a very small Bill," because I do not know that I have seen anything smaller in the years I have been in Parliament. It contains several amendments which seek to authorise something which, I understand, has been going on for some considerable while; and this concerns the altering of the mode of payments by the mining companies. They have, since the inception of the Act in 1947, had to contribute 1½d. per ton on their output to this board to provide a welfare fund for the coalminers in Collie. I understand that for quite a while the board has been receiving the payments four times a year instead of twice a year as is laid down by the Act; and now it wishes to validate its action.

I consider this is a most vital fund, and it is administered in a capable and efficient manner. It would be fair to say that in the last three to four years from this source a large hall has been built in Collie, and, in addition, bursaries have been made available to boys at Collie so that they may attend various universities and colleges. I support the second reading.

On motion by Mr. May, debate adjourned.

BILL—STIPENDIARY MAGISTRATES.

In Committee.

Resumed from the 13th August. Mr. Heal in the Chair; the Minister for Justice in charge of the Bill.

The CHAIRMAN: Progress was reported after Clause 1 had been agreed to.

Clauses 2 to 6—agreed to.

Clause 7—Qualifications for appointment:

Hon. A. F. WATTS: During the second reading debate I asked the Minister to explain two or three points, but he has not done so. One in particular that I would like him to answer is the reference in the Bill to Section 25 of the Public Service Act, whereas the original Stipendiary Magistrates Act refers to Section 30.

The MINISTER FOR JUSTICE: My information is that an alteration in the numbering of the sections has been brought about by reprinting.

Hon. A. F. Watts: I only wanted to know.

Clause put and passed.

Clauses 8 to 11, Schedule, Title—agreed to.

Bill reported without amendment and the report adopted.

House adjourned at 5.22 p.m.

Legislative Council

Tuesday, 20th August, 1957.

CONTENTS.

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

ASSENT TO BILLS.

Message from the Lieut.-Governor and Administrator received and read notifying assent to the following Bills:—

1, Fremantle Prison Site Act Amendment.
2, Dairy Cattle Improvement Act Repeal.
3, Bees Act Amendment.
4, Agent General Act Amendment.
5, Agriculture Protection Board Act Amendment.

QUESTION.

LOCAL GOVERNMENT.

Per Capita Rating.

Hon. H. K. WATSON asked the Minister for Railways:

(1) Will the Minister for Local Government examine the question of local authorities being empowered to raise their revenue not by way of rates on property, but by way of a flat annual rate or levy of so much per person upon every adult person residing within their respective boundaries, with every such ratepayer having one vote at local authority elections and, consequently, at Legislative Council elections?

(2) (a) How many adults reside in the Municipality of Nedlands?

(b) How much per capita would the Nedlands Municipality be required to levy on such a basis to produce an amount equivalent to its current annual revenue from rates on land?

(c) By how much per capita would that amount be reduced if one-half of the land tax collected annually from within the municipality were returned to the municipality?

The MINISTER replied:

(1) Unless the Minister for Local Government was assured that amending legislation would be passed, little would be gained by giving consideration to local authorities being empowered to raise their revenue not by rates on property but by way of a flat annual rate or levy of so much per person upon every adult person residing within their respective boundaries and such ratepayer to have one vote at local authority elections and consequently at Legislative Council elections.

(2) (a) From the 1954 corrected Commonwealth census, which is the only reliable figure which can be used at this stage, the adult population of the Municipality of Nedlands as at the 30th June, 1954, was 15,133.

(b) To produce an amount equivalent to its annual rate levy for the year ended the 31st October, 1957, the per capita amount for an adult would be £5 3s. 11d.

(c) If one half of the land tax collected within the Nedlands Municipal District were returned to the municipality the levy per capita would be £3 17s. 10d.

BILL—BILLS OF SALE ACT AMENDMENT.

In Committee.

Resumed from the 15th August. Hon. W. R. Hall in the Chair; the Minister for Railways in charge of the Bill.

Schedule (partly considered):

The CHAIRMAN: Progress was reported after an amendment had been made to Item No. 1.

Hon . H. K. WATSON: I move an amendment—

That all words after the word "rate" in line 7 of Item No. 2, page 2, down to and including the word "rate" in line 10, page 3, be struck out.

The Committee may recall that when we were last dealing with the Bill we amended the first item in the schedule to provide that any further alteration in the fees should be made by an alteration of the Act and not, as was proposed in the Bill, by regulation. This amendment and the others that I have on the notice paper are consequential upon that decision.

Amendment put and passed.

On motions by Hon. H. K. Watson, schedule further consequentially amended by—

striking out all words after the word "of" in line 17 of Item No. 2, page 3, down to and including the word "prescribed" in line 20;

striking out all the words after the word "fee' in line 3 of Item No. 3 on page 3 down to and including the word "fee' in line 6;

striking out all the words after the word "fee" in line 5 of Item No. 4 on page 3 down to and including the word "prescribed" in line 7;

striking out all words after the word "fee" in line 4 of Item No. 5 on page 3, down to and including the word "fee" in line 7;

striking out Item No. 6 on page 3.

Schedule, as amended, put and passed.

Title—agreed to.

Bill reported with amendments.

BILL—RENTS AND TENANCIES EMERGENCY PROVISIONS ACT CONTINUANCE.

Second Reading.

Debate resumed from the 15th August.

HON. F. J. S. WISE (North—in reply) [4.47]: I appreciate the arguments submitted and the sentiments expressed by members who have spoken for and against this measure. The facts that I endeavoured to highlight when introducing the Bill remain, and no argument was submitted to counter them. The official list which I obtained concerning applications to the court during the past 12 months for a fair rent contained the following figures:—

Quarter	No. of Applications
September, 1956	12
December, 1956	18
March, 1957	8
June, 1957	6

That total of 44 applications to the court, within 12 months, for a fair rent indicates distinctly that there was that number of people who strongly held the view that they were being charged more than a fair rent.

On the point of the accessibility of the court, which was raised by more than one member during the debate, I would point out that the court is not a costly set-up staffed and awaiting cases, but is a court available to be moved, and its magistrate is one who gives service in many other avenues associated with the law and the courts. Since it is a fact that there are people serving overseas who may be prejudiced if at this stage this legislation lapses, I am heartened by the number of members who have spoken in support of the measure.

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

Ayes	16
Noes	10
Majority for	6

Ayes.

Hon. G. Bennetts	Hon. G. E. Jeffery
Hon. E. M. Davies	Hon. F. R. H. Lavery
Hon. J. J. Garrigan	Hon. L. A. Logan
Hon. A. F. Griffith	Hon. G. MacKinnon
Hon. W. R. Hall	Hon. H. C. Strickland
Hon. E. M. Heenan	Hon. W. F. Willesee
Hon. J. G. Hislop	Hon. F. J. S. Wise
Hon. R. F. Hutchison	Hon. J. D. Teahan
	(Teller.)

Noes.

Hon. N. E. Baxter	Hon. R. C. Mattiske
Hon. J. Cunningham	Hon. C. H. Simpson
Hon. L. C. Diver	Hon. J. M. Thomson
Hon. A. R. Jones	Hon. H. K. Watson
Hon. Sir Chas. Latham	Hon. J. Murray
	(Teller.)

Pair.

Aye.	No.
Hon. G. Fraser	Hon. H. L. Roche

Question thus passed.

Bill read a second time.

In Committee.

Hon. W. R. Hall in the Chair; the Minister for Railways in charge of the Bill.

Clause 1—agreed to.

Clause 2—Section 20B amended:

Hon. H. K. WATSON: Clause 3 continues the Act for a further 12 months and Clause 2 relates only to Section 20B, which contains the special transitional provisions and has nothing to do with the Fair Rents Court or anything of that nature. It contains the drastic emergency provisions that were intended to suppress landlords during the release of controls, and until things settled down and a special limiting provision was included.

One of the provisions of Section 20B is that if a tenant succeeds before that court in having his rent reduced to 80 per cent. of that previously paid, the landlord is saddled with him for 12 months. When Parliament included that provision, it included also the limiting provision, the inference being that even though the rest of the Act would be continued from year to year, certain provisions of Section 20B should continue only until the following August—they were not even extended to December. Subsection (4) of Section 20B, which the Bill proposes to amend, reads—

> The provisions of Subsections (2) and (3) of this section shall continue in force until the 31st day of August, 1956, and no longer.

One of the provisions referred to is that which I have just mentioned. The other evening we were given the illustration of a man going to Geraldton and finding only two houses available—one owned by a person who asked £7 a week rent, and the other owned by an A.L.P. member who wanted £10 a week; but that is beside the point. It should be a man's right to decide whether to let his property and at what rental.

A man who asks £10 a week rent may have had a previous tenant who did a couple of hundred pounds worth of damage that he wishes to recover, or he may want to let the premises for only a couple of months, and so it would not be worth while letting it at a lower rental. But under the law at present, any landlord is likely to be caught by a tenant who might say to him, "Let me have your house for two months and I am prepared to pay you £10 per week rent." The landlord might agree to that arrangement; but if the tenant, having got into the house, applies next day to the court and succeeds in having the rent reduced from £10 to £8 per week, he is entitled to remain there for 12 months.

We agreed to that clause in the early days as a special precaution against tenants being exploited or evicted. Today, however, it seems to me that this provision places an undue burden on landlords. It was intended purely as a transitional provision the necessity for which has expired; and even though the whole Act is to continue, apart from this particular section, I feel that two provisions in Section 20B should lapse. If they do, the Fair Rents Court will still be in existence. A tenant can approach that court; and he is entitled to the 28 days' notice before a landlord can take proceedings against him. I ask the Committee that, even although it may agree to the continuance of the Act under Clause 3, it will at least delete Clause 2 and remove from the Act the provisions I have been discussing.

Hon. F. J. S. WISE: Section 20B does provide for the circumstances outlined by Mr. Watson, but that section is in two parts. One protects the tenant from eviction; and the other protects the landlord in certain circumstances. In regard to the first portion, if a rental is assessed at less than 80 per cent. of that being charged, the circumstances referred to by Mr. Watson obtain and 12 months becomes the period current for the new rental.

However, the latter portion of that section relates to circumstances where all protection is taken away from unsatisfactory tenants. The unsatisfactory circumstances include the failure to pay rent for 28 days; the failure to observe some other conditions of a lease; the failure to take reasonable care of the premises; the fact that a tenant is guilty of committing a nuisance against neighbours; and so on. So there is protection for the landlord in connection with those circumstances relating to an unsatisfactory tenant, and I hope the clause will remain.

Hon. N. E. BAXTER: I trust the Committee will delete this clause. Unfortunately, it does not cover the whole of the relevant section. It covers only Subsections (2) and (3). It is very awkward to amend this section without dealing with the whole of it. I trust, therefore, that the Committee will not agree to this clause.

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

Ayes	12
Noes	14
Majority against	2

Ayes.

Hon. G. Bennetts	Hon. L. A. Logan
Hon. E. M. Davies	Hon. H. C. Strickland
Hon. E. M. Heenan	Hon. J. D. Teahan
Hon. R. F. Hutchison	Hon. W. F. Willesee
Hon. G. E. Jeffery	Hon. F. J. S. Wise
Hon. F. R. H. Lavery	Hon. J. J. Garrigan (*Teller.*)

Noes.

Hon. N. E. Baxter	Hon. R. C. Mattiske
Hon. J. Cunningham	Hon. J. Murray
Hon. L. C. Diver	Hon. C. H. Simpson
Hon. J. G. Hislop	Hon. J. M. Thomson
Hon. A. R. Jones	Hon. H. K. Watson
Hon. Sir Chas. Latham	Hon. F. D. Willmott
Hon. G. C. MacKinnon	Hon. A. F. Griffith (*Teller.*)

Pair.

Aye.	No.
Hon. G. Fraser	Hon. H. L. Roche

Clause thus negatived.

Clause 3, Title—agreed to.

Bill reported with an amendment.

BILL—HONEY POOL ACT AMENDMENT.

Secona Reading.

HON. SIR CHARLES LATHAM (Central) [5.8] in moving the second reading said: This is a very simple Bill. Members will recall that two years ago we passed a Bill granting authority to beekeepers to pool their honey and to fix their price. In that legislation it was provided that the price should be fixed annually. After the Bill had been passed by Parliament it was found that a quantity of honey had been sold to Germany which brought a great deal more money into the pool than was anticipated. It is now considered that to fix a stable price for quality honey—sometimes it deteriorates as the season progresses and therefore is not worth so much; but on the other hand sales overseas have brought an increased price, but the pool has had no power to increase it—an amendment to the Act is required in the definition of "marketable quality" which reads—

> "Marketable quality" applied to honey, means honey in value equal to or above the minimum valuation fixed annually by the trustees for pool appraisement.

As I have already pointed out, it has been found that sometimes a poor class of honey is sent in—this is governed by the vagaries of the season—but that, on the other hand, sometimes the pool could obtain a higher price for honey sold overseas but is unable to increase the price because it had been fixed previously. Therefore, this Bill seeks to strike out the word "annually" in the definition "marketable quality" in Section 2 of the Act, and to insert instead the words "from time to time." I hope the House will agree to the slight alteration to the Act. I move—

> That the Bill be now read a second time.

On motion by the Minister for Railways, debate adjourned.

BILL—NEWSPAPER LIBEL AND REGISTRATION ACT AMENDMENT.

Second Reading.

Debate resumed from the 13th August.

HON. C. H. SIMPSON (Midland) [5.12]: Sir Charles Latham introduced this Bill and explained that it applied to the privileges enjoyed by newspapers under the Newspaper Libel and Registration Act of 1884 and the amending Act passed in 1888. The Bill seeks to amend three of the provisions of the more recent Act which laid down certain restrictions on those who sued newspapers for libel.

Prior to the passing of the 1884 Act, the procedure in this regard had been governed—as Sir Charles explained—by the Attorney General's Department. If anyone wished to sue a newspaper, he had first to secure the permission of the Attorney General before he could proceed. That was with the obvious view of preventing any frivolous suits. In 1884 certain provisions were embodied in the Act; and in 1888 four of those provisions were amended and apparently should have been repealed because, in that year, amendments were made to the principal Act which, in Sections 3, 4 and 5 set out the conditions under which suits could have been preferred against newspapers.

There is no mention in the Bill, as far as I can see, of any repeal of the similar provision in the 1884 Act but, in a later Act—I have not it by me at the moment—provision was made for the repeal of Sections 3, 4, 5 and 6. The Bill of Sir Charles attempts first of all, in Clause 2, to amend Section 9 by striking out the words "on or before the fourteenth day of January, 1885, and thereafter" after the word "office" in line 3. I shall deal with that in a moment. The other amendments the Bill seeks to make are to Sections 3, 4 and 5.

To understand exactly what is meant, I will read those three sections and it will be seen what the effect of this proposed

amendment will be. Section 3 of the Newspaper Libel and Registration Act Amendment Act, 1888, reads as follows:—

> On an affidavit being filed by the defendant in any action for libel brought after the passing of this Act that the plaintiff in such action is an uncertificated bankrupt, or has within twelve months of the issue of the writ of summons in any action as aforesaid liquidated or compounded with his creditors, or is a person without fixed domicile, or is to the belief of the defendant and some other person of repute without visible means of paying the costs of such action if unsuccessful, the Court or a Judge thereof in Chambers may order all proceedings in such action to be stayed until security for such costs shall be given to the Master of the Supreme Court as he shall think sufficient: Provided always, that either the plaintiff or defendant in any such action shall be at liberty to appeal to the Full Court to vary, reverse, or rescind any such order.

That is one of the sections which this Bill seeks to repeal. I am sure this would have very little effect in the ordinary course of events, because I understand that in no case has a paper ever demanded security for costs, and that is what the section means.

Of course, if a man wanted to proceed against a newspaper, and the newspaper wanted to be awkward, it could conceivably demand that costs be lodged to cover the attendance of a witness from America or England and so make it impossible for such a man to proceed. Under these circumstances, perhaps, it could be argued that the paper was right; but, of course, there are men who may feel aggrieved who are not exactly men of straw, but who have some substance and who feel that they have the right to issue a writ against any publication on the ground that it has reflected against or injured their character.

Without cutting this provision out entirely—because it would leave a paper at the mercy of anyone bringing forward such an action—it could be amended; and I would suggest that in the appropriate place the amount of security be limited to the sum of £100. That would guarantee that the one bringing the action forward had a bona fide claim and it would stop frivolous claims.

I do not know whether it has occurred in this country, but in some other places solicitors of the lesser breed have taken the trouble to go through papers day by day searching for possible reflections on the character of an individual. They have been known, particularly in America, to ring up the person whose name was mentioned and suggest to him that he had been libelled and at law could obtain a substantial verdict. These solicitors have made an offer to split fifty-fifty on the actual verdict given. The man would stand to lose nothing and the lawyer would only give his services, and the paper could conceivably be involved in very heavy damages. Therefore, the question is whether the men concerned would be able to face these damages.

So, on the law of strict equity—always bearing in mind that any legislation introduced here has of necessity to run the gauntlet of consideration in another place—I am inclined to think that the section, with the insertion of a limit, would mean fixing a reasonable sum at the discretion, say, of the Master of the Supreme Court, and would meet the objection held by Sir Charles. I think it would be just as far as any newspaper might be concerned. The newspaper may be quite a small concern, or it may be a big newspaper; and, under these circumstances, I think that as newspapers do usually publish items of news in all good faith, they should to that extent at least be assured of some protection.

Section 4, which the Bill seeks to repeal, should be retained; and I would be inclined to suggest that members vote against its repeal. This is how the section reads—

> At the trial of any action against the proprietor, publisher, editor, printer, or any person responsible for the publication of a newspaper for any libel published therein, the plaintiff shall be non-suited unless he give evidence at such trial as witness on his own behalf.

It deals with a case for damages, and is the equivalent of damage to character. It is a principle in law that if a man seeks redress because he feels he has been physically damaged, or his character has been damaged, he should be able to appear in court in person and stand up to any cross-examination that the defendant or the defendant's counsel may wish to pursue. I think that is only right; and I suggest—with due respect to Sir Charles Latham—that it would only be fair to allow that section to remain.

I am entirely in agreement with the repeal of Section 5, which reads as follows—

> No action shall be brought against the proprietor, publisher, editor, printer, or any person responsible for the publication of a newspaper, for any libel published therein, after the expiration of four months from the date of the publication of such libel in such newspaper.

I do not know how that particular section came to be accepted by the Legislature of the day. It seems to be a very small lapse of time from the publication of something questionable until the time when it might be brought under the

notice of the injured party, and is depriving him, through no fault of his own, of the necessary time to go ahead with a libel action; and I am in agreement that it should be expunged from the statute book. Four months is not enough time. I would not stipulate any time, as I do not think any paper of repute would question the action of a man who felt himself libelled, and who brought forward a case for redress after any lapse of time. I will now go back to Clause 2 of the Bill, which reads as follows:—

> Section nine of the Newspaper Libel and Registration Act, 1884, is amended by striking out the words "on or before the fourteenth day of January, 1885, and thereafter," after the word "office" in line three.

Section 9 reads as follows:—

> It shall be the duty of the printers and publishers for the time being of every newspaper to make or cause to be made to the Registry Office on or before the fourteenth day of January, 1885, and thereafter annually in the month of January in every year, a return of the following particulars—

and the Bill sets out to delete the words, "on or before the fourteenth day of January, 1885, and thereafter." As a matter of drafting, I suggest that leaving it in or taking it out makes no difference; but it does mean we are losing an historical record of something approved and actually done if we do remove it. It will make no difference to the section of the Act.

Hon. Sir Charles Latham: It is redundant.

Hon. C. H. SIMPSON: This Act was passed in 1884, and the reference to something to be done in January, 1885, I submit, is perfectly in order; and, once it has actually taken effect or existed, it is simply a matter of historical record and should remain. I suggest that that part of the Bill be deleted, as it makes very little difference. The Bill will have to go before another House for review; and, if anyone wanted to criticise the measure he would, to my mind, have some justification in doing so, if we attempted to take out words which were not wrong and could have no possible effect on what happened about 70 years ago.

Some members may think it is a very small Bill. I know it has been said to be small; but if we read into it what I am sure Sir Charles intended—that there is of necessity some right on the part of Parliament in the interests of the people generally to keep an eye on the "Press," which is a growing force in the life of the community—then we are taking a proper view of our responsibilities. This measure does afford the opportunity for members to rise and say what they think should be the aim of the Press which has a responsibility to the State almost as great as that of Parliament.

At times some of us feel aggrieved because matters we have taken a lot of trouble to prepare and present, pass unnoticed in the columns of the Press. Some of us can remember back perhaps 20 or 30 years; and when we compare the papers of those days and the very full reports they gave to the proceedings of both Houses of Parliament, we feel much aggrieved that so little notice is taken by the Press today.

We have quite frequently seen the spectacle of members speaking on the Address-in-reply or on some Bill—they have done a lot of research in order to bring forward useful information to the House—and being entirely ignored by the Press; and then we find, perhaps a week or a fortnight later, that the items of debate not reported become the subjects of feature articles by experts. At times these articles convey very little more information than was given by the member; and many of us believe that the parliamentary speeches actually inspired the newspaper articles.

We feel that if members try to serve the community generally by bringing forward ideas and giving a lot of study to them, they should have their reward. They should at least be mentioned in the Press, or some acknowledgment should be made when such articles as I have mentioned are printed.

I know there will be many answers to the queries that arise in our minds as to what are the functions of the Press and why they differ—or apparently differ—so much today from what they were 10 or 20 years ago. I have read that in the journals of today we can find a lot of the news on the front page. I think it was Walter Murdoch who said that when the news of the battle of Waterloo reached England, some fortnight or so after the event, the whole of the front page of the newspaper contained advertisements, as did the back page, and tucked away in the middle of the newspaper, where very few people would see it unless they read the paper thoroughly, was the news of England's victory over France.

Reporting nowadays is entirely different. Newspaper chiefs are pretty good judges of what is and what is not of great news value; and if we read the first, second and third pages of a newspaper, we feel that we have a fairly good grip of the passing events of the day.

Some would accuse newspapers—I am thinking now of our national journal, "The West Australian"—of being parsimonious in printing news of events—particularly parliamentary proceedings; and they could point to the records of 20 and 30 years ago as proof of what they say. But of course there is another side to it. We have the development of radio which, in

the old days of newspaper publishing, was not thought of. Also, nowadays, in the big cities we have television. These things must have their impact on the presentation of news in a newspaper.

A newspaper has, generally speaking, changes in fashion from time to time; and it keeps very much to the styles which are current in other English-speaking sections of the world—and perhaps some that are not English speaking. I am told that the Press in Western Australia publishes considerably more, or appreciably more, news of a parliamentary character than do the newspapers in, say, England, America or other parts of Australia. The fashion now is to condense the various political items into, perhaps, a series of disjointed paragraphs, sometimes under captions which do not even suggest that they are associated with Parliament at all. They are printed more or less as items of news. That may be an advantage as it may induce people to read items which otherwise they would not. Be that as it may, however, that is the general story.

It is undeniable that over the years the Press has assumed greater and greater influence on the thinking of the community at large. It has a place in the community. It can almost be called an instrument of government. Parliament is an instrument of government, too. The question is: Is there any means by which Parliament can exercise a measure of control over the Press; or should there be some understanding between the two because the tradition of our English-speaking countries has always been to preserve the integrity of the freedom of the Press? But sometimes one wonders whether provision should be made by which the institution of Parliament, at least, should receive its proper share of notice as playing an important part in the life of the people.

Hon. H. K. Watson: Say at least one-third of the share devoted to Marilyn Monroe.

Hon. C. H. SIMPSON: There are many criticisms that can be levelled. I am really talking about the national Press of the day. Frankly I do not think "The West Australian" for instance, can be accused of any glaring errors such as we sometimes see in the pages of the more popular illustrated Press. We know that a paper which sort of caters for public opinion plays up sport and that sort of thing, and it receives a much greater circulation than one which devotes itself seriously to a commentary on the important events of the day.

I suppose the "New York Times" and the "London Times" have, down hundreds of years, been recognised as organs of opinion second to none in revealing truthful and balanced accounts of the happenings of the day. But these papers have only a limited circulation—somewhere between 250,000 and 500,000. On the other hand, the popular publications like the "Daily Mirror" and the "Daily Sketch" might run into 4,000,000 or 6,000,000 a day.

The claim of the papers, of course, is that it is their job to make money and to cater for the opinions of the public. I have here an article which is only short. My excuse for reading it is that it is so good that I feel it should be permanently enshrined in the pages of Hansard so that it can be referred to. The article is entitled "Blueprint for a Paper." It was written by Mr. C. P. Scott some 30 odd years ago when he had been editor of the "Manchester Guardian" for about 50 years. That was on the occasion of the centenary of that journal as a newspaper. Some 30 years later when it celebrated its centenary as a daily newspaper, the powers that be thought the article so good that they had it reprinted; and because it is so good I am going to read it now. It states—

> The "Manchester Guardian" celebrated its centenary as a newspaper (not as a daily) back in 1921, and C. P. Scott, who had been its editor "for only a few months short of its last half-century," then contributed an article on newspaper ideals. It was Scott, as London "Spectator" comments, who revolutionised the "Guardian" and "gave it that particular drive which carried it to the very highest eminence of journalism —'by making righteousness readable' it was said."
>
> On the recent centenary of its first daily publication, the "Guardian" reprinted Scott's article with the comment that it "has become something of a classical exposition of the ideals of journalism"— a tribute which, as the following excerpts indicate, it well merited:
>
> "In all living things there must be a certain unity, a principle of vitality and growth. It is so with a newspaper, and the more complete and clear this unity the more vigorous and fruitful the growth.
>
> "A newspaper has two sides to it. It is a business, like any other, and has to pay in the material sense in order to live. But it is much more than a business; it is an institution; it reflects and it influences the life of a whole community; it may affect even wider destinies.
>
> "It is, in its way, an instrument of government. It plays on the minds and consciences of men. It may educate, stimulate, assist, or it may do the opposite.
>
> "It has, therefore, a moral as well as a material existence, and its character and influence are in the

main determined by the balance of these two forces. It may make profit or power its first object, or it may conceive itself as fulfilling a higher and more exacting function.

"Character is a subtle affair, and has many shades and sides to it. It is not a thing to be much talked about, but rather to be felt. It is the slow deposit of past actions and ideals. It is for each man his most precious possession, and so it is for that latest growth of time the newspaper. Fundamentally it implies honesty, cleanness, courage, fairness, a sense of duty to the reader and the community.

"A newspaper is of necessity something of a monopoly, and its first duty is to shun the temptations of monopoly. Its primary office is the gathering of news. At the peril of its soul it must see that the supply is not tainted. Neither in what it gives, nor in what it does not give, nor in the mode of presentation must the unclouded face of truth suffer wrong. Comment is free, but facts are sacred. 'Propaganda,' so called, by this means is hateful. The voice of opponents no less than that of friends has a right to be heard.

"Comment also is justly subject to a self-imposed restraint. It is well to be frank; it is even better to be fair. This is an ideal. Achievement in such matters is hardly given to man. We can but try, ask pardon for shortcomings, and there leave the matter.

"One of the virtues, perhaps almost the chief virtue, of a newspaper is its independence. Whatever its position or character, at least it should have a soul of its own. But the tendency of newspapers, as of other business, in these days is towards amalgamation. In proportion as the function of a newspaper has developed and its organisation expanded, so have its costs increased. The smaller newspapers have had a hard struggle; many of them have disappeared. In their place we have great organisations controlling a whole series of publications of various kinds and even of differing or opposing politics.

"The process may be inevitable but clearly there are draw-backs. As organisation grows personality may tend to disappear. It is much to control one newspaper well; it is perhaps beyond the reach of any man, or any body of men, to control half-a-dozen with equal success. It is possible to exaggerate the danger, for the public is not undiscerning. It recognises the authentic voices of conscience and conviction when it finds them, and it has a shrewd intuition of what to accept and what to discount.

"This is a matter which in the end must settle itself, and those who cherish the older ideal of a newspaper need not be dismayed. They have only to make their papers good enough in order to win, as well as to merit, success, and the resources of a newspaper are not wholly measured in pounds, shillings and pence."

I do not intend to read the whole article, but I think that what has been said there has not only been accepted in the past, but could also be accepted as a lasting ideal for newspapers of today to try to live up to. We may be tempted to compare our own national journals with those whose standards are set out in the article I have read. I would not like to attempt to do that, but I think there could be a measure of co-operation between the Press, as an organ of publicity, and Parliament.

Taking the narrow view, one suggestion I have to make is that the Press consider, during the time when Parliament is sitting, the proposition to allot to the Government one column per day and to the Opposition one column per day for the expression of uninhibited and unedited views; and also that one column a week be devoted to the doings of the Legislative Council.

I am not suggesting that this space be given to us and that we undertake the responsibility of filling-in the column. I think that should be a journalist's job; and that if we are to have any continuity, the work should be done regularly by the same man. I am not saying, either, that this space should be paid for, because news of that kind would, I think, help to sustain the reputation of the newspaper and also help to sell it.

If the newspaper has a monopoly, many people who read it, particularly its comments, might be inclined to disagree with its views. They might say to themselves, "That is their point of view; but what is the other side? We have not heard it." But if, particularly in regard to parliamentary proceedings, they have an opportunity of seeing both sides put forward, that allegation against the newspaper would not bear much weight. It might be that the public, after reading the different statements and points of view, would agree that the newspaper was quite correct; and if a newspaper has a monopoly—and to all intents and purposes "The West Australian" has a monopoly—I think it would help the newspaper and would not in any way be harmful.

I submit those suggestions and I would recommend that the small amendments which I have outlined be embodied in the Bill. I am quite satisfied that Sir Charles Latham, in bringing the measure forward, felt that it would provide an opportunity for discussing the functions of the Press; and, in this case, it would be removing an

out-dated privilege. With the reservations that I have mentioned, I support the measure.

On motion by Hon. J. McI. Thomson, debate adjourned.

BILLS (2)—FIRST READING.

1, Country Areas Water Supply Act Amendment.

2, Stipendiary Magistrates. Received from the Assembly.

BILL—HEALTH ACT AMENDMENT.

Second Reading.

Debate resumed from the 13th August.

HON. G. C. MacKINNON (South-West) [5.50]: In discussing this Bill we are dealing with one of the most important pieces of legislation that we are called upon to consider in this House, because it affects the welfare and health of everybody in the community. The amendments which we are being asked to discuss are about as wide in their scope as they could be because they range from bubble gum down to certain penalties which are provided for in the parent Act.

With quite a number of the proposals there is very little about which one can argue; but there are some that I think could be subjected to very close scrutiny. The question of increases to certain fees appears to be perfectly reasonable. There is one part of the Bill which deals with the installation of apparatus for the bacteriolytic treatment of sewage, and in this case the fee is increased from £2 to £5.

I would like the Minister to give us an explanation as to why, when the regulations state that half of this fee shall go to the local authority, the Act still specifies that it may go to the local authority, particularly in view of the fact that any work done as regards this process is done by employees of the local authority and not by the staff of the Commissioner of Public Health.

I am sure that few members would disagree with the provisions to make it obligatory to obtain permission from the local authority before a person can let or sublet a substandard building in which the owner has been living temporarily. However, it is only reasonable also that the proviso should have been left in the Act, because this proviso allows the owner to let such building, under special circumstances, if he obtains permission from the local court.

There might be a time of emergency when it would be advisable to allow a person to let someone occupy a garage or shed and use it as a dwelling. However, the ad lib letting of structures of that type would lead ultimately to the establishment of slum areas; and that is something which none of us would like to see.

I think the Minister could give us a good deal more information about that part of the Bill which deals with builders and the construction of public buildings. Apparently the Government intends to make the builder of public buildings liable for any slight paring down of standards for which he may be responsible. In his second reading speech the Minister said that the Commissioner of Public Health has been loth to proceed against the owners of buildings concerned. Whether or not the Commissioner of Public Health is loth to proceed is no concern of ours; nor should we make somebody else responsible in the hope that he will not be loth to proceed against them. I should imagine it would be more reasonable to censure him for the fact that he has not so far proceeded.

It would be reasonable to suppose that the owners and/or architects of public buildings would be the ones really responsible, because the builder merely obeys the instructions of the owner and/or architect. If a builder is asked by the architect to alter certain things which were in the original specifications, and he does so knowing his action to be wrong, I should say he would be liable anyway.

But if the owner and/or the architect, in drawing up the specifications, insert a section which will make the finished building substandard in any way, they should be the ones who are liable. In any case, I should imagine that the law of contract would cover the matter. To ask us to amend the Act in the way proposed, on the ground that the Commissioner of Public Health is loth to proceed against the owners of the buildings seems to me to be an extremely poor reason.

The Minister for Railways: It refers only to public buildings.

Hon. G. C. MacKINNON: I realise that; but a public building can be privately owned. I think that, under the definitions, a cinema or movie house is a public building, and the owner can contract with an architect to design it and can sign a further contract with the builder to build the place in accordance with the specifications. If the builder does not act according to the contract, I should say he is liable to a penalty; and if the building is not up to the standard required by the local authority, the Commissioner of Public Health or his staff can prosecute the owner. Perhaps the Minister can give us some more information on the point, and he might be able to persuade us to vote for that part of the Bill. However, I do not think that the reasons given are satisfactory.

Another part of the Bill deals with the selling of meals in which cooked meat, which has come from slaughter-houses not in a meat-branding area, is used. There is an earlier amendment to make

a meat-branding area the area of the local authority. However, let us take the Manjimup Road Board as a case in point.

This road board covers the Manjimup, Pemberton and Northcliffe districts and extends as far as Walpole. That is a large area; and it is possible, if this were made a meat-branding area, that the only place where meat would be branded would be at Manjimup. But there is a restaurant at Walpole now where one can get meals; and it is possible that one could be served a meal and the meat would be from an unbranded carcass, even though that restaurant comes within a statutory meat-branding area—or it could be so declared under the regulations under the power vested in the Governor by this Act.

Perhaps the Minister would have a look at that, particularly as it relates to those widely scattered road districts, such as the Manjimup Road District, and at the same time bearing in mind the eating-houses at Northcliffe and say, Walpole, which are probably 115 or 120 miles apart by road.

The Minister for Railways: Are they in the meat-branding area?

Hon. G. C. MacKINNON: I do not know; but they could be so under the provisions of this legislation. An earlier amendment does envisage making the health district conform to the road board and municipal district.

The Minister for Railways: It is hardly likely to be declared.

Hon. G. C. MacKINNON: I am inclined to agree. Nevertheless, it is a matter that is worthy of some attention and thought. Another matter with which this Bill deals, and to which serious consideration should be given, is that relative to notifiable diseases. It is not my intention, however, to go into this matter in detail, because we now have Dr. Hislop in our midst, and he would be more capable than I of dealing with this position. There are some desirable features with respect to statistical information, etc.; but there are also one or two other features which are not quite so desirable and on which Dr. Hislop could perhaps elaborate.

To my mind the most surprising part of the Bill is the sting that is in the tail. It is a bit like a scorpion, this one. We have had many arguments in this Chamber, in the short time that I have been here, which have dealt with minimum penalties; and some very harsh things have been said about certain measures introduced by the Government in which minimum penalties have been featured. Yet we find that in a measure that deals not with isolated cases but with the health of the entire community of the State, the Government has seen fit to take out the minimum penalty.

We have had cases presented here, and examples given, of offences against departments and departmental officers for which the minimum penalties have been included. Why this sudden desire to take those penalties out of this measure? I find it difficult to understand, because surely if a case was ever to be made out for a minimum penalty, this is it. We have people who, at the risk of their fellow beings' health, are prepared to make an additional profit for themselves by skipping on cleanliness and by the dilution of milk.

Hon. G. Bennetts: Rubbish in the snags!

Hon. G. C. MacKINNON: That is so; and similar matters. Yet we see the penalty of the minimum fine removed from the legislation.

The Minister for Railways: Do you think we might tighten up a bit more in this case?

Hon. G. C. MacKINNON: Perhaps that would be a good thing. As a matter of fact, I consider that the penalty is much too low to start with. The sum of £20 is the maximum. Yet if we take a few figures from one of the large local authorities, the number of prosecutions over a period of 19 months for the sale of food not in accordance with the food regulations was 125; and the minimum fine was imposed in 33 cases, which is just over 25 per cent. Even on the second offence the minimum fine was imposed in 27 out of the 125 prosecutions, which represents 21 per cent.

Apparently there is a tendency on the part of magistrates to keep these fines at a very low figure. Let us have a look and see how much profit can be made by a little bit of dilution. If we work on the example of 100 gallons of milk at 6s. per 100 gallons, and add 1 per cent. of water, this will show an additional profit of 6s. That is only for 1 per cent. of water. So if 3 per cent. of water were added it would show 18s. profit; and if there were a 10 per cent. dilution, this would show a profit of £3 on every 100 gallons. A dilution of 10 per cent. has been discovered on a number of occasions; so it is not altogether uncommon.

As members know, many mothers work on a formula when feeding their children; and in this formula is included cow's milk. Yet we find that there is the possibility that that milk could have been greatly diluted. This, of course, would throw out the entire formula, and perhaps upset the child's health. In spite of this, it is proposed to take out the minimum penalty clause from this particular Act.

The Minister for Railways: It makes the maximum the minimum.

Hon. G. C. MacKINNON: No. In the Act the minimum listed is 10 per cent. I do not know whether this is done in all cases, but for some reason or other it has become quite a common thing for magistrates, when dealing with offences under

this Act, to ask, prior to imposing the sentence, what the costs have been. The costs generally run out to about £5—these being made up of £3 3s. for the lawyer's fee; 4s. for the summons; and £2 2s. to £2 12s. 6d. for the analyst's fee.

Hon. L. A. Logan: That is why they want to take out the minimum penalty—to take that into account.

Hon. G. C. MacKINNON: They have been asking what the costs are and then adding them up and charging the minimum which is now £2, making, with the costs, £7 in all. As I understand the position, if a person is guilty the fine is generally assessed before the costs are listed. But apparently under this particular Act it has become habitual, when magistrates have been hearing these cases over recent months, for them to inquire what the costs are before imposing a fine; and the fines have been at a very low figure. If a man is fined £7—and that is, after all, little enough—he could make up that amount in two nights if he had a 100-gallon milk quota.

When this Act was first drafted the minimum penalty—which in many cases was £2—represented a week's wage on the basic wage of the day. Today, however, one-tenth of the penalty of £20 is hardly a day's pay for many of the people. One of the very difficult problems with which the health inspector has to cope is that of smoking in kitchens.

Hon. N. E. Baxter: Stoves do that, don't they?

Hon. G. C. MacKINNON: I mean the smoking of cigarettes. Signs have been posted stating that smoking is prohibited, and that the minimum penalty for this offence would be £5. That has proved to be only a slight deterrent, and the health inspectors certainly have a job ahead of them.

Hon. C. H. Simpson: Did you say detergent?

Hon. G. C. MacKINNON: Most of the work done by the health inspector is done in a most painstaking manner. It is customary for them to visit a restaurant; and if it is not up to standard, they warn the proprietor and return later for a check to see if any heed has been paid to their warning. If they are warned a third time, they are then charged. Generally, the health inspectors give adequate warning. In regard to milk, however, it is necessary for them to take a witness along and to catch the man in the act. The health inspector buys milk from the person concerned, runs it off into a bottle, and then passes it on to the analyst, after which a charge is made in court if the milk is not up to standard.

The health inspectors are very worried with these types of offences; and if the minimum penalty were taken right out of this Bill, the penalties imposed by the magistrates for some of these offences could be so low that the whole process of catching these offenders and putting them up for trial would become farcical. As I have already said, this particular Act covers the entire population of the State, and I would ask the House to give very serious consideration to these matters. I hope also that the Minister will give some thought to the points I have raised, and that he will let us have a little more information when the Bill is dealt with in the Committee stage.

On motion by Hon. J. G. Hislop, debate adjourned.

BILL—OCCUPATIONAL THERAPISTS.

Second Reading.

Debate resumed from the 14th August.

HON. L. A. LOGAN (Midland) [6.14]: I do not think there is much need to deal with this Bill in detail, as Mr. Baxter covered it very fully the other night. The reason I secured the adjournment was to enable the therapists themselves to study some of the amendments placed on the notice paper, and to ensure that they were satisfied with them.

The only point at issue, and the only one I wish to raise, is to ensure that when these people are trained as therapists their training is recognised throughout the world, and particularly throughout Australia. I mention this fact because the physiotherapists seem to have had some trouble in this direction. After legislation was passed in relation to physiotherapists, and after some of the girls and men had been trained—in some cases at their own expense—they found that their training was not universally recognised. Apparently the teacher appointed was not a chartered teacher; and because of the departmental attitude to this aspect, these trainees found that their training was not recognised.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. L. A. LOGAN: Before tea, I was dealing with the appointment of a board to control occupational therapists. I stated that we should make sure that the men and women who are trained under the provisions of the Bill would be recognised throughout the world, as well as in Western Australia. I pointed out the deficiencies in the Physiotherapists Act under which the board, although it appointed a competent teacher in the first place, for some unknown reason on the second occasion appointed a person without the necessary qualifications so that all those who were trained by him were unable to obtain reciprocity outside Western Australia. I am sure the House does not want the same state of affairs to happen under this legislation.

I trust that Dr. Hislop, who has only returned this afternoon, will be able to pick up the contents of the Bill and give

support to the proposal that I have made. I believe that reciprocity is one of the essentials of training which the young men and women of this State undergo.

Hon. J. G. Hislop: When did that happen under the Physiotherapists Act?

Hon. L. A. LOGAN: I believe on the second appointment. We do not want that to happen again. I was rather impressed the other day when I had the opportunity of visiting the Royal Perth Hospital annexe at Shenton Park, and was able to study at first-hand what occupational therapy really means to the unfortunate people who are being treated there. The point that struck me most was that the trainees themselves had to be of a particularly high standard, and were required to possess a great deal of patience to gradually bring the patients back into the world and give them some interest in life, which prior to the introduction of occupational therapy treatment they did not have. Anything we can do as members of Parliament to improve their lot, and that can be achieved by better training of the teachers, we should not hesitate to carry out.

As I said, Mr. Baxter has covered this Bill pretty well. He has submitted the amendments to the therapists themselves, and I understand they are quite satisfied with them. I need say no more in this regard. I support the second reading of the Bill and shall deal with the amendments in Committee.

On motion by Hon. J. G. Hislop, debate adjourned.

BILL—RENTS AND TENANCIES EMERGENCY PROVISIONS ACT CONTINUANCE.

Incorrect Division List.

THE PRESIDENT: It has been brought to my notice that during the division on the second reading of the Rents and Tenancies Emergency Provisions Act Continuance Bill, the name of Hon. C. H. Simpson, who was seated in the Chamber on the left of the Chair, was not recorded. I have therefore instructed the clerk to record the name of Mr. Simpson with the Noes on the division list.

BILL—LOCAL GOVERNMENT.

In Committee.

Resumed from the 15th August. Hon. W. R. Hall in the Chair; Hon. J. D. Teahan in charge of the Bill.

The CHAIRMAN: Progress was reported after Clause 157 had been agreed to.

Clause 158—Terms and conditions of appointment:

Hon. R. C. MATTISKE: There is an amendment on the notice paper in the name of Mr. Willesee to delete paragraph (c), whereas I have one to amend that paragraph.

The CHAIRMAN: I shall take the amendment in the name of Mr. Mattiske first. That would be the right procedure.

Hon. R. C. MATTISKE: I move an amendment—

> That the words "but only with the approval of the Minister" in lines 22 and 23, page 120, be struck out.

In order to explain the purpose of this amendment, I have to touch on a further amendment on the notice paper relating to the latter portion of this clause. The intention of this amendment is that a person may be appointed to any office in a council by that council, but he may be removed by the council, not necessarily with the approval of the Minister. Later on I propose moving an amendment under which an officer who is aggrieved and who thinks he has been incorrectly removed from office, will have the right of appeal to the Minister, who will then hear the grounds on which his services were terminated. I have to make this explanation because, as that amendment stands, it may appear rather harsh that an officer may be removed from office, and the Minister will have no say regarding such termination. Bearing in mind that another amendment will be moved, I ask the Committee to accept my amendment.

Hon. J. D. TEAHAN: I ask the Committee to retain those words and to retain the right of the Minister to approve of a termination of service. It is a right which has been enjoyed by officers in local government, and the clause will provide for the odd occasion when an officer has been removed without full justification. It is a safety device which gives the Minister the right to intervene if justice is not meted out.

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

Ayes	14
Noes	11
Majority for	3

Ayes.

Hon. N. E. Baxter	Hon. G. C. MacKinnon
Hon. J. Cunningham	Hon. R. C. Mattiske
Hon. L. C. Diver	Hon. J. Murray
Hon. A. F. Griffith	Hon. J. M. Thomson
Hon. J. G. Hislop	Hon. H. K. Watson
Hon. Sir Chas. Latham	Hon. F. D. Willmott
Hon. L. A. Logan	Hon. A. R. Jones
	(Teller.)

Noes.

Hon. G. Bennetts	Hon. H. C. Strickland
Hon. J. J. Garrigan	Hon. J. D. Teahan
Hon. E. M. Heenan	Hon. W. F. Willesee
Hon. R. F. Hutchison	Hon. F. J. S. Wise
Hon. G. E. Jeffery	Hon. E. M. Davies
Hon. F. R. H. Lavery	*(Teller.)*

Pair.

Aye.	No.
Hon. H. L. Roche	Hon. G. Fraser

Amendment thus passed.

Hon. W. F. WILLESEE: I am in an awkward situation, and I would like some guidance. I desire to move that the whole of paragraph (c) be deleted in order that I may move subsequent amendments somewhat complementary to those of Mr. Mattiske.

The CHAIRMAN: Do you desire to proceed with your amendment?

Hon. W. F. WILLESEE: Yes; but I want a ruling whether I can do so at this stage.

The CHAIRMAN: You have not another amendment dealing with this paragraph?

Hon. W. F. WILLESEE: No. But I have subsequent amendments that will virtually replace the paragraph. I wish to move for the deletion of paragraph (c) entirely with a view to substituting other provisions.

Hon. J. G. Hislop: Can we go back?

The CHAIRMAN: I think the hon. member is in order in moving for the deletion of this paragraph.

Hon. W. F. WILLESEE: I move—

> That paragraph (c) in lines 19 to 25, page 120, be struck out.

The MINISTER FOR RAILWAYS: I think the hon. member should be permitted to give us an explanation of what would be the effect of his follow-up.

The CHAIRMAN: He has had the opportunity to do so, but he did not take advantage of it.

The MINISTER FOR RAILWAYS: I am asking whether he will now give us some idea of what he is leading up to.

Hon. W. F. WILLESEE: Briefly, the situation is that with the deletion of paragraph (c) it is proposed to submit on behalf of the municipal employees' organisation a series of provisions, dealing with suspensions and inquiry, and applicable to both employers and employees.

Hon. Sir Charles Latham: You propose to use other subclauses?

Hon. W. F. WILLESEE: Yes; the subclauses appearing on the notice paper are part and parcel of the conditions proposed. At the moment, when a municipality suspends an employee, it may hold an inquiry, but there is no machinery provided for the conducting of such an inquiry. Alternatively, there is no right on the part of the employee in his turn to call for an inquiry on his behalf.

The machinery provided in the amendments on the notice paper is taken from the New South Wales Act, which has been in operation for the past 20-odd years. It is a preventive method rather than anything else. If a man is suspended, and the municipality makes no effort to do anything more than suspend him, and ultimately sacks him, then if he is aggrieved he will be able to call on the machinery under these provisions and have an inquiry held on his behalf. If it is found that he is wrong, then he may be fined and made to pay the expenses. On the other hand, if a council considers there is some reason to dismiss a man and have an inquiry into his administration, it will have the right to call on the same machinery.

If the dismissal was brought about for no other reason than that the employee was surplus to the establishment, it is provided that he gets four weeks' salary for each year of service, which would be some compensation for his having been put out of employment in the sphere of local government. I think it will be appreciated that we are endeavouring to create a standard of education for employees in the field of local government; and if a man has had some years in the service of local government and is dismissed merely because he is surplus, he should have some right to compensation, because I think it will be agreed that it would be difficult for him to secure other employment.

There are many in this Chamber who have, on occasions, had a part in the appointing of local government officers; and they will know that almost invariably a man is chosen who is in a position. It is not usual, except on rare occasions, to pick somebody who is not working within local government. We feel that if men are going to be asked to take on this type of employment as a career and are going to be set some form of examination, it is only fair that they should be given some recompense if they are subsequently dismissed from employment on account of being surplus to the establishment.

If, however, there were a good reason for a man's dismissal, he would be very silly to ask for an inquiry which would only lead to confirmation of the action taken against him and his being involved in expense. It is proposed to insert these provisions in the Act so that the matter of suspensions and inquiry on both sides will be written clearly in the legislation rather than that the action required should be provided for by regulation. If the provisions are clearly set out in the legislation, everybody will know what has to be done in regard to employer-employee relationships within municipalities in the future.

Hon. R. C. MATTISKE: I hope the Committee will not agree to the deletion of this paragraph, because there are amendments on the notice paper which I intend to submit to the Committee at a later stage, and which cover the same ground as Mr. Willesee has mentioned, but in a far less cumbersome manner. For my purpose it is not necessary to delete paragraph (c).

Hon. J. D. TEAHAN: After hearing the explanation by Mr. Willesee, I feel that the conditions set out would be a better

guide than those already in the Bill. I therefore do not intend to oppose the amendment.

Hon. L. A. LOGAN: While appreciating what Mr. Willesee is endeavouring to do, I am afraid that the provisions he proposes to insert are rather cumbersome. Why should it be necessary for a council to have to bow down to a Royal Commission? That is what it would amount to, because the person appointed to inquire would have all the powers of a Royal Commissioner. Why should such provisions apply just because a council sacks one of its employees? Surely our councils are made up of reputable men, who would not be likely to sack anybody without some justification!

Hon. G. Bennetts: Don't always believe that!

Hon. L. A. LOGAN: I will believe it.

Hon. G. Bennetts: I won't!

Hon. L. A. LOGAN: There would be some justification for every sacking; otherwise it would never occur. To give the right to a man to go before a Royal Commission to decide whether he was lawfully sacked or otherwise is wrong. The approach to the Minister is quite fair, because there must be somebody to appeal to. In this case the Minister might have as much knowledge as anybody else, and he would have almost the powers of a Royal Commissioner if he wanted to find out anything. I consider Mr. Mattiske's amendment would be much better.

Hon. L. C. DIVER: It would appear that we have to make up our minds which of the two amendments we should adopt, as either is preferable to what is written in the Bill at present. I think Mr. Mattiske's amendment will cover the position just as clearly and without the amount of verbiage which is contained in Mr. Willesee's proposals. The practice has been that before an employee could be dismissed by a road board, the dismissal has required the approval of the Minister in charge of local government. Similarly, it was necessary to have the Minister's approval to engage an officer.

On one occasion it was my experience to be with the minority in the making of a choice for an executive officer to fill a position on a road board. Through the ramifications of the Road Districts Act, and the necessity to get the Minister's approval, the name of the successful applicant was submitted to the Minister with that of the man who was second choice. The Minister chose the man whose appointment I favoured; but in time we found that this employee had an unfortunate manner, and eventually his services had to be dispensed with. In such circumstances the Minister, while concurring in the man's appointment in the first place, would later have to agree to his dismissal. I prefer Mr. Mattiske's proposed amendment, and I will vote against Mr. Willesee's amendment.

Hon. W. F. WILLESEE: This amendment contains preventive measures which would not be used daily. I cannot see how the Minister could decide appeals in such matters with any great knowledge of the subject, and so the amendment proposes the appointment of a person from within the department who would consistently deal with such issues. I agree with the suggestion in Mr. Mattiske's amendment regarding a man aged 65, where the Minister confirms the decision of the council, but I think it is wrong for the Minister to decide an issue where a man has spent years of his life in a job and his reputation is at stake. Surely it is better to have the provision included now rather than that members opposing the amendment should submit proposals later which would result in government by bureaucracy, which they repeatedly say they do not believe in. The proposal contained in the amendment is fair to all concerned, and I ask the Committee to agree to it.

Hon. R. C. MATTISKE: I cannot understand what Mr. Willesee means by "government by bureaucracy". My proposal is the same as his amendment, except that the whole machinery does not have to be invoked over a petty dismissal by a municipality. My proposal is that if a person dismissed thinks he has beeen unjustly dealt with he shall have an appeal to the Minister. As the Minister has already exercised many powers successfully in local government over the years, I see no reason for this detailed machinery, which will be cumbersome and costly. I oppose the amendment.

Hon. J. D. TEAHAN: Apparently Mr. Mattiske visualises an appeal in practically every case, but paragraph (f) of proposed new Subclause (c) would preclude that. Most governing bodies are fair and do not dismiss employees without reason. Where an injustice was done, there would be provision for an appeal; but the appellant might have to pay the expenses if he lost the appeal. Of course, if he won his appeal, his costs would be paid. I think those provisions would prevent frivolous appeals.

Hon. W. F. WILLESEE: I agree with Mr. Roche that this section of the Act has been overlooked, and the result is this amendment. Whether the amendments I have taken from the N.S.W. Act in their entirety are to be written into this measure, or whether Mr. Mattiske's amendments are to be accepted, I do not know; but either would be better than nothing. However, I favour this amendment, as it is a matter of an appeal where an injustice has been done. An employee who

knew his dismissal was justified would not ask for an inquiry, as he would know he would probably have to pay the costs. No one would know better than he whether he had been unjustly dealt with, and there would be the right of appeal—

Hon. R. C. Mattiske: My amendment would provide a right of appeal.

Hon. W. F. WILLESEE: I hope the Committee will give the amendment further consideration, as I think it would be of lasting benefit.

Hon. J. G. HISLOP: Neither this amendment nor that proposed by Mr. Mattiske seems to me to fill the apparent need, and I agree that the amendment before us could become cumbersome. I doubt whether it is necessary for a person with the powers of a Royal Commission to be appointed to inquire into a dismissal in the ordinary course of events; and I have always seen difficulty in appeals to the Minister in these matters, because a situation could arise in which the Minister and the local governing body might lose faith in each other—such as where a servant who had been dismissed was reinstated by the Minister.

Would Mr. Mattiske consider that instead of the Minister hearing the appeal he should be given jurisdiction to appoint a person to hear it? The decision would then be given by the person hearing the appeal, and the Minister would advise the local governing body accordingly. I think the Minister should have jurisdiction to appoint the person to hear the appeal.

Hon. L. A. LOGAN: On further examination of the amendment before us, and that proposed by Mr. Mattiske, I think we are splitting straws. Under Mr. Mattiske's proposal, if the Minister did not wish to hear the appeal he could delegate the authority, and that is what would happen under the amendment before us. Why not leave it to the Minister to delegate his authority? In one instance a name is submitted to the Governor, and he appoints that individual to inquire into the circumstances surrounding the dismissal of an officer. In the other instance he says, "This is a bit sticky for me, and I will delegate the Minister to appoint someone."

Hon. R. C. MATTISKE: The basic difference between these two amendments is that the one moved by Mr. Willesee lays down quite definitely that it shall apply to all officers of a municipality who have had one year's service. Where a council proposes to terminate the appointment of an officer, it shall either order an inquiry to be held or suspend the officer, and so on. Therefore, any officer who has had one year's service and who is discharged must always be the subject of an inquiry, and we will have to go through the laborious position of having an inquiry by a person who has the powers of a Royal Commission.

I can see what Dr. Hislop is driving at, but I do not think it would be practicable. We would have to get someone who was conversant with local government generally and who was closely in touch with the affairs of the municipality in which the disagreement had occurred. The obvious person would be the secretary of the Local Government Department or some other senior officer of that department. If friction is to be caused between a municipality and the Minister as a result of his having a direct hand in a particular case, I submit there would be just as much friction if a departmental officer were handling the matter.

However, that is a matter to be discussed when we deal with the other amendment. We are only mentioning these two amendments because they are consequential upon the one at present before the Chair. The amendment submitted by Mr. Willesee is too cumbersome, and I prefer to see the shorter one in operation. This has been discussed in detail with many officers associated with local government, and also with the president of the Local Government Association and others who are elected members of local government. All of them are of the opinion that the provisions contained in the amendment I have proposed would be quite workable and fair to both parties.

Hon. W. F. WILLESEE: The hon. member is misreading the amendments I have submitted. There will not be an inquiry into every dismissal.

Hon. R. C. Mattiske: That is what it says.

Hon. W. F. WILLESEE: No; it does not. If there is no inquiry he is dismissed. If he has been wrongfully treated he has the right to have an inquiry. There the issue ends. In any case if, after inquiry, it were found that he was wrongfully dismissed, or dismissed without good reason, which would have some detrimental effect on his future, the amendment provides that—

> the Minister, on the application of the officer made within fourteen days after termination of his services, may after such inquiry as he deems sufficient, direct the council to pay to the officer from the date of termination of his services compensation not exceeding an amount . . . .

So he has the right to the payment of compensation. So much for Mr. Mattiske.

I think Dr. Hislop's suggestion is somewhere between the two amendments. If we could write the principles of this into the Bill I would be quite happy. If the Committee were prepared to allow the Governor to appoint rather than have the Minister appoint, I would be quite happy with that suggestion. I have no quarrel

with the suggestion in regard to the retention of an officer over 65 years of age. I am therefore quite open to any reasonable suggestions whereby we can perhaps suspend these negotiations to place an amendment, in the nature of a compromise, on the notice paper. The principle behind these two amendments should not be lost.

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

Ayes	11
Noes	15
Majority against	4

Ayes.

Hon. G. Bennetts	Hon. H. C. Strickland
Hon. E. M. Davies	Hon. J. D. Teahan
Hon. J. J. Garrigan	Hon. W. F. Willesee
Hon. E. M. Heenan	Hon. F. J. S. Wise
Hon. R. F. Hutchison	Hon. F. R. H. Lavery
Hon. G. E. Jeffery	*(Teller.)*

Noes.

Hon. N. E. Baxter	Hon. G. C. MacKinnon
Hon. J. Cunningham	Hon. R. C. Mattiske
Hon. L. C. Diver	Hon. J. Murray
Hon. A. F. Griffith	Hon. C. H. Simpson
Hon. J. G. Hislop	Hon. J. M. Thomson
Hon. A. R. Jones	Hon. F. D. Willmott
Hon. Sir Chas. Latham	Hon. H. K. Watson
Hon. L. A. Logan	*(Teller.)*

Pair.

Aye.	No.
Hon. G. Fraser	Hon. H. L. Roche

Amendment thus negatived.

Hon. R. C. MATTISKE: I move an amendment—

That after the word "place" in line 30, page 120, the following subclause be added:—

(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.

I do not need to elaborate on this amendment because its implications have already been discussed during the debate on the amendment that has just been negatived.

Hon. J. G. HISLOP: I am still not completely satisfied with this amendment. If we did alter the clause we could not take away the right of the Minister to hear the appeal himself. We would have to leave to his better judgment the decision on whether he would appoint someone to hear the appeal. Despite that fact, there is the aspect which was mentioned during the discussion on the previous amendment that was lost. That aspect could be incorporated in this amendment, because my reading of the clause as it stands now is that a local governing body will be able to dismiss an individual without the approval of the Minister. If that is correct, and an inquiry were held immediately or subsequently which was favourable to the officer, would it not be fair for him to expect some compensation for his dismissal?

I ask Mr. Mattiske whether he would consider adding Subclause (3) of the previous amendment to this one. That may, of course, have to be done on recommittal. It seems to me that we are now leaving it open to the local governing body to dismiss an officer without the approval of the Minister.

Hon. R. C. MATTISKE: I still consider it is quite unnecessary. The municipality which engages an officer should have the right to dispense with his services, and that is what we intend to provide by the inclusion of this amendment. A man can be hired and fired; but, in the case of what he may consider to be unjust firing, he has the right of appeal to the Minister, who is the highest authority as far as local government is concerned. The Minister would hear both sides of the case and give a decision as to whether the man had been justly sacked or an injustice had been done, in which case he would be reinstated. It does happen where there is a clash of personalities, and certain members of a council can persuade their co-councillors that a certain person should be sacked. In this instance we are covering that position so the Minister may determine whether or not an injustice has been done.

So far as compensation for a person whose services have been dispensed with is concerned, I think it is quite unnecessary; because, if the Minister said the council had done the right thing, there would be no compensation to the man other than what he was normally entitled to under an Arbitration Court award. There is no need for this Bill to include something which is going to override an Arbitration Court award.

Hon. G. C. MacKINNON: I am not happy about this amendment. An officer could be employed for three months and be found to be completely unsuitable, yet there could be this appeal. It would surely be reasonable that a man should have had to be working for at least a year before having the right of appeal envisaged in this amendment. Many employers place their officers, after a period of three to five years, on what is known as a "star list," and to discharge these men is extremely difficult.

Hon. W. F. Willesee: They are as right as a bank.

Hon. G. C. MacKINNON: Yes. It is quite common; and most people who know anything about the employment field today know this is so among private firms. The suggestion by Dr. Hislop that Subclause (8) of Mr. Willesee's earlier amendment be given some further consideration would not be a departure from normal procedure. I can think of four firms which give their staffs consideration. They give one step up after three years, whereby it becomes reasonably difficult to dispense with their services as they are on "provisional staff"; and at the end of five years, they are placed on "staff." Some consideration should be given to the placing in proposed new Subclause (4) of a provision to ensure that a man could not be employed for two weeks, be discharged, and still have the right of appeal.

Hon. R. C. MATTISKE: Employment in local government is totally different from employment in the commercial or industrial world. On a local government body we have a council of people who give the employment, and there is more than one person directly interested in a particular individual. Therefore it is going to take more than the whim of one or two individuals to cause him to be sacked. There are not sackings every day in local government prior to retiring age; but where they do occur, and a town clerk or road board secretary is sacked well before his retiring time, there is usually some very good reason.

It may be a clash of personalities between that individual and the road board chairman or mayor of the municipality, or one or two of the leading lights of the municipality. In that case, protection is given to the servant to submit his case to the Minister to decide whether or not he has been wrongfully sacked.

For practical purposes it does not matter whether the person has been engaged for three months or 30 years. If he is sacked and has a genuine case, he should have a right of appeal. I have discussed my proposed amendment with persons closely associated with both sides of local government—the employees' side and the councillors' side—and all are happy about it.

When speaking to the amendment, I did not elaborate on the aspect of compulsory retirement at 65. My main reason for including that is that, under present conditions, there is nothing laid down in either the Road Districts Act or the Municipal Corporations Act covering compulsory retirement at the age of 65, with the result that the position arises in many local authorities where an individual who has been a trusted servant for a number of years, reaches the age of 65 and is past his usefulness economically, but the councillors do not like to take the initial step and dispense with his services.

I have included this part of the amendment to give the councillors an easy way out, so that when an individual attains the age of 65 he will automatically retire. However, in the event of the council requiring him to continue for a further term, his period may be extended by a simple resolution of that municipality. I hope the Committee will approve the amendment.

Hon. W. F. WILLESEE: Whilst I now intend to support the proposals on the notice paper, I understand that the municipal employees' union is in agreement with municipalities and road boards on a retiring age of 65. I was supporting that issue on the grounds that a sympathetic body would not sack a man if he were useful or essential in his occupation and it was worth keeping him on. I have in mind the man who is running a one-man power

house. He loves machinery and cannot be replaced, irrespective of age, provided he is active. I have never been in great sympathy with a man who had to be sacked by a road board or municipality if it felt the time had come to sack him.

With the proposal of Dr. Hislop that we still write in the Bill some protection for people who, in the prime of life, may be dismissed under circumstances outlined by Mr. Mattiske, I am in full accord.

Hon. J. G. HISLOP: I am still not happy about the position because, whilst it seems nice on paper, there is a human being to be considered.

Hon. F. R. H. Lavery: Absolutely.

Hon. J. G. HISLOP: I do not care whether it is one man or 100 men. When we have changing personalities in the employing body, there is always the risk of a clash of personalities. A man who was reinstated by the Minister would not be in a happy position.

Hon. F. D. Willmott: He would not live it down.

Hon. J. G. HISLOP: If a board makes the mistake of discharging a man; and an appeal is in his favour, surely the board owes him something. It would be better for the man to leave; and some compensation should be given by the erring body, having regard to that man's years of service. I know it is futile, but I almost feel tempted to raise a protest by voting against the clause unless something is put into it.

Hon. R. C. MATTISKE: If a person's services are dispensed with, no matter what his employment, they are dispensed with. He may have certain entitlements under an Arbitration Court award.

Hon. W. F. Willesee: Surely local government is a special field. What other avenue can a local government employee turn to?

Hon. R. C. MATTISKE: What can any employee turn to? If he has specialised in a trade he can look to that trade and nothing else. If he is not a specialist he can only look to the unskilled labour market. Surely we do not have to provide for every little thing that might arise in connection with an individual right throughout his life. He has to do something for himself.

The second point raised by Dr. Hislop concerns the invidious position in which a person who was dismissed would find himself on returning to his employment. Well, what happens in the Public Service at present? There may be two or more individuals who appeal against a chap who has been appointed to a specific job. If one of the appellants wins the appeal, he takes over the job. The same position arises.

Hon. E. M. Davies: No one loses his employment.

Hon. R. C. MATTISKE: We must all adhere to the decision of the umpire. If in the opinion of the Minister a road board secretary or engineer has been wrongfully dismissed, he can go back to his job, and that is that. Compensation is adequately covered by Arbitration Court awards. We do not have to consider it; otherwise we would be usurping the powers of the Arbitration Court. I feel the position is adequately covered, and I hope the amendment will not be altered, because I feel it will be a workable proposition. It has the blessing of both the employees and the employers associated with local government with whom I have discussed it.

Hon. J. G. HISLOP: Mr. Mattiske might tell me what rights a man would have under the Arbitration Court award if, having been dismissed and reinstated in his job, he felt the conditions of his employment were so impossible that he could not continue.

Hon. R. C. Mattiske: The same as any other individual.

Hon. L. C. DIVER: I am not too happy about the wording of paragraphs (c) and (d) of proposed new Subclause (4). There could be conflict on the interpretation of the words "the Minister may either dismiss or allow the appeal."

Hon. R. C. Mattiske: If the appeal were allowed, the man would be reinstated.

Hon. L. C. DIVER: Will that be so? Now is the time to debate the matter. It is no good saying later that that is what we meant.

Hon. W. F. Willesee: Would you go back under such conditions?

Hon. R. C. Mattiske: Would you?

Hon. W. F. Willesee: No.

Hon. L. C. DIVER: I do not know what the conditions might be. As a matter of fact, I know of several instances under the Road Districts Act where road boards have endeavoured to rid themselves of a secretary and have submitted their proposition to the Minister, who has not agreed; and they have carried on as a happy family for many years. I hope there will be no confusion about these two paragraphs.

Amendment put and passed; the clause, as amended, agreed to.

Clause 159—Regulations relating to qualifications of officers:

Hon. W. F. WILLESEE: I move an amendment—

> That after the word "council" in line 37, page 120, the words "and prescribing also the minimum educational qualifications for all other officers of a council" be inserted.

Hon. R. C. MATTISKE: I shall vote against the amendment because I intend to vote against the clause as a whole. It is entirely wrong in principle and it is unworkable. If the Governor is going to make regulations setting out the educational qualifications of town clerks, etc., the regulations must be State-wide in application. I venture to say that this will react against many local authorities in some of the more remote districts. In fact, it will react against some of the municipalities in or near the metropolitan area.

Local authorities can get themselves cluttered up with persons who have high academic qualifications but little knowledge or imagination. I can cite as an instance an occurrence that took place a few years ago when there was trouble over the Eric-st. bridge. Engineers from the Railway Department, I think, and from other places, inspected the bridge and said that in their opinion it should be pulled down immediately and replaced. The Cottesloe Council, however, had complete faith in one of its works supervisors—a man without any particular educational qualifications but with sound practical knowledge. He advised the council that with certain repairs the bridge could, at low cost, be put into workable order, and that it would serve for a period of at least 10 years. The council accepted his advice. The bridge has been closely watched and the council is extremely pleased with the advice he gave.

I could give instances galore of persons possessing initiative and imagination but lacking academic qualifications who have been able to do particularly good jobs for local authorities and save the ratepayers considerable money. I therefore feel there is no necessity for the clause. In some of the more remote districts where the salary and conditions are such that they do not attract people, the local authority should be allowed to make a selection from those offering—and the field may be very limited. The local authority would select the man it considered best fitted. It should not be hamstrung by having to select some individual because, under a clause such as this, he is the only one qualified. If we accept the clause we will be acting to the detriment of local authorities.

Hon. W. F. WILLESEE: Surely today in local government as in other vocations, it is fair to prescribe a minimum standard. It is true that in certain cases, where no academic qualifications have been needed, the best man has been selected and has done quite well. But under the present educational system it is virtually impossible for a young man to take up any walk of life unless he has some qualifications through examination; and if we do not write something into the Bill in this regard, local government administration will be affected. A plumber and a carpenter have to serve an apprenticeship; and accountants, doctors and lawyers have to qualify. If we are to make any progress in local government administration, there must be some standard of educational qualifications for people who are employed in that form of government.

If permanent employment hinged on the results of examination, a person would delight in having the additional security. I think Mr. Mattiske is going to the extreme when he says that we should not have the qualifications laid down for local government but that we must carry on by the "by guess and by God" method and yet still expect good administration within our local government.

Hon. R. C. MATTISKE: I think Mr. Willesee has misinterpreted what I said, because I did not for one moment suggest that we should discourage people from making employment in local government their particular interest in life. Nor am I suggesting they should be debarred from attaining certain academic qualifications. I agree with Mr. Willesee that the individual who wants to get ahead in any walk of life should be given encouragement; and at present people may sit for examinations, either on the engineering side or on the general administrative side of local government. Those who are sufficiently interested in their work study and qualify. So they must be given every encouragement; and I venture to say that there is not a local authority in this State which does not give that encouragement.

At the same time, we should not make it obligatory on a municipality to employ only those individuals with academic qualifications. All things being equal, naturally a council would be foolish not to employ someone who had the theoretical as well as the practical knowledge. But it should not be laid down in this legislation that a municipality must employ that individual and no one else.

Hon. L. C. DIVER: I am surprised at Mr. Willesee wanting to prescribe the minimum educational qualifications for all other officers of a council; but the fact that he wants such a provision inserted in the legislation speaks well for the untrained man, because apparently he is frightened of him. There are always men who have not had the opportunity of obtaining qualifications but who have a natural aptitude and who can apply themselves to local authority work. After they are employed, they gain their qualifications.

The Bill should be left as it is printed, because it is only in an exceptional instance that the untrained man would get the position in preference to the trained man. I was surprised at such a suggestion coming from a Labour member. We should allow a person with natural ability the opportunity to progress, because in

many cases such a system will bear fruit not only for the individual, but also for local government and the people generally.

Hon. G. BENNETTS: I am in a peculiar position in connection with this question. The local authority of which I was a member for some years was very financial, and we could afford to have the best engineer and town clerk available. Of late years the municipality has dispensed with the engineer, and a road foreman has been appointed in his place. At another centre in my district there is an engineer, an electrical engineer, and two health inspectors, as well as the town clerk.

One of the other boards had a secretary who left to become secretary of a board in the South-West. Because it was not possible to get a trained secretary, we had to accept a man who had previously been employed in an office. He became secretary of the board and had to look after the health section as well as roads and so on. That man has been there for about six years now, and has proved himself to be well qualified to do the job. How will some of these boards carry on if only qualified men are to be appointed? If this amendment is agreed to, we will be penalising those boards.

Hon. F. R. H. Lavery: How would we penalise them?

Hon. G. BENNETTS: I do not know how I shall vote on this question.

Hon. R. C. MATTISKE: I would like to thank Mr. Bennetts for what he has said, because he explained quite clearly what I was trying to explain. In the areas with which he is concerned the unskilled person has been doing a very good job. I thank him for his support.

Amendment put and negatived.

Hon. R. C. MATTISKE: I now hope that the Committee will vote against the clause as a whole, for reasons which I have already given.

Hon. W. F. WILLESEE: I hope the clause will be agreed to. We must aim at improving local government administration, and surely this clause is not asking too much. It is restricted to the higher officers on the council, and in nearly every case they will have passed some form of examination.

Hon. R. C. MATTISKE: I do not want to labour the point, because we have been over it several times. But I would like to support the argument put forward by Mr. Bennetts a few moments ago. I think the clause would restrict the legislation. There is no similar provision in either the Municipal Corporations Act or the Road Districts Act, and they have worked quite well up to date.

Hon. L. C. DIVER: On this occasion I think I can agree with the printed words. In my opinion the position is not quite as Mr. Mattiske thinks it is. If we dispense with minimum standards for executive officers, we will have untrained men getting the full award rate while they are learning to discharge their duties; whereas if the clause is agreed to, they will not be paid the full award rates unless they qualify. Consequently we should leave the clause as printed.

Hon. R. C. MATTISKE: There are no hard-and-fast rules as to what should be paid to engineers, etc. Only the other day the Perth Road Board invited applications for the position of engineer, and the board itself fixed the salary for that individual. For senior officers such as town clerks, secretaries and engineers, discretion is given to the local authority to determine the conditions of service. Mr. Bennetts said that one individual often carried out the duty of town clerk, engineer, health inspector and so on. So it should be left to the municipalities to determine.

The clause makes it obligatory on the authority to employ only those with academic qualifications. The next thing will be a move for arbitration awards; and before we know what is happening, the local authorities will be hamstrung and have no freedom of choice. Mr. Bennetts has given some good illustrations.

Hon. W. F. WILLESEE: I have an amendment on the notice paper which I overlooked. With your permission, Mr. Chairman, I would like to move it now.

The CHAIRMAN: The hon. member has the right to move any amendment he likes.

Hon. W. F. WILLESEE: I move an amendment—

> That after the word "certificates" in line 6, page 121, the following proviso be inserted:—
>
> > Provided nevertheless that the person who for the time being occupies the office of President of the Western Australian Local Government Officers' Association, Union of Workers, Perth, shall be appointed a member of any committee so constituted.

Hon. R. C. MATTISKE: I oppose the amendment, because I would not be prepared to accept the clause even in a modified form.

Hon. W. F. WILLESEE: The amendment is reasonable. The Local Government Officers' Association is entitled to a seat on any board which would prescribe educational qualifications for its members. He would be the best man to sit on the board.

Hon. L. C. DIVER: Why stop at nominating one officer? Why not nominate the whole board?

Hon. W. F. Willesee: You have the right to move in that direction.

Hon. L. C. DIVER: I think it is undesirable. Time and circumstance should be taken into consideration. I oppose the amendment.

Hon. J. G. HISLOP: I think Mr. Willesee has overlooked what the work of this committee will be. He is asking that the president should be an examiner, not a member of the committee; and I do not think that is right.

Amendment put and negatived.

The MINISTER FOR RAILWAYS: Before you put the clause, Mr. Chairman, I would like to draw the attention of the Committee to the fact that governmental control over appointments has been deleted from the previous clause. It is reasonable that the Government should have some control in the appointment of senior officers to the local governing authority. It is true we have overcome the position of junior officers. The Governor should have power to prescribe regulations stating the standard required for those senior officers, but he would not do so unless asked by the Government which, in turn, would probably be requested to do so by the local authority concerned. The regulations would be prescribed to suit conditions applicable to different localities. I hope the Committee will retain Clause 159.

Hon. R. C. MATTISKE: Earlier, the Chief Secretary said that those who paid the piper should call the tune. The municipality represents the ratepayers of the district. It is the people who pay, and it is their money which is spent; and they should be free to select the man they want for the job. I oppose the clause.

Hon. F. R. H. LAVERY: Does Mr. Mattiske suggest that the ordinary officers of the local government are to be excluded from any control in local government?

Hon. R. C. MATTISKE: Not completely. I am not inconsistent when I say that the council should have complete freedom to appoint whom it desires and complete freedom to sack whom it desires. In the last clause there is a degree of governmental control in that the Minister can adjudicate in cases of incorrect or unjust dismissal.

Hon. L. C. DIVER: I think the clause has some merit. An officer moving from one area to another might make application to a particular local authority and say he has certain qualifications, and the other local authority will know his qualifications. I objected to the untrained man being able to make a start; but here he has made a start, and can move from job to job.

Hon. R. C. MATTISKE: If this clause is included empowering the Governor to prescribe academic qualifications for a person to be appointed as town clerk or engineer, etc., does Mr. Diver realise that it will be obligatory on the authority to employ only someone with those qualifications? I would like members to recall the immediate postwar period with its attendant housing problems. We all know the difficulty and costliness of getting a plumber to do a job. To be a plumbing contractor one had to pass certain examinations and be qualified. Members will know that over a period of three or four years at one stage in the postwar era there was, on an average, one individual per annum being admitted. There are many persons with the required practical knowledge and skill to perform the task, but they will be debarred because they do not have the necessary qualifications.

The Minister for Railways: That also applied under builders' registration.

Hon. R. C. MATTISKE: Yes. By our agreeing to this clause the same condition will arise, and the local authorities enumerated by Mr. Bennetts will not be able to engage the people to do the jobs which have been done by them satisfactorily for many years. The local authorities in question will have to employ those with the required academic qualifications.

Although a date has to be determined for commencing this provision, one must remember that many young people make a career of local government. I know some who did not have the ability to pass examinations, but who were well suited for service in local government because of their soundness and practicability. If the clause is agreed to they will not be able to pass the required examinations and will thereby be debarred from rising to the top of their respective fields.

We ought to give local authorities a freedom of choice in regard to this provision. Those who have the ability and the initiative will be given every encouragement to study and pass the examinations that are set; and when they apply for jobs in local government, they will have an advantage over the untrained applicants.

Hon. G. BENNETTS: I agree that a certain amount of control should be left to the Government. I would point out that one local authority is to be assisted financially by the Government in constructing a big sewerage scheme. The ordinary ratepayers of that district would not know whether their funds were being spent wisely or correctly in this project. If an unsuitable engineer were appointed to do this work a faulty system could be installed, and the whole of the money wasted. By giving some control to the Minister, the money to be spent in that locality will be protected.

Hon. L. C. DIVER: No one has received a written objection from any local authority about the existing method. The only suggestion contained in the report

of the Royal Commission in regard to this matter is to delete the word "overseers." The reason is that it is felt to be unnecessary to provide the qualifications for officers so that the regulations may have the approval of the parties interested. It is logical to find it difficult to obtain qualified men for a number of local authorities in the outback areas. The exemption should not be restricted to the North-West in view of the requirement of ministerial approval for appointments.

In the previous two drafts of the Bill which were presented to Parliament, the provision before us had been proposed; but after inquiry, the Royal Commission suggested only the exclusion of "overseers." If an officer has not the required qualifications, and there is a vacancy in that local authority for an engineer, he will only be appointed as an overseer or foreman, and will be paid as much above the award rate as his ability justifies.

Hon. J. G. HISLOP: There is some conflict between this clause and the one following. A query is raised as to what will happen to those already in employment; but Clause 160 (3) provides that they shall not be removed from office. So they appear to be covered. Furthermore, Subclauses (3) and (4) give them extra protection. Clause 159 states that the Governor may make regulations prescribing the respective educational and professional qualifications for the offices of clerk, engineer, building surveyor and treasurer. I am wondering why the expressions "engineer" and "treasurer" have been left out of Clause 160. If those terms were included in Clause 160 the Governor would be able to exempt a whole area in regard to appointment of these officers.

Clause 160 says that where the occupant of the office of clerk, or of building surveyor is not required to be qualified, a council may appoint a person to the office notwithstanding that he is not qualified. If there is no reason for him to be qualified, why cannot the council have the opportunity to appoint him without the approval of the Minister? If Clause 160 were made to fit in with Clause 159, total areas governed by local authorities could be exempted.

All that Clause 159 will do is to dissuade local authorities from appointing engineers or treasurers. I agree that we have gone beyond the horse-and-buggy days, and some qualifications are bound to be required in the near future for those holding responsible positions; but there are many small localities which cannot comply in this regard. I know of some local authorities where an officer carries out multiple jobs.

Hon. J. D. TEAHAN: I would point out that under Clause 159 the Governor may make regulations for the appointment of senior posts. The desire is to raise the standard. The local authorities, as well as the Royal Commissioner and the Minister for Local Government were concerned with this matter, and they felt the provision was desirable in order to raise the standard.

To cover the centres mentioned by Mr. Bennetts and others which do not warrant the appointment of qualified engineers, I would point out that Clause 160 states that where such a position arises the Minister may permit an appointment where an officer has not the qualifications. For instance, in Leonora or Menzies there may be a vacancy for a town clerk; but the income and problems are such that the position does not warrant the appointment of a qualified engineer, because the road foreman can carry out the job. By agreeing to Clause 159, the objections in this regard will be overcome when Clause 160 is passed.

Clause put and passed.

Clause 160—Appointments to office to which regulations do not apply:

Hon. R. C. MATTISKE: I object to the inclusion of the words "but only with the approval of the Minister" in this clause. The council or municipality should have freedom in hiring and firing of its employees. It would be a great restriction if a council could engage an officer only after the Minister had approved. I propose to move for the deletion of those words.

Hon. J. G. HISLOP: I have an amendment before that. To make Clause 160 fit in with Clause 159 I propose to move for the deletion of the words "or of" in line 16 and insert the word "engineer" in lieu; and to add after the words "building surveyor" the words "or treasurer."

The CHAIRMAN: I think the hon. member's amendment had better be taken in two parts. The question is—

> That the words "or of" in line 17, page 121, be struck out and the word "engineer" inserted in lieu.

The MINISTER FOR RAILWAYS: This clause is intended to apply to small local authorities. I have in mind such places as Shark Bay. That local authority would certainly not require an engineer, a building surveyor, or a treasurer. The clause provides that such a local authority can, with the permission of the Minister, employ somebody who is not qualified. In a small local authority, I take it that the clerk would act also as the building surveyor.

Hon. J. G. Hislop: That is what my amendment will provide.

The MINISTER FOR RAILWAYS: The hon. member is only adding to the appointments. There is no objection to that. I was merely explaining why Clause 160 was inserted.

Amendment put and passed.

Hon. J. G. HISLOP: I move an amendment—

That after the word "surveyor" in line 17, page 121, the words "or treasurer" be inserted.

Amendment put and passed.

Hon. R. C. MATTISKE: I move an amendment—

That the words "but only with the approval of the Minister" in lines 18 and 19, page 121, be struck out.

The MINISTER FOR RAILWAYS: I hope the Committee will not agree to the amendment. Gradually all control is being removed from the department; because, when it is removed from the Minister it is removed from the department. There should be some control where a concession is made. Although this phrase may seem a bit tough in a clause such as this, it is the only way that some control can be retained. There is no doubt that in the very remote areas it is necessary for some authoritative control to exist. Otherwise we would have semi-governmental authorities getting into rather a sorry mess at times without the guidance of the department. On several occasions different boards could, to my knowledge, have got into very serious difficulties—some have done so—through ignorance of the Acts, and because of their remoteness and inability to secure members and officers who would always see that the provisions of the Act were complied with.

In some remote areas I have seen practically the whole of the affairs of a board left in the hands of one man—the road board secretary. The chairman may, perhaps, be living 100 miles away in one direction, and the other members of the board could be 100 miles in another direction from the road board office. That occurs in several places in the North. It is becoming a little unreasonable to assert that all authority through the Minister should be removed; but that has been the trend here from the time the Bill came into this Chamber.

Hon. J. G. HISLOP: I think there is some misunderstanding. We are not proposing to take away the Minister's control; but surely we must trust members of these local authorities. It will not be only in the remote areas that exemptions will have to be made. It will apply to some small boards, not very far distant, that will have to be exempted because they are not able to pay for academically-trained persons.

Surely we must trust the people who are appointed by the public to these boards! We are not attempting to take control entirely out of the Minister's hands. It is laid down that where academically-trained men shall be appointed, the local authority can go beyond those regulations and appoint untrained persons only with the consent of the Minister. So the Minister has quite good control over those areas where it is considered important that academically-trained people should be appointed.

The MINISTER FOR RAILWAYS: It is not a question of trusting local authorities but of guiding them and assisting them in some instances.

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

Ayes	14
Noes	10
Majority for	4

Ayes.

Hon. N. E. Baxter	Hon. R. C. Mattiske
Hon. J. Cunningham	Hon. J. Murray
Hon. L. C. Diver	Hon. H. L. Roche
Hon. A. F. Griffith	Hon. C. H. Simpson
Hon. J. G. Hislop	Hon. J. M. Thomson
Hon. A. R. Jones	Hon. H. K. Watson
Hon. G. MacKinnon	Hon. F. D. Willmott *(Teller.)*

Noes.

Hon. G. Bennetts	Hon. H. C. Strickland
Hon. E. M. Davies	Hon. J. D. Teahan
Hon. E. M. Heenan	Hon. W. F. Willesee
Hon. R. F. Hutchison	Hon. F. J. S. Wise
Hon. G. E. Jeffery	Hon. F. R. H. Lavery *(Teller.)*

Pairs.

Ayes.	Noes.
Hon. Sir Chas. Latham	Hon. G. Fraser
Hon. L. A. Logan	Hon. J. J. Garrigan

Amendment thus passed; the clause, as amended, agreed to.

Clause 161—Protection of credit towards long service leave in certain cases:

Hon. W. F. WILLESEE: I move an amendment—

That after the word "jurisdiction" in line 24, page 122, the following subclause be added:—

(3) Long service leave shall be granted to all officers and employees of a municipality on the basis of 13 weeks leave on full pay after the completion of 10 years continuous service with one or more councils, leave pro rata for subsequent service to accrue from year to year, but not to be taken until completion of service over a period of four years.

Hon. R. C. MATTISKE: The Government has already given notice in the Press of its intention to introduce a Bill dealing with long-service leave in all forms of employment where it does not already apply. We do not know the Government's intentions regarding the rest of industry, and I do not think we should agree to the amendment, because it could later be used against us. I therefore oppose it.

Hon. R. F. HUTCHISON: Mr. Mattiske said this amendment, if agreed to, would be "used against us." As this is supposed to be a chamber of review, I want to know what that means. Who is "us" in this Chamber?

Hon. R. C. MATTISKE: Does the hon. member suggest that if we agree to the amendment, she would not, during consideration of other legislation later, say that this Chamber had already agreed to the principle of long-service leave in relation to the local Government Bill and that therefore it should apply that principle to the other legislation? If she denies that she would follow that line of reasoning, I do not think she is fooling anyone but herself.

Hon. J. D. TEAHAN: The amendment is long overdue and the provision it contains has already been granted by most local authorities in the State. The Goldfields local authorities that I have knowledge of have a more generous provision than this. They provide 13 weeks' long-service leave after 10 years of service, with a pro rata provision after three years. They have had that provision since 1946. It has worked smoothly and justly and has attracted to the work a better type of employee, as it offers some security and the employees tend to study in order to rise to the senior positions of health inspector, town clerk and engineer. I think that better atmosphere has been brought about by the long-service leave provisions. I therefore ask the Committee to agree to the amendment.

Sitting suspended from 10.8 to 10.42 p.m.

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

Ayes	8
Noes	14
Majority against	6

Ayes.

Hon. G. Bennetts	Hon. J. D. Teahan
Hon. E. M. Heenan	Hon. W. F. Willesee
Hon. G. E. Jeffery	Hon. F. J. S. Wise
Hon. H. C. Strickland	Hon. E. M. Davies
	(Teller.)

Noes.

Hon. N. E. Baxter	Hon. R. C. Mattiske
Hon. J. Cunningham	Hon. H. L. Roche
Hon. L. C. Diver	Hon. C. H. Simpson
Hon. A. F. Griffith	Hon. J. M. Thomson
Hon. J. G. Hislop	Hon. H. K. Watson
Hon. A. R. Jones	Hon. F. D. Willmott
Hon. G. MacKinnon	Hon. J. Murray
	(Teller.)

Pairs.

Ayes.	Noes.
Hon. G. Fraser	Hon. Sir Chas. Latham
Hon. J. J. Garrigan	Hon. L. A. Logan

Amendment thus negatived.

Clause put and passed.

Clauses 162 to 169A—agreed to.

Clause 170—Ratepayers' meetings:

Hon. R. C. MATTISKE: I move an amendment—

> That the words "with the consent of the Minister" in lines 16 and 17, page 127, be struck out and the words "if no such suitable hall or building is available" inserted in lieu.

The reason why this amendment has been moved is that it is not considered necessary to obtain the consent of the Minister to hold a ratepayers' meeting at some other place. The amendment is so small there is no need to elaborate on it.

The MINISTER FOR RAILWAYS: Here again it is intended to remove the power of restriction from the Minister. It is not a case of the Minister wishing to restrict. For example, if the Hall's Creek Road Board decided to hold a meeting at Wyndham, which is 350 miles away, the position would be ridiculous. The Minister should be consulted to avoid such an event.

Hon. R. C. MATTISKE: I do not want to be difficult. By allowing this clause to stand, the administration of the Act will be made more difficult. The Minister has cited an example and I could quite easily do the same. Recently a meeting of ratepayers was held in the Maylands town hall. It was decided that the meeting be adjourned to a time within seven days and to a place within the Osborne Park area. In order that there would be no confusion or argument as to the second meeting place, the chairman arranged for discussion and the determination of a particular hall.

The arrangements were made and the adjourned meeting was held. If that had had to be submitted to the Minister, the authority could not have given the ratepayers an indication of the mood of the meeting, and it would have caused confusion and unnecessary work. Ratepayers' meetings are normally held in the district or municipality, but if a suitable hall is not available, surely the municipality should be capable of arranging some other satisfactory venue.

Hon. J. D. TEAHAN: Mr. Mattiske's example relates to a meeting held in the same district and adjourned to the same district. This precludes cases where they are held outside their area. There should be some restriction. The chairman may decide to hold a meeting at Midland Junction. It is to control exceptional cases.

Hon. H. K. WATSON: Mr. Mattiske's amendment does not propose a general leave to hold meetings in neighbouring districts, but only if no suitable hall or building is available. If it is available, they cannot go out of the district.

The Minister for Railways: Who will prove it is suitable?

Hon. H. K. WATSON: The chairman of the board.

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

Ayes	11
Noes	13
Majority against	2

Ayes.

Hon. J. Cunningham	Hon. J. Murray
Hon. L. C. Diver	Hon. C. H. Simpson
Hon. A. F. Griffith	Hon. H. K. Watson
Hon. J. G. Hislop	Hon. F. D. Willmott
Hon. G. MacKinnon	Hon. H. L. Roche
Hon. R. C. Mattiske	*(Teller.)*

Noes.

Hon. N. E. Baxter	Hon. F. R. H. Lavery
Hon. G. Bennetts	Hon. H. C. Strickland
Hon. E. M. Davies	Hon. J. D. Teahan
Hon. E. M. Heenan	Hon. J. M. Thomson
Hon. R. F. Hutchison	Hon. W. F. Willesee
Hon. G. E. Jeffery	Hon. F. J. S. Wise
Hon. A. R. Jones	*(Teller.)*

Pairs.

Ayes.	Noes.
Hon. Sir Chas. Latham	Hon. G. Fraser
Hon. L. A. Logan	Hon. J. J. Garrigan

Amendment thus negatived.

Hon. G. C. MacKINNON: The amendment I wish to move is not on the notice paper but I have had copies circulated, and I trust that members will know what is intended. I move an amendment—

> That after the word "president" in line 37, page 127, the following proviso be added:—
>
> > Provided that if the minutes of the last annual meeting of ratepayers and of special meetings if any; the annual financial statements; the report of the auditor or auditors, and the reports of the mayor or president have been printed and circulated, they may with the consent of the meeting be taken as read.

At annual general meetings a considerable volume of minutes and reports are dealt with. I know it is usual for such statements to be taken as read if they have been circulated, although that is contrary to the Act. If the information required in paragraphs (a), (b), (c) and (d) is circulated and someone at the meeting moves that it be taken as read, the meeting can then proceed with its normal business and much time will be saved. My amendment will obviate the tedious process of having to read the minutes. At some meetings those minutes and reports are circulated, but at others they are printed and handed to each ratepayer who attends. Much time will be saved if the proposal is agreed to and the present practice is legalised. There is some doubt as to the proper place to insert the amendment in the clause. I have moved to insert it after paragraph (d) because it affects all matters contained in the preceding paragraphs.

Hon. H. K. WATSON: The insertion of this proviso after paragraph (d) would interfere with the orderly flow of the drafting of the clause. To me it would be more appropriate to insert it after the last paragraph.

Hon. A. R. JONES: I am inclined to think that the proviso should be inserted after paragraph (a) because that paragraph deals with the minutes of the last preceding meeting. It would be inadvisable to insert it after paragraph (b) as that would enable the financial statements to be glossed over. The proviso does not say how the minutes are to be circulated. If a meeting is called for 8 p.m. it will be necessary for the ratepayers to attend at 7.30 p.m. so as to be able to read the minutes before the commencement of the meeting. At times the minutes and report are very lengthy, and I have known occasions when they have taken half an hour to read

Hon. G. BENNETTS: I do not see any hardship in having the minutes read. In Kalgoorlie the minutes have always been read at the meetings by the chairman, and it does not take very long, although the minutes contain a great deal of material. This occurs only once a year and no hardship will be occasioned by having the minutes read. Many ratepayers would not read the minutes even if they were circulated, so there would be an advantage in having them read.

Hon. J. D. TEAHAN: This amendment has a tendency to apply the gag. The statements and minutes are generally circulated just before the meeting opens and there is no chance for those in attendance to study them. It is too costly to circularise them by post as there may be hundreds or thousands of ratepayers involved. If there is an inclination to gag the meeting, someone will move, and another will second, that the minutes be taken as read, and the matter will be passed over. As the annual meeting is held once a year, it is not too much to expect the minutes to be read. When they are read, the ratepayers have a better chance to absorb the contents, and if they think it necessary, they will launch a challenge. I oppose the amendment.

Hon. G. C. MacKINNON: There is nothing in this amendment to make it obligatory that this must be done. It is quite clear that the consent of the meeting must be given for documents to be taken as read. It is a matter which is left to the meeting; and, as most members are aware, the minutes and so on are printed and are available in the offices of municipalities and road boards a week ahead. This particular procedure is adopted outside the Act. It is illegal in this State when road boards and municipalities take the minutes and reports as read because there is no authority under the Act whatsoever to enable that to be done. It should be made optional, particularly as it has been their custom. If they wanted to hear these things read,

somebody could object and it would then be up to the meeting to decide. There is no question about its being forced on people as this procedure must be followed. I suggest the method be left as an alternative. I can see no great hardship and no great danger if the minutes and reports are taken as read, provided they have been circulated.

Amendment put and negatived.

Hon. A. R. JONES: I move an amendment on behalf of Mr. Logan—

> That after the word "fit" in line 2, page 128, the words "or as the majority of ratepayers present may decide." be inserted.

This amendment merely gives the right to ratepayers present to determine the procedure which will take place at the meeting rather than leave it to the president or the mayor. It could be that if a person raised an issue from the floor of the meeting, the mayor or president could rule it out of order, and if these words are added, they will provide a safeguard.

Amendment put and passed; the clause, as amended, agreed to.

Clause 171—Ordinary and special meetings of the council:

Hon. G. C. MacKINNON: I move an amendment—

> That after the word "councillor," in line 15, page 128, the words "to reach him at least two hours" be inserted.

If this amendment is accepted, a councillor in a small outback area will have at least two hours' notice of a special meeting. A meeting could now be called without consideration of any notice.

Hon. R. C. MATTISKE: Perhaps Mr. Teahan could advise the Committee whether there is, towards the end of the Bill, under miscellaneous clauses, any definition of the word "notice." Surely it must be defined somewhere!

Hon. J. D. TEAHAN: I am not certain; but even if that were the case, this provision would not do any harm.

Hon. A. F. GRIFFITH: Whilst Mr. Teahan has no objection to this amendment, I question its practicability. Two hours' notice would not be sufficient for a local authority with widely dispersed areas.

Hon. J. D. Teahan: No; but it would be better than providing nothing.

Hon. A. F. GRIFFITH: I am sure the Minister for Railways would not suggest two hours' notice in regard to his province for the sending of a telegram in connection with the calling of a meeting.

The Minister for Railways: Two weeks would be wanted in some places.

Hon. A. F. GRIFFITH: I suggest that the amendment is not practicable.

Hon. G. C. MacKINNON: It is obvious that some notice is reasonable, but I can find no definition of "notice." I put in two hours more or less as a minimum and to test the feeling of the Committee. I have not any clear idea of what it should be. In the case of Bunbury, two hours would probably be enough. Perhaps those with wider experience might give some thought to this. It would be possible for a mayor to arrange for a quorum that would be favourable to his line of action. That perhaps is an undesirable feature.

Hon. G. BENNETTS: I hope the suggestion of two hours will not be agreed to. The Norseman board takes in Salmon Gums and one members of that board lives 20 miles from Salmon Gums. I would say that at least 12 hours' notice would be required for him. If the hon. member wants to make a time, I suggest 12 hours at least.

Hon. G. E. JEFFERY: I suggest we leave the clause as it is. I oppose the amendment. In some areas two hours would be reasonable; whereas in others, 24 hours would be required. If we put two hours into the Bill, it might become the standard practice. Many men would have difficulty in getting to a meeting within two hours. Reasonable notice would vary according to the distance.

Hon. A. R. JONES: I suggest that the minimum time of the notice be decided by the local authority concerned.

Hon. L. C. DIVER: I think the clause should stand as printed. Take the position of the calling of a special meeting which is left in the hands of the chairman. In many country areas most members are in town on the days when the train goes through, and if the chairman finds they are there, he can have the meeting but he might not be able to do that if he has to wait two hours.

Hon. G. C. MacKINNON: The suggestion made by Mr. Jones is quite a good one, and Mr. Diver's example is reasonable. The greatest danger is in the small compact area.

Hon. A. F. Griffith: What is the definition of the word "reasonable?"

Hon. G. C. MacKINNON: Subject to examination by logic.

Hon. A. F. Griffith: Insert the word "reasonable" before the word "notice" and you might have something.

Hon. G. C. MacKINNON: I consider there is much more danger in regard to a small area, where it is easy to get the members, than in regard to a large one. I would be sorry to see this passed over. A.

reasonable time could be provided. I feel there is a need for a minimum time. I do not see what is wrong with the period of two hours because it would even fit in with Mr. Diver's suggestion where they all come in to meet the train.

Hon. H. L. Roche: Some have not got trains now.

Hon. A. F. GRIFFITH: Mr. MacKinnon's idea in bringing this forward is a good one, but I think he defeats his own object. We have over 100 road boards in the country and fewer in the metropolitan area. The provision of the two hours must apply to the greatest number. I think it would be impossible to lay this down so far as any country district is concerned. A local authority member who is a farmer may have gone out to do his day's work and then a communication arrives at his house. But he does not arrive home again until the evening, so although the two hours' notice has been given, he does not receive it. If Mr. MacKinnon put the word "reasonable" before the word "notice" he might have some possibility of success. To write in the provision of two hours and apply it to 120 road boards in the country, would not be practicable.

Hon. H. K. WATSON: I agree that while the two hours is sought to be included for a special purpose, it is implicit that it is considered sufficient for the man who might be hundreds of miles away, and that would defeat the object of the clause. Subclause (3) contains provision for at least 24 hours' notice and I think that the provision for notice in both Subclause (2) and Subclause (3) should be the same.

The MINISTER FOR RAILWAYS: As has been said, it is often left to the chairman to convene a meeting, when an earlier meeting has been adjourned in order to obtain information; but Subclause (3) applies where the mayor or president refuses or neglects to call a meeting and at least three councillors can sign a notice stating the business to be transacted and serve it on each of the other members of the council at least 24 hours before the commencement of the meeting.

Hon. A. F. Griffith: Would not that be a limitation in your area?

The MINISTER FOR RAILWAYS: It would be a limitation as to when they could hold the meeting because it might take a month up there to find a councillor and the meeting could not be held until 24 hours after notice had been served on him. I can recall when the town clerk of Carnarvon went astray with the finances and the Carnarvon Municipal Council held two or more special meetings in a day when a Government auditor and private auditors were brought from Perth to audit the accounts. Such a thing could occur again elsewhere.

Hon. G. C. MacKINNON: I think Mr. Griffith's suggestion that the word "reasonable" should be used might be a better solution. I ask leave to withdraw my amendment.

Amendment, by leave, withdrawn.

Hon. G. C. MacKINNON: I move an amendment—

> That the word "reasonable" be inserted—

The CHAIRMAN: We have passed line 13 and we cannot go back, under the Standing Orders, so the hon. member will have to move his amendment later on recommittal.

The MINISTER FOR RAILWAYS: I suggest that if the hon. member wishes to pursue it, he give further thought to it and deal with it on recommittal.

Hon. G. C. MacKinnon: I am quite agreeable.

Hon. A. R. JONES: I move an amendment—

> That after the word "meeting" in line 15, page 128, the following words be added:—"and such minimum notice of meeting to be at the discretion and decision of the council concerned."

If this amendment is agreed to the council will be able to make up its own mind as to what minimum notice shall be given.

Hon. A. F. GRIFFITH: The hon. member is referring to "a minimum" of which no mention is made in the preceding words.

The Minister for Railways: There is no need for any amendment of this nature.

Hon. H. K. WATSON: I think the proper solution is, as the Minister suggested, to move an amendment on recommittal, after members have had time to consider the question.

The CHAIRMAN: I think that is the best thing to do, but the hon. member has the right to move an amendment.

Hon. A. R. JONES: In view of the position I am quite happy to do that, and I ask leave to withdraw my amendment.

Amendment, by leave, withdrawn.

Hon. A. F. GRIFFITH: I want to draw attention to something the Minister said about the question of notice in Subclause (3). He said that where the mayor or president refused to call a meeting, councillors would be entitled to serve upon the other councillors notices convening a meeting; and he intimated that some considerable time might elapse before a meeting was called. Perhaps Mr. Heenan would tell us what the position would be if we refer to the service of a notice, as the

word "serve" could mean leaving the notice at the person's address. The Minister said one thing and implied another; and what he implied was that the service of notice would have to be personal upon the councillor. If that is what he meant to imply, it is necessary to add that the notice be served personally. Otherwise the person could have gone to the Eastern States for six months, but the provisions of the clause could have been carried out because the notice had been served.

Hon. H. K. WATSON: I think the answer to Mr. Griffith's question is contained in Section 31 of the Interpretation Act.

Hon. A. F. GRIFFITH: What Mr. Watson says is true, but it acts completely in reverse in the situation indicated by the Minister who said that one might be waiting for months before being served with a notice.

The MINISTER FOR RAILWAYS: I read it differently.

Hon. A. F. Griffith: Do the words "sent to each councillor" mean serving the notice on them personally?

The MINISTER FOR RAILWAYS: I should take it that they would.

Hon. A. F. Griffith: Under the clause as it stands now, the notice does not have to be served personally.

Clause put and passed.

Progress reported.

House adjourned at 11.52 p.m.

Legislative Assembly

Tuesday, 20th August, 1957.

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