

# Legislative Council

Tuesday, the 17th October, 1978

The PRESIDENT (the Hon. Clive Griffiths) took the Chair at 4.30 p.m., and read prayers.

## QUESTIONS

Questions were taken at this stage.

## STATE FORESTS

*Revocation of Dedication: Motion*

**THE HON. D. J. WORDSWORTH**  
(South—Minister for Forests) [4.36 p.m.]: I move—

That the proposal for the partial revocation of State Forests Nos. 20, 27, 37 and 47 laid on the Table of the Legislative Council by command of His Excellency the Governor on the 12th October, 1978, be carried out.

This motion is presented in accordance with section 21 of the Forests Act, 1918-1976, which requires that a dedication of Crown land as a State forest may only be revoked in whole or in part by a resolution passed by both Houses of Parliament.

In this instance approval is sought for the partial revocation of the dedication of State forests Nos. 20, 27, 37, and 47.

Members will note that the proposed excisions amount to 109 hectares, and the gain to State forests through exchanges, contingent upon these proposals, is 102 hectares. This amounts to a net loss of seven hectares. It is desirable to draw members' attention to the fact that additions to State forests in 1977-78 amounted to 1 943 hectares and excisions embraced seven hectares, making a net gain of 1 936 hectares.

Notes on each of the four areas involved and plans covering those areas proposed for excision have already been tabled for the benefit of members. However, in order to have that information recorded in *Hansard*, I will now read those details.

Area No. 1 is an area of 2 982 square metres situated about four kilometres southerly from Balingup townsite. It is a small area of State forest containing no timber which was isolated by a road survey over 30 years ago and has been treated as part of the adjoining property location ever since.

The area was surveyed about 20 years ago with a view to including the land in the adjoining holding, but the matter was never finalised. On completion of excision action, the area will be released to the adjoining landholder.

Area No. 2 is an area of about 40.7 hectares, situated about five kilometres southerly from Donnybrook townsite and was requested for equal exchange by the holder of a private property block adjoining State forest north of Walpole, who lives at Donnybrook and requires land with a water supply in that vicinity.

The State forest area has been clean cut because of dieback infestation, except for a few trees on the fence line, and has a creek running through it.

The area of private property to be exchanged forms a salient into State forest and is bordered to the north and south by recently regenerated karri forest. The exchange area originally grew a good quality karri forest, is about two-thirds cleared, and could, with a minimum of expenditure, be planted with karri seedlings, thereby assisting materially in forest management in the area. The land will be included in State forest.

Area No. 3 is an area of about 7.3 hectares situated about 11 kilometres north-easterly from Manjimup townsite requested for exchange by the adjoining landholder in order to enable him to establish an improved fence line. The present fence line follows a large brook which makes it impossible to maintain an adequate boundary fence during the winter months.

The State forest area is a flat containing only a few millable jarrah trees, while the area of private property to be exchanged and included in State forest is a hillside of cut-over jarrah forest, containing marri and young jarrah regeneration of good potential.

Area No. 4 is an area of about 61.2 hectares situated about 4.5 kilometres northerly from Walpole townsite requested for exchange by an adjoining landholder in order to consolidate his holding and rationalise his boundary.

The State forest area has been cut over and, as it forms a salient into private property, is a difficult management proposition.

The area of private property to be exchanged adjoins regenerated areas in State forest and its inclusion in State forest will remove a deep salient and allow further karri regeneration to be carried out at minimal cost.

The applicant has agreed to pay any cash amount required to compensate for the

discrepancy in area of the lands the subject of the exchange.

I commend the motion to the House.

Debate adjourned, on motion by the Hon. R. F. Claughton.

## RESERVE AND ROAD CLOSURE BILL

### *Third Reading.*

Bill read a third time, on motion by the Hon. D. J. Wordsworth (Minister for Lands), and transmitted to the Assembly.

## RESERVES ACT AND THE RESERVES AND ROAD CLOSURE ACT AMENDMENT BILL

### *Second Reading*

Debate resumed from the 11th October.

**THE HON. R. F. CLAUGHTON** (North Metropolitan) [4.43 p.m.]: The Labor Party has no objections to the proposals contained in the Bill. However, I have a few questions for the Minister in relation to reserves on the cape.

First of all, I point out to the Minister that some difficulty occurred over the weekend in respect of maps. I am grateful that the Minister provided a copy of the maps for me, but I handed them to Mr Ferry who was not able to return them through circumstances beyond his control. Had another set been tabled, I could have gained the information I required by referring to that. It seems to me it would be advantageous to members to have two copies available: one included with the tabled papers, and another which may be taken out of the Chamber by members. I would appreciate it if the Minister would give some thought to that, because it is difficult to attempt to study such matters if the plans are not available.

The reserves which are the subject of clause 10 of the Bill cover a strip of the coast of the south-west cape, and I assume the intention is to form a continuous national park along that very important area for geological, geographical, and flora and fauna reasons; in other words, this area is important for a variety of reasons.

The Minister's notes refer to the recommendations of the Environmental Protection Authority contained in its 1976 report on Systems 1, 2, 3, and 5. That authority recommended that a number of lots be reserved totalling 30 in all if my counting is correct, and 13 of these are included in clause 10 of the Bill. The Minister's notes contain no indication of what is intended in respect of the lots the subject

of the other 17 recommendations in that report. There is no indication whether the remaining lots have already been satisfactorily vested by way of a Bill last year. We have no indication of what is the intention of the Government, or whether these lots have already been provided for in a previous Bill.

I would like to know precisely what is the status of those 17 lots at this time. In the EPA report it is noted that some of the 30 lots are vested in bodies such as the National Parks Board, the Augusta-Margaret River Shire, and the Augusta-Margaret River Tourist Board. Of the 13 lots covered in clause 10 of the Bill, nine have not been previously vested—as is noted in the 1976 report—and of the 17 lots which are not the subject of this Bill, 12 are not accounted for.

In other words, the information I am seeking is not contained in the Minister's notes on this Bill or in the 1976 report. I would be interested to know whether the reserves have been previously vested, or alternatively what the Government's intention is in respect of those 12 reserves if they have not yet been vested.

I note that in its recommendations for 1976 the Environmental Protection Authority recommended that there should be liaison between the Conservator of Forests, the WA Museum Board, and the Department of Tourism for the protection of the caves in the area. It would be interesting to know whether that recommendation had, in fact, been implemented and whether the liaison between those three bodies had been carried out.

The EPA also suggested there should be management plans. This is recommendation (8) of its report. That recommendation reads—

—the National Parks Authority, in conjunction with a local advisory committee composed of representatives of the Shire of Busselton, the Shire of Augusta-Margaret River, Forests Department, WA Wildlife Authority and the Soil Conservation Service of the Department of Agriculture, prepare management plans for the proposed National Park, to be submitted to the Environmental Protection Authority for its approval before implementation.

It may be premature to ask that question if, in fact, the park has not been formed substantially at this time. It may be it is this Bill which is establishing that park. I would like to know whether that process has been started, or what the Government's plans are in respect of that recommendation.

The report, in recommendation (9), also recommends the purchase of some private lands to complete the park in conjunction with the lands that are currently Government held. Those extra pieces of land presently held by private owners are needed to ensure that the park is a continuous strip.

The note in that particular section refers to Reserve No. 26493, which was vested. That is not in the notes, I inform the Minister, but in the report. Reserve No. 26493 was vested in the Minister for Mines. The vesting of this reserve was requested for the purposes of the national park. I would be pleased if the Minister would advise whether that has, in fact, taken place.

It is pleasing to see that the Government is taking this action in line with the report. This is an important response to the need for setting aside sufficient reserves to protect the natural wealth of our State.

I am pleased to support the Bill.

**THE HON. G. W. BERRY** (Lower North) [4.54 p.m.]: Mr President, I support the Bill.

There is only one question I would like to ask, and that concerns clause 5 which deals with Reserve No. 15231 at Esperance. That reserve was originally vested for the conservation of flora and fauna. The reserve has been utilised for some time for recreational activities. The EPA recommends that the purpose be extended to include "recreation".

I am wondering how it came about that the reserve was used for recreation purposes. It may be a question of common usage, but the authority saw it could be put to better use as a flora and fauna reserve. I ask why is it to be changed from "conservation of flora and fauna"? I feel that if the reserve is used for recreation, that use must be detrimental to the flora and fauna in that area. I wonder why this has come about.

**THE HON. V. J. FERRY** (South-West) [4.56 p.m.]: I too support the Bill.

For a number of years, the Reserves Act Amendment Bill has become an annual event before the Parliament. It deserves quite a deal of consideration. I say that with the knowledge that there is a greater emphasis on reserves for a number of purposes.

From time to time, as Mr Berry has just pointed out in respect of clause 5, dealing with Reserve No. 15231 at Esperance, there is need to change the designation of reserves to meet present circumstances.

In relation to that particular reserve, some weeks ago I happened to be in Esperance. I drove

past this area two or three times. I was rather pleased to see this Bill come before the House to change the designation of that reserve to include "recreation". It seemed to be an obvious area where people could use the land for recreational benefits. It is close to the Esperance township, and it lends itself to sporting and recreational facilities. From my observation of the area, it would seem that there are ample areas left for the preservation of flora and fauna. It is rather a wet area, as I recall. There is a number of lakes included in it. I cannot see any conflict of use under the proposal. I make that reference in passing.

It is pertinent to remind ourselves that this State has done exceedingly well in providing a number of reserves throughout the State for any number of reasons. I refer particularly to the National Parks Authority of WA. The board has been mentioned in the Bill before the House, because the designations of a number of reserves are proposed to be changed to allow them to be included in the national park, under the superintendence of the authority.

The report of the National Parks Authority of WA for 1977-78 shows that at the time the report went to print there was a grand total of 4 463 893 hectares of reserves under the control of the National Parks Authority.

**The Hon. J. C. Tozer:** Too much!

**The Hon. V. J. FERRY:** That is a lot of land—nearly 4.5 million hectares over the whole of Western Australia. We need to remind ourselves that this area includes the majority of the reserves in Western Australia. There are other reserves, designated for other purposes, which are still held under the control of the Lands Department, local authorities, and the like.

The point I wish to emphasise is that this State has done well in recent years to reserve these areas for various purposes. Much emphasis is placed on conservation and environmental protection for dubious and sometimes spurious reasons by a number of people within the community. I think we need to emphasise instead the very good work that has been done. We should emphasise the fairness with which that work has been done to provide the reserves to meet various categories of need. Those categories include flora, fauna, recreation, roads, and the like.

I am reminded of the publicity, which one reads in the Press and hears over the media, on organisations such as the Campaign to Save Native Forests. Whereas I have the highest regard for people who hold opinions on these

matters, I do not think some of these organisations do their causes any good in that they do not give a complete and factual rundown of the situation. I do not think these organisations—well meaning as they may be, although I question their sincerity in saying that they are designed to provide a service to the people—convey all the facts of the cases they are projecting.

In Western Australia we have nothing to be ashamed of in providing the reserves in the various categories. This work is commendable. I wish that people, who are so vocal and who seem to obtain the ears of the media so readily, will project the more constructive side of the work going on, rather than the hypothetical issues, from time to time.

Provision is made in the Bill to transfer some reserves to the National Park Authority, and they will comprise part of the Leeuwin Naturaliste Ridge National Park. This area of land covers a very fragile part of the coast of Western Australia between Cape Naturaliste and Leeuwin. I am pleased to see that a number of reserves have been included in the overall national park.

Just as importantly, it is gratifying to know that the National Parks Authority has set up local advisory committees. One of the committees to which I refer is to service the very area between Leeuwin and Cape Naturaliste. That committee comprises representatives of the National Parks Authority itself, the Shire of Augusta-Margaret River, the Shire of Busselton, the Forests Department, the Department of Agriculture, and the Western Australian Wildlife Authority.

I find it desirable and very important that local people should be given a very direct say in what happens in their localities and in the reserves under the direction of the National Parks Authority. That authority has the machinery, under the Act which this Parliament saw fit to pass in the last couple of years, to set up these local committees to serve the local interests, in cases where reserves need special attention.

I make the point again that it is very commendable that local interests and the people in the areas concerned—particularly the representatives of the local authorities—should have a direct say in what shall or shall not happen in regard to the work of caring for the reserves in their regions. This has been borne out very sharply in recent years as a result of the work done by the Conservation Through Reserves Committee. I know that in the south-west corner of the State the work of this committee caused somewhat of a furore in the last two or three

years, because it made quite a number of profound suggestions that land should be used for public purposes. In so doing it was suggested by some people that the land should be acquired from private owners by a rather—I would use these words—dubious method.

Whereas I commend the inclusion of existing reserves under the jurisdiction by this sort of authority, I hesitate to give approval to the authority to acquire private land unless proper negotiation, without any duress on the private landowners, takes place.

I wish to add some comments in support of what Mr Cloughton said when he indicated there appeared to be only one copy of the schedule, showing the proposed reserves, available to members in this House. I think some consideration should be given to providing more than one copy. I make the recommendation to the Minister that he use his good offices sometime in the future to provide additional copies, because not only does the schedule deserve close scrutiny, but if many members desire to peruse the document there will be undue delay in the passage of the Bill, as members do not have the opportunity to study the detail as they would and should.

I have pleasure in supporting the Bill.

**THE HON. D. J. WORDSWORTH**  
(South—Minister for Lands) [5.07 p.m.]: I would like to thank members for their support of this important Bill. It is a piece of legislation which comes up once or twice each year; it is the Bill in which we change the usage of the "A"-class reserves.

Mr Cloughton has raised a query on the land to be included in the Leeuwin Naturaliste Ridge National Park. As he pointed out, some 30 areas have been recommended by the EPA to form that park. Reference appears twice in the Bill to that park.

These are "A"-class reserves, the purposes of which are being changed. I think I am correct in saying—although I have not the recommendations with me—that most of those other reserves do not require to be brought to Parliament to seek approval for the change in usage. At present they are designated in such a manner that their purposes can be altered, without bringing the matter before Parliament.

In the course of preparing Executive orders, I have come across the odd case of the purpose of a reserve being changed to bring it into the national park, without the need to seek the approval of Parliament. There is no necessity to bring the matter to Parliament to change the

designation to "national park". The purpose in odd cases already has been changed.

The Hon. R. F. Claughton: The point was that nine of those were shown in the 1976 report as not being vested, but they are not included in the Bill. There are 12 others which have not been included in the Bill and which also have not been vested. It is difficult to see why some have been included and some have not.

The Hon. D. J. WORDSWORTH: The difference is that they were not "A"-class reserves. The matter has to be brought to Parliament for approval if, in the first place, the areas concerned were "A"-class reserves.

Mr Claughton has made reference to the purchase of land as recommended by the authority. One purchase has taken place, and we would like to be able to purchase more land. However, the high price is a frightening feature. The Government itself set aside a certain amount of money last year for this purpose not only in relation to this particular national park but also others. It is a question of seeing what money becomes available, when the land becomes available, and what the land costs.

Mr Claughton also raised the query as to whether this national park would be a continuous strip of land. Unfortunately it will not be, and one or two areas might not be included. That was realised when the recommendations were made. In general this will be a very long continuous strip which is ideal for a national park.

Some concern has been expressed that land must be set aside as residential areas so that the people can enjoy these facilities in the national park. In general, such residential land will be set further back from the coast. These are some of the negotiations that have been taking place.

A query was raised by Mr Claughton as to whether the committees suggested in the EPA report have been working. I can tell the honourable member they have been working. In the EPA recommendations they were looking entirely for an ideal national park. These bodies got together to determine the use of the land, the need for future townsites, etc.

Generally speaking most of these problems have been resolved, and the national park mentioned will now begin to take form, in view of the purpose of that amount of land in the Bill being changed to the designation of "national park".

Agreements have been reached with people who previously had control—in many cases commercial control—of the caves in the area. Where the caves were open to the public

previously, they will continue to be open to the public in much the same manner as previously, but the national park will look after the land around the caves. Generally speaking, those who looked after the caves previously will continue to do so, but of course they will be under the overall control of the national park.

I have been asked about the area of land over which the Minister for Mines has had jurisdiction. I cannot answer the query now, and I shall inform the honourable member by letter in due course.

Mr Berry made reference to the reserve at Esperance, and Mr Ferry said that he had seen it in his recent trip to Esperance. This reserve was originally designated as a "flora and fauna" reserve. However, as the town has grown, so this land is now right up against the townsite. It is not all suitable for flora and fauna; in fact parts of this area were used by the Dempsters when they brought their stock down from the Flinders Range and elsewhere. They brought the stock to Esperance and sheared them. The land in places has become quite extensively grassed, particularly with veldt grass.

I know that the lakes contained in that area of land were used for recreational purposes, such as water skiing and canoeing. I do not know anything about permanency of use from the point of view of recreation. Obviously this is the most useful purpose.

Mr Ferry has made reference to the national park advisory committees which have been set up. I think they form a very beneficial addition to our national parks administration. On the south coast, criticism has been raised that the public had taken the national parks for granted. Farmers, ever since they have been farming, have gone in their utilities, perhaps with a dog on the back, through the park to the beach for fishing and camping. Suddenly they were told that they would not be able to go through to the beach, as the area had been declared a national park. Signs were erected indicating that dogs were not allowed in the area. A ranger was posted on the only road into the area. Quite a lot of difficulty was experienced, particularly in regard to commercial fishing and other matters.

The distance which separated the people using the park from the headquarters of the National Parks Authority in Perth did present difficulties.

Very sensibly the advisory committees have been established with local representation, and I am happy to say they are working well and more meaningful discussions have ensued as a result. I am sure that such committees will be just as

much use in the Augusta-Margaret River area as they were on the south coast.

It is hard for some people to realise that in certain areas, particularly on the south coast at Esperance where I live, suddenly the whole coastline was designated a national park and very few places at the water's edge were accessible to the public. While this state of affairs was beneficial to the State, it was not so beneficial to those who live there and to those who were accustomed to having access to these areas in their four-wheel-drive vehicles in order that they might follow their various forms of recreation.

However, I am happy to report that the changeover is being accomplished and most problems have been overcome.

I think I have covered most of the points which have been raised, and I thank members for their support of the Bill.

Question put and passed.

Bill read a second time.

*In Committee, etc.*

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

*Third Reading*

Bill read a third time, on motion by the Hon. D. J. Wordsworth (Minister for Lands), and transmitted to the Assembly.

## **EVIDENCE ACT AMENDMENT BILL**

(No. 2)

*Second Reading*

Debate resumed from the 11th October.

**THE HON. GRACE VAUGHAN** (South-East Metropolitan) [5.20 p.m.]: The Opposition supports the Bill which is one of many amendments which have had to be made to the family law legislation and other Acts having a bearing on it.

It is rather surprising that at this late stage, after the Family Court has been operating and has become an institution in this State, we are, I presume, validating past actions of the court. I realise that the Crown Law Department would find it difficult to keep abreast of everything, but what has been the legal situation in regard to evidence, in view of the fact that the Family Court has not been covered by the Evidence Act? I would also like to know whether in the Family Court people have been compelled to give evidence against their spouses without any real legal backing.

The Hon. J. G. Medcalf: No-one took the point.

The Hon. GRACE VAUGHAN: It is surprising that these things have occurred and it makes us wonder whether we ought to be here at all, because obviously the whole operation would continue even if we were not here to make amendments at a later date.

We support the Bill.

**THE HON. I. G. MEDCALF** (Metropolitan—Attorney General) [5.21 p.m.]: Briefly, in answer to the honourable member, one would expect amendments to be made frequently in relation to the Act governing any new institution. It is inevitable, because it is not possible for anyone to foresee all the situations which could occur. If that were possible, our draftsmen would be geniuses and so would the members of Parliament in being able to foresee the possible situations when Bills were before them. All of us should have seen this one, but we did not. Probably no-one has taken the points which are being covered under the Bill.

I do not know, but I would be surprised if anyone has taken the point in relation to the "non-compellability" of a husband or wife to give evidence in proceedings in which they are both parties. Normally they could not be compelled to do so in a matrimonial cause in the Supreme Court, but nothing has been said in relation to the Family Court. No-one has taken the point so far as I am aware.

I thank the Opposition for its support of the Bill.

Question put and passed.

Bill read a second time.

*In Committee, etc.*

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

*Third Reading*

Bill read a third time, on motion by the Hon. I. G. Medcalf (Attorney General), and transmitted to the Assembly.

## **ABATTOIRS ACT AMENDMENT BILL**

(No. 2)

*Second Reading*

Debate resumed from the 12th October.

**THE HON. R. T. LEESON** (South-East) [5.25 p.m.]: This small amendment to the Abattoirs Act will enable the Midland Junction Abattoir to offer certain discounts to customers if it considers it should do so. This procedure has been found necessary as a result of competition from the private abattoirs in Western Australia. Many

people rely on the Midland Junction Abattoir and have been prepared to stick by it over the years, and the abattoir wants to be in a position to offer some incentive to keep that contact going. It is only fair and just that the abattoir should be able to offer discounts to regular customers. For this reason we support the Bill.

**THE HON. G. W. BERRY** (Lower North) [5.26 p.m.]: I rise to support the Bill. I would like to know whether the Lamb Marketing Board will qualify for reduced rates. It is one of the organisation's best customers.

**THE HON. D. J. WORDSWORTH** (South—Minister for Lands) [5.27 p.m.]: I can only say that knowing the Chairman and Manager of the Lamb Marketing Board I am sure they will be negotiating for their discounts.

I sincerely thank members for their support of the Bill.

Question put and passed.

Bill read a second time.

*In Committee, etc.*

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

*Third Reading*

Bill read a third time, on motion by the Hon. D. J. Wordsworth (Minister for Lands), and passed.

### **STOCK DISEASES (REGULATIONS) ACT AMENDMENT BILL**

*Second Reading*

Debate resumed from the 12th October.

**THE HON. R. T. LEESON** (South-East) [5.29 p.m.]: I am sure that anyone who has read the Minister's second reading speech on the Bill would not want to oppose the legislation. Some horrible diseases are mentioned in the Minister's speech including the old brucellosis, footrot, and lice infestation. Also referred to are exotic diseases and enzootic diseases. The Government can be assured that we agree with the amendments in regard to these diseases.

In brief, the idea is that this Bill will enable the Government to put into effect powers to regulate the control of diseases in the case of an outbreak in particular areas of Western Australia, whereas at the present time the Governor must declare a state of emergency. While I do not know exactly what is entailed when the Governor declares a state of emergency, from the Minister's second reading speech it would seem that it is far easier to regulate the control of diseases in other ways.

If the measure can do anything towards stamping out or controlling some of these horrible diseases that the Minister referred to, we certainly support it.

**THE HON. D. J. WORDSWORTH** (South—Minister for Lands) [5.31 p.m.]: I thank the Opposition for its support of this legislation. As more and more people come to Australia, not only legitimately but also by means of refugee boats, we are becoming more and more concerned about the diseases they can bring with them. I am sure the amendments in this Bill will enhance the Act.

Question put and passed.

Bill read a second time.

*In Committee, etc.*

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

*Third Reading*

Bill read a third time, on motion by the Hon. D. J. Wordsworth (Minister for Lands), and passed.

### **LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 3)**

*Second Reading*

Debate resumed from the 11th October.

**THE HON. R. F. CLAUGHTON** (North Metropolitan) [5.34 p.m.]: We oppose this Bill for a number of very good reasons, but primarily because we believe it downgrades the status of local government, something that is quite contrary to the stated policies of the Government. In fact, I am quite astounded that we see such a Bill before us.

The provisions of the legislation will downgrade the status of local government in several ways. In regard to land subdivisions, it will give the Minister control of the actions of local authorities in purchasing and reselling land, and also in regard to decisions as to whether or not to subdivide. A good portion of the Bill is taken up with setting out the conditions under which a council may or may not take this course of action.

When we remember the debate last week in regard to the Public Service Bill, and the Government's explanation that it was attempting to ensure more flexibility and to remove a great deal of the clutter from the proceedings of Executive Council, it is somewhat surprising to find a provision in this Bill that places more work before that group. We see that a request to sell land by private treaty has to be approved by the

Governor. I would have thought that it was quite sufficient, in line with the general principle of the Bill—a general principle which we disagree with—for the Minister to give that approval.

The legislation contains many examples of this sort of patronising removal of responsibility from local government. In fact, local government carries on its shoulders many onerous duties which have been thrust upon it. Indeed, it did not ask for these responsibilities, but it is required to carry out many of the functions of government. In the Bill before us, we find it is now proposed to remove from local government some cases where it had a responsibility to make the decisions.

It may happen that in a particular locality there is a need for more subdivisional land because developers are not taking the necessary action in this way. It is very difficult to see any local authority taking on its shoulders the task of purchasing land for development when developers are undertaking this task already. Local authorities would hardly want to compete in an area where developers are active.

It is very hard to see the necessity to bring this provision to the Parliament, and to give the Minister the right to make the decision. If it happens that a council makes a mistake in such a decision, then it has to answer to its own ratepayers; it is the electors who make the final decision. We are becoming thoroughly fed up with the Government—and the Liberal Party in particular—mouthing its good intentions, and telling us about its admiration for local government, only to find a measure such as this before us.

In recent times we have heard a great deal about the Perth City councillors who have just returned today from a highly publicised trip. Very few ratepayers would be unaware of this fact, and they will be in a position to express their views on the matter at the next local government elections in May. Surely that is sufficient in itself, without the Minister interfering in such affairs.

The Bill also will give a council the power to impose a penalty for the non-payment of rates. Already councils are able to provide an incentive in that ratepayers who choose to pay their rates early may receive a percentage reduction. Of course, this provision favours the ratepayers who are in a good financial position, but also it imposes no penalty on the rest of the ratepayers; those who may have, for some reason or another, difficulty in paying their rates in the required time, about six months as provided in this Bill.

In the case of ratepayers who pay their rates early, the council has the advantage of that cash.

It can invest it and gain interest from it, or it may save the council the necessity to borrow money on which it has to pay interest. However, to then turn the whole thing around and say that in the case of ratepayers who are late paying their accounts a penalty will be imposed, is a different kettle of fish altogether. While this may get at those few individuals who unnecessarily delay their payment so that they can continue to use the money for that period is one thing, but to then inflict the same penalty on the poorer sections of the community is another.

We know that some pensioners are too proud to defer their rates or even to apply for a rebate. They insist on contributing their full share to their local authority. Under this scheme, if they do not make their payments on time, they will be penalised. If the council decided to impose a penalty for the late payment of rates, then it has to be imposed regardless of the merits of any particular case. I feel such a course is quite unnecessary. Remedies are available to councils to secure unpaid rates, and these are quite sufficient. We should not give approval to a scheme that can possibly cause injustices. So, for these reasons we oppose the Bill.

**THE HON. N. E. BAXTER** (Central) [5.43 p.m.]: I listened to the honourable member's objections to some sections of the Bill. Firstly, he referred to the fact that an absolute majority is required in a council prior to councillors going overseas. I can see nothing wrong with this; one must remember that local authorities are not all powerful in all things.

Let us consider the Health Act, and the example of a local authority which makes by-laws in regard to stables in a townsite. Such by-laws must be referred to the Minister and approved by him before they can become law. There are many such examples, and Mr Tozer, having served on local authorities, would know of these.

The provision in the present legislation is not really an alteration to the principle of referring matters to the Minister, especially in such instances where a large amount of money may be involved. I do not object to overseas or interstate tours by councillors in the case of worth-while business propositions.

However, I still believe there should be some overriding authority. Some shires may say, "Jim Brown has served for 30 years and we should give him a bit of a holiday to the Eastern States or overseas in compensation." It is not the intention of local authorities or the Government to provide these sorts of trips to councillors. The intention is that trips should be fact-finding and useful, and

on their return councillors should report back to the council so that the shire may benefit.

Mr Claughton also referred to the provision in the Bill which will allow local authorities to acquire, develop, and sell land. It is true situations could arise where shires see the opportunity to make some money for the shire by purchasing, developing, and reselling land; this would put them into an area never intended for local authorities. Therefore, the Bill provides that the Minister's approval must be granted prior to a council buying land. I can see no difficulty arising in this respect; where a council feels it has a good cause to purchase land, approval will be granted.

The Hon. R. F. Claughton: Are you trying to say councils would not buy land without a good cause?

The Hon. N. E. BAXTER: There is a possibility, in these times.

The Hon. R. F. Claughton: In which case, the ratepayers would be critical of them.

The Hon. N. E. BAXTER: A council could see the opportunity to develop land and make some money. In fact, one shire in my own province for quite a few years derived most of its income from contract work; it did a lot of contract work and was very successful at it. I believe the legislation provides adequate safeguards to prevent councils dealing unnecessarily in land.

Mr Claughton is aware of why it has been deemed necessary to provide for the imposition of penalties for the late payment of rates. Some people deliberately delay paying their rates so that they can earn interest on the money. In the meantime, of course, the local authority must borrow to honour its commitments. This practice does a disservice to every ratepayer by increasing costs and, therefore, rates, and I think it is only fair to impose penalties on such people.

The Hon. R. F. Claughton: But it will apply to everybody.

The Hon. N. E. BAXTER: I do not think any shire would go to the extent of penalising a pensioner or any other person in poor financial circumstances because he could not pay his rates; most shires are very reasonable in this regard.

The Hon. R. F. Claughton: Once this is provided for in the legislation, the local authorities must inflict the penalty, whether or not it is deserving.

The Hon. N. E. BAXTER: I do not think this will be the case; the shires will have a discretionary power. Certainly, it is not mandatory that a penalty be imposed; it will be

left to the shire to decide whether it wants to impose a penalty.

I support the Bill.

THE HON. M. McALEER (Upper West) [5.49 p.m.]: Mr President—

The PRESIDENT: Order! Would members refrain from speaking to one another from their places while an honourable member is addressing the Chair?

The Hon. M. McALEER: I support this Bill. In particular, I am interested in the clause which will permit shires to buy and subdivide land. I welcome the Bill on this account because for some time now—since it was discovered that local government did not have this power—a number of shires in my province have been held back in their development.

I have been surprised—as have the various shires—at the length of time it has taken to frame the necessary legislation dealing with this matter. However, having seen the various conditions which hedge about the power to be given to local authorities, I realise why it has taken so long.

When I first heard Mr Claughton speak on this subject, and criticise the conditions to be imposed on councils in regard to the subdivision of land, I felt a certain sympathy for him. However, I do give weight to the argument advanced by Mr Baxter that in the past it has been a temptation on the part of local authorities to use land sales to make money for the councils. While this is a very laudible aim, it is not the role which should be played by local authorities.

In addition, some councils which find themselves in real difficulty in expanding residential areas and townsites perhaps might be inclined to take undue risks in order to gain more land. Therefore, it is not a bad thing to have a requirement in the Act for the oversight of the activities of local government in this area.

For years—in fact, for as long as I can remember—local government itself has been asking for power to impose penalties for the late payment of rates. While I am not in sympathy with the imposition of penalties, I realise there are a number of people who, time and time again, pay their rates at the very last moment. It has been the experience of councils I have known that such people generally are in a very good position to pay their rates; they are not hard pushed. However, for business or other reasons, they take advantage of the system.

I would like to follow up the matter raised by Mr Claughton and ask the Minister whether, once

a council decides to impose a penalty, it still has discretion in dealing with hardship cases.

**THE HON. I. G. MEDCALF** (Metropolitan—Attorney General) [5.53 p.m.]: It is quite incorrect to suggest, as was suggested by Mr Cloughton, that the Bill—to quote his flamboyant expression—“degrades the status of local government”. It does no such thing.

In effect, what the Bill is doing is simply giving local government the power to do certain things which it has been doing for years but in respect of which doubts have arisen. Doubts have been cast upon the power of local authorities to carry out some of the land acquisitions they have been carrying out for some time. This Bill will give them the legal right to continue.

The only limitation in this respect is that the Minister's approval will be required where it may be thought private enterprise is available to carry out that task. There are many occasions when private enterprise is not available, and it is only proper that, in such circumstances, the councils should have the legal power to acquire land and carry out subdivisions.

A situation could arise where a private owner declines to subdivide his land; he will not do anything about it because he is not interested in subdividing. This may prevent the expansion of that local authority's area and at the moment there is grave doubt as to whether that local authority can do anything about such a situation. One of the purposes of this Bill is to give a local authority that power. Far from degrading the status of local authorities, the Bill will enhance their power.

Traditionally, local authorities have asked permission before sending councillors on overseas tours. However, there have been occasions when they have not, and this Bill will clarify the matter. It will give local authorities the authority to send councillors on overseas tours provided it is authorised by a duly passed resolution supported by an absolute majority of the council, and provided the Minister gives his approval. So, local authorities will be getting a power they did not have before but, in fact, the procedure will be much the same as it was before. As for degrading the status of local authorities, that certainly is a gross exaggeration.

The imposition of penalties for the late payment of rates will be a matter for the discretion of the various councils. The councils will not have to impose penalties; in fact, they can continue what they are doing at present; namely, simply allow the rates to accumulate, or sue for the rates after 35 days, or allow the rates to be

paid in two moieties or, after a period of years, sell the land.

All these remedies, however, do not produce anything in the way of relieving the council—in other words, the ratepayers—of having to pay interest on the overdraft or the moneys borrowed by the council. The payment of interest or the imposition of penalties on overdue rates simply is a way of recouping the council for the interest which the council itself is required to pay on its borrowings. In other words, it is a compensatory payment to the local authority for not being able to recover the rates.

There are people who allow their rates to remain unpaid; they simply do not bother to pay them. They take the view that the council cannot sell their land for a period of three years or more and it is desirable that they allow the rates to accumulate.

Under this proposal, the council if it sees fit may impose a penalty on the ratepayers who do not pay their rates on time, but this will be a matter of discretion on the part of that council; it will not be required to impose a penalty to comply with the Act. However, if a council does decide to impose a penalty it is required to duly resolve what the penalty will be, and it cannot exceed the maximum prescribed by the Minister. In addition, in spite of the comments made by Mr Cloughton, a penalty will not be payable by pensioners.

**The Hon. R. F. Cloughton:** It will be paid.

**The Hon. I. G. MEDCALF:** There is a specific provision—

**The Hon. R. F. Cloughton:** Not all pensioners are covered by that provision.

**The Hon. I. G. MEDCALF:** Pensioners are referred to in clause 11(5), which states as follows—

No penalty shall be added to an amount payable in respect of a rate if a person who is registered as an entitled pensioner pursuant to the Pensioners (Rates Rebates and Deferments) Act, 1966, is entitled under that Act to a rebate or deferment in respect of that amount.

**The Hon. R. F. Cloughton:** That is right, but not all pensioners are covered by that provision.

**The Hon. I. G. MEDCALF:** Any pensioner claiming a rebate will not—in fact, cannot—be charged a penalty under that clause.

**The Hon. R. F. Cloughton:** Yes, any pensioner who is registered as “an entitled pensioner”. But not all pensioners are so registered.

**The Hon. I. G. MEDCALF:** Such a pensioner cannot be charged a penalty.

The Hon. D. W. Cooley: Many pensioners do not elect to apply for a rebate or a deferment.

The Hon. I. G. MEDCALF: That means they pay their rates, does it not?

The Hon. D. W. Cooley: Yes.

The Hon. I. G. MEDCALF: Right; then they are not liable to pay a penalty.

Other than that, I thank members for their support of the Bill.

Question put and a division taken with the following result—

**Ayes 19**

Hon. N. E. Baxter	Hon. N. F. Moore
Hon. G. W. Berry	Hon. O. N. B. Oliver
Hon. V. J. Ferry	Hon. W. M. Piesse
Hon. T. Knight	Hon. R. G. Pike
Hon. A. A. Lewis	Hon. I. G. Pratt
Hon. G. C. MacKinnon	Hon. J. C. Tozer
Hon. M. McAleer	Hon. R. W. Withers
Hon. T. McNeil	Hon. D. J. Wordsworth
Hon. N. McNeill	Hon. G. E. Masters
Hon. I. G. Medcalf	

(Teller)

**Noes 8**

Hon. D. W. Cooley	Hon. R. T. Leeson
Hon. D. K. Dans	Hon. F. E. McKenzie
Hon. Lyla Elliott	Hon. Grace Vaughan
Hon. R. Hetherington	Hon. R. F. Cloughton

(Teller)

**Pair**

<b>Aye</b>	<b>No</b>
Hon. R. J. L. Williams	Hon. R. H. C. Stubbs

Question thus passed.

Bill read a second time.

*In Committee*

The Chairman of Committees (the Hon. V. J. Ferry) in the Chair; the Hon. I. G. Medcalf (Attorney General) in charge of the Bill.

Clause 1 put and passed.

*Sitting suspended from 6.04 to 7.30 p.m.*

Clause 2: Commencement—

The Hon. R. F. CLAUGHTON: There is a somewhat unusual provision involved with the proclamation of this Bill. Subclause (1) refers to subsection (2) and the receiving of the Royal Assent, while subclause (2) says that section 12 of the Act shall come into operation on a date to be fixed by proclamation. Could the Minister explain the reason for this?

The Hon. I. G. MEDCALF: It is not unusual to provide that parts of a Bill will come into operation as proclaimed on different dates. We quite frequently see provision in Bills where various sections shall commence operating at different times, due sometimes to the necessity for regulations or where some clauses of a Bill are affected by another Bill or Act.

The Hon. R. F. CLAUGHTON: Is the Minister saying that, in respect of subclause (2), this is dependent on some other legislation?

The Hon. I. G. MEDCALF: I am not saying that applies in this case. When we have a portion of an Act to come into force on a date to be fixed by proclamation, it means that portion of the Bill is to be distinguished from the rest of it. In the case of clause 12, this deals with penalties, and regulations will be required to be made.

The Hon. R. F. Cloughton: We are talking about subclause (2) which refers to the amendment to section 12.

The Hon. I. G. MEDCALF: Clause 12 has a marginal note, "Amendment of principal Act as amended by s.11 of this Act". The Act mentioned in the Bill is this Bill.

Clause put and passed.

Clauses 3 to 6 put and passed.

Clause 7: Section 513 amended—

The Hon. TOM McNEIL: I take it everyone has seen the amendment I am proposing. I realise this Bill received some opposition in the lower House. I am not a member of Parliament who has had much to do with local government as, no doubt, quite a few honourable members in this House have. To allow this clause to pass without my amendment is objectionable to me in respect of the responsibility we normally place on the third tier of government.

I have heard the Hon. Norman Baxter refer to this clause as a safeguard. Whilst it may be that I believe it erodes the autonomy of local government, I can only assume it is a safeguard against people using authority in a corrupt manner or in a manner unsuitable to ratepayers. However, it is not something which would be acceptable to a great number of councillors in local government.

In respect of this clause we are placing an immense responsibility on the Minister. The Minister may be placed in a situation of being subjected to criticism for action he takes in a personal or political manner.

If members do not agree to my amendment they are casting aspersions and insults on people who would normally act in this capacity. I do not believe we should simply say this clause is a safeguard, otherwise we would have to look through the entire Local Government Act and consider other areas which could be used in an unsatisfactory or unsuitable manner and not be acceptable to ratepayers.

There are a lot of good people in local government. When a person is elected to local

government he is expected to have the trust of the people who put him there, and if such a person abuses that trust he will meet the peoples' displeasure the next time he has to face an election. I move an amendment—

Page 4—Delete proposed new subsection (2) and substitute the following—

- (2) Nothing in this Act authorises a Council to pay expenses incurred by a member in carrying out a duty or performing an act outside the State or Commonwealth unless a resolution expressly authorising the member to carry out the duty or perform the act has been passed by an absolute majority of the members of the Council.

The Hon. GRACE VAUGHAN: I will support this amendment, because I believe there is very little logic to be found in differentiating between Australian and overseas travel. We have only to read the papers and listen to the news to be aware there is little price difference and, even if we are satisfied with the restrictive trade practice of simply having Qantas looking after overseas travel, we are in the position where we are able to send councillors from Perth to Brisbane return for a greater amount than it would cost to send them to London and back.

Where is the logic in having the Minister approve of overseas trips when so much more money can be spent in Australia? It seems to me there is a splitting of hairs here and there is a question of principle which ought to be propounded.

I agree with the Hon. Tom McNeil that here we have a question of not trusting the people who have been elected to positions for which they are not paid and in which they give a great service to the community. There are a few bad apples in the barrel, just as there have been a few parliamentarians who have disgraced themselves over the years. However, that does not preclude a Parliament from promoting ministerial trips overseas from which it may be queried whether there is any benefit.

Some people are querying what sort of benefit the City of Perth councillors have gained from their overseas trip. I was watching Councillor Eric Silbert speaking on television tonight, talking about the many things the councillors had done and the results that come from parochialism; from people who consider that only the best things happen in their own countries and that they cannot learn from other countries. Australia in its

isolated position needs this sort of interaction with other countries.

If this Parliament expresses so little trust in the many local government councillors who are carrying out such a sterling job in this vast State we need to have a lot of our own actions examined.

The Hon. R. THOMPSON: I support the amendment for another reason, that being a local authority could reach a unanimous decision to send some of its councillors overseas. However, that decision may not be very unpopular with the ratepayers and the onus would then be thrown back onto the Minister, because he will become the selecting party. It will be the Minister who will determine whether or not a person or persons go overseas. That is an unfair burden to place on the Minister.

The councillors should make the decision; they have to face the ratepayers. They should be responsible for their actions and we should not interfere too much with what is going on in local government.

In the submission received by most members of Parliament, it was pointed out what would happen if a member of Parliament was subjected to the same thing when he was allocated an overseas tour. I agree with what was said in the submission in that respect.

In the many years I have been in this place I have heard various Ministers, from all political parties, boom up the sterling work done by local authority councillors. Considerable time, effort, and money are put into looking after local authorities for the ratepayers. Why should we interfere and tell the councillors that they cannot do certain things because we do not trust them? That is what the provision in the clause sets out: We do not trust local authorities to make decisions as to whether or not a person should go overseas. I support the amendment.

The Hon. N. E. BAXTER: I listened carefully to what Mr Ron Thompson and Mr Tom McNeil had to say. I would point out to Mr Tom McNeil that I did not use the word "safeguard" in regard to this particular clause. I used the word in regard to the buying and selling of land. I merely stated that a Minister has to make decisions on many matters with regard to local government. I instanced health by-laws, and the by-laws relating to stables in townsites. Those decisions require the approval of the Minister, and they would be much less serious than a trip overseas.

The fact has been overlooked that any member of Parliament who goes overseas on official business is subject to a decision by somebody.

Eventually, the decision comes back to the Treasury which allocates the money. When a Minister goes overseas one almighty person makes the decision—the Premier. I do not care what anybody says, but overseas trips are referred to a higher authority—the Premier in one case—and are all subject to Treasury finance and more or less approval by the Treasury. There is always reference to a higher authority.

The proposal in the Bill will not denigrate local governing authorities; most of them agree to the amendment to the Act. An odd one or two shires, and the Country Shire Councils' Association, objected to it. In no way can I support the amendment, because I believe the provision in the Bill is necessary.

The Hon. I. G. PRATT: I oppose this amendment. Unlike the Hon. Tom McNeil, I spent a considerable time in local government. At no time, as a shire councillor, would I have taken offence at proposed new subsection (2) which it is proposed to delete. We talk about the three tiers of government—Federal, State, and local—but I believe that in this discussion some members have lost sight of the fact that local government operates under an Act of this Parliament. Local authorities do not operate in their own right as entities; they operate because State Parliament has passed an Act to set up the rules under which they will operate. The Act is subject to amendment and alteration by Parliament at any time, not by the councillors. I think every councillor is aware of that, or should be aware of it, when he nominates for election to a shire council. Councillors have to act within the provisions of an Act of the State Parliament.

The person with the ultimate responsibility to see the provisions of the Act are complied with is the Minister responsible for that Act. I can see no way that this provision to obtain ministerial approval will in any way hamper a genuine move by councils to send councillors overseas for genuine reasons. It means the council will have to be sure to put up a case properly, and to correctly document it. Why should they not do that? I see nothing wrong with proposed new subsection (2) which the Hon. Tom McNeil wishes to delete, and I oppose the amendment.

The Hon. W. M. PIESSE: I cannot support the amendment, not that I think it will concern greatly any of the country shire councils in my area. I do not think any of them would have sufficient funds to send one or more persons overseas, or even to send a person by air to Brisbane. On the matter of costs involved in sending a person to Brisbane, compared with the costs to London, I point out that anyone can go by

train to Brisbane for less than the cost of flying to London.

It seems to me that those members supporting the amendment are assuming that the Minister will refuse to allow somebody to go overseas. If a case sufficiently warrants sending a person overseas, I do not think for a moment that the Minister would refuse to give his consent provided funds were available in the shire concerned. As I said, judging from the shires in my area, it seems to me that the shires which can afford to send teams of people around the world must be receiving a very good grant of money which, perhaps, they do not actually need. Country shires could use that money to improve the quality of life for their ratepayers. It is all very well to say that the ratepayers can vote such travellers out of office, but by then the damage usually has been done and the money has been spent.

Many developments are required in country areas, such as miles of roadworks and swimming pools so that children can learn to swim—which is part of the education system. If grant moneys are being dealt with in an inequitable manner, then I definitely think the Minister should look into overseas trips.

The Hon. D. K. DANS: I want to support the amendment and oppose proposed new subsection (2) in the clause. It seems to me that the clause in the Bill is similar to the use of a steam hammer to crack a peanut. The provision in the Bill follows the normal reaction of people in this country to anything at all connected with those who serve in the Federal Government, the State Government, or local government, when they wish to go abroad to improve their knowledge. I am reminded of the days of the Whitlam Government and the great furore about overseas trips, irrespective of the reason. More recently, a furore was caused by Mr Fraser—the present Prime Minister—going overseas.

Just recently we saw the same kind of thing in local government. Every time the British Prime Minister goes overseas, his trip does not make headlines. Certainly, when the President of the United States flies overseas it is usually cause for great TV coverage.

This matter has been brought to a head because some members of the Perth City Council—I think it is the second or third occasion that this has happened—saw fit to go overseas to improve their knowledge, quite rightly, and to look at other parts of the world. I know some of those people—and perhaps they would not all be of the same political persuasion as I am—but they genuinely wish to serve the community. The

majority of them are successful businessmen in the community, and many of them not only serve the council but also a large number of charitable organisations.

It is now intended to tell those people that they can go to Brisbane or to Darwin—which would probably be more expensive—but they cannot go overseas without the express permission of the Minister. Mr Pratt said that the Minister would look at any genuine reason.

The Hon. I. G. Pratt: That is not quite what I said, but close enough.

The Hon. D. K. DANS: The whole matter will determine on the word "genuine". One could well imagine the Minister being placed in the situation of Solomon, and having to determine on the word "seriously". I can recollect, in the period when I used to have to argue in the Industrial Commission, the great arguments that took place as to whether or not a person's rest was seriously disturbed by the working of cargo on ships. What great play the legal profession made of that!

What one Minister might consider to be genuine, another might not. The Hon. Win Piesse used another term which I cannot recall. What will happen when a Minister under a given set of circumstances decides that a certain situation, in his opinion, is genuine and then approves of a local authority sending someone overseas? I would imagine that would set a precedent. On the next occasion, with all the conditions much the same but not quite so genuine if delved into, the Minister would be called upon to make another decision.

The possibilities are tremendous, and where would they end? Different connotations could be put on a decision, depending on the political persuasion of the Government of the day, the location of the council, and perhaps the political leanings of the people in that local government body.

I believe that members of councils are by and large responsible people. They have to answer to the ratepayers. Day by day we come into this Chamber espousing our causes of justice and democracy. Hardly a day goes by—and I am not making any qualifications—when we do not introduce legislation into this Parliament—whether it concerns wildlife, fauna, fisheries, or traffic—where there is not a curtailment of freedom of movement and freedom of decision making.

I do not think one needs to go to iron curtain countries. A country can be tied up quite accidentally. I am not saying any Minister or member on either side of the House would do it

deliberately. Things are just rolled up and quietly go through Parliament.

Gulliver, a giant travelling in the mythical land of Lilliput lay down and went to sleep. When he woke up he found the little people had lashed thousands of little threads over him and he was hog-tied. That fairy story has a real meaning.

I think the Government would be well advised to take the Bill away and have another look at it, because it says that henceforth the Minister of the day will be all things to all councillors when they want to travel overseas. He will be called upon to determine whether or not the reason for the travel is genuine. Had his predecessor on one occasion considered it was genuine and he considered it was not genuine, what kind of a situation would he be in?

Surely we are knocking the intelligence of the Australian people. They elect their councillors just as they elect members of Parliament. We could go one step further and have the Ombudsman determine whether a member of Parliament had a genuine desire to study something overseas. Presumably quite a number of members would not go overseas.

I do not think the provision is necessary. I do not think the Perth City councillors did anything wrong. They did not do anything under the lap; it was quite public. They are now back in Perth and have appeared on television. They will present a report. If after the report has been received they are found not to have produced the goods, then it may be necessary to bring in legislation like this.

In the hands of despots this type of legislation would be extremely dangerous. When Hitler burnt the books and the long knives he did not move outside the German Constitution. I think we must be extremely cautious in what we do.

I believe we do not give a great deal of credit to the councillors or encouragement to the best people in the country to come forward and offer their services voluntarily. I do not consider any of the councillors who have just been away are not public-spirited people.

I think the Government would be well advised to put the Bill aside for a time and await the outcome of the trip of the Perth City councillors.

The Hon. J. C. TOZER: Much of what I have to say has been canvassed by other speakers. However, one or two points might be restated.

I am not out of sympathy with the point of view that has been expressed by Mr Tom McNeil but anyone who is familiar with the Local Government Act would realise that what is proposed here occurs perhaps 20, 50, or more

times in the Act. That does not necessarily make it good, and perhaps it helps to tie up Gulliver. It is not an abnormal provision; it is very common. It is silly to be arguing about it in this instance when it has been accepted quite readily in possibly 50 other sections among the 500-odd in the Local Government Act.

Someone has said that when a matter is referred to the Minister it does not automatically mean it will be rejected. Other councillors have been interstate and overseas. Just nine months ago the Port Hedland Shire Council sent two councillors to Singapore to a North-West Shelf gas seminar. That was worth while.

The Hon. D. K. Dans: They should be commended on that.

The Hon. J. C. TOZER: The criticism of the Leader of the Opposition is that the Minister will be sitting in judgment. Like Solomon, he decided that the ratepayers would pay one fare and the councillors would pay the other fare. That was probably not a bad answer. Many people in Port Hedland did not think it was a good idea for those councillors to go overseas, and there are other cases in point.

We ought not be surprised that Ministers give judgments in these matters. After all, in every decision a Minister makes in his portfolio he is making a judgment whether or not a thing is worth while, and he would be out of work if he were not making those decisions all the time.

Mr Pratt's comment about the local authority working under a Statute and the Minister being responsible for administering the Statute is an important aspect to be kept in mind.

One matter has not been mentioned. Historically, and right up to the last few years, rates have accounted for the bulk of municipal revenue, but now something like 20 per cent of the revenue of local authorities comes from rates.

The Hon. R. F. Claughton: It is nearer 50 per cent.

The Hon. J. C. TOZER: That is not correct. In rural authorities I think between 20 and 25 per cent would be a reasonable figure. The other 75 or 80 per cent comes from sources which are basically State grants. Someone will say it comes from the Commonwealth, but even this essentially comes through the State. It is not unreasonable that the State has some general oversight of decisions which are made to spend local government revenue, of which only a portion comes from the ratepayers.

I oppose the amendment.

The Hon. D. W. COOLEY: I have been surprised at certain statements made by some people who belong to a party which is so opposed to centralisation. I wonder what they would say if the Federal Government were to intervene in a proposed overseas trip by a State member or Minister. There would be a terrible outcry. Some members seem to think that because they are governed by a Statute everything they do here is right.

Who is not governed by Statutes in some way? All of us are. That does not mean to say that legislation which we pass is absolutely right.

I do not know what is the reason or principle behind this move. Has it resulted from the overseas trip of the Perth City councillors? Does the Government suggest they went on a jaunt and not on reasonable business?

I do not know much about local government matters, but on my reading of the Act if a council passes a resolution, which is agreed to by a majority, it can send 10 councillors to Brisbane, the Northern Territory, or some other remote place in Australia. It is now proposed that, if the council has the temerity to propose sending a councillor overseas, the matter must be referred to the Minister. What is the reason for it? Is it related to the cost involved, or is it that the Government does not trust these people?

I think the proposal casts aspersions on the authority and integrity of the councillors. It seems to me they satisfactorily perform their functions in respect of the day-to-day responsibilities with which they are charged. It looks as though the closer we get to 1984 the more possible George Orwell's predictions become.

The Hon. R. THOMPSON: I hope the Minister can explain some of the statements in his speech. On page 5 of his speech notes he said—

Members will be aware of recent controversies associated with decisions by certain councils to meet the cost of members travelling outside the State in connection with matters that were deemed to be of some interest to the councils concerned. This has involved both interstate and overseas travel.

The Minister did not say in which councils the controversies arose. We assume one of them was the Perth City Council. I am not aware of any councils being involved in controversies in relation to interstate travel, and perhaps the Minister can tell us what he meant by that statement.

At the top of page 6 of his speech notes he said—

At the same time, it is believed that the public interest dictates that some reasonable restraint be built into the Act.

I will state a hypothetical case so that the Minister can shoot me down. Is the public interest to be exercised through a Minister, or do the ratepayers determine their interest through the ballot box? Where do we draw the line in public interest in a matter such as this? Too much is said about public interest. We laud the activities of local authorities and then put an unreasonable restraint on them in the public interest. It is sheer hypocrisy.

A member is defined in the Local Government Act as a member of a council, a shire president, or a mayor. A local authority can send any member of its staff anywhere in Australia or in the world without reference to the Minister, according to my knowledge of the Act. If I am wrong I would be pleased to hear it.

The Hon. I. G. Medcalf: Tell me where the Act says that.

The Hon. R. THOMPSON: Tell me where the Act says local authorities cannot do that.

The Hon. I. G. Medcalf: You said that according to your knowledge of the Act they could do that. Where is it in the Act?

The Hon. R. THOMPSON: I said to the best of my knowledge nowhere in the Act does it say a member of the staff cannot be sent overseas.

The Hon. I. G. Medcalf: You said he could be sent.

The Hon. R. THOMPSON: He can be sent without ministerial approval.

The Hon. I. G. Medcalf: Where does it say he can be sent overseas?

The Hon. R. THOMPSON: The council can send him. I do not think it is in the Act. I said a council can send any member or any number of members of its staff overseas.

The Hon. I. G. Medcalf: Where does that authority come from?

The Hon. R. THOMPSON: No authority is necessary; it is vested in the local government to determine who does what and when.

The Hon. I. G. Medcalf: Where is the power to do that?

The Hon. R. THOMPSON: Where is the power not to do it?

The Hon. N. E. Baxter: It is subject to the local government auditor, and he would scream to high heaven about it and would tell the local authority where to get off.

The Hon. R. THOMPSON: There is hardly a metropolitan local authority that at some time or other has not sent someone overseas.

The Hon. I. G. Medcalf: That doesn't make it legitimate.

The Hon. R. THOMPSON: It does not make it illegitimate, either.

The Hon. I. G. Medcalf: Councils can only do what they are authorised to do, you know.

The Hon. R. THOMPSON: Well, they do it. I know at least four councils which have sent their officers overseas in the last two years.

The Hon. I. G. Medcalf: You have answered your own question.

The Hon. R. THOMPSON: That is the argument I am putting to the Attorney General; local authorities can do this without ministerial control. Now the Government wants to exercise control over local authorities which want to send one of their members overseas. Those are the three matters I want the Attorney General to answer.

The Hon. I. G. Medcalf: You have answered the first one yourself. You wanted to know what interstate and overseas travelling they have done, and you said you know of six cases where they have done this.

The Hon. R. THOMPSON: Do not twist my words. I will read it out so that even the Attorney General can understand it—

Members will be aware of recent controversies associated with decisions by certain councils to meet the cost of members travelling outside the State in connection with matters that were deemed to be of some interest to the councils concerned. This has involved both interstate and overseas travelling.

What are the recent controversies to which that refers?

The Hon. I. G. Medcalf: You said you knew of six cases.

The Hon. R. THOMPSON: There was no controversy attached to them at all.

The Hon. I. G. Medcalf: I wonder why.

The Hon. R. THOMPSON: The Attorney General mentioned controversies, not I. Which are the councils concerned? We all know about the Perth City Council.

The Hon. I. G. Medcalf: Tell us about the six cases you know of.

The Hon. R. THOMPSON: We do not know of any controversy in regard to anyone going

interstate, as was mentioned in the Attorney General's second reading speech.

The Hon. I. G. Medcalf: Tell us about the six cases.

The Hon. R. THOMPSON: I did not say anything about members; I referred to officers of councils.

The Hon. I. G. Medcalf: Cut that out; you said "members of councils".

The Hon. R. F. Claughton: He very clearly said "officers".

The Hon. R. THOMPSON: I referred to officers, not members. Quite obviously the Attorney General does not understand what I am saying.

The Hon. I. G. Medcalf: If I do not understand, there is no point in asking me.

The Hon. R. THOMPSON: I ask him to explain what is meant in the first paragraph on page 5 and the first paragraph on page 6 of his speech notes. Thirdly, can a local authority send any of its staff overseas without ministerial sanction?

The Hon. F. E. McKENZIE: I rise to support the amendment which provides that councillors may travel overseas if an absolute majority of the members of the council agree. I see nothing wrong with that; in fact, the proposition in the Bill is quite ludicrous. I really do not know what prompted it, because members of council staff may be sent overseas by the council. Surely councillors are more important than their staff. They are the elected representatives of the people.

The Hon. R. F. Claughton: Let us just say they could be regarded as important.

The Hon. F. E. McKENZIE: They are equally important. If the staff may be sent overseas, so should councillors be able to be sent overseas. It can be just as expensive to travel within Australia as to travel outside Australia, as has been evidenced recently by the cost of air fares within Australia compared with overseas fares.

The Hon. G. W. Berry: It is probably more expensive.

The Hon. F. E. McKENZIE: Yes. If councillors are to be permitted to travel uninhibited within Australia, why should they be precluded from overseas travel? Probably they could learn more from overseas travel than from travel within Australia, and their knowledge could be broadened by what they see in other parts of the world.

I can see no reason at all for the proposition in the Bill. On the other hand, the amendment is a

sensible one. In fact, the staff of Government departments often travel overseas to gain further knowledge, as do Ministers of the Government. What would be the situation if before a State or Commonwealth Minister could travel overseas permission had to be granted by way of a referendum of the people? That would be ridiculous. Yet we want to inhibit councillors from travelling overseas, and they are the elected representatives of the people in the first tier of government.

The Hon. R. Thompson: Big Brother has to look after them.

The Hon. F. E. McKENZIE: That is right; Big Brother must watch over those who work voluntarily and do not receive the healthy remuneration that we receive. I have no doubt that overseas visits by Government staff are to gain knowledge, just as Ministers travel overseas to broaden their knowledge. Does the Government wish to stop councillors from travelling overseas simply because it is not popular with the people? If that is so, we should look at ourselves, because overseas trips by Ministers are far from popular. That is what one finds when one listens to what people are saying in the electorate.

The Hon. T. Knight: They don't even approve of Prime Ministers going overseas.

The Hon. F. E. McKENZIE: That is true; so why should we watch over what councils are doing? No impropriety has been proven in respect of councillors travelling overseas, although we have heard a lot of innuendo. I support the amendment because I think it is sensible.

The Hon. M. McALEER: We keep going around and around, and perhaps I will merely go around once again. We should bear in mind that, first of all, this is not something which is new. Up to date councils which have wanted to send members overseas have asked the Minister's permission. It was not until the occasion arose, when a council decided not to do that, that it became apparent the Act contained nothing to prevent councils from not doing it.

It seems to me the Minister has chosen a compromise. He does not wish to stamp on local government entirely, so he has made a division between travel within Australia and overseas. Perhaps it is not a particularly happy compromise in that one might argue it is just as expensive to travel within Australia as to travel overseas; although I am inclined to think one's scope of travel is wider overseas, and perhaps it is more difficult for people to judge the value of studies to be undertaken when they embrace overseas countries the procedures of which are less familiar

to us than the procedures of our own country. I do not feel strongly about that one way or the other.

However, I do think the Local Government Act and the Local Government Department have always held a watching brief for the ratepayers. To use the word that Mr Baxter repudiated in this context, this is seen as a safeguard to ratepayers. It is no good saying that ratepayers have the ultimate safeguard of elections and that elected councillors are responsible. Ratepayers do elect responsible persons; by and large local government councils are very responsible. However, the percentage of people who elect local authorities—especially in city areas—is lamentably small. Unlike the situation in Parliament, there is no question of having a clean sweep of a shire council if the ratepayers disapprove of its actions; because councils are elected in sections and only so many councillors are elected in one year.

The Hon. D. W. Cooley: That applies to us.

The Hon. M. McALEER: The fact is that if certain members of a council come up for election following an overseas tour of which the people disapproved, they may be the victims of the ratepayers' annoyance even though they may be the very ones who voted against the tour.

I see no harm in the Bill and I certainly do not support the amendment.

The Hon. I. G. PRATT: Earlier in the debate the Hon. Des Dans attributed to me some words, and I did not want to interrupt his speech so I merely said they were fairly close. I am glad I was able to provide him with the word which he used most in his contribution: "genuine". We heard a great deal of it. I would like to remind him and the Chamber that my reference to "genuine" was not in respect of the Minister's decision, but in respect of the people putting forward the case. Mr Dans must have misunderstood me, because he referred to the Minister deciding that the case was genuine.

The Hon. D. K. Dans: I take your point.

The Hon. I. G. PRATT: Yes. If the people putting up the case are genuine there is no reason for them to fear anything from the Bill before us. They will be able to present well-documented cases. I present an example of a councillor within Mr Dans' electorate. I refer to Councillor De-Young who went overseas to study rubbish disposal equipment. Subsequently his council bought some very modern and expensive equipment. No difficulty would be experienced in putting forward a well-documented case for such a trip. Therefore, there is no real problem in that respect.

It was mentioned that perhaps the people and not the Minister should make the decision. There is another way of doing this. A provision could be included in the Act that if overseas travel is to be embarked upon it must be subject to the approval of ratepayers in the same way as loan polls are conducted. If we ever want to stop any overseas studies being undertaken, this would be the way to do it. I guarantee that if such a matter went to the people for a decision, the people would never approve of a trip.

Therefore, that suggestion is absolutely ridiculous, because it would defeat the whole proposition made by the speakers who suggested that the people should make the decision and not the Minister.

I am still not convinced that the amendment should be supported.

The Hon. TOM McNEIL: I would like to refer to a couple of points made by speakers. One member said he did not feel many councils would take exception to the Bill as it stands.

I can state unequivocally that there is only one council in the Upper West Province which has shown anything apart from abhorrence towards the legislation and that council indicated that it could not afford to send anyone overseas. Allowing for that reply, I can say that in the Upper West Province every shire council is against this action.

As far as ministerial approval is concerned, it was suggested that the Minister would not knock the proposed trip on the head. I think that defeats the policy of the move. If the Minister is not going to knock the proposal on the head because of political or personal reasons, why is there the need for ministerial approval?

If local authorities are going to be elected to do a job, there should be enough trust in them to know that they are going to do a responsible job, and that they would take a majority decision on a matter such as this, which would not require ministerial interference.

The Hon. I. G. MEDCALF: We have had a good expression of views on this subject. The views have been many and varied. Clearly there is a divergence of views amongst members as to whether or not the Minister should be required to grant his approval to the overseas visits of councillors.

It is wrong to look at this from the point of view of saying that we are casting aspersions at the members of councils, or that we are insulting councillors. I know that a number of members did not say that, but one or two of them did suggest that we were casting aspersions at councillors in

propounding this legislation. That is not the right way to look at it at all. I will give the reason in a moment.

It should be noted that nobody has cast any aspersions at the members of the Perth City Council. Nobody has said that those members who went overseas should not have gone overseas. Nobody has impugned the honesty or integrity of the various people who were referred to—the businessmen and others who are the members of the Perth City Council. Nobody has suggested that what they did might not be productive of some benefit. That has not been suggested, and that conclusion should not be drawn.

The Hon. R. Thompson: Why did you say “a recent controversy” if you were not—

The Hon. I. G. MEDCALF: Mr Thompson asked that question before and answered it himself.

The Hon. R. Thompson: You have not answered it.

The Hon. R. F. Claughton: You are the Minister in charge of the Bill. You have the responsibility, not Mr Thompson.

The Hon. J. C. Tozer: There is no question to answer.

The Hon. R. F. Claughton: You are very good at shaking off your responsibility. Let us have a few answers.

The CHAIRMAN: Order! The Attorney General has the floor.

The Hon. I. G. MEDCALF: I thought Mr Claughton had made his speech—

The Hon. R. F. Claughton: You will get it after you finish.

The Hon. I. G. MEDCALF: The question to which I was addressing myself was that no-one had impugned the motives of the members of the Perth City Council. Nobody has said that their integrity is in question at all. That is not the issue.

It is not proper to look at this from the point of view of members of a council who have worked for many years and should receive a reward for their services. That is another wrong way of looking at this matter. When people go overseas, they should not be going as a reward for past services. If they are going overseas, they should go with a view to improving their community; with a view to forwarding the interests of the ratepayers or the people they represent. Therefore, it has to be looked at in a rather different light from the views which have been offered tonight.

I do not doubt for a moment that there is value to be obtained from overseas visits. The Hon.

Grace Vaughan referred to this. She seemed to suggest there was not any virtue in this. Of course there is great benefit to be gained by going to another country and finding out how things are done there, when one is engaged in similar things in one's own country. We are not arguing on a narrow basis of insularity. It is obviously beneficial to have overseas trips if the person who goes is devoting himself to worth-while study; if he is attending some worth-while conference; if he is taking an interest in something which will improve his community and make him a better representative of the ratepayers from his council ward.

There is no suggestion that anyone is trying to stop bona fide visits. The question of what is genuine and bona fide is relevant. I believe this is where we come to the principle of the matter.

It is not irrelevant, because the people who go overseas are using public funds. If they were using their own funds, it would be a different story altogether, and the question would not arise. When they are using public funds, contributed to by the ratepayers and taxpayers of the country, they have a strict liability to see that the funds are not misused. They have a liability to account, and they have a liability to ensure that someone else apart from themselves authorises that expenditure.

The Hon. R. Thompson: Who is casting aspersions now? You are saying that they may be irresponsible. That is what you are saying now.

The Hon. I. G. MEDCALF: It is essential that persons spending public funds should observe the principle that they do not authorise the expenditure themselves. There must be some check on the expenditure of public funds.

Somebody else authorises practically all expenditure. A judge cannot go overseas on public funds; a Minister cannot go overseas without such authority.

The Hon. F. E. McKenzie: Who authorises that?

The Hon. I. G. MEDCALF: That is authorised by the Cabinet.

The Hon. F. E. McKenzie: What about the Parliament?

The Hon. I. G. MEDCALF: If a member of the Parliament goes overseas, it is authorised by the Parliament, by the Commonwealth Parliamentary Association, by the Government, or by a committee.

The Hon. D. K. Dans: You are opening up a whole new world. On one hand, you are saying “accountability”. To whom?

The Hon. I. G. MEDCALF: A member is accountable to the people he represents.

The Hon. D. K. Dans: It is exercised in the ballot box at local government elections.

The Hon. I. G. MEDCALF: The principle is that if one is proposing to spend public funds on what is normally an expensive visit—it has been suggested that it costs more to go to Brisbane than to London—

The Hon. F. E. McKenzie: You said the Cabinet. What about the council?

The Hon. I. G. MEDCALF: —that is a very unusual situation—

The Hon. F. E. McKenzie: You said the Cabinet authorises it. What is wrong with the council authorising it?

The Hon. I. G. MEDCALF: That is a very unusual situation which we have at the moment, due to the present argument about air fares. Ordinarily it costs a lot more to go to London than it costs to go to Brisbane. I believe that that position will probably apply in the future.

Irrespective of that, it is not only the air fare, but all the expenses involved here have to be taken into account. In the public mind, it is far more expensive to go to London. The public mind cannot be overlooked.

The Hon. F. E. McKenzie: You said to me the Cabinet authorises the trips of Ministers overseas. What is wrong with the councils authorising councillors, provided there is an absolute majority of them?

The Hon. I. G. MEDCALF: That is one of the provisions. The motion has to have an absolute majority. Then the proposal has to be approved by the Minister. I believe that is a salutary exercise.

The Hon. F. E. McKenzie: Where does it go beyond Cabinet?

The Hon. W. R. Withers: The Treasury.

The Hon. I. G. MEDCALF: One has to come to the situation where one cannot go any further. However, everybody, up to the highest person in the land, has to have overseas visits out of public funds authorised by someone, not by himself.

The Hon. F. E. McKenzie: The Government might consider sending it to the Queen, if you want the ultimate.

The Hon. I. G. MEDCALF: That is just being ridiculous. We have to be practical. The practical problem—even if Mr McKenzie does not recognise it, the public recognises it—is that there should be someone else to authorise a trip overseas. The Government is well aware of that.

The Hon. D. W. Cooley: If cost is a factor, what about multiple trips to the Eastern States?

The Hon. I. G. MEDCALF: Mr Cooley raises the question of costs. I did not raise the question of costs.

The Hon. D. W. Cooley: It was raised by Mr McKenzie.

The Hon. I. G. MEDCALF: I was answering Mr McKenzie. The question of cost is one which changes from time to time. The fact that it may cost more at the moment to go to Brisbane than to London is of no significance.

The Hon. D. W. Cooley: If you send three councillors to Brisbane, it would cost very much more than sending one councillor to London.

The Hon. I. G. MEDCALF: Yes. I can multiply by three. Members have to compare like with like. They have to compare sending three councillors to Brisbane with sending three councillors to London. They could say it cost more to send 10 to Brisbane than one to London. It is not a fair comparison.

It is the principle which is important, that somebody else must authorise the expenditure when the money comes out of public funds. That is the principle behind this which Mr Thompson could not see.

The Hon. R. Thompson: The sooner you sit down, the sooner I will tell you what local government thinks of you and your Government.

The Hon. I. G. MEDCALF: We believe it is important that the public recognises this principle and that the Government recognises this principle. We believe it is important that the Government should approve expenditure which is incurred by councillors on overseas visits.

The Hon. R. THOMPSON: It is entertaining to listen to Mr Medcalf skirting around something when one knows he is not positive what the intention of the Bill is, or if he is not completely being honest with himself when he makes these speeches.

Most members have received a letter from the Local Government Association of Western Australia and the Country Shire Councils' Association, sent out under the signature of R. F. Coffey, the secretary. The letter was dated the 13th October. This is what Mr Medcalf conveniently ignores. In the letter, Mr Coffey said—

As you are aware, the Hon. M. J. Craig, M.L.A., Minister for Local Government, has introduced into Parliament a Bill for an Act to amend the Local Government Act 1960-1978.

One of the propositions (the proposed amendment to Section 513) does two things. It clarifies the powers of Councils in respect of travel by elected members outside the State and the Commonwealth and in so doing imposes restrictions for travel outside Australia.

The amendment proposes that there be no restriction on travel within the Commonwealth but absolute majority decisions of Councils wishing to send elected members overseas on Local Government business will be subject to the approval of the Minister for Local Government.

Representatives of both Associations have raised strong objection to any restriction, which objections were conveyed to the Hon. Minister prior to the Bill being introduced.

They would be majority decisions of both associations.

The Hon. I. G. Pratt: Does it say, "The majority of the votes of the association" or "The majority of the representatives of the association"?

The Hon. R. THOMPSON: The representatives.

The Hon. I. G. Pratt: That is a little different.

The Hon. R. THOMPSON: The particular sentence reads as follows—

Representatives of both Associations have raised strong objection to any restriction, which objections were conveyed to the Hon. Minister prior to the Bill being introduced.

The next paragraph is very interesting. It reads as follows—

Local Government is a responsible form of Government and Councillors are answerable to ratepayers for their actions. Therefore, if Governments are honest in their pronouncements that Local Government is the third tier of Government, that it should be given more responsibility, then it should be treated responsibly and not be subject to controls of this nature.

They are very strong words. If one reads between the lines, one can see the associations disagree with the Government, and when they say, "If Governments are honest" they are accusing this Government of being rather dishonest, because it has introduced legislation which removes the autonomy of local government.

The letter continues—

I wonder what the reaction of the State Government would be if the Commonwealth

Government brought down legislation to control overseas travel activities of State members for Parliament.

Why then should Local Government be subject to this type of control? Councillors are subject to ratepayers who have shown that they are not adverse to reacting to decisions of Councils.

Press reports indicate that despite "opposition" this proposition was carried narrowly in the Legislative Assembly—no doubt with other amendments it will shortly be introduced into the Legislative Council.

I would therefore seek your support to have the proposed new sub-section 513(2) redrafted to read: (Suggested)

I support fully the stand taken by the associations. It shows they are opposed to this Government. It has been said many times in this Chamber that the Local Government Association and the Country Shire Councils' Association are in favour of this particular action. It has been said also that these bodies have approached the Government. This was said in 1960 when the Local Government Act was passed. We have heard it hundreds of times since.

The Hon. D. W. Cooley: And we have heard it tonight also.

The Hon. R. THOMPSON: That is correct. The Local Government Association is in agreement with the rest of the Bill and I am in agreement with the rest of it also. However, I am not in agreement with this particular matter and the Minister cannot say local authorities have asked for it. The Minister said that, as a result of controversy, this Bill is before us, and it provides restraint. What restraints do local authorities need in this matter? Is Big Brother going to look over their shoulders all the time? These people are elected members of local authorities. They were elected by their peers. I do not think a Minister has a right to dictate to them and that is, in fact, what he could do.

I presented an illustration earlier where a council could be unanimous and the ratepayers could know about the particular matter before it went to the Minister for approval. Of course, if controversy arises and the ratepayers say, "We disagree with this" the onus is on the Minister. It is an unfair onus to be placed on the Minister. If a Minister agrees with a unanimous decision of a council, or disagrees with it, I do not think he should be a Minister. He is acting as judge and jury at the same time. Mr Medcalf has had a little to do with judges and juries.

The Hon. D. K. Dans: I hope not.

The Hon. R. THOMPSON: Therefore, the Attorney General should stand up and give us the answers to the questions posed by the Local Government Association and the Country Shire Councils' Association.

The Hon. I. G. MEDCALF: You have just given us those.

The Hon. R. THOMPSON: The Attorney General should tell us the Government's attitude. The local authorities did not ask for this legislation. The Attorney General has skirted around and has not answered the question.

The Hon. I. G. MEDCALF: You have answered your own questions again.

The Hon. R. THOMPSON: No wonder we pay a great deal of money to lawyers, if that is the best they can come up with. Tonight Mr McKenzie said that we receive a grand salary, or words to that effect. I intended to interject and say, "No, we do not receive a grand salary. I think we get rather expensive appearance money." However, the Attorney General is not even worth appearance money if he does not stand up and answer the criticism levelled at the Government under this measure.

The Hon. I. G. MEDCALF: I cannot refuse Mr Thompson when he asks me to do this, because he might cut off my appearance money and that would be too bad!

The Hon. R. Thompson: I would love to do that.

The Hon. I. G. MEDCALF: My answer is: A Government has many responsibilities. It cannot always do what one particular group in the community wants. A Government tries to do this, but it cannot always do so. Conflicts arise frequently between different groups and it is the Government's duty—as the honourable member knows because he has been a Minister himself—to sort out the problems and refuse some of the requests, because it has to take notice of other requirements. That is the reason the Government cannot accede to the particular request conveyed in the letter read by the honourable member.

The Hon. R. Thompson: Do you ever refuse any requests from the Law Society?

The Hon. I. G. MEDCALF: Yes; requests from the Law Society have been refused. The honourable member may recall a request from the Law Society which was refused in relation to the fuel and energy legislation.

The Hon. R. Thompson: The society was right and you were wrong.

The Hon. I. G. MEDCALF: The society was not right and events have proved who is right.

The Hon. D. W. Cooley: You are the only lawyer in Perth who has that opinion.

The Hon. I. G. MEDCALF: The honourable member who has just interjected expressed some satisfaction with the explanation I gave him at the time. The Government has to take into account its obligations to the whole community and not just to one particular association or group. The Minister has the onerous responsibility of choosing between various options. As mentioned by Mr Tozer, the Local Government Act contains a hundred requirements of a Minister. A local authority can even be dismissed on the recommendation of a Minister made to Executive Council.

The Hon. D. K. Dans: So I have noticed.

The Hon. R. F. CLAUGHTON: There is a great deal of controversy about that.

The Hon. I. G. MEDCALF: These are solemn responsibilities. We hear a great deal about the third tier of government and the reason we are always amending the Local Government Act is that local government is being given more duties and responsibilities and it is performing a most important role in the community. It must be remembered, however, that it derives its power from the Local Government Act which comes from this Parliament. That is a very different matter from this Parliament itself, because this Parliament derives its power independently of the Commonwealth Government. The Commonwealth Government does not oversee the expenditure of the Government of this State or of the Ministers of this State. It cannot be compared to a Minister overseeing the affairs of local authority. There is no parallel.

The Local Government Act is an Act of Parliament. We are amending it for the third time this year. We amend it three or four times each year; it is such an important Act. The size of the Local Government Act is well known to members. It is vital to the performance of government; but we must remember the third tier of government is responsible to this Parliament and to the Government of this State. That is where it derives its authority.

The Hon. R. F. CLAUGHTON: We very often see an Alice in Wonderland atmosphere in the debates in this Chamber.

The Hon. I. G. MEDCALF: Gulliver's Travels.

The Hon. R. F. CLAUGHTON: I wonder what sort of attitude members opposite would express if a Labor Government was introducing

the particular changes to the legislation we are discussing tonight. There would be a tremendous uproar.

The Hon. R. Thompson: It would not get past the second reading. It would be straight out the window.

The Hon. R. F. CLAUGHTON: I agree with the honourable member. The attitudes of members opposite would be completely different from the attitudes displayed tonight. Had we introduced such a Bill, we would have been accused of being the destroyers of the last bastion of democracy; that is, local government. We would have been told we were poking our fingers unnecessarily into the affairs of local government, and that local government was capable of looking after itself.

The Hon. I. G. Medcalf: You are talking about Alice in Wonderland now, because a Labor Government would not have introduced that Bill. It is a very hypothetical situation.

The Hon. R. F. CLAUGHTON: I agree with the Attorney General; but the Government has introduced the legislation and the members opposite on the back benches are sitting quietly, acquiescing with it.

Several members interjected.

The CHAIRMAN: Order!

The Hon. R. F. CLAUGHTON: I wonder if members opposite are aware that the proposal initially put forward by the Attorney General was that all trips, not just overseas trips, should be subject to his veto. As a result of the protests of the Local Government Association, the Minister for Local Government made this concession. Mr Pratt seemed to be about to object.

The Hon. I. G. Pratt: Object to what? What was the reference you made?

The Hon. R. F. CLAUGHTON: I was referring to the objections put forward by the representatives of local authorities through their associations. Had the Minister not conceded this point and had he introduced a provision whereby all trips were subject to his veto, I have no doubt that back-bench members opposite would have been standing on their feet defending that proposal as resolutely as they have been tonight. It is a situation of complete duplicity. The Minister for Local Government has seized on a public issue and the Government is going along with him. He is trying to make political capital from it. When questioned, the Attorney General was not able to tell us the problems which created the need for this particular piece of legislation. What were the controversies? We have heard

about one in relation to the City of Perth; but that visit was not stopped. It went ahead despite the objections raised by some ratepayers.

They will still have to justify the action they have taken in going overseas. It is to the ratepayers they have to justify what they have done. The published cost was some \$18 000. Mrs Piesse objected that councils were getting too much grant money. I imagine the total budget of the Perth City Council would be something like \$25 million.

The Hon. W. M. Piesse: They do not need any grant money.

The Hon. R. F. CLAUGHTON: And, of course, the councils cannot spend their grant moneys in that way. So that is not the question at all. There is an accountability, about which Mr Tozer would surely know. I am surprised he did not mention it. There is a local government auditor who circulates and examines very carefully the spending of local authorities. A report is brought forward and presented at the annual ratepayers' meeting. If anything is wrong in the administration or if there is any question about the accounting of spending by councils, it is the auditor who will pick it up, and it will be a matter of question at the annual ratepayers' meetings, some of which can be extremely heated. The City of Perth has known some extremely heated ratepayers' meetings, as has the City of Stirling and, in recent times, the Shire of Wanneroo in relation to its planning schemes. So there is that level of accountability. The Minister tried to justify this provision on the question of accountability, saying it is the Minister to whom councils have to account.

The Hon. I. G. Medcalf: I did not say that.

The Hon. R. F. CLAUGHTON: What was the reason for talking about accountability? The Minister said councils had to be accountable for the spending of public funds.

The Hon. I. G. Medcalf: I did not say they had to account to the Minister.

The Hon. R. F. CLAUGHTON: I am not sure what the argument was, in that case.

The Hon. I. G. Medcalf: That is obvious.

The Hon. R. F. CLAUGHTON: Perhaps the Attorney General can suggest what it was.

The Hon. I. G. Medcalf: I will.

The Hon. R. F. CLAUGHTON: If it was not that there should be accountability to the Minister—

The Hon. I. G. Medcalf: That is what you have just said, and it was not that.

The Hon. R. F. CLAUGHTON: I contradict the Attorney General's statement now, because his case was very strongly that.

The Hon. I. G. Medcalf: That is not what I said.

The Hon. R. F. CLAUGHTON: I do not think the Minister knows what he said.

The Hon. I. G. Medcalf: You obviously do not.

The Hon. R. F. CLAUGHTON: When he was asked whether they had to account for trips by Ministers—

The Hon. I. G. Medcalf: I did not say they had to account to the Minister.

The Hon. R. F. CLAUGHTON: He said "to the Cabinet".

The Hon. I. G. Medcalf: Finish your speech.

The Hon. R. F. CLAUGHTON: I hope the Minister will get to his feet and give some kind of justification for this provision. I would say the justification is that the Minister seized on a public issue and thought he could get some political mileage from it. There seems to be no other circumstance. Nothing in the Minister's speech and nothing in the statements he has made in this debate justifies bringing this proposal before the Parliament.

The Hon. I. G. Pratt: Did you listen to Miss McAleer's speech?

The Hon. R. F. CLAUGHTON: Miss McAleer is not the Minister.

The Hon. I. G. Pratt: Did you listen to it?

The Hon. R. F. CLAUGHTON: Whatever Mr Pratt, Miss McAleer, or any other back-bench member of the Liberal Party says is of no account. It is the Minister who has the responsibility to justify it. It is only his statements that we can take notice of. I think we might just as well go home, for all that results from the debates that take place in this Parliament.

The point is that no justification has been put forward for this Bill. The only example mentioned is the City of Perth, as far as overseas trips go.

The Hon. J. C. Tozer: I mentioned Port Hedland.

The Hon. R. F. CLAUGHTON: That was not a matter of controversy.

The Hon. J. C. Tozer: It was very much so up there.

The Hon. R. F. CLAUGHTON: But the Minister did not mention it.

The Hon. R. Thompson: I think the Minister was referring to Hutt River Province.

The Hon. I. G. Medcalf: So far I am not convinced of your argument, but carry on.

The Hon. R. F. CLAUGHTON: Whether or not I have convinced the Minister, I have no expectation that he will change what is in the Bill.

The Hon. I. G. Medcalf: What exactly are you saying?

The Hon. R. F. CLAUGHTON: The Minister asked a question and I was replying to it. I do not expect the Minister to change his mind.

The Hon. I. G. Medcalf: Well, why are you standing up?

The Hon. R. F. CLAUGHTON: Another question was asked previously and I replied to it. I am not sure whether the Minister listens. We might just as well not be here for all the gain it is to the public. If we are talking about accountability, we would be extremely hard put to justify the continuation of this place for all the value the public gets from it.

The Hon. R. Thompson: He will not listen to a Government member, a member of the Opposition, or the most unbiased independent member of this Chamber.

The Hon. R. F. CLAUGHTON: No mention at all has been made of controversy in relation to interstate trips. I believe the Government has some responsibility to give a reason for the proposal. The only one I am aware of was a controversy caused recently by the former Minister for Local Government (Mr Rushton) when he told the City of Stirling it could not send one of its councillors on a trip to the Eastern States. He had to pull back from that because the council was acting extremely responsibly. It does not have funds to throw around. It knows it has ratepayers sitting in on its meetings, listening, and following up the minutes of the council, who are quick to jump on anything it does which is wrong.

That is where accountability and justification are to be made—back to the ratepayers, surely, and not to a Minister sitting up in the clouds who may not be aware of all the issues. We should not expect that.

We are often told about the number of unnecessary procedures which have to be followed. Other clauses of this Bill create unnecessary procedures and entanglements, but there is no justification for this proposal.

I believe the local authorities must be seen as sufficiently responsible to make these kinds of decisions and not go overboard with them. No evidence has been presented that any local authority has exceeded what is reasonable with these trips, and if that has happened I think there

is a requirement on the Minister to give us the evidence to support the inclusion of this provision in the Bill.

The Hon. N. E. BAXTER: No-one has referred during this debate to the powers of local authorities under the Local Government Act, which is very specific about how funds shall be applied. A local authority can use only one source of revenue to send anyone on a trip, whether a staff member or a councillor; that is, the three per cents. Most of the country authorities could not afford to send anybody overseas. They can hardly afford to send anyone to the Eastern States. So this provision would apply to very few local authorities in the State, and they would be the larger ones—perhaps the City of Perth and the Stirling City Council, which can spare enough money from their three per cents to send a number of people overseas.

The section of the Act under which they operate is not very specific. Section 530 reads—

530. A council during a financial year—

- (a) may expend out of the ordinary revenue of the municipality a sum not exceeding three per centum of the ordinary revenue for the financial year for a purpose connected with, and for the benefit or credit of, the municipality, although the purpose is not within the scope of this Act, and may include in its payments under this paragraph, or make in place of them, the payment of an entertainment allowance to the mayor or president;

The section is not specific as to what the council can do, and this is the only source of revenue that can be used for such things as trips overseas or interstate.

The Hon. J. C. Tozer: The Bill gives them power.

The Hon. N. E. BAXTER: The Bill gives councils power to make a decision to use funds for the purpose of trips interstate or overseas.

The Hon. R. Thompson: We are not arguing about that. We just want to amend that obnoxious clause.

The Hon. N. E. BAXTER: The clause is not obnoxious. It is advantageous, because the sections under which councils are operating now are not specific in any way. Rather than detracting from the autonomy of local authorities, the provision in the Bill is of advantage to local authorities. It gives them power to use money from their three per cents for this purpose, whereas the Act is not specific in this regard.

In the past when overseas trips have been challenged, I believe councils would have been subject to criticism for using ratepayers' money, even from the three per cents, for a purpose not specified in the Act, because in no way do they have authority under the Act to use money for that purpose.

The Hon. D. K. DANS: I am still in somewhat of a quandary. When I was on my feet previously, I used the word "genuine", and I must apologise to Mr Pratt. I thought he had used it in a certain sense, but certainly the way I used the word was understood by the Minister. That is germane to the whole Bill.

When the Attorney General was replying he used the words "accountability" and "bona fide". Some debate has taken place on what he meant by "accountability". I think he was perhaps referring to the public accountability, of which the Minister would have to take note.

If we are getting into this area, perhaps I am in the position of warning the Government about the path it is treading. Perhaps that statement is rather a long bow and rather harsh language.

The Attorney General then used the words "bona fide". That immediately suggests to me the Minister will be called upon from time to time to make this decision. Let us be clear about it: he will not be called upon to make the decision every second day. It would probably arise only in relation to the bigger local authorities in the State. I was aware of the trip by the Port Hedland councillors.

That underlines some of the things I said earlier. Irrespective of what the people in Port Hedland thought, in view of the developments that will take place in that area, it was desirable that some investigations be made. There must be a growing up process in this country; it must be allowed to flourish. We must not retard development.

Let me refer again to these terms "bona fide" and "accountability". We seem to be settling into a fairly even plane. I have regard for what the Attorney General said about the size of this Local Government Act, but just because it is big it does not necessarily impress me a great deal. Perhaps it is time it was pruned a little. I have recently read a book on economics, and I think it was entitled *Small is Beautiful*.

The Hon. I. G. Medcalf: What I meant was that local government has a great many duties to perform. I do not doubt that you could simplify parts of the Act.

The Hon. D. K. DANS: I am not taking issue on that.

The City of Fremantle would not have the money for such a trip, but let us say that the councillors from the City of Stirling put up a proposition to the Minister. If the Minister does not think it is a bona fide proposition or that public accountability has not been satisfied, sooner or later some regulations will have to be brought in. Some guidelines will be necessary—because this normally follows—to lay down the conditions under which the Minister will act. Once that happens, and it is going to happen, then we really will have a tiger by the tail. The whole process will proliferate and the people in some local authorities, who are aware of the guidelines and the parameter or the perimeters, will make sure that they fulfil the requirements. I repeat what I said earlier: this is using a steam hammer to crack a peanut.

In my opinion the Minister was stampeded into the inclusion of this provision because of the publicity surrounding the trip made by the Perth City councillors. I see Mr Baxter shaking his head, but what other councils around Western Australia suddenly opted to send members of the council on overseas trips? It is well remembered that the first contention was to give the Minister the right to veto—that was the term used and probably it is the right term—a decision made by a council. If the Minister thought a proposition was not quite right, he could veto it. That is a dangerous prescription because, mark you well, Mr Chairman, the next thing will be the laying down of guidelines. It may not be next year, but certainly then or the year after we will be asked to approve amendments to the effect that under specific circumstances the Minister shall agree to do certain things. I do not believe that is a good thing, and I think the Attorney General has a sneaking regard for my point of view. When he used the term "accountability" he meant something that could be justified in the eyes of the public, and the public is made up of pretty wide and sometimes fickle groups of people. The Minister justifies his actions to the Cabinet. I think the Attorney General left the Premier or the Treasurer out of his calculations before.

The Hon. I. G. Medcalf: He has the ultimate say; that is quite right.

The Hon. D. K. Dans: The Treasurer has his hand on the till. If he says nothing is to happen then nothing will happen; fair enough. The case advanced for the introduction of this legislation is not good enough. The Local Government Association is a fairly restrained organisation, and the letter forwarded to members was circulated with the very best of intentions. I do not believe the decision to send it was taken lightly. This is a

responsible body, and we should take notice of it. I agree that we should not take notice of everyone, but are we not on this occasion taking notice of a few vocal residents of the City of Perth who objected most strongly to the councillors going on this trip? The councillors are now back in Perth and they will present a report of their trip. In the light of that report we may well have a different view of the whole matter.

Without doubt this legislation will be amended in the future so that there will then be no doubt about what the terms "bona fide" and "public accountability" mean. These definitions will be written into the Act, as well as the conditions under which a trip can be planned. After that point is reached, the Minister will never have the necessity to use his power of veto, because in reality the Minister for Local Government would not want to use such a power. This Government has run off on a tangent, and it cannot get back. Members should seriously consider the amendment before them. Even if the Government is not prepared to agree to the amendment, it should withdraw the legislation so that it may have another look at it.

The Hon. I. G. MEDCALF: I think the Hon. Des Dans has summed this matter up rather well. It comes down to the basic view of whether or not we believe that a person who spends public money should be allowed to spend it on himself without anyone else having a say in the matter. I know there are arguments about the third tier of government and about this question of accountability. Unfortunately Mr Claughton misunderstood what I said about accountability. However, it comes down to one single issue: should anyone be allowed to spend public money on himself without anybody else having the right of approval or veto? Call it what one likes, I believe it amounts to much the same thing.

Whether or not one agrees with this principle depends on one's personal views. However, the Government has decided that before a person spends public money on himself, someone else should have the final say about it. That is what it boils down to. For those reasons the Government cannot accept the amendment moved by Mr Tom McNeil, and I ask members to vote against it.

Amendment put and a division taken with the following result—

#### Ayes 9

Hon. D. W. Cooley	Hon. T. McNeil
Hon. D. K. Dans	Hon. R. Thompson
Hon. Lyla Elliott	Hon. Grace Vaughan
Hon. R. Hetherington	Hon. R. F. Claughton
Hon. F. E. McKenzie	

(Teller)

## Noes 16

Hon. N. E. Baxter	Hon. O. N. B. Oliver
Hon. G. W. Berry	Hon. W. M. Piesse
Hon. T. Knight	Hon. R. G. Pike
Hon. A. A. Lewis	Hon. I. G. Pratt
Hon. G. C. MacKinnon	Hon. J. C. Tozer
Hon. M. McAleer	Hon. W. R. Withers
Hon. N. McNeill	Hon. D. J. Wordsworth
Hon. I. G. Medcalf	Hon. G. E. Masters

## Pairs

(Teller)

## Ayes

Hon. R. H. C. Stubbs	Hon. R. J. L. Williams
Hon. R. T. Leeson	Hon. N. F. Moore

## Noes

Amendment thus negated.

Clause put and passed.

Clause 8: Section 514A added—

The Hon. R. F. CLAUGHTON: This clause deals with the power to acquire land for resale. I am referring to it simply to illustrate the complications that will be introduced into this procedure. The council is required to obtain the approval of the Governor on the recommendation of the Minister to do all the things laid out in the clause. Paragraph (a) of proposed section 514A(1) provides that a council may acquire land for the purpose of reselling the whole of the land after subdividing in accordance with the Town Planning and Development Act, but the council must also comply with the conditions laid down under clause 5 where it states that the demand must be demonstrated to exist, and also the fact that the demand is unlikely to be met by private developers. Another condition is that the development costs must be covered.

So before deciding to undertake such action, the council would have to refer from one provision to another, and this would create a whole new set of procedures and a lot more red tape. We are trying to reduce such procedures, and not to pile more difficulties on top of the difficulties that already exist.

Paragraph (b) of proposed section 514A(1) sets out more conditions that the council will have to meet, and paragraph (c) states—

for the purpose of reselling the balance of the land without subdivision;

This means that the provisions of clause 6 then apply.

The legislation before us will introduce many more complications to the Act. The Government is saying to local government, "We will let you do that, but we do not really think you are responsible enough so we will have to keep a paternal eye on you." This is a case of "Big Brother" entering into an operation.

I cannot believe members really desire to have all these extra procedures inserted in the legislation, otherwise what has been the value of

all the words spoken about getting rid of red tape, reducing the procedures involved, and lessening Government interference in the activities of people? Those sorts of statements and ideals are contradicted by what is in this Bill and in principle, they are the reasons we are opposed to the legislation.

It is sensible that, if there is a deficiency in the Act, we should try to do something about it. However, our attitude to what is contained here is that it has gone further than is necessary. We could have clarified the ability of a council to do these things without hamstringing it by requiring it to refer the whole matter to the Minister, and setting up an additional set of procedures, requiring extra bureaucracy to handle it and creating more work of a formal kind to tie the Minister to his office. It is completely unnecessary. It is an attitude which really says, "We say we like you, local government, but we do not really think you are responsible so we have to put these ties on you."

The Hon. I. G. MEDCALF: I believe the honourable member has got it wrong. At the moment, there is no power to do what is now proposed in this clause. It is very doubtful—although in some cases, councils have been doing some of these things—whether councils have the power to do what they have been doing; there is no express power to do it. It is very necessary that a council should have the power in certain circumstances to acquire land for subdivision and resale, where there is nobody else capable of doing it. That is the important part, and that is the reason for these additional conditions which Mr Claughton finds offensive—that is, that there should be nobody else who is willing, able and ready to do what is proposed in this clause. I think that is quite an important point.

Here it may well be that our political philosophy differs from that of the honourable member. He may well feel it is desirable that a council should have this power, irrespective, even in competition with other private landowners who may be prepared to subdivide their land. We take the view that it is desirable to give the first opportunity to somebody who may be willing to do it, without engaging public funds. If nobody is prepared to commit his own capital to subdivide land—and there are cases when this occurs—the council then will have the power to go ahead and subdivide and sell the land, with the prior approval of the Minister.

Several other powers will be given to the council at the same time, not only to acquire land for the purpose of resale and subdivision but also

to acquire it for a different purpose, and then retain some of that land for subdivision and sale, and so on. So, to a certain extent, the complications are there to give the council extra powers which the council will want and which no doubt it will use.

I differ from Mr Claughton when he says we are simply complicating matters. We are providing a power which is not there and we are providing it on certain conditions which will make it unnecessary to expend public funds if somebody else is prepared to do the job and spend his own money.

The Hon. R. F. CLAUGHTON: What the Minister has done is to confirm that this is an ideological case and not much more. As I have said, we recognise the Act contains deficiencies which need attention. But to do that, we do not need all these complications. What the Government could have done in a few paragraphs it has taken several pages to put down—simply to satisfy its ideological viewpoint.

The Hon. I. G. Medcalf: You would not agree that this is a good objective, but we believe it is; it is a difference in ideological view.

The Hon. R. F. CLAUGHTON: I would agree: it is a very strong difference between the Minister and myself. He wants to impose his ideology on the public; he wants to shove it down their throats. It is certainly not the attitude of me or my party to impose our philosophies on people.

The Hon. I. G. Medcalf: Your view would be to cut out private enterprise altogether.

The Hon. R. F. CLAUGHTON: Come off it! If the Minister wants to offer an argument, he should offer one which is sensible.

The Hon. G. E. Masters: You are saying that is not the case?

The Hon. R. F. CLAUGHTON: Very definitely I say it is not the case.

The Hon. I. G. Medcalf: How would you do it in fewer pages?

The Hon. R. F. CLAUGHTON: I would remove all reference to where a council must obtain ministerial approval; that would cut out about three-quarters of the verbiage.

The Hon. I. G. Medcalf: The position would get out of hand in no time.

The Hon. R. F. CLAUGHTON: We must accept that councils are responsible in the administration of their funds. They are not going to run off and start up as land developers where there are private developers competently doing the job. What we are talking about is where there are deficiencies in the private enterprise system; it

is apparent to everybody that they exist. Councils should be able to move in and take care of the needs of their shires. Why do the councils have to run off cap in hand to the Minister and provide some sort of justification for their actions, simply to please the Liberal Party? It has nothing at all to do with the needs of the local authorities, or the people who live within them. If these provisions had been put forward simply to remedy the deficiencies in the Act there would be no objection from our side; however, we certainly do object to members opposite shoving their political ideology down the throats of the people.

The Hon. J. C. TOZER: I think it took us all by surprise when we found that the old Act did not empower local authorities to do what this clause is designed to do. We know that up till the last year or two, local authorities in fact did purchase land, subdivide and develop it, and then sell it. It is only recently that this situation has been tested and the old Act has been found wanting; therefore, this clause has been inserted.

I can sympathise with Mr Claughton when he says there are a lot of words in the clause. However, we have come to realise that when we want to have something done legally to cover a situation, this is likely to be the case; certainly, it is the case here.

I think I am right in saying Mr Claughton tends to see things through the eyes of a councillor of the City of Stirling.

The Hon. G. C. MacKinnon: Perhaps an ex-councillor.

The Hon. J. C. TOZER: Yes, but through the eyes of that person, and not through the eyes of the average councillor in the average local authority throughout Western Australia. There are a lot of words in this clause which set down the guidelines under which this land may be developed.

We return to the same question of accountability. Public moneys are being spent. The fact of the matter is that to develop land is a very expensive business and to have to purchase land and then spend ratepayers' money on engineering works in putting sewerage, water, drainage and roads through an area is a colossal undertaking which takes top-class planning officers and engineers and all types of specialist staff which local authorities, other than those like the City of Stirling, generally do not have available to them. So, we have literally millions of dollars being tied up in the ground and sometimes it can be a number of years before the return starts to come in. It is a dangerous thing for any local authority to undertake; in fact, it can be a

losing proposition as many developers have found to their chagrin.

It suits me fine that this clause is in the Bill to make it obligatory that the work should be done by other people if it can be done. If it cannot be done, it suits me fine that the local authority may investigate the matter and, with the approval of the Minister, may carry out this work. I see nothing wrong with this clause and I hope it will be supported by the Committee.

Clause put and passed.

Clauses 9 and 10 put and passed.

Clause 11: Section 550A added—

The Hon. R. F. CLAUGHTON: After our experience with the pensioners rates rebates and deferments legislation I believe it is necessary to look very closely at the fine print in Government legislation; experience teaches us it means more than it appears on the surface. I draw the Minister's attention to the wording of clause 11(3). Could the Minister indicate what that maximum will be?

The Hon. I. G. MEDCALF: I am not in a position to indicate that percentage because it has not been determined; no doubt, consideration will be given to the matter in due course and the specified percentage will be arrived at. The council, at its discretion, will be able to adopt a rate which is below that; however, it cannot exceed the specified percentage.

The Hon. R. F. CLAUGHTON: The Government must excuse the Opposition if its members feel a deal of impatience in these matters. One would have thought the Government would have in mind a likely maximum to be applied. As a Parliament we need to have some idea of what the Government intends with such things. It is quite obvious the Attorney General does not have the information as he is just representing the Minister in another Chamber; he cannot be held accountable for the deficiencies of the Minister himself.

The question of pensioners arose during the second reading debate, and the Attorney General claimed that pensioners were not liable for this penalty. I do not think that is the case. Proposed new subsection (2)(a) sets out when the penalty will apply. In proposed subsection (5) pensioners are mentioned. It states that the penalty will not be added to the amount of rebate or deferment, but if the pensioner elects to take the rebate the penalty will apply to the amount of rates remaining should they be still owing after the date mentioned in proposed subsection (2).

The Hon. I. G. MEDCALF: The idea is that no penalty will apply in the event of the rates being paid within the time stipulated. This applies only if the rates are unpaid. If a person is an entitled pensioner and has a deferment of rates, no penalty arises. So, if rates are deferred under the Act under proposed subsection (5) there will be no penalty at all. If the pensioner decides to pay the rates there is no penalty, because the rates are paid.

The Hon. R. F. CLAUGHTON: Again, I think either the Minister is being perverse or he has an abysmal lack of knowledge of what is in the legislation. Under proposed subsection (5) no penalty is imposed if the rates are deferred. If a pensioner takes the 25 per cent rebate, no penalty applies to that rebate. In my earlier remarks I went on to say that if the pensioner takes the 25 per cent rebate but does not pay his rates by the appropriate time it would seem that pensioner would be liable to the penalty imposed. Is that a correct interpretation?

The Hon. I. G. MEDCALF: I am not trying to be perverse, but I cannot follow the honourable member's reasoning. If the rates are rebated, it is that much less which has to be paid. If the pensioner pays the rebated rate there is no amount remaining to be paid. Hence, there is no interest payable by way of penalty. If the rates are not paid and the person is not an entitled pensioner with a deferment, that person is liable to a penalty.

The Hon. R. F. CLAUGHTON: I am glad the Minister agrees with me, but I suggest his argument is not the case he put to the Chamber earlier this evening when he claimed that all pensioners were exempt.

The Hon. I. G. Medcalf: All entitled pensioners are exempt.

The Hon. R. F. CLAUGHTON: But they must apply.

The Hon. I. G. Medcalf: That is under proposed subsection (5).

The Hon. R. F. CLAUGHTON: The Minister is improving.

The Hon. I. G. Medcalf: If you are going to be patronising, I will not answer your questions.

The Hon. R. F. CLAUGHTON: On the contrary, it is the Attorney General who is being patronising. He does not answer the questions, and that was the complaint Mr Thompson made about the Attorney General's supposed answer to a question he asked earlier. The Attorney General cannot be surprised if I start to show some exasperation. This is a public forum and it is the

the place where these things are argued out and where the Government is accountable for its legislation.

Entitled pensioners are people who must apply for a rebate and then fit into the guidelines as laid down in the legislation. It is surprising how many people fall outside the guidelines. I have had many people come to me complaining about this.

Supposing they are entitled and ask for the rebate, and then ask for time to pay their rates; I suggest once the deadline is reached the amount remaining becomes liable in respect of the penalty. Is that a correct interpretation?

The Hon. I. G. MEDCALF: I can do no better than I have been doing in attempting to clarify this matter. It is very difficult for me to convey my meaning to the honourable member. I really cannot follow the finesses of his reasoning. I have endeavoured to explain that if a person is an entitled pensioner, that person is entitled to a rebate or deferment of rates. Subclause (5) states that no penalty shall be added in respect of a rate of a person who is an entitled pensioner.

The Hon. R. F. CLAUGHTON: You have to read the rest of it.

The Hon. I. G. MEDCALF: That seems to make it quite clear that an entitled pensioner is not to have a penalty added to his or her rates. I agree there would be pensioners who pay their rates because they do not apply for entitlement. They do not come within this. An entitled pensioner is entitled to a rebate or deferment and does not have a penalty added to his rates under subclause (5) of section 550A which is all part of clause 11. If a pensioner elects to pay the rates and not apply for an entitlement, that person will not have a penalty added either, because the rates are paid.

The Hon. R. F. CLAUGHTON: I think the difference in the thinking between the Attorney General and myself is that I have to deal with these people who come up against this problem out in the electorate. I have to attempt to explain to them how the Act works in practice. It is no good the Attorney General simply reading the first section and not going beyond the word "if". It is a very important word in that sentence because it brings the rest of the subclause into effect. The rebate is 25 per cent, so a pensioner is still liable to pay the rest. If that 75 per cent is not paid immediately or is paid in portions over a period of time then, although they are entitled to a reduction in penalty by way of 25 per cent, I am saying the penalty will apply to the amount owing in rates.

The Hon. I. G. Medcalf: No it does not.

The Hon. R. F. CLAUGHTON: If the rates are deferred nothing is owing.

The Hon. I. G. Medcalf: Correct.

The Hon. R. F. CLAUGHTON: We are not arguing about deferred rates.

The Hon. I. G. Medcalf: The same thing happens if it is a rebate.

The Hon. R. F. CLAUGHTON: It happens to the amount that is rebated.

The Hon. I. G. Medcalf: No, it happens to the rate.

The Hon. R. F. CLAUGHTON: No penalty shall be added to an amount payable in respect of a rate if a person is entitled under this Act to a rebate in respect of that amount; that amount is the deferment or rebate.

The Hon. I. G. Medcalf: The amount payable in respect of the rate.

The Hon. R. F. CLAUGHTON: It does not apply in the case of deferments. There is a second case where the pensioner has sought a rebate—

The Hon. I. G. Medcalf: Are you saying the amount refers to the rebate?

The Hon. R. F. CLAUGHTON: Yes.

The Hon. I. G. Medcalf: I say the amount is an amount which is part of the rate; whether it is the whole or part of the rate. It is the rate, not the rebate.

The Hon. R. F. CLAUGHTON: That applies in the next subclause. No penalty shall be added to an amount payable in respect of a rate. The amount added is the penalty. The penalty is on the rate. The rate is the amount that a person owes on the property. So, if the rate is \$100 and the penalty is 5 per cent, the penalty will be \$5. If a pensioner claims a 25 per cent rebate, then the rate is \$75 which the pensioner owes. The penalty is reduced by that same 25 per cent.

The Hon. I. G. Medcalf: If the amount is rebated by 25 per cent then the amount payable is 75 per cent. There is no penalty payable in respect of that \$75. There is no penalty claim in respect of the rebate either, because that amount has been rebated.

The Hon. R. F. CLAUGHTON: No, the amount referred to in this case is the \$25.

The Hon. I. G. Medcalf: No, it is not.

The Hon. R. F. CLAUGHTON: That is the answer I want. The Attorney General is prepared to say definitely in this case there will be no penalty applied on any amounts left unpaid on that date by an entitled pensioner.

The Hon. I. G. Medcalf: That is right.

The Hon. R. F. CLAUGHTON: That is correct; so that is in the record.

The Hon. I. G. MEDCALF: I have been saying this right from the beginning; it is not intended that pensioners who have an entitlement to a deferment or rebate shall receive any penalty on any part of their rates. That is how I read the clause. That is what it is intended to say, and that is how I read the second reading speech. At page 2 of my speech notes I said the provision excludes pensioners. Where a council does apply a penalty it must be uniform against all ratepayers, except those who are pensioners.

As I understand the position, no penalty shall be added to an amount payable in respect of a rate. The amount may be a moiety of the rates; that is, half or a portion of the rates, or the rebated rate which is the rate less 25 per cent. No penalty shall be added to the amount payable in respect of any such rate.

If an entitled pensioner is entitled under the Act, referred to here, to a rebate or deferment in respect of that amount—"that amount" is the amount in respect of the rate, not the amount of rebate—the amount payable is in respect of the rate. The "amount" in the last line of proposed new subsection (5) refers back to the "amount" in the first line. I believe that is right.

The Hon. R. F. CLAUGHTON: I hope the City of Stirling does not impose this penalty and I do not become involved in representations from people who find themselves caught up in this sort of thing. That is the reason I have spent so much time in having it clarified. The Minister has said that where a council does apply a penalty, it must be uniform against all ratepayers except pensioners.

The Hon. I. G. Medcalf: That is right.

The Hon. R. F. CLAUGHTON: But, when we read the legislation it is "entitled" pensioners.

The Hon. I. G. Medcalf: I have explained the situation. If they are not "entitled" they pay their rates and they cannot receive a penalty on the rates which have been paid.

The Hon. R. F. CLAUGHTON: But the Attorney General seems to be equating pensioners with "entitled" pensioners. They are a different group of people. Where a single female pensioner has an adult child at home for a period—the wrong period—she would not be entitled to this benefit. She would not be entitled to the Water Board benefit. She will not have access to these benefits at all.

There are many pensioners whose adult children come and go in that way. They can be

here this week and gone the next. That is the way we all grow up; we move in and out of our family home.

The Hon. I. G. Medcalf: A pensioner in that situation would probably not be rated at all, if she was here this week and gone the next.

The Hon. R. F. CLAUGHTON: The children are here this week and gone the next, but the pensioner is left with the worry because she will have to pay the whole of the local government rates, as well as the water rates.

The Hon. I. G. Medcalf: Any pensioner who comes within the provisions of this Act can apply for a deferment.

The Hon. R. F. CLAUGHTON: I do not want to debate that issue. I simply raise it to establish the necessity for this clarification. We will have an opportunity to debate that matter later in the session when the Minister introduces legislation as a result of the review undertaken by the Government.

Clause put and passed.

Clauses 12 to 19 put and passed.

Title put and passed.

#### *Report*

Bill reported, without amendment, and the report adopted.

### **MARINE NAVIGATIONAL AIDS ACT AMENDMENT BILL**

#### *Receipt and First Reading*

Bill received from the Assembly; and, on motion by the Hon. D. J. Wordsworth (Minister for Lands), read a first time.

#### *Second Reading*

**THE HON. D. J. WORDSWORTH**  
(South—Minister for Lands) [10.10 p.m.]: I move—

That the Bill be now read a second time.

This Bill is designed to amend the Marine Navigational Aids Act to enable fees to be prescribed in respect of fishing boats for the provision and upkeep of marine navigational aids outside any port under the control of a port authority and the approaches to that port.

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 approximately 50 navigation lights used by fishing boats, and being maintained by the Harbour and Light Department, since 1975 five have been installed 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.

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 Bill also provides for a discretionary power of exemption from the payment of the fee where the circumstances warrant such exemption.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. D. K. Dans (Leader of the Opposition).

## SHIPPING AND PILOTAGE ACT AMENDMENT BILL

### *Receipt and First Reading*

Bill received from the Assembly; and, on motion by the Hon. D. J. Wordsworth (Minister for Lands), read a first time.

### *Second Reading*

**THE HON. D. J. WORDSWORTH**  
(South—Minister for Lands) [10.14 p.m.]: I move—

That the Bill be now read a second time.

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, has been outlined in the speech introducing the Marine Navigational Aids Act Amendment Bill. 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, there is a considerable degree of poaching of moorings occurring. 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 either by 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 the Hon. D. K. Dans (Leader of the Opposition).

## **FIRE BRIGADES ACT AMENDMENT BILL**

### *Receipt and First Reading*

Bill received from the Assembly; and, on motion by the Hon. G. C. MacKinnon (Leader of the House), read a first time.

### *Second Reading*

**THE HON. G. C. MacKINNON** (South-West—Leader of the House) [10.20 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 arises

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 therefore being taken to repeal and re-enact the section, and the Bill proposes to set out the 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 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 the Hon. Lyla Elliott.

*House adjourned at 10.22 p.m.*

# QUESTIONS ON NOTICE

## TRANSPORT: BUS

### *MTT: Age of Buses*

364. The Hon. F. E. McKENZIE, to the Minister for Lands representing the Minister for Transport:

- (1) Of the MTT's bus fleet, what percentage is more than—
  - (a) 20 years old;
  - (b) 15 years old;
  - (c) 10 years old; and
  - (d) 5 years old?
- (2) What is the estimated operating life of a bus?

The Hon. D. J. WORDSWORTH replied:

- (1) (a) 3.5 per cent;
- (b) 22 per cent;
- (c) 47.1 per cent;
- (d) 75.3 per cent.
- (2) 20 years.

## LAND

### *Great Northern Highway-Broome Turnoff Junction*

365. The Hon. J. C. TOZER, to the Minister for Lands:

- (1) In the period between 1964 and the 15th March, 1977, what applications were received for land to establish a service station and/or road house at or near the junction of the Broome access road and the Great Northern Highway?
- (2) As such land has not been released, why were the applications, if any, rejected?

The Hon. D. J. WORDSWORTH replied:

- (1) A thorough search of Lands Department records has failed to locate any evidence of applications in the period to which the honourable member refers.
- (2) Answered by (1).

## RAILWAYS

### *Rolling Stock*

366. The Hon. F. E. McKENZIE, to the Minister for Lands representing the Minister for Transport:

- (1) Of Westrail's passenger rail cars, trailers and other coaching stock used on the suburban rail system, what percentage is more than—
  - (a) 30 years old;
  - (b) 20 years old;
  - (c) 15 years old; and
  - (d) 10 years old?
- (2) What is the estimated operating life of—
  - (a) a diesel rail car;
  - (b) a trailer; and
  - (c) other coaching stock used on the suburban rail system?

The Hon. D. J. WORDSWORTH replied:

- (1) (a) 23 per cent;
- (b) 24 per cent;
- (c) 21 per cent;
- (d) 32 per cent.
- (2) (a) 20 years;
- (b) 30 years;
- (c) 40 years.

These are the generally accepted economic lives of suburban passenger rolling stock, although it is often possible, at a cost, to keep the vehicles in service for longer periods.