

Legislative Council

Thursday, the 23rd October, 1958.

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The PRESIDENT took the Chair at 2.15 p.m., and read prayers.

QUESTIONS ON NOTICE.

No. 1. *This question was postponed.*

MCDONALD HOUSE.

Payments for Half-Castes.

2. The Hon. H. L. ROCHE asked the Minister for Railways:

(1) Have any payments been demanded, or received, on behalf of half-caste boys at McDonald House?

(2) How many such payments or demands have there been?

(3) What were they for?

The Hon. H. C. STRICKLAND replied:

(1) Demands are not made but voluntary payments are accepted.

(2) Payments have been received in respect to 20 inmates since McDonald House was opened in February, 1953. Voluntary contributions to date total £278 11s. 10d. and boarding allowances £1,288 11s. 6d.

(3) Money received is used to offset part of the costs of board, lodging, clothing and extras.

QUESTION WITHOUT NOTICE.

RAILWAYS ROYAL COMMISSION.

Continuation of Activities by Royal Commissioner.

The Hon. J. MURRAY asked the Minister for Railways:

In view of the agitation in another place for the termination of the Royal Commissioner's activities on railways, will

he give an assurance that the Royal Commissioner will not cease his activities until such time as he has examined the position in regard to rail closures?

The Hon. H. C. STRICKLAND replied: Yes.

LONG SERVICE LEAVE BILL.

Reports of Committee adopted.

TOTALISATOR DUTY ACT AMENDMENT BILL.

Second Reading.

Debate resumed from the previous day.

THE HON. H. C. STRICKLAND (Minister for Railways—North—in reply) [2.22]: This Bill, as I have explained, is one—

The PRESIDENT: Are you replying to the Bill, because I think someone else may wish to speak?

The Hon. A. F. Griffith: I was only going to move the adjournment if the Minister wanted the debate adjourned.

The Hon. H. C. STRICKLAND: There will be an opportunity for discussion later. We could complete the second reading of the Bill today, and the Committee stage could be taken at a later date. The reason for deferring the Committee stage is that there are considerations in train to effect amendments to the Bill with the idea of extending further concessions to the racing clubs.

Question put and passed.

Bill read a second time.

TRAFFIC ACT AMENDMENT BILL.

Second Reading.

Debate resumed from the 14th October.

THE HON. H. C. STRICKLAND (Minister for Railways—North) [2.24]: The Bill was referred to the appropriate department, and I have been advised as follows:—

The desires expressed in this Bill are to a large extent covered by existing legislation, if it is the hon. member's intention to give the right to owners of private property to seek damages for trespass. There is provision under Section 13 of the Cattle Trespass Act for action by land owners against persons who trespass—with or without cattle. Also under the Criminal Code, Section 254, land owners are empowered to remove persons from trespass. In 1957, Section 60 of the Traffic Act was amended, and it empowers persons to remove a motor vehicle from trespass on land without involving any action for unlawfully removing such vehicle.

It appears that the proposed amendment will not achieve what apparently it is intended it should achieve, and that is to make it an offence, and provide a penalty against persons who without authority park a vehicle on privately owned land. In this latter respect there is merit in the proposal.

It will be noted that the proposed amendment has been numbered 57A. Why it is so placed is not known as it appears to have very little relationship to Section 57 which refers to damage by traffic to public roads. The amendment does refer to a person who trespasses being liable in damages to the person in possession of such land. However, it would be difficult in many cases to state what damage could be done by an unauthorised vehicle parking on, say, a private parking area. Also the owner would be hard put to indicate to a court what damage had been done by the trespassing vehicle. Also, the amending legislation is restricted in scope to the No. 1 parking region established under the City of Perth Parking Facilities Act; but why it is so restricted is not clear.

Whilst the proposal attempts to overcome a growing problem, the Government cannot accept it in the form in which it is submitted to the House, nor can it agree that the scope of the amendment should be limited to only the City of Perth parking region. The hon. member, when moving the second reading, referred to the limitation imposed and indicated that with the passage of time the same difficulty could arise elsewhere. In this connection it is known that on a number of occasions, such as a football grand final, persons park their vehicles without authority on private land, and if the idea is accepted then, it should have general application.

Those are the views of the traffic authorities on the Bill.

THE HON. H. K. WATSON (Metropolitan) [2.27]: I support the principle embodied in the Bill, which the hon. Mr. Diver fully explained when reading the second reading of the measure. At the same time, I think there is a lot of substance in what the Minister for Railways has just said.

I agree with the Minister that there is no good reason why the principle involved should not apply throughout the State. I do not see why it should be restricted to the City of Perth. It is, however, not quite so easy to appreciate the Minister's advice that the matter is already adequately covered by Section 13 of the Cattle Trespass Act, or by Section 254 of the Criminal Code; or, for that matter, by Section 60 of the Traffic Act.

The object behind the hon. Mr. Diver's proposal, as I understand it is, in principle, not dissimilar to that which was contained in an earlier Bill, introduced by the hon. Mr. Loton. It was brought down with the idea of avoiding the ordinary lengthy processes of litigation, and of creating a summary fine or penalty without raising all the common law issues of trespass. To that extent, I feel that the Bill is necessary.

Although the Minister has referred us to Section 60 of the Traffic Act, which was put into the principal Act in 1956, that does not in terms prohibit a person from unauthorised parking, nor does it give the owner of the land any right to claim damages from the trespasser. I would like the Minister to refer this point to his advisers, because in my opinion all that Section 60 does is to relieve the owner of land from a traffic prosecution if he removes a vehicle from trespass. It is not positive; it does not say that he may remove, or what the consequences are; it merely says that if he does remove the vehicle he shall not be liable under the Traffic Act section which states that a person is liable virtually for stealing a car, or, to use the words of the section, for the unauthorised moving or removing of a motor vehicle.

Within the last couple of days, amendments to the traffic regulations have been tabled, and the existing regulations, which gave a police officer or a traffic inspector power to move a vehicle that was obstructing traffic in the street, have been amended to provide that a traffic inspector or a police constable may not only remove the vehicle, or cause it to be removed, but also that the costs of having it removed may be recovered from the owner. It seems to me that the whole principle—in respect to the roads—which is embodied in the Traffic Act—that is the right to remove, or cause to be removed, at the expense of the trespasser, or the owner of the offending vehicle—ought, in respect to private lands, to be embodied in one comprehensive measure, such as that which has been introduced by the hon. Mr. Diver.

I have an amendment on the notice paper designed to bring the general principle which has been enunciated by the hon. Mr. Diver into line with the general principle as it exists under the Traffic Act today. In other words, the owner of land on which someone else has committed a trespass with a motor vehicle, should have the right of a penalty against the trespasser; and also the right to remove the vehicle, or cause it to be removed. If the vehicle is not locked, up he should have the right to remove it himself; and if the vehicle is locked up he should have the right to request a traffic inspector to have it hauled or towed away at the expense of the owner of the land, but with the right

of the owner of the land to recover the cost of removal from the owner of the vehicle.

I make this suggestion to the Minister: In view of advice which has been tendered to him by the traffic authorities, and the fact that everyone seems agreeable to try to achieve the objective which the hon. Mr. Diver desires, he might resubmit to the traffic authorities the Bill as introduced, together with the amendments which the hon. Mr. Diver, and I have on the notice paper. If he would be good enough to bring forward an amendment to this Bill, upon the advice of the traffic authorities, in line with the suggestions I have made, I think the House would be gratefully obliged to him. With these remarks I support the second reading of the Bill.

THE HON. E. M. HEENAN (North-East) [2.35]: I think we ought to have a second look at the Bill and take notice of the remarks the Minister has made, because it looks as though penalties are to be inflicted right, left and centre on the unfortunate owner of a motorcar who wants, in desperation sometimes, to park his car somewhere. Already the public are penalised pretty severely if they trespass on private land in the nature of a farming property. The other night we passed a Bill that will provide a fairly heavy penalty for any member of the public who wanders on to private land for the purpose of picking mushrooms, gathering wildflowers, or doing something of that kind.

The Hon. H. K. Watson: But in this instance the person is deliberately driving his car on to someone else's property and leaving it there. The cases are not analogous.

The Hon. E. M. HEENAN: As the Minister has pointed out, the Criminal Code and the cattle trespass Act already provide penalties for people who trespass on another person's land. And why we should heap, and continue to heap more penalties on to the public for such an offence I cannot understand. Already people who own motorcars are penalised if they want to park somewhere in the city. They have to pay fairly heavy rates to do so, and if they happen to be a few minutes over time there is an official waiting to fill in a form and prosecute. The minimum fine in such cases is £1.

The Hon. H. L. Roche: Are you speaking from experience?

The Hon. E. M. HEENAN: Yes, unfortunately. I think we want to keep in mind the rights, responsibilities and liabilities of the unfortunate person who owns a motorcar these days, and who seems to be shot at from every possible direction. The local authorities are on to him, the police are on to him, and now the private owners of land are on to him. I think

there is a tendency to make the lot of the unfortunate owner of a motorcar an intolerable one. The Bill provides that—

Any person who, for the purpose of standing a motor vehicle thereon trespasses on any land situate within the city area shall be liable in damages to the person in possession of such land in a sum not less than Two Pounds—

That is the minimum. And he only has to stand his car there. We find that it is not more than £5 for the first trespass. If one happens to do it a second time, however, one had better look out, because then a minimum fine of £5 is provided, and for subsequent trespasses, the penalty can go up to £10.

The Hon. F. J. S. Wise: There are more severe penalties under certain sections of this Act.

The Hon. E. M. HEENAN: I know there are certain sections of the cattle trespass Act that go much further than that, but I hope the time will not come when they will be applied to the unfortunate motorist.

These are just a few remarks that appeal to me. I am impressed by the viewpoint expressed by the Minister. We must be careful of this tendency to persecute people more than they are already persecuted. I am sorry for the families who will go mushroom hunting in the future, and I am sorry for the owner of the motorcar who wants to stop somewhere for five minutes and who, if he does so, will have the officials of the Perth City Council on his back from one side, and will have to face dire penalties from another. I think the motorist should be given more consideration than is extended to him at present.

THE HON. J. MURRAY (South-West) [2.42]: I had no intention of speaking to this Bill, but after hearing the hon. Mr. Heenan I think it might be competent for me to say a few words as a motorist among other things. The hon. member seems to imply that because a motorist has to contend with the police, the Perth City Council, the Traffic Act and the like, he should be given almost free entry to private parking areas. That is what the Bill endeavours to protect. I realise that the by-laws at the moment say it is mandatory to fine a person £1 if he has forgotten to insert his 6d. in the meter when parking in the metropolitan area.

It is that which has driven these people with private parking areas to have this measure introduced. Because motorists have not the necessary 6d., they feel that so-and-so has a parking area and they will go and park behind his premises. The Bill is a preventive measure, and not a money-making one. The people who asked the hon. Mr. Diver to introduce it, are not looking for penalties by way

of revenue; all they are asking is for some protection from people who enter private parking areas which have cost firms a considerable amount of money to install, and which are costing them money all the time. The Bill has nothing to do with gathering mushrooms in the country; it deals with the protection of private parking in the metropolitan area.

On motion by the Hon. L. A. Logan, debate adjourned.

CONSTITUTION ACTS AMENDMENT BILL (No. 2).

Second Reading

THE HON. F. J. S. WISE (North) [2.45] in moving the second reading said: This Bill is consequential upon the passing of the Electoral Act Amendment Bill introduced in this Chamber yesterday. To grant adult suffrage to electors for the Legislative Council, two Bills are of course necessary; one to make provision within the electoral law and the other to remove from the Constitution Acts Amendment Act the provision which gives the specification of entitlement to those to be enrolled for the Legislative Council.

Just as matters affecting the Legislative Assembly were for many years written into the Constitution Acts Amendment Act, they were, in 1907, taken out and placed in the Electoral Act. This therefore follows that pattern and seeks to place in the Electoral Act itself the opportunities to entitle enrolments in matters relating to elections. The Constitution Acts Amendment Act which is printed in our Standing Orders book, contains three sections which it is proposed to remove. These sections, which will be found on page 124, are Section 15, which deals with the qualifications of electors; Section 16, which deals with the point that joint owners and occupiers shall be entitled to be registered; and Section 17, which deals with disqualification.

That is all the Bill contains. The measure is consequential upon an endeavour to amend the Electoral Act to permit of adult franchise for members voting for this Chamber. The merits of the case have been argued long and wide; and, as I mentioned yesterday, when introducing another Bill, this is entirely in conformity with that policy. It is hoped that such an approach will grant a democratic right to people during elections to enable them to elect by the simple adult vote—not by a bricks-and-mortar vote or a property-owner's vote. All that shall be competent for voting for this Chamber shall be adult franchise.

The Bill is complementary to that introduced yesterday, and to give effect to this policy, both Bills must be passed. It is nothing new to have such legislation introduced in this Chamber. The older hon. members for a long time have had

Bills introduced and explained, and have taken part in determining their fate. It may be optimistic to say that ultimately this change will be effected, but I think it is not unduly optimistic, or unwise, to say that the sooner it happens the better. With confidence, therefore, I present the Bill for the consideration of the Chamber, in the hope that sufficient hon. members will find themselves thinking in the terms I have endeavoured to explain. I hope they consider it is a much-needed reform, and I trust that my confidence is not misplaced. I move—

That the Bill be read a second time.

On motion by the Hon. A. F. Griffith, debate adjourned.

CONSTITUTION ACTS AMENDMENT BILL (No. 3).

Second Reading.

Debate resumed from the 14th October.

THE HON. H. C. STRICKLAND (Minister for Railways—North) [2.50]: The previous Bill had the intention of broadening the franchise which is completely in step with Labour policy and with democratic practices. We believe in decisions being made by majorities and not by minorities, but because this particular Bill has the objective of restricting what is now a very restrictive franchise for the Legislative Council, it is my intention to oppose it.

I have very little more to add. The hon. member, when introducing the measure, was not correct in saying it was a recent addition to the franchise. This fifth qualification for an elector has been a provision of the Act for many years. As a matter of fact, it has been in the Act since its inception in 1899. I believe the hon. member explained it a little wrongly when he said this qualification was a recent addition to the Constitution. We know very well that many attempts have been made in this Chamber to alter the constitution of the franchise for this House without any success whatever, so that hon. members will realise that the hon. Mr. Simpson did make a mistake in this regard.

I am informed by the department that, although for many years it has been possible for companies and firms and even institutions, perhaps, to enrol because they have properties on which they have a ratepayer enrolled in the local authority of the district, they have not followed out that procedure. As a matter of fact, very few have taken advantage of this qualification. From my own experience in the North province—which has, admittedly, only a small roll—I have found there are only two or three such cases, although there are many establishments in the North through which enrolment could have been made had the owners so desired.

For the reason that there appears to have been no abuse of this provision, and for the reason I stated firstly—that it intends to further restrict the franchise for the Legislative Council—I am afraid I cannot support the Bill.

On motion by the Hon A. R. Jones, debate adjourned.

LOCAL GOVERNMENT BILL.

Second Reading.

Debate resumed from the 16th October.

THE HON. G. C. MacKINNON (South-West) [2.55]: As most hon. members are aware, earlier this year the Local Government Association—or the local government body in this State—conducted a successful local government week at which there was a great deal of discussion with regard to this particular Bill. The Bill itself was not officially discussed at the conference, but many facets of local government which had a direct bearing on the Bill were considered. The reason this particular measure was not discussed was that it was, firstly, not an actuality and, secondly, it was considered to be *ultra vires* to an extent.

However, as I mentioned, there was a lot of talk with regard to aspects of local government which I think could be of great value if applied to the considerations which must very shortly take place with regard to this measure. Incidentally, in passing, the organisation of that conference, conducted in the Perth Town Hall, was a great credit to local authorities in this State, and it set a standard for local government in all the States of Australia. I believe the idea is to be copied throughout Australia because several States have shown a marked interest in the organisation and the arrangement of the lectures and general functions that took place. It is considered that if similar conferences were held in the other States, it would be of great value to local government throughout Australia.

One of the things that I believe ought to be borne in mind is expressed in the introduction to this Bill. For that purpose I will read it—

An Act to Consolidate Certain Acts relating to Local Government by repealing those Acts and re-enacting them with Amendments.

Generally, when this measure is discussed—as it was at the local government week conference—people refer to it as the new Local Government Bill, or the new charter for local government. But it is no such thing. It is a consolidation of certain Acts. In other words, repealing the Acts that are now in force and re-enacting them. Local government—even in its short history in Australia—has changed markedly, as has everyday life, and the time has come when it does need

a new charter as distinct from a consolidation or re-enactment. It is not satisfactory to look to other countries, willy-nilly, to find a parallel for local government, because in this country local government has taken the opposite course to that in the older countries.

In England, local government was probably the first government and then other forms of government were established. In this country local government has had quite an artificial growth. We started with a centralised government and local government, as such, has been created, and is still being created, as local governments are being set up here and there. And so we find that we have no precedent to go on.

Whereas certain things have for centuries been done by the local government organisation in England, for instance, in this country we have only what we think should be done and what we are endeavouring to place in Acts. Of course, we turn to overseas Acts in an endeavour to find some basis upon which to devise our various provisions, and herein lies one of the problems dealt with when Mr. Gifford spoke on the different aspects of local government. It is not very long ago that the literacy rate of people in this country was pretty low and word of mouth was virtually the only means of disseminating knowledge. One could not then pick up any newspaper and find out exactly what was going on. People could not go to the local government office and read the minutes, accounts, contracts and records of all the other business that went on.

Certain provisions were therefore written into our local government legislation in order to safeguard the ratepayers and the community generally against graft, corruption and other actions that should not take place. But today we live in a community which is almost 100 per cent. literate, and the dissemination of knowledge is quick and thorough. Therefore, in many aspects of local government legislation, the entire need for the underlying principles that were originally adopted no longer exist—

The Hon. R. F. Hutchison: Yet we have the most restricted franchise in the world.

The Hon. G. C. MacKINNON:—and yet that particular facet has not been caught up with. In view of the speed with which things now happen, we have an increasing need for ease of interpretation and the quick dissemination of decisions, and yet this Bill, in many of its aspects, does not allow of that being accomplished. A terrific stumbling block to the smooth working of local government—Mr. Gifford spent a considerable amount of time dealing with this, and I was fortunate enough to hear all his lectures on these aspects—is found in Clause 34, which deals

with the disqualification of electors. In this regard Mr. Gifford was very interesting, and this is an example of a carry-over from the days of almost complete illiteracy and the need for extreme care in guarding against graft and corruption in local authorities.

Mr. Gifford was able to quote case histories; case law; and legal decisions in England, Australia and in Western Australia. He answered the various questions put to him with almost awe-inspiring ability and had a great grasp of his subject. A particular aspect upon which Mr. Gifford spoke was the legal liability of members of local authorities who voted, having at the same time a financial interest in a particular measure. The absurdity, in this clause as it applies today, is that there is virtually not a single country road board in Western Australia with a member who is not legally liable to a penalty of £100, plus costs, in a Supreme Court action. We have been particularly fortunate in this State, in avoiding that type of litigation. There have been very few such cases here, but in the Eastern States there has been a considerable amount of that kind of litigation.

There were last year no discussions on this aspect of the matter and yet the whole provision in the English local government legislation was deleted in 1933 and a replacement effected, which has proved quite workable. It was stated, at the conference, that the most effective clause yet thought of to deal with this subject was thought of, at that conference, by one of the officers of the Local Government Department in this State. It is to be hoped that that will come forward on this occasion and will receive the sympathetic consideration of hon. members of this Chamber. The extent and ramifications of that clause are such that the interests of the member can be nebulous in the extreme and yet he can still find himself liable. If a man occupies a post as a fire officer under the Bush Fires Act and is covered by an insurance policy in regard to accident, he is automatically disqualified from membership of a council, under various penalties. That is an absurd situation in which to find ourselves, particularly at a time when local government is undoubtedly at the crossroads.

It is apparent—and it became apparent very early in the conference—that the difficulties under which local governments throughout Australia labour today are finance, road board membership and officers. Apparently these problems are worldwide and are not peculiar to this State only or to Australia. We find according to the lecturers who spoke on the subject, that finance is becoming more and more centralised and that normal sources of finance for local authorities are being encroached upon by

Governments. It was said in this Chamber the other day that one of the normal sources of finance—rates on land—was to some extent being returned to the local authorities, but that financial restrictions affect their staff inasmuch as they are unable to pay their officers salaries commensurate with what they would receive in ordinary business employment, and so they suffer a steady wastage of staff. Because of the severe penalties which could be placed upon a member, they find—not so much in Western Australia, but to an alarming degree in the Eastern States—men of repute and honesty of purpose withdrawing from local government in ever-increasing numbers.

I thought that, in view of the undoubted qualifications of the men who spoke at the first interstate local government conference which was held this year, and the excellent speeches that were made by local government delegates together with that made by their guest speaker (Mr. Gifford), I would like to put on record the comments that were made at that conference and which are appropriate to this measure. I support the second reading.

Question put and passed.

Bill read a second time.

Instruction to Committee.

THE HON. H. C. STRICKLAND (Minister for Railways—North) [3.13]: I move—

That it be an instruction to the Committee that it has power to deal with the Local Government Bill in the manner following:—

- (1) By the Chairman putting the question (without reading the clauses of the Bill and the schedules thereto) "That the Bill stand as printed"; and
- (2) by postponing until the re-committal of the Bill, for consideration by the Committee in the usual manner—
 - (a) any and all proposed amendments to the Bill, other than the one comprehensive amendment set forth in Appendix A of this Instruction; and
 - (b) all proposed amendments (if any) to the said comprehensive amendment; and
- (3) by any member desiring so to do, to move a comprehensive amendment to the Bill in the terms stated in Appendix A of this Instruction and not otherwise; and (in the event of the Bill being so amended) by the Chairman

then putting the question: "That the Bill stand as amended" or (in the event of the Bill not being so amended) by the Chairman again putting the question "That the Bill stand as printed".

Question put and passed.

In Committee.

The Hon. W. R. Hall in the Chair; the Hon. H. C. Strickland (Minister for Railways) in charge of the Bill.

The CHAIRMAN: The question is—
That the Bill stand as printed.

The Hon. R. C. MATTISKE: I move—
That the Bill be amended en bloc
as follows:—

No. 1.

Clause 6, page 11—Delete the definition "minimum penalty."

No. 2.

Clause 9, page 18, line 34—Delete the word "April" and substitute the word "May."

No. 3.

Clause 10, page 20, lines 15 to 17—Delete the words "are those of president and such number of councillors being not less than four" and substitute the following:—"of councillors shall be not less than five."

No. 4.

Clause 10, page 20, line 17—Delete the word "twelve" and substitute the word "thirteen."

No. 5.

Clause 10, page 20, line 22—Delete the words "and includes the president."

No. 6.

Clause 10, page 20, line 24—Delete the words "or president."

No. 7.

Clause 10, page 20, line 25—Add after subclause (3) the following subclauses:—

(4) The mode of election of the president of a municipality, which is a shire, shall be that at the first meeting of the council held after the third Saturday in April of each year, or at the first meeting of a newly constituted council, the council shall elect one of its councillors to the office of president.

(5) Where at least one-third of the councillors or fifty ratepayers sign and cause to

be delivered to the mayor or the president, as the case may be, a demand that—

(a) the mode of election of the mayor be by the council instead of by the electors of the municipality; or

(b) the mode of election of the president be by the electors of the municipality instead of by the council,

and that the question, whether or not the proposed alteration in the mode of election be effected, be submitted to a poll of the electors of the municipality, the mayor or president, as the case may be, shall cause the question to be submitted to a poll of the electors of the municipality to be held on a day appointed by him, being not less than forty-two days nor more than seventy days after that on which the demand is delivered as aforesaid.

(6) The returning officer shall cause sufficient voting papers in, or substantially in, the form in the Twenty-Sixth Schedule to be provided for the taking of the poll, and shall, for the purpose of taking the poll, use the roll of the municipality as last settled prior to the taking of the poll.

(7) Such of the provisions of this Act relating to the taking of the poll at the election of members of a council, including voting in absence, as are appropriate, shall apply *mutatis mutandis* to the taking of the poll on the question.

(8) If at the poll a majority of the valid votes cast are in favour of the alteration in the mode of election, the Governor shall by order declare that such mode of election of the mayor or president, as the case may be, shall apply as from the date upon which the office next becomes vacant.

No. 8.

Clause 12, page 22—Add at the end of paragraph (d) the following:—

Provided that the Governor is satisfied that at a referendum held for the purpose a majority of electors voting on the question have in each of

the municipalities affected signified their assent to the petition.

No. 9.

Clause 12, pages 23 and 24—Delete subclauses (3) and (4).

No. 10.

Clause 18, page 30, line 25—Delete the word "four" and substitute the word "five."

No. 11.

Clause 21, page 32, line 7—Insert the word "or" after the figure "(1)."

No. 12.

Clause 21, page 32, line 8—Delete the word and figure "or (3)."

No. 13.

Clause 33, page 39, line 20—Insert after the word "months" the word "immediately."

No. 14.

Clause 33, page 39, line 24—Delete subparagraph (ii).

No. 15.

Clause 33, page 39, line 31—Delete subclause (2).

No. 16.

Clause 34, page 41—Add after paragraph (x) a paragraph to stand as paragraph (xi) as follows:—

- (xi) he seeks or receives assistance from the municipality under any municipal assisted sewerage scheme which has been approved by the Minister, and the work in which is let by public tender.

No. 17.

Clause 36, page 43, line 9—Delete the words "from the State."

No. 18.

Clause 36, page 43—Delete all words from and including the word "or" in line 11 down to and including the word "cause" in line 14.

No. 19.

Clause 38, page 44, line 10—Delete the words "or President."

No. 20.

Clause 38, page 44, subclause (1)—Add a new paragraph to stand as paragraph (b) as follows:—

- (b) to the office of president is twelve months where elected in accordance with section (10), subsection (4) or two years where

elected in accordance with section (10), subsection (5), paragraph (b).

No. 21.

Clause 38, page 45, lines 14 and 15—Delete the words "or paragraph (d) of subsection (4)."

No. 22.

Clause 42, page 50—Delete paragraph (c) and substitute the following:—

- (c) he is on the first day of January in any year the owner or occupier of land liable to be rated and situated within the municipality: Provided that the owner and occupier shall not be separately registered as electors in respect of the same rateable land with the exception that where the husband is the owner of such land the wife of such husband if living on the land shall be entitled to be registered as the occupier, and where the wife is the owner of such land her husband if living on the land shall be entitled to be registered as the occupier.

No. 23.

Clause 42, page 50—Delete all words after the word "which" in line 29 down to and including the word "ward" in line 31 and substitute the following:—"such land is situated."

No. 24.

Clause 42, page 50—Insert after subclause (2) the following proviso:—

Provided that where any land is owned or occupied as one holding and is situated partly in one ward and partly in another the whole of the land shall be deemed to be situated in the ward chosen by the owner or if the owner fails or neglects to make a choice then as chosen by the occupier or if no such choice is made as determined by the council.

No. 25

Clause 42, page 50—Insert new subclauses (3) and (4) as follows:—

- (3) (a) When more persons than one are jointly owners or occupiers of rateable land, each of such persons not exceeding two

Joint
owners or
occupiers.

shall, for the purpose of the last preceding section, be deemed to be an owner or occupier of land of the rateable value of one-half the rateable value of the whole land.

(b) Such persons, if more than two, may, by writing under their hands delivered on or before the first day of February in any year to the town clerk, appoint two of their number to be registered in respect of such land; and, if no persons are so appointed, those whose names come first in alphabetical order shall be registered.

(4) (a) when a corporation or joint stock company is the owner or occupier of rateable land, such corporation or joint stock company may, by letter delivered on or before the first day of February in any year to the town clerk, appoint a person to be registered in the place of such corporation or joint stock company; and such person may vote on behalf of the corporation or joint stock company.

(b) In default of any such appointment being made, the manager, secretary, or attorney of any corporation or joint stock company may be registered.

No. 26.

Clause 43, page 51—Delete subclause (3).

No. 27.

Clause 71, page 64—To add a proviso after subclause (4) as follows:—

Provided that if on the election of president of a shire under subsection (4) of section ten or on the election of deputy mayor or deputy president under subsections (1), (2) and (3) of this section by reason of an equality of votes or for any other reason the council cannot at its first meeting as aforesaid elect one of its members to

such of those offices as the case may require, the clerk shall report the fact to the Minister. The Minister may thereupon by notice in writing appoint a member of the council to the office in question and such member shall be president, deputy president or deputy mayor as the case may require.

No. 28.

Clause 76, page 65, line 27—Delete the words "or president."

No. 29.

Clause 77, page 65, line 35—Delete the words "or president."

No. 30.

Clause 77, page 65—Delete all words from and including the words "a person who" in line 35 down to the end of the clause and substitute the following:—

persons who are registered as electors of the municipality shall have a number of votes proportionate to the annual rateable value or the unimproved capital value (according to the system of rating adopted by the council for the municipality or a ward thereof) of the land of which he is registered as the owner or occupier and as set against his name on the roll according to the following scales:—

Annual Rateable Value.	Number of Votes.
Not exceeding fifty pounds	1
Exceeding fifty pounds and not exceeding one hundred pounds	2
Exceeding one hundred pounds and not exceeding two hundred pounds	3
Exceeding two hundred pounds	4

Unimproved Capital Value.	Number of Votes.
Not exceeding three hundred pounds	1
Exceeding three hundred pounds and not exceeding six hundred pounds	2
Exceeding six hundred pounds and not exceeding one thousand two hundred pounds	3
Exceeding one thousand two hundred pounds	4

Power to corporations to nominate a person to be placed on the roll.

No. 31.

Clause 78, page 66—Delete all words from and including the word "and" in line 7 down to and including the word "valid" in line 10 and substitute the following:—

the ward shall have at every election one or two votes proportionate to the annual rateable value or the unimproved capital value (according to the system of rating adopted by the council for the ward) of the land of which he is registered as the owner or occupier according to the following scale:—

Annual Rateable Value.	Number of Votes.
Not exceeding one hundred pounds	1
Exceeding one hundred pounds	2
Unimproved Capital Value.	Number of Votes.
Not exceeding six hundred pounds	1
Exceeding six hundred pounds	2

No. 32.

Clause 79, page 66—Delete the words from and including the word "and" in line 15 down to and including the word "valid" in line 18 and substitute the following:—

shall have a number of votes proportionate to the annual value or the unimproved capital value (according to the system of rating adopted by the council for the municipality) of the land of which he is registered as the owner or occupier according to the scale set out in section seventy-eight of this Act.

No. 33.

Clause 80, page 66—Add at the end of the clause a proviso as follows:—

Provided that nothing contained in this Act shall be deemed to confer on any one person the right to exercise votes in a representative capacity as well as in a personal capacity so that he may exercise more than four votes at one time at any election of mayor or more than two votes at one time in any election for councillor.

No. 34.

Clause 99, pages 78 and 79—Delete subclauses (2), (3) and (4).

No. 35.

Clause 99, page 79—Delete all words from and including the word "the" in line 13 down to and including the word "clerk" in line 14 and substitute the following: "alphabetical order."

No. 36.

Clause 99, page 79—Delete subclause (6).

No. 37.

Clause 107, page 83, lines 35-37—Delete paragraphs (c) and (d).

No. 38.

Clause 107, page 84, lines 1-3—Delete paragraph (e).

No. 39.

Clause 107, page 84, line 22—Delete the words "one ballot paper" and substitute the words "such ballot papers to which he is entitled under section seventy-seven."

No. 40.

Clause 107, page 84, line 25—Delete the word "the" last occurring and substitute the word "each."

No. 41.

Clause 107, page 84, line 33—Insert after the word "paper" the words "or ballot papers as the case may be."

No. 42.

Clause 107, page 84, line 36—Insert after the word "paper" the words "or ballot papers as the case may be."

No. 43.

Clause 109, page 90, line 40—Delete the words "one hundred" and substitute the word "five."

No. 44.

Clause 109, page 91—Delete paragraph (c) of subclause (7).

No. 45.

Clause 111, page 92—Delete all words after the word "is" first occurring in line 35 down to and including the word "State" in line 7 on page 93 and substitute the words "any person enrolled as an elector for the Legislative Assembly."

No. 46.

Clause 111, page 93, line 8—Delete all words from and including the word "in" down to and including the word "application" in line 10.

No. 47.

Clause 133, page 108, lines 28 and 29—Delete the words "mentioned in the Scale at the end of this subsection."

No. 48.

Clause 158, page 120, lines 22 and 23—Delete the words "but only with the approval of the Minister."

No. 49.

Clause 158, page 120—Add the following subclauses:—

(3) Notwithstanding anything to the contrary contained in the agreement under which he is appointed to the office, an officer shall retire from the office upon his attaining the age of sixty-five years.

Provided that where the council is of the opinion that special circumstances exist which warrant the officer continuing to remain in the office after having attained the age of sixty-five years, the council may by resolution extend for such period as the council thinks fit the time during which the officer shall remain in the office.

(4) Where an officer is for any reason, other than the expiration of his agreement of employment or engagement by effluxion of time, or his attaining the age of sixty-five years, removed from his office, the following provisions shall apply:—

- (a) The officer shall have a right of appeal against such removal to the Minister, and the Minister shall have jurisdiction to hear the appeal;
- (b) Notice of the appeal shall be given by the appellant to the council within fourteen days after the appellant has been removed, or has received notice of the intention of the council to remove him from his office, or otherwise terminate his employment or engagement, whichever shall sooner occur;
- (c) The Minister may either dismiss or allow the appeal;
- (d) Whenever an appeal is allowed, the Minister may make such

order in respect of the reinstatement or continuation of the appellant in his office as the Minister may think just, and the council shall give effect to such order according to the tenor thereof;

- (e) The practice and procedure relating to appeals under this subsection shall be such as may from time to time be prescribed by regulations.

No. 50.

Clause 160, page 121, line 17—Delete the words "or of" and substitute the word "engineer."

No. 51.

Clause 160, page 121, line 17—Insert after the word "surveyor" the words "or treasurer."

No. 52.

Clause 160, page 121, lines 18 and 19—Delete the words "but only with the approval of the Minister."

No. 53.

Clause 170, page 128, line 2—Add after the word "fit" the words "or as the majority of ratepayers present may decide."

No. 54.

Clause 170, page 128, line 2—Add a proviso as follows:—

Provided that if the minutes of the preceding meeting or meetings as referred to in paragraph (a) hereof or the financial statements or reports referred to in paragraphs (b) or (d) hereof, have been printed and made available for perusal at the office of the council for at least twenty-four hours prior to the holding of the meeting, their reading may be dispensed with on a motion passed by a majority voting on the question at the meeting.

No. 55.

Clause 172, page 129, line 30—Insert after the word "president" the words "if elected by the ratepayers of a municipality."

No. 56.

Clause 172, page 129, line 32—Add after the word "vote" the words—

but if the mayor or president be elected by the councillors of a municipality he shall be entitled to a deliberative vote

and in the case of an equal division of votes, he may exercise a casting vote.

No. 57.

Clause 172, page 130—Add a new subclause after subclause (10) to stand as subclause (11) as follows:—

(11) If any member—

- (a) persistently and wilfully obstructs the business of the council;
- (b) is guilty of disorderly conduct;
- (c) uses objectionable words and refuses to withdraw such words;
- (d) persistently and wilfully disregards the authority of the chair;

the mayor or president may report to the council that such member has committed an offence.

When any member has been reported as having committed an offence, he shall be called upon to stand up in his place and make any explanation or apology he may think fit, and afterwards a motion may be moved, "That such member be suspended from the sitting of the council," no amendment, adjournment, or debate shall be allowed on such motion, which shall be immediately put by the mayor or president.

If any member be suspended, his suspension on the first occasion shall be for the remainder of the meeting; on the second occasion for one subsequent meeting; and on the third or any subsequent occasion for three subsequent meetings, such suspension occurring within the same council year.

When a member has been suspended, he shall not be permitted to enter the council room during the period of his suspension, if he does so enter during such suspension the mayor or president may call a police officer to remove him.

No. 58.

Clause 187, page 141, line 5—Delete the words "and electors."

No. 59.

Clause 188, page 144—Delete subclause (8).

No. 60.

Clause 196, page 148, line 9—Add at the end of the clause the following proviso:—

Provided that nothing in this section shall empower a council to prohibit the continuance of brickmaking which is being carried on at the commencement of this Act, unless the person carrying on such brickmaking is paid reasonable compensation in such amount as the council and such person agree upon, or failing agreement, in such amount as is awarded by a single assessor in case the parties agree upon one, otherwise by two assessors, one to be appointed by each party.

No. 61.

Clause 209, page 153, line 26—Insert after the word "keeping" the words "or leaving."

No. 62.

Clause 215, page 155—Delete all words after the word "means" in line 33 down to and including the word "person" in line 7 on page 156 and substitute the following:—

any hawker, pedlar or other person who, with or without any horse or other beast bearing or drawing burden, travels and trades and goes from town to town or to other men's houses there soliciting orders for or carrying to sell or exposing for sale any goods, wares or merchandise, with the exception of—

- (a) commercial travellers or other persons selling or seeking orders for goods, wares, or merchandise to or from persons who are dealers therein or selling or seeking orders for books or newspapers;
- (b) sellers of vegetables, fish, fruit, newspapers, brooms, matches, game, poultry, butter, eggs, milk, or any victuals;
- (c) persons selling or exposing for sale goods, wares or merchandise in any public market or fair legally established, or upon any

racecourse, agricultural show ground, or public recreation ground;

(d) sellers of goods of their own manufacture;

(e) persons representing a manufacturer whose goods are sold direct to consumers only and not through the intermediary of shops.

No. 63.

Clause 215, page 156—Add after subclause (2) a new subclause to stand as subclause (3) as follows:—

(3) The council of a municipality shall not entertain any application (other than an application for a license by way of renewal of a prior license) unless the applicant produces a certificate signed by two reputable inhabitants of the State certifying that the person sought to be licensed is of good character and reputation and is a fit person to exercise the trade of a hawker.

No. 64.

Clause 231, page 167, line 37—Add the following proviso to subclause (3)—

Provided that this section shall have no application in respect of the excavation for or mining or winning such minerals as are defined by section one hundred and thirty-six of the Mining Act, 1904-1955.

No. 65.

Clause 239, page 176—Delete paragraph (s).

No. 66.

Clause 265, page 189, line 33—Insert after the word "of" the word "cement."

No. 67.

Clause 265, page 189, line 37—Insert before the word "bricks" the word "cement."

No. 68.

Clause 265, page 190, line 3—Insert before the word "bricks" the word "cement."

No. 69.

Clause 271, page 194—Delete all words from and including the word "With" in line 37 down to and including the word "authorisation" in line 40.

No. 70.

Clause 271, page 195, line 1—Delete the word "the" and substitute the word "a."

No. 71.

Clause 271, page 195, lines 14 and 15—Delete the words "without the necessity of obtaining authorisation mentioned in subsection (1) of this section."

No. 72.

Clause 281, page 200, line 10—Insert after the word "Minister" the words "for Lands."

No. 73.

Clause 282, page 200, line 33—Insert after the semicolon following the word "use" the word "or."

No. 74.

Clause 282, page 200, lines 34 to 36—Delete the whole of subparagraph (iii).

No. 75.

Clause 282, page 201, line 1—Delete the expression "(iv)" and substitute the expression "(iii)."

No. 76.

Clause 282, page 201, line 16—Insert after the word "Minister" the words "for Lands."

No. 77.

Clause 282, page 201, line 31—Delete the words "of opinion" and substitute the following:—"(1) The Minister for Lands certifies."

No. 78.

Clause 282, page 201, line 33—Insert after the word "granted" the following:—", or (ii) the street is one set forth in a Town Planning Scheme which has been approved under the Town Planning and Development Act, 1928."

No. 79.

Clause 282, page 202, line 8—Delete the passage "(ii), (iii) or (iv)" and substitute the passage "(i), (ii) or (iii)."

No. 80.

Clause 283, page 202, line 22—Insert after the semicolon following the word "public" the word "or."

No. 81.

Clause 283, page 202, line 23—Delete the word "or."

No. 82.

Clause 283, page 202, lines 24 and 25—Delete subparagraph (iii).

No. 83.

Clause 283, page 203, line 12—
Insert after the word "Minister"
the words "for Lands."

No. 84.

Clause 283, page 203, line 39—
Delete the word "and" and sub-
stitute the word "or."

No. 85.

Clause 283, page 204, line 1—
Delete the words "The Governor
is of opinion" and substitute the
following:—"(i) The Minister for
Lands certifies."

No. 86.

Clause 283, page 204, line 3—
Add the following:—"; or (ii) the
street is one set forth in a Town
Planning Scheme which has been
approved under the Town Plan-
ning and Development Act, 1928."

No. 87.

Clause 289, page 209, line 38—
Insert after the word "time"
where appearing for the third
time, the words "and may give to
land registration authorities such
instructions as he thinks fit."

No. 88.

Clause 290, page 210, line 31—
Delete the word "allotments" and
insert the word "lots."

No. 89.

Clause 290, page 210, line 38—
Delete the words "this Act" and
substitute the words "the Town
Planning and Development Act,
1928."

No. 90.

Clause 290, page 210, line 38—
Add the words "No street shall,
without the consent in writing of
the Minister for Lands, be set out
or constructed unless the width of
such street, to be ascertained by
measuring at right angles to the
course of such street from front
to front of the boundary line on
either side thereof, shall be sixty-
six feet in width but any ways
shown on a subdivisional plan
duly approved under this Act or
any repealed Act shall be deemed to
be lawfully set out."

No. 91.

Clause 290, page 211, lines 12
to 16—Delete all the words from
and including the word "Before"
in line 12 down to and including
the word "request" in line 16.

No. 92.

Clause 290, page 211, line 29—
Insert a new paragraph to stand
as paragraph (c) as follows:—

(c) A name shall not be
allocated to any area or to
any street without the prior
approval of the Minister for
Lands.

No. 93.

Clause 290, page 212, line 25—
Delete the word "allotments" and
substitute the word "lots."

No. 94.

Clause 290, page 212, line 27—
Delete the word "allotments" and
substitute the word "lots."

No. 95.

Clause 290, page 212, line 35—
Delete the whole of paragraph (d).

No. 96.

Clause 290, page 213, line 6—
Delete the whole of paragraph (e).

No. 97.

Clause 290, page 213, line 18—
Delete the expression "(if)" at the
commencement of the line and
substitute the expression "(d)".

No. 98.

Clause 290, page 213, line 18—
Insert after the word "Minister"
the words "for Local Govern-
ment."

No. 99.

Clause 290, page 213, line 23—
Delete the word "allotments" and
substitute the word "lots."

No. 100.

Clause 290, page 213, line 26—
Delete the word "allotments" and
substitute the word "lots."

No. 101.

Clause 290, page 213—Add to
paragraph (f) the words "The de-
cision of the Minister is final."

No. 102.

Clause 290, page 213, lines 27 to
30—Delete the whole of paragraph
(g).

No. 103.

Clause 290, page 213, line 31—
Delete subclause (4) and substi-
tute the following:—

(4) When a plan of any
such subdivision is deposited
in the Office of Titles, and ap-
proved by the Inspector of
Plans and Surveys or other
officer appointed to approve
plans, and a transfer of one
or more lots (not being the
whole of the land on such
plan) is registered, then as

from the date of registration of such transfer any land delineated and shown as a new street, on such plan shall become dedicated as a street, and shall be under the control of the Council; but no way not exceeding twenty feet in width shall be dedicated or be deemed to have become dedicated as a street by virtue of anything in this subsection or in subsection (5) of section one hundred and fifty-seven of the Road Districts Act, 1919, or subsection (4) of section three hundred and twenty-eight of the Roads Act, 1911.

No. 104.

Clause 291, page 214—Delete subclause (1).

No. 105.

Clause 291, page 214—Delete paragraph (b) of subclause (2) and substitute the following:—

(b) of its intention to form, level, pave, kerb, drain, or form or construct water tables in, the roadway or footpath of a private street or part of a private street in the district.

No. 106.

Clause 291, page 214, line 26—Insert the following words to follow paragraph (b) "and may carry out such work at the expense of the council."

No. 107.

Clause 291, page 214—Delete paragraph (c).

No. 108.

Clause 291, page 214—Delete all words from and including the word "at" in line 29 down to and including the word "pay" in line 38.

No. 109.

Clause 291, pages 214 to 216—Delete subclauses (3), (4), (5), (6) and (7).

No. 110.

Clause 292—Delete.

No. 111.

Clause 346, page 257, line 17—Delete the words "six years" and substitute the words "twelve months."

No. 112.

Clause 353, page 261, line 1—Insert after the word "recover" the words "one half of."

No. 113.

Clause 354, page 262, line 24—Insert after the word "with" the words "one half of."

No. 114.

Clause 354, page 262, line 41—Insert after the word "charge" the words "one half of."

No. 115.

Clause 368, page 276—Delete all words after the word "continues" in line 9 down to and including the word "continues" in line 11.

No. 116.

Clause 368, page 276—Delete all words after the word "continues" in line 38 down to and including the word "continues" in line 40.

No. 117.

Clause 369, page 277—Delete all words after the word "continues" in line 28 down to and including the word "continues" in line 30.

No. 118.

Clause 371, page 279—Delete all words after the word "continues" in line 1 down to and including the word "continues" in line 3.

No. 119.

Clause 371, page 280—Delete all words after the word "continues" in line 4 down to and including the word "continues" in line 6.

No. 120.

Clause 371, page 280—Delete all words after the word "continues" in line 23 down to and including the word "continues" in line 25.

No. 121.

Clause 428, page 323—Delete all words from and including the word "with" in line 26 down to and including the word "offender" in line 34.

No. 122.

Clause 473, page 349, line 32—Insert after the word "pigs" the word "birds."

No. 123.

Clause 474, page 350, line 35—Add after the word "offence" the following words, "and is liable to a penalty not exceeding two hundred pounds."

No. 124.

Clause 496, page 359, line 6—Insert before the word "bricks" the word "cement."

No. 125.

Clause 496, page 359, line 7—Delete the words "from the council's brickworks."

No. 126.

Clause 496, page 359, line 9—Insert before the word "bricks" the word "cement."

No. 127.

Clause 496, page 359—Delete paragraph (1).

No. 128.

Clause 504, page 366, line 10—Delete the word "brickyards" and substitute the words "manufacture cement bricks."

No. 129.

Clause 504, page 366, line 16—Insert before the word "bricks" the word "cement."

No. 130.

Clause 504, page 366, line 23—Insert before the word "bricks" the word "cement."

No. 131.

Clause 504, page 366, line 25—Insert before the word "bricks" the word "cement."

No. 132.

Clause 504, page 366, line 30—Insert before the word "bricks" the word "cement."

No. 133.

Clause 504, page 367—Insert a paragraph to stand as paragraph (j) as follows:—

- (j) may provide, establish, conduct, control and maintain on land owned by or under the control of the council, parking areas and parking stations including termini for buses.

No. 134.

Clause 514, page 375, lines 14 and 15—Delete the words "separate and distinct banking accounts in respect of each of" and substitute the words "one trust fund banking account in respect to."

No. 135.

Clause 522, page 385, line 35—Delete the words "shall not" and substitute the word "may."

No. 136.

Clause 523, page 386, line 5—Delete paragraph (b) of subclause (1).

No. 137.

Clause 523, page 387, lines 10 and 11—Delete the words "and is exclusively used for such purposes."

No. 138.

Clause 523, page 387, line 22—Add after the word "Act" the following:—"or if declared by the

Governor to be exempt from municipal rates. Provided that the Governor may from time to time and at any time revoke such declaration."

No. 139.

Clause 524, page 388, line 2—Insert after the number of the clause the subclause designation (1).

No. 140.

Clause 524, page 388, line 11—Add new subclauses as follows:—

(2) Notwithstanding the provisions of subsection (1), of this section the Commissioner of Taxation, instead of supplying to the council of a municipality the unimproved value of land as assessed under the Land and Income Tax Assessment Act, 1907, may at the request of the council make and supply to the council of a municipality an assessment of the rateable property in the district as prepared in accordance with the definition of unimproved value which is set forth in subsection (3) of this section.

(3) For the purposes of this Act, "unimproved value" means—

- (a) in respect of land granted in fee simple, the capital sum for which the fee simple in such land would sell under such reasonable conditions of sale as a bona fide seller would require assuming the actual improvements (if any) had not been made;
- (b) in respect of land held under contract for conditional purchase under the Land Act, 1898, or any Act enacted in amendment of, or substitution for, that Act, thereby repealed, the capital sum of which the fee simple of such land would sell on the assumption that the ratepayer is the owner in fee simple, under such reasonable conditions of sale as a bona fide seller would require, assuming the actual improvements (if any) had not been made; and

(c) in respect of a pastoral lease—a sum equal to twenty times the amount of the annual rent reserved by the lease.

(d) in respect of land temporarily used for private purposes but held by the Crown for a "public work" (other than for a townsite) under the Public Works Act, or held by the Crown or any agency or instrumentality of the Crown pursuant to authority conferred by any other Act, a sum equal to twenty times the rental charged for the land, as distinct from the improvements thereon, or the unimproved value of the land in fee simple, whichever is the lesser;

(e) in respect of other land held under a Crown lease, a sum equal to twenty times the annual rent but if the land is within a city, town, or townsite it means the unimproved value of the land in fee simple; or

(f) in respect of other land of the Crown which is temporarily occupied without title or authority for private purposes, a sum equal to twenty times the rent which might reasonably be demanded for the land, or the value of the land in fee simple whichever is the lesser.

No. 141.

Clause 524, page 388—Add at the end of the clause the following:—

Provided the provisions of this section shall not apply where the council of a municipality elects in lieu of the foregoing to engage its own valuer or valuers each of whom shall be a member of of the Commonwealth Institute of Valuers, and such valuer or valuers shall supply to the council, as it may in

its discretion require, the unimproved value or the annual value of the rateable property of the district at such time and in such manner as determined by the Council.

No. 142.

Clause 528B, page 391—Delete.

No. 143.

Clause 530, page 394, line 41—Insert after the word "Taxation" the following:—

or the unimproved value or annual value of the land as supplied from time to time by the valuer or valuers engaged by the council of such municipality as the case may be.

No. 144.

Clause 535, page 399, line 9—Add after the word "fund" the words "and shall deduct such amount from future amounts payable by such ratepayer."

No. 145.

Clause 538, page 402, line 4—Insert after the word "value" the words "or seven shillings for each pound of the annual value."

No. 146.

Clause 535, page 402, lines 8 and 9—Delete the words "that valuation" and substitute the words "the unimproved value or five shillings for each pound of the annual value of the property as the case may be."

No. 147.

Clause 538, page 402, line 16—Insert after the word "property" the words "or at the discretion of the council for each pound of the annual value of the property."

No. 148.

Clause 538, page 402, line 16—Add after subclause (3) the following subclauses:—

(4) In the valuation of land on the annual value, the following rules shall be observed:—

(a) "Land," for the purpose of such valuation, shall include all reclaimed or unreclaimed land, and all houses, buildings and other structures or property erected thereon or thereunder, but shall not include any machinery, whether affixed to the soil or not.

- (b) The annual value of rateable land which is improved or occupied shall be deemed to be a sum equal to the estimated full, fair average amount of rent at which such land may reasonably be expected to let from year to year, on the assumption (if necessary to be made) that such letting is allowed by law, less the amount of all rates and taxes and a deduction of twenty pounds per centum for repairs, insurance and other outgoings.
- (c) The annual value of rateable land which is improved or occupied shall in no case be deemed to be less than four pounds per centum upon the capital value of the land in fee simple.
- (d) When more persons than one are in separate occupation of a building erected on any portion of rateable land, each of them shall be deemed to be in occupation of a part of such land, and the annual value of such part shall be taken to bear the same proportion to the annual value of the whole of the land as the annual rental value of the part of the building occupied by him bears to the annual value of the whole of the building.
- (e) The annual value of rateable land held under any tenure peculiar to goldfields or mineral fields shall be the fair average annual value of the land of the same quality held in fee simple in the same neighbourhood, with the buildings erected thereon, but without regard to the value of any other improvements made or work done upon the land, and without regard to any metals or minerals contained or supposed to be contained in it.
- (f) The annual value of rateable land which is unimproved and unoccupied shall be taken to be not less than ten pounds per centum on the capital value:
 Provided that no land shall be considered to be unoccupied if the same is a portion of the original grant from the Crown, and let or occupied with any part of the same lands belonging to the same owner that are occupied and rated.
- (g) No allotment or separate portion of rateable land shall be valued at an annual value of less than three pounds;
 Provided that, when the same person is the owner of two or more parcels of unoccupied land adjoining one another, such parcels shall be valued as one.
- (5) Where the buildings on any rateable land constitute a factory within the meaning of the Factories and Shops Act, 1920-1954 (being a woollen, flour, timber, steel or other mill, or meatworks, or a building wherein goods or materials are manufactured, treated or produced and not being a shop or retail establishment), and the capital value thereof exceeds an amount of ten thousand pounds then, notwithstanding anything contained in subsection (4) of this section or elsewhere in this Act, the annual value of such land shall be one quarter of the amount which, but for the provisions of this subsection, would otherwise be its annual value.
- (6) Where at least one-third of the councillors sign and cause to be delivered to the mayor or president, as the case may be, a demand that—
 (a) where the general rate imposed by the council of the municipality is assessed on

the unimproved value of the property, such rate be assessed on the annual value of the property instead of on the unimproved value thereof; or

- (b) where the general rate imposed by the council of the municipality is assessed on the annual value of the property, such rate be assessed on the unimproved value of the property instead of on the annual value thereof,

and that the question, whether or not the proposed alteration in the method of assessment of the rate imposed be effected, be submitted to a poll of the electors of the municipality, the mayor or president, as the case may be, shall cause the question to be submitted to a poll of the electors of the municipality to be held on a day appointed by him, being not less than forty-two days nor more than seventy days after that on which the demand is delivered as aforesaid.

(7) In the taking of such poll, the provisions of subsections (6) and (7) of section ten of this Act shall apply.

(8) If at the poll a majority of the valid votes cast is in favour of the alteration in the method of assessment of the rate imposed, the Governor shall by Order declare that such alteration shall apply and take effect as at the date of commencement of the next financial year of the municipality.

No. 149.

Clause 548, page 408—Insert a new subclause to stand as subclause (3A) as follows:—

(3A) So far as practicable, the Valuation Appeal Court shall be held in the usual meeting place of the Council of the District concerned.

No. 150.

Clause 588, page 443, line 4—Insert after the word "clinics" the words "ambulance services."

No. 151.

Clause 600, page 452, lines 12 and 13—Delete the words "electors in respect of residence" and substitute the word "ratepayers."

No. 152.

Clause 600, page 452, line 25—Delete the word "electors" and substitute the word "ratepayers."

No. 153.

Clause 600, page 452, line 28—Delete the word "electors" and substitute the word "ratepayers."

No. 154.

Clause 600, page 452, line 35—Delete the word "electors" and substitute the word "ratepayers."

No. 155.

Clause 600, page 453, line 2—Delete the word "electors" and substitute the word "ratepayers."

No. 156.

Clause 600, page 453, line 15—Delete the word "electors" and substitute the word "ratepayers."

No. 157.

Clause 453, line 16—Delete the words "reside in" and substitute the words "pay rates in respect of."

No. 158.

Clause 600, page 453, line 18—Delete the words "and who reside within the district."

No. 159.

Clause 600, page 453, line 26—Delete the word "are" and substitute the word "is."

No. 160.

Clause 600, page 453, line 28—Delete the word "are" firstly occurring and substitute the word "is."

No. 161.

Clause 600, page 453, line 28—Insert after the word "or" the words "the valid votes cast against the loan."

No. 162.

Clause 614, page 462, line 3—Insert after the clause designation "614" the subclause designation "(1)."

No. 163.

Clause 614, page 462, line 5—Delete the words "a Government Inspector of Municipalities" and substitute the following:—

(a) in the case of a shire, a Government Inspector of Municipalities;

(b) in the case of a city or town, a person elected by the electors

of the city or town in accordance with this Act, and who is currently a member in good standing of the Institute of Chartered Accountants in Australia, or the Australian Society of Accountants, and registered as an auditor under the provisions of the Companies Act, 1943-1954:

Provided that if such person ceases to be a member of the Institute of Chartered Accountants in Australia, or the Australian Society of Accountants, or ceases to be registered as an auditor under the provisions of the Companies Act, 1943-1954, he shall forthwith become ineligible to be or continue as an auditor under this Act and the position shall automatically be declared vacant.

The definition of "auditor" is subject to the provisions contained in subsection (2) of this section providing for a change of auditor by a municipality.

No. 164.

Clause 614, page 462, line 8—Delete the words "the Minister directs" and substitute the words "the council of the Municipality directs."

No. 165.

Clause 614, page 462—Add the following subclauses:—

(2) Where at least one-third of the councillors sign and cause to be delivered to the mayor or president, as the case may be, a demand that—

(a) where the auditor is a person referred to in paragraph (a) of subsection (1) of this section, there be substituted in his stead a person referred to in paragraph (b) of that subsection; or

(b) where the auditor is a person referred to in paragraph (b) of subsection (1) of this section, there be substituted in his stead

a person referred to in paragraph (a) of that subsection,

and that the question, whether or not the proposed substitution of auditor be effected, be submitted to a poll of the electors of the municipality, the mayor or president, as the case may be, shall cause the question to be submitted to a poll of the electors of the municipality to be held on a day appointed by him, being not less than forty-two days nor more than seventy days after that on which the demand is delivered as aforesaid.

(3) In the taking of such poll, the provisions of subsections (6) and (7) of section ten of this Act shall apply.

(4) If at the poll a majority of the valid votes cast is in favour of the proposed substitution of auditor the Governor shall by Order declare that such substitution shall apply and take effect as at the date of the commencement of the next financial year of the municipality.

No. 166.

Clause 615, page 463, lines 1 to 5—Delete subclause (3).

No. 167.

Clause 619, page 465, lines 33 and 34—Delete the words "in the form directed by the Minister."

No. 168.

Clause 619, page 466, line 4—Delete the words "assets and."

No. 169.

Clause 619, page 466, lines 5 and 6—Delete the words "current assets and fixed assets and."

No. 170.

Clause 620, page 466, line 36—Delete all words from and including the word "unless" in line 36 down to and including the word "deficient" in line 6, page 467, and substitute the words "report thereon and forward his findings to the Minister and the council shall be entitled to have a copy of the auditor's report delivered to it by registered post addressed to the mayor or president as the case may be."

No. 171.

Clause 621, page 467, lines 28-32—Delete subclause (3).

No. 172.

Clause 621, page 468, lines 4-12
—Delete subclause (5).

No. 173.

Clause 621, page 468, line 19—
Delete the words "direct the auditor to."

No. 174.

Clause 621, page 468, lines 19-21—Delete the words "in which case the provisions of subsection (5) of this section apply as if repeated mutatis mutandis in this subsection."

No. 175.

Clause 621, page 468, lines 25-31—Delete the word "and" in line 25 and paragraph (b) of subclause (7).

No. 176.

Clause 621, page 468, lines 37 and 38—Delete the words "the auditor recovers money he shall pay it to the council" and substitute the words "any money is recovered such money shall be paid to the council."

No. 177.

Clause 624, page 469—Delete.

No. 178.

Clause 625, page 469, line 30—
Add the following proviso to subclause (1) after the word "auditor" in line 30:—

Provided that this subsection shall not apply where an auditor has been elected by the electors of a municipality in accordance with section six hundred and fourteen.

No. 179.

Clause 627, page 470—Delete all words in this clause and substitute the following:—

627. In the case of an auditor to be elected by the electors of a municipality in accordance with section six hundred and fourteen, the following provisions shall apply:—

(a) For each municipality there shall be one auditor who shall be elected for two years by the persons whose names are on the electoral roll in force for the time being.

(b) No mayor, president or councillor shall be qualified for election as an auditor for the municipality of which he is mayor, president or councillor.

(c) The Governor may at any time remove an auditor elected for a municipality on the petition of the council thereof.

(d) Notwithstanding the division into wards of any municipal district the auditor shall be elected for the whole district and the election shall be conducted in the same manner as an election of mayor and shall take place at the same time and at the same polling place or places.

(e) All the provisions of Part IV of this Act so far as such provisions apply to or in connection with the election of the mayor shall apply mutatis mutandis to and in connection with the election of the auditor.

(f) Upon the union of municipalities the auditor of the municipal district having the largest population shall be the auditor of the united district until the first election of auditor for such united district when he shall go out of office, but shall be eligible for election as auditor of the united district.

(g) (i) On any vacancy occurring in the office of an auditor by death, removal, disqualification or resignation or by reason of any other circumstances the like proceedings shall be taken to fill such vacancy as upon an extraordinary vacancy in the office of mayor.

(ii) Every person elected to fill such vacancy shall be deemed, for the purpose of retirement, to have been elected when his predecessor in office

was elected, and shall retire accordingly; but an auditor so retiring may be re-elected if duly qualified.

(iii) Whenever an extraordinary vacancy occurs in the office of auditor for a municipality the Minister may appoint a person qualified under subsection (1) of section six hundred and fourteen as an acting auditor for the municipality until a person is elected as auditor to fill the said vacancy.

(iv) When the Minister appoints an acting auditor under subparagraph (iii) of this paragraph such acting auditor while he so acts shall have and exercise the same powers and be subject to the same duties as an auditor who has been duly elected as such under the provisions of this Act.

(h) The auditor for every municipality shall be paid out of the municipal fund such remuneration as the council may from time to time determine.

No. 180.

Clause 634, page 473, line 18—
To delete the word "was" and substitute the word "were."

No. 181.

New Clause—Insert after Clause 20 the following new clause:—

20A. (1) Where by reason of the exercise by the Governor of any of the powers conferred by section twelve of this Act, a new municipality is constituted, or the boundaries of a municipality are altered, every person who immediately before the

day of such constitution or alteration was a servant of the council of any municipality affected, and who was wholly or principally employed on or in connection with any work, trading undertaking, right, power, authority, duty, obligation or function which becomes transferred to, vested in, exercisable by, or conferred or imposed upon the council of the new municipality or of another municipality, shall on such day (subject to any agreement which may be entered into between the council of the municipality affected, the council of such new or other municipality and the servant)—

(a) be transferred to the service of the council of such new or other municipality; and

(b) become a servant of the council of such new or other municipality; and

(c) be paid salary or wages not less than at the rate which he was employed immediately before such day until such salary or wages is or are varied or altered by the council of such new or other municipality: Provided that such salary or wages shall not be reduced for a period of at least one year from the date of such transfer, except to the extent necessary to give effect to any fluctuation in the

needs basic wage as defined in the Industrial Arbitration Act, 1912; and

- (d) be deemed to have been appointed and employed by the council of such new or other municipality under the provisions of this Act.

The person so transferred shall on and from such day until otherwise directed by the council of such new or other municipality continue to perform the duties which attached to his employment immediately before such day.

(2) Where any condition of employment of any person so transferred to the council of such new or other municipality is at the date of his transfer regulated by an award or industrial agreement, such condition shall continue to be so regulated until an award regulating such condition and binding the council of such new or other municipality is made by a competent tribunal or such condition is regulated by an industrial agreement to which the council of such new or other municipality is a party.

(3) The period of service with the council of one or more municipalities or districts under this Act of any person so transferred shall upon such transfer be counted as service with the council of such new or other municipality for the purposes of this or any other Act, or of any regulation or by-law or of the terms and conditions of any staff agreement, or of

any award or agreement made under the Industrial Arbitration Act, 1912.

(4) The transfer of any person under this section shall not affect any right to leave (including long service leave) of absence accrued prior to such transfer.

(5) (a) If the employment of any person transferred under this section is terminated by the council of any such new or other municipality, otherwise than for misconduct, within a period of two years from the date of his transfer, or if any person so transferred resigns his position with the council of such new or other municipality within the period commencing one year after, and ending two years from, the date of his transfer, and the council has prior to the date on which his resignation was tendered failed to offer him in writing continuous employment at a salary or wage at least equal to that received by such person immediately prior to the date of his transfer, and such failure is not occasioned by the misconduct of such person, the council of such new or other municipality shall grant to such person a gratuity equivalent to the amount of four weeks' salary or wages for each year of service, such salary or wages being reckoned on the average of the weekly salary or wages paid to such person during the fifty-two weeks immediately preceding the date of his transfer:

Provided that nothing contained in this subsection shall require the council of such new or other municipality to offer

any person transferred under this section employment beyond the date upon which such person shall attain the age of sixty-five years:

Provided further that the amount of any gratuity payable under this subsection shall not in any case exceed an amount being the equivalent of the salary or wages, reckoned on the average of the weekly salary or wages paid to such person during the fifty-two weeks immediately preceding the date of his transfer, which such person would have received if he had continued in the employment of the council from which he was transferred until the date of his attaining the age of sixty-five years.

(b) This subsection shall apply only to a person who has been employed continuously by the council of any one or more municipalities or districts under this Act for a period of not less than one year immediately preceding the day of his transfer to the service of the council or such new or other municipality.

(6) Where a person who is transferred under this section was engaged by the council of a municipality affected under a subsisting contract of service which provides for payment of compensation in the event of the termination of his employment, and the employment of such person is, before the expiration of the period of the contract, terminated by the council of such new or other municipality otherwise than in accordance with the terms of such contract, the council of such new or other municipality shall pay

to such person the amount of compensation provided for in the contract, and if the amount of such compensation be less than the amount that would be payable to such person under subsection (5) of this section, shall also pay to him a gratuity equivalent to the difference.

A person who is entitled to receive any compensation, or compensation and gratuity, under this subsection shall not be deemed entitled to receive a gratuity under subsection (5) of this section.

(7) The provisions of the Superannuation, Sick, Death, Insurance Guarantee and Endowment (Local Government Bodies' Employees) Funds Act, 1947, shall continue to apply to and in respect of any person transferred under this section in like manner and to the same extent as the said Act would have applied if this section had not been enacted.

(8) A servant of the council who at the time of the constitution of a new municipality or the alteration of a municipality is engaged on war service as defined in the Defence Act, 1903, of the Parliament of the Commonwealth of Australia, shall for the purposes of this section be deemed to be still in the employ of the council, and his war service as well as his service with the council shall be counted as service with the council for the purposes referred to in subsection (3) of this section, and he shall be deemed to have been employed continuously by the council for the purposes of subsection (5) of this section.

No. 182.

New Clause—Insert a new clause, after new clause 20A to stand as clause 20B, as follows:—

Transfer
of officers
where mu-
nicipalities
divided.
Ibid.
s. 20D.

20B. (1) The provisions of this section shall apply to the transfer of servants in any case where by reason of the exercise by the Governor of any of the powers conferred by section twelve of this Act any whole municipality or whole municipalities and parts of municipalities are divided into a different number of municipalities.

(2) The council of each new municipality, and where whole municipalities and parts of municipalities are divided, the council of any municipality of which part has been taken, shall confer with one another and agree upon an arrangement as to the transfer of those persons who immediately before such division were servants of the councils of the municipalities affected.

(3) Where the councils have not agreed within a period of one month from the date of such division or within such further period as the Minister may allow the Minister may make such an arrangement.

(4) An arrangement under this section shall—

(a) in the case where whole municipalities are divided, provide for the transfer of all persons who immediately before such division were servants of the councils of the municipalities affected to the service of the councils of the new municipalities;

(b) in the case where whole municipalities

and parts of municipalities are divided, provide for the transfer to the service of the councils of the new municipalities of—

(i) all persons who immediately before such division were servants of the councils of the municipalities wholly affected; and

(ii) such persons who immediately before such division were servants of a municipality from which part has been taken, as the councils of the municipalities affected may determine.

(5) An arrangement made under this section, shall be embodied in a proclamation, and upon publication thereof any person affected by such arrangement shall—

(a) be transferred to the service of the council of the new municipality specified;

(b) become a servant of the council of such new municipality;

- (c) be paid salary or wages not less than at the rate at which he was employed immediately before the publication of such proclamation until such salary or wages is or are varied or altered by the council of such new municipality;

Provided that such salary or wages shall not be reduced for a period of at least one year from the date of such transfer except to the extent necessary to give effect to any fluctuation in the needs basic wage as defined in the Industrial Arbitration Act, 1912; and

- (d) be deemed to have been appointed and employed by the council of such new municipality under the provisions of this Act.

The person so transferred shall on and from the publication of such proclamation until otherwise directed by the council of such new municipality continue to perform the duties which attached to his employment immediately before such publication.

(6) The provisions of subsections (2) to (8) inclusive of section twenty A of this Act shall apply to and in respect of the transfer of any person under subsection (5) of this section.

(7) Pending the publication of a proclamation embodying an arrangement under this section, the Governor may by proclamation under this Part make such provision as the Governor may deem necessary or expedient for the temporary transfer to the service of any of the councils of the new municipalities of the servants of the councils of any of the municipalities affected and for the performance of the duties of such servants and for the payment of the salary or wages of such servants at the rates at which such servants were employed immediately before such division and for any other matter or thing incidental thereto.

No. 183.

New Clause—Insert after Clause 227 a new clause to stand as Clause 227A, as follows.—

227A. The council of a municipality may so make by-laws—

- (a) With respect to the control and management of parking stations established by the council under this Act and the management and operation of parking facilities provided by the council under this Act;
- (b) prescribing charges payable by any person using, or in respect of any vehicle occupying a parking station or parking facility so established or providing and differentiating in the fees charged in respect of the various classes of vehicles and exempting any person or vehicle or class of person or class of vehicle from paying all or any of those charges;
- (b) prescribing conditions under which and the period or periods of time during which a parking

station or parking facility may be used or occupied;

- (d) providing for the protection of parking stations and parking facilities and all equipment pertaining to them against misuse, damage, interference or attempted interference by any person;
- (e) regulating the parking and standing of vehicles in any parking station and prohibiting any person from parking or standing any vehicle in a parking station otherwise than in accordance with the by-laws;

Motion put and passed; amendments Nos. 1 to 183 agreed to.

Title—put and passed.

Bill reported with amendments.

House adjourned at 3.16 p.m.

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The SPEAKER took the Chair at 2.15 p.m., and read prayers.

QUESTIONS ON NOTICE.

No. 1. *This question was postponed.*

POINT PERON.

Responsibility for Development.

2. Mr. COURT asked the Minister for Lands:

(1) In which department or organisation is the title for Point Peron vested and on what basis?

(2) Who is responsible for the general development of the area and on what basis?

(3) (a) What subdivision has been made of the general area and to what organisations have these subdivisions been allotted?

(b) What is the size of each area?

(4) What title has been given to those who have been allocated areas and what written or other agreements have been made for development?

(5) Are there any areas unallocated, and if so, to what extent?

(6) What timetable is envisaged with the general development programmes to be undertaken?

(7) Does the local authority have any responsibility or authority over the area; and, if so, to what extent?

Mr. KELLY replied:

(1) Point Peron is held on a freehold basis by the Commonwealth of Australia. (Excluding several areas leased direct to

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Thursday, the 23rd October, 1958.

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