negotiate satisfactorily with the partners whom they may have in mind in order that the whole structure will be a viable business working for the benefit of Western Australia.

I agree that the venture will not benefit the areas of Collie and Boddington only but will be of material benefit to the whole of the State. I wish it well and, therefore, I am prepared to support the second reading.

Debate adjourned, on motion by The Hon. A. F. Griffith (Leader of the Opposition).

House adjourned at 6.00 p.m.

Legislative Council

Tuesday, the 6th November, 1973

The PRESIDENT (The Hon. L. C. Diver) took the Chair at 4.30 p.m., and read prayers.

BILLS (10): ASSENT

Message from the Lieutenant-Governor received and read notifying assent to the following Bills—

1. Motor Vehicle (Third Party Insurance) Act Amendment Bill.
2. Official Prosecutions (Defendants' Costs) Bill.
3. Broken Hill Proprietary Company's Integrated Steel Works Agreement Act Amendment Bill.
4. Railway (Kalgoorlie-Parkeston) Discontinuance and Land Revestment Bill.
5. Adoption of Children Act Amendment Bill.
6. Iron Ore (Murchison) Agreement Authorization Bill.
7. Housing Loan Guarantee Act Amendment Bill.
8. Constitution Acts Amendment Bill.
9. Pay-roll Tax Act Amendment Bill.
10. Pay-roll Tax Assessment Act Amendment Bill.

QUESTIONS (2): ON NOTICE

1. POST OFFICES

Country Towns: Downgrading

The Hon. G. W. BERRY, to the Leader of the House:

(1) Is the Minister aware of an intention by the Postmaster General to downgrade 34 official post offices in Western Australia to unofficial post offices?

(2) (a) Has the Government had any consultation with the Commonwealth regarding the proposed downgradings;

(b) if not, does the Government intend having any consultation?

The Hon. J. DOLAN replied:

(1) Yes.

(2) (a) Yes. For the information of the Hon. Member, a copy of a report recently received from the Director of Posts and Telegraphs, Perth, is shown below. It will be noted that the action now proposed follows a survey made by the P.M.G's Department in 1970.

(b) Answered by (a).

REPORT

The situation is that because of the continuing financial losses incurred by the postal service of this Department, it has become necessary to review all phases of our operations where it might be possible to achieve economies without detracting from the standard of service. As a result of a recent survey conducted on a national basis the status of some 300 small official post offices is under review. Without exception, these offices are located in small centres where in recent years the volume of business has declined to the point where it no longer justifies retention of official postal staff.

In Western Australia there are some 38 small official post offices in this category and as opportunity offers the method of operation of each post office will be reviewed with the object of converting the offices to non-official conditions. There are, of course, a number of stipulations to be met before the conversion can take place; for example all the permanent staff concerned must be suitably placed elsewhere without disadvantage and we must be perfectly satisfied of the competence of the incoming Postmaster to conduct the office with full efficiency. Under the new conditions each office will offer the same range of postal and telecommunications facilities as at present and to the same standard.

In many cases the change will transfer the post office to new premises and the Non-Official Postmaster will conduct the office in conjunction with a new or existing business. In some cases, however, the post office will not be moved from the existing building and in a number of instances the

office will be conducted under self-contained conditions distinct from any other business.

In summary, I should like to emphasise that in none of the cases shown on the attached list will the post office be closed altogether. The change contemplated merely involves a different method of operation which will enable us to provide postal service rather more economically, but without any detriment or disadvantage to the communities concerned. The conversion process will, necessarily, be spread over a rather lengthy period and it is perhaps optimistic to believe that it would be complete within 3 years.

Small Official Post Offices to be considered for conversion to the Non-Official method of operation (based on preliminary survey in 1970).

Balingup
Capel
Coolgardie
Coorow
Cranbrook
Cue
Dongara
Dowerin
Dumbleyung
Gingin
Goomalling
Halls Creek
Hollywood R.G.H.
Kondinin
Koorda
Kulin
Leonora
Marble Bar
Mingenew
Mt. Magnet
Mundaring
Nannup
Narembeen
Nungarin
Onslow
Pemberton
Tambellup
Tammin
Three Springs
Toodyay
Trayning
Wickepin
Williams
Wittenoom
Yalgoo
Yarloop.

2. CORAL BAY HOLIDAY RESORT

Purchase

The Hon. G. W. BERRY, to the Leader of the House:

(1) Who was the purchaser of the Coral Bay hotel and caravan park?

(2) What was the purchase price?

The Hon. J. DOLAN replied:

(1) Mr. Norman F. Monck, Building Contractor, of Applecross.

(2) The purchase price is a confidential arrangement as between the Official Receiver and purchaser.

The Department concerned has consulted the purchaser who has asked that the price remain confidential. However, he recently informed the Press that the price he paid was in excess of $100,000.

EDUCATION ACT AMENDMENT BILL (No. 4)

Second Reading

Debate resumed from the 31st October.

THE HON. R. J. L. WILLIAMS (Metropolitan) [4.41 p.m.]: This is not a Bill of great importance. It merely tidies up some administrative matters and there is very little which appears to require comment.

In the first place, the Bill seeks to ensure that instead of three cheques being issued to private schools in the school year all the amounts will be lumped together and each school will receive one cheque. As the Minister pointed out, this procedure will lessen the administrative load on both the Education Department and the schools.

I would like to congratulate the Government on clause 3 of the Bill. The Premier announced in his 1972 Budget that the subsidy for school text books would be increased to $15 but the Government forgot to introduce the enabling legislation. Nevertheless, it is pleasing to report that the Premier's promise has been honoured.

Clause 4 caused some debate in another place. It places the onus of proof of a child's age upon the parent and not upon the department. This is quite reasonable. In a court of law the onus of proof is on the prosecution but this is one of the very few exceptions to the rule. Everyone would agree that where the parents are being prosecuted for an offence under the Education Act it is right and reasonable that if the defence concerns age the parent should produce the child's birth certificate.

Clause 6 relates to the Public Examinations Board or the Board of Secondary Education, and provides that a fee will be charged for a duplicate of the Achievement Certificate. As the Minister pointed out, this has been the practice of the Public Examinations Board, and a great deal of administrative work is involved in preparing duplicates of Achievement Certificates, in particular.

With those few remarks, I support the Bill.

THE HON. J. DOLAN (South-East Metropolitan—Leader of the House) [4.44 p.m.]: I thank Mr. Williams for his support of the Bill. He has mentioned matters which I raised in my second reading speech. None of the amendments is of a world-shattering nature. In the main, they deal with administrative matters and tidy up the relevant sections of the Act.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by The Hon. J. Dolan (Leader of the House), and passed.

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 4)

Second Reading

Debate resumed from the 1st November.

THE HON. CLIVE GRIFFITHS (South-East Metropolitan) [4.47 p.m.]: Mr. President, bearing in mind your contention that services rendered by a person should be adequately rewarded, and recognising that in the life of a member of Parliament there are many occasions when that does not occur, I would think that, when listening to the Minister's opening remarks and his later remarks on introducing this Bill, you must have found yourself with a lump in your throat, as I did. I refer to that part of the Minister's speech in which he went to such great lengths to ensure the House was fully aware that, amongst others, Mr. Claughton and Mr. Harman, M.L.A., were responsible for some of the amendments contained in the Bill. I am sure the Minister's gesture touched you, Mr. President, as it did other members in the Chamber.

This Bill to amend the Local Government Act gave rise to certain remarks by Mr. Logan which indicated he was concerned at some of the comments being made about local government by people who were uninformed. Unfortunately, I was ill on the day Mr. Logan spoke, but I want to tell him I agree with the comments he made in this regard.

Speaking broadly about local government, I am rather perturbed at the efforts being made which I believe are to the detriment of local government in this State. The one area in which I believe this is occurring is in relation to the proposition of the Commonwealth to have regional councils applying direct to the Grants Commission for funds. Not only is that proposition designed eventually to do away with State Governments, but it seems to me it is a devious way to bring about the eventual compulsory amalgamation of local authorities, so that in Western Australia we will finally finish up with 10 or 12 councils.

The Hon. L. A. Logan: Ten.

The Hon. CLIVE GRIFFITHS: Yes. Hence we will lose the intimate control inherent in local government, and also the association it has with the people it serves. I think local authorities should have a pretty good look at this situation because it seems to me it is another method being used by the Commonwealth and State Governments to ensure that there are less and less local authorities in Western Australia. The party to which I belong is, of course, opposed to this proposition; it supports the point of view that local authorities should carry on as they do at present to look after the affairs of the people of the State. I agree with the comments made by Mr. Logan when he spoke generally about uninformed people making suggestions about what local authorities should or should not do.

The Bill has 23 clauses, and the Minister had something like 45 pages of notes when he introduced it. I hope I will not need to say that much in my discussion of the measure.

The Hon. R. H. C. Stubbs: You will recall that I have been accused many times of not giving enough information.

The Hon. CLIVE GRIFFITHS: I am not criticising the Minister.

The Hon. R. H. C. Stubbs: In the future you will get plenty.

The Hon. CLIVE GRIFFITHS: Wait a minute; I certainly do not want the Minister to get the impression I am being critical of him. Indeed, I am not. He explained the Bill in great detail, and it is indeed refreshing to see that he has taken notice of the numerous occasions on which we have had to chastise him for being so brief.

The Hon. R. H. C. Stubbs: How many times?

The Hon. CLIVE GRIFFITHS: The occasions are too numerous for me to recall in the time I have available to me. Nevertheless, the Minister obviously has taken note of our criticism because he introduced this Bill with great lucidity.

Clause 3 provides for a definition of "town planner" to be inserted into the Act, and I have no argument with that. Clause 4, of course, is a different kettle of fish altogether because it provides that the town planner shall be given the same protection that now applies to shire clerks, engineers, health surveyors, building surveyors and treasurers. I have never been very enthusiastic about the provision in the Act which applies to those gentlemen. Therefore I suggest we leave the line

where it stands at the moment. I can see no reason why town planners should be included with the others.

The Hon. R. J. L. Williams: They are to be protected.

The Hon. CLIVE GRIFFITHS: They are to be protected to an extent which I believe is unnecessary. However, if there is some small reason why the others should be protected, it is because they are, I think, in a classification different from that of town planner. A town planner is not like a traffic inspector, shire clerk, building surveyor, or treasurer, who must deal with the everyday complaints of ratepayers. The latter officers bear the brunt of the everyday complaints made by ratepayers; but the town planner is in a different category altogether. He does not necessarily come into contact with the run-of-the-mill ratepayer; he is removed from that.

I just cannot agree with the extension of this provision to cover town planners. I do not agree with the provision as it applies to the other officers; but, being charitable and accepting the fact that it does apply, I think we ought to leave it there and not include town planners, otherwise we will get to the stage where other officers are included and local authorities will not be able to sack anybody. Personally, I intend to oppose clause 4.

Clause 5 provides for regulations to be made in respect of the qualifications which must be held by a town planner. Mr. Logan made some mention of this provision when he spoke to the Bill; and again I agree with his comment that the qualifications gained by a person at the Western Australian Institute of Technology are far superior to those gained elsewhere. So the officers concerned certainly should be brought within the scope of the regulations set down in respect of qualifications.

We have not seen these regulations as yet—at least, I have not seen them—and I look forward with great interest to seeing them. I am not opposed to the clause.

I am perfectly happy to agree with clause 6. Clause 7 makes provision for a councillor to vote if he happens to be present in the council chamber but not necessarily in his seat. I can see nothing wrong with that.

Clause 8 also seems to be okay, but I wish to pose a query in respect of proposed new section 174 (4), which states—

> (4) A person who is liable to disclose the fact that he has an interest in a matter shall not take part in the consideration or discussion of that matter at the meeting unless—
>
> (a) the interest that person has is, in the opinion of the Mayor or President, so remote or trivial that if he were to take part in any consideration or discussion he could not reasonably be regarded as likely to be influenced by that interest; or

I have no query in respect of that portion; the proposed subsection continues—

> (b) the persons present and entitled to vote at the meeting determine by an absolute majority on a motion, which motion may be moved without notice, that he may so speak.

It is in respect of paragraph (b) that I pose a question. Perhaps I am reading the provision incorrectly. The following is the definition of "absolute majority" in the Act—

> "absolute majority" where used in relation to the members of a council means a majority of the total number of the members for the time being of the council, whether present and voting or not.

This part of the Bill provides that an absolute majority of members of a shire council shall vote, in order that a councillor may be able to take part in the discussion on a matter in which he is interested. That means, at a committee meeting of the particular council of which he is a member, the councillor will not be able to obtain permission to take part in the consideration of a matter in which he is interested, because there would not be an absolute majority of the members of the shire council present at such committee meeting.

I presume that subclause (4) of clause 8 is meant to apply to meetings of the full council. I raise the point with the Minister that such a councillor will not be permitted to take part in the consideration of a matter at a committee meeting, unless in the opinion of the mayor or the president the matter is remote or trivial. I wonder whether the Minister intends the provision in clause 8 (4) shall apply as I have outlined.

I have no objection to clause 9, because it simply provides for local authorities to include museums in the categories over which they have the power to delegate authority to a committee.

The provision in clause 10 is a very good one, in that it imposes an obligation on a local authority, when it inserts a notice dealing with the introduction of by-laws under section 190 of the Act, to include a reference to the effect that any interested person may object to such by-laws. Up till now all that a local authority has had to do is to insert a notice setting out the by-law; a local authority is not under any obligation to publish the fact that ratepayers have the right to object within 21 days.

I cannot agree to clause 11 of the Bill. This relates to section 217 of the Act. It seeks to insert two new subsections which relate to the hours during which hawkers are permitted to operate. The proposed new subsections are as follows—

> (4) A by-law made under this section shall not permit the hawking of goods, wares, or merchandise, or the offering or exposing of goods for sale or hire otherwise than during the permitted hours.
>
> (5) In this section—
>
> "permitted hours" means—
>
> (a) the period between the hours of nine o'clock in the forenoon and noon on any day other than a Sunday or public holiday; and
>
> (b) the period between the hours of noon and five o'clock in the afternoon on any day other than a Saturday, Sunday or public holiday.

As I have said before, it seems we are constantly putting obstacles in the way of people who wish to make a living. If a hawker is considered to be an obnoxious individual, and one who ought not to be permitted to operate, then we should make his activities illegal and we should delete from our Statutes the provisions which permit hawkers to operate. If hawkers cause a great problem to the community, we should prohibit them from operating.

On the other hand, if we accept the fact that hawkers are permitted to operate—as we obviously do, because various Acts contain provisions dealing with their activities—we should permit them to make a living; we should not frustrate them or put obstacles in their way. We certainly should not prevent them earning a living by not permitting them to work the normal 40 hours per week, as is the practice in our community. The hours enumerated in clause 11 do not permit hawkers to work a 40-hour week.

We should not single out the hawker, and prohibit him from working the standard 40 hours per week. If he is considered to be an obnoxious individual, then the sensible thing to do is to ban his activities.

The Hon. A. F. Griffith: Or restrict his activities to such an extent that he cannot earn a living. That is what the Bill seeks to do.

The Hon. CLIVE GRIFFITHS: That is so. If the hawker is considered so obnoxious as to be a nuisance, we should ban him completely. I am getting heartily sick and tired of seeing introduced in this Parliament Bills which place obstacles in the way of people and prevent their earning a legitimate living. I do not agree that salesmen or hawkers should be permitted to knock at the doors of people at all hours of the day or night; but surely the reaction of the customers will stop the hawkers from calling at unreasonable hours, and will dictate the hours when they will be welcome.

This nation has been built up on the initiative shown by individuals who were prepared to work and make a living. Australia was built on their energy and their initiative. To ask Parliament to pass a measure which will prevent people from making a legitimate living is a miscarriage of the functions of Parliament. If it is considered that hawkers are objectionable, then the right course to follow is to ban their activities. If for some reason it is considered desirable and necessary to restrict their activities, let us do that; but at the same time they should be permitted to engage in their restricted activities within the normal working hours so as to enable them to make a living. Certainly we should not restrict their activities to a period of less than 40 hours per week. Accordingly I serve notice on the Minister that I intend to oppose the provision in clause 11.

Clause 12 deals with the implementation of certain uniform by-laws governing hoardings and signs. Basically I have no argument against such a provision, but currently when people move from one district to another they find different rules and requirements are applicable. If the measure hastens the day when some uniformity is likely to be achieved among the local authorities, I am prepared to support it. When speaking about uniformity in respect of by-laws, I want to make the comment I made when I spoke in the debate on the Local Government Act Amendment Bill (No. 3) in respect of uniform building by-laws. I said that if we were advocating uniformity in building by-laws, then I would like to see uniformity achieved; and that if the local authorities adopted uniform building by-laws the situation would not get out of hand. It will be necessary for us to look at what these uniform by-laws contain, because the crux of what I am saying will have a bearing on what ultimately will be the by-laws.

Another aspect is that uniform by-laws should also apply to the Crown. What purpose will be served by adopting a set of uniform by-laws governing signs and hoardings, if they are not made applicable to the Crown? If such by-laws do not apply to the Railways Department, the Main Roads Department, or some other Government instrumentality, then where is the uniformity?

I would ask the Minister to bear these comments in mind. We are prepared to support the principle of uniformity, but in so doing we say uniform by-laws should also apply to Government departments

and instrumentalities. No useful purpose would be served in requiring private individuals to accept the responsibility of keeping the environment tidy, by prohibiting them to erect signs that are objectionable to the people, if Government departments and instrumentalities are not required to comply with the same restrictions.

In the past we have seen some shocking instances of this in respect of the Railways Department, although I hasten to say that the department has since tidied up this aspect of its operations. However, there is someone living in the Claremont area who does not support what the department does, and on occasions he has chopped down what he considered to be offensive signs. Obviously he is not satisfied with the measures which the department has taken.

The Hon. J. Dolan: They were not railway hoardings.

The Hon. CLIVE GRIFFITHS: They were on railway land. I am suggesting the Railways Department could dictate the conditions under which such signs may be erected.

Clause 13 is similar in intent to clause 10. This makes it compulsory for local authorities, which insert notices in newspapers publicising by-laws, to include a reference to the fact that an individual or a ratepayer has the right to object.

Clause 14 seeks to amend section 360 of the principal Act by inserting a new subsection as follows—

> (3) A person who is entitled to claim under the provisions of section five hundred and sixty-one to be exempt from liability for the payment of rates or charges under this Act in respect of land on which he is in actual occupation as owner may claim to be entitled to exemption from the liability to pay a charge otherwise payable under this section in relation to that land and thereupon the provisions of section five hundred and sixty-one shall apply to the payment of that charge.

Section 360 confers on local authorities the power to do numerous things, including the building of driveways into private property, and charging the owners the cost thereof. Under this section of the Act, pensioners and others in that category are permitted to defer the payment of such cost, in the same way as they are permitted to defer payment of rates. I am perfectly happy with this provision being included.

Later in his speech notes the Minister referred to the fact that the Government had made a grant to local authorities equal to the long-term interest rate calculated on the deferred rates.

The Hon. L. A. Logan: Only on the interest.

The Hon. CLIVE GRIFFITHS: That is what I said; a grant equal to the long-term interest rate, calculated on the deferred rates. This is what has been made available to local authorities.

This provision, of course, is not built into the legislation; it is a gesture being made by the Government. I would like some indication from the Minister that this grant is likely to continue for some time; I would like the Minister to smile at me and indicate that the grant and the interest will continue to be provided by the Government. The Minister has indicated that it will be available, and I am very pleased to hear it.

The Hon. R. H. C. Stubbs: I did not say anything.

The Hon. CLIVE GRIFFITHS: I am pleased to see the Minister indicate that this is so.

The Hon. J. Heitman: He did not smile, however.

The Hon. G. C. MacKinnon: The expression was a smile.

The Hon. CLIVE GRIFFITHS: I am perfectly happy with the position, and I am sure that all other members of the House will also be happy with the provisions of clause 14.

The Hon. L. A. Logan: The problem has continued for some time.

The Hon. CLIVE GRIFFITHS: It has, but nevertheless it is a charitable gesture.

There is provision further in the Bill which will permit the council more leeway than it has now; it will enable the council to relieve the problem that has been built up.

Clause 15 will simply facilitate speedier action in regard to the matters handled by the building surveyor in the local council. There is nothing controversial about that; it is a good move.

There is nothing objectionable about the provision contained in clause 16 which deals with the handling and selling of stray stock. Against clause 17 I have the notation "okay", but I do not quite know what it is about.

The Hon. L. A. Logan: It deals with the selling of a house to an employee.

The Hon. CLIVE GRIFFITHS: That is right; it provides for the local authority to sell a house to an employee, and I can see nothing wrong with that

There was a great deal of publicity with regard to clause 18, which has never been acceptable. I intended to oppose the clause, but subsequently I crossed out a couple of words in my notes which indicated I would oppose the clause. My notes refer to the fact that the new amendment seems to be the same as the provision contained in the Act; at least so far as I can see. Although the provision is worded a little differently it is in fact no different

from what is provided in the Act and I certainly do not propose to offer any serious objection to it. The clause in effect, simply provides that if a member of the council incurs expense or loss of wages he may—

(a) claim the amount of his loss, if he can name the exact amount, providing it is under $20;

(b) if he incurs some loss or expense which he cannot calculate or which is in excess of $20, he can claim for $20.

I can see nothing wrong with that provision.

I intend to place an amendment on the notice paper in regard to clause 19 of the Bill. Perhaps I could suggest to the Minister that he does something about the matter. I suggest that the Minister add to subclause (4) of clause 19 on page 16 of the Bill the exact provision which is contained in clause 14 of the Bill on page 12. This will provide a great service to the people concerned and it will certainly invoke the favour of Clive Griffiths.

The clause provides for a local authority to serve notice on a property owner to remove any dangerous trees from his property; and further states that where a property owner does not take the action required in the notice served, the council may do the job and charge the person concerned for carrying it out.

I would indicate to the Minister that there are many old age pensioners—and I happen to have a couple in my electorate at the moment—who would dearly love to remove dangerous trees from their yards. Such trees are a hazard to the people concerned and they are also a hazard to the neighbours.

The trees in question have grown to such an extent that the expense to have them removed would, in one case, cost as much as $300 because of the specialised equipment and care necessary to remove such trees without damaging adjacent properties. It is apparent, therefore, that this could be a most costly proposition.

I wonder whether the Minister would extend to clause 19 the same charitable extincts he has displayed in clause 14, because this would be of great assistance to the people who are likely to be affected. The people concerned qualify under section 561 of the Act and are permitted to have their rates deferred; and it would be of tremendous assistance if the same people —if they desire this to be done—could also have deferred the cost of removing dangerous trees. Such a provision would only apply to a handful of people in this State.

The Hon. S. J. Dellar: The council can take action.

The Hon. CLIVE GRIFFITHS: The council may take action and charge the people concerned. I am not against the measure. I think the requirement is desirable in such legislation because we all know of innumerable instances where trees are obviously dangerous.

I therefore ask the Minister again if he would extend to pensioners—those who qualify under section 561, and are permitted to have their rates deferred—the privilege to have deferred the cost of removing dangerous trees. This would obviate their having to suffer any undue hardship even though it would be one of the burdens which the local authorities have to carry.

I say this, because further on in the Bill provision is made for local authorities to borrow money equivalent to the amount of money owed to them under section 561 of the Act.

The Hon. R. H. C. Stubbs: I will have a look at the matter.

The Hon. G. C. MacKinnon: What would constitute a dangerous tree?

The Hon. CLIVE GRIFFITHS: There is a house in Victoria Park, in particular, which has a huge jarrah tree, or some other ugly looking tree—

The Hon. G. C. MacKinnon: I beg your pardon!

The Hon. CLIVE GRIFFITHS: I do not suggest for one moment that jarrah trees are ugly. This jarrah tree, however, appears to be one that has grown in the dark; it does not seem to know quite where it is going. A huge section of the tree to which I have referred extends into the property of the next door neighbour where a duplex has been built. It is hanging precariously over the neighbour's house. The old lady who lives in the place would be glad to have it removed.

The Hon. G. C. MacKinnon: Trees like that last for hundreds of years in the bush.

The Hon. CLIVE GRIFFITHS: I have seen trees in the bush which have lost their boughs and others which have fallen over. Large branches break off and quite often trees are uprooted.

The Hon. G. C. MacKinnon: Does that mean we must not grow trees?

The Hon. CLIVE GRIFFITHS: Not at all; I merely say that when a tree is dangerous it should be removed. The Bill does not provide for every tree to be removed.

The Hon. G. C. MacKinnon: What makes a tree dangerous? Not just one tree, but generally speaking.

The Hon. CLIVE GRIFFITHS: I do not know.

The Hon. G. C. MacKinnon: That's all I want to know.

The Hon. CLIVE GRIFFITHS: But obviously some trees are dangerous and do provide a hazard.

The Hon. L. A. Logan: By observation.

The Hon. CLIVE GRIFFITHS: Either by observation, or it can be seen to be dangerous by the local engineer climbing up and having a look at it. I do not know how we can arrive at a decision that a tree is dangerous, but some trees certainly are dangerous and they do constitute a hazard.

The Hon. R. H. C. Stubbs: We had to cut some of them down in St. George's Terrace.

The Hon. CLIVE GRIFFITHS: That is so. I do not want to enter into a long argument about the matter and the Minister has said he will have a look at the position with a view to making the concession.

The Hon. R. H. C. Stubbs: I said I would look at it.

The Hon. CLIVE GRIFFITHS: If the provision concerning rates being deferred should apply in clause 14, it should apply equally in the case to which I have referred. On the one hand we cannot say that we should be charitable to pensioners and permit them to defer the payment of costs for the construction of driveways into their property, etc., while on the other hand say we should not be charitable to them when it comes to permitting them to defer the cost—which could run into $300 or $400—of removing a dangerous tree from their property. There would be only a few such people involved.

I have no objection to clauses 20 and 21. Clause 22 was the clause to which I was referring in relation to the comment made by Mr. Logan concerning the additional burden being placed on local authorities as a result of rates and charges being deferred. Clause 22 provides that—

> ...a council may, with the written consent of the Minister, obtain advances from a bank on overdraft of an amount not exceeding the amount of the rates so postponed in that year.
>
> (2) The amount of rates so postponed and the advances received under this section shall both be shown in the budget of the municipal fund.

Earlier I pressed the Minister to indicate whether the Government grant in regard to the interest rate would be continued. Providing it is continued and the Government pays the interest on that money, the grant will pay back the interest.

The Hon. R. H. C. Stubbs: The local authorities will borrow the money and we will pay the interest.

The Hon. CLIVE GRIFFITHS: That is what I am saying.

The Hon. L. A. Logan: The local authorities will still pay the capital.

The Hon. CLIVE GRIFFITHS: Of course they will. Surely to goodness if someone borrows money to complete a job that person has a responsibility to pay it back! The money will be virtually free of interest. I cannot think of any organisation or individual unwilling to borrow money free of interest; and that is virtually what this clause provides, so long as the Government continues to make the grant. By way of interjection, the Minister indicated the Government intends to continue this practice. I needed to know; and that was my reason for asking him earlier what the situation would be.

For this reason no appreciable burden will be placed on local authorities if the Minister accepts my suggestion to incorporate a provision in clause 19.

The Hon. R. H. C. Stubbs: I will talk to the local authorities and obtain their reaction, because they must carry the burden.

The Hon. CLIVE GRIFFITHS: We have just this moment agreed that there will be no burden.

The Hon. R. H. C. Stubbs: I do not know. I will talk to local authorities and, as I have said, I will look into it.

The Hon. CLIVE GRIFFITHS: I hope the Minister means he will do this during the time the measure is before the House.

The Hon. R. H. C. Stubbs: Of course I do.

The Hon. G. C. MacKinnon: Is this a private conversation or can we all listen?

The Hon. CLIVE GRIFFITHS: Mr. MacKinnon can make some comment from time to time. I am afraid I cannot become terribly enthusiastic over clause 23, which is the last provision in the measure. It states that the Police Department may opt out of the responsibility of enforcing parking restrictions in local authority areas when the local authority concerned has adopted a set of parking by-laws.

I think the provision is unnecessary and I cannot see any reason for the police to be relieved of this responsibility. However, it is not of sufficient significance for me to indicate I will vote against the clause. In fact, it is probably not of great moment, one way or the other, but I believe the Police Department still ought to carry out its duties of apprehending people who are parked illegally, wherever that may be—whether or not it happens to be in an area where a local authority has by-laws.

The police in Western Australia do an extremely good job and certainly do not abuse their powers. I am sure the police would be quite willing to continue to undertake the work which they now do and, furthermore, I do not think this is a great burden on them. It is for this reason I am not terribly enthusiastic about the provision; but, as I have said, it is probably not of great consequence one way or the other.

With those few remarks, I support the second reading of the measure.

THE HON. J. HEITMAN (Upper West) [5.35 p.m.]: Before commencing to speak to the measure, like Mr. Logan I wish to talk about the regional councils which have been set up by the Commonwealth Government.

I have looked through the *Hansard* dealing with the debate on the Supply Bill and, at the time, the Minister in charge of local government told us that it would be up to the local authorities to form their own regions. At that time the Minister did not know how many local authorities would constitute a region, but he definitely told the House it would be up to the local authorities to form their own regions and they would work from that basis.

More than a few words were spoken on this matter on that occasion and I am sure the Minister must feel disappointed indeed to know the local authorities have had no say at all in forming the regions. Instead, the local authorities have been pushed into certain regions. Whether or not a particular region suits a particular local authority is a different matter altogether.

I am sure the Minister must now be extremely disappointed to know the local authorities did not have some say in their own destiny. It appears to me—as it does to many others—it is the Australian Government's view that it should take over local authorities.

The Hon. A. F. Griffith: Do not use the expression "the Australian Government".

The Hon. J. HEITMAN: That Government feels local authorities should be divorced from their State connections, taken in under a Grants Commission basis, and supplied with money under that scheme.

During the debate on the Supply Bill I think the Minister was asked whether local authorities would still receive the road aid grants of which they have been able to avail themselves in the past years. I think the Minister said local authorities would receive these grants but the actual amounts of money under the new system would be in excess of that received up to date. I wonder whether the Minister still feels that way; namely, the money from the Grants Commission will be in excess of the road aid grants which have been given up till now.

The Hon. R. H. C. Stubbs: Did I say that?

The Hon. J. HEITMAN: If this is to be the case it may place a different complexion on the experience we have had in connection with regional setups.

The Hon. R. H. C. Stubbs: What experience have we had?

The Hon. J. HEITMAN: We have not had any. Everything the Minister has been told has not turned out the way he thought it would.

The Hon. R. H. C. Stubbs: Wait and see.

The Hon. J. HEITMAN: Certainly this matter has not. I say the Australian Government has taken the State Government for a ride.

The Hon. A. F. Griffith: "The Commonwealth Government".

The Hon. J. HEITMAN: It calls itself "the Australian Government".

The Hon. A. F. Griffith: I know it calls itself that.

The Hon. J. HEITMAN: I thought at first that the expression was a whim on the part of the Commonwealth Government but I understand the Commonwealth Constitution has been altered and, in fact, the Federal Government is not called the Commonwealth Government any longer; instead, it is called the Australian Government. In fact, it is a central Government which wants to take over everything it possibly can from the States.

I am upset to think that we are to be saddled with this setup. We will be forced to accept that local authorities will be governed under the Grants Commission. Further, there are to be only 10 regions in Western Australia. This is distressing to the people I represent in the Moora, Dandaragan, and Victoria Plains areas. These local authorities will actually come into a metropolitan area region.

The Hon. A. F. Griffith: The State Government seems to like this.

The Hon. J. HEITMAN: It seems agreeable, in any event, and I certainly do not like this setup. Imagine people in the areas I have mentioned being forced to come to the metropolitan area to sort out their problems along with metropolitan local authorities. An approach will then be made to the Grants Commission which will then decide the cut of the cake the local authorities are to receive. This will be a poor situation indeed.

The northern zone of the Country Shire Councils' Association has now been extended to include Exmouth, Carnarvon, and the Murchison areas. In addition, it comes right down to Perenjori and across to Coorow. Dalwallinu, which has been in the northern ward of the Country Shire Councils' Association is to come into a ward together with 27 other shires and that ward will extend right down to the other side of Beverley.

No consideration has been given to any of the shires. No thought has been given as to whether their boundaries, in a regional setup, would be comparable with the boundaries which they now have. I am quite sure that agricultural areas, if they are to be fused in with metropolitan areas, will not receive much from a Grants Commission setup.

The Minister says we should wait and see. I am not at all interested in waiting and seeing. We should rise as a body and

say that we will not accept this; that we want the finance to come through the State in the manner in which it did in the past.

At the moment we know we can approach the Main Roads Department and argue a point as to whether more money is needed—and how much more is needed. The regional setup is an attempt to take away from the State Government the responsibility for education and hospitalisation in country areas. The Commonwealth Government is trying to set up regional councils in the manner in which they are set up in the United Kingdom and other places. In the United Kingdom the regional councils have a tremendous amount of money to handle. The position in our case is quite different. People who work for local authorities do so on a voluntary basis and would not have time to police education, to set up hospitals, and to attend to a host of other matters which, I understand, the Commonwealth Government wants them to do now.

I am extremely disappointed that this has been allowed to develop without our State Government attempting to raise any objections at all. The State Government should have risen up and told the Commonwealth Government where to get off; that it was not prepared to go along with such an arrangement.

The Hon. A. F. Griffith: The State Government is subservient to the Commonwealth Government.

The Hon. J. HEITMAN: The State Government may like the idea of the Grants Commission. Perhaps we should approach matters differently and instead of granting $265,000,000 in supply, we should apportion it in smaller amounts at certain intervals, ensuring that the Government states on what the money will be spent.

This is what the Commonwealth Government wants the local authorities to do. Local authorities will not even be allowed to talk in their own language to the Grants Commission. Instead, they must submit a case in writing to some other body which will submit it to the Grants Commission. The other body or organisation will weigh up the pros and cons and say whether it can handle the sort of finance necessary to do certain work. It is beyond me!

Every local authority in Western Australia is working on a voluntary basis. Members of the local authorities are proud to do things for their districts. Local authorities will now be grouped together and will be dependent upon the Grants Commission to obtain finance which is so badly needed to build roads and provide amenities in the various districts.

If I carry on in this vein, I will become extremely worked up. I simply cannot swallow this, especially when I know that the Government in this State has not lifted a finger to try to stop this happening. Instead, the State Government thought this was the shot; that it could get rid of the responsibilities of local government by handing over the financing of it to the Commonwealth Government.

As Mr. Logan has said, most of the shires have borrowed so much money that, at the present time, all their rates are not sufficient to cover their loan repayments. We must realise that local authorities do not want loans; they want grants. They want money to improve and bolster the amenities in their districts. They need enough water to allow them to create ovals and provide decent areas of recreation for the people. They also need water for swimming pools, bowling greens, and the like. These facilities are taken for granted in the metropolitan area but often they are simply not available in country districts.

Local government is something which should be handled on a State basis. The State Government should not be willing to hand over the whole responsibility to the Federal Government and the Grants Commission. I think I should leave that aspect and proceed with the Bill.

The Hon. R. H. C. Stubbs: I was hoping you would. You have spent a quarter of an hour on that.

The Hon. J. HEITMAN: I could spend four or five hours on this subject and I still would not express all my thoughts on it. I am not satisfied about it, and the people whom I represent are not satisfied.

The Hon. R. H. C. Stubbs: I want to know what you say about the Bill.

The Hon. J. HEITMAN: The Minister is lucky that I spent only 15 minutes on this subject when it is of such momentous importance. If I had four or five hours, I could really tell the Minister what I think.

The Hon. R. H. C. Stubbs: I am patient.

The Hon. J. HEITMAN: The Minister does not care, and that is why local government is being thrown to the dogs. It is being given to the Commonwealth Government—the Australian Government the Minister calls it.

The Hon. R. H. C. Stubbs: That is right.

The Hon. A. F. Griffith: They love this sort of thing.

The Hon. D. K. Dans: The voice of the prophets.

The Hon. J. HEITMAN: To return to the Bill; we must all agree with quite a few of its provisions. I do not like clause 5 whereby it is proposed to add the expression "town planner" after the list of persons who cannot be sacked but only suspended by the shire. The town planner will now be in the same category as the shire clerk, the engineer, the treasurer, and the building surveyor. This is simply

adding one more person to the list of employees who cannot be dismissed—they may only be suspended from their work. At the present time I believe we are coming to something of a showdown in local government. As I have already said, the shire councillors work in a voluntary capacity and sit in judgment on everything that goes on in the district. They carry out the work set out for them by the shires or municipalities. However, we do not seem to have sufficient confidence in the councillors to say they should know whether or not a person is a fit and proper person to undertake the work for the shires. They cannot hire and fire, as I think they should be permitted to do.

Each year we find another officer of local government is added to the list of untouchables. This is nothing new; we find at the present time that at Mt. Newman a strike has followed the dismissal of an employee for not driving a train properly. He was dismissed for doing damage to property and for not doing the job he was supposed to do. We now have a strike in the area because this man was fired.

The Hon. L. A. Logan: He was not dismissed; he was demoted.

The Hon. J. HEITMAN: This has happened before. People will go to no end of trouble and are prepared to lose a considerable amount of their wages over the dismissal of an employee who is not doing his job properly. At the present time the people employed in the positions mentioned in the Act cannot be dismissed without an inquiry into a specific incident. However, I suppose we must go along with the provision. It would be a terrible thing if local government went on strike—all the shire clerks and the men on the local authorities —because a man had been dismissed when he should only have been suspended.

The Hon. A. F. Griffith: I wish the State Government would go out on strike—we might have an early election.

The Hon. J. HEITMAN: I will now move on to clause 7.

The Hon. R. H. C. Stubbs: We are now making progress.

The Hon. J. HEITMAN: This provides that everyone at a meeting may vote by saying "yes" or "no" to the proposal before the meeting. If a member objects to this method of voting, he may ask for a show of hands. Councillors do not shout "divide" as we do here. The clause is quite acceptable to us.

Clause 8 refers to a member of a shire or a municipality who has a pecuniary interest in the matter before a meeting. A member in this position may tell the shire clerk in writing that he has a pecuniary interest in such a matter. It is then up to the chairman of the shire to decide whether the interest is of such a trivial nature that the member may vote on the subject before the meeting. If the particular member forgets he has a pecuniary interest in a certain matter and votes without informing the shire clerk of his interest, he can be liable to a penalty of $400. This seems to me to be a rather high penalty, as everyone can make a mistake.

The provision will certainly ensure that the business of the shire is conducted properly, because no-one will be prepared tc risk a $400 penalty. Councillors are given every opportunity to declare a pecuniary interest, so I believe we must agree to this clause.

Clause 10 provides for the insertion of three new subsections after subsection (5) of section 190, and in my opinion these new subsections enhance the Act. Proposed subsection (5a) will permit ratepayers 21 days in which to lodge an objection in writing to the shire after notice of a proposed by-law is published in a newspaper or posted on a notice board. When the shire submits the by-law to the Minister for inclusion in the *Government Gazette*, all written objections must be included. Of course, the Parliament will still have the opportunity to look at the by-laws after they have been gazetted. This gives the ratepayers a chance to be heard when by-laws are proposed. In the country districts I believe most ratepayers are advised, by one method or another, of any new by-laws.

Clause 11 seeks to amend section 219 of the principal Act which relates to hawkers. Proposed new subsection (4) provides that the hawker may sell his goods only during specified times. This may be all right, but I believe country people are not worried by hawkers who attempt to sell their own produce. Such people obtain a license from the local authority and, of course, they must pay rates equivalent to those paid by the shopkeepers. Perhaps it is better that they may only sell their goods between 9.00 a.m. and 5.00 p.m.

The Hon. R. H. C. Stubbs: The provision is to protect ratepayers in the country.

The Hon. J. HEITMAN: I would like to ask whether this will stop the icecream vendors from operating on a Sunday.

The Hon. R. H. C. Stubbs: I will have to look at it and I will let you know.

The Hon. J. HEITMAN: We have had this problem before with the Perth City Council.

The Hon. R. H. C. Stubbs: I do not think this provision will cover such operations.

The Hon. J. HEITMAN: That is why I am asking the question.

The Hon. R. H. C. Stubbs: I will look at it.

The Hon. A. F. Griffith: Why should they be restricted to those hours? Why restrict the man who desires to sell his wares in the cool of the evening?

The DEPUTY PRESIDENT: Order!

The Hon. J. HEITMAN: We will go along with this provision, as long as it does not prevent the icecream vendors from operating outside these hours in the metropolitan area. That would be a cruel thing to do after they have complied with all the rules and regulations laid down by the Perth City Council.

The Hon. A. F. Griffith: I think you will find it is aimed at those people.

The Hon. J. HEITMAN: Clause 12 seeks to amend section 218 of the Act which relates to advertisements and hoardings. From time to time problems have arisen in respect of advertisements, especially those on main roads. If I remember correctly, quite a heated debate occurred between local authorities and the Main Roads Department as to who was responsible for policing the regulations in relation to hoardings along the roads.

The Hon. R. H. C. Stubbs: This is the result of a committee set up in Mr. Logan's time.

The Hon. J. HEITMAN: I believe the problem to which I have referred has now been overcome. However, the Bill before us proposes to set up a tribunal to hear appeals on this question. Over the years I have been associated with local government a tremendous number of tribunals of one kind or another have been set up at different times. The proposed tribunal will comprise four members—a chairman appointed by the Minister, a person who is nominated by the Local Government Association, an architect recognised as an expert in the field of town planning, and a building surveyor. The members of this tribunal will all be expert in some field, but I wonder whether local government could not handle this aspect itself. Where a dispute arises in respect of advertising in towns and on the roads approaching towns, surely the Department of Local Government and the Local Government Association could determine the issue without cost to the ratepayers. I believe this would be a better set-up than the one proposed. Local authorities are quite capable of handling their own affairs—they can say whether or not a sign or advertisement is a proper one.

I ask the Minister to examine this matter. I do not believe we need people with knowledge of town planning and building surveying to decide these questions when already two government departments have a code in relation to advertising; and I am referring to the Western Australian Government Railways and the Main Roads Department. Will an architect with a knowledge of town planning know anything about advertising? Will a building surveyor have any knowledge of advertising? Why not use the codes laid down by the W.A.G.R. and the Main Roads Department in conjunction with the local authorities? This would not be nearly as costly as setting up a tribunal. Each local authority could lay down its own rules and regulations and decide whether or not a particular hoarding is acceptable.

The provision contained in clause 13 is very similar to that contained in clause 10. However, this clause provides that proposed by-laws must be posted on a notice board whereas clause 10 provides that they must be published in the Press as well. The clause deals with the same problem of setting up a place so that ratepayers may view by-laws proposed by local authorities

Clause 14 exempts the pensioner from paying half the cost of entry to his lot. This is a principle similar to that applying in section 561 in respect of rates. It may be quite all right, but I believe if a pensioner can run a car, it is not a bad idea that he should pay half the cost to put in a driveway to his house. However, I will not oppose the provision because, as Mr. Logan said the other day, he is on the verge of becoming a pensioner and he may be looking for some help to have a driveway put in. So I will say no more about that. He will probably tell me he already has a driveway.

Clause 15 seeks to amend section 374 by delegating the authority of the council to its building surveyor or town planner to carry out, in the name of the council, building work or town or regional planning. The clause then goes on to state that the council will be responsible as if the work had been carried out by it. That provision is also quite sound, because I do not think a local authority would wish to be placed in a position different from that of anyone else.

The next clause—clause 16—seeks to amend section 460. This applies to the impounding of cattle or stock. In the past a person had to place stray cattle in the town pound; he would then advise the local authority what he had done; and, under the by-laws of the local authority relating to the impounding of cattle, the cattle so impounded would be advertised for sale. The amendment contained in clause 16 seeks to provide that if no pound is available within five kilometres, or where the capacity of the pound is exhausted, the cattle can be impounded on private property. The person impounding them would then advise the local authority to sell such cattle after the usual advertisements had been placed in the local newspaper and members of the public notified accordingly.

This provision is nothing new, because I can recall that it was used in the 1920s. Of course at that time there were few towns in which cattle could be impounded. The clause is quite sound, because it is necessary to have a place where cattle can

be impounded as it is often difficult to move cattle along a road to place them in a pound.

The Hon. R. H. C. Stubbs: It is becoming more difficult with the increase of traffic on the roads.

The Hon. J. HEITMAN: Yes, much more difficult, and, as I have stated, I consider this clause to be quite sound.

Clause 17 seeks to permit a shire to sell a house to any of its employees. I think this provision is fully warranted. For the life of me, however, I cannot see the reason for the amendment contained in clause 18. The clause seeks to amend section 513, and I do not consider there is any need to do much more than amend the amount of "ten dollars" mentioned in the final line of paragraph (h). In other words, the amount of $10 could be increased to $20. If such an amendment is not agreeable to the Minister then perhaps he is looking forward to the day when a councillor will be paid $20 a day for attending each meeting of the council in addition to travelling expenses. I have spoken to the representatives of several councils in regard to this amendment, and if I remember rightly the Minister, in his second reading speech said that the Country Shire Councils' Association was agreeable to this.

The Hon. R. H. C. Stubbs: It came from one of the councils.

The Hon. J. HEITMAN: On my making inquiries in regard to the clause I found the shire councils were not agreeable to the amendment in the Bill, and this is the reason for an amendment to the clause being placed on the notice paper. All that is required is to make an amendment, as I have said, in the final line of paragraph (h) of section 513.

The Hon. R. H. C. Stubbs: It was never intended that all shire councillors should be paid for attending council meetings.

The Hon. J. HEITMAN: I am pleased to hear that and I am certain that the people throughout the country districts will be pleased to hear it also. For the information of members, I will quote the last three lines of paragraph (h) of section 513 as follows—

> . . . the amount of the expenses and either the loss so incurred, or ten dollars whichever is the lesser amount.

I suggest that the word "ten" could be deleted in that line and the word "twenty" substituted.

If that amendment were agreed to it would permit a shire councillor to claim, if he so desired, $20 to cover any losses incurred by him as a result of attending a council meeting. When I spoke to representatives of local authorities concerning this provision I discovered it was very controversial.

The Hon. R. H. C. Stubbs: Many farmers could not prove that they had lost earnings.

The Hon. J. HEITMAN: I have not met many farmers who would wish to claim anything for attending a shire council meeting; they consider it an honour.

The Hon. R. H. C. Stubbs: Some districts have requested the amendment in the Bill. Some made representation to their associations, and that sort of thing.

The Hon. J. HEITMAN: It is purely a question of some people having a different view from others.

The Hon. R. H. C. Stubbs: Obviously, but shire councillors do not have to claim for the amount specified.

The Hon. J. HEITMAN: In speaking to clause 19, I heard Mr. Clive Griffiths ask when a tree was safe and when it was not safe. If a tree is unsafe it should be removed for the safety of the people in the vicinity, and either the owner of the property on which the tree is growing, or the shire council, should be required to pay the necessary cost of its removal.

The Hon. J. Dolan: Certain trees, like Moreton Bay fig trees, have large limbs and they often snap off without any warning. They are dangerous trees, but how can you tell at what point they constitute a danger?

The Hon. J. HEITMAN: I will now deal with clause 21 which seeks to amend section 556. This section grants power to appoint a deputy to act as registrar of a valuation appeal court. When so appointed the deputy has the same powers as a registrar. This is quite a sound clause, because I have known a registrar to take sick in one or two instances and the sitting of the appeal court has had to be postponed until he recovered. Naturally this has caused inconvenience to many people because invariably they set aside the day on which the appeal court is to be held and if the holding of the court is postponed their time is wasted. However, under the provisions of clause 21 a deputy will be able to carry on in the place of the registrar who happens to be absent because of sickness or for some other reason.

The only other clause I wish to speak on is clause 23 which seeks to add proposed new section 599A after section 599. This proposed new section will allow the police to opt out of their parking duties where a shire has parking by-laws. For example, the Perth City Council has parking meters throughout the streets, parking areas and also buildings for the purposes of parking; and it has framed by-laws to cover all of these. Therefore it is only fair in such instances to allow the police to opt out. By collecting revenue from its parking meters and from its parking areas the Perth City Council is receiving

more parking revenue than the Police Department and therefore it should be responsible for meeting the cost of carrying out the duties in respect of parking, especially when that authority is receiving the only income that is available to administer parking activities.

The Hon. J. Dolan: The Fremantle City Council is in the same position as the Perth City Council.

The Hon. J. HEITMAN: I agree with the objective the Minister is trying to achieve, because there is no point in employing two men to do a boy's job. Therefore I consider clause 23 is a sound provision. I will support the Bill and will have more to say when it reaches the Committee stage.

Sitting suspended from 6.08 to 7.30 p.m.

THE HON. N. McNEILL (Lower West) [7.30 p.m.]: In considering the amendments before us I am pleased that other members have already expressed their dissatisfaction concerning the regional structure proposed under the Grants Commission Act recently enacted by the Commonwealth Government.

I would like to draw attention to the situation in which some local authorities find themselves; a situation similar to that in which local authorities in the province of Mr. Heitman have found themselves. I have on another occasion drawn attention to what I consider to be *obnoxious features of the legislation* in that they give the opportunity to the Commonwealth Government to bypass administration by the State of certain provisions of the Local Government Act. Indeed, I went further and expressed a doubt as to how long it would be before the State Government would be unable to administer any of the provisions of the Local Government Act if this trend continued.

In relation to the operation of the regional structure, it has been brought to my notice in recent days that, as Mr. Heitman has said, the councils concerned—and all councils are concerned—have been given insufficient time in which to form a basis for their applications for membership of any of the regions. We must bear in mind that the information made available to us is that, under the Grants Commission Act, 10 regions will be established in Western Australia. However, I will concern myself at the moment with those shires which come within what is described as region 2; that is, the Perth region. This includes certain shires within my province and in the last few days one of them—the Murray Shire—has expressed its concern in that it has not been given an opportunity to make application for membership of a region.

In the region described as the Perth region there are included such country shires as Victoria Plains, Moora, Boddington, and, within my province, Murray, and Mandurah. While the Mandurah Shire may believe it is desirable to be considered part of the metropolitan region for certain purposes, it is my understanding that it may not necessarily wish to be regarded as part of the metropolitan region for the purposes of the *Grants Commission Act*.

The situation concerning the Murray Shire, with which I am more fully acquainted, is that it has been given no opportunity at all to consider the matter. In fact, it first realised it was to be included in this region when it received a notification from the Department of Local Government in this State. In view of its concern it sought discussion with me and I thought it appropriate to acquaint the House with the contents of a circular the shire recently received. It was No. 255, dated the 31st October, 1973, and was sent by the Secretary for Local Government (Mr. Paust). It is headed, "The Grants Commission", and although I will not read all the circular, I think it is appropriate to refer to particular portions. In the first instance it quotes section 17 of the Grants Commission Act, 1973, as follows—

> The Minister for Urban and Regional Development may, after consultation with the appropriate Minister of State concerned, approve an organisation or body that represents, or acts on behalf of, the local governing bodies established in a region as an approved regional organisation for the purpose of this Act or revoke or alter such an approval.

The circular then reads—

> The Grants Commission requires immediately, from each council, a copy of its Annual Statements for the past five years, and a copy of the 1973/74 Budgets. If the Statements for 1972/73 are not completed, a copy of the Budget for that year should be forwarded.
>
> The address of the Grants Commission is—
>
> Construction House
> 217 Northbourne Avenue
> CANBERRA A.C.T. 2601

Needless to say the council was in somewhat of a quandary. First of all it had not made a decision concerning the region of which it wished to become a part; and, secondly, it had had insufficient time in which to consider the implications. However, at the outset it certainly expressed grave apprehension about the whole matter.

It is understood that within the operations of the regions only one representative of the region will be permitted when a case for assistance is being presented to the Grants Commission. Members must bear in mind that the Perth region consists at the present time of all the metropolitan

shires plus those additional country shires to which Mr. Heitman and I have referred. The population is in excess of 700,000 people, if I remember correctly. Consequently it is obvious that the country shires will have very little voice in the presentation of a case for assistance. It is also understood that if a shire is dissatisfied with its region, it can apply to be transferred to another region.

We cannot forget the point that very little consultation has been held with the shires concerned, as to how the scheme may operate in their best interests, despite the fact that we are led to believe the scheme has been devised for that purpose; that is, to operate in the interests of the local authorities.

I quoted from the circular to draw attention to the fact that the decision will be made and approval given by the Minister for Urban and Regional Development in Canberra; not by the State Minister for Local Government. The circular continues—

> In future years the Commission requires a copy of the Annual Statements and Budgets to be forwarded to it direct.
>
> A set of forms required to be supplied by each council has been prepared by the Grants Commission, and copies of these forms, with covering instructions will be forwarded by the Grants Commission, direct to each council, in the very near future. These forms are in addition to the Annual Statements and Budgets required by the Commission.

I am sure members—and particularly those who have had experience in local authority work—will require little imagination to realise that a considerable burden will fall on the staff of local authorities in the preparation of additional material. The very fact that they would be required to forward statements concerning the past five years is an indication, if nothing else is, as to how deeply the Grants Commission will investigate the circumstances of each local authority.

I suggest that those statements will not reveal the full circumstances of any particular local authority. They will be simply a financial report or record; and a great many other matters and practicalities will be of much more moment in the consideration of the extent of assistance which should be afforded under the legislation. It is also an indication to local authorities of the extent to which the Grants Commission will be looking over the shoulder, metaphorically speaking, of every shire clerk and administrative body within local authorities in Australia.

I believe that local authorities have sufficient administrative burdens at the present time without their having additional burdens placed on them as a result of legislation of this nature. I further believe that while local authorities require extra assistance from the Commonwealth Government, a great deal of the administrative obstacles could have been avoided had these applications been dealt with on a State basis, which is the basis to which we have been accustomed. The Commonwealth could simply have made the appropriate amount of funds available to the State authority for administration by the Department of Local Government and Minister for Local Government in each State. I am quite sure that our Minister and his department would have been far better placed in apportioning that money than will be the situation with a structure which is centralised in Canberra.

The regional structure as we know it will be simply a grouping together of a number of shires which presumably have been arbitrarily selected and apportioned. As we understand it there will be no structure which will provide for the satisfactory disbursement of funds allocated to that region. These decisions will rest entirely with the Grants Commission itself.

I emphasise that only one representative will be permitted to attend the Grants Commission in person in order to make submissions on behalf of the entire region. I come back again to the point I made earlier; that is, what chance will country local authorities or small metropolitan authorities in region No. 2—the Perth region—have in a massive structure of that nature? They will have very little chance indeed to gain the kind of financial assistance which may be warranted in their particular instances.

During a previous debate I drew attention to that fact, and I somewhat ridiculed the circumstances under which, although the applications for assistance will be made direct to the Grants Commission, the Minister for Local Government will receive only a copy. That is confirmed in the circular a portion of which reads—

> A copy of all applications for grants must be forwarded to the "appropriate Minister of State", in this State, The Hon. Minister for Local Government.

The circular goes on to quote an extract from the second reading speech of the Prime Minister, The Hon. E. G. Whitlam. It states—

> It is to be clearly understood that the financial assistance to local government bodies which will flow from the Commission's recommendations will in no way be a substitute for the revenues normally provided by State Governments to Local Governing Bodies in one way or another. Rather, it will be in the nature of a "topping-up" process of the financial resources of lesser endowed bodies to enable them, by reasonable revenue raising efforts on their part, to provide a

standard of services to their communities that will be comparable with that enjoyed by communities elsewhere,

To sum up that expression, in a statement, I think it is rather a pious hope. It illustrates, once again, that it is, in fact, a topping up and will be in addition to the revenue normally provided by State Governments. The circular goes on—

I should perhaps emphasise that:

(a) such assistance as is granted will be in the form of Section 96 grants paid to the States in the first instance.

I digress, at this point, to comment on that remark because it has always been my understanding of the interpretation traditionally applied to section 96 of the Constitution that the Commonwealth would provide the funds to the States for purposes which are not otherwise specified. I think that is a fairly simple explanation of the position. The money has been made available to the States and it has been understood, traditionally, that the "States" means the State Governments and State administering authorities.

In fact, the moneys will be section 96 grants and in my belief the intention of the Constitution is to be bypassed, because the moneys are not to be administered by the State authorities at all. I will quote from paragraph (b) of the circular as follows—

(b) applications for assistance with single purpose or specific developmental projects will not be the concern of the Grants Commission, and

This situation must be clearly understood by the local authorities in the regional structure: That their aims should not be to qualify for assistance towards projects of a developmental nature. I am sure local authorities believe they may have some access to funds for such purposes in the future. It is clearly stated that this is not the purpose of the Grants Commission Act. Paragraph (c) reads—

(c) applications will not be accepted, from semi-government authorities and business undertakings operated by local government bodies.

Here, again, there is an opportunity where it could be thought that funds will be made available when local authorities face financial difficulties in relation to instrumentalities which are their particular concerns. However, once again, funds will not be available for that purpose. The circular concludes—

Should councils experience difficulties in supplying forms, statements etc., to the Grants Commission, the records of this Department will be available to assist wherever possible.

I do not doubt that a considerable number of local authorities will be placed in that sort of difficulty. At least I am gratified by the expression that the Minister's department will be prepared to give the local authorities all necessary assistance, but it does come back to the important consideration that the State administration is being bypassed. There can be no question of doubt whatsoever on that particular point and this, to me, represents one of the most offensive features of this process.

Clearly the money could well have been made available by the Commonwealth—if it simply desired to be generous for the purpose of giving money to the States—on the understanding that it was set aside for the local authorities in each State which know their own business best, and for Local Government Departments, which also know their own business best. Obviously, they would be the most appropriate people to decide in which way the money should be distributed.

However, that is not the case and I am sure we do not have to stretch our imaginations to realise the overall implications of this measure. The purpose really is, in fact, to render State authorities, State Governments, and State Parliaments more and more ineffective in dealing with what we have always regarded, historically, traditionally, and legally as State concerns, and State concerns alone.

I also agree with Mr. Heitman in what he believed the attitude of the local authorities should be. The Commonwealth Act has now become law and, therefore, its structure will be put into operation and the councils concerned will be required to make applications if they hope to receive any assistance from the Act.

It is important, at this time, that the councils recognise that there are undesirable features about the measure. These features must be known, and the shires should make a stand themselves and express themselves to draw attention to the inadequacies and the undesirable features in the hope that the Commonwealth Government may be prepared to have second thoughts regarding the administration of these funds.

It is all so important and I am sure as time goes by more and more councils will become more and more aware of just how important it is in the interests of their own future operations. I believe it is very much in their own interests to express themselves vocally, as time passes, regarding their attitudes to the way the funds are being administered. I am sure I do not need to emphasise that this will be centralised bureaucracy in its worst form from the point of view of trying to allocate funds on this sort of basis. The basis is simply an examination of statements of accounts submitted by local authorities without the power or right to personally present cases for consideration to the Grants Commission, or somebody acting

for the Grants Commission. I will not elaborate further on that; I believe I have expressed my own attitude quite adequately, and I believe I have expressed the attitude of the local authorities in my province towards this proposition.

The next portion of the Bill to which I would like to refer is that dealing with signs and hoardings—clause 12. I am sure members will recall the previous debates which took place in relation to signs and hoardings when we debated a Bill to amend the Main Roads Act two years ago. That Act was assented to only in 1972.

The particular feature of that legislation which interested me is that the Minister for Local Government, by way of interjection earlier today, referred to the fact that this clause had its beginnings as a result of a committee which was initiated by the former Minister for Local Government, Mr. Logan.

The Hon. R. H. C. Stubbs: I think that is the position.

The Hon. N. McNEILL: Right; that is my understanding. Referring to the discussion which took place on the Main Roads Act Amendment Bill, at the time I endeavoured to make the point that there was a need for uniformity; not necessarily for uniformity in the size of signs because I do not know how that could be achieved, but a desire for uniformity in adherence to a standard form of model by-law.

I understand the whole intention of the committee which was initiated by the Minister for Local Government many years ago, and which comprises a completely representative group of people from local government as well as from advertising agencies—the commercial side of the industry—under the auspices of the Local Government Department was to produce a draft set of regulations. At that time no power was available to the department to extend the regulations, and the necessary legislation had to be enacted.

I am therefore presuming that clause 12 of this Bill provides the legislative authority for the promulgation of those regulations and by-laws. It will also be recalled that when the Main Roads Act Amendment Bill was considered I argued that I objected to the Main Roads Department exercising a power in its own right to prepare regulations and to have legislative approval for them covering signs, hoardings, and more particularly, illuminated signs which could already be adequately covered under the authority of the Local Government Act. Clearly, if the aim was for uniformity, the whole purpose was being defeated simply by the fact that the Main Roads Department decided it wished to have its own set of regulations. The discussion occupied many hours of debate and subsequently resulted in a conference of managers.

Following the conference of managers, at which a compromise was reached, the Minister for Works who was in charge of the Bill undertook to forward a memo to the Commissioner of Main Roads. I would like to refer to the memo, and I will quote as follows—

> During the course of the managers' conference on the Main Roads Act Amendment Bill I gave the Members an undertaking that if the Bill was passed in the proposed amended form, I would require you to use as a basis to guide in the administering of this section the uniform by-laws on signs, hoardings and bill-posting when these are produced and adopted.

At a later part of the memo, the Minister continued—

> I gave an undertaking that I would have you re-examine your attitude to these and,—

The reference is to the amendments. To continue—

> . . . if they did not conflict with the amended Act as passed, to see if we could reach agreement to have various of these Clauses agreed to by the Department.
>
> To inform the managers' conference and keep in good faith with them, a copy of this minute is being forwarded to all the Members concerned.

The intention of the Minister was to have the Main Roads Department prepare regulations which would be based, as near as reasonable, on the draft regulations which were in the process of being prepared.

Since then the Main Roads Department has prepared its regulations and as far as I am concerned they are contained in the material which was distributed by the department. The local authorities have found some of the features to be unsatisfactory, and I will now refer to a document headed, "Main Roads Department Interim Policy for Control of Advertisements and Management of Main Road Reserves". I will refer to paragraph 6 of the policy which is as follows—

> 6. The Regulations provide that all applications for the erection or display of advertisements on or directed at declared main roads or controlled-access roads shall in the first instance be made through the Council in whose district they are to be erected or displayed.

Paragraph 7 reads—

> On receipt of an application, depending on the circumstances, you are requested to adopt one of the following procedures—

The procedures are then delineated. Paragraphs 9 and 10 read—

> 9. It should be specifically noted that in all cases where a Council's By-laws or policy prohibits the erection

of an advertising sign, then the Council is at liberty to refuse the application without reference to the Main Roads Department and the applicant can be notified accordingly.

10. In all cases where it is required that an application be forwarded to the Secretary for Departmental consideration, the decision will be forwarded direct to the local authority and not to the applicant.

I refer to that only because it has become abundantly clear that despite the fact that this Bill provides for regulations and by-laws in respect of advertising signs, the total discretion in respect of signs coming within the definition of "in the vicinity of main roads or controlled access roads" rests with the Commissioner of Main Roads; the Local Government Department and the local authorities have little or no discretion in relation to those signs. In certain instances they have a power which is delegated by the Commissioner of Main Roads.

I indicate straightaway that it is duplication and will therefore give rise to confusion, firstly in relation to the applications, and secondly in relation to the nature of the signs which may be erected. It will also give rise to some confusion in respect of the appeal provisions. It is stated in clause 12 of the Bill that an appeal tribunal will be established. Some of the powers of that appeal tribunal are set out on page 10 of the Bill—

(a) the conditions under which a licence for an advertisement or structure is issued;

(b) the refusal to grant a licence;

(c) the revocation of a licence; and

(d) the removal of any advertisement or advertising structure not conforming to the requirements of that by-law but in existence prior to the enactment of the by-law.

The Main Roads Department also has power to set up an appeal body, who in this instance is the Minister. We will therefore have perhaps an overlapping but certainly a duplication, in some instances, of by-laws and regulations in relation to all forms of advertising. Some will be under the direct control of the Commissioner of Main Roads, the control for some will be delegated to the local authorities, and others will be the responsibility of the local authorities. In any case, a person who is aggrieved or who feels he has been disadvantaged will have a right of appeal to a tribunal under the Local Government Act. The constitution of the tribunal is unsatisfactory to me, but I will pass over that. Such a person also has a right of appeal to the Minister, who is the appeal body in relation to the Main Roads Act.

I believe the whole purpose has been lost in the endeavour to achieve uniformity. It really boils down to the fact that this Bill, and particularly this clause, has come in two years too late. It should have been gazetted prior to and instead of the regulations which have already been prepared and gazetted by the Main Roads Department. It is this very duplication which has given rise to some misunderstanding and objection on the part of some local authorities because of the way in which the regulations are being implemented or policed.

I will not oppose the Bill but I think it is highly unsatisfactory. While these powers are to be retained by the local authorities, and while they may well achieve some uniformity within the local authorities in terms of their own by-laws, the Bill will not obviate the problem of who controls what in relation to these advertisements. It will cause inconvenience to local authorities and those people who wish to advertise, but perhaps more importantly it will be a costly exercise for the people who wish to display signs and for those who have not entered into contracts for this form of advertising—and I refer again particularly to illuminated signs. The people concerned will not be sure to whom they should make application.

Should application be made to the Commissioner of Police in respect of road safety, or is the power in respect of road safety to be administered by the Main Roads Department? I believe it is the latter. Or, on a purely aesthetic basis, as was determined by the conference of managers, the matter will be determined by the Commissioner of Main Roads. Or will the matter be determined simply on the basis of the way in which these advertisements fit into the pattern of local authority administration? In that case the local authority will be operating under a power delegated to it by the Commissioner of Main Roads. All in all the Bill will make for a good deal of confusion, and more importantly it will be a costly exercise particularly for people who are very heavily committed in respect of illuminated signs.

I also wish to refer to the clause relating to the limiting of the hours during which hawkers may operate. Within my own province—at Mandurah, in particular, because it is an urban area of some size which has considerable commercial enterprise—the Chamber of Commerce and many other bodies in shire areas have been concerned about the activities and operations of hawkers. In my view, this clause does not solve the problem. The problem really devolves from the definition of a hawker.

I think it is true to say that the basic objection to hawkers of any type—let us call them itinerant vendors for the purpose of this exercise—is that they operate at all

and that they can operate in such a way as to cause disadvantage to local commercial businesses, which I am sure wish there were no such person as an itinerant vendor. However, the public has clearly expressed a need for these people and the Act recognises it.

It will be recalled that in the last session of Parliament we gave a great deal of consideration to the definition of a hawker. On that occasion the Minister was not successful in having those provisions agreed to by this House, one of the reasons being it is difficult to try to make chalk of one and cheese of the other. That is what it boils down to.

A hawker is defined as being one who must have a permit or license from the local authority in order to be able to hawk certain goods around the village, and he pays a certain sum in consideration of that right. The provision we now have before us simply limits the hours of the people who are already authorised hawkers. It does nothing about all those people who do not come within the definition of "hawker" in the Act; in other words, those who are not required to obtain a permit in order to vend their goods around the village as itinerant vendors.

I do not express any great opposition to that particular provision but I believe it is not by any means the answer to the whole question. The main objective in clarifying the matter is to limit the activities of itinerant vendors as a whole, and not merely to limit the activities of the people who are already authorised under the provisions of the Act to operate under the permit or license which has been issued to them by the local authority.

I now refer to the clause dealing with the impounding of cattle or stock. I am pleased that an endeavour is being made to tidy up this matter. The situation at the present time is unsatisfactory. I do not know how many local authorities in the country areas have a pound. It becomes a very difficult exercise if one happens to have straying stock on one's property. How does one dispose of it? These days people are more conscious of the existence of the stock stealing squad in the Police Department. What does one do in practice when one has stray stock the owner of which one cannot find?

Historically or traditionally, when one had advertised a certain number of times in the local Press and no-one had satisfactorily laid claim to the animals, one could dispose of them. But who gets the revenue from the sale of that stock? This has not been made clear in the legislation. Under the provisions in the Bill, if animals are impounded the council collects the revenue, less any claims made by the person who causes the stock to be impounded, which is a more satisfactory situation than that previously obtaining, but I express a small reservation about it. I will wait to see how the amendment operates in practice. I do not think it will fully cater for the situation.

I have on my property a beast which has an unidentifiable mark on it and which is probably worth in the vicinity of $250. There is no pound in the area and it is almost impossible to impound that animal. I cannot hold it on my property; so what do I do about it? If I were to dispose of it by way of sale, I would not receive the proceeds. I am entitled to claim agistment fees for a few days in respect of that animal. This amendment may make the situation a little easier but I do not think it will solve the problem entirely.

The Hon. R. H. C. Stubbs: Have you any suggestions for tightening it up?

The Hon. N. McNEILL: In reply to the Minister's interjection, no, I have not at this time. I repeat, I will be interested to see whether this provision can be implemented. If I can see how it may be improved, I will certainly make a suggestion. Perhaps one of the ways in which this position may be improved is through the operations of the Police Act because the police have certain jurisdiction in respect of straying stock; and provisions relating to straying stock are contained in other Statutes. But even when all those Statutes are compounded there is no adequate answer to the problem of the control of straying stock. So what do we do with straying stock which cannot be identified?

I might add that an animal I have on my property at present has on it only one mark which is identifiable. I had it checked a few days ago, and I find it is from a property out from Hyden. I am sure the animal has not wandered all the way from Hyden to Waroona. It has been on my property for six or eight months now.

I am pleased to see this amendment because it will resolve one of the difficulties which arise. Local authorities may not be prepared to establish pounds as they are a drain upon their funds. I think the amendment may obviate at least a little of that difficulty. With those words, I am prepared to support the second reading of the Bill.

THE HON. C. R. ABBEY (West) [8.17 p.m.]: I join with other speakers who have brought to the attention of the Minister for Local Government the situation facing local authorities in Western Australia which are so very concerned about the proposed regional setup. Other speakers have already referred to the disabilities they feel country shires will experience. I wish to refer to local authorities within the outer metropolitan region; those who feel they will be disadvantaged by being included in areas which take in country shires.

I crave your indulgence, Mr. Acting President (The Hon. F. D. Willmott), to read to the House a letter and submission concerning this matter. The letter

was addressed to me by the Shire Clerk of the Shire of Kalamunda on behalf of the Shires of Kalamunda, Wanneroo, Swan, Mundaring, Rockingham, Serpentine-Jarrahdale, Armadale-Kelmscott, Kwinana and the Town of Gosnells. Members will note that those shires are situated within the perimeter of the metropolitan region; and they have a common problem. The letter is as follows—

> Dear Sir,
>
> At a meeting of Representatives of nine Local Authorities situated on the outer perimeter of the Perth Metropolitan Area on Wednesday 12th September, 1973, it was agreed unanimously that those Authorities should take steps to be set up as a separate Regional Organisation for the purposes of applying the Grants Commission Act, 1973.

You will note, Mr. Acting President, that the shires accept the fact that there is a need for regional organisation; but they do not necessarily express support of it, although of course they accept that further finance is vital to their operations. The letter continues—

> It was also agreed at that meeting to adopt a concise case in support of this proposed course of action and to submit this case to all parties concerned in the decision making, in respect to the formation of such regions and to other persons in a position to assist such a cause.
>
> The Local Authorities concerned ask that you peruse the detail attached hereto and lend your support to the creation of this organisation, to be known as the Outer Metropolitan Regional Council.
>
> I would be pleased if you would address any enquiries or comments on this matter to the undersigned.

Attached to the letter is a submission supporting the formation of an outer metropolitan regional council. The submission is as follows—

> 1. LOCAL AUTHORITIES REPRESENTED:
>
> Shire of Kalamunda
> Shire of Wanneroo
> Shire of Swan
> Shire of Mundaring
> Shire of Rockingham
> Shire of Serpentine/Jarrahdale
> Shire of Armadale/Kelmscott
> Shire of Kwinana
> Town of Gosnells

Again I emphasise that those shires are situated within the perimeter of the metropolitan area. The submission continues—

> 2. PROPOSITION
>
> That the Shires of Kalamunda, Wanneroo, Swan, Mundaring, Rockingham, Serpentine/Jarrahdale, Armadale/Kelmscott, Kwinana and the Town of Gosnells require to be accepted as an approved Regional Organisation as defined under Section 4 of the Grants Commission Act, 1973.

The next paragraph obviously shows a lack of understanding of what is required. It is as follows—

> 3. LACK OF CRITERIA
>
> As no regulations as provided for under Section 27(1) of the Grants Commission Act, 1973 had been made at the date of preparation of this case, the criteria to be used for the creation of regional organisations must be assumed.
>
> It was the opinion of the Local Authorities represented that a major factor in the formation of such regions would be the grouping together of Local Authorities which had common characteristics—

I stress that this is a very important point. To continue—

> —such as population growth, area, distance from the city centre and which also had common problems in their development, particularly those relating to finance.
>
> As finance is the sole purpose for creating these regions, it appeared obvious that a case placed before the Commission by Authorities with similar financial problems could be dealt with much more expeditiously.

The submission has attached to it an appendix which I will make available to the Minister if he has not a copy of it. The submission continues—

> 4. COMMON CHARACTERISTICS
>
> 4.1 Location
>
> Appendix 1, which is an extract from the "Abstract of Statistics of Local Government Areas, Twelfth Issue, 1973" clearly indicates that the Local Authorities concerned are situated around the perimeter of the Perth Statistical Division.
>
> 4.2 Zoning
>
> Under the Metropolitan Region Scheme, 1963 (as amended), these Local Authorities have in addition to urban zoning, large tracts of rural land which create difficulties not experienced by the inner Authorities.
>
> The following chart shows the areas of these Local Authorities broken down into these two major zoning classifications:—

I would request the House to listen to the statistics because they are of vital

importance to the area to which I am referring. They are as follows—

Local Authority	Urban Zoning (Sq. miles)	Rural etc. (Sq. miles)	Total Area (Sq. miles)
Shire of Kalamunda	10	126·8	136·8
Shire of Wanneroo	35·7	268·2	303·9
Shire of Swan	12	385·2	397·2
Shire of Mundaring	9·5	237·8	247·3
Shire of Rockingham	22·2	78·7	100·9
Shire of Serpentine/ Jarrahdale	1·2	286·4	287·6
Shire of Armadale/ Kelmscott	11	264·5	275·5
Shire of Kwinana	8·8	36·8	45·6
Town of Gosnells	17·5	30·8	48·3

You will see, Sir, from those figures that all the shires have a common problem—a fairly substantial area zoned urban; and a large proportion of each shire zoned rural, with all the problems that accompany that zoning. I will continue to quote the submission—

> 4.3 Population Growth
>
> The population of the Perth Statistical Division is increasing at a rate of 4.5 per cent. per annum and this population increase is having its effect on many of the applicant Local Authorities. The annual population increase shown as a percentage for several of these Local Authorities is as follows—

I think the House will find that the following figures are amazing—

Shire of Kalamunda	14%
Shire of Wanneroo ..	80%
Shire of Swan	7%
Shire of Mundaring	10%
Shire of Rockingham	26%
Shire of Serpentine/ Jarrahdale	2.5%
Shire of Armadale/ Kelmscott	18%
Shire of Kwinana	17%
Town of Gosnells	14%

If one compares those staggering increases in population with the 4.5 per cent. increase in the Perth statistical division, one will see that the shires in the outer metropolitan region face a very big problem. To continue with the submission—

> This population increase causes a heavy demand on the resources of Council which are made up of rate revenue.
>
> They must, of necessity, be channelled into the provision of such essential facilities as roads, libraries, infant health centres, kindergartens and the provision of all ranges of recreation facilities.
>
> It is only the more established inner local authorities that can afford to move into the new areas of Local Government involvement, such as social welfare with all its related services.

This takes me to a very important point. We are fast reaching the situation where the Commonwealth Government is totally centralising local government, taking full control of it, and creating a position where the State Government has no say or cannot take any part in achieving anything for local government services. Obviously we will arrive at the situation where under the centralised system the shires will be required to provide many more services than they have been providing. It is a crying shame that in the future we will face this possibility.

I turn to the next part of the submission relating to road construction. It is as follows—

> Many of these outer areas were subdivided and surveyed in years past and the roads created by survey were either not constructed or were constructed to a specification far below that now required in a residential area.

On occasions when members at the invitation of various shires inspect the projects undertaken by them it becomes very evident that the roads constructed are below the required standard. To continue with the submission—

> The rural aspect of these Shires also necessitates the construction and maintenance of large lengths of road which services very few properties.
>
> As all of these authorities were included in the Metropolitan Area for the purposes of applying the Commonwealth Aid Road Fund legislation, no recognition was given to the abovementioned factors in the strings which are attached to the grants received from that fund. This is a prime example of why these authorities wish to be recognised as a separate region.
>
> Town Planning Interests: Due to population expansion, most of these Authorities have a similar involvement in Town Planning Matters.
>
> Statistics obtained from the Town Planning Department indicate that for the seven months up to the 31st July, 1973 of the 5,769 lots created in the Perth Metropolitan Region, 4,014 lots were created in the Local Authorities who are signatories to this proposal.

Let us see what this means. It means that approximately four-fifths of the blocks that have been created are in the outer metropolitan regions. To any thinking

person this is obviously a vital matter to the shires. To continue with the submission—

> The interest which these Authorities have in the field of Town Planning is common in many aspects, a further example being a recent combined approach to the Minister for Town Planning for a change in Government attitude for the subdivision of land zoned for rural purposes.
>
> Tourism: The location of these Local Authorities on the perimeter of the Metropolitan area makes them prime localities for day and weekend tourism. This ranges from the out of Perth beach areas of localities such as Rockingham and Wanneroo through the wine growing areas of the Swan valley to the hills of Mundaring, Kalamunda and Armadale.
>
> This again creates a common interest in the provision of facilities to accommodate such tourists and the need for securing finance to assist with this expense.

I interpolate to say that over the last 16 years I have been involved in many projects that required finance, beyond that available to the shires in the hills area, to provide services and facilities related to tourism. Obviously if money is to be made available by the Commonwealth Government this is one avenue where much of it could be spent to good effect. To continue with the report—

> Existing Organisations: It is also significant that many of these Local Authorities, and in one case all, are involved in several existing organisations for the purpose of Regional action. Organisations which fit into this category are as follows—
>
> Regional Bush Fire Control Committee;
>
> Metropolitan Ward Country Shire Councils' Association;
>
> Outer Metropolitan Vermin and Noxious Weed Control Group;
>
> Zone 3 Refuse Disposal Committee.

The concluding part of the report is as follows—

> After making due allowance for the difficulty of preparing a case such as this, when the points to be argued are indeterminate, it is contended that the foregoing information supports the proposition for the establishment of an Outer Metropolitan Regional Council.
>
> It is the intention of the applicant Authorities to use every avenue available to achieve this end.

I join with other members in expressing my concern on behalf of the shires at the apparent lack of understanding by both the Commonwealth Government and the State Government in dealing with this matter. Irrespective of whether or not we personally agree on the need to allocate funds for this purpose, at least we all agree the allocation should take into account the need for community of interest. Under the present proposals this aspect has not been taken into account.

No doubt in his reply to the debate the Minister will say that some changes have to take place. However, it is staggering that the present method of allocation of funds is so ineffective. No real attempt for review has been made, to ascertain the views of the local authorities. It is a great shame that in this respect the shires have been ignored to such an extent. I am surprised that the Minister for Local Government has allowed himself to be placed in this situation, because he usually displays greater understanding.

The Bill has been examined very thoroughly by previous speakers in this debate. It is obvious this is a Committee Bill. Some of its provisions are unacceptable and should be amended. I reserve my further comments until the Committee stage.

THE HON. R. F. CLAUGHTON (North Metropolitan) [8.40 p.m.]: It would be presumptuous of members to say they know what one's views are on any subject. It is certainly not fitting for such comments to be made when one is not in a position to reply to them. The comments made by Mr. Heitman in relation to the regional proposals of the Commonwealth Government are rather sad. One would not except Mr. Heitman, who has been long associated with local government and whose views I respect, to be so narrow in his outlook, as indicated in his contribution to the debate.

It is obvious that under any new scheme, some people are satisfied and others are not. It is not possible to implement a new arrangement and please everybody at the same time. If one were to please everybody then one would not be able to make any change or progress at all.

The Hon. J. Heitman: What about telling us about the Grants Commission?

The Hon. R. F. CLAUGHTON: Mr. Heitman has had his chance to make his contribution on that point, but he has not seen fit to do so.

The Hon. J. Heitman: Evidently you do not know very much about the Grants Commission.

The Hon. R. F. CLAUGHTON: That may or may not be so. I do not see the relevance of that remark, but I would not presume to tell the honourable member what to say in his speech.

The Hon. J. Heitman: I had time to make mine.

The Hon. R. F. CLAUGHTON: The general attitude of the Opposition has been expressed by Mr. Clive Griffiths. He said the local authorities as they now exist should not be altered, despite the fact that there is a great disparity between the Peppermint Grove Shire and the City of Stirling.

The Hon. Clive Griffiths: Do you think local authorities should be altered irrespective of what the ratepayers concerned want?

The Hon. R. F. CLAUGHTON: That is an interesting comment. I well recall the storm that erupted when the local authorities in the Kalgoorlie area were being amalgamated. It was considered fitting at the time to ignore the protests. However, the amalgamation subsequently proved to be beneficial, and to be well received by the ratepayers.

Obviously if one makes a change one cannot please everybody. I think the history of changes in local government has revealed that each alteration has been made against strong objections. However, such objections usually proved to be without substance after the changes were effected.

Many of our local authority boundaries today are different from what they were in earlier times. It rather staggers me that a community such as Northern Ireland, which has seen so much conflict, has been able to amalgamate its local authorities and to reduce the number from 67 to 26. Yet, when it is proposed to reduce the number of local authorities in the metropolitan area of Perth from 26 to 18, all sorts of objections are raised, and the proposal is not considered to be desirable for one reason or another.

I think the history of local government boundary changes has shown that, generally speaking, changes made in the past have been beneficial, even though at the time these have met with strong objection. I thoroughly agree with the statement which is often repeated that it is local government which is closest to the people. Local government deals with matters that are of direct interest to the people; but the unfortunate thing is that the best advantage is not being taken of the relationship local government has with people. The services that are provided on a much wider administrative pattern can be brought to the people in this closer relationship by being serviced through local authorities.

It was rather sad to hear the expressions made by Mr. Heitman. The people of the State must wonder how it is possible for the State to progress when this sort of attitude is expressed by people who aspire to government.

Like other members I also received some correspondence—and this has been mentioned before—from Mr. Oliver of Lesmurdie, regarding the changes in the Bill in relation to the status of town planners; and I have spoken to different people about this.

Those who read the documents submitted to members can very quickly get to see there is a basic misunderstanding of what is happening among the people who forwarded the documents to us. Indeed I spoke to one of the signatories who said that he had in fact not read the document and did not really understand what was needed. We know that is the sort of thing that frequently happens when petitions are being circulated.

A town planner is in a very important position. He has control of district schemes, zoning arrangements, etc. He is in an important position because his decisions and recommendations could result in great changes taking place in the value of properties.

It is obvious there have been occasions when a town planner has been under a great deal of pressure to change a zone in favour of somebody, or to prevent a change that would not be favourable. I believe that among the senior officers in local authorities it is he who requires the type of protection envisaged for him. He will be given the same protection as the shire clerk. It does not mean, however, that he cannot be fired. One shire clerk who is known to me—he is also known to other members—quite often said he could not be fired; but he subsequently found that this was not so.

The Hon. G. C. MacKinnon: Are you sure of that? Did not he in the end resign? I think he proved the point that he could not be fired.

The Hon. R. F. CLAUGHTON: The purpose of the arrangement made was, of course, to create the least embarrassment for him. The same situation would apply to town planners who, to reach the status of membership of their association, or its equivalent, must undergo many years of study. The reputation of such a town planner would be seriously affected if he were summarily dismissed by the local authority. His livelihood depends on his reputation.

For this reason I think it desirable that he be given a right of appeal. Some people feel they are being disadvantaged by changes in regulations as these apply to town planners, or aspiring town planners; but this is not something which applies exclusively to them. In any new field there are always those who have learnt their trade in a more practical way; those who are not able to obtain entrance to courses —or perhaps the courses change—and it is not really practical to expect them to undergo further study when they have reached say 55 or 60 years of age. It would be more difficult for these people to return to such studies than it would for a younger man.

The people to whom I refer, of course, are often looked after by what we call the grandfather clause; they are granted the status without being required to undergo the necessary studies. Even when this type of person is catered for there are always those in the grade below who would still find it difficult and, accordingly, be dissatisfied with any new arrangement. That, however, is in the nature of things. The amendment is necessary to up-grade the status of town planners in general in this State; it is necessary to enable the provision of a greater number of avenues for jobs for those who enter this field; and it is necessary to encourage and increase the number of students who would take the course at the Institute of Technology. It is for these reasons that the changes are necessary.

It is also true that the local authority will set the qualifications it requires. It need not necessarily feel its district requires a fully-fledged town planner, and this, of course, would enable people of lesser grades to gain employment.

In general I cannot agree with the submissions made. So far as I can see, the amendment seeks only to allow regulations to be drawn up, and it is these that are vital to the interests of the people who are protesting.

The Bill demonstrates the concern of the Government for the rights of the ordinary people. It does this in several ways. It is particularly demonstrated, I think, in the changes proposed to the requirements for the advertising of by-laws.

I know in my own electorate a considerable amount of concern has been shown in the matter of flat building. It is felt that not enough advertising has been done; or the people have not been made aware of their rights to object. I feel the measure is a step in the right direction towards informing people of their rights in these matters and I am pleased to see the provision in the Bill.

I was very gratified to hear the Minister mention my name in relation to one of the other amendments contained in the Bill. It is some time back that I wrote to him regarding assisting pensioners with the payment of costs for installing crossovers. A person on a pension who is living in his own home generally has to meet quite high costs to maintain his property—such costs as water, light, etc., are involved. It is a relief to such people to know they can defer their rates. The payment of a lump sum of the amount required for the installation of crossovers would make a serious hole in the finances of a pensioner. The amendment proposes to allow the council to control the number of crossovers that will be built. This can only be done where the council serves an order and where it feels that the state of a crossover is dangerous; or perhaps where plans exist to put a drain through; or there has been some disturbance to the crossover and it needs repair.

I would have liked to see this facility being extended to all pensioners, but obviously the council must keep control of the number of crossovers it constructs; otherwise it may quite easily become a financial burden and effect its funds adversely.

The matter of trees in laneways has been something of a problem in my electorate. Some laneways were held by a company that had no asset except the laneways. This was an arrangement made by the original subdividers. They did not want to be bothered with the problem and the council at the time—although I may not be correct in saying this—did not want to take the laneways over and, accordingly, they were placed in the care of the company. It is a company in name only. The work to be done in the laneways included the lopping of trees. The council, however, could not give an order to the company because the company had no funds to carry out the work.

I cannot see that the amendment will do anything about that problem, but obviously where a tree is dangerous and constitutes a hazard some provision must be made for its removal. I have seen quite heavy branches fall from trees. It is not difficult to determine whether or not a branch is dangerous, because it is easy enough to put a core into the wood to see whether it is sound all the way through. Quite often a fungus gets into the core of the tree and this leaves a living shell outside which eventually no longer has the strength to support the growth of the branch, which consequently falls. Very often bees build their hives in a tree and this also hastens the process.

This kind of situation can be covered by testing a tree through taking a core from it to see whether it is sound. Beyond that, I do not know how one would determine whether or not a tree was hazardous. Very probably a tree is not likely to be hazardous at all if the timber is sound all the way through.

I support the legislation. During the debate I have wondered precisely which Bill members were debating. They seemed to be talking about a piece of legislation of the Australian Government instead of a piece of legislation relating to the State Government.

I think members of the Opposition have shown a marked lack of imagination and a complete absence of real concern for the welfare of the people in not seeing the benefits which can accrue through wider involvement of local government in the affairs of the people.

The Hon. Clive Griffiths: What do you think of my proposition?

The Hon. R. F. CLAUGHTON: As I said, I support the legislation.

THE HON. G. C. MacKINNON (Lower West) [9.01 p.m.]: Most of the comments I wanted to make to the measure have been made but a few matters which I wish to discuss still remain.

I will lead on from Mr. Claughton's comments concerning Mr. Heitman's speech. Mr. Claughton said he was saddened by Mr. Heitman's remarks on the regional concept.

The Hon. R. F. Claughton: You do not agree with me?

The Hon. G. C. MacKINNON: I always find myself rather fascinated by the convolutions of Mr. Claughton's thinking.

The Hon. R. F. Claughton: You fascinate me, too.

The Hon. G. C. MacKINNON: Mr. Claughton talked about local government as being close to the people. Nevertheless, it was obvious to me that he favours a shire council the size of the City of Stirling rather than the size of Peppermint Grove.

The Hon. R. F. Claughton: You said that.

The Hon. G. C. MacKINNON: This is quite the opposite of what I imagine a local authority ought to be. I have never believed there is any virtue in largeness. Mr. Claughton seems to think that disparities are a sin.

The Hon. R. F. Claughton: You say what you think.

The Hon. G. C. MacKINNON: I am saying what I think.

The Hon. R. F. Claughton: You say what you think and I will say what I think.

The Hon. G. C. MacKINNON: I believe that possibly we have gone a little overboard on the question of bigger local authorities in the mistaken idea that, of necessity, they are efficient. If the local authority is, in truth, to be local I imagine there would be greater virtue in ensuring that it never becomes big. For long I have thought that the City of Stirling has been allowed to grow too big. Surely it must be extremely difficult for councillors of the City of Stirling to be as close to the people as councillors would be in a smaller shire. I see nothing wrong with breaking up some of the bigger shires and making a number of smaller shires. I know I would probably draw an argument on this subject from some of the members who have progressively been Ministers for Local Government.

The Hon. L. A. Logan: There will have to be a new local authority created from the City of Stirling and the Wanneroo Shire Council.

The Hon. G. C. MacKINNON: I am delighted to hear Mr. Logan say that.

The Hon. L. A. Logan: I have said it many times.

The Hon. G. C. MacKINNON: We hear arguments to the effect that local authorities should be big so that they may buy a great deal of equipment. I have never seen the logic of that because companies have been established in Western Australia which are quite capable of carrying out all the maintenance work which is required by local authorities. I often wonder whether the situation is better for a shire clerk if the local authority is bigger and has a great deal of equipment or whether, in fact, some local authority people do not see this as a virtue.

As a matter of fact, not only in local authority but in many other avenues, we should devise a different system of arranging the basis of pay for officers. At the moment it is worked on the amount of revenue which goes through the shire or, in the case of some branches of the Public Service, the number of men who work under a particular officer. I have never seen a virtue in largeness.

The Hon. R. F. Claughton: In business you see it as a virtue.

The Hon. G. C. MacKINNON: If the largeness of shires is a virtue, surely we would be better off in making the State Government a glorified local authority and in disbanding all the local authorities which exist.

The Hon. R. F. Claughton: Do you think we should break all the big companies down into smaller companies?

The Hon. G. C. MacKINNON: Strangely enough, Mr. Claughton has touched on something which may well happen. For administrative reasons, a number of companies are finding they would be better off if their companies were small. By way of interjection, we may possibly have heard the voice of prophecy from Mr. Claughton. It is not beyond reason that what he has said may, in fact, eventuate.

The Hon. D. K. Dans: It would be beyond your life span and mine before it starts.

The Hon. G. C. MacKINNON: I did not catch that interjection.

The PRESIDENT: Order!

The Hon. D. K. Dans: You and I will be dead.

The Hon. G. C. MacKINNON: As I have said, I do not see largeness as a virtue but I certainly do not see differences as a sin.

It is a pity that the only Cabinet Minister in the present State Government who would have an understanding of how the Grants Commission works is the Premier himself, Mr. John Tonkin. No other Cabinet Minister would know about it. Indeed it is fair to say that even if Western

Australia were still under the Grants Commission there would be only a certain number of members, who have been Ministers at some time or other, who ever knew the full ramifications of the Grants Commission as well as the full disadvantages. I do not know which Ministers have not had to suffer under it. As Minister for Health, I was one who did.

I add my word of warning to local authorities, because it is a soul-destroying business. Members of the Government can talk of the advantages of it, as much as they like. Certainly no State has more for which to thank the Grants Commission than Western Australia. The Hon. Frank Wise spoke in this House to us at some length on this matter.

Nevertheless, what always seems to be forgotten is that a norm must first of all be established if there is to be a Grants Commission system. In our case the norm was the standard States of Victoria and New South Wales. It will be interesting to know what local authority areas will constitute the base for the Grants Commission's operations in local government.

Two matters are pertinent but no-one seems to have realised them. The first is that the base areas do not want any more money being distributed than is possible. This is because the more money which is distributed the less they receive.

This will apply to local authorities which are regarded as standard. Local authorities which want to receive money will show everything in the worst possible light in order to obtain the most money. Consequently, there is an involvement in a peculiar kind of bookkeeping method when the Grants Commission is involved. The group which is standard uses a set of books which will make it a little difficult for the Grants Commission, if that is possible. However, the group which wants money pursues the sort of bookkeeping which will enable it to receive the money. The Grants Commission people look at every mortal thing that is done.

Perhaps members have forgotten that we had to alter the Lotteries (Control) Act because of the Grants Commission. This was because New South Wales has slot machines and money from slot machines is used for its hospitals. This had become standard. It was regarded by the Grants Commission as a tax and, in consequence, we had to alter our Lotteries (Control) Act to balance out what New South Wales was doing with slot machines.

Every local authority will be watched. Its rating systems will be changed on the instructions of the Grants Commission. The Grants Commission will adopt the attitude that whatever the standard group does, every local authority will have to do.

I do not know full details in connection with the running of other Ministries but I imagine that an earning Ministry, such as mines, which earns a lot of money, would not have to account to the Grants Commission, in all probability. However, spending Ministries, such as railways, health, and education, had to account to the Grants Commission. I do not suppose that local government had to do so.

The Hon. L. A. Logan: No.

The Hon. G. C. MacKINNON: Local government would not have been very involved. However, I would not know how it worked. I can assure members that the involvement of spending sections was quite terrible. Local authorities will become spending sections so far as the Grants Commission is concerned.

I would like to ask the Minister one other question. An Act of this type is used by local authorities daily and, for this reason, perhaps the Minister could try to persuade the powers that be to have the legislation reprinted. I have been asked about this by a number of shire clerks and officers.

The Hon. L. A. Logan: There has been one reprint.

The Hon. G. C. MacKINNON: I know, but the parent legislation has been amended frequently, and several shire presidents have asked whether a reprint would be possible. I have an amended copy in my hand and it is fairly difficult to follow at this stage.

I do not intend to deal at great length with all the matters in the measure because other members have spoken on them. The matter of pecuniary interest is the only one that has not been mentioned. This even extends to the interest which a person may have in a public concern, such as his relationship with churches, chapels, religious bodies, schools, hospitals, etc.

Has the Minister given consideration to the fact that in smaller country towns people who are members of local authorities tend to be, literally, on everything else? It would be hard to imagine their not having an interest. I appreciate there is a provision in the measure which allows for reference to the Minister and for some sort of pardon to be given to such people. However, I remember that years ago I found myself in some sort of trouble over this and there was some misunderstanding in connection with what I said. I have forgotten the name of the lawyer who came from the Eastern States and spoke at great length on these provisions. I suppose it would be 12 years ago.

The Hon. R. H. C. Stubbs: Gifford.

The Hon. G. C. MacKINNON: He regarded them as fairly outmoded at that time.

The Hon. L. A. Logan: It was 15 years ago.

The Hon. G. C. MacKINNON: I remember I found myself in some trouble over this. I have never thought the provisions to be "great shakes" because these days any contracts which are called are known about. People can read and write. The provisions are old-fashioned sections which were copied from the English Act which was written at a time when illiteracy was common. People did not know what the position was in those days but today they do. Today there is a great deal of publicity and often something is played-up considerably. By this means, people can vote them out. I wonder whether this will make them once again, too restrictive. Certainly I would not vote against them but I wonder whether they are really worth while; I do not really think they are.

I notice there are to be a new lot of controls concerning signs. Mr. McNeill has covered this adequately and we may deal with it in a little more detail later on. I am a little at a loss to understand why an architect is necessary to work out whether a sign should be uniform or whether or not it should be allowed. I cannot see any correlation between an architect and advertising. There should be people in this field more competent than architects, I would think.

I am concerned about the relief which is apparently being given to old people. We have now entered the disastrous area of the abolition of the means test. Anyone who follows social welfare has come belatedly to a real understanding of the disaster of the abolition of the means test.

We will have a very large group of people who will be eligible for this type of relief. I take it that sooner or later the Minister will have to think about some type of means test for this relief otherwise, as Mr. Logan said, as we retire we will all be able to apply to let our rates bank up. Strangely enough I have never seen this as a great relief to pensioners because in my experience most elderly people whose sole asset is their house have a burning desire to leave it to their next-of-kin free of encumbrances. It is amazing how elderly people fight against using these provisions. It is usually a last resort in most cases. Some of them will beggar themselves to pay what are now becoming outrageous charges in order to leave the house to their children or grandchildren without any accrued rate debts.

I am still at a bit of a loss as to how we will tell whether or not a tree is dangerous. I would like to point out that I have seen perfectly healthy trees become dangerous in two minutes flat when subjected to a wind of a higher velocity than normal. Anyone passing through the south-west irrigation areas will be well aware that many indigenous trees, if left in isolation in a paddock—and as a farmer, Mr. President, you would have seen this—will fall over as their roots become exposed. Trees must be left in clumps. Of course many trees are left in isolation in housing areas. Hardly a winter would go by that one does not see a dozen or more healthy, nondangerous trees fall over in the irrigation country around Harvey and Brunswick.

I appreciate that Mr. Claughton told us we can sample any trees which are looking a little sick to determine whether they have a dead heart. Such trees are certainly a menace. I can remember sugar-gum trees once grew along King's Park Road but they were taken out because they were damaging the road. They were also a menace as branches could suddenly fall off what appeared to be a perfectly healthy tree.

The Hon. Clive Griffiths: Isn't that a dangerous tree?

The Hon. G. C. MacKINNON: If one happens to be under the branch at the time, it is dangerous. But how do we tell in advance?

The Hon. Clive Griffiths: It is inherent in the tree.

The Hon. G. C. MacKINNON: And yet other sugar-gum trees remain standing for many years. The point I am making is that a perfectly healthy tree can become a dangerous tree when subjected to a cock-eyed bob. How are we to define a dangerous tree?

The Hon. J. Dolan: If they knock these trees over, someone's life may be saved.

The Hon. G. C. MacKINNON: That may be so, but when it gets to the stage where people must think twice about whether or not to plant a tree, I would say that our controls are going a bit too far.

The Hon. R. H. C. Stubbs: Was there not a case recently when a falling tree flattened a motorcar and only just missed an old person?

The Hon. G. C. MacKINNON: I can recall two cases where branches fell on people who were walking around paddocks. I remember standing under a tree on one occasion and I was very lucky that a branch just missed me when it fell. I do not know how long we will be able to control this, that, and the other. It means that any tree growing above about eight-feet high could be regarded as a dangerous tree in certain circumstances.

I intend to support the Bill. However, I will have a little more to say about one or two matters during the Committee stage.

Debate adjourned, on motion by The Hon. S. J. Dellar.

CO-OPERATIVE AND PROVIDENT SOCIETIES ACT AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by The Hon. J. Dolan (Leader of the House), read a first time.

Second Reading

THE HON. J. DOLAN (South-East Metropolitan—Leader of the House) [9.21 p.m.]: I move—

That the Bill be now read a second time.

This Bill is introduced at the request of the Co-operative Federation of Western Australia which represents the 57 registered co-operatives established in the State. The movement deserves to be encouraged. It provides a means whereby groups of people with a common interest can combine in a business enterprise to the benefit of members and the public at large.

As the Act now stands, no member is permitted to hold shares exceeding the value of $5,000. The federation asks that the limit on shareholding be raised to $10,000.

In explaining its request the federation has pointed out two factors. Firstly, inflation has lessened the effective value of shareholdings and the working capital of the co-operatives. Secondly, some co-operatives wish to expand their operations. This can only be done if there is an inflow of new capital resources.

An example of the need for this amendment is presented by the Fremantle Fishermen's Co-operative. This society has expanded to the limits of its capital resources. It seeks to diversify its activities to stabilise the industry. In the past it has depended rather too heavily on rock lobster fishing. One of its aims is to undertake tuna fishing in the Indian Ocean. This requires special vessels and equipment.

The proposed amendment affects three sections of the Act and the first schedule. Similar amendments are necessary to sections 3, 19, and 43, and the first schedule to the principal Act. In each case the word "ten" would be inserted in place of the word "five", and as already indicated, the effect would be to permit members of co-operatives to hold shares up to the value of $10,000. Voting strength would remain as at present. Each member is entitled to one vote irrespective of the value of his shareholding.

I commend the Bill to the House.

Debate adjourned, on motion by The Hon. V. J. Ferry.

CENSORSHIP OF FILMS ACT AMENDMENT BILL

Returned

Bill returned from the Assembly without amendment.

ELECTORAL ACT AMENDMENT BILL (No. 2)

Second Reading

Debate resumed from the 1st November.

THE HON. J. DOLAN (South-East Metropolitan—Leader of the House) [9.24 p.m.]: I would like first of all to thank Mr. Arthur Griffith and Mr. Baxter for their comments on this measure. It seems obvious from both their speeches that quite considerable debate will take place during the Committee stage.

The Hon. Clive Griffiths: That depends on whether we defeat it or not.

The Hon. A. F. Griffith: Not necessarily.

The Hon. J. DOLAN: That is probably the voice of experience. I have said on numerous occasions that we cannot tell what will happen here.

The Hon. A. F. Griffith: I bet you do more talking than I do.

The Hon. J. DOLAN: That will be a change for the better.

The Hon. A. F. Griffith: It will be a change, but whether it is for the better remains to be seen.

The Hon. J. DOLAN: Even before we get very far we are talking about it.

The Hon. A. F. Griffith: You are provoking me.

The Hon. J. DOLAN: When I gave my second reading speech explaining the Bill to the House, I indicated briefly to members some aspects observed by the Chief Electoral Officer when visiting South Australia, and his comment that his counterpart in South Australia was obliged to seek legal advice concerning some problems associated with how-to-vote cards in that State.

The Leader of the Opposition took the opportunity to point out, by way of interjection, that I should have given some examples of how these problems arose. Taking note of these comments, I have since become informed in the matter and I now advise the House of areas where difficulties arose.

In South Australia a regulation requires a candidate desiring to exhibit how-to-vote cards to furnish a prototype card to the returning office within 48 hours of his nomination. Members will appreciate that physical problems could confront a candidate making a late nomination. Also, as all candidates' names would not be known until the close of nominations, it would be difficult to comply with another South Australian regulation in regard to individual nominations until the names of all candidates are known.

Our Chief Electoral Officer (Mr. McIntyre) commented that a time limit after the close of nominations might be more appropriate.

The South Australian Act makes it the responsibility of the candidate to furnish the presiding officer with how-to-vote cards not less than 48 hours prior to polling day.

It is obvious that any late changes could render this procedure most difficult or even impractical.

Other regulations in South Australia present difficulties in regard to the returning officer's approval of the cards, their printing after approval, and the time factor in handing them to presiding officers in the time allowed before polling commences.

While a card in a polling compartment could be removed or defaced, there is no provision for the presiding officer in that State to replace the card with one of identical form. There is also the problem of considerable demands on the returning officer's time if he is called upon to examine and approve these how-to-vote cards in the critical period at the close of nominations. Furthermore, there is no provision in South Australia for a draw for the position of candidates on ballot papers which could otherwise have been applied to positions of how-to-vote cards in compartments.

Members will appreciate, therefore, that the Chief Electoral Officer in South Australia was confronted with some confusing administrative problems associated with how-to-vote cards arising out of the 1972 amendment to the Electoral Act. Time was an important factor in the South Australian general election.

The Hon. A. F. Griffith: There is nothing like that in this Bill.

The Hon. J. DOLAN: The Leader of the Opposition queried this aspect of the how-to-vote cards and the putting up of the cards in the polling booths.

The Hon. A. F. Griffith: Nothing like what you are talking about now is contained in the Bill.

The Hon. J. DOLAN: I will just finish these notes, as I would hate to be disrespectful to the Chief Electoral Officer who prepared the comments after studying a pull of the speeches to this Bill.

There were only 11 days between nomination day and polling day for the South Australian general election. This is quite a short period of time in which to carry out some of the requirements of the Act and regulations, the peculiarities of which I have endeavoured to outline briefly in response to promptings by the Leader of the Opposition. Incidentally, how-to-vote cards outside polling places were not prohibited at the South Australian general election held on the 10th March, 1973. The cards were handed to electors and brought into the polling places and voting compartments.

It appears that we will debate many of these points during the Committee stage. I do not know whether the Leader of the Opposition will spend much time on them —however, that is his prerogative. With those comments I commend the Bill to the House.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (The Hon. F. D. Willmott) in the Chair; The Hon. J. Dolan (Leader of the House) in charge of the Bill.

Clauses 1 and 2 put and passed.

Clause 3: Amendment to section 18—

The Hon. A. F. GRIFFITH: In the interests of trying to keep my word about not entering into too much debate on the Bill I will be as brief as possible. I oppose this clause and some of my reasons for doing so are already known to the Committee. The Leader of the House will recall that in the Constitution Acts Amendment Bill which he presented to this Chamber a week ago we deleted a clause which was similar to the clause we are discussing. In fact, I think it would have been more appropriate had we dealt with this Bill before the Constitution Acts Amendment Bill, but we did not do that.

I prefer the section in the Act as it now stands to this clause. Section 18 reads—

> Every person, nevertheless, shall be disqualified from being enrolled as an elector, or if enrolled, from voting at any election, who—
>
> > has been attainted of treason, or has been convicted and is under sentence or subject to be sentenced for any offence punishable under the law of any part of the King's dominions by imprisonment for one year or longer;

The paragraph which is to replace paragraph (c) of section 18, reads as follows—

> (c) has been convicted of treason, or has been convicted and sentenced to a term of imprisonment for one year or longer and is in prison pursuant thereto;

So we could have a situation where a man is convicted of treason and sentenced to prison for one year or longer, but, should other circumstances occur which prevent his entering prison, he could become eligible to stand as a candidate for Parliament. If he has committed treason he should not be qualified in any way to become a member of Parliament.

It is hard for me to understand why the Government, on the one hand, would want to say that a person who has been convicted of treason and who serves a term of imprisonment is disqualified, and on the other that another person who has been convicted of treason but who is not in gaol shall not be disqualified. For those reasons I oppose the clause.

The Hon. J. DOLAN: I believe the Leader of the Opposition has misunderstood the clause, because in it we have retained exactly what is in the Act.

The Hon. A. F. Griffith: Pardon me, but you have not.

The Hon. J. DOLAN: The words, "has been attainted of treason" are still in the Act and they are still in this clause. The difference between what is in the Act and what is intended to apply in this clause is that in section 18 at present if a man has been convicted and is under sentence or subject to be sentenced he is not eligible to become a member of Parliament. This clause seeks to provide that if he is not imprisoned he shall become eligible. I would remind the Leader of the Opposition that the Attorney-General in another place was able to convince the Deputy Leader of the Opposition in that place on this particular point. A person may be sentenced to imprisonment for one year or more, but after six or nine months he may be released on parole and in these circumstances, under the section in the Act, he is prevented from becoming a candidate for election to Parliament even though he has indicated he has a desire to improve his life and behave himself. As this explanation has been accepted in another place, I ask that members should consider this aspect when voting on the clause.

The Hon. A. F. GRIFFITH: The Minister will no doubt recall that there were two subsections in section 6 of the Constitution Acts Amendment Act which we did not delete by the Bill which was before us about a week ago. One of those subsections related to a clergyman and the other related to a person who had been attainted of treason. It does not matter what we do with this clause, such a man will still be debarred from becoming a member of Parliament by the provisions contained in the Constitution Acts Amendment Act. He could not become a member of Parliament in any case because of the provision contained in section 18 of the Electoral Act at present, because he could not be enrolled as an elector, and if he cannot be enrolled as an elector, he cannot become a member of Parliament under the Constitution Acts Amendment Act.

The Hon. J. Dolan: I am not debating that part of the clause which relates to his being attainted of treason, but the other part. The Leader of the Opposition is trying to align the two; I am trying to separate them.

The Hon. A. F. GRIFFITH: It is my understanding that if the Committee passes this clause, paragraph (c) of section 18 would be deleted and a new paragraph would be inserted in its place, and in my opinion the one to be inserted is totally different from the one that is now in the section.

The Hon. J. Dolan: It is not totally different.

The Hon. A. F. GRIFFITH: It is totally different in one particular respect.

The Hon. J. Dolan: I cannot follow you. How can it be totally different in one particular respect?

The Hon. A. F. GRIFFITH: I am sorry if the Leader of the House cannot follow me.

The Hon. J. Dolan: I just cannot.

The Hon. A. F. GRIFFITH: Section 18 of the Act contains the words "has been attainted of treason", and that means he has been deprived of certain liberties because of a treasonable offence.

The Hon. J. Dolan: That is right.

The Hon. A. F. GRIFFITH: To my way of thinking there are not many crimes that are worse than treason. The section in the Act then goes on to state "has been convicted and is under sentence or subject to be sentenced for any offence punishable under the law"; so this has been approached in three different ways. He has been attainted of treason; he has been convicted of it; he has been sentenced, or he is subject to be sentenced for an offence under the law in respect of which he is liable to a penalty of imprisonment for one year or longer. The paragraph in this clause, however, concludes with the words "and is in prison pursuant thereto". A man could be convicted of treason, but a judge, out of the kindness of his heart, may say, "I will not put you in prison; I will put you on a bond to be of good behaviour for 12 months", and because he has not been in prison that man would be eligible to be enrolled if this paragraph in the clause is substituted for the paragraph in section 18; and I cannot go along with that.

In my opinion, if we accepted this provision it would be a breach of the Constitution Acts Amendment Act.

The Hon. J. DOLAN: I refer members to page 2776 of *Hansard* No. 12, when the gentleman to whom I referred had this to say—

The DEPUTY CHAIRMAN (The Hon. F. D. Willmott): Are you referring to a debate in another place?

The Hon. J. DOLAN: Yes.

The DEPUTY CHAIRMAN: That is not allowed.

The Hon. J. DOLAN: Very well. I will only say that the words the Leader of the Opposition has been referring to; namely, "has been attainted of treason", are not only in the Act but also in the amendment contained in clause 3.

The point I am making is that the amendment will provide that any man who has been sentenced and released on parole is given an opportunity to become eligible to vote at an election.

The Hon. A. F. GRIFFITH: To the best of my recollection, what the Attorney-General said was that the offence can be committed, but the offender will only be deprived of a vote at an election while he is in prison serving a sentence. If he has been released on parole he is entitled to be enrolled as an elector. Having read the words of the Attorney-General in *Hansard*, that is as near as I can remember them.

Point of Order

The Hon. J. DOLAN: I rise on a point of order, Mr. Deputy Chairman. You told me that I could not refer to a debate in another place. I now ask: Is not the Leader of the Opposition doing exactly what I tried to do?

The DEPUTY CHAIRMAN (The Hon. F. D. Willmott): The Leader of the Opposition was not quoting from *Hansard*. I think the Leader of the House was about to quote from *Hansard*.

The Hon. A. F. GRIFFITH: I was merely trying to be helpful. I had picked up the relevant page in *Hansard* and I merely tried to recall the words as best I could so that the Leader of the House might get his story across. If he is going to raise objection to what I have done we will be here all night.

Committee Resumed

The Hon A. F. GRIFFITH: The whole point is that such a person will not be deprived from becoming an elector if he is not sentenced to prison for the crime of treason; that is, under the Government's proposed new provision, if such a man is not in prison—he may be on parole—he could become an elector. I am not prepared to see any man who has committed treason become an elector.

The Hon. J. DOLAN: I will raise only one point. An honourable member in another place—and I am not quoting from *Hansard*—said he was pleased that the Minister had cleared up the point about which he had some doubt—and this is the point.

Clause put and negatived.

Clauses 4 and 5 put and passed.

Clause 6: Amendment to section 52—

The Hon. A. F. GRIFFITH: As this is a consequential provision, the Committee should not agree to the clause as a result of clause 3 being negatived.

The Hon. J. DOLAN: There is no mention whatsoever in clause 6 of the point that was raised when we were debating clause 3; that is, a man could be in prison as a result of having been convicted for treason. If an election is held while a person is on parole, he should be entitled to vote because while on parole he is treated as an ordinary citizen.

The Hon. A. F. GRIFFITH: I wish to help the Minister by referring him to the commencement of section 18 which the Committee did not amend, and to section 52, paragraph (e) which the Government wants to alter. There is not a tittle of difference in the principle contained in the two provisions.

Clause put and negatived.

Clause 7: Amendment to section 59—

The Hon. A. F. GRIFFITH: The deletion of this clause is consequential.

Clause put and negatived.

Clause 8: Section 77A added—

The Hon. A. F. GRIFFITH: Clauses 8 to 16 inclusive refer to ballot papers, names on ballot papers, registration of political parties, and so on. If clause 8 is deleted, clauses 9 to 16 inclusive must be also deleted.

Clause 8 makes provision for party designations to be shown on ballot papers. Time and time again the Government has attempted to introduce similar legislation, but the members of the Liberal Party and, I think, also members of the Country Party have indicated their opposition to the principle because our contention is that an individual, not a political party, is elected to Parliament.

I will not make a long speech about the matter. I have opposed the principle previously and I oppose it again.

The Hon. L. A. LOGAN: I merely wish to indicate that the Country Party has considered this principle on more than one occasion and, at a recent meeting, it again decided to oppose this portion of the Bill.

The Hon. J. DOLAN: I appreciate what the Leader of the Opposition and Mr. Logan have said. However, we should look at the situation in other nations. The Canadian legislation provides for party designations to be shown on ballot papers.

The Hon. A. F. Griffith: I do not care.

The Hon. J. DOLAN: South African legislation requires the name, address, and occupation to be shown. In the United States of America party identifications are usually shown on the ballot paper, though sometimes nonpartisan elections are held. In the 1960s probably more than half of the elective offices in the United States were filled using a nonpartisan ballot.

I do not know whether those countries are less enlightened than we are, but they believe that the designations on the ballot paper are desirable.

I have here a specimen copy of a notice which was displayed in the booths during the New Zealand elections. If members

will read it they will see that it has the following—

Brown—National
Jones—Labor
Robinson—Social Credit
Williams, James—Liberal
Williams, John—Independent

Other countries believe that it is desirable for the party designations to be shown on the ballot paper. However, if the Committee does not agree, then the provision will not be included in our legislation. I am supporting this clause and the following ones associated with section 77.

Clause put and negatived.

Clause 9: Section 77B added—

The Hon. A. F. GRIFFITH: This clause provides for the registration of political parties. I am sure that members realise what will occur if the provision becomes law. Once again, my party and, as Mr. Logan has indicated, the Country Party, are opposed to the clause.

Clause put and negatived.

Clauses 10 to 16 put and negatived.

Clause 17: Amendment to section 81—

The Hon. A. F. GRIFFITH: This clause provides for an increase from $50 to $100 in the nomination fee to be lodged by a candidate. The present amount has been in the Act for a long time and it seems to me that the amendment should not be opposed.

Clause put and passed.

Clause 18: Amendment to section 86—

The Hon. A. F. GRIFFITH: As a result of the deletion of clauses 8 to 16, this clause must also be deleted.

Clause put and negatived.

Clause 19: Amendment to section 90—

The Hon. A. F. GRIFFITH: Section 90 deals with the initialling of ballot papers and, under the clause, the need will be removed for the electoral officer to initial ballot papers. I am not necessarily opposed to the amendment, but I would like the Minister to give us a little more information as to the Government's reason for it.

The Hon. J. DOLAN: I have no firm views about this provision and I do not think electoral officers in the various States have a firm view on it either, as they seem to be very divided on the matter.

I do not want to mention names, but one well-known Chief Electoral Officer does not believe that the omission of an initial should render a vote informal, and yet another Chief Electoral Officer, although not very decided in his views, has the opposite opinion.

In 1971 the initialling was discontinued in Queensland and the change was very well received by all parties, although the voting was not on party lines. It was felt that if a man were conscientious enough to travel perhaps a long distance to vote he should not be disfranchised merely because someone forgot to initial the ballot paper. It has been the opinion that that penalty is too great, and I am inclined to the same opinion.

The Hon. N. E. Baxter: He would not know he was disfranchised.

The Hon. A. F. Griffith: He would not be disfranchised.

The Hon. J. DOLAN: Why not?

The Hon. A. F. Griffith: Because the Act provides he would not be disfranchised. You do not know much about the Act.

The Hon. J. DOLAN: Probably not, although I have served under it for long enough. I have seen votes recorded as informal because the ballot paper had not been signed.

The Hon. N. E. Baxter: That does not disfranchise the voter.

The Hon. J. DOLAN: Whether or not a fellow knows the result of his vote, is not important. If a person genuinely tries to obey the law and act in a responsible manner, his vote should not be treated in this way. I do not intend to press the clause as I believe its provision is a matter of opinion and nothing else.

If an officer does not initial a ballot paper and that vote is not counted, it could have a great effect. Many elections have been won or lost by a few votes, and this provision in the Act could have had an effect on the result. My own personal view is that the provision is far too severe.

The Hon. A. F. GRIFFITH: It is probably only a technical point, but the fact that a ballot paper is ruled out of order because it has not been initialled does not disfranchise the voter. He is still an enrolled elector.

The Hon. J. Dolan: I used the wrong word.

The Hon. A. F. GRIFFITH: As I said, it is purely a technicality. This clause seeks to amend section 90 (4) (c) (i) of the Act. That sub-paragraph reads—

> (i) a postal ballot paper printed under the authority of the Chief Electoral Officer in the form prescribed by the regulations and initialled by the issuing officer and attach thereto a declaration in the form so prescribed;

The amendment proposes to delete the words "initialled by the issuing officer and". The Minister says elections have been won and lost by a few votes, and that is one of the reasons for the amendment.

I point out that the Electoral Act also contains a section which says a ballot paper shall not necessarily be out of order because it is not initialled by the returning officer and that it will be accepted as

a valid vote provided the watermark is legible, and so on. Therefore, the elector is not disfranchisd in either the first case or the second case.

The Hon. J. Dolan: He could be deprived of his vote. I have seen it happen.

The Hon. A. F. GRIFFITH: In that case, the returning officer would have given the wrong decision, because it is clear that the ballot paper will not be regarded as informal merely by reason of the fact that it is not initialled. To my way of thinking, the initialling of the ballot paper is a safety measure.

The Hon. L. A. LOGAN: Undoubtedly, right from the start the reason for requiring that ballot papers be initialled has been to provide a safeguard for the people concerned. If initialling of ballot papers were not required, it would be easy for illegal ballot papers to be placed in the ballot box or substituted for valid ballot papers. This is the reason for requiring that they be intialled. In my opinion, the occasions when a returning officer has failed to sign ballot papers would be few and far between. I believe the returning officer has plenty of time to sign the papers. It is not a very onerous requirement and I do not see any reason for deleting it. It is a safeguard for those standing as candidates, and it applies to an election of any kind where ballot papers are issued.

The Hon. A. F. Griffith: Western Australians are accustomed to receiving ballot papers which are initialled.

The Hon. L. A. LOGAN: It is the custom and practice in all kinds of ballots and I think we should retain it.

The Hon. J. DOLAN: My advice is that the number of votes rendered informal through the failure of officials to sign ballot papers is substantial and unwarranted. The fact that this has been the custom does not mean a change cannot be made. The change was made in Queensland two years ago and it was accepted by all parties. They do not seem to have any regrets about it.

Clause put and a division taken with the following result—

Ayes—8

Hon. R. F. Claughton	Hon. J. L. Hunt
Hon. S. J. Deller	Hon. R. T. Leeson
Hon. J. Dolan	Hon. R. H. C. Stubbs
Hon. L. D. Elliott	Hon. D. K Dans *(Teller)*

Noes—15

Hon. N. E. Baxter	Hon. N. McNeill
Hon. G. W. Berry	Hon. T. O. Perry
Hon. V. J. Ferry	Hon. S. T. J. Thompson
Hon. A. F. Griffith	Hon. J. M. Thomson
Hon. Clive Griffiths	Hon. R. J. L. Williams
Hon. J. Heitman	Hon. W. R. Withers
Hon. L. A. Logan	Hon. C. R. Abbey
Hon. G. C. MacKinnon	*(Teller)*

Pairs

Ayes	Noes
Hon. R. Thompson	Hon. I. G. Medcalf
Hon. W. F. Willesee	Hon. D. J. Wordsworth

Clause thus negatived.

Clause 20: Amendment to section 92—

The Hon. A. F. GRIFFITH: I have no objection to this clause going through as it is.

Clause put and passed.

Clause 21 put and passed.

Clause 22: Amendment to section 95—

The Hon. A. F. GRIFFITH: This clause really pertains to clauses 24 and 25, which make new provisions in relation to mobile ballot boxes, etc. I want more information about the application of clauses 22 to 25.

If the amendment to section 100 in clause 23 is adopted, we can appoint one and the same polling place as a polling place for two or more provinces or districts. I understand mobile ballot boxes are those which go from hospital to hospital, and I want to know how this will operate if one mobile ballot box can be the polling place for two or more provinces or districts. At the present time some hospitals are declared, either by the Minister or the Chief Electoral Officer, as places which will be attended to by the Electoral Office, and other hospitals which are not so declared are usually serviced by the political parties. It appears that practice will be changed. Can the Minister give us more information on the operation of the clause?

The Hon. J. DOLAN: I take it a mobile ballot box is one which is easily moved from place to place. Under the powers at present vested in the Minister mobile ballot boxes can be taken to the big hospitals and other large institutions—such as Royal Perth Hospital, the Mt. Henry home, St. John of God Hospital, and so on. There are many minor hospitals where these provisions do not apply.

I think the idea is to treat all hospitals alike. The provision enabling one polling place to be a polling place for two or more provinces or districts will allow the mobile ballot box to be taken from one province to another. Trained operators will be in charge of the boxes and I think it is feasible for them to go from one hospital to another to take the votes in the manner set out in these clauses.

I think it is only a question of adopting an easier procedure than the present procedure of taking postal votes and sick votes, and for this purpose the polling place may be taken from place to place.

The Hon. L. A. LOGAN: I know we are dealing with clause 22, but if we take any notice of the interpretation of clause 23 as mentioned by the Minister, we will find he is completely wide of the mark, because

the clause has nothing to do with hospitals. Clause 23 is to establish a central polling place to cover every electorate and province in the State.

The Hon. J. Dolan: The Leader of the Opposition wanted to know how these mobile booths will operate.

The Hon. A. F. GRIFFITH: I do not wish to confuse the Minister. I said. and I still say, that clauses 22 to 25 are related. Clause 22 amends section 95 of the Act by adding after the word "apply" in line 4 of subsection (8) of that section, the passage "or is an institution or hospital to which the provisions of section one hundred B of this Act apply". Section 95(8) deals with the votes of electors who are inmates in prescribed institutions, and the clause widens that to include inmates of an institution or hospital under the provisions of proposed new section 100B. So the clause does not deal with a single polling place.

The Hon. L. A. Logan: No, but clause 23 does.

The Hon. A. F. GRIFFITH: Yes, because they all lead in to this. It is obvious that under the Bill no hospital or institution may be served by any person other than an electoral officer.

I draw the attention of members to the provisions of proposed new section 100B. In the first place we have an amendment to section 95; and when one reads that section and proposed new section 100B one finds the Minister may prescribe any hospital or institution at all as a place at which mobile ballot boxes may be used. If it is the wish of the Government every institution in the State could be declared a place subject to that provision. No-one would be allowed to go into such an institution to provide any service whatsoever to an elector in respect of voting.

If I were in hospital my wife would not be allowed to bring me a postal ballot application form. All that will be done by the Electoral Office. In those circumstances what say will candidates have in the conduct of an election? Will provision be made for scrutineers? What conditions will apply in the case of a person who may want to do what he has been able to do for many years; that is, have a member of his family look after his voting for him? I think the provision goes too far, and I would like further explanation of it.

The Hon. J. DOLAN: There is nothing unusual in the provision of clause 23, which provides that one and the same polling place may be appointed a polling place for two or more provinces or districts. In Applecross, for example, two provinces adjoin one another, and this amendment will make it possible to appoint one polling place to serve electors who are close to the boundary.

The Hon. A. F. Griffith: They do that now.

The Hon. R. F. Claughton: According to your second reading speech, clause 23 is to set up a central polling place.

The Hon. L. A. Logan: Let us deal with clause 22 and forget about clause 23 for the moment.

The Hon. J. DOLAN: Yes. Clause 22 amends section 95(8), which refers to an elector who is an inmate of an institution. There is no mention of "institution" in the interpretations.

The Hon. L. A. Logan: The clause is adding the words "or is an institution or hospital" so that the presiding officer may take a mobile ballot box into the hospital or institution.

The Hon. J. DOLAN: Section 95(8) states—

> Where an elector is an inmate in an institution, which institution is prescribed by the regulations as one to which the provisions of this section apply...

And then we are adding the words "or is an institution or hospital to which the provisions of section one hundred B of this Act apply". Section 100B is to be inserted in the Act by clause 24, and it states—

> (1) Notwithstanding any other provision of this Act the Minister may, by notice published in the *Government Gazette*, specify the institutions or hospitals...

I take it that the institution or hospital to which clause 22 refers will be a place at which this type of voting may proceed and all other types of voting will be prohibited.

The Hon. A. F. GRIFFITH: We have had no real explanation at all. I am aware of the present position; I was hoping to get some information regarding why it is necessary to make this change. We know that in many institutions the people who attend to the voting requirements of the inmates are quite inexperienced. In some institutions the staff will not attend to this matter at all, and in these cases the requirements of the inmates are normally serviced by their relatives or by political candidates. The explanation of the Minister leads me to believe that if it is the intention of the Minister of the day to declare any or every institution as an institution under the appropriate section of the Act, then one will be unable to proffer to a relative who is an inmate of an institution an application form for a sick vote. This will have to be done by the Electoral Office. I cannot see the necessity for that.

The Hon. J. Dolan: You do not think it is desirable that the Electoral Office should be responsible?

The Hon. A. F. GRIFFITH: What is wrong with the present system? It has been in operation for many years. What disadvantages have people suffered under it? Under this provision would an electoral officer do the work? I do not think the electoral officers could do it because there are so many institutions.

The Hon. L. A. Logan: It must be done by an electoral officer.

The Hon. A. F. GRIFFITH: Yes, or by a person appointed by him. He could appoint one of the staff of the hospital who would not necessarily be a presiding officer.

The Hon. D. K. Dans: Surely this would not necessarily apply to every institution in the State.

The Hon. A. F. GRIFFITH: It could. It will apply to those which are declared by proclamation.

The Hon. D. K. Dans: This system operated at the hospital in Bunbury during the by-election.

The Hon. A. F. GRIFFITH: The amendment broadens the provision so that it will include any or every institution. I think the present system has operated satisfactorily. We have not yet had any explanation regarding why the change is considered necessary.

The Hon. J. DOLAN: I feel the Committee is entitled to a proper explanation. I must admit that I am a little confused. The Miniser in charge of the Bill gave me no notes for the Committee stage, and I cannot find the debate which took place on this clause in the other place. I do not think it would upset members if I moved to report progress and asked for leave to sit again.

The Hon. A. F. Griffith: Before you do, some other clauses which follow clauses 22 to 25 also need a deal of explanation.

The Hon. J. DOLAN: I will obtain a full explanation from the Minister who handled the Bill in the other House.

Progress

Progress reported and leave given to sit again, on motion by The Hon. J. Dolan (Leader of the House).

House adjourned at 10.30 p.m.

Legislative Assembly

Tuesday, the 6th November, 1973

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

BILLS (10): ASSENT

Message from the Lieutenant-Governor received and read notifying assent to the following Bills—

1. Motor Vehicle (Third Party Insurance) Act Amendment Bill.
2. Official Prosecutions (Defendants' Costs) Bill.
3. Broken Hill Proprietary Company's Integrated Steel Works Agreement Act Amendment Bill.
4. Railway (Kalgoorlie-Parkeston) Discontinuance and Land Revestment Bill.
5. Adoption of Children Act Amendment Bill.
6. Iron Ore (Murchison) Agreement Authorization Bill.
7. Housing Loan Guarantee Act Amendment Bill.
8. Constitution Acts Amendment Bill.
9. Pay-roll Tax Act Amendment Bill.
10. Pay-roll Tax Assessment Act Amendment Bill.

QUESTIONS (29): ON NOTICE

1. HOSPITALS: TERM OF TREATMENT

Hysterectomy and Cholecystectomy

Mr. W. A. MANNING, to the Minister for Health:

> What reasons can he advance for the average stay in Royal Perth Hospital for hysterectomy and cholecystectomy being so much greater than the time at Fremantle, Bentley, Osborne Park, Bunbury Regional and Narrogin Regional hospitals as set out in reply to question 14 on 30th October?

Mr. DAVIES replied:

> These cases include a number with complications and other diseases which required prolonged stay in hospital—some of these having been transferred from other hospitals because of their complex nature.