

Mr. ROBERTS: —at present Leader of the Legislative Council, said—

Clause 2 of the Bill seeks to amend Section 94 of the Act. The Chief Electoral Officer agreed with Mr. Griffith and so does the Minister for Justice and the Government, that this amendment would be an improvement.

Further—

The Government is prepared to accept the amendment in Clause 2.

So, if there is not a split in Cabinet, I will eat my hat.

Mr. Jamieson: They had not then seen the nigger in the woodpile.

Mr. ROBERTS: I would ask the hon. member how many applications would be made in the Eastern States for postal votes.

Mr. Jamieson: If the Liberal Party were handling it there would be plenty.

Mr. ROBERTS: They could be counted on the fingers of one hand. This is purely to facilitate applications for postal votes—

Mr. Tonkin: To facilitate fraud.

Mr. ROBERTS: If the Government is going to depend on postal votes received from people in the Eastern States, it should not be called a Government.

Mr. Brand: Mr. Williams thinks he was deceived.

Mr. Johnson: He is president of the bank officers. He will have a go at you any day.

Mr. ROBERTS: The Minister for Works dealt only with Clause 2 and did not mention Clause 3, which was inserted in the Bill in another place by representatives of the Government. I am amazed that the Government tonight opposes the Bill, which would assist the relatives of sick people who wish to make application while in hospital.

Mr. Marshall: All paid agents of the Liberal Party.

Mr. ROBERTS: The hon. member should have proof before making such statements as that. As I am confident the Bill warrants a place on the statute book, I recommend the measure to the house and trust the Minister for Works will not wield the big stick, but give members of his party an opportunity to vote according to the dictates of their consciences.

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

#### Ayes—13

Mr. Bovell	Mr. Mann
Mr. Brand	Mr. W. Manning
Mr. Cornell	Mr. Nalder
Mr. Crommelin	Mr. Owen
Mr. Hearman	Mr. Roberts
Mr. Hutchinson	Sir Ross McLarty
Mr. Lewis	(Teller.)

#### Noes—22

Mr. Bickerton	Mr. Marshall
Mr. Brady	Mr. Moir
Mr. Evans	Mr. Norton
Mr. Graham	Mr. O'Brien
Mr. Hall	Mr. Oldfield
Mr. Heal	Mr. Potter
Mr. Jamieson	Mr. Rhatigan
Mr. Johnson	Mr. Rowberry
Mr. Kelly	Mr. Toms
Mr. Lapham	Mr. Tonkin
Mr. Lawrence	Mr. May

Majority against—9.

Question thus negatived.

Bill defeated.

House adjourned at 11 p.m.

(Teller.)

## Legislative Council

Thursday, the 13th November, 1958.

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

**OBITUARY—LETTER IN REPLY.**

*The Late Hon. Gilbert Fraser, M.L.C.*

**THE PRESIDENT:** I have received the following letter:—

"Panorama,"

4 Bay road,  
North Fremantle.

11th November, 1958.

The Hon. The President and Members  
Legislative Council.

Would you please accept the sincere thanks of myself and family for your motion of condolence for my late husband Hon. G. Fraser.

I feel that his record in your Chamber was such that we may all feel justifiably proud of a job well done.

May I take this opportunity of offering my congratulations to whoever will succeed him as Leader of the Government in the Legislative Council, and my thanks to all Members for their co-operation and kindness during his long illness.

Yours sincerely,  
(Sgd.) M. A. FRASER.

**QUESTIONS ON NOTICE.****NORSEMAN JUNIOR HIGH SCHOOL.***Additional Accommodation.*

1. The Hon. J. M. A. CUNNINGHAM asked the Minister for Railways:

In view of the facts that—

- (a) at Norseman Junior High School three classes of a total of 120 children are at present housed in hired accommodation;
- (b) a conservative but certified increase in enrolment for 1959 is 35 students;
- (c) at present, for the 1959 school year, two only Bristol-type classrooms are being erected;
- (d) both the district superintendent and the headmaster are satisfied that a minimum of three new classrooms is essential for efficient administration and use of staff members, and to avoid use of hired accommodation; and
- (e) neither the district superintendent, the headmaster, the local parents and citizens' association, nor the people of Norseman, consider that the present classroom accommodation is adequate or that Norseman is generously staffed—

(1) Would the Minister advise—

- (a) Is it a fact that the last remaining Bristol-type classroom in Western Australia is un-allocated?
- (b) Is it a fact that this classroom has been paid for and is at present costing the department rental for storage?

(c) Is it a fact that if this room was erected at Norseman simultaneously with the present erection programme the department would save money, both in erection costs and in rental for storage space and for hired accommodation?

(d) Why the third Bristol-type classroom cannot be allocated to Norseman as the need for the extra accommodation is not denied by the department (and this is so from correspondence)?

(2) If the answer to No. (1) (a) gives the last Bristol-type classroom as having been allocated, how does the department intend to match to the rooms under construction any other room to satisfy the 1959, and later, need for accommodation?

The Hon. H. C. STRICKLAND replied:

(1) (a) No. All Bristol classrooms have been allocated.

(b), (c), (d). See (a).

(2) Future classrooms will be in wood frame construction and will be linked to the existing Bristol units.

**MILK.***Sale in "Tetra" Pack.*

2. The Hon. G. C. MacKINNON asked the Minister for Railways:

(1) Was the request for a price for pints of milk sold in "Tetra" packs made on the basis that "Tetra" packs would replace glass bottles or would be sold in addition to the glass bottles?

(2) If the application stated that "Tetra" packs were to be sold in addition to the usual glass bottles and would be supplied only at the request of the consumer, what was the basis for the refusal of any price increase?

(3) Has a person retailing milk in bottles, the right to charge the consumer for the bottle?

(4) If the answer to No. (3) is "yes," what is the allowable charge?

The Hon. H. C. STRICKLAND replied:

(1) The request did not indicate whether milk in "Tetra" packs would entirely or partially replace milk sold in bottles.

(2) The request did not state that "Tetra" packs would be supplied only at the request of customers. The Milk Board considered the increase requested was not warranted.

(3) and (4) There is no statutory right but the treatment plants have charged retailers for bottles not returned.

**RAILWAY TRAVEL.***Concession to Students.*

3. The Hon. C. R. ABBEY asked the Minister for Railways:

Will the Minister advise what concession fares are available to school children and students travelling on the railways?

The Hon. H. C. STRICKLAND replied:

The W.A.G.R. makes provision for school children and students to travel on its services, at the following concessional fares:

- (a) Students and school children travelling daily to attend classes at colleges and schools controlled by the Education Department, and also attending private schools and colleges classified by the Education Department as "efficient schools":—

Term tickets available to cover full school terms, monthly and quarterly tickets:

Under 18 years—One third ordinary adult periodical fare.

Over 18 years—One half ordinary adult periodical fare.

- (b) Business colleges.

Monthly, quarterly and date to date tickets:

Under 18 years—One third ordinary adult fare.

Over 18 years—One half ordinary adult fare.

- (c) Travel during recognised school and college vacations (all schools, colleges and University, as registered with this department):—

During vacation:

Under 16 years—One third adult return fare for return journey.

Over 16 years—One half adult return fare for return journey.

Travelling to home having finished course, or to enrol, for 16 years and 18 years groups:

One third adult single fare for single journey.

One half adult single fare for single journey.

Concession travel in clause (c) is available on all rail services (both for local and intersystem journeys) and on road bus service if no rail service exists.

- (d) Large parties of schoolchildren, under teacher escort, following application, have been granted child's fares, irrespective of the age of the individual student.

- (e) National Fitness (Education Department) summer camp schools for country students:—

Under 16 years—One third adult return fare for return journey.

Over 16 years—One half adult return fare for return journey.

**CLOSING DAYS OF SESSION.***Standing Orders Suspension.*

THE HON. H. C. STRICKLAND (Minister for Railways—North) [2.23]: I move, without notice—

That during the remainder of the session so much of the Standing Orders be suspended as is necessary to enable Bills to be passed through all stages in any one sitting, and all messages from the Legislative Assembly to be taken into consideration forthwith.

The object of the motion is to endeavour to facilitate the passage of the business from another place when it gets on to our notice paper. It had been thought that if the Legislative Assembly was sitting next week it might become necessary for this Chamber to meet for a short period to receive messages and get the business on to the notice paper. But as the Legislative Assembly is not sitting, and as it is possible that some messages could come along today or when Parliament re-assembles the week after next, it is desired that this motion be carried to enable the business to be dealt with when it is put on our notice paper.

The PRESIDENT: I have counted the House and assured myself that there is an absolute majority of hon. members present. There being no dissentient voice, I declare the question duly passed.

Question thus passed.

**BILLS (2)—THIRD READING.**

- 1, Government Railways Act Amendment (No. 2).

Transmitted to the Assembly.

- 2, Cancer Council of Western Australia. Returned to the Assembly with amendments.

**LICENSING ACT AMENDMENT BILL.**

Reports of Committee Adopted.

# **MARKETING OF EGGS ACT AMENDMENT (CONTINUANCE) BILL.**

## *Second Reading.*

**THE HON. H. C. STRICKLAND** (Minister for Railways—North) [2.28] in moving the second reading said: This Bill seeks to extend the life of the Western Australian Egg Marketing Board for a further period of 10 years until the 22nd March, 1971. The present Act was proclaimed to come into operation for 15 years after the date of its proclamation, which was the 23rd March, 1946. The Bill, therefore, will extend the life of the measure from 15 to 25 years. This is the sole amendment in the Bill.

The Egg Marketing Board has, for some years, been endeavouring to establish its own receiving, handling and processing buildings, together with cold storage facilities for the storage of egg pulp and eggs for both local consumption and export. The Metropolitan Market Trust which is engaged on a comprehensive building programme within its area, has advised the Egg Board that it will be only a matter of time before the building, housing several departments of the Egg Board, will have to be demolished to provide space for new structures and for the smooth flow of traffic.

Apart from renting space from the Market Trust, the board is also receiving facilities for cold storage from the W.A. Meat Works at Robbs Jetty. The meat works provide facilities for the processing of pulp, including shock freezing. This service could be further improved by having a cold store for loading directly from store to ship.

The board has examined carefully the savings which can be expected under various projects, and considers that the capital cost of the floors and cold stores at either Fremantle or Welshpool could be paid for in 12 years.

It will be realised that, apart from the savings to be expected, properly designed facilities can bring about a stimulation of consumption—particularly local consumption—by the marketing of a much improved product. The industry contends, moreover, that more economical handling could result in the supply of a cheaper egg to the public. If the successful practice employed in countries where climatic conditions are similar to those in Western Australia, is to be followed, it is almost certain that the time is not far distant when it will be necessary for eggs to be held under refrigerated conditions at the source of supply, through the processing stages, and finally at the retail supply stores. Obviously, this will be impossible if the Egg Board's facilities are inadequate.

The estimated cost of the required buildings is £200,000, and the Commonwealth Bank is prepared to advance a sum of £210,000, subject to the loan being guaranteed by the Western Australian Government. It will be noticed that, although there is another board banking with the Commonwealth Bank, it is not possible for that authority, with all its assets, to obtain any advance from the Commonwealth Bank unless guaranteed by the State Government.

From a survey of the Egg Board's assets, it appears that the guarantee of the loan could be safely given. The board already has substantial country assets; and 12 years is not a long period over which to finance the capital installation required.

The main feature to be observed, however, is that the tenure of the board is a limited one under the Marketing of Eggs Act, and to safeguard the Government it is necessary to amend the Act so as to extend the life of the board for a sufficient period, which would not be less than ten years. I move—

That the Bill be now read a second time.

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

# **TOWN PLANNING AND DEVELOPMENT ACT AMENDMENT BILL.**

## *Second Reading.*

Debate resumed from the 11th November.

**THE HON. H. C. STRICKLAND** (Minister for Railways—North—in reply) [2.33]: I have received some information in connection with the views expressed by those hon. members who spoke to the debate on this measure, and I must agree with some of them, and particularly with the view put forward by the hon. Mr. Watson, which, I think contains a deal of merit. He pointed out the difficulties and disabilities that might be created in the case of some householders or proprietors of land or buildings should the Bill be passed in its present form.

I have not had sufficient time in which to study the latest amendment that has been placed on the notice paper, but I feel we could take the measure to the Committee stage, and there progress as far as I am able to follow the debate in accordance with the information that has been supplied. My colleague, the hon. Mr. Wise, was sworn in at 12.30 p.m., today, as the new Minister for Local Government, Town Planning and Industrial Development, and seeing that not much more than two hours has passed since then, he has naturally not yet had time to study the Bill and the Act in order to take over immediately.

The Hon. A. F. Griffith: He usually does not take long.

The Hon. H. C. STRICKLAND: Nevertheless, I am sure it will not take him long to get on the ball and either agree or disagree, in no uncertain manner, with the amendments or proposals that may be submitted. Although offering nothing at all which might suggest a solution of the present impasse, the hon. Mr. Griffith, during the debate, was critical of the Government for not having brought down a Bill to cover the overall regional plan.

The Hon. A. F. Griffith: You admit you have reached an impasse?

The Hon. H. C. STRICKLAND: I would call it an impasse, because the Opposition seems to be in a sort of vacuum and does not offer any concrete proposals on the matter, but merely criticises, saying that that will do. The reason why no regional plan has been brought before Parliament up to the present is, as the hon. member said—he recognises the fact—because there was some disability in the department through the unfortunate demise of the late Minister for Local Government.

However, we must admit that other Ministers have plenty of work on their hands, and, therefore, full attention has not been given to the legislation. It has been considered on various occasions; always in the hope that the Minister controlling that portfolio would be returning to this Chamber to take up his duties, and, therefore, the measure has got a little behind. However, I can say with some assurance that every possible endeavour will be made and that, now the new Minister has been appointed to take control of this portfolio, Parliament will be presented with an overall regional plan next session.

I might perhaps be termed a prophet, for making that statement, as there is a general election intervening between now and the next session of Parliament, but I feel rather confident in prophesying that the hon. Mr. Wise will be the Minister to introduce such a measure when the House meets in July or August of next year.

The Hon. A. F. Griffith: Keep to the Bill.

The Hon. H. C. STRICKLAND: I know what happens to some prophets, but nevertheless I feel confident on this occasion. Let us hope I prove to be right.

The Hon. A. F. Griffith: Let us hope you are proved wrong.

The Hon. H. C. STRICKLAND: I knew that the Leader of the Opposition would not agree with me there but, nevertheless, I am sure it would be in the best interests of Western Australia. The hon. Dr. Hislop's contribution to the debate was, as always, one of interest. He rarely lets a measure of public interest pass through the

House without making a good contribution to the debate; and he expresses views and submits suggestions or alternatives which, though not always acceptable to the House, to the Government or to Parliament, are nevertheless always put forward as the result of a constructive outlook towards the legislation. I admire him for offering his views in connection with such matters.

I must agree with some of the suggestions that the hon. Dr. Hislop submitted to the House in connection with this matter. He pointed out that there could be some unnecessary inconvenience caused to landholders because of the absence of an overall regional plan.

I was also pleased to hear the hon. doctor admit that it was not an easy measure to prepare and that some time would be spent on debating it before it passed through Parliament. The hon. Mr. Diver was also constructive in his criticism and, as I interjected at the time, I thought that his views on extending the interim order for more than 12 months were well worth looking at. In fact, I have discussed his suggestion with Mr. Hepburn and he agrees that to extend the interim order for a further 12 months only will not be sufficient, even although a Bill for a new regional plan passes through Parliament next session.

As pointed out by the hon. Mr. Diver, it would take another six months to bring that legislation into operation and there could elapse, say, another six months between the passing of a Bill and its being brought into operation. That could mean quite a period without any coverage. During that time some people could buy real estate which, if it had been subject to control by an interim town planning order, they would not have bought. They could have expended their capital on the improvement of a building, for example, and then found it was to be resumed for the purpose of implementing the regional plan; and the resumption value of the building and the land may not reach the same figure as the owner had expended.

It can be seen, therefore, that many difficulties could arise if the interim order is extended for only 12 months. Hon. members will probably agree, therefore, that it would be advisable to extend the period of the interim order a little longer.

The Hon. H. K. Watson: You would like a little more borrowed time?

The Hon. H. C. STRICKLAND: Yes, because in the intervening period the lack of coverage by such an order not being in operation could involve many people in litigation and create unnecessary difficulties. I, therefore, suggest that before the Bill goes into Committee, hon. members should give some consideration to it. I

know that the Town Planning Commissioner will be suggesting an extension of the period of the interim order beyond 12 months.

The Hon. A. F. Griffith: Did Mr. Hepburn tell you why he wanted Clause 4 in the Bill?

The Hon. H. C. STRICKLAND: Yes. However, as I mentioned previously, I have not had sufficient time to study that aspect, but I propose, in Committee, to give hon. members a full explanation in regard to Clause 4.

Question put and passed.

Bill read a second time.

## STATE GOVERNMENT INSURANCE OFFICE ACT AMENDMENT

### BILL (No. 2).

#### *Second Reading.*

Debate resumed from the previous day.

**THE HON. A. F. GRIFFITH** (Suburban) [2.45]: When a Bill to amend the State Government Insurance Office Act was introduced earlier in the session, I gave an undertaking to support another Bill if it sought to widen the franchise of the State Government Insurance Office only to enable it to issue policies for school children's insurance. When the Minister for Railways introduced this measure he mentioned the undertaking I had given.

However, at this stage, it is advisable, I think, that I should quote what I said when the other Bill was before us. My remarks were as follows:—

The Government should forget about the Bill now before us and bring down one to widen the franchise of the State Government Insurance Office so as to cover children on a 24-hour basis, bearing in mind that equal opportunity must be given to other companies.

The Hon. H. C. Strickland: You said more than that.

The Hon. A. F. GRIFFITH: I said a lot more than that, but that was the important point in connection with the undertaking I gave to the Minister. I suggested that, in view of the fact that the Government had introduced two Bills to amend this legislation in 1944—one was defeated, and it was followed by another measure—which sought to give the State Government Insurance Office the right to insure school children, if it brought down a measure to widen the scope of that proposed amendment in order that the State Government Insurance Office would have the right to insure school children for 24 hours of the day, I would support such a Bill, bearing in mind that equal opportunity would have to be given to other insurance companies. It will be

realised, therefore, that my words on that occasion are quite important now that we are dealing with this measure, because it goes completely beyond the scope I refer to.

The Hon. G. C. MacKinnon: Give them a yard and they will take a mile.

The Hon. A. F. GRIFFITH: I did not quite hear the hon. member's interjection. This measure proposes to widen the scope of the Act to grant authority to the Government Insurance Office to insure any person who is a student or a trainee of any training institution. It does not attempt to give an interpretation of "student" or "trainee." It does not try to define the words "educational" or "training" institution. The Bill simply seeks to place the State Government Insurance Office in a position where it will be able to issue a policy for personal accident insurance to any person who is a student or a trainee in a training institution.

I have had circulated among hon. members, an amendment—which I propose to move in Committee—which is in keeping with the statement I made relating to the introduction of this Bill when the previous measure was under discussion. If it is accepted, it will have the effect of extending the franchise of the State Government Insurance Office to enable it to cover school children for 24 hours of the day. At the same time, the amendment seeks to provide that equal opportunity shall be given to other insurance companies to undertake this type of insurance. This is necessary in view of what has transpired in the past, as I will indicate to hon. members in a few moments. There has been what one might call a tendency to protect the State Government Insurance Office in regard to this form of insurance. It must be borne in mind that the State office was not the originator of school children's insurance, although it would have us believe that this was the case.

When speaking to a previous measure, I gave the history of the origin of insurance of school children in this State, and I do not propose to go over it again; suffice to say that it was not originated by the State Government Insurance Office. The desire of the State office to cover children 24 hours of the day has come about because another company has entered this field of insurance and has, for some time now—I do not know how long—been giving this cover to school children.

The Bill introduced by the Government in 1954 placed a limitation on the cover so far as school children are concerned. That Bill could have asked for this cover, but it did not contain a provision to extend the cover over a period of 24 hours. It simply asked what is stated in the

amendment to Section 2 of the principal Act which, in essence, means that children attending a school shall be covered.

As a matter of fact, hon. members will recall that it was on the suggestion of one hon. member of this Chamber that an amendment was placed in the Bill at that time to extend its operations to cover university students, because it was deemed that that would be a desirable state of affairs. The House readily accepted that situation. As I said a few moments ago, preference is shown to the State Government Insurance Office in regard to this particular type of insurance, and we must bear in mind that the Bill of 1954—introduced by the Government, which was assisted to a minor degree by one hon. member who moved an amendment—limits the amount of cover that school children can receive. Since then, one particular company has come into the field offering a cover over a 24-hour period, and, because the cover offered by that company is perhaps better than that offered by the State Government Insurance Office, the latter, through the Government, has been seeking protection from the competitive company.

To substantiate this statement, I would like to read a memo. that went out to State school teachers. It reads as follows:—

Teachers are reminded that the only insurance scheme for school children which has departmental sponsorship, and on behalf of which teachers are authorised to distribute cards, etc., and collect money is that conducted by the State Government Insurance Office in conjunction with the P. & C. Federation.

(Sgd.) T. L. Robertson,  
Director of Education.

That is tantamount to an instruction by the Director of Education—no doubt, at the instigation of the Minister—that the teachers in State schools should recognise the policy of the State Government Insurance Office rather than that of any other insurance company. The letter states that the only scheme the department is sponsoring is that which is in existence through the State Government Insurance Office.

The Hon. R. F. Hutchison: It would be a good thing for the State.

The Hon. A. F. GRIFFITH: Therefore, at the present time, whilst we have two schemes in operation, preference is being given to one. From the Government's point of view, I can understand its desire to issue an instruction of this nature.

I do not intend to say much more about this Bill. The understanding I gave, so far as I am concerned, was quite a clear one; that I would be quite happy to support a Bill which gave a 24-hour cover to school children. However, instead of

that, we find a Bill is introduced containing a much greater and wider provision than the measure which I thought and hoped would be introduced.

I am glad to say that in introducing the Bill, the Minister for Railways presented to us a story which was much more acceptable than that given in another place in connection with this matter, where all sorts of sidetracking issues seemed to be introduced. I am glad that the Minister for Railways stuck to the point at issue.

There are various other things that could be said concerning the build-up, and the reasons why this Bill has been introduced. The State Government Insurance Office asked for its franchise to be widened so that it could compete with the offers of other institutions in this type of insurance; and so long as it is able to compete in this class of business I have no objection to the Bill. I support the second reading. The Minister has a copy of an amendment which I propose to move, but unfortunately I have not been able to have it placed on the notice paper since the House adjourned last night. Should the Minister find any difficulty in accepting the amendment at the present time, I have not the slightest objection to its consideration being held over while he has it investigated. It is almost identical with an amendment moved in another place, but some extra words have been added.

On motion by the Hon. F. R. H. Lavery, debate adjourned.

## LOCAL GOVERNMENT BILL.

### *Recommittal.*

On motion by the Hon. F. J. S. Wise (Minister for Local Government), Bill recommitted for the further consideration of Clauses 34, 231, 307, 308, 504 and new clauses.

### *In Committee.*

The Hon. W. R. Hall in the Chair; the Hon. F. J. S. Wise (Minister for Local Government) in charge of the Bill.

### *Clause 34—Disqualification:*

The Hon. F. J. S. WISE: I move an amendment—

Page 40—Add after the word "twenty;" in line 28 the following words:—

or (iv) he is or might be entitled to remuneration pursuant to section thirty-eight, or section forty, of the Bush Fires Act, 1954, but this exemption from disqualification continues so long only as that remuneration is not paid

to him or at his request or direction to any other person.

The reason why this amendment has been introduced is because of a court decision which laid down that where a member of a local government authority holds an office of profit, irrespective of the remuneration he receives he is automatically disqualified as such a member. Therefore, to remove any doubts that might arise concerning this legislation, the amendment, if agreed to, will allow a member of a local authority to accept a position as a bush fire control officer provided that no remuneration is paid to him, or, at his request or direction, to any other person.

The Hon. R. C. MATTISKE: I do not oppose the amendment, but I would like to take this opportunity of congratulating the hon. Mr. Wise on his appointment as a Minister of the Crown and to wish him a very successful term of office.

The Hon. G. C. MacKINNON: To the congratulations offered by the hon. Mr. Mattiske, to the hon. Mr. Wise on his election I wish to add mine. In regard to this amendment, the main point which has arisen in regard to the disqualification of bush fire officers is that all local authorities take out insurance coverage against accidents, or the death of those officers. It is on this point that the question of remuneration could lead to their disqualification in country districts. The question can arise when a bush fire officer has made a will to dispose of his assets. Any remuneration due to him and paid to the beneficiary could constitute a legal request for payment to be made to another person, because the insurance policy taken out in favour of bush fire officers would constitute part of the estate in the event of death. Under these circumstances it should be made quite clear that such an officer should not be subject to disqualification.

The Hon. F. J. S. WISE: This question poses something purely hypothetical, and it is unlikely to occur. The amendment refers to the exemption from disqualification continuing only as long as the remuneration is not paid to the person concerned or any other person at his request.

The Hon. L. C. Diver: How could such a person be said to be receiving remuneration?

The Hon. F. J. S. WISE: The next amendment also relates to this point. It strengthens the coverage given to bush fire officers, and it covers the point that arises when these officers are insured under the Bush Fires Act. Therefore, these two contingencies are covered.

*Amendment put and passed.*

The Hon. F. J. S. WISE: I move an amendment—

Page 41, line 35—Add after the word, "twenty" the words, "or is insured pursuant to section thirty-seven of the Bush Fires Act, 1954."

This amendment is to cover a fire control officer and to give him something outside the local government legislation. It applies directly to the officers under the Bush Fires Act.

*Amendment put and passed.*

The Hon. J. M. THOMSON: I move an amendment—

Page 41—Add after new subparagraph (xi) inserted at a previous Committee, paragraphs to stand as subparagraphs (xii) and (xiii) as follows:—

- (xii) he is a member of any committee, club or other organisation (whether appointed by the municipality or otherwise) which is a party to the agreement;
- (xiii) the agreement is of a nature which any ratepayer of the municipality might, in the normal exercise of his rights and responsibilities as such a ratepayer, or in the course of the ordinary and normal operation of the municipality under this or any other Act, reasonably be expected or required to enter into.

The purpose of this amendment, which deals with disqualification, is to ensure that the mayor and councillors of a local authority do not forfeit their seats if in the course of their duties they come within the provisions of the two paragraphs I have just moved. We have had such an experience in Albany which resulted in the work of the council being impeded.

The Hon. F. J. S. WISE: I oppose the amendment. This clause deals primarily with general extensions, including exemptions from disqualification of councillors who are interested in various matters which are more or less common in trading in council affairs, and in matters which concern the public in general. Subclause (2) did not meet with any opposition when the Bill was discussed previously although an additional subparagraph (xi) was inserted. That referred to sewerage schemes. It was inserted for the reason that such propositions would have to be submitted to the Minister, in any case, because the work would have to be performed by public tender. That is very distinct from the proposals in the amendment with which we are dealing, which broadens the exemption to an undesirable point.



This proposition has been considered by the department controlling the administration of local government legislation, and it has advised that unless this can be tied down to an incorporated body, both amendments are very undesirable. Even if tied to an incorporated body, such body could consist of two or more members; and even if it is tied, it makes it very inconvenient and impractical so far as the operations of a municipality or council are concerned. If it is not tied to a corporate body, the members of any committee or organisation could find themselves personally and severally liable in case of default; and if such persons happen to be councillors, the result would apply not only against the interests of the councillors, but the whole of the local government body and the administration of that body.

In the case of an incorporated body, no liability would attach to the members of the body concerned; hence the suggestion that disqualification under subparagraph (xii) should be tied, as distinct from the position with regard to incorporated companies. That reference will be found in subparagraph (i) of subclause (2) (b) of this clause.

The second amendment that is proposed is most undesirable for further reasons in that it would allow councillors to have the same privileges for tendering for contracts in any shape or form that a ratepayer has for covering works within the gift or discretion of the council. Therefore, it is felt that both these provisions are undesirable, not only because they burden the ability of the council to confer gifts of work upon its councillors, but by absolving them from all responsibility in association with such works. I oppose the amendment.

The Hon. J. M. THOMSON: I hope the Committee will agree to these amendments. I point out the experience of the Albany Municipal Council in regard to a sports ground. That council appointed a centennial board to manage the affairs of this sports ground and insisted that the chairman of the board be a member of the Albany council. It has been found that when it comes to the question of spending money, the person on the board, who is a member of the council, is liable to forfeit his seat. Therefore, people who give their time, because they are interested in a particular locality are not protected. They have no protection against disqualification from a municipal council.

I find the explanation of the Minister very difficult to follow. I will give another example. A new councillor was elected to a vacancy, and he was also the secretary or treasurer of the tennis club at Albany. Because he was a member of the council, his seat could be declared vacant. This position is always cropping up, because

there are certain people who try to embarrass a mayor or councillors. Because of that experience at Albany, the council saw fit to ask me to submit these amendments as a safeguard.

The Hon. G. BENNETTS: During my term on a local governing body one particular member used his position practically for his own benefit in the buying and selling of motor vehicles and parts for the council. A lot of individuals take on these jobs in order to get something for themselves. Therefore, I hope the amendment is defeated.

The Hon. H. L. ROCHE: I wonder if the Minister could give some further consideration to this particular point, because it is difficult in respect of Albany. I doubt whether paragraph (b) (i) on page 40 would fit the case, because I do not think the committee in this instance would comprise 20 people; and that particular provision would not exempt them. All of us who have had experience in local government know the dangers associated with members who might take advantage of their position. However, it is extremely difficult at Albany. Honorary associations could be made unworkable if their membership could not comprise a member of a local authority. I ask the Minister to give further consideration to this particular point.

The Hon. G. C. MacKINNON: I spoke on this matter during the second reading stage, and I still have to oppose the hon. Mr. Thomson on the point. The amendment does not say that a man must state his interest in any way. There is a two-way need for protection. It is necessary to protect the ratepayers. On occasions, people deliberately get elected to councils with the idea of assisting certain bodies. The hon. Mr. Thomson has not included in his amendment a provision requiring a person who seeks election, to state that he is a member of a committee; this is the basis of the English Act. In the English Act, a similar provision to Clause 34 has been deleted. I agree with the Minister for Local Government that, whilst this proposition protects the member of a council, it does leave many loopholes where he can work to the detriment of the ratepayers.

The Hon. F. J. S. WISE: The aspect raised by the hon. Mr. Thomson could well be covered if the persons concerned were an incorporated body—not necessarily an incorporated company—operating outside any operation which the local authority could offer such association or individual. It is easy to see that this provision would restrict persons—who are in voluntary organisations—if they were councillors and were not able to accept contracts or work dissociated from the council, to a degree, but attached to it by

virtue of its being concerned with a club or organisation such as has been referred to.

I hope the amendments will be defeated, because we all know of cases where good administration in local government has been spoilt by the personal interests, no matter how slight, of people who belong to local government.

The Hon. L. C. DIVER: I trust this matter will not be brushed aside. The amendments on the notice paper are, perhaps, not quite as neat as we might like them to be. I suggest to the Minister that this matter needs to be looked into a little further. Many of our councillors are of the type that belong to organisations such as have been suggested by the hon. Mr. Thomson; and many of these clubs have an indirect tie-up with the local authority. Some provision should be made to overcome the position where good citizens, who otherwise would be willing to offer their services to local government, are discouraged from doing so because of the impediment that is in the legislation at present. The Minister might tidy up this aspect a little. I suggest that the clause be postponed while we have another look at it.

The Hon. R. C. MATTISKE: I feel that the point Mr. Thomson is driving at, crops up quite a bit in local government. I also appreciate, in the amendment, that dangers could arise. Whichever way the amendment goes, I think some further provision will be necessary. If the amendment is defeated I think that next session some provision will be required to cover the point the hon. Mr. Diver is driving at. If, on the other hand, the amendment is carried, then I feel it will need further amendment in order to remove the disadvantages to which the Minister has referred.

The Hon. F. J. S. WISE: There need be no fear of this provision acting adversely. The Bill, when passed, will not be proclaimed. It is important that we do not defer it further; and that we do not again recommit to reconsider these clauses. This matter has not been studied at great length. If the Bill were deferred for a week, there would be little or no advantage in having these amendments inserted, because when the Bill has become an Act—not proclaimed—it can be fully reviewed over its testing period of the next 12 months.

The Hon. H. K. WATSON: It seems that the argument advanced by the Minister would apply with equal force to every amendment on the notice paper.

The Hon. F. J. S. WISE: No; I say they are considered amendments, but this is not.

The Hon. H. K. WATSON: I think that is presumption. I assume that the hon. Mr. Thomson and his advisers gave due

consideration to the amendment. The proposed subparagraph (xii) could be a little definite by having added to it the words "not carried on for the pecuniary profit of its members," which is the usual phrase in connection with organisations of this nature. With those words added, I see no objection to subparagraph (xii) being included.

The Hon. J. M. THOMSON: The Minister said there was nothing to fear, because the circumstances did not exist. In the town in which I live, Albany, it has been forcibly brought before us that they do exist. The Bill was closely studied at Albany, and this amendment was submitted after long consultation with different people. To say the position does not exist is not right. It may not exist in other municipalities, but that is not to say it cannot exist. People who give freely of their time to local government, are placed in the invidious position that their seats can be forfeited. Because members of the council at Albany may be involved in such organisations as the Centennial Board and the Agricultural Society, their seats on the council are in jeopardy. Therefore I must press the amendment.

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

#### Ayes—12

Hon. L. C. Diver	Hon. H. L. Roche
Hon. A. F. Griffith	Hon. C. H. Simpson
Hon. L. A. Logan	Hon. J. M. Thomson
Hon. A. L. Loton	Hon. H. K. Watson
Hon. R. C. Mattiske	Hon. F. D. Willmott
Hon. J. Murray	Hon. C. R. Abbey

(Teller.)

#### Noes—10

Hon. E. M. Davies	Hon. G. C. MacKinnon
Hon. E. M. Heenan	Hon. H. C. Strickland
Hon. R. F. Hutchison	Hon. J. D. Teahan
Hon. G. E. Jeffery	Hon. F. J. S. Wise
Hon. F. R. E. Lavery	Hon. G. Bennetts

(Teller.)

#### Pairs.

Ayes.	Noes.
Hon. J. G. Hislop	Hon. W. F. Willsee
Hon. J. Cunningham	Hon. J. J. Garrigan

Majority for—2

Amendment thus passed.

The Hon. F. J. S. WISE: I move an amendment—

Page 42, line 1—Delete subclause (3).

The existence of this subclause is considered to nullify to some extent the disqualification provisions contained in the two preceding subclauses. The members would then be prohibited from voting in accordance with the provisions of Clause 173. This point was referred to in the second reading debate on the Bill, and it is thought that if the subclause is removed it will not in any way conflict with the disqualification provisions.

Amendment put and passed.

The Hon. J. M. THOMSON: I move an amendment—

Page 42—Add after Subclause (3) a new subclause to stand as Subclause (4) as follows:—

(4) Notwithstanding the provisions of this section, a person shall not be disqualified as aforesaid on either of the grounds referred to in paragraphs (d) and (e) of subsection (1) of this section unless it be proved that such person has acted in a manner detrimental to the interests of the ratepayers of the municipality.

The reason for this amendment has already been fully explained on the previous amendment which I moved

The Hon. F. J. S. WISE: I hope this amendment which affects paragraphs (d) and (e) of Subclause (1) will not be agreed to. If it is agreed to it will give exemption from the disqualifications contained in those paragraphs and will remove from a councillor any chance of being disqualified even under the broad principles mentioned. I am advised that the department is strongly opposed to the amendment and considers it unthinkable. The positions of town clerk, engineer, building surveyor and many other executive positions could be occupied by councillors if this amendment were agreed to. There would be nothing to prevent a councillor from being the town clerk and the mayor of some municipality, or the shire clerk and president of the shire.

The exemption under paragraph (e) regarding an indirect pecuniary interest in an agreement, would be affected and a person could have a direct monetary interest in an agreement to which the council was a party if the amendment were agreed to. Under those circumstances it is envisaged that the councillor or councillors concerned would find it extremely difficult, faithfully to perform their duties.

The Hon. A. F. Griffith: Do you think a man would become a councillor first or a town clerk first?

The Hon. F. J. S. WISE: It would leave the gate wide open and would put councillors in a most advantageous position. In addition, it would seriously affect the ratepayers. I strongly oppose the amendment.

*Amendment put and negatived.*

*Clause, as further amended, put and passed.*

*Clause 231—Quarrying and excavating:*

The Hon. L. C. DIVER: I move an amendment—

Page 167—Delete the proviso to Subclause (3) inserted by a previous committee.

The proviso concerned was inserted on the motion of the hon. Mr. Mattiske and, at the time, it looked quite harmless. However, subsequent events have indicated that it would be wise to remove this proviso. If it is allowed to remain we will find that "clay" will be included as a mineral under the Mining Act and will be taken away from the jurisdiction of local authorities. If that were done they would have no control over clay deposits. I hope the Committee will agree to striking out the proviso.

The Hon. R. C. MATTISKE: I trust the Committee will not agree to this amendment. When the Committee was first considering the measure, this particular aspect was not agreed to. On recommendation it was pointed out that under the Mining Act certain minerals were declared, and that we would have the ludicrous position of the Minister for Mines giving permission for the mining of those minerals, while the local authority could override the Minister. It was stressed that further action would be taken in this direction. Certain actions have been taken, but rather than go against this proviso they have strengthened the necessity for it. The advisory committee appointed by the Minister for Mines to assist him on these matters, unanimously decided that he should have the power to control excavation where he has power to control certain minerals declared under the Mining Act. I cannot anticipate legislation, but I understand that even in this session of Parliament action will be taken to give effect to that matter.

The hon. Mr. Diver was anticipating legislation in another direction when submitting the amendment a few moments ago, but I think he is on the wrong tack. I hope the Committee will not agree to the amendment, but will abide by the decision it made previously after a second look at this question.

The Hon. L. C. DIVER: This is a vexed question, especially in the Swan area, where the clay deposits exist. Already forces are at work to have the entire clay deposits set aside, if the power to say yea or nay is taken away from the local authority and the Minister for Local Government. The Minister for Local Government at present is the adjudicator in these matters, and we need have no fear that he will not make a sound examination. The matter goes further, and these forces wish to have a blanket reserve in many areas where there are clay deposits on very valuable rural land. I have heard it stated that these deposits are required for brick-making, to enable a cheaper brick to be provided to the home-builder.

The point was ably made by one speaker when he said that the average man is lucky if he builds one home in his lifetime, and a little extra clay would not amount to very much; but that he must eat three

times a day. The areas concerned are producing food that is consumed three times a day, every day. There are ample clay deposits 50 or 60 miles out of Perth, and it is surprising that people should want to remove the clay from the heart of the metropolitan area to avoid a little extra freight. I would point out that country dwellers must pay freight on all they get in and send out. I hope the amendment is agreed to.

The Hon. R. C. MATTISKE: The hon. Mr. Diver has allowed his imagination to run riot. He is looking at one small aspect and not considering the entire principle involved. This talk of clay is just a red herring.

The Hon. G. E. Jeffery: Do not kid yourself!

The Hon. R. C. MATTISKE: In the Mining Act, certain minerals are declared and they come under the control of the Minister for Mines. If the Bill were passed in its present form, we would have the ludicrous position of the Minister for Mines agreeing to the mining of a particular mineral, and the local governing body saying, "No, it cannot be done."

The Hon. L. C. Diver: How have they managed so far?

The Hon. R. C. MATTISKE: How would we get on in Kalgoorlie if the local authority said, "You cannot dig a hole there, even though there may be gold underneath, because you will be disfiguring the ground"? If the local authority refused permission to mine for a mineral, an appeal could be made to the Minister for Local Government. This would mean two separate Ministers considering the problem, and perhaps giving different decisions.

If the hon. Mr. Diver is so concerned about the Swan area, and the use of clay for the manufacture of bricks, I would point out that the Swan Road Board is also most concerned, and the chairman of the board—a very estimable gentleman—is opposed to the granting of further digging permits in that area. But that same gentleman, as a member of the Clay Conservation Committee which was appointed by the Minister for Local Government, voted in favour of a recommendation that quarrying for clay should be under the control of the Minister for Mines.

The Hon. L. C. Diver: That is a broad statement to make.

The Hon. R. C. MATTISKE: The resolution was carried unanimously and the gentleman concerned was present at that meeting. Subsequently a small section of ratepayers who had an axe to grind, endeavoured to foment trouble but did not get anywhere. The Minister for Railways could probably advise us whether the Government is going to take action during this session of Parliament to give effect to this proposition.

The Hon. G. E. Jeffery: Who is fishing now?

The Hon. R. C. MATTISKE: I do not suggest that the level of appeal be varied, but that instead of having two Ministers making the decision there should be only one. I hope the Committee will not agree to the amendment.

The Hon. L. C. DIVER: I believe we have not heard the full story from the hon. Mr. Mattiske in connection with the gentleman who was chairman of the Swan Road Board. I say that with all deference to the hon. member.

The Hon. R. C. Mattiske: It is quite true.

The Hon. L. C. DIVER: I was present at one of the largest public meetings I have attended in the Swan Road Board hall, and the gentleman concerned chaired the meeting. There were no beg pardons as to what was said. I know we must go on with this Bill but I wish I had an opportunity to check what has been said.

The Hon. R. C. Mattiske: I wish you would, because you would find it is true.

The Hon. L. C. DIVER: A Minister of the Crown was present at the discussion held in the Swan district and I am sure he was impressed. But, the hon. Mr. Mattiske says that it is a ridiculous position to have the Minister for Mines in charge of minerals and saying, "Yes, you can go ahead with excavations", and the Minister for Local Government having to agree. At the present time, what is the position? Is not the boot on the other foot? According to the hon. Mr. Mattiske's reasoning, it is still a silly position. I think we should leave the position as it was originally in the Bill. In that way, justice will be served.

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

#### Ayes—17

Hon. C. R. Abbey	Hon. A. L. Loton
Hon. G. Bennetts	Hon. H. L. Roche
Hon. E. M. Davies	Hon. C. H. Simpson
Hon. L. C. Diver	Hon. H. C. Strickland
Hon. E. M. Heenan	Hon. J. D. Teahan
Hon. R. F. Hutchison	Hon. J. M. Thomson
Hon. G. E. Jeffery	Hon. F. J. S. Wavery
Hon. A. R. Jones	Hon. F. R. H. Lavery
Hon. L. A. Logan	(Teller.)

#### Noes—6

Hon. A. F. Griffith	Hon. H. K. Watson
Hon. G. C. MacKinnon	Hon. F. D. Willmott
Hon. R. C. Mattiske	Hon. J. Murray
	(Teller.)

#### Pairs.

Ayes.	Noes.
Hon. W. F. Willesee	Hon. J. G. Hislop
Hon. J. Garrigan	Hon. J. Cunningham

Majority for—11.

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

*Clause 307—Stands for vehicles plying for hire:*

The Hon. F. J. S. WISE: I move an amendment—

Page 225, line 16—Delete the word "Police" and substitute the following:—"Main Roads or such other authority as for the time being and from time to time is authorised by any of those regulations, or by regulations made in amendment of or substitution for any of those regulations, or by any law, to exercise in any manner in the metropolitan area as so defined, any of the powers referred to in paragraphs (a) to (c) inclusive of this subsection."

The purpose of this amendment is to provide, in the case of the appointment of stands for public vehicles plying for hire in the metropolitan area, that approval for the stand must be obtained from the Commissioner of Main Roads instead of the Commissioner of Police.

As amendments have been made to the Traffic Regulations making the Commissioner of Main Roads responsible for the supervision of such stands, and providing for future eventualities by referring to the Commissioner of Main Roads or such other authority as is appointed from time to time under the regulations, it is clear that as the police cease to be the authority for the issuance of such licences, it is necessary for this amendment.

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

*Clause 308—Council may paint or affix names of streets:*

The Hon. F. J. S. WISE: I move an amendment—

Page 225, line 36—Delete the word, "Police" and substitute the following:—"Main Roads, or, as the case may be, the other authority referred to in subsection (1) of section three hundred and seven,".

This amendment is consequential upon the one just carried by the Committee.

*Amendment put and passed.*

The Hon. F. J. S. WISE: I move an amendment—

Page 225, line 37—Delete the word, "Police" and substitute the words, "Main Roads, or, as the case may be, the other authority referred to in subsection (1) of section three hundred and seven,".

The reason for this amendment is identical with that which I advanced in support of the previous amendment.

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

*Clause 504—Hostels for school children may be provided, etc:*

The Hon. F. J. S. WISE: I move an amendment—

Page 367, line 20—Insert after paragraph (j) inserted at a previous committee a new paragraph to stand as paragraph (k) as follows:—

(k) may undertake the control and management of an acclimatisation district proclaimed under the provisions of Part 111A of the Fisheries Act, 1905-1956, in respect of which the Council is registered as a trout acclimatisation society under such Act, and apply its revenue to the purposes of such control and management, and delegate its powers, authorities and functions in respect of any such acclimatisation district to a committee of its members.

When the amendments to clauses are finalised, I shall move to insert a new clause which has relevancy to this amendment. What it means is that a local governing body—whether a municipality or a road district—will be given the right to authorise a road board or municipality to make by-laws for the control of its activities in such matters as trout acclimatisation, and the developments that are occurring in the Pemberton district. It is a simple amendment and I think its purpose is clear.

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

*New Clause:*

The Hon. F. J. S. WISE: I move—

Page 178—Insert after Clause 243 a new clause to stand as Clause 243A as follows:—

243A. The council of a municipality may so make by-laws for all or any purposes for which a trout acclimatisation society may make by-laws pursuant to subsection (8) of section thirty-one of the Fisheries Act, 1905-1956, relating to the control and management of acclimatisation districts proclaimed under the provisions of Part 111A of that Act.

The purpose of this amendment—as I said in regard to the previous one—is to incorporate in the Bill a provision—made late in 1956 in both the Municipal Corporations Act and the Road Districts Act—to authorise a municipality or a road district to become a trout acclimatisation society and make by-laws to govern its activities.

*New clause put and passed.*

*New Clause:*

The Hon. H. C. STRICKLAND: I move—

Page 498—Add after Clause 681 a new clause to stand as Clause 682 as follows:

682. The provisions of this Act shall continue in operation until the thirtieth day of September One thousand Nine hundred and Fifty-nine and no longer.

The object of the proposed new clause is to ensure that as the Bill, if it becomes an Act, can live only until the end of September next year, it will be brought back here as a continuance measure so that it can remain an Act. On behalf of the Government I give the undertaking that when the Bill becomes an Act it will not be proclaimed by the Government before being brought back to Parliament for further consideration.

The Hon. A. F. GRIFFITH: While I do not oppose a move of this nature, I do not think it has any value, as I do not think the Bill should take its place on the statute book. We are being asked to pass this measure and then say that it shall not come into operation until proclaimed, and, at the same time, say that it shall not have operation beyond the 30th of September, 1959. The purpose, of course, is to give breathing space in which the whole question can be examined, but there is so much divergence of opinion with regard to the Bill that I think we will be simply wasting time. However, I do not oppose the new clause, but I feel that the Minister can expect to hear more on this question from some members on the third reading, for reasons that will be given at that stage.

*New clause put and passed.*

*Sitting suspended from 5.40 to 5.52 p.m.*

Bill again reported with further amendments and the report adopted.

*Third Reading.*

THE HON. F. J. S. WISE (Minister for Local Government—North) [5.54]: I move—

That the Bill be now read a third time.

THE HON. R. C. MATTISKE (Metropolitan) [5.55]: At this late stage of the proceedings I make an appeal to the House not to pass the third reading of the Bill. I do not take this step because I feel that a composite measure is not required, or because we have not put forward what could be the basis of an extremely sound piece of legislation. In recent months, Mr. Gifford, who holds very high qualifications in regard to local government, has interested himself in

local government in Western Australia and has taken a keen and active interest in this Bill.

At the request of the Local Government Association, the Road Board Association, and the City of Perth, Mr. Gifford made an extremely close study of the measure, and has already submitted voluminous notes to the Government, the Leader of the Opposition, and other interested parties. From those notes it is evident that Mr. Gifford is strongly of the opinion that the Bill, as it now stands, would not be in the best interests of local government in this State.

The Hon. A. L. LOTON: He came; he saw; he conquered.

The Hon. R. C. MATTISKE: Yes. Recently, Mr. Gifford returned to this State and made a tour of some 2,000 miles, during which he conferred with persons directly concerned with local government in various districts. As a result he was firmly convinced that a better Bill could be accepted by this Parliament in the interests of local government. I have here correspondence from the two associations concerned with local government in this State; namely, the Road Board Association of Western Australia and the Local Government Association of Western Australia. The following are the contents of a letter addressed to me from the Road Board Association of W.A., dated the 6th November, 1958:—

*Local Government Bill.*

Prior to Mr. Gifford's return to Melbourne on Tuesday evening last I had a telephonic discussion with him in regard to the above. He stated that he had had a discussion with the Secretary for Local Government and the Parliamentary Draftsman on Monday morning, and at the close requested Mr. Lindsay to convey to the Premier his impression that the whole Bill as it now stands was very unsatisfactory in its drafting, and suggested that the whole Bill should be withdrawn and re-drafted as it would be impossible to amend it effectively. This, of course, is the official view also of this association.

While it is admitted that Mr. Gifford was comparatively unknown prior to his visit to this State as guest speaker at the recent Local Government Week, I feel that the continued attention that was paid to his remarks at all times, both at scheduled and unscheduled sessions of the "Week," is a fitting demonstration of the ability which elected and employed personnel of local government felt that he had on this subject. If further proof of this is necessary the fact that such a well known publishing business as the Law Book Company of Australasia Pty.

Ltd. is prepared to publish his text books on the subject on which he has specialised, should be all that is necessary.

The following is a letter dated the 10th November, 1958, and addressed to the Premier from the Local Government Association:—

#### Local Government Bill.

This Association, acting in conjunction with the Road Board Association and the Perth City Council in the briefing of Mr. K. H. Gifford to report and express an opinion on the Local Government Bill as amended by the Legislative Council last year, has appointed a committee to examine Mr. Gifford's suggestions and submit them to the member bodies. The full opinion has not yet come to hand but, from the instalments already received, this committee feels that we should support the Road Board Association and the Perth City Council in their request that the whole Bill should be withdrawn in its present form and redrafted for submission at a later date. It is felt that any later attempt to amend would be an extremely difficult and lengthy proposition, taking into account the numerous consequential amendments necessary, and a complete redrafting before submission would make for simplification for all concerned. Copies of this letter have been sent to Mr. Brand and Mr. Watts.

The next is a letter to the hon. Mr. Brand from the other party which was interested in obtaining the services of Mr. Gifford. It is from the major local governing body in the State—the City of Perth Municipality—and is dated the 3rd November, 1958. It reads—

The committee appointed by the council to deal with matters relating to the Local Government Bill has given consideration to a comprehensive opinion by Mr. Kenneth H. Gifford, and also a letter received from Mr. Gifford which states that he has made a complete review of the whole of the Local Government Bill and that he has visited more than half of the local government authorities in Western Australia.

Mr. Gifford says "my visits have reinforced me with the conclusion at which I had already arrived. The Bill is, in my opinion, inappropriate to the conditions under which Western Australian local government is operating today. Its provisions are confused and conflicting and are, in many respects, dangerous to elected personnel and to officers alike. I am satisfied that the defects in the Bill are such that it cannot be satisfactorily amended and that the only worth-while remedy is to completely redraft it."

The view of the committee is that, in view of such an opinion from a noted authority in Australia on local government law and one whose legal experience in local government matters has extended in at least four other States of Australia, it must strongly recommend that the Bill in its present form should be abandoned and that steps be taken to have a complete redraft along the lines suggested by Mr. Gifford.

The committee desires me to seek your parliamentary support with a view to obtaining the steps advocated by Mr. Gifford.

The Hon. H. L. Roche: May I, Mr. President, ask that the letters which the hon. member has quoted be laid on the Table of the House?

The Hon. R. C. MATTISKE: I am prepared to do that. In any case these letters will be incorporated in Hansard. In view of the request from the two local governing bodies, which collectively embrace most of the local authorities in the State, and from the principal local authority, this House would be well advised to refrain from placing the Bill in its present form on the statute book, with the possibility of having to spend many hours and even weeks in the future in making the very many amendments which are necessary to give effect to what this expert considers is a better form of legislation.

I consider it would be far easier to deal with a new Bill altogether, than to patch up the Act later on. By adopting the patching-up process we will get into considerable difficulty.

The Hon. G. Bennetts: That will be easier than having to deal with a new Bill.

The Hon. R. C. MATTISKE: Whether or not the views of Mr. Gifford are acceptable to this House remains to be seen. If, after considering his views, we think the provisions of this Bill are more desirable, then we will have the opportunity to pass it after having obtained the benefit of the knowledge of the greatest authority on this matter in Australia.

On the other hand, if very sound reasons are advanced by Mr. Gifford, we will have the opportunity of putting into effect those reasons in a different and more comprehensive Bill. Rather than place on the statute book legislation which may have to be repealed, or amended so greatly that it becomes unreasonable, I submit it is preferable to wait for the outcome of the present review of the legislation, in order to avoid unnecessary loss of time and money. I hope the House will not agree to the third reading.

THE HON. F. J. S. WISE (Minister for Local Government—North—in reply) [6.7]: The hon. Mr. Mattiske advanced

arguments based on the opinions of one authority. He suggested that two local governing bodies had been so affected by Mr. Cliford's statement and advocacy that this Parliament should immediately abandon the Bill. The measure has been put together on the advice of many local authorities, and in consultation with many other experts. It has been subjected to the close scrutiny of two Houses of Parliament, both of which contain authorities on local government in a practical sense. Both Houses of Parliament have spent many hours in consideration of all the essential ingredients of the Bill. While it is admitted there will continue to be flaws, even after it has passed—

#### *Point of Order.*

The Hon. H. L. ROCHE: On a point of order, I ask for the letters which the hon. Mr. Mattiske quoted to be laid on the table of the House. The hon. member extracted certain papers from a file. I suggest that the papers ought to be returned to the file before they are laid on the table of the House.

The Hon. R. C. MATTISKE: The three letters which I read were included among other papers, which are simply covering notes and replies to the letters I read. The letters I read out will be recorded in the fullest detail in Hansard. The actual and only letters I read have been handed to the clerk, and in due course will be laid on the table of the House.

The PRESIDENT: I would refer hon. members to Standing Order No. 342 which states—

A document quoted from by a member not a Minister of the Crown may be ordered by the Council to be laid on the table; such order may be made without notice immediately upon the conclusion of the speech of the member who has quoted therefrom.

I understand the documents which he quoted have been laid on the table of the House.

The Hon. H. L. ROCHE: The hon. member quoted from the file, but I do not know which part. If certain letters are extracted from that file it is possible, without being certain that one of the letters quoted will not be laid on the table of the House. I submit that under the circumstances the whole file, which is not very extensive, should be laid on the table of the House.

The PRESIDENT: I cannot agree with the hon. member. The Standing Order relates only to those documents he quoted, and as long as they are included in Hansard, I say that is all that is required.

*Documents tabled.*

#### *Debate Resumed.*

The Hon. F. J. S. WISE: In conclusion, I point out that many experts and authorities in this State have given lengthy consideration to this Bill in its various forms. I trust the Bill will be read a third time.

The Hon. A. F. Griffith: I rise—

The PRESIDENT: The hon. member cannot speak on the third reading, because the Minister has already replied.

The Hon. A. F. Griffith: If I remember correctly, the Minister for Railways moved the second reading.

The PRESIDENT: I point out to the hon. member that the Minister for Local Government moved the third reading; and he has also replied to that debate.

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

#### *Ayes—18*

Hon. C. R. Abbey	Hon. L. A. Logan
Hon. G. Bennetts	Hon. A. L. Loton
Hon. E. M. Davies	Hon. H. L. Roche
Hon. L. C. Diver	Hon. C. H. Simpson
Hon. E. M. Heenan	Hon. H. C. Strickland
Hon. R. F. Hutchison	Hon. J. D. Teahan
Hon. G. E. Jeffery	Hon. J. M. Thomson
Hon. A. R. Jones	Hon. F. J. S. Wise
Hon. F. R. H. Lavery	Hon. W. R. Hall

*(Teller.)*

#### *Noes—6*

Hon. A. F. Griffith	Hon. H. K. Watson
Hon. G. C. MacKinnon	Hon. F. D. Willmott
Hon. R. C. Mattiske	Hon. J. Murray

*(Teller.)*

#### *Pair.*

<i>Ayes.</i>	<i>Noes.</i>
Hon. W. F. Willesee	Hon. J. G. Hislop
Hon. J. J. Garrigan	Hon. J. Cunningham

#### *Majority for—12.*

Question thus passed.

Bill read a third time and returned to the Assembly with amendments.

### **INDUSTRIAL ARBITRATION ACT AMENDMENT BILL (No. 3).**

#### *First Reading.*

Received from the Assembly and, on motion by the Hon. H. C. Strickland (Minister for Railways), read a first time.

### **ADJOURNMENT—SPECIAL.**

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

That the House at its rising adjourn till Tuesday, the 25th November.

Question put and passed.

*House adjourned at 6.17 p.m.*