Bill does not indicate what precautions will be exercised.

I do not oppose the granting of licences, but we have to protect the interests of, firstly, the drivers and, secondly, the public of Western Australia. I hope sufficient consideration will be given to this point because it is certainly of concern to members of the Opposition. This facet of the Bill was not mentioned by the Minister.

The next matter refers to the pre-licence or driver training course. The Minister referred to this matter briefly in his second reading speech and said—

> The Road Traffic Authority, in conjunction with the National Safety Council, has investigated the possibility of giving motorcyclists a special pre-licence training course prior to undergoing a road test for a motorcycle licence, but this was found to have many inherent problems.
>
> Subsequently, after further investigation, the Road Traffic Authority endorsed the advice of the Traffic Safety Research Advisory Committee "That it should be compulsory for all persons who obtain a motorcycle driver's licence in the Perth statistical division to complete a crash avoidance course . . ."

Then there is reference to the fact that licences should not be issued for machines of more than 250cc. The point I make is: Why apply the provision only to the metropolitan area?

Mr O'Neil: If the member for Collie has a look at the amendment on the notice paper, a copy of which I handed to his leader last week, he will see we intend to delete the provision for the post-motorcycle driver's training course because of the difficulties involved. The amendment appeared on the notice paper only today, but I sent a copy to the Leader of the Opposition last week.

Mr T. H. JONES: I have not had an opportunity to have a good look at the amendment on the notice paper. I take it that the proposal will be deleted because it will not have application throughout the State.

The next point I want to raise is the concern of the Government—shared by the Opposition—regarding the number of fatal accidents involving motorcyclists. It is proposed that an initial licence to ride a motorcycle will not be granted for machines in excess of 250cc. While this provision is to be commended, how will it be policed? I am not raising this matter in order to draw crabs. We believe it is a good idea for riders to train on lower-powered motorcycles initially in order that they might learn to control and operate their machines in a proper fashion. How will the provision be policed?

Mr O'Neil: There is a "P"-plate, which indicates a probationary licence. It must be carried by riders when they are on probation.

Mr T. H. JONES: Does the Minister consider that will be sufficient?

Mr O'Neil: I think it should be. In addition, the back of the licence is endorsed. A person can have a licence to drive an automatic car, but that licence does not entitle him to drive a vehicle with four-on-the-floor.

Mr T. H. JONES: There is no guarantee that a young rider will stick to his 250cc machine.

Mr O'Neil: I think most people would recognise a 250cc motorcycle.

Mr T. H. JONES: I hope I am wrong and that the Minister is correct. We know the problems, without bringing in politics. I saw an accident in my home town during the weekend where a motorcycle was handled badly. The rider did not think of the danger he created. I hope my fears are wrong for the sake of the motorcyclists and the public generally, and that it will be possible to police the young riders during the 12 months when they are allowed to drive machines only up to 250cc.

My next question refers to probationary licences. The Minister stated—

> The majority of licences issued for the first time are issued on probation only. At the discretion of the applicant, the licences are issued for a period of one year or three years, but are on probation for the first year.

The Opposition does not argue with this proposal, for the reasons outlined by the Minister when he introduced the Bill.

The next provision deals with the ability of the Road Traffic Authority to grant licences to 16-year-olds in certain circumstances. For obvious reasons, we believe discretion should be exercised in lowering the age at which a licence may be issued. Under extreme circumstances, a person who is competent to operate or drive a vehicle in a responsible manner, should be able to obtain a licence.

The next amendment deals with the refund of portion of a driver's licence fee. At the moment vehicle licence fees can be refunded in certain circumstances, but that does not apply to drivers' licences. As the Minister said, it is now possible for a person to renew his licence for a period of three years at a fee of $7. If a person wants to cancel his licence it is not possible, at the moment, to obtain a refund. The amendment will allow that to happen, as is the case with a motor vehicle licence. The Opposition goes along with that proposition.

I will not deal with the provisions in regard to the offence of dangerous driving. The Bill will allow a court of summary jurisdiction to refer a case to a higher court, and it deals also with other matters which will be commented on by my legal colleague.

At the present time, when a person is apprehended for an offence, a police officer does not have authority to drive the offender's vehicle away. Where it is felt that a vehicle has been used in relation to a crime, the amendment will give the police officer the authority to take the vehicle away in the event that the person apprehended will not co-operate. The Opposition is quite happy with this amendment. On numerous occasions I have heard of such instances where the cars have been left on the roadside, and the tyres and other parts have been stripped from them. This is a very serious problem, and we hope the amendment will solve it.

The Minister went into great detail about infringement notices. Again I will leave this matter to my legal friend to comment on.

There is one part of the Minister's second reading speech that has exercised my mind. In relation to regulation 1702(1) the Minister said—

> . . . the Road Traffic Code requires that the owner or the person for the time being in charge of an animal shall not allow it to—
>
> Stray into or along a road;
>
> be unattended on a road; or,
>
> obstruct any portion of a road.
>
> A charge under this regulation has been dismissed on the grounds that the Road Traffic Act did not give the authority to make this regulation.

This provision has worried us because of its implications in the north of the State where there are no fences. I hope discretion will be used in implementing it. Not only does this problem arise in the north, but also in the wheatbelt area in and around Wagin where there are no fences for miles. In my opinion it will be impossible to police this provision where there are vast areas with no fences. How can any farmer be expected to control his stock under such circumstances?

This situation is well known to the Minister, and I believe the provision requires additional consideration. Although it may be possible to police this matter in the south-west, where generally the farms are fenced, I would like to hear the Minister say that he will give the matter further consideration because of the heavy responsibility it places on farmers in the areas to which I referred.

Regulations will be introduced in regard to the overloading of vehicles. The Minister said that

this was a result of approaches by the National Association of Australian State Road Authorities following a national study. I notice in his speech notes that the penalty to be prescribed by regulation will provide for a minimum and a maximum. This form of Government control is not acceptable to us. We are aware of the problems of legislating by regulation. After regulations come into force and they are laid on the Table of the House, it is very difficult to have them withdrawn. It should be the responsibility of the Government to set before the Parliament the penalties that will be prescribed so that they may be debated. The Opposition generally opposes legislation by regulation.

The Minister referred to the form of warrant that will be used in connection with section 102 of the Act and the definition of a dolly trailer.

We support the measure before us, with the exception of the matters to which I have referred. We have adopted a responsible attitude to the matters raised, and I would like the Minister to consider them again, especially in regard to the provision relating to straying stock. I am confident that my colleague, the member for Yilgarn-Dundas, will have some comments to make on that matter.

MR GRILL (Yilgarn-Dundas) [10.05 p.m.]: The problem of carnage on the roads is of course one of the greatest problems facing the State Government today. I feel it is quite unlikely that this Bill will do anything about solving that particular problem. I see the Bill as one which merely tinkers with the provisions of the Act, and many of its amendments are quite retrograde.

Mr MacKinnon: What is your suggestion about decreasing the road toll?

Mr GRILL: I do not say that I can solve the problem, but I do say that this Bill certainly will not solve it.

The Bill will impose greater penalties on some offenders, and in other cases it makes offences of things that were not offences before. God knows we have enough offences under this and other Acts without creating more.

The Bill will take away from people defences which they had before, and that is quite wrong. There must be good reasons for such actions, and I have not heard any good reasons so far for this amendment. It will also remove time-honoured safeguards which are quite necessary in any legislation where criminal penalties are involved.

In my opinion this measure infringes on the rights and the privileges of the people of the State, and where it does, I feel it is quite wrong to impose harsh and inflexible penalties when they are not necessary and when they will do absolutely no good. I will have more to say about that shortly.

I believe everyone would agree that the problem in respect of road accidents and deaths is a social one. Just by introducing harsh penalties and more inflexible laws we will not do anything about that social problem. The problem has to be solved by education and indoctrination.

We should have learnt enough from the 18th century English system in regard to felonies, capital offences, and misdemeanours, to know that harsh penalties will not solve any problems. Although I am not critical of the Government in not being able to solve the problem of road carnage quickly—and no Government can solve it quickly—I am critical of the Government for introducing a Bill of this sort which will take away privileges and rights which people in this State had, and which imposes harsh and inflexible penalties on them.

Firstly, I would like to deal with clause 12 of the Bill which will amend section 59 of the Road Traffic Act. In my view it is bad enough that a citizen of this State is penalised because he wishes to exercise his right to have his case dealt with by a judge and jury, but having penalised a person or given a carrot to somebody else to deny him the right to be dealt with by judge and jury, we then give the person an option to be dealt with summarily and say to him, "If you are dealt with summarily you may receive a lesser penalty". Surely it is wrong to allow that particular right to be withdrawn. That is what this particular provision will do.

I have never seen such action taken before, and I doubt whether the Minister can point to any other such occasion. Such action breaks all legal precedents, and in my view it is against natural justice. It is a ridiculous situation to allow a person to opt for summary jurisdiction and then to take that option away from him arbitrarily.

The next provision with which I would like to deal is clause 13 which proposes to insert in the Act new section 59A, referring to dangerous driving causing bodily harm. I do not have any great argument with the provision. It creates another offence under the Act. Do we particularly need this further offence? Is it created simply to patch up a few holes, or because some person feels we should catch a few more offenders? Is it introduced so that we may get easier convictions? Is that what we are looking for: easier convictions and greater penalties? I do not think so. I do not think that provision is necessary.

I refer now to the amendment to section 42 of the Act.

The SPEAKER: Could I suggest to the member for Yilgarn-Dundas that he could more appropriately deal with these matters in Committee. He is involving himself more in Committee debate than in second reading debate at the moment.

Mr GRILL: With respect, Sir, I think certain of these matters should be raised now, and I would like to refer to only five or six provisions because I have been asked to do so.

I think the Government is wise in amending section 42 of the Act, and we agree completely with the amendment.

Clause 15 inserts into the Act a proposed new section 86A, which seems to me to be a rather strange provision. It states—

> 86A. Where a patrolman or warden—
>
> (a) has reason to believe that a vehicle has been used in connection with an offence; or
>
> (b) has charged a person with an offence an element of which is the use or driving of a vehicle,
>
> he may drive or convey the vehicle to any police station or other place for safe custody.

I would like to know why paragraph (a) is included.

Mr O'Neil: If a fellow is required to report to the nearest police station for a breathalyser test, how does his vehicle get there if he is later found to be not fit to drive it?

Mr GRILL: So it is in respect of a drink-driving offence?

Mr O'Neil: Essentially, yes.

Mr GRILL: The person would not have been charged at that stage?

Mr O'Neil: That is right. The Act provides that a patrolman or a warden may require him to report to a police station to undergo a breathalyser or blood test, in which case if the officer thought he was unfit to drive he could hardly order him to drive his vehicle to the police station.

Mr GRILL: I thought that was the reason for it. However, I think the draftsman has made the provision far too wide. I believe it should refer to a situation where the driver either has been required to report to a police station or has been apprehended. If the Minister cares to look at his second reading speech he will find that he used the words "where a person has been apprehended" on page 20 of his notes. In the terms of that provision as it stands now a patrolman would have the right to take a person's vehicle away from him and drive it somewhere for safe custody—wherever that may be—if the person has committed, for example, only a parking offence. Surely that is ridiculous. So although I accept the Minister's reasons for including a provision along those lines, in my view the provision is far too wide and should be amended along the lines indicated by the Minister in his second reading speech.

The next clause to which I wish to refer amends section 102 of the principal Act. The Americans have a term called "due process". Under the Constitution of America no-one can be convicted of any offence unless he has gone through the due process of law. The provision in clause 16 of the Bill creates a situation where due process of law does not have to be complied with before a person can be convicted of an offence.

I would agree the provision does not deny a person the due process of law, but it creates a situation in which due process of law before a conviction is not necessary. I can understand from a sheer mechanical point of view, and certainly from an administrative point of view, that is a most desirable situation for the Road Traffic Authority. However, is it a good and proper thing to subject the citizens of our State to such a situation?

Surely as in the case of the great American Constitution the onus is upon the State itself to ensure that due process of law is followed in every respect. That particular view is not just one that is echoed in the American Constitution; it is also echoed in the common law of England which has been handed down to us, whereby any conviction of a person where due process has not been followed can be set aside. So what the Government is doing is a very severe departure from common practice, and it is certainly something that could not happen in America; and as far as I know it is something that would not happen in England. By this provision the Government is allowing convictions to occur where due process of law has not been followed.

I would like to go on record as saying I do not think the provision will work. It takes up 11 pages of the Bill; it is a clumsy, unworkable provision and it is doomed to failure. Not only does it take away a time-honoured safeguard—that is, due process—but also it is so clumsy in its wording and so detailed in its provision that it will be absolutely unworkable. I prophesy that it will create chaos. Placing the onus on a citizen in respect of any type of defence is wrong to begin

with. Due process is the responsibility of the State, and I fear this provision will cause chaos.

It gives almost unfettered discretion to a clerk of a court. Is it right that the clerk of a court should have the unfettered discretion to determine whether a person may appeal against an offence? That is what this provision says. It does not even set out the grounds upon which the clerk of courts may exercise that discretion.

The provision is as wide as all get-out, and it will undermine the foundation of our law. I have very grave doubts about it. It is quite obvious that under this sort of provision innocent people may be convicted. On a statistical basis, innocent members of our community will be convicted of traffic offences, and some of them could possibly lose their driver's licence or perhaps be sent to gaol. On a statistical basis it means some innocent people must be convicted without due process of law. Is that what this Government wants? Is that what any Government wants, simply to keep quiet a coterie of bureaucrats in the Road Traffic Authority or somewhere else? It is merely a bureaucratic measure to ensure that the officers of the Road Traffic Authority do not have to work too hard. Just consider it—all 11 pages of it. It is absolutely ridiculous.

I now refer to clause 18 of the Bill which amends section 106 of the Act. This amendment is entirely wrong, and after I have explained it to the House I do not think one person on the Government benches will agree with it. The provision says that where a particular penalty under the Road Traffic Act is said to be irreducible in mitigation, then not only do the mitigating sections of the Criminal Code, the Justices Act, or the Child Welfare Act not apply, but also the mitigating sections of the Offenders Probation and Parole Act do not apply. Some tremendous injustices are going to be done if this provision is passed.

I know it sounds all very nice and proper on the surface to say that particular events as described shall not be reducible in mitigation under reasonable circumstances. However, perhaps we should look at this situation: Very recently a fellow in Southern Cross was charged in Fremantle with a speeding offence. He was convicted in his absence. On the day he was convicted he telephoned the court in Fremantle from Southern Cross to ascertain whether he had been convicted and what the penalty was. The clerk of courts was too busy and was not able to tell him. In fact, unbeknown to him his licence had been suspended. He did not find out for one or two days, and he found out only when he drove to the police station to check on the penalty. The policeman came out and said, "Your licence has been suspended. I saw you drive your car to the police station. You have been driving under suspension, so I am going to arrest you."

Fifteen years previously, this fellow had had a conviction for driving under suspension, so the arrest for this second offence was his second arrest. When he went before the court it was his second offence. Under the Road Traffic Act, a second offence for driving under suspension carries a mandatory one month prison sentence. The first offence was 15 years earlier and the second offence was committed in circumstances of which he was not entirely aware. He pleaded guilty before a justice of the peace.

Understandably, they were not keen to send him to gaol, because he had a wife, two children and a job. They cast around for some means to get out of it.

They telephoned the local stipendiary magistrate and me and we suggested perhaps the Offenders Probation and Parole Act allowed some get-out. Rather than send him to gaol, they could place him on probation with certain conditions. So, they followed that course of action which in the circumstances I believe was only right and proper.

If the Government closes every loophole in the Act it will not allow for that kind of flexibility. Members will appreciate that type of flexibility is exercised in only one out of a thousand cases. It is not as if members of our judiciary are so irresponsible that they run around keeping people out of gaol when they have committed serious offences; they use this sort of provision in only extreme cases. I would very seriously ask the Minister at least to take out from clause 18 the words, "the Offenders Probation and Parole Act, 1963", because I believe there are very good reasons for doing so.

The only other clause to which I wish to refer is clause 20, which adds a new section 112. What this clause does is to place liability on directors of bodies corporate where they have been fined, so that the directors are liable to pay a proportion of any fine or costs—it is not limited to fines—where the company itself is not able to pay the fine. This is a fine provision, and I go along with it.

But does it not show the Government up as being hypocritical when it is prepared to fight tooth and nail to prevent similar provisions going into legislation such as the Real Estate and Business Agents Act? This provision is introduced here, in a code which places criminal responsibility on people, yet the Government is not prepared to do it in legislation where only civil

responsibilities are involved. To me, it is hypocritical and nonsensical. However, I go along with the provision as long as the Government is prepared to extend it to other areas.

With those few words and reservations, I indicate the Opposition supports the other provisions of the Bill.

MR O'NEIL (East Melville—Minister for Police and Traffic) [10.25 p.m.]: I thank the member for Collie and the member for Yilgarn-Dundas for their generous support of the provisions contained in this Bill.

At the outset, I want to point out that the provision relating to the post-driver course in respect of motorcyclists which by virtue of the Bill is confined to the metropolitan area in fact is to be removed by an amendment I have on the notice paper. This caused us some considerable concern and I went to great detail in my second reading speech to indicate the amount of research that had gone into the matter; in fact, it was felt that perhaps a special pre-motorcycle driver training course should be undertaken; but this also was found to be rather impracticable, so we will do neither.

However, I suppose to some extent additional experience by motorcyclists before they obtain more powerful machines will follow from other provisions in the legislation, including the one relating to mopeds, which young people can drive at the age of 16 and more importantly, of course, the requirement that the initial motorcycle driver's licence must be in respect of a machine not in excess of a capacity of 250 cubic centimetres.

The member for Collie raised a number of issues, some of which I answered by way of interjection. Among them was a suitable method of identifying whether a motorcyclist was licensed to ride a machine of 250cc or less. For the first 12 months after initially obtaining a motorcycle licence, the rider must carry a "P" plate; whether that plate is carried for only 12 months, I am not certain. However, certainly the licence remains provisional for a period of 12 months.

I appreciate the difficulty which will be occasioned in respect of determining whether the person riding a more powerful motorcycle in fact has a licence to drive it. In addition, there is some difficulty in determining by pure observation whether he is of the right age, and so on.

The provision is intended to be placed in the Road Traffic Act so that the matter can be brought under some kind of control. I suppose we could apply the same argument where, if everybody obeyed all the speed limits and signs, nobody would be apprehended for breaking the speed limits. There is difficulty in policing any law, particularly one such as this.

I mentioned when introducing the Bill that it contained a potpourri of amendments which had accumulated over a considerable time. Some of these suggestions and recommendations went back to about 1976. I have endeavoured to gather together all the proposals from members of this Chamber, from magistrates and from the Road Traffic Authority itself, and to put them all into one composite piece of legislation rather than trying to do it piecemeal; hence the great number of amendments, some of which have seen favour in the eyes of the Opposition and some of which have met with criticism.

The member for Collie referred to the inspection of motor vehicles and asked whether the authorised garages would be spread throughout country areas. The idea is that where there is a sufficient number of vehicles and where probably there is a major licensing centre, such garages ultimately will be established. Some vehicle inspection facilities already are run by the Road Traffic Authority, and in some cases where local authorities still undertake the licensing of motor vehicles they carry out their own inspections. Experiments have been conducted where authorised garages were given the right to carry out relatively minimal inspections relating to the roadworthiness of vehicles prior to being licensed.

I mentioned in the second reading speech that some local authorities had requested payment for these services. To date, where the Road Traffic Authority has its own inspection centres, these inspections have been carried out at no cost to the motorist. In future, there will be regulations which will impose some relatively small charge on the motorist who wishes to have his motor vehicle inspected. When the number of vehicles being reregistered or registered warrants it, I trust inspection centres will be established.

Mr H. D. Evans: How small is "relatively small"?

Mr O'NEIL: It is a matter of experience. One can judge that by the existing RTA motor vehicle inspection centres. I think members will find that Collie has such a centre. There are certainly centres in Kalgoorlie-Boulder, and Manjimup might be regarded as large enough to warrant such a centre.

In due course there will be a requirement for fairly regular inspections of motor vehicles. There was a proposal that all motor vehicles be inspected for roadworthiness every year.

I have already mentioned that it is rare for a faulty vehicle to be the main cause of a motor vehicle accident—

Mr T. H. Jones: Is it a great area of concern?

Mr O'NEIL: It is not thought to be so much so these days. This action is mainly intended for safeguarding the person who is registering the vehicle, to ensure that it is checked to see what repairs or alterations need to be carried out to make it roadworthy.

It has always been the case that where a vehicle has been moved from a country area and relicensed in another area, an inspection of efficiency of brakes, lights, indicators, and the horn has been carried out. This is not intended to be a thorough mechanical check as might be undertaken by, for instance, the Royal Automobile Club. A lot of people who buy secondhand motor vehicles are rather critical of the check that is made on those vehicles by the RTA. That check is not to determine whether the engine and the differential are in good order, and so on. It is simply a check to ensure that the vehicle is capable of being driven on the roads in a safe condition.

Mr T. H. Jones: Do you know the greatest problems, to my mind? That is where we find a young lad buying a car which is roadworthy so far as the car yard is concerned, but when it gets to the inspection point, it is not roadworthy. This is the area we need to look at.

Mr O'NEIL: There are regular visits to the used car dealers' yards. In fact, there are frequent complaints made by used car dealers that the RTA inspection section is far too tough on them. They do visit used car dealers' yards. They place stickers on the cars, and the stickers indicate that the vehicles require repairs to be done before they can be licensed. People cannot have it both ways. The vehicle is checked by the RTA. The indication is made that the vehicle is not roadworthy. That does not mean that the engine is faulty. It indicates that in other respects the vehicle is not fit to be driven on the road.

That brings me to the point that the honourable member raised regarding the removal of RTA stickers from vehicles. There is a probability, of course, that somebody might remove the sticker without the knowledge of the owner. I should think that is the excuse the owner would give, in any case. However, there is an onus placed upon the owner of a vehicle which is found to require work to be done on it. The owner must ensure that the work is done. If the sticker is removed—and there are plenty of cases where this happens—the penalty on the owner should be reasonably severe.

Mr T. H. Jones: Do you think a follow-up letter would involve too much work? There would not be a great number daily, would there?

Mr O'NEIL: RTA officers on patrol would certainly recognise a vehicle upon which a sticker had recently been placed. I think most of these cars would be discovered in car parks. If the RTA patrol recognises a vehicle in relation to which a work order has been issued, and the sticker has been removed, surely the owner is the person responsible.

Mr Davies: How would they recognise it?

Mr O'NEIL: I should imagine that the vehicle would appear to be in a shoddy condition before they had a look at it. By means of the two-way radio, the patrol would obtain details about the vehicle with registration plate number so-and-so. They would discover that it was a stolen vehicle, or a vehicle which had a sticker placed on it. There is a fast method of checking the ownership of vehicles discovered in odd places at odd times. It can be done quite easily. Certainly I would not imagine a patrol would be checking the vehicle owned by the Leader of the Opposition for roadworthiness, because they could see from its appearance that the vehicle was well maintained, and probably reasonably well driven.

Mr Davies: Thank you.

Mr T. H. Jones: What about the case of a firm? The question of a firm and an employed driver was raised with me. The company has no idea that there has been a sticker on that vehicle. Who is going to be responsible if there is no follow up?

Mr O'NEIL: I cannot understand how the owner of the vehicle would not know that the vehicle had been declared not roadworthy.

Mr T. H. Jones: Unless the driver told him. I am talking about the removal of the sticker. That is why I suggest a follow-up letter such as we do with gun licences. The Government agreed to write letters where licences had not been renewed. What is wrong with that proposition here?

Mr O'NEIL: I do not know of any occurrence like that. I note what the honourable member says. Certainly I will refer his remarks to the RTA, which will be implementing this legislation. I am sure that in most cases they will not be pinpricking.

I think the honourable member accepts there is a need for a vehicle to be identified as being not roadworthy. If it is found without a sticker, the person who is in it should receive the due penalty

of the law. As to the question of the sticker being removed, I am sure normal common sense will prevail. I still cannot believe that the owner of a vehicle that has had a work order placed on it would not be aware of the removal of the sticker. The owner has only to look at the vehicle to see that the sticker is not there.

Reference was made to the insertion in the Road Traffic Act of a regulation giving power to the RTA in respect of the control of straying cattle on roads. There is control provided under the Local Government Act and under the Police Act. The Road Traffic patrolman or the warden could lodge a prosecution under either one of those Acts. He does not need to lodge it under the Road Traffic Act. The insertion of the same provision into the Road Traffic Act is simply to enable road traffic patrol officers to use the one Act.

A prosecution was lodged under a regulation made under the Road Traffic Act. It was found that the Act did not contain an umbrella section which allowed the regulation to be made. It is possible for a patrolman to lodge a prosecution under the Local Government Act or under the Police Act; but it is far better for him to have all his powers contained within the one Act. That is the Act which an officer must regard as his Bible.

The member for Yilgarn-Dundas made reference to the methods by which certain matters will be dealt with under the provisions of this Bill. One of the matters about which he indicated his concern was the provision which entitled a patrol officer or a warden to remove a vehicle which had been associated with some offence. I dealt with this matter when introducing the Bill. I said—

> The previous Traffic Act contained provisions authorising a police officer to drive the vehicle of a person apprehended on charges of driving under the influence to a police station, but there is no such authority in the present Act. For safe custody, it is far better to drive the vehicle of a person who has been apprehended or arrested to a police station or other place of safe custody than leave it in a place where it may be stolen or damaged.

It would be safe from vandalism, as the member mentioned. The member for Yilgarn-Dundas said that this was rather broad if I was looking at the matter of drink driving. In my second reading speech I said—

> Rather than confine this authority to drink driving offences, it is considered that this should be extended to all cases where there is reason to believe a vehicle has been used in connection with an offence or a person has been charged with an offence an element of which is the use or driving of a vehicle.

The person apprehended, even though he may not be under the influence of alcohol, may not be co-operative and may have to be taken by the officers in their vehicle.

Mr Grill: I agree with that as long as you use it.

Mr O'NEIL: Once again, that is a matter I can refer to the RTA. Perhaps the parent Act might cover that provision. Certainly there are cases where a vehicle needs to be moved. If certain events of the last few days reach their ultimate conclusion and towtruck operators are not advised of a damaged vehicle on the road, we may find we will have vehicles clogging up portions of our roadways. This is an endeavour to allow the RTA to move damaged vehicles from roads, a practice which seems to be under a shadow at the moment.

The honourable member mentioned that the provisions, which are proposed in this Bill in respect of the automatic conviction of a person after certain procedures have been followed or not followed, are an infringement of the rights of individuals. I think I made the comment in my second reading speech that very frequently we are inclined to overlook an equally important idea and that is the rights and privileges of the majority. I suppose it is fair enough for those in the legal profession to want to look at this matter of individual rights to the nth degree, but there must be some cases where the rights of the majority have to be considered.

There are constant requests to Governments of all colours for more patrolmen to be on our roads; to keep them on the roads, and so ensure people behave more reasonably thus cutting the drastic road toll.

The suggestion in regard to automatic convictions came from a magistrate who was concerned at the considerable amount of time wasted, not only by himself, but also officers of the RTA in having to be in court to give evidence and then finding that nothing happened. Approximately 80 per cent of 125 000 drivers receiving infringement notices for traffic offences each year elect to be dealt with by the payment of modified penalties. About 25 000 do not respond and are dealt with by the courts. Of that 25 000 more than 22 500 plead guilty by endorsement, or do not enter a plea or appear in court. That leaves less than 2 500 who actually appear in court. It is time-consuming, not only from the point of view of the courts but also of having traffic patrolmen

appearing in court to give evidence when they could be on the roads.

I think the honourable member has said the provision involved something like 11 pages. This is so, because an endeavour is made to try to ensure as far as possible that justice is done and there is some kind of option open to the people concerned. It took considerable discussion between the Attorney General and the Crown Solicitor in order to produce that rather lengthy amendment at least to ensure the rights of the individuals were only bruised a little and not breached entirely. There seems to be merit in what the honourable member said, but I think my explanation is enough to support the amendment.

Reference was made to the referral of an offence of summary jurisdiction, because penalties under a certain set of circumstances would be higher than in others. In order to mitigate that proposal to some extent, the idea of inserting a further driving charge of "dangerous driving" in between the present ones was decided on in order to make that more palatable, because there is too wide a distinction between the two driving charges associated with doing injury to persons.

Reference was made to the Offenders Probation and Parole Act. I gave an example of a case where, by applying these provisions, people guilty of serious offences have escaped any penalty. I gave the example of a person charged on two counts of unauthorised use of a motor vehicle in connection with two charges of breaking and entering. The penalties for unauthorised use of a motor vehicle are as follows—

> For a first offence, a fine of not less than $200 or more than $1 000 or imprisonment for not less than one month or more than 12 months; and,
>
> for a second or subsequent offence, imprisonment for not less than three months or more than two years.

In my second reading speech I went on as follows—

> Under section 74 there is also a general power of disqualification where driving a motor vehicle is an element of the offence or a motor vehicle was used in the commission of an offence.
>
> In the case referred to, the person was a holder of a probationary driver's licence and on conviction would have incurred nine demerit points on each charge if he was not suspended by the court.
>
> Pleas of guilty were entered but instead of a term of imprisonment or a fine being imposed, he was placed on probation for a period of three years under the provisions of the Offenders Probation and Parole Act. Notwithstanding the seriousness of these charges, the offender received no monetary penalty, was not disqualified by the court, and demerit points were not recorded against him.

In that case we can see the normal course of justice appears to have been departed from. The person concerned had committed serious offences which would have caused him to lose his licence, earn a prison sentence, and a heavy fine, yet he escaped scot-free. However, the honourable member's point is well made and I will refer his comments to the Road Traffic Authority and the Crown Law Department for their consideration. I thank members for their support of the Bill.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (Mr Sibson) in the Chair; Mr O'Neil (Minister for Police and Traffic) in charge of the Bill.

Clauses 1 and 2 put and passed.

Clause 3: Section 5 amended—

Mr JAMIESON: I draw the attention of the Minister to what must be one of the greatest pieces of gobbledygook ever indulged in by a Parliamentary Draftsman when he defines "stock" as including horses, mares, fillies, foals, geldings, and colts. For some reason he omits stallions. He then goes on and refers to camels, bulls, cows, heifers, steers, and calves. He mentions then asses, mules, sheep, lambs, goats, and swine.

I ask the Minister to examine this and ask his Parliamentary Draftsman to redraft the definition of "stock" to read, "horses, camels, cattle, mules, sheep, goats, and swine". If this is not done we would be justified in including ewes, rams, and wethers under sheep and billies and nannies under goats. It becomes stupid when the Parliamentary Draftsman indulges in such practices. I am most critical of his identifying stock in that way.

Mr O'NEIL: I shall advise the Draftsman accordingly.

Clause put and passed.

Clause 4 put and passed.

Clause 5: Section 23A added—

Mr GRILL: I refer members to the wording of proposed new section 23A. Firstly, if the proper

fee has not been paid, would not that automatically mean the licence has lapsed?

Secondly, would it not be correct for the authority to cancel the licence only after giving notice to the owner of such cancellation? This point was made by the member for Collie and I think it is an important one.

I move an amendment—

> Page 4, line 3—Insert after the word "may" the words, "after giving the prescribed notice to the owner".

It seems to be highly dangerous to cancel a vehicle licence without giving notice to the owner. It means automatically the vehicle is not covered for ordinary insurance. It means also that the vehicle is not covered for third party insurance. In that case an innocent person could be knocked down by the vehicle and he would find it difficult to recover third party damages. On the other hand the MVIT would have to meet the third party damages. A dangerous situation would be created if we had a number of vehicles on the roads which were not licensed and which the owners were not aware were not licensed. Some innocent people could be injured.

I should like to refer to section 50 of the Road Traffic Act where it refers to learners' permits. It says that the authority may at any time by notice in writing given to the holder, cancel a permit issued under the section. There is a precedent for giving the holder of a licence notice of its cancellation. My amendment is a proper one.

Probably all that is needed is a notice sent to the last known address of the licence holder. Very little administration would be involved. A safeguard of this nature should be included where a vehicle licence is cancelled. That is common sense.

Mr O'NEIL: At this stage I am not prepared to accept the proposal put forward by the honourable member, although I will undertake to have the matter examined.

The provision is essential firstly in respect of unroadworthy vehicles where the licence may be removed if the vehicle does not comply with the prescribed requirements. I am referring to a vehicle which has a sticker placed on it. Secondly, if the owner has failed to present the vehicle to the particular authority for inspection pursuant to the provisions of the Act, the licence is cancelled. These are the two cases we are attempting to attack by the provision.

If the proper fee has not been paid the vehicle is out of licence and there is no need to advise the owner further, because he would know he was out of licence when he received the licence renewal notice. I concede the point made by the honourable member, but I am not prepared to accept the amendment at this stage. I will undertake to look at it.

Amendment put and negatived.

Clause put and passed.

Clause 6 put and passed.

Clause 7: Section 42 amended—

Mr O'NEIL: I am advised by the Clerks that the best way of tackling this particular amendment is to ask the Committee to vote against the clause and to insert then the amended clause as it appears on the notice paper at the end of the consideration of the Bill. It will stand as a new clause.

This clause is designed to delete from the provisions of the Act the necessity for the crash avoidance course following the initial issue of a motor driver's licence. Some other matters are included which clarify the licensing provisions of the new classification of vehicle known as the "moped". I suggest to the Committee that we vote against clause 7 and I shall move to insert a new clause at the end of the Bill.

Clause put and negatived.

Clauses 8 and 9 put and passed.

Clause 10: Section 50 amended—

Mr O'NEIL: I move an amendment—

> Page 7, line 8—Delete the expression "44" and substitute the passage "44,".

This involves a technical matter and again clarifies the situation in respect of a licence to drive the moped.

Mr T. H. JONES: I indicate that the Opposition realises the amendment is necessary.

Amendment put and passed.

Mr O'NEIL: I move an amendment—

> Page 7, lines 20 and 21—Delete the passage "paragraph (ba) of subsection (2) of section 42" and insert in lieu thereof the passage "subparagraph (ii) of paragraph (a) of subsection (2) of section 42, to drive a moped".

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 11 to 23 put and passed.

Mr GRILL: I would like to speak to clause 18.

The DEPUTY CHAIRMAN (Mr Sibson): That is impossible as we have passed clauses 11 to 23.

Mr PEARCE: You did not call for speakers. You asked whether anyone had any amendments.

The DEPUTY CHAIRMAN: I asked whether anyone wished to speak to any clause between clauses 11 and 23. There was no answer so I put the clauses.

Mr GRILL: Would it be possible to deal with clause 18?

The DEPUTY CHAIRMAN: No. The Committee has agreed to clauses 11 to 23.

Point of Order

Mr H. D. EVANS: On a point of order—

The DEPUTY CHAIRMAN: There is no point of order because the clauses have been passed.

Mr H. D. EVANS: On a point of order, could we have a look at the precise words used as *Hansard* took them?

The DEPUTY CHAIRMAN: The question has been put and agreed to by a majority of the Committee. I rule there is no point of order.

Committee Resumed

New clause 7—

Mr O'NEIL: I move—

Page 4—Insert after clause 6 the following new clause to stand as clause 7—

Section 42 amended.

7. Subsection (2) of section 42 of the principal Act is amended by deleting paragraph (a) and substituting the following paragraph—

(a) has—

(i) attained the minimum age of seventeen years, unless in the opinion of the Authority the denial of a licence to a person of a lesser age would occasion undue hardship; or

(ii) if the application is for a driver's licence for a moped, attained the age of sixteen years;

Mr T. H. JONES: The Minister did not explain the reasons for the new clause. In his second reading speech he indicated that an error had been made by the Government. Of course this is nothing new, as it has been necessary for many Bills to be amended, including the Mining Bill. It appears a great deal of legislation is introduced before it has been properly considered. This is another example.

When commencing my second reading speech I indicated that the Opposition was aware of the implications of the clause as it stood. It was not workable. The Government was providing one law for one set of people and a different law for another set of people. We did not go along with that and we are pleased the amendment has been made.

Mr O'NEIL: I thank the honourable member for his explanation of the new clause.

New clause put and passed.

Title put and passed.

Bill reported with amendments.

House adjourned at 11.07 p.m.

QUESTIONS ON NOTICE

EDUCATION: PRE-PRIMARY

Pre-School Board Advisers

1799. Mr PEARCE, to the Minister for Education:

(1) Is it a fact that several former Pre-School Board advisers, who were taken over by the Education Department at the beginning of 1978, have been directed—by way of a formal departmental request—to return to teaching in 1979?

(2) Is it the intention of the department to replace these advisory teachers?

(3) Does the department intend to adhere to Australian Pre-School Association standards of one adviser per one thousand children?

(4) Will community based pre-school centres continue to have access to Education Department advisory services?

Mr P. V. JONES replied:

(1) In line with Education Department policy that teachers operating as advisers should return to normal teaching duties after a period of two years as advisers, the early childhood personnel referred to have been advised that they should return to a teaching position in 1979.

(2) A complete assessment of the advisory services needed for 1979 is now being made.

(3) The allocation of one adviser per one thousand children is accepted as a general guide, but the implications of distances and travelling times involved upon advisers are also considered.

(4) Yes.

EDUCATION

School: Maida Vale

1832. Mr SKIDMORE, to the Minister for Education:

Adverting to my question 1732 of 1978 and the answer given, would he now advise:

(1) Is the proposal made by the Maida Vale Parents and Citizens' Association, that they would finance and build a new library so that the existing library could be converted into a canteen, acceptable to the department?

(1) If the suggestion is acceptable to the department, will he make arrangements for the project to be commenced forthwith?

(3) If "No" to (2), why not?

Mr P. V. JONES replied:

(1) The Parents and Citizens' Association of the Maida Vale school wrote to the Education Department on 4th September, 1978. The department advised that parent bodies may undertake building programmes on a $. for $. subsidy basis up to a maximum of $10 000. This subsidy would be available to build a library or a canteen building.

(2) Neither the Education Department nor the Public Works Department arranges the documentation of projects which are to be undertaken on a subsidy basis by Parents and Citizens' Associations.

(3) Maida Vale is listed for a library/resource centre in a future programme. However, at this stage, it is not possible to indicate definitely when it is likely to be constructed.

TOWN PLANNING

Charles-Bourke Streets Corner

1859. Mr BERTRAM, to the Minister for Urban Development and Town Planning:

(1) Was it necessary for one of her ministerial predecessors and/or Cabinet—and if so which—to approve in any way the development project situated at the corner of Charles and Bourke Streets, North Perth, known as the "Smiths Lake Project" and which commenced in or about 1976 under the auspices of the City of Perth?

(2) If "Yes"—

(a) why was such approval required;

(b) upon what evidence; and

(c) on what date was the approval given?

Mrs CRAIG replied:

(1) The Hon. L. A. Logan approved an amendment to the Smiths Lake town planning scheme whereby a portion of the land within the scheme was rezoned to residential G.R. 6 for town houses only.

(2) (a) Ministerial approval to a scheme (or amendment) is required under section 7 of the Town Planning and Development Act.

(b) Upon consideration of a submission from Perth City Council in accordance with the provisions of the Act.

(c) On the 5th August, 1970.

GOVERNMENT DEPARTMENTS

Contracts: Preference on Apprenticeship Basis

1875A. Mr TONKIN, to the Minister for Labour and Industry:

(1) What is the present maximum percentage preference allowable on contract prices for tenderers for those who employ a certain ratio of apprentices to trades-persons?

(2) What ratio applies?

(3) What types of tenderers and/or jobs are either included in or excluded from the scheme?

Mr O'CONNOR replied:

(1) Three per cent is the present maximum percentage preference allowable on contract prices for tenderers who employ a certain ratio of apprentices to trade persons.

(2) A preference of 1 per cent applies where the ratio of tradesmen to apprentices is 20 to 1; increasing to 2 per cent where this ratio is 10 to 1; and increasing to three per cent where the ratio is 5 to 1.

(3) Application of this preference within the Architectural Division of the Public Works Department is limited to—

(a) Head contracts—over $100 000;

(b) Mechanical engineering contracts—over $40 000;

(c) Electrical engineering and lift contracts—over $10 000;

(d) Plumbing and printing contracts, and all other direct contracts or nominated subcontracts over $10 000.

ANIMALS

Farm: Blue Tongue Disease

1876. Mr GREWAR, to the Minister for Agriculture:

(1) As the Budget proposes a specific allocation of funds to control Blue Tongue disease, does this imply that the department views the particular strain as economically significant?

(2) Does not work already carried out by Commonwealth authorities indicate that the strain of the virus is of low virulence and may not therefore be important in health of farm animals?

Mr OLD replied:

(1) and (2) The Budget provides for the costs of continued testing as required under movement restrictions and for survey purposes.

INDUSTRIAL DEVELOPMENT

WA Chip and Pulp Company: Increased Production

1877. Mr STEPHENS, to the Minister for Forests:

(1) Are there any plans to increase production of woodchips by the WA Chip and Pulp Company?

(2) If applicable, to what extent?

(3) What royalty is charged for timber used for woodchipping?

(4) What revenue has been raised by the above in each of the preceding three years?

(5) What is the current royalty payable on jarrah and karri log wood used for sawmilling?

Mrs CRAIG replied:

(1) and (2) WA Chip and Pulp Company Pty. Ltd., have advised that they are constantly endeavouring to obtain increased orders up to the full quantity of 750 000 tonnes per year approved under their export licence. However, increased production is not expected in the immediate future due to the substantial stockpile of wood chips held by importing countries.

(3) The royalty charged under the forest produce (chipwood) licence is 74.15c per cubic metre net as determined by the Wood Chipping Industry Agreement Act, 1969 and the Woodchipping Industry Agreement Act Amendment Act of 1973.

(4) Revenue raised from royalties over the past 3 years has been as follows—

	$
1975-6	72 951
1976-7	279 598
1977-8	322 134

(5) Jarrah sawlog royalties range between $5.82 and $7.15 per cubic metre in the area covered by the wood chipping licence and up to $9.33 per cubic metre elsewhere.

Karri sawlog royalties range between $6.08 and $7.08 per cubic metre.

ROADS

Main Roads Department: Relocation in Pinjarra Road

1878. Mr SHALDERS, to the Minister for Transport:

What action is being taken to relocate the Main Roads Department depot in Pinjarra Road, and when is this likely to eventuate?

Mr RUSHTON replied:

The Main Roads Department is investigating the acquisition of a block of land at Mandurah which would be suitable for the development of a depot. Until a suitable block is acquired, a firm date for the relocation of the depot cannot be given.

MINING

Miners Rights

1879. Mr GRILL, to the Minister for Mines:

How many miners rights have been issued in the last 12 months?

Mr MENSAROS replied:

There are numerous issuing offices throughout the State but only mining registrars submit monthly reports and for the 12 months ended 31st July, 1978, they issued 5 156. There is no indication whatsoever about the proportion of this number to the total number of miners rights issued by the mining registrars throughout the State.

COMMUNITY WELFARE

GROW WA

1880. Mr BRYCE, to the Premier:

(1) Is it a fact that the community support organisation known as GROW is experiencing serious financial difficulty?

(2) Has the organisation made representation to the State Government for financial assistance?

(3) If "Yes", will he indicate when they can expect to hear the outcome?

Sir CHARLES COURT replied:

(1) and (2) I refer the member to my replies to questions 1438 and 1758 on this subject.

An application has now been received from the organisation, and is being investigated.

(3) As soon as practicable now the required application and supporting information has been received and can be studied and discussed, if need be.

TRANSPORT: SOUTHERN WESTERN AUSTRALIA TRANSPORT STUDY

Mt. Marshall Shire and Farmers' Union Meeting

1881. Mr DAVIES, to the Minister for Transport:

(1) Is it a fact that the Shire of Mt. Marshall is anxious to convene a meeting of combined Farmers' Union branches within its boundaries to discuss the Southern Western Australia Transport Study Report?

(2) Is it a fact that his predecessor was unable to accede to the request and suggested comments be made in writing?

(3) To assist the shire to make considered comments, would he please review the earlier decision and provide a suitable representative to address the desired meeting?

Mr RUSHTON replied:

(1) to (3) Like my predecessor, I have received a number of invitations for myself or departmental officers to discuss the SWATS recommendations with various bodies throughout the country areas. Mt. Marshall Shire is one of these.

At present I am having a series of discussions with my office with a view to establishing a programming to respond to these various requests.

QUESTIONS WITHOUT NOTICE

BEEKEEPING

European Foul Brood

1. Mr OLD (Minister for Agriculture): I should like to make a correction to an answer to a question without notice asked last Thursday.

On Thursday, the 5th October, in answer to a question from the member for Vasse on beekeepers and European foul brood, I advised that steps would be taken to prohibit the entry of second-hand beekeeping equipment into Western Australia. I now wish to advise that steps to prohibit such entry were taken on the 11th November, 1977.

ENERGY: SEC

Computer

2. Mr DAVIES, to the Minister for Fuel and Energy:

   (1) Did the Minister see the reports in the weekend newspapers regarding the purchase or hiring of a new IBM computer for the SEC?

   (2) Is the Minister able to tell us whether those reports are basically correct?

   (3) If the reports are correct, is the Minister prepared to table documents regarding the recommendations relating to the purchase?

   Mr MENSAROS replied:

   (1) Yes, I have seen the reports.

   (2) and (3) It cannot be said the implication of the report as it is written is correct. In fact, the contrary appears to be the case, because the implication of the report was that inappropriate action had been taken by the SEC. In any event, a statement is being prepared in connection with the subject and it will be issued soon.

LOCAL GOVERNMENT: SHIRE OF BAYSWATER

Land Deals and General Management

3. Mr TONKIN, to the Minister for Local Government:

   (1) With reference to my question 722 and question 1299, when will the Government release to the public the report which relates to land deals and general management of the Shire of Bayswater which has been completed for five months?

   (2) When will the Government take appropriate action on the report?

   Mrs CRAIG replied:

   I thank the member for sufficient notice of the question and the reply is as follows—

   (1) and (2) A Government announcement in relation to the matters mentioned will be made in the near future.

FISHERIES

South Coast Fisheries Study

4. Mr HASSELL, to the Minister for Fisheries and Wildlife:

   Has the Government given further consideration to the recommendations of the South Coast Fisheries Study Committee and has it decided to proceed with the implementation of any of the recommendations?

   Mr O'CONNOR replied:

   The Government has considered the report of the committee. It is intended the Crown Law Department should draft a Bill in relation to the recommendations and it will be dealt with during this session of Parliament.

STATE INCOME TAX

Decision

5. Mr BRYCE, to the Premier:

   In the light of the near annihilation of the Liberal Party in New South Wales on Saturday and the clear rejection of the New South Wales Liberal Party's proposals for a system of double income tax, does the Premier intend still to proceed with plans to introduce a system of double income tax in Western Australia, or does he intend now to drop those plans and back down on the proposals so far as Western Australia is concerned?

   Sir CHARLES COURT replied:

   This Government will make its own decision uninfluenced by the decisions of any other State or any other election.

   Mr Bryce: You still have not answered the question.

TRANSPORT: AIR

Internal Fares

6. Mr HARMAN, to the Minister for Transport:

(1) Is the Minister aware that international airlines were able to offer budget fares for departures and arrivals within Australia if they coincided with the criteria set for budget fares offered by domestic airlines?

(2) Is the Minister aware this procedure has ceased and only normal fares apply?

(3) Is the Minister aware that this change means a person travelling from Perth to Melbourne and beyond now pays $54 more for the economy rate?

(4) Who made this decision and when?

(5) Will the Minister make representations to have the budget fare reinstated?

Mr RUSHTON replied:

(1) to (5) I received some notice of this question, but it did not prove adequate to enable me to obtain the information in a detailed form. I will pass the answer to the member when it becomes available, or if the member places the question on notice I will give him an answer in the House.

STATE INCOME TAX

Legislation

7. Mr BRYCE, to the Premier:

I should like to direct a further question to the Premier relating to the same subject of double income tax.

In the light of the fact that the Premier has informed the House that his Government has reached the stage of preparing legislation for a system of double income tax in Western Australia, in answer to a previous question this session, will he indicate to the Parliament whether it is his intention to introduce the legislation this session?

Sir CHARLES COURT replied:

I can only advise the member, as I advised him previously, that we have reached an advanced stage in the drafting of the legislation. Had the legislation been completed, it would have been introduced by now; but the drafting is not complete and it has to be dove-tailed in with the machinery of the Federal Government, as the honourable member will appreciate.

Mr Bryce: So you intend to proceed?

SIR CHARLES COURT: To the best of my knowledge, and I would not be precise as to the exact day, discussions will be taking place at the technical level between the officers of the Commonwealth and State Governments on approximately the 17th October or shortly thereafter, as part of this process.

POLICE

Interviewing of Minors

8. Mr WILSON, to the Minister for Police and Traffic:

(1) Can he confirm that last Friday the police interviewed a 15-year-old youth at Mirrabooka Senior High School in relation to an incident at the school on Wednesday?

(2) Was a senior member of the school staff present during the interview?

(3) Did the member of the staff speak in terms likely to be detrimental to the youth during the interview?

(4) Was the youth then taken to the Nollamara Police Station and subjected to questioning prior to his statement being taken and signed?

(5) Was the youth advised of his rights at any stage?

(6) Was he offered the opportunity to speak to his parents or obtain legal advice prior to the questioning and the statement being taken?

(7) Why were his parents not notified prior to the interview at the school or to his being asked to sign the statement at the police station?

(8) Is it common police practice to interview minors at schools without notifying parents and to question minors and have them sign statements in the absence of their parents or some other adviser?

(9) Why was the copy of the youth's statement taken and signed under such circumstance later denied to his father?

Mr O'NEIL replied:

I thank the honourable member for adequate notice of his intention to ask the question, the reply to which is as follows—

(1) Yes.

(2) Yes.

(3) No.

(4) The youth was taken to the Nollamara Police Station. A written confession was taken, and some questions were asked to clarify some matters.

(5) The youth was cautioned in the normal manner.

(6) Police made a telephone call to the youth's residence to inform his mother but she was not home at the time. The youth had previously informed the police that his father was at Jurien Bay.

(7) The parents were not notified prior to the interview as this is not a procedural requirement and they were not home when police telephoned from the Nollamara Police Station.

(8) No. Routine police instructions cover this procedure, established in conjunction with the Education Department instructions.

(9) On Monday, the 9th October, the youth's father was given the opportunity to avail himself of his son's statement, which he declined.

EDUCATION: TEACHERS

Industrial Dispute: Number Involved

9. Mr PEARCE, to the Minister for Education:

Is the Minister in a position to give to us the figures regarding the number of teachers who went on strike in State schools today?

Mr P. V. JONES replied:

In general terms only, because I have been in the House this afternoon. I understand that nearly 60 per cent of all teachers have been present in schools today. The attendance was particularly good in country regions where something like 78 per cent of primary teachers attended.

Mr Pearce: Would you provide the exact figures tomorrow?

Mr P. V. JONES: Yes, in due course.

HEALTH: MEDIBANK

Retrenchments

10. Mr DAVIES, to the Minister for Labour and Industry:

Is the Minister aware of the report that 300 out of 364 Medibank personnel in Western Australia may lose their jobs as a result of the abandonment of Medibank standard?

If so, can he tell us what action he has taken to help those employees find alternative employment?

Mr O'CONNOR replied:

All I know is what has appeared in the Press in connection with this issue. No doubt the Leader of the Opposition will be aware that the Department of Labour and Industry has personnel working full time in an endeavour to relocate persons who lose their jobs. This applies particularly to apprentices, and it would apply also in this instance with regard to the matter raised by the Leader of the Opposition.

STATE FINANCE

Interest on Short-term Investments

11. Mr BERTRAM, to the Treasurer:

(1) In each of the financial years ended the 30th June, 1974, 1975, 1976, 1977, and 1978, how much interest was earned on short-term investments of Treasury cash?

(2) How much of that interest was used—

(a) for capital purposes;

(b) for revenue purposes; and

(c) to finance deficits?

(3) How much of the short-term interest on Treasury cash had not been spent as at the 30th June, 1978?

Sir CHARLES COURT replied:

(1) to (3) In answer to the honourable member, he did phone my office and advise his intention to ask this question. However, I have to say that because of my commitment here today I have not the precise information.

I understand the information will arrive fairly soon and I will see that the member receives a copy.

CIVIL AND POLITICAL RIGHTS

Correspondence with Russian Ambassador

12. Sir CHARLES COURT (Premier): The member for Mt. Hawthorn asked a question without notice on Thursday, the 5th October, as follows—

(1) Has the Russian Ambassador replied to his letter of the 14 July in which he sought to have invoked Article 14 of the International Covenant on Civil and Political Rights?

(2) If "Yes", to what effect?
(3) If "No", what further action has he taken, or does he intend to take in this matter?

I gave an interim reply and indicated I would pursue the matter. A reply has been received from the Embassy, as follows—

> "I am writing to acknowledge the receipt of your letter concerning Scharansky, Ginsburg, and others. With all respect to the views expressed in your letter we would like to bring your attention to the fact that these persons were brought to trial not for uttering criticisms against the Government, but as citizens who had violated the laws of their country."

The reply came from Mr Y. Pavlov, Charge d'Affaires a.i., who also enclosed some information in the way of photostat copies of extracts from *Soviet News* and some publications *Soviet Citizens and the Law, The Rights and Freedoms of Soviet Citizens*, and *Soviet Democracy Principles and Practice.*

I am sure the honourable member will be about as impressed as I was.

Mr Davies: What date was his letter?

Sir CHARLES COURT: I could not be precise.