Mr. COURT (Nedlands): I move—

The report of the select committee be adopted.

Question put and passed.

SELECT COMMITTEE—WEST AUSTRALIAN TRUSTEE, EXECUTOR AND AGENCY COMPANY LIMITED ACT (PRIVATE) AMENDMENT BILL.

Adoption of Report.

Order of the Day read for the consideration of the report of the select committee.

The CHAIRMAN OF COMMITTEES: I have to report that the Bill contains the several provisions required by the Standing Orders.

Mr. COURT (Nedlands): I move—

That the report of the select committee be adopted.

Question put and passed.

BILL—CONSTITUTION ACTS AMENDMENT (No. 1).

Second Reading.

MR. JAMIESON (Canning) [9.52] in moving the second reading said: The two small amendments contained in this Bill are designed to alter the Act to bring it into line with the Electoral Act in the matter of qualifications for enrolment for the Legislative Council. One of these amendments deals with naturalised persons. Such a person on being naturalised may immediately apply for enrolment for the Assembly.

When the Electoral Act was amended, consideration was not given to the Constitution Act, which contains the qualifications of an elector for the Legislative Council. The fact that a person on becoming naturalised had to wait a further year before becoming eligible to be enrolled as a Council voter was not taken into consideration, and so such a person has to wait another year in spite of the fact of his having the other qualifications required by the Act.

The second amendment deals with the qualification of a native who has citizenship rights by virtue of the fact that he has served in the defence forces and is no longer deemed to be a native under the Act. The position is anomalous by reason of the fact that this amendment was not made when the Native Administration Act was amended last year. That Act added to the interpretation of "native" the following proviso:—

> Provided that any person of the full blood or of less than the full blood descended from the original inhabitants of Australia who has served in the Territory of New Guinea or beyond the limits of the Commonwealth of Australia as a member of the Naval, Military or Air Forces of the Commonwealth and has received or is entitled to receive an honourable discharge; or who has served a period of not less than six months' full time duty as a member of the Naval, Military or Air Forces of the Commonwealth and who has received or is entitled to receive an honourable discharge, shall be deemed to be no longer a native for the purpose of this or any other Act.

As the Legislative Council has considered the matter and passed the Bill and as it concerns that House only, members here should experience no difficulty in approving of the measure. I move—

That the Bill be now read a second time.

On motion by Hon. A. V. R. Abbott, debate adjourned.

ADJOURNMENT.

THE PREMIER (Hon. A. R. G. Hawke—Northam): I should like to advise members that the Government will not ask the House to sit tomorrow after the tea hour. I move—

That the House do now adjourn.

Question put and passed.

House adjourned at 9.55 p.m.

Legislative Council

Thursday, 20th October, 1955.

CONTENTS.

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

ASSENT TO BILLS.

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

1, Spear-guns Control.
2, Main Roads Act Amendment.
3, Commonwealth and State Housing Supplementary Agreement.
4, Police Act Amendment.
5, Legal Practitioners Act Amendment.

BILLS (3)—THIRD READING.

1, Jury Act Amendment (No. 1).
Returned to the Assembly with amendments.
2, Medical Act Amendment (No. 2).
3, Acts Amendment (Libraries).
Passed.

BILLS (2)—FIRST READING.

1, Trustees Act Amendment (Hon. A. F. Griffith in charge).
2, Pensions Supplementation Act Amendment.

Received from the Assembly.

BILL—RENTS AND TENANCIES EMERGENCY PROVISIONS ACT AMENDMENT.

Assembly's Further Message.

Message from the Assembly received and read notifying that it no longer disagreed to the amendment on which the Council had insisted.

BILL—LOCAL AUTHORITIES, BOUNDARIES AND SERVANTS, SUPPLEMENTARY PROVISIONS.

Second Reading.

Debate resumed from the previous day.

THE MINISTER FOR LOCAL GOVERNMENT (Hon. G. Fraser—West—in reply) [4.38]: I thank members for their co-operation and their comments on the Bill. Not many objections have been raised; at any rate, serious objections that cannot be answered. One or two members were a little bit off the beam regarding the proposal, more particularly Mr. Jones. He dealt with amendments which he thought ought to be made to the Local Government Act, but they do not apply to this Bill. Mr. Logan mentioned one or two matters, among which was the question of traffic inspectors and constables being affected. I do not know of any local authority in the State which employs a constable.

Hon. L. A. Logan: I only said that could be.

The MINISTER FOR LOCAL GOVERNMENT: None of the local authorities involved in these amalgamations employ traffic inspectors. The local authorities are all in the metropolitan area and are governed by the Traffic Branch. When Mr. Craig was speaking, he truly said what the Bill is. It is a machinery Bill. It is to implement what is already in the Act or, shall I say, to enlarge slightly what is in the Act. The Bill is merely a machinery measure in order to do certain things which the Act at the moment does not permit. By that, I mean the welding into one ward portion of one district and portion of another. All the other powers are in the Act—that is, for the transferring of the whole authority or the whole portion of one district to another.

As I explained when introducing the Bill, we cannot take one district into another, split it up into an area and take some of that district and some of the other to make a ward. We find, in this particular instance, that that is absolutely necessary. For instance, at Fremantle there are at present four wards in the Fremantle municipal district, four wards in the East Fremantle district, and three wards in the North Fremantle district. That would make a total of 11 wards; and, as members know, under the Municipal Corporations Act the representation for each ward is three. That would mean a local authority consisting of 33 representatives. No one would consider for a minute such a large number of representatives. It would be impossible for them to do their business, and it is unnecessary to have such a large number on a local authority of the size Fremantle will be. In order that some portions of East Fremantle and Fremantle can be welded together to make wards, it is necessary to have the powers which the Bill provides.

Reference has been made to the fact that there is no provision in the measure for the taking of a referendum. One member mentioned the referendum taken by a particular authority. If anybody could call that a referendum, I do not know what the word means. When a referendum is taken, the case for and against is set out. But in this instance letters were sent to the individuals concerned and all the letters contained was the plain question "Do you favour amalgamation? Yes or no?" There was nothing more. If the result of that can be accepted as an intelligent vote of the municipality concerned, I think it is stretching the interpretation of the word "referendum".

As a matter of fact, when the representative of the organisation concerned was giving evidence before the commissioner, he said that he realised the district was not large enough, and it had never had sufficient revenue to do what ought to be done for the people of the district. He went along in that strain and said, "If we are to live we must be given more territory." Those were the actual words of the

man who represented that local authority —and, by the way, he is one of the persons who is today creating a stir because of the amalgamation. That authority took this so-called referendum. I have never objected to the taking of a referendum so long as it is conducted along proper lines. But there is no power in the Act, and never has been, for that to be done on a question of this description.

While a lot of people may say that that ought to be done, I would remind them that no referendums were taken when these local authorities were created. They were just created, and today they are being amalgamated under the same Act and powers under which they were created. Do not let us forget that when these local authorities were formed their districts must have been taken from local authorities that were in existence at that time. They were created then, and now they are being re-created in exactly the same manner.

Another point raised during the debate concerned staff. Mr. Craig mentioned the case of a man staying for one year and 11 months and then retiring and getting all the gratuities. That cannot happen except in certain circumstances—and I do not think any local authority would be caught in this way. Any person who voluntarily resigns is not eligible for compensation. If he is dismissed for misconduct he is not eligible. When I say "anyone who voluntarily resigns" I mean that the only condition that has to be complied with by the local authority is that, after a person has served for 12 months, the authority must give him written notice guaranteeing him work until the completion of the second year.

Hon. L. Craig: That bears out what I said.

The MINISTER FOR LOCAL GOVERNMENT: There is nothing to say that they must do it at the end of the 12 months, and there is nothing to say that they need not do it until such time as the person hands in his resignation; then the local authority can offer him the two years' guarantee.

Hon. L. Craig: We will discuss that point in Committee.

The MINISTER FOR LOCAL GOVERNMENT: There will be no claims from that point of view. If a person has voluntarily resigned—

Hon. N. E. Baxter: What would you call "misconduct"?

The MINISTER FOR LOCAL GOVERNMENT: I often think that the hon. member misconducts himself, but he may not think so.

Hon. N. E. Baxter: It depends on what the President says.

The MINISTER FOR LOCAL GOVERNMENT: I would not like to say exactly what is meant by misconduct.

Hon. N. E. Baxter: It is a pretty broad term.

The MINISTER FOR LOCAL GOVERNMENT: There is this protection: If a person is sacked for misconduct, he is not sacked by an individual but by a local authority; and surely to Heaven there is sufficient protection for a person under those circumstances! If a person has been sacked, he has a body of elected personnel to which he can appeal. So I do not think the hon. member need worry about the interpretation of the word "misconduct."

Hon. N. E. Baxter: A very lame explanation.

The MINISTER FOR LOCAL GOVERNMENT: I cannot give a plainer explanation. Interpretation of the word "misconduct" depends on the outlook of the individual, and frequently my outlook is different from that of the hon. member. I shall not now discuss all the points raised, because we can deal with them in the Committee stage. However, one point was mentioned in regard to absorption of employees. Most local authorities these days are expanding because districts—particularly those in the metropolitan area—are expanding, and the local authorities, as a result, are increasing their staffs. So I cannot see how there will be any great disturbance. One member mentioned the case of the amalgamation of three local authorities. In one instance three local authorities will be involved, and it will affect three town clerks. But no difficulty is expected in the readjustment.

Hon. H. Hearn: Will they be transferred to other areas?

The MINISTER FOR LOCAL GOVERNMENT: No; they will all come into the new area, and each will be on a status equal to that which he held before, but his position will carry a different name.

Hon. H. Hearn: There will not be any economy in that.

The MINISTER FOR LOCAL GOVERNMENT: From the salary point of view, possibly for two years, there would not be a great deal except in regard to someone who might voluntarily resign. But there would be additional revenue, because in those particular instances where there are three local authorities concerned, each of them has its own hall and office accommodation, and quite a considerable revenue could be obtained from letting those premises.

Hon. H. Hearn: But the salary of the town clerk and secretary would be increased.

The MINISTER FOR LOCAL GOVERNMENT: Yes, because that is based on a certain formula. But that would be offset by the revenue that would be derived from letting the premises and the saving in stationery, office accommodation,

lighting, and the various other features which, though not much by themselves, would add up to a fairly considerable sum.

Hon. A. F. Griffith: Is it the desire ultimately to reduce the number of authorities to six or seven?

The MINISTER FOR LOCAL GOVERNMENT: I am glad the hon. member interjected, much as I dislike interjections. I recollect making a statement that in my opinion there could be too large a local authority just as there could be one too small. From a departmental point of view—and I agree with the department's view—we consider that in these days the smallest local authority that can carry on business and do the job necessary for its ratepayers is one that has a population in the vicinity of 9,000. On the other hand, we consider that once the population of a local authority gets above 30,000 it is becoming too large. At no time will I or anyone in the department at present have anything to do with it once it gets beyond that figure.

Hon. A. F. Griffith: I think you were credited with making that statement. That was the time they called you the little Hitler.

The MINISTER FOR LOCAL GOVERNMENT: Something like that. It is very necessary to have the personal touch; and if it has not that, we should not call it a local authority. A population of 30,000 would be the limit. It is not intended to go in for such large schemes as they have in Brisbane and other places.

Hon. C. H. Simpson: Do not you think that 30,000 is rather large?

The MINISTER FOR LOCAL GOVERNMENT: No. In these days it is expensive to run a local authority; it needs a pretty fair revenue to do the job properly. A population of 30,000 would be the maximum.

Hon. L. Craig: When you get up to a population of 50,000 or 60,000, will you split them again? I think you will have to.

The MINISTER FOR LOCAL GOVERNMENT: I have not given that matter consideration, and it will have to be decided by someone else in the future. For the benefit of members, I would like to mention the size of some of these local authorities. One has an area of 1.26 square miles, 54 per cent. of which is unrated territory. Accordingly there is approximately three-quarters of a square mile which is unrated.

Hon. Sir Charles Latham: You are not referring to Carnarvon are you?

The MINISTER FOR LOCAL GOVERNMENT: No, I am referring to a municipality in the metropolitan area which is involved in this amalgamation. This local authority not only supports a town clerk and office staff, but it also supports a mayor and nine councillors. There is another authority which has an area of 1.2 square miles, 14 per cent. of which is unrateable territory. This one also supports a mayor and several councillors.

Hon. N. E. Baxter: How many employees?

The MINISTER FOR LOCAL GOVERNMENT: They have small staffs. I think I have covered the main points raised, and I will be prepared to answer any queries that may be asked in the Committee stage.

Question put and passed.

Bill read a second time.

In Committee.

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

Clauses 1 and 2—agreed to.

Clause 3—Power of inquiry:

Hon. H. HEARN: May I ask whether the Minister would agree to report progress.

The MINISTER FOR LOCAL GOVERNMENT: I do not want to report progress. I would have liked to have the Committee stage completed tonight. I do not suppose the hon. member lightly asked that I do so. I dare say he has a very good reason for the request. Unfortunately, I have been held up with this Bill, first in the drafting and then in the printing. I admit it was only introduced a week ago, but I would like to get it through as quickly as possible. There is also the point of postponing elections which are due to take place next month. The measure has yet to go to another place; we gave this Chamber the honour of dealing with it first. We have not been able to get the Bill through earlier because of circumstances beyond my control. If the hon. member insists that progress be reported I will agree, though I would like to go on with it.

Hon. H. HEARN: I have no desire to impede the progress of the Bill if the Minister for Local Government is prepared to report progress on this clause.

The MINISTER FOR LOCAL GOVERNMENT: Another point that has struck me is that if we do not take the Committee stage tonight, it will be a week before we can do so. I will not be able to be here on Tuesday, and the hon. member will not be here on Wednesday. That will mean a week's adjournment, unless we finalise it tonight. A week could be very important at this stage.

Hon. H. HEARN: I would be prepared to go on if it were possible to recommit the clause in question after the Bill has been dealt with.

Hon. Sir CHARLES LATHAM: This is one of the important clauses in the Bill. It gives the Minister authority to exercise powers under the Municipal Corporations Act and the Road Districts Act. Subclause (2) of Clause 3 reads as follows:—

> Without limiting the generality of those matters, a person may be so appointed to inquire into and report upon the desirability or otherwise of exercising any of the powers conferred upon the Governor by Part III of the Municipal Corporations Act, 1906, and by Part II of the Road Districts Act, 1919.

Part III of the Municipal Corporations Act gives power to the Governor to declare wards, unite municipalities, dissolve municipalities, sever portions of a municipal district, annex outlying districts, alter boundaries of wards, create new wards, alter boundaries of conterminous districts and to declare a municipal district a city. It also empowers the Government to alter the name of a district, to declare the number of the population, and so on. Division 2 of Part III sets out the effect of the constitution of new municipalities as to their assets and liabilities; Division 3 provides for the uniting of municipalities, and deals with the effect of the union on municipalities; while Division 4 deals with the dissolution of municipalities.

Members will see that terrifically wide powers are involved. This Bill hands over to one man powers that have been vested in municipalities. That is dangerous. Further on in the Bill power is taken for giving effect to recommendations made by the officer. Terrific power is available even under the Acts as they stand today. A road board can be dissolved. I do not know whether a municipality has ever been dissolved; but not long ago the municipality of Busselton disappeared and was converted into a road board; and that, I understand, was at the determination of the Minister.

I think members should realise what is being done. It is proposed to take powers from the local authorities that they have exercised for a long time and vest them in the Minister. If that were not so there would be no need for the Bill. I am sorry that the Minister has not allowed us to have a closer look at the measure. These Bills come down too rapidly.

The Minister for Local Government: This measure has been here a week.

Hon. Sir CHARLES LATHAM: So have all the other Bills. This measure takes a bit of understanding. Clause 3 occupies over three pages, and the next clause occupies over six pages, and the phraseology of the Parliamentary Draftsman needs a little understanding. I do not like the idea of powers being taken away from local authorities.

The Minister for Local Government: What powers am I taking away?

Hon. Sir CHARLES LATHAM: Why does the Minister want to appoint an officer to make inquiries and submit recommendations to which he will afterwards give effect?

The Minister for Local Government: Only with relation to amalgamations.

Hon. Sir CHARLES LATHAM: It is more than that. I have already mentioned the Municipal Corporations Act. The portion of the Road Districts Act to which the Bill refers contains five columns of powers. I venture to suggest that probably there are not two members who have read this Bill right through. I want to know what its ramifications will be and what powers will be handed over to this officer. In many instances the Minister could do nothing but accept the officer's recommendations.

Members should understand what they are being asked to agree to. If they are prepared to accept the responsibility, I do not mind. The city areas would probably be affected to a much greater extent than the country. In the past, whenever there have been any difficulties occasioned by bad government on the part of local authorities, the Minister has always had power to step in. I do not know why he requires these additional powers.

The MINISTER FOR LOCAL GOVERNMENT: I cannot understand the hon. member. All it is sought to do is to appoint a person to inquire whether a local authority is in a fit state to conduct its affairs from financial and other aspects and whether—

Hon. Sir Charles Latham: All other aspects.

The MINISTER FOR LOCAL GOVERNMENT: —it is necessary for an amalgamation to take place. That person will make his inquiries from that point of view and submit recommendations to the Minister.

Hon. Sir Charles Latham: What will the Minister do?

The MINISTER FOR LOCAL GOVERNMENT: Ordinarily he would not require these other powers regarding elections; but I think I explained that what is needed is authority to postpone elections because quite a number of local authorities are not in a position to determine their new wards. They met unofficially and discussed the question of a combined authority and the number of wards therein; but it has not been possible to have the whole of the work done by November, when it was originally intended that the alteration should take place.

Hon. Sir Charles Latham: That applies to municipalities only.

The MINISTER FOR LOCAL GOVERNMENT: Yes. As a result, some of the authorities requested that the elections scheduled for November be postponed. The road boards particularly wanted them postponed until the end of their financial year which would be the 30th June next.

Hon. Sir Charles Latham: When are their elections?

The MINISTER FOR LOCAL GOVERNMENT: Ordinarily in April.

Hon. Sir Charles Latham: They would have plenty of time.

The MINISTER FOR LOCAL GOVERNMENT: I am not worried about the road board elections; but the municipal elections are due in November, and the municipalities contend that they would not be able to carry out the necessary work by that time. They suggested that the elections be postponed till the 1st July next year, and we have acceded to that request in order to save the municipalities the expense of having an election next year and electing members to four or five wards, and then having to conduct another election in June for the newly-constituted bodies. Power is needed for such a postponement.

Hon. Sir Charles Latham: Why did you not introduce a Bill for that purpose?

The MINISTER FOR LOCAL GOVERNMENT: Here it is.

Hon. Sir Charles Latham: The Bill contains a lot more powers.

The MINISTER FOR LOCAL GOVERNMENT: I cannot see that.

Hon. Sir Charles Latham: I do not want to read the Bill to you.

The MINISTER FOR LOCAL GOVERNMENT: I can assure members that all that is required is the power to postpone the elections.

Hon. J. G. Hislop: This covers a lot more than elections.

Hon. L. CRAIG: According to my interpretation of the measure, nothing in it will alter the powers the Minister has in regard to amalgamations. But Clause 3 gives him authority to institute an inquiry as to whether certain things should be done concerning boundaries and administration and anything connected with the running of a local authority. The Minister says to a selected person, "I want you to conduct an inquiry into the affairs of this road board." The powers involved in an inquiry are covered by Part III of the Municipal Corporations Act and Part II of the Road Districts Act. The Minister instructs the man to inquire into specific aspects and the man reports back to him. The recommendation might be that the local authority was too small and should be incorporated with one or two other local authorities. When the report and recommendations are received the local authority concerned is in a position to state its objections.

In my view—I may be wrong, of course—the only additional power to the Minister given by the Bill is the power to postpone elections. In order to prevent a complete upset, where part of a ward is to be transferred from one authority to another, it is proposed that that transfer shall be effected as from the 1st July.

Hon. H. Hearn: They only want a measure with power to postpone elections.

Hon. L. CRAIG: He has all the other powers.

Hon. H. Hearn: Then why are the other powers included in the Bill?

Hon. L. CRAIG: They are powers of inquiry.

Hon. H. Hearn: You say he already has them.

Hon. L. CRAIG: I do not think he has the powers of inquiry into all the questions involved. I am not putting forward a case for amalgamations. Some local authorities are opposed to them, and believe the Minister already has too much power. But I do not think the measure would give him any additional power, except power to postpone elections, and that is necessary if amalgamations are to take place.

Hon. L. A. LOGAN: Most of these powers already exist under the Road Districts Act and the Municipal Corporations Act; so why are they included in the Bill? Mr. Craig says there is no power at present to inquire whether an amalgamation should take place; but they have already taken place at Geraldton, Collie and Busselton, and if the Minister could tell us the difference between the proposed powers of this man and those of Mr. White, it would be interesting. If the Minister simply wants power to postpone elections, that could have been achieved in three or four lines. I think, with all this verbiage, members suspect a nigger in the woodpile.

Hon. Sir CHARLES LATHAM: Is it true that a decision has been made in Claremont that no alteration will be effected before July? The Claremont council has informed me that the Minister has postponed further action there till July next. The Minister already has wide powers, but it is doubtful whether he has power to amalgamate a municipality and a road board. I know that when the previous Minister merged the Busselton municipality with the Sussex Road Board, the local people had some doubt as to whether he had the power to do it. Mr. Craig says the measure will give the Minister power to appoint someone to make an inquiry, but officials of the Local Government Department can at any time inquire and report to the Minister on any subject. This

provision affects the metropolitan area more than it does the country; and if representatives of the metropolitan area are agreeable, I will not worry about the matter. The passing of the measure is the responsibility of the Minister and the representatives of the districts that will be affected.

Hon. C. W. D. Barker: Are you trying to tell us that we do not understand the position?

Hon. Sir CHARLES LATHAM: The hon. member makes his speeches by interjection. The inspectors can make inquiries—

The Minister for Local Government: From a financial point of view.

Hon. Sir CHARLES LATHAM: It is not a matter of postponing elections. I have known of road board elections being postponed. The measure would give the Minister power to put in an investigator and take such action as he thought fit on receipt of that report.

The MINISTER FOR LOCAL GOVERNMENT: Mr. Logan asked why there was so much verbiage in a Bill which sought only to postpone elections, but I was dealing only with the elections at that time.

Hon. H. Hearn: Then there is a lot more in this Bill.

The MINISTER FOR LOCAL GOVERNMENT: I have said that the main points involved refer to the wards, the elections and three or four other matters. The point regarding the appointment of a person to inquire into municipal administration is set out clearly in the Bill. With regard to the elections, all we want to do is to postpone elections in municipalities, in the areas affected, from November to June; and, in the case of road boards, from April to June.

Hon. Sir Charles Latham: And to force the new authorities to take over the servants that are displaced.

The MINISTER FOR LOCAL GOVERNMENT: Yes, to protect the employees for two years if they require it.

Hon. Sir Charles Latham: The Bill does not say that.

The MINISTER FOR LOCAL GOVERNMENT: Then I do not know what it does say. After that time they can reorganise their staff as they wish and all the districts will be in the same boat. Mr. Logan said the employees of the authority which absorbed the others could be dismissed, but that is not so.

Hon. L. Craig: Let us stick to Clause 3.

The MINISTER FOR LOCAL GOVERNMENT: I repeat that I am asking for power to postpone elections, and would point out that in the meantime the bodies concerned have unofficially gone as far as setting out the new wards, and are now waiting for this measure so that we can avoid unnecessary elections.

Hon. H. HEARN: As this measure particularly affects my province, I ask for time to examine it. Given that opportunity, I might support the Bill in its entirety. The Minister should accede to my request for time for members thoroughly to examine the Bill.

Hon. J. G. HISLOP: It appears that this clause could relate only to the affected districts. Subclause (7) refers only to the amalgamation and Subclause (1) states that—

> at any time, and from time to time, the Government may appoint any person to inquire into, and report upon, any matter—

and so on. I would like to be assured that Clause 3 refers only to affected districts and days. If it does not, it is granting powers to the Minister that I am not prepared to give.

The MINISTER FOR LOCAL GOVERNMENT: Subclause (1) refers to the appointment of a person to make inquiries.

Hon. J. G. Hislop: But has that any relation to affected districts?

The MINISTER FOR LOCAL GOVERNMENT: Present affected districts?

Hon. J. G. Hislop: Yes.

The MINISTER FOR LOCAL GOVERNMENT: No; but it is for the purpose of altering all districts.

Hon. J. G. Hislop: That would include an affected district.

The MINISTER FOR LOCAL GOVERNMENT: It would in the future.

Hon. J. G. Hislop: An affected district would be a part or reconstituted district.

The MINISTER FOR LOCAL GOVERNMENT: If the person appointed makes an inquiry and his decision is agreed upon, they would become affected districts. The clause seeks to grant to the Governor certain powers to institute an inquiry.

Hon. J. G. Hislop: I will not have a bar of it.

The MINISTER FOR LOCAL GOVERNMENT: Does not the hon. member care for people to be appointed to make inquiries?

Hon. J. G. Hislop: I am certainly not in agreement with this because—

The CHAIRMAN: Order! I cannot hear what the Minister is trying to explain.

The MINISTER FOR LOCAL GOVERNMENT: This clause merely seeks to give power to appoint someone to make inquiries if and when they are deemed necessary. I cannot see anything wrong with that. I cannot understand why Dr. Hislop objects to the clause.

Hon. J. G. HISLOP: I am still not satisfied, because this is a Bill which, in the main, relates to affected districts and affected days. Yet we have inserted in the first part of Clause 3 the words "power at any time."

The Minister for Local Government: Yes, to institute an inquiry.

Hon. Sir CHARLES LATHAM: I ask the Minister to give members a chance to study the Bill, and then they will know all about it. I am sure they are in a tangle at the moment, just as I am.

The MINISTER FOR LOCAL GOVERNMENT: In view of that appeal, I cannot do other than accede to the request.

Progress reported.

BILL—SOIL CONSERVATION ACT AMENDMENT.

Second Reading.

THE MINISTER FOR THE NORTH-WEST (Hon. H. C. Strickland—North) [5.34] in moving the second reading said: Since the Act was passed in 1945, experience has shown that the provisions of Part V are too cumbersome to be of any practical use. This part was, at the time, modelled on legislation in New South Wales. The Bill seeks to repeal Part V headed "Areas of Erosion Hazard" and insert a new Part V headed "Soil Conservation Orders." The new provisions are modelled on South Australian legislation which is considered to be more suitable.

Members will be well aware of the serious problem of soil erosion. The prime purpose of the principal Act is to enable action to be taken to check or prevent soil erosion in cases where the owner or occupier of a property is unwilling to adopt suitable control measures even after being advised by soil conservation officers. I am assured that most landholders take the advice given; but, as is always the case, there are a few who will not voluntarily endeavour to check or prevent soil erosion. Because of this, it is necessary that regulatory power relating to land use and farming practices be included in soil conservation legislation.

Under the present Act, when a tract of land is considered to be an erosion hazard, it must be identified on a map, and notification must be published in the "Government Gazette". After this, a copy of the map and notification must be served on every owner, occupier and mortgagee of the land in the tract. Any of these people may lodge objections to the Minister, who must consider them and make his decision. If an owner, occupier or mortgagee is dissatisfied, he may then appeal to the local court.

Any appeals having been disposed of there is still a cumbersome procedure to be followed. A scheme of operations must be submitted by the Minister to the Governor for approval; and if this is given, agreements must then be entered into between the Minister and the respective owners and occupiers as to how the project will be undertaken and financed. It will be seen, therefore, that altogether it is a very involved business, with so many frustrations that it has failed to serve its intended purpose.

Section 34 of the principal Act empowers the Minister to make advances to enable necessary work to be carried out. The Bill proposes to repeal this section and re-enact it, with suitable adaptations, as Section 20A. At present an owner may initiate a scheme of soil conservation even though the land in question may not have been gazetted as an area of erosion hazard. However, many preliminary requirements have to be met, and it is felt that there is adequate expert advice available; and if the owner is unable to finance the necessary work, the Minister will be in a position to assist financially under the proposed new Section 20A. The Bill, therefore repeals Section 35.

Under Section 36 the consent of the Minister for Forests must be obtained before any soil conservation work likely to affect a State forest is commenced. The Bill proposes to renumber this Section as 21A. It is also proposed to repeal Section 37. This empowers the commissioner to carry out work for giving effect to a project, but the cumbersome preliminary requirements render it of no practical use.

The provisions of Section 38 requiring owners and occupiers to be served with notice before work is commenced on their land have been modified and included in the proposed new provisions. The present provisions of Section 39 are also complicated and acceptance of the Bill will render them unnecessary.

A brief explanation has been given of the present procedure as well as the reason for repealing certain sections. As mentioned previously, the new Part V headed "Soil Conservation Orders" will provide a much more simplified process. Under the new scheme orders may be made on owners or occupiers of land requiring them to do certain work or refrain from doing specified things. However, an order will be used only when all other efforts to obtain co-operation have failed. It will be seen, therefore, that not many people will be involved, as experience has shown that the majority of farmers are fully co-operative. There will be a right of appeal to the Minister, whose decision will be final.

Failure to comply with an order will render an owner or occupier liable to a penalty and the commissioner will have

power to carry out the requirements of the order at the expense of the owner. Such expenses are recoverable from an owner or occupier by action in court. There is also a penalty provided for any person bound by an order who hinders or obstructs the carrying out of the work. The expense of carrying out the work is a charge against the land; and where a mortgagee of the land carries out the work, the expense may be added to the mortgage debt.

The Soil Conservation Committee has for some time been particularly concerned at its inability to take effective action against offenders. This has resulted in a feeling that the Act is not serving its purpose. To be successful, the committee feels that it must have power to act directly and swiftly, and the Bill has been drafted with that aim.

It is emphasised that this measure will affect a very small number of people, as the majority are always willing to heed the advice given or seek advice on their own initiative. At present unco-operative persons are able to shelter behind an Act of Parliament that has proved too unwieldy to meet the position. Soil erosion is a national problem, and the committee must be provided with the means of forcing the irresponsible few to carry out their duty to the State. On various occasions members have referred to the need for effective control of soil erosion and the Bill, in my opinion, will bring this about. I move—

That the Bill be now read a second time.

As to Adjournment of Debate.

Hon. A. R. JONES: I move—

That the debate be adjourned till Wednesday, the 26th October.

The CHIEF SECRETARY: I do not raise any objection to the motion. But members seem to have got into the habit lately of moving for the adjournment of a debate for a week, and sometimes longer, instead of until the next day. I appreciate that some members are not prepared to continue the debate on a Bill, and accordingly they can secure an adjournment until the following day. The hon. member, of course, can move in whatever way he likes; but I think a little consideration should be shown in these matters.

Hon. A. R. JONES: I moved for the adjournment till next Wednesday because I heard the Chief Secretary say he would not be here on Tuesday.

The Minister for the North-West: But I will.

Hon. A. R. JONES: In the circumstances, I move—

That the debate be adjourned till the next sitting of the House.

Motion put and passed.

BILL—HEALTH ACT AMENDMENT.

Second Reading.

THE CHIEF SECRETARY (Hon. G. Fraser—West) [5.43] in moving the second reading said: This Bill contains several amendments which are regarded as essential to the health and well-being of the community. They are the connection of premises to sewers, the boiling of pig swill, offensive trade areas, cost of treatment of certain infectious diseases, the care of the aged within the community where they have spent their lives, and the regulation of inflammable and offensive substances.

The Act gives local authorities the power to install septic tanks on premises at the request of the owner of the property, and to enter into an agreement with the owner for repayment of the cost over a period of time. Several local authorities have requested that similar power be given for the connection of premises to sewers. Some ratepayers are unable to meet the capital cost of such connection, and the amendment would allow them to repay the cost to the local authority over a period of years. The cost of the connection will, of course, remain a charge against the land until it is liquidated.

The Act, at present, specifies that offal used as pig food must be boiled for at least one hour. The Bill seeks to extend this to two hours, which is the minimum time for boiling required by regulations made under the Stock Diseases Act. I am advised that if boiling were properly carried out, one hour would be sufficient to destroy harmful organisms or parasites.

During the war, when swine fever caused heavy pig mortality in this State, the outbreak was materially curbed by the introduction of the regulations under the Stock Diseases Act that provided for offal to be boiled for two hours. Persons who have been proceeded against for failing to observe this regulation have used as a defence the provision in the principal Act for boiling for one hour. To overcome this anomaly, the Bill seeks to increase the requirement to two hours.

The next amendment concerns the establishment of offensive trades areas. The principal Act permits local authorities to make by-laws defining portions of their areas in which the establishment of offensive trades is prohibited. In practice, the problem is rather one of setting aside an area where offensive trades may be established. In other words, the practical approach is positive; whereas the Act indicates a negative approach.

The amendment is designed to correct the position and permit local authorities to set aside suitable areas for the establishment of offensive trades. This approach is consistent with the Town Planning Act. It will permit local authorities

to promote rational development of industry in districts in which development has not reached a stage where a proper town planning scheme is indicated.

When first passed, the principal Act gave power to control danger to the public health from inflammable substances, and other matter which might give rise to ill health. When originally introduced, these provisions covered most of the hazards then existing or recognised. In recent years, an increasing number of toxic substances have come into common use in industry and around the home. These are freely purchasable. As they are not subject to control, the manufacturers do not have to state on the label the dangerous nature of the articles, and they are therefore regarded by the public as innocuous. This has encouraged careless use and handling. The purpose of the amendment is to ensure that these substances are adequately labelled with a description of their hazardous properties, and that their use, transport, sale or storage shall not expose the public to danger which can be avoided. Before any by-laws are made controlling the transport, deposit, use, manufacture, sale or storage of toxic or hazardous substances, it will be necessary to make a by-law stating what substances are to be regarded as such.

The next proposal concerns the cost of treatment of cases of infectious disease. The principal Act requires local authorities to contribute towards the cost of hospital treatment in certain cases of infectious disease. The diseases concerned are those which can be expected to show a very low incidence if a local authority is discharging its duty to supervise the sanitary condition of its district and to encourage immunisation.

It can happen that an outbreak of disease involves a local authority in expense which cannot be met from available income. Some time ago, local authorities explored the possibility of insuring against such heavy liability; but no insurance organisation would quote on account of the almost unpredictable behaviour of past outbreaks of infectious disease.

Recently an alternative was placed before local authorities for their consideration. The scheme proposes that all local authorities should contribute to the total annual cost of treating the diseases concerned in proportion to population. Replies to hand indicate an overwhelming majority in favour of the scheme, the figures being 100 in favour and eight against.

In connection with this scheme, the list of diseases was reviewed recently in consultation with local authorities, and agreement was reached on the deletion of certain diseases and for certain qualifications to be attached to others. The overall effect is that concessions have been promised to the local authorities. At the present time, the cost of treatment and maintenance of persons who suffer from any of the infectious diseases mentioned in or declared under the principal Act is shared between the patient, the Department of Public Health and the local authority.

The amount paid by the patient is far below the actual cost. The difference is shared between the department and the local authority in whose district the case occurs in the proportion of two-thirds and one-third, respectively. If an epidemic develops and a number of cases occur in a particular district, the cost can be a very heavy drain on the funds of the local authority. It may, indeed, exceed the income which the local authority can raise by way of health rates in one year. Even a mild outbreak can embarrass a local authority whose finances are limited by an annual budget.

In view of the large favourable majority, the Government felt justified in submitting the scheme to Parliament. At the beginning of each financial year after the scheme commences the total cost of treating persons suffering from the diseases concerned during the previous financial year will be ascertained. The amount paid by patients will be subtracted. Two-thirds of the balance will be contributed by the department. The remaining one-third will be contributed as an assessment for the coming year by all local authorities in proportion to their population. If at the end of a financial year it is found that the amount paid by way of assessments falls short of or exceeds the ascertained cost, the assessment for the next year will be increased or reduced accordingly.

So as to introduce the new procedure without disruption of the existing accounting system, local authorities will not receive an assessment until after the end of the first year of operation. They will then receive two accounts. The first will recoup the department for the expense it has borne on their behalf during the first year, and the second will be the assessment for the second year of operation. Disruption of local authority finances will be avoided by supplying local authorities with an estimate of their liability for the first year. Although they will not have to meet any expenses during that year, they will levy rates to cover the estimated liability. This will avoid any inconvenience to them.

The next amendment is one of great importance, both practical and sentimental. It concerns the care of our aged people. Several members in this House, notably Mr. Bennetts, have sponsored the claims of homes for the aged in their districts. Members are aware that the increasing

demand for hospital beds arises, apart from the population increases, almost entirely because of aging population. The elderly are prone to sickness and, when sick, are difficult to rehabilitate and return to their homes. Thus they may become chronic invalids. Apart from institutions and hospitals dealing with this type of case, and the long waiting list about 30 per cent. of public beds in hospitals for cases of acute sickness are occupied by aged chronic sick.

To prevent or reduce this chronic invalidism two things are necessary. Firstly, the aged should be looked after and encouraged to take an interest in themselves and life in general. Secondly, when they become ill and have to be admitted to hospital, they should be given special attention to restore their health and enable them to live normal and independent lives.

It is hoped to supply this second item by conversion of the Infectious Diseases Branch to a rehabilitation hospital in the coming year. This will provide a specialised therapy for the rehabilitation of sick and aged persons who would otherwise become chronic invalids.

The first item—care and encouragement—requires a widespread organisation of social welfare work and provision of suitable accommodation, which is best supplied by residential centres or clubs for the aged. At such a centre they could obtain a meal cheaply and could enter into social contacts and organised group activities. By this means they would be able to lose their feelings of loneliness and unwantedness and take an interest in themselves.

Cases will occur where an aged person has no suitable home to live in, so that a centre must provide residential accommodation for a portion of the aged of both sexes. These residential centres would also assist the rehabilitation hospital in accepting discharged cases who have no suitable home. It is essential that these centres should be closely related to the areas in which the aged live. Their distribution should, therefore, be planned on local authority lines. Several voluntary bodies and charitable institutions are prepared to assist in running such centres if the initial construction of centres could be accomplished.

As care of its aged is a matter in which every local authority must be interested, the Bill proposes to amend the principal Act by enabling local authorities to contribute to such centres in the same way as they contribute to infant health centres. By this means centres can be established in local authority areas from funds contributed by the Government, the local authority and by voluntary sources.

The Bill also seeks to delete the restriction in Section 324 which prevents local authorities from expending more than 10 per cent. of their revenue from health rates on subsidies to nursing systems, infant health centres, hospitals etc. It is considered that there is no need for local authorities to be restricted in this manner. They are limited in the amount of health rates they may levy and it seems unnecessary to further limit their expenditure on particular items.

Quite a number of provisions are contained in the Bill. I hope that members will give them careful consideration. No doubt many of them will be acceptable, and it is hoped that a good portion will become law. I move—

> That the Bill be now read a second time.

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

BILL—MARKETING OF BARLEY ACT AMENDMENT.

Second Reading.

THE MINISTER FOR THE NORTH-WEST (Hon. H. C. Strickland—North) [5.55] in moving the second reading said: This Bill seeks to continue the Marketing of Barley Act for a period of 20 years as the existing statute terminates on the 5th December, 1955. It also contains other amendments to meet the wishes of growers.

A deputation from the barley and oat section of the Farmers' Union waited on the Minister and expressed a wish to fall in line with wheat growers and contribute to the Soil Fertility Research Fund. The Bill therefore authorises the board to make deductions on the authority of growers for payment into the afore-mentioned fund. The contribution will not exceed one farthing per bushel.

Growers are also anxious to provide the board with an amount of money to be used at the discretion of the board for the benefit of the industry, and the Bill provides for all fractions of less than ½th penny per bushel realised on the disposal of barley to be retained by the board. In both cases deductions will be voluntary and will be made only on the written assignment of each grower. The whole matter is therefore a voluntary arrangement between the grower and the board. The Minister had no hesitation in agreeing to this request.

As mentioned previously, the Marketing of Barley Act terminates on the 5th December next at the expiration of the customary three-year term. This Bill, however, seeks to extend the life of the board for a period of 20 years to coincide with the expiration of the Co-operative Bulk Handling Act in 1975. This has been done at the express wish of the growers, who feel

that, under any shorter term, the board has no security of tenure for the erection of storage or other facilities for the treatment or disposal of their grain. By seeking the extension that the Bill proposes, the majority of growers have shown their confidence in the board.

The barley industry continues to expand and actual deliveries to the board for the 1954-55 season were:

6-row	....	1,000,000 bushels
2-row	....	360,000 bushels

The brewers and maltsters absorbed all the 2-row barley that met their required standard, while the 6-row was exported after meeting local requirements.

The following growers' estimates for the 1955-56 season will show a huge increase on last season's production if they are fulfilled:—

6-row	....	4,000,000 bushels
2-row	....	1,000,000 bushels

Brewers and maltsters require approximately 400,000 bushels of 2-row barley and if the above figures are realised it will be the first occasion on which local requirements of 2-row barley have been exceeded. Of course, the favourable season has had its effect, but there is no doubt about the growth of the industry, which is becoming very important to this State. I move—

> That the Bill be now read a second time.

HON. SIR CHARLES LATHAM (Central) [6.0]: I am going to surprise the Minister by continuing the debate. I support the second reading. The first portion of Clause 3, which proposes to amend Section 23 of the principal Act, provides that the board may accept delivery of the barley on behalf of the growers for the purposes of marketing both interstate and overseas. Up to date the board has proved to be very successful. Previously, all the barley was put into bags, but now it is being marketed in bulk, and thus the costs to the grower have been greatly reduced.

Barley has been marketed at a considerable profit to the farmers; but without the overseas market, the local demand would be very limited. Our barley has a great reputation on the Continent, too, a large quantity having been exported there; and in England it is being used. Although the maltsters prefer the two-row barley, in England they are using some of the six-row barley.

Subsection (4) provides that the board shall, out of the proceeds of barley disposed of by it, "defray all costs and expenses of administering the Act, and make all payments in respect of compensation and claims and any other payments authorised to be made by this Act." The proposal is to extend that provision by adding after the word "Act" the words—

> and shall out of those proceeds pay to the trustees of the Soil Fertility Research Fund, mentioned in the Soil Fertility Research Act, 1954, as contributions to that fund, such sums—

As mentioned by the Minister, there is need for an extension of the period till 1975 because the people engaged in the research work are dependent upon the money to finance it. It might take a long time to complete this work, and it is desirable that there should be an assurance that the requisite funds will be available. The next portion of the proposed amendment reads—

> retain and apply in such manner as the board in its discretion considers to be of benefit to the barley industry, such fractions of less than one-eighth of a penny per bushel realised by the board on disposal of the barley as a person entitled to compensation directs in writing.

Thus, growers themselves will determine how the money shall be spent. The Bill also proposes the addition of a new subsection as follows:—

> A direction in writing mentioned in Subsection (4) of this section is exempt from duty under the Stamp Act, 1921.

The object of the new subsection is to enable growers to make the contribution without the need for the payment of stamp duty. This, of course, will be of benefit to them and is one of the few privileges suggested. Producers will be entitled to have their money applied in a manner which they themselves determine and without the obligation of paying stamp duty. Some research work has been carried out on behalf of the growers, and it is desirable that this work be encouraged. It is done at the university under Professor Underwood. I think members will agree to permit these growers to make available funds of their own for this purpose.

The other provision in the Bill is designed to extend the duration of the Act till 1975. In the past, an extension has been provided for only three years. If the Act is continued till 1975, its duration will coincide with the franchise granted to Co-operative Bulk Handling Ltd. for its facilities at railways and ports. When that time comes, I, and probably a few other members, will not be here; but I hope that approval will be granted for the continuance of these facilities, because they have proved to be of great service to the growers, not only in the saving

of costs but also in the saving of labour. I have pleasure in recommending the Bill to the House.

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

BILL—SOIL FERTILITY RESEARCH ACT AMENDMENT.

Second Reading.

THE MINISTER FOR THE NORTH-WEST (Hon. H. C. Strickland—North) [6.5] in moving the second reading said: Following the introduction of the Marketing of Barley Act Amendment Bill, the purpose of this measure is to increase the number of trustees administering the soil fertility research fund from five to six by the addition of the president of the barley and oats section of the Farmers' Union. As barley and oats growers may now contribute to the research fund, it is only reasonable that they should have representation.

As in the case of wheat growers, the contribution will be entirely voluntary and will be made only on the assignment of growers. Members will recall that the parent Act was passed last year and provided for the research fund to be controlled by five trustees, four of whom are wheat growers. Experience has shown the fund to be an outstanding success. Although contributions are voluntary, 90 per cent. of growers have responded and almost £28,000 has been provided. Growers are to be congratulated on their excellent response. I am advised that the fund is greatly assisting the Institute of Agriculture in its research work, and that up to date the main efforts have been directed towards the breeding and production of important pasture legumes for the wheat belt.

I believe that oats growers have also requested to contribute to the Fertility Fund; but as no legislation is affected, the Farmers' Union will take the necessary action to give effect to the wishes of oats growers.

This is another Bill that has resulted from the request of growers and which aims to meet their wishes. It is related to the Marketing of Barley Bill which I have just explained. I move—

That the Bill be now read a second time.

On motion by Hon. L. C. Diver, debate adjourned.

ADJOURNMENT—SPECIAL.

THE CHIEF SECRETARY (Hon. G. Fraser—West) I move—

That the House at its rising adjourn till 7.30 p.m. on Tuesday, the 25th October.

Question put and passed.

House adjourned at 6.8 p.m.

Legislative Assembly

Thursday, 20th October, 1955.

CONTENTS.

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

QUESTIONS.

ASSISTED SCHOOLS ABOLITION ACT.

Amendment or Repeal.

Hon. A. F. WATTS asked the Premier:

(1) In view of the Government's decision published in yesterday's issue of "The West Australian" to extend certain subsidies to non-government schools, is it considered necessary to amend the Assisted Schools Abolition Act, 1895?

(2) If so, will an admendment be brought down this session?

(3) If not, has any Crown Law Department opinion been obtained on the subject, and if there is any such opinion, will he lay it on the Table of the House?