

undermine it. We value the Arbitration Court and have furnished it with certain powers. Members will agree that it is wrong that Parliament, or any other authority, should endeavour to undermine or go beyond the influence of the court. We should certainly not do those things which the court, in their wisdom, have declined to do. By clause 3 we are asked to agree to a new section providing for the registration of a union. Section 6 of the parent Act provides that any society, so long as there are 15 members of it, may be registered as an industrial union of workers. The union to which I refer has on more than one occasion been before the court for registration, but the court has refused the application. If we pass this clause, we shall be setting out on a path which may bristle with difficulties, and may lead to the court being overridden in many ways. I will not vote for that clause.

The Chief Secretary: It is a recommendation to the court itself.

Hon. W. J. MANN: Such a recommendation is not necessarily the correct thing to make. Is not the position this: that the workers themselves are unable to conform to the principles laid down in Section 6?

Hon. H. Seddon: And it is wide enough.

Hon. W. J. MANN: If they cannot conform to those principles, and there is a bar to registration, why do not they remove that bar, instead of leaving it for the Government to bring down an amendment to the Act, or asking Parliament to do something the court refuses to do?

The Chief Secretary: The court had no power to do it.

Hon. W. J. MANN: Perhaps the Chief Secretary will explain the matter. He may be able to convince me that the clause is justified, but until then I shall vote against it. I am inclined to favour the idea of referring the Bill to a select committee. By that means we may obtain a wider knowledge of the effect of the Bill than we can hope to get in our debates here. I would favour that idea if only that it would afford an opportunity to obtain the fullest information with regard to the so-called menace of partnerships. That and other information that would be gathered would be of great value to the House. I shall support the second reading, and the clauses I am satisfied will improve the Act,

but I reserve to myself the right to oppose certain other clauses.

On motion by the Chief Secretary, debate adjourned.

House adjourned at 6.10 p.m.

Legislative Assembly.

Tuesday, 28th September, 1937.

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

QUESTIONS (2)—RAILWAYS.

Diesel Coaches.

Mr. WARNER asked the Minister for Railways: 1, On what approximate date is it considered that the first of the newly acquired Diesel engine coaches will be in commission? 2, Is it intended to have service given by such coaches on—(a) the Dowerin-Merredin line; (b) the Lake Brown-Bullfinch line?

The MINISTER FOR RAILWAYS replied: 1, Provided no further shipping delay occurs, early in December next. 2, (a) Yes; (b) No.

Eastern States Coal.

Mr. WILSON asked the Minister for Railways: What was the average price paid by the Railway Department for Eastern States coal for the months of April, May, and June for the years 1935, 1936, and 1937 (separately)?

The MINISTER FOR RAILWAYS replied: 1937—April 36s. 10d., May 36s. 10d.,

June 36s. 10d.; 1936—April 33s. 10d., May 33s. 10d., June 33s. 10d.; 1935—April 33s. 10d., May 33s. 10d., June 33s. 10d.

QUESTION—WHEAT, DISTRESSED FARMERS.

Federal Aid.

Mr. WARNER asked the Minister for Lands: 1, What amount of money has been received during the past five years from the Commonwealth Government for the purpose of affording financial relief to wheatgrowers? 2, What portion of that amount has been advanced under I.A.B. conditions? 3, What portion of the amount advanced under I.A.B. conditions is required to be repaid?

The MINISTER FOR LANDS replied: 1, 1932-33 season, £436,145; 1933-34 season, £639,493; 1934-35 season (acreage 3s. per acre), £435,087; 1934-35 season (bushelage bounty 3d. per bushel), £300,491; 1934-35 season (necessitous grant), £137,000; 1935-36 season, £392,850; total, £2,341,066. 2, Nil. 3, Nil.

QUESTION—ELECTRICITY SUPPLY.

Mr. WILSON asked the Minister for Railways: What was the average cost per unit for generating electricity at the East Perth Power House for each year (separately) for the period from August, 1914, to July, 1937?

The MINISTER FOR RAILWAYS replied: 1937, .81d.; 1936, .77d.; 1935, .78d.; 1934, .77d.; 1933, .81d.; 1932, .90d.; 1931, .94d.; 1930, .91d.; 1929, .95d.; 1928, .93d.; 1927, .95d.; 1926, .91d.; 1925, 1.02d.; 1924, 1.02d.; 1923, 1.03d.; 1922, 1.06d.; 1921, 1.08d.; 1920, .89d.; 1919, .94d.; 1918, 1.12d. The power house did not commence operations until the 3rd December, 1916, and twelve-monthly figures are in consequence not available prior to the year ended the 30th June, 1918.

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

In Committee.

Resumed from the 21st September; Mr. Sleeman in the Chair, the Minister for Works in charge of the Bill.

Clause 33—Amendment of Section 179:

The CHAIRMAN: Progress was reported after Mr. McDonald had moved an amend-

ment to delete paragraph (f), which proposed to insert a new paragraph in the section to permit, regulate and control the planting and maintenance of lawns and gardens between the footpath kerb and the vehicular roadway.

The MINISTER FOR WORKS: I wish to give the Committee information regarding the legal position with reference to the points at issue. I have received the following opinion from the Solicitor General:—

Mr. McDonald's amendment to Clause 33, paragraph (f), was submitted to Mr. Walker, the Solicitor-General. He is of the opinion that the only effect it will have is to give a council power to permit a person laying water pipes under the footway to connect with private property. These pipes can then only be used for the supply of water to lawns, etc., on footpaths, if a person has a windmill and is using his own private supply. If a person has not got his own private water supply, then he would have to obtain the permission of the Minister to use the reticulated water, and this the Minister has no power to grant under the Metropolitan Water Supply Act. Therefore an amendment to that Act would be necessary. If, however, the Minister did allow the use of the water without such power, it is doubtful whether he could legally recover any excess water charge occasioned by the use of pipes for watering lawns, etc., outside the person's own private property.

As to the question of liability for damages if a person should be injured through any accident occasioned by the installing of taps, Mr. Walker said this does not enter into the question so far as the Government are concerned and would, he thinks, be the responsibility of the person installing such pipes and taps.

I have also received the following minute from the Under Secretary for Water Supply, dealing with this question:—

With regard to the amendment with reference to proposed new paragraph 47A of the Municipal Corporations Act Amendment Bill respecting the laying of pipes under, and the erection of taps in, streets for watering lawns, etc., therein, I interviewed the Crown Solicitor to-day, in company with Mr. Rattray, of the Local Government Office, and he advises as follows:—

- (a) Permission of local authority is required to allow pipes and fittings to be laid or extended across any path or street.
- (b) This will enable owners of premises with private supplies to extend services to street lawns, etc.
- (c) Regarding extension of private services connected to department's mains: According to Crown Solicitor's advice, of the 3rd June, 1937, the Metropolitan Water Supply Act gives authority to supply water to owners and occupiers of land, but an owner is not entitled to divert the supply to land in respect of which he has no title as

owner or occupier, that is, he can use the water only on the land to which the service is laid.

The soil of the roadway is either under the control of, or vested in, the local authority; consequently, the Minister is not legally empowered to provide a service on the roadway to the benefit of a private owner. Briefly, therefore, although under the proposed amendment of the Municipal Corporations Act the local authority may authorise the laying of pipes in its roadway, the Metropolitan Water Supply Act precludes the Minister from allowing any extension of private services connected to his mains beyond the boundary of property, and supplying water through such extension. An amendment of the Metropolitan Water Supply Act would be necessary to rectify this restriction.

When discussing this matter with the engineer, he definitely advised me of his opposition to the extension of water services to street lawns, etc., as, until adequate supplies of water are assured, there is a grave danger of restrictions being imposed during summer months.

Provided water for street lawns, etc., could safely be made available, any amendment giving statutory power to the Minister to supply such water should embody a clause requiring the owner or occupier to pay for the water, which would necessarily be passed through a meter.

As I said when this matter was previously discussed, it is one to which we would all like to agree, but to accept the proposal would mean an amendment not only of the Municipal Corporations Act but of the Metropolitan Water Supply Act as well. Even if we agreed to it, the Minister could not authorise the laying of pipes in streets. The other point involved is that we have not yet reached the stage of having an abundant water supply for the metropolitan area. Even last year we had to augment the hills supply with bore water. We hope to overcome that difficulty, but we have not yet reached that stage. There are times when we have to economise, seeing that the demand is continually increasing. During the last ten years, the peak consumption for any one day has doubled. I can remember when the consumption on a very big day would represent 14,000,000 or 16,000,000 gallons, but the peak daily consumption has increased to 30,000,000 gallons now. If an adequate hills water supply were available, much more than that would be used. There is an increase in the number of buildings, and the occupied area around the city is continually extending. In the circumstances, we cannot yet supply all the water that is needed. Should we be in a position to cope with the demand later on, then we could consider the

question of amending the Metropolitan Water Supply Act. Even then, other complications will arise, and I am afraid that at the present juncture it would not do to agree to the amendment, although I would support it as a citizen.

Mr. McDONALD: Amendments will be necessary to the Municipal Corporations Act and to the Metropolitan Water Supply Act as well if this matter is to be dealt with, and someone has to make a start. If we amend the Bill as I propose, municipalities will be able to frame regulations to deal with the placing of pipes in streets for the watering of footpath lawns, and so on, but where the owners are connected with the metropolitan water supply, the pipes will have to remain unused until such time as the Metropolitan Water Supply Act has been amended. So that in respect of houses that are connected with the metropolitan water supply, this amendment will simply provide something which is in abeyance until such time as the Metropolitan Water Supply Act is amended accordingly. Therefore the pipes will not be used, in fact will not be put in, until the Water Supply Department is in a position to supply the water. So my amendment will do harm. But there are many owners who would use such pipes for the conveyance of water from their own private supplies. This amendment would enable them to use that private water for the improvement of their street lawns. The department seems to be opposed to the amendment, which really cannot do any harm, for it will only be inserting in the Act a provision which can be used at such time as the Metropolitan Water Supply Act is also amended. I do not wish to propose anything unreasonable, but here is something that can do no harm, and on the other hand can do a lot of good for those people who will be able to furnish water from their own private supplies.

Mr. SAMPSON: I hope the amendment will be agreed to. It is not an innovation in civic development, for in both Canada and the United States there is a similar provision, and as a result civic pride is encouraged. It is doubtfully wise to allow a hose to be used loosely across a footpath, whereas the putting in of permanent pipes would create no danger. I will support the amendment.

Mr. NORTH: I will support the amendment because already a lot of pipes have been put in by people having private water

supplies. At present many persons use departmental water through hoses on to the street lawns, and apparently that is not objected to. Therefore the amendment would validate a lot of cases where water from private supplies is being illegally used.

The MINISTER FOR WORKS: If the department had taken no objection to this proposal, the position would be entirely different. With this amendment in the Municipal Corporations Act, people will think they have authority to do these things, whereas, of course, this Act cannot give them any such authority. Last year there was still a difficulty in finding all the water that was required, and even to-day we are not in a position to do that. If the department were asked whether they would agree to such an amendment to the Metropolitan Water Supply Act they would say no, because they could not take the responsibility for supplying the increased quantity of water. The correct method would be to get the authority of the Water Supply Department under their own Act. Of course there would be no objection to this amendment in respect of those with private water supplies but, as I say, it would be misleading to other people: for they would regard this amendment as an authority for the putting down of pipes for the use of the metropolitan water, whereas it could not give authority unless there was also an amendment of the Metropolitan Water Supply Act.

Mr. NORTH: I am reminded that outside this building we have street lawns into which are set fixed sprinklers. Surely that must be an offence under the Metropolitan Water Supply Act.

Amendment put and passed.

Mr. McDONALD: I move an amendment—

That in lieu of the words struck out the following be inserted:—

“(47a.) Permitting and regulating the planting of lawns and gardens in streets by the owners or occupiers of premises abutting thereon, and the laying of pipes under and the installation of taps in streets for watering such lawns and gardens, and prohibiting the riding or driving of animals or vehicles over such lawns and gardens.”

Amendment put and passed.

Mr. SAMPSON: I move an amendment—

That after “way,” in line 5 of paragraph (g), the words “for requiring proper maintenance of verandahs and balconies and for regu-

lating or prohibiting the use of verandah blinds or awnings” be inserted.

If maintenance be not provided for, a danger will arise, because weather causes rapid deterioration in verandahs and balconies, and that deterioration is even far more rapid than it would be if they were under the roof or fully protected from the weather. The matter of regulating or prohibiting the use of verandah blinds or awnings is important. Sometimes these are installed in a dangerous manner. Power should be given to ensure that they are not only properly erected, but properly maintained.

The MINISTER FOR WORKS: I have no objection to that part of the amendment which provides for the proper maintenance of verandahs and balconies. There is no need for the remaining words, as that portion of the amendment is already provided for in the Twelfth Schedule of the Act.

Mr. SAMPSON: In view of what the Minister has said, I should like to delete the latter part of my amendment, namely, the words “and for regulating or prohibiting the use of verandah blinds or awnings.”

The CHAIRMAN: The amendment will be amended accordingly.

Amendment as amended put and passed.

Mr. DONEY: I move an amendment—

That a further paragraph be added as follows:—

(h) by inserting after paragraph (51) a new paragraph as follows:—

(51a) preventing or minimising unnecessary interference by electricity with the use of wireless appliances and with the transmission or reception of sound by wireless.

I have obtained legal opinion to the effect that this is the right place for an amendment of this nature. All the municipal councils are anxious to be given this power. Occasions may arise when electric motors, if not kept in good order, may interfere with wireless reception. The amendment would enable municipal councils to police those electric motors and overcome the present difficulty.

The MINISTER FOR WORKS: I do not think this is the appropriate measure in which to place such an amendment. I have discussed this matter with our electrical engineer. In connection with the preparations for amending the Electric Lighting Act that officer indicated that it was not intended to give power to municipal councils or other local governing bodies to deal with wireless transmission or reception. It is ex-

pected that some provision will be made in the electricity Bill which is now being drafted, but I cannot yet say that such an amendment will be embodied in it. The electrical engineer states in a report that he has discussed this matter with the committee of experts. It was considered that inasmuch as the Commonwealth Government collect the revenue from radio licenses, this is a matter for them and not the State to deal with. The Commonwealth Government, however, have no power under the Constitution to do this. It would, therefore, appear to be a matter for co-operation between the Commonwealth Government and the State. If regulations were made and promulgated they would be expensive to police efficiently. I suggest that the best course would be to vest in the Minister the necessary power so that he may use his own discretion in the matter. He would then be able to co-operate with the Commonwealth Government. The electrical officer suggests that the cost of policing such a regulation could be defrayed either by the Commonwealth Government or the Broadcasting Commission. Municipal councils have only a limited jurisdiction over a limited area. If this power were placed in their hands, innumerable complaints would be made to them. One can imagine the difficulty if municipalities were empowered to see that suppressors were placed on all electrical machinery. I am not sure that the local bodies would care to take on the job.

Mr. Doney: But they have asked for it.

The MINISTER FOR WORKS: I cannot see that it is either a State or a municipal responsibility. It is a matter for negotiation with the Commonwealth Government, who collect all the revenue and have complete control over radio matters. The State should certainly not be responsible for seeing that suppressors are placed on all electrical machinery. The Crown Law authorities say that if any such provision is made it should be made by an amendment to the legislation governing the electricity supply. There is considerable merit in the amendment, but this is not the appropriate Bill for it. I do not know that municipalities should have this power. If they had it they would be put to considerable expense in the way of engaging experts, providing for inspections, and imposing and enforcing certain conditions. Consideration is being given to this matter in another measure.

Mr. Patrick: You say the Commonwealth Government have no power to police these things.

The MINISTER FOR WORKS: Not now. We would either have to do it ourselves or delegate the necessary authority to the Commonwealth Government. We could either ask the Commonwealth Government to police this or do the work ourselves.

Mr. DONEY: I am glad the Minister is favourably interested in this question. Apparently he has obtained certain information from a particular source, and I have received different information from the same source. I am inclined to think the Minister's view is the correct one. I should, however, like to receive an assurance that he will include this provision in the Bill that is now being considered. So far, he has only said he will consider the matter.

The MINISTER FOR WORKS: The measure I have referred to has not yet been finalised. I, therefore, cannot give a definite assurance except that the inclusion of this provision is being considered.

Mr. WITHERS: But for the statement of the Minister I would have supported the amendment. I should like him to go further than that he is merely considering this question. The municipalities are asked to accept a responsibility they cannot accept under the Act. There was a contention that the municipalities should bear a proportion of the cost, but the radio distributors should be prepared to pay the cost of installation of small motors throughout a municipality where the radio is being interfered with. That would mean an amendment of the Road Districts Act. However, it would come better in a State-wide measure dealing with distribution of electricity. I hope the Minister will give a definite assurance that an amendment of this kind will be introduced.

Mr. MARSHALL: The amendment raises what is a burning question in country districts. Where do we stand as regards the proposed legislation? Wireless is the only amusement many people in remote districts have. We should make sure that proposed structures do not interfere with it. The control should be vested in local authorities. There is not much hope of making progress with the Commonwealth. We can deal with the matter in a more logical way.

The Minister for Works: A Bill has been prepared, but has not yet been approved.

Mr. MARSHALL: Is it of State-wide application?

The Minister for Works: In that measure authority will be given. The matter is not so simple as some hon. members think. I cannot discuss a Bill which is still in preparation.

Mr. MARSHALL: The Minister is entitled to state whether the forthcoming Bill is State-wide.

The CHAIRMAN: The hon. member must not discuss anticipated legislation.

Mr. MARSHALL: The Minister is not entitled simply to reply, "Wait and see." He is entitled to support his contention. Will the proposed measure be State-wide?

The Minister for Works: Yes.

Amendment put and negatived.

Mr. NEEDHAM: I move an amendment—

That the following new paragraph be inserted, to stand as (h):—"by inserting after paragraph (52) a new paragraph as follows:— '(53) Twenty-one days' notice must be given of the intention to promulgate any by-law; such notice to be published in the public Press.'"

During the second reading I pointed out the necessity for laying on the Table of the House all by-laws passed by corporations. Consulting the Interpretation Act, I have since found that under that statute all such by-laws must be laid on the Table. That part of my contention, therefore, has been removed. However, there is still danger owing to the fact that notice is not given of by-laws adopted by municipal councils. Any municipal council can promulgate a by-law and have it gazetted without owners or rate-payers having any notice of it. Not everyone buys and reads the "Government Gazette," but most people buy a daily paper. A by-law has effect as from the date of its publication in the "Government Gazette." For that reason I propose that notice of by-laws shall be given in the public Press. To illustrate that need let me point out that in the past municipal councils have stretched their powers by refusing permission to erect brick shops in wooden areas, notwithstanding that there was no by-law dealing with the point.

Mr. CROSS: I cannot possibly support the amendment as it stands. What is meant by "public Press"? I move an amendment on the amendment—

That the words "public Press" be struck out, and the following inserted in lieu:—"in

a daily newspaper circulating in the district concerned."

Mr. MARSHALL: In many municipalities there is no daily Press, and therefore the amendment on the amendment would nullify the whole proposal. Such words as "a newspaper circulating in the district" would overcome the difficulty.

Mr. Cross: I will agree to the suggestion of the member for Murchison.

The MINISTER FOR WORKS: The clause proposes to amend Section 179, which empowers municipalities to make by-laws on a multiplicity of subjects, as is evident from the fact that the provision covers ten pages. Amongst those subjects is the authorising of firemen to enter upon premises for the purpose of extinguishing fires. There would have to be 21 days' notice given of that. Another subject is the erection of dangerous fences in public places.

The CHAIRMAN: The Minister is getting a little away from the amendment. The question before the Chair is the striking-out of the words "public Press."

The MINISTER FOR WORKS: The amendment is utterly ridiculous. Under it the section would become impossible of operation.

Amendment on the amendment put and negatived.

Mr. NEEDHAM: After having heard the Minister, I still contend that the notice for which I ask should be given. I would rather have notice given of every one of the by-laws to which he referred than that any injustice should be done to the people. The suggestion of the member for Canning might be worthy of consideration, namely that notice should be given in the papers circulating in the district concerned. It might be rather a big task to have a notice published in the Press as sought by the amendment, which would probably mean that every paper in the State would have to be notified.

The CHAIRMAN: That has been defeated.

Mr. NEEDHAM: I did not think it had been put. That being so, I will stick to the amendment I have moved.

Mr. MARSHALL: It should be remembered that all regulations and by-laws made by municipalities and road boards have to be submitted to Parliament, but Parliament is not always in session. If regulations are made during the recess, they have

the effect of law until disallowed by Parliament. The trouble is that many of the people who have to obey the by-laws and regulations put the responsibility on members of Parliament to see that measures which are detrimental to their freedom and welfare are not passed. Were the amendment carried, every individual concerned could see for himself exactly what the road board or municipality was doing, and the responsibility would be on that individual himself to take immediate action. At present, when a by-law is made and given effect to, people, seeing what the effect is, rush to the Parliamentarian and put the responsibility on him for having it disallowed. I agree with the Minister that in some cases this provision would be ridiculous, but in the majority of cases it would be most effective. Those concerned, if notice were given, would be able to judge the effect of the proposals and take the necessary action themselves and by means of a mass meeting lodge a protest with the municipality or road board against the proposed by-laws.

Mr. RAPHAEL: I shall support the amendment because usually municipalities get very little publicity through the Press. When the regulations are put through, it is usually only the members of the municipal council that have any idea of what is taking place. For the protection of the public alone it should be agreed that the fullest publicity should be given to any alteration of the existing by-laws. From time to time prosecutions have been laid against persons who, in all innocence, have committed a breach of the regulations.

The MINISTER FOR WORKS: The amendment reads, "That 21 days' notice must be given of the intention to promulgate any by-law."

Mr. Raphael: What is wrong with that?

The MINISTER FOR WORKS: It is sometimes necessary to issue a by-law quickly. A by-law does not have the force of law until approved by the Governor-in-Council. There is the safeguard as far as the public is concerned. Only recently I was asked to agree to a zoning system for the city of Perth. On examination I found that two factories would be excluded from the factory area, so I did not agree. That is only an instance of how these things are examined before the promulgation of a by-law. To say that before any by-law is promulgated 21 days' notice must be given

would make municipal government impossible. If members will take the trouble to read through these ten pages, which show the matters in respect of which a council may make by-laws, they will be satisfied that some such by-laws have to be issued hurriedly in order to be effective at all. A municipality is a responsible body, and if councillors do foolish or unjust things they have to be called to account. I consider the safeguard I have mentioned is sufficient.

Mr. NEEDHAM: The Minister has not replied effectively to the contention I have raised. The reason I moved the amendment is that people have no chance to make a protest after the Governor-in-Council has approved a by-law. The damage is done then. I want to give the people some chance of seeing what the intention of the council is, and that does not interfere in any way with the power of the council. The Minister emphasises that the amendment seeks the publication of notice in regard to every by-law. I am not in a position to single out certain by-laws. I am simply asking that when a council intends to promulgate a certain by-law, notice shall be given that will give the people affected a chance to make inquiries.

The MINISTER FOR HEALTH: I hope the amendment will not be carried. I do not know, but I can imagine how it will affect municipalities. Recently, when the infantile paralysis outbreak occurred in the East, we desired to get some protection in this State. We wanted to be able to prohibit people coming from Victoria to Western Australia without notifying us, even though they might only be travelling through. We find that we have power under the Health Act to make a regulation but no power in the Act itself. The only chance I had of endeavouring to protect Western Australia was by issuing a proclamation. That had to be done through the Executive Council giving power to make regulations to compel people to notify the fact that they had come from Victoria. The same thing might happen in the municipality of Perth where it might be absolutely essential to promulgate a by-law quickly.

Hon. C. G. Latham: A street might have to be closed quickly because of a plague.

The MINISTER FOR HEALTH: There must be power to issue certain by-laws and regulations on the spur of the moment in the interests of the people themselves. The lapse of a period of 14 or 21 days might

mean that nothing could then be done to meet the position.

Mr. RAPHAEL: The Minister inferred that if infantile paralysis occurred here, the authorities could not frame a regulation and it would be impossible to quarantine or control contacts. Nothing could be less effective than the precautionary measures that the Government have taken. People who came here from Victoria have been allowed to mingle with residents of the city.

The CHAIRMAN: The hon. member is out of order in discussing that subject.

Mr. RAPHAEL: I wish to disabuse the minds of members as to the effectiveness of the regulations to safeguard the community against an outbreak. The regulation to control contacts was nullified by allowing people to join boats at Adelaide and Albany and land here.

The CHAIRMAN: The hon. member is out of order.

Mr. RAPHAEL: I hope members will not accept the statement of the Minister as a reason for opposing the amendment.

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

Ayes	..	..	..	..	3
Noes	..	..	..	..	29

Majority against 26

AYES.

Mr. Marshall	Mr. Needham
Mr. Raphael	(Teller.)

NOES.

Mr. Brockman	Mr. North
Mrs. Cardell-Oliver	Mr. Nulsen
Mr. Coverley	Mr. Patrick
Mr. Doney	Mr. Rodoreda
Mr. Fox	Mr. Sampson
Mr. Hawke	Mr. Shearn
Mr. Hegney	Mr. F. C. L. Smith
Mr. Hughes	Mr. Stubbs
Mr. Johnson	Mr. Tonkin
Mr. Lambert	Mr. Troy
Mr. Mann	Mr. Warner
Mr. McDonald	Mr. Welsh
Mr. McLarty	Mr. Withers
Mr. Millington	Mr. Wilson
Mr. Munroe	

(Teller.)

Amendment thus negatived.

Clause, as previously amended, agreed to.

Clause 34—Amendment of Section 181:

Mr. WITHERS: Paragraph (b) proposes the insertion of a new paragraph for the erection and use of kerb-side petrol pumps and filler caps. Councils have been taking action to prevent the erection of such pumps and have given notice for the removal of those that have been erected.

It seems to be a retrograde step to provide for them in this measure.

The MINISTER FOR WORKS: The amendment will merely empower a council to make by-laws in respect of such pumps. A municipality must control the business of the town and set up the conditions under which business may be carried on. I do not know of any municipality that has taken exception to the provision.

Mr. Doney: Nor do I.

Clause put and passed.

Clause 35—Amendment of Section 218:

Mr. DONEY: I move an amendment—

That all the words after "it," in line 3 of the proposed new Subsection 2, be struck out. The proposed new subsection as it stands contains a restriction very irritating to municipal councils. It is quite unnecessary for the Government to reserve this right to themselves and I cannot see how they will benefit. At intervals the councils will not be able to sell unless they sell in Perth, and that is a long way from some municipalities. A ratepayer, who should have prior right, might want quarry material for concrete foundations and other works. The councils are sufficiently responsible to exercise discretion wisely. Whatever was acquired would be usefully employed. The existing Act gives no power to dispose of quarry material and an amendment of some kind is necessary, but we might be more generous than the Bill proposes.

The MINISTER FOR WORKS: Under the Act a council may acquire and work quarries and provide machinery. We now propose that a council may sell or otherwise dispose of quarry material to any Government department, to any other statutory body, probably a neighbouring local authority, or to any other person.

Mr. Doney: Councils would still have that power under my amendment.

The MINISTER FOR WORKS: I do not know whether the hon. member wants the retail business carried on. I thought he was opposed to that sort of thing. It seems that he desires to socialise the councils and give them a free hand to compete against the Government or anyone else. I do not know that what he proposes has been asked for very earnestly. The additional powers given by the clause are quite sufficient as far as municipalities are concerned. They can carry on business with

the Government or any other local authority. I object to going to the length the hon. member proposes by his amendment.

Mr. SAMPSON: There is great competition in quarrying. In the last few years the price of stone has decreased considerably and the position to-day is as has been shown on each occasion when the Estimates of the State trading concerns have been before the House. It has always been made clear that the State quarry was unable to stand up in competition with the quarries owned by private enterprise. I am not with the member for Williams-Narrogin in desiring to extend the powers of municipal councils to sell stone and material to any Government department or other statutory body or to any person requiring stone for the construction of footpaths, etc. A local body may be a very wise administrative concern but it may be unwise to entrust it with the power of general trading. I hope the amendment will not be carried.

Mr. Raphael: Do you know that the Perth council's quarry is more than half the time idle and that tens of thousands of tons of machinery are lying idle there for half the year?

Mr. SAMPSON: I daresay the longer it is idle the less money will the council lose. Anyway, the municipal body cannot stand up to competition, and I challenge the hon. member to show me that it can. What does the hon. member know of the cost of conducting a quarry? Has he ever given consideration to it? I do not claim to be an expert on quarries, but I have noted the results every time the Estimates of the State Trading Concerns are presented to us. We should refuse to allow trading by any council with a body, statutory or otherwise.

Mr. Cross: Why should not the council have the right to sell gravel?

Mr. SAMPSON: Because a council levies sufficiently high rates on its ratepayers as it is, and the more business that body does, the more costly does it become to live say at a place like Victoria Park. After the amendment moved by the member for Williams-Narrogin has been disposed of I shall move a further amendment.

Mr. DONEY: To me the Minister's reply was not enlightening. It is plain that the purpose of the amendment is to permit retailing. The Minister spoke against the practice of retailing by municipalities. I

recommend him to note the purport of the amendment. It says plainly that the council may sell or otherwise dispose of stone. It may sell or retail to a Government department or any statutory body, provided, of course, that the material is used for the construction and maintenance of footpaths, roads, etc.

The Minister for Works: Why do you wish to strike out the words?

Mr. DONEY: It is the restriction I do not like. My friend the member for Swan does not know anything at all about the subject. At the present time there is a large quantity of stone and mullock in the quarries and the hon. member thinks that if this is sold then in some strange way a new rate will have to be levied. He knows nothing about it.

Mr. WITHERS: I intend to support the amendment. I do not believe in the municipality being a trading concern, not for the purpose of ordinary competition, but very often people require some stone for the beautification of their homes and it may be difficult for a contractor or a person carrying out the beautification scheme to get the stone from a distant quarry. Why should not the quarry controlled by the local authority be able to supply it?

Progress reported.

House adjourned at 6.13 p.m.