court instead. In those circumstances I believe the clause should remain as it is.

Clause put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

LOTTERIES (CONTROL) ACT AMENDMENT BILL

Returned

Bill returned from the Council without amendment.

House adjourned at 5.24 p.m.

Legislative Council

Tuesday, the 19th September, 1967

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

QUESTION ON NOTICE

MILK VENDORS

Names and Addresses

The Hon. J. DOLAN asked the Minister for Mines:

Further to the answer received on the 12th September, 1967, to my question relating to the milk vendors who operate under the authority of the Milk Board of Western Australia, is the Minister able to furnish me with a list of the names and addresses of these vendors outside the metropolitan area?

The Hon. A. F. GRIFFITH replied:

This question entails a reply which will consist of 14 pages of names and addresses of milk vendors outside the metropolitan area. The information has been compiled but it is doubtful whether it will be ready for presentation, at least until tomorrow. Therefore, I am obliged to ask that the question be postponed.

FAUNA PROTECTION ACT AMENDMENT BILL

Introduction and First Reading

Bill introduced, on motion by The Hon. G. C. MacKinnon (Minister for Fisheries and Fauna), and read a first time.

MOSMAN PARK

Disallowance of Heights of Buildings By-law: Motion

Debate resumed, from the 14th September, on the following motion by The Hon. J. G. Hislop:—

That the by-law relating to heights of buildings (Saunders Street), made by the municipality of the Town of Mosman Park, under the Local Government Act, 1960-1966, published in the *Government Gazette* on Thursday, the 15th December, 1966, and laid on the Table of the House on Tuesday, the 1st August, 1967, be and is hereby, disallowed.

THE HON. J. HEITMAN (Upper West) [4.37 p.m.]: I secured the adjournment of the debate last Thursday because, at that time, there were bright prospects of satisfying all parties concerned by the adoption of a compromise suggested by Mr. Watson.

The idea which was developed during a discussion between Mr. Watson, myself, the Mayor of Mosman Park, and the ratepayers concerned, was for the House to disallow the by-law which is now before us, and then, with the concurrence of the Legislative Assembly, to substitute new by-laws along the lines suggested by Mr. Watson. I am confident such a move would have readily satisfied the town council and the ratepayers of Mosman Park.

Unfortunately, we have discovered that Parliament's power to promulgate a substitute by-law is confined to by-laws made by the Governor, and by-laws made by an authority within the Government. A local authority by-law may be disallowed by the House, but it appears we cannot substitute or make a by-law in lieu of that which we have disallowed.

The Mosman Park Town Council has held a meeting and given this matter considerable thought. The council has suggested that if it is given time it will withdraw the offending by-laws—the by-law promulgated earlier, affecting four properties, and the by-law made recently affecting the whole of the area—and it will promulgate a new by-law along the lines suggested by Mr. Watson, which would overcome the difficulty we thought we had overcome last Wednesday night.

Under those circumstances I do not intend to speak at length, because I think we can overcome the problem if the Mosman Park Town Council carries out the suggestion made to it, and withdraws the by-laws which have been made. The council will introduce a new by-law and I think an amicable settlement will be reached. For that reason I will not push the matter any further, and I hope the motion will be adjourned for two or three days to give the council a chance to proceed along the

lines suggested by Mr. Watson and myself, in conjunction with the Mayor of Mosman Park.

Debate adjourned, on motion by The Hon. S. T. J. Thompson.

IRON ORE (NIMINGARRA) AGREEMENT BILL

Third Reading

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [4.40 p.m.]: I move—

That the Bill be now read a third time.

Before I ask the House to vote on the third reading I should correct an impression I gave to Mr. Wise when speaking to the Bill previously. If I remember correctly, he asked me whether royalties would apply to the freehold land of Hampton Plains. I replied that I thought we could impose a royalty. I have since checked the position and I find that the rights to minerals lie with Hampton Plains Pty. Ltd.; and there is no power to impose a royalty on freehold land with mineral rights.

Question put and passed.

Bill read a third time and passed.

EVAPORITES (LAKE MACLEOD) AGREEMENT BILL

Third Reading

Bill read a third time, on motion by The Hon. A. F. Griffith (Minister for Mines), and passed.

MARKETABLE SECURITIES TRANSFER ACT AMENDMENT BILL

Second Reading

Debate resumed from the 14th September.

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the Opposition) [4.43 p.m.]: The principal Act, when introduced last year, was introduced very late in the session; and at the time I commented upon the fact that it was a pity because it was one of the most important pieces of legislation that had been placed before us in that session. The Bill now before us is the result of a minor difficulty in the application of the Act, and it could be said that we are rather fortunate that the Act needs such a small amendment.

The important point about the ownership of large companies is the fact that to prove ownership people have only small documents known as scrip; and so while shareholders might own an enormous asset they have nothing more than small pieces of paper to show their relative rights to the company concerned. One can appreciate the importance of the issue, the transfers, and subsequent dealings that take place with these scraps of paper from time to time when shares are sold, exchanged, or given away under executorship.

In the case of a title for land at least the owner can take possession of the land itself, which indicates a much more definite basis of ownership.

The Hon. A. F. Griffith: But it is still secured by a piece of paper.

The Hon. W. F. WILLESEE: That is so; but it is a much more comfortable feeling to be able to live on one's property, and to realise that possession is nine points of the law.

However, the point I am getting at is that if we allow any serious mistakes to occur in the implementation of the legislation we can easily imagine the serious results which could flow from it, particularly in the case of a company such as B.H.P. There could be shareholders issued with more certificates, covering more shares than actually existed in the company. It is not something that could easily happen, but I illustrate it as a possibility to draw attention to the great importance of the principal Act.

Under the Bill the definition of "dealer," which now appears in the Stamp Act, and which was included by an amendment to that Act introduced at about the same time as the Marketable Securities Transfer Act was introduced last year, will be included in the definitions of the Marketable Securities Transfer Act and removed from the Stamp Act. At the same time, it is proposed to remove some of the definitions from the Marketable Securities Transfer Act but leave them in the Stamp Act.

In addition, the Bill contains a clause to provide that the provisions will be retrospective to coincide with the proclamation of the provisions of the principal Act. This will cover any difficulties experienced with items of transfer, whether because of the incapacity of an agent to satisfy beyond all doubt the requirements of the Act, and will ratify any transactions that have taken place from the 1st July of this year.

In my view the Bill should be supported and every effort should be made to have it placed on the Statute book as quickly as possible.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (The Hon. F. D. Willmott) in the Chair; The Hon. A. F. Griffith (Minister for Justice) in charge of the Bill.

Clauses 1 and 2 put and passed.

Clause 3: Section 3 amended—

The Hon. W. F. WILLESEE: In the Marketable Securities Transfer Act there is, at the moment, a definition of "broker," a definition of "broker's agent," and a definition of "corresponding law." In the Stamp Act we have similar definitions followed by the term "dealer." The Bill

seeks to delete the terms "broker," "broker's agent," and "corresponding law" from the Marketable Securities Transfer Act and to substitute merely the word and definition, "dealer." So anybody operating under the Marketable Securities Transfer Act will have to look up the Stamp Act for these definitions. Last year, however, with the exception of the term "dealer," which it is now proposed to include, both Acts contained all three definitions.

These terms are important in the Marketable Securities Transfer Act, because it deals with brokerage, the agency of brokerage, and all the other paraphernalia that goes with the transfer of documents. It would be much simpler for the people using the Marketable Securities Transfer Act—and there are many thousands of them—if we merely added the term "dealer" to the existing passage in the Act.

The Hon. A. F. GRIFFITH: The reason for the amendment in the Bill is that it will make the legislation consistent with the Acts of other States; and the definitions will correspondingly be the same in the Stamp Acts of the other States. The Stamp Act is the predominant Act in relation to stamp duties, and there will be no difficulty for people using both Acts to find the definition.

The Hon. W. F. WILLESEE: I am not sure the attitude taken by the other States is right. Why should we adopt a negative attitude in the interests of uniformity? We should leave the situation as it is, and add one more definition to one more Act. I see the Minister's reasoning, and I do not suppose there is any point in my pushing this issue. I feel, however, that it is not always right that we should conform in the interests of uniformity.

The Hon. A. F. GRIFFITH: It is not a question of adopting a defeatist attitude.

The Hon. W. F. Willesee: I did not use that word; I said a negative attitude.

The Hon. A. F. GRIFFITH: That is just as inappropriate, because it is not intended to be negative. The Stamp Act is the predominant Act. The Marketable Securities Transfer Act was merely introduced to facilitate the transfer of marketable securities. Surely it is worth while to have consistency throughout Australia in Acts of this kind! What good is there in finding the definition in an Act in one State and not being able to find it in a similar Act in another State?

The Hon. W. F. Willesee: Why was it not included throughout Australia when both these pieces of legislation went through last year?

The Hon. A. F. GRIFFITH: As far as I know it would have been all right if we did not have to enlarge the definition. We were the first to legislate in this field, but we fell short in this one respect; and, as a result of experience, it has been found that this is the best manner in which to introduce the amendment.

Clause put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

TAXI-CARS (CO-ORDINATION AND CONTROL) ACT AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by The Hon. L. A. Logan (Minister for Local Government), read a first time.

ELECTORAL ACT AMENDMENT BILL

Second Reading

Debate resumed from the 14th September.

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Justice) [4.59 p.m.]: I believe I need make only a few remarks in reply to the speech made by Mr. Ron Thompson. The honourable member addressed himself not only to matters which are contained in the Bill but also to matters which are not contained in the measure. At this point of time it is the matters contained in the Bill which interest me.

The Hon. R. Thompson: I know you agree in principle with the other matters.

The Hon. A. F. GRIFFITH: The honourable member cannot put words into my mouth. Not only do I not agree with them in principle, but I also think there are some very bad features in the suggestions made by the honourable member.

The Bill is obviously a Committee measure, and I feel sure members will forgive me if I do not make any further observations at this stage. Mr. Ron Thompson has placed some amendments on the notice paper, and I trust the House will be satisfied if I ask that the second reading be agreed to and that we deal with the amendments in Committee.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (The Hon. F. D. Willmott) in the Chair; The Hon. A. F. Griffith (Minister for Justice) in charge of the Bill.

Clauses 1 to 6 put and passed.

Clause 7: Section 45 amended—

The Hon. R. THOMPSON: When previously speaking to the measure I asked the Minister for an explanation of this clause. I wanted to know how the Chief Electoral Officer would satisfy himself in the case of a person failing to enrol under the conditions set out. I think some approach would have to be made to the electoral officer.

The Hon. A. F. GRIFFITH: In considering this particular clause the Committee should bear clause 8 in mind. Clause 7 says that the Chief Electoral Officer, having satisfied himself that the person cannot enrol, does not inflict a penalty and it will not be regarded as a contravention of the Act. In regard to clause 8, the Chief Electoral Officer will exercise a degree of common sense in his application of this provision in the case of incapacity, mental illness, or mental disorder. Some of the reasons will be transmitted to him by a member of the elector's family.

At the present time, even if a person goes into the Electoral Department and says that one of his parents is very elderly and it is not a bit of use trying to get him or her to enrol, the Chief Electoral Officer has no right to excuse that person. Under this measure the Chief Electoral Officer will be able to use his discretion, and a certain amount of good faith will have to be applied in regard to clause 8.

Clause 7 deals with compulsory voting; and if a person does not vote he is called upon to explain.

Clause put and passed.

Clause 8: Section 51A added—

The Hon. R. THOMPSON: I move an amendment—

> Page 3, line 26—Insert after the passage "satisfied," the words "upon substantial proof being provided".

I trust the Committee will accept the amendment. When speaking to the second reading I said I could see that unless this amendment were written into the clause we could have a situation where matrons and other people who had control of elderly folk, and who could not be bothered with people coming in to take absentee and sick votes, would be writing to the Electoral Department saying that those people were not capable of voting. I do not think this is good enough. I do not doubt the integrity of the Chief Electoral Officer, but I feel sure that most of these people are visited by doctors, whether they are in institutions or not. A relative, a minister of religion, or a member of Parliament for that matter, could write to the Chief Electoral Officer in cases where this request is to be made. I hope the Committee will accept the amendment because it will give the individual who has his faculties and wants to vote the right to exercise his vote, but he will not be disfranchised by the actions of other people.

The Hon. A. F. GRIFFITH: The emphasis in relation to this clause is on the fact that the Chief Electoral Officer should be satisfied. The words in the amendment are purely judicial in their application, so do not let us use words like "upon substantial proof being provided." I think the Chief Electoral Officer will fulfil the terms of the measure as it is written. I would not object to the use of the words "upon reasonable grounds." Reasonable grounds would be a medical certificate from a doctor that a person was unable to attend a polling booth; but in the case of substantial proof having to be provided the certificate would have to be proved.

The Hon. R. THOMPSON: In view of the Minister's remarks, I seek leave to withdraw my amendment.

Amendment, by leave, withdrawn.

The Hon. R. THOMPSON: I move an amendment—

> Page 3, line 26—Insert after the passage "satisfied," the words "upon reasonable grounds".

The Hon. N. McNEILL: With due respect to the comments of the Minister, the inclusion of any word after the word "satisfied" is, to my way of thinking, an additional qualification to the words already in the clause.

The Hon. A. F. Griffith: I agree.

The Hon. N. McNEILL: The clause as it stands means that the Chief Electoral Officer has to be satisfied that an elector is incapable of complying. I do not see any necessity further to qualify the clause at all.

The Hon. C. E. GRIFFITHS: I agree with Mr. McNeill. I think the clause, to all intents and purposes, will give effect to what is intended. There is only one person to be satisfied, and that is the Chief Electoral Officer. I think we are going to extremes if we include other conditions. Therefore I would certainly go along with leaving the clause precisely as it is.

The Hon. A. F. GRIFFITH: I am satisfied with the clause as it is written. I merely accepted these other words because I thought it would satisfy the honourable member who moved the amendment. There is no doubt that if the Chief Electoral Officer is satisfied that as a result of a physical incapacity, mental illness, or mental disorder, an elector is incapable of complying with provisions of the Act relating to compulsory voting, he may remove the name of that elector from the roll. I would feel more satisfied if the clause could be left as it is.

The Hon. R. THOMPSON: I am quite easy about this, but I can see the difficulties that could arise in regard to people who have their mental faculties, but are physically incapacitated. The people in charge of some institutions would be only too pleased to write to the Chief Electoral Officer saying that all the persons in a particular hospital were not capable of voting simply because the person in charge did not want people taking absentee votes on the premises. Metropolitan members will agree that I am telling the truth.

If one of these people wrote to the Chief Electoral Officer and put up a good excuse, there is no reason why he would not accept it. The amendment, if accepted, would require the Chief Electoral Officer to inquire into the reasonable grounds.

I accepted the Minister's suggestion and, perhaps, this is more desirable. Possibly the request for substantial proof was a little too hard. I hope the Committee will agree to the amendment because I do not want to be placed in the position—nor do I want to see any other member placed in the position—of seeing people disfranchised when there is an opportunity to vote and the people concerned want to exercise their right to vote.

The Hon. V. J. FERRY: I would prefer to see the clause stand as printed rather than have words inserted by way of amendment. My reasoning is that any words which may be added, as proposed, after the word "satisfied," would only be an embellishment and, in fact, would result in its becoming an intangible condition.

I take the view that the person holding the position of Chief Electoral Officer, in granting any relief under this clause, would be satisfied by his own judgment and by his own means. The addition of the words suggested are somewhat unnecessary. The officer holding the position would, in fact, be satisfied that there were reasonable grounds. I am sure he would not grant any relief where it was a frivolous approach. To my mind it is only cluttering up the Bill with unnecessary words when, in fact, the situation is stated quite clearly that the Chief Electoral Officer must be satisfied. In my opinion that is quite sufficient and the words proposed to be inserted are redundant.

The Hon. A. F. GRIFFITH: I did not suggest that the honourable member should move an amendment. I said that if he must move an amendment, I would not be opposed to the inclusion of the words, "upon reasonable grounds," although I consider they are not necessary.

It was not my suggestion that the honourable member should move the amendment; if I have any worth-while suggestions I move them myself. It is not necessary to waste any time on this matter, because I am still satisfied that the clause is all right as it stands.

The Hon. H. K. Watson: Is the Minister reasonably satisfied?

The Hon. R. Thompson: Or substantially satisfied?

The Hon. A. F. GRIFFITH: I am quite satisfied.

The Hon. R. F. HUTCHISON: I agree with Mr. Ron Thompson. I think the amendment would be most desirable. As an old campaigner I have seen some of the things which happen by mistake, through shortage of staff, and through sickness even in the electoral office. One cannot be too careful about these clauses. The clause is rather wide and I consider it needs some thought. I had thought Mr. Ron Thompson's amendment would go through. I support him fully and I hope his amendment will be agreed to.

It is all right to stand here and say that an electoral officer will do this, that and another thing; but when one has been through a few elections, one sees some of the things which happen by mistake. Consequently, one cannot be too careful with the wording of a Bill.

The Hon. C. E. GRIFFITHS: I still oppose the amendment. I am a young campaigner, but I have also seen some of the things that can go on in relation to this type of voting. In the short time I have been in Parliament, one word has always proved to be the most difficult to define in any legislation that has been introduced; that is, the word "reasonable." I consider a definition of the word "reasonable" should be included.

The Hon. F. J. S. Wise: "Reasonable" means reasonable.

The Hon. C. E. GRIFFITHS: Yes, it does mean reasonable. Therefore, the suggestion Mr. Ron Thompson has made that a letter from the matron, or someone else at the hospital, suggesting that everybody in her charge was incapable of voting could be reasonable grounds for the people to be precluded from their right to vote. On that ground alone, I would say the word "reasonable" could be left entirely to the discretion of the Chief Electoral Officer whether it was reasonable the matron wrote and said everybody in her charge was incapable of voting.

That is the point. Perhaps the person would contact the Chief Electoral Officer and he would have to get an affidavit that an individual was not capable of voting. As far as people in "C"-class hospitals or other infirm people, are concerned, candidates go to any lengths at elections to ensure that they receive the votes of sick people, and every facility is made available so that these votes can be recorded. However, immediately these candidates entered a building, an institution, a hospital, or whatever the case may be, in which the matron did not want people cluttering up the place to secure sick votes, the difficulty would arise.

The Hon. F. R. H. Lavery: What has it to do with the matron?

The Hon. R. F. Hutchison: Has not the person the right to vote?

The DEPUTY CHAIRMAN (The Hon. F. D. Willmott): Order!

The Hon. C. E. GRIFFITHS: I suggest that this is what it has to do with the patient: The patient immediately says to the candidate that he wants to vote; but

then somebody makes an appeal to the Chief Electoral Officer to say that the matron, or whoever is in charge of the organisation, suggested that the person was not capable of voting. The person who has suggested that the individual is incapable of voting is wrong; it is as simple as that. The person's relatives can say, "My mother-in-law wants to vote, but whoever is in charge has said that she is incapable of voting." Nevertheless, she has demanded her right to vote and the Chief Electoral Officer would give it to her.

The Hon. R. Thompson: If she is not on the roll, he cannot give it to her.

The Hon. C. E. GRIFFITHS: If she is not on the roll, she cannot vote anywhere. If the matron has had her taken off the roll, she is not entitled to vote.

The Hon. A. F. Griffith: You are missing the point.

The Hon. C. E. GRIFFITHS: I may be missing a point, but the point I am trying to make is that the insertion of the word "reasonable" is, in fact, unreasonable.

The Hon. F. R. H. LAVERY: I wish to answer Mr. Clive Griffiths' query on the definition of the word "reasonable." Would he think it was reasonable if an organiser from his party called at a hospital, either to collect or to canvass for sick votes, and the matron told him that the people in her charge were incapable of voting, and he could not proceed as he had planned? Later on, a Labor supporter might come along and the matron could allow him in. Would Mr. Clive Griffiths think that situation was reasonable? Of course he would not, and nobody should suggest for one moment that this kind of thing does not happen.

The Hon. C. E. Griffiths: I do not think there would be a matron who would allow a Labor person access, but deny it to a Liberal person.

The Hon. F. R. H. LAVERY: What I am saying is without any disrespect to any of the electoral officers. They are men whose character is equal to that of anybody else; but I know this fact from my own experience, and I am not making any suggestions. I am referring to the canvasser who goes to a certain hospital. He is told that there are not any sick votes and he goes off on his next call. Hypothetically, this person could be a Liberal organiser. The situation could arise whereby I, as a Labor representative, could go to the same hospital and the matron would allow me entrance. I do not think that situation could be called reasonable.

The Hon. C. E. Griffiths: It is most unreasonable.

The Hon. F. R. H. LAVERY: If any member says that it does not happen, I would be willing to quote cases and names.

The Hon. A. F. Griffith: Surely the Labor Party would not do that.

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

Ayes—9

Hon. J. Dolan	Hon. R. Thompson
Hon. E. M. Heenan	Hon. W. F. Willesee
Hon. R. F. Hutchison	Hon. F. J. S. Wise
Hon. F. R. H. Lavery	Hon. R. H. C. Stubbs
Hon. H. C. Strickland	*(Teller)*

Noes—15.

Hon. N. E. Baxter	Hon. L. A. Logan
Hon. G. E. D. Erand	Hon. G. C. MacKinnon
Hon. V. J. Ferry	Hon. N. McNeill
Hon. A. F. Griffith	Hon. S. T. J. Thompson
Hon. C. E. Griffiths	Hon. J. M. Thomson
Hon. J. Heitman	Hon. H. K. Watson
Hon. J. G. Hislop	Hon. H. R. Robinson
Hon. E. C. House	*(Teller)*

Pair

Aye	No
Hon. J. J. Garrigan	Hon. C. R. Abbey

Amendment thus negatived.

The Hon. A. F. GRIFFITH: I would like to say that I no longer know what is reasonable after this. This is, in fact, a decision of great moment. I am sorry the Chamber had to divide on an issue of this nature and suspicion is attached to the actions of electoral officers.

I have always found electoral officers to be honest, decent citizens who carry out their work in a conscientious way. As far as some matrons—

The Hon. F. R. H. Lavery: Did any member say anything about an electoral officer?

The Hon. A. F. GRIFFITH: Yes.

The Hon. F. R. H. Lavery: Who?

The Hon. A. F. GRIFFITH: Mrs. Hutchison said that electoral officers can make mistakes.

The Hon. R. F. Hutchison: I object to that remark. I did not say that at all. I never spoke against anyone.

The Hon. A. F. GRIFFITH: I am sorry if I made a mistake and the honourable member did not say it. I apologise. However, I think it is a great pity that the matter was not discussed sensibly. This measure is intended to improve the administration of the Electoral Department. To my way of thinking it is a pity we had to divide on a matter of this nature. I feel compelled to say so, because I do not think for one moment that the Chief Electoral Officer will take the word of a matron who writes in and says that all the people in her charge are not fit to vote. He would not take any notice of it. He would want to be satisfied that, within the meaning of the Act, the person was incapable before he would take that person off the roll.

The Hon. R. THOMPSON: As far as I am concerned, at no stage was there any reflection on the electoral officers.

The Hon. A. F. Griffith: I am sure there was not.

The Hon. R. THOMPSON: I do not consider it was of any great moment whether or not the amendment was carried. However, at least members have highlighted

the things which have happened in the past. Possibly this will make the Chief Electoral Officer and his staff aware of past happenings. I have always had the utmost faith in the electoral officers and I will continue to do so. I know they will continue to carry out their work as they have done in the past. In general, the Bill is excellent, but there are certain features which, if tidied up, would improve the measure.

Clause put and passed.

Clause 9 put and passed.

Clause 10: Section 82 repealed and re-enacted—

The Hon. R. THOMPSON: I move an amendment—

> Page 4, lines 20 and 21—Delete the words "twelve o'clock noon on the day of nomination" and substitute the words "seventy two hours after the close of nomination".

This amendment would make it possible for a candidate to withdraw his nomination 72 hours after the close of nominations. The reason for the amendment was given by me during the second reading; that is, it will make the provision uniform with the Local Government Act. That is my sole reason.

The Hon. A. F. GRIFFITH: I oppose the amendment. Section 82 reads—

> Any candidate may withdraw his nomination by lodging with the Returning Officer notice in writing of such withdrawal at any time not later than seven clear days before polling day, and in such case the deposit shall be forfeited to the King.

During the second reading debate on the Bill I explained that to my knowledge a candidate had never withdrawn from an election when there were more than two candidates. I went on to say that I did not know what would have happened if this had occurred because the Act is silent on the point. Therefore this clause seeks to obviate such a situation occurring.

In the administration of the Electoral Department nominations close at 12 noon on a certain date. Postal vote applications have already been received by the Electoral Department. Immediately nominations are closed the Chief Electoral Officer makes postal vote facilities available to the public. In fact, some people have waited at the State Electoral Office for the closing of nominations because they intended to go away for a holiday. Immediately nominations close they fill in an application and receive a postal vote ballot paper.

If we are now prepared to say that a nomination can be withdrawn on some other day before polling day, instead of seven clear days before polling day, the position which applies at present will remain the same. A candidate could lodge his nomination and within 72 hours withdraw it. By this time the administratio of the Electoral Department would hav been in operation and we could easily reac the position which I outlined a few minute ago.

It is considered that a candidate shoul make up his mind. If he intends to stan for an election and he submits his nomina tion, that is quite in order; but if h changes his mind before the close c nominations he should be allowed to with draw his application. I have heard it sai that it may be advisable to permit thi period of 72 hours to enable a candidat to cool off. During such time a candidat could review the position, and then decid accordingly. That is what we do not wan We want the election to be *bona fide*. W do not want a candidate saying, "I wi submit a nomination, but if Bill Smit nominates I will withdraw it." An electio should not be conducted in that spiri Therefore, I hope the Committee will no agree to the amendment. In fact, I ha hoped Mr. Ron Thompson would not pres it, having heard my explanation.

Amendment put and negatived.

The Hon. R. THOMPSON: I move a amendment—

> Page 4, line 24—Delete the word "returned to the candidate" and sub stitute the words "forfeited to th Crown".

I consider this amendment is most neces sary, because it is in line with the word the Minister has just used; namely, tha if a candidate nominates for an electio he should exhibit some goodwill. If he i sincere when lodging his nomination an then decides to withdraw it he should for feit his deposit to the Crown. I would als point out that the amendment is in lin with the wording of the section at presen in the Act.

The Hon. A. F. GRIFFITH: I do no know why section 82 of the Act provide that the deposit shall be forfeited to th Crown when a candidate withdraws hi nomination seven days before polling day I can only suggest that it may be becaus the Crown has been involved in some ex pense.

The Hon. F. J. S. Wise: I think it rep resents a penalty for a capricious nomin ation.

The Hon. A. F. GRIFFITH: I was abou to say much the same. In the clause w state that a candidate can withdraw hi nomination on the day of nomination This would, to a considerable extent, pre vent the likelihood of a capricious nomin ation. If the Committee accepts th clause the Crown will be put to no expense with the possible exception of that in curred in issuing a receipt to the candidat for his money. The returning officer ha to be in attendance at the place where nominations are received in any case, s there would not be any additional expens involved for that service.

The Hon. F. R. H. Lavery: As a matter of fact, the Government used to make 3d. on the tax stamp.

The Hon. A. F. GRIFFITH: In fact, the Government would not receive anything, because the value of the work would be greatly in excess of the stamp duty charge.

The Hon. F. J. S. Wise: But the deposit is never repaid in full.

The Hon. A. F. GRIFFITH: That is so. On the basis of the old currency a candidate would receive £24 19s. 9d. I have an open mind on the amendment. I would like to hear members express their opinions and if they think it is reasonable for a candidate to forfeit his money, I will not mind. However, the Electoral Department, the returning officer, and the Crown have never been put to any real inconvenience. I wonder whether we should impair the spirit of democracy by saying, in effect, "We will take your money because you have changed your mind."

The Hon. V. J. FERRY: In view of the fact that no expense is incurred by the Crown at present, and that the clause provides that 12 o'clock noon shall be the time for the closing of nominations, I cannot be convinced that the Crown should make a candidate forfeit his deposit if he withdraws his nominations by that time. I am a little inclined to agree with the spirit of give-and-take. I realise there have been occasions when a prospective candidate has held back awaiting the names of the other candidates; but I am also aware that genuine candidates have sound reasons for continuing to take part in an election in certain circumstances. As the Crown does not incur any expense when nominations do not close until 12 noon, I cannot see any valid reason for a candidate forfeiting his deposit.

The Hon. H. R. ROBINSON: Section 95(3) of the Local Government Act reads—

> Where a candidate cancels his nomination by withdrawal not later than twenty-four hours before four o'clock in the afternoon of the nomination day, he is entitled to a refund of the deposit which accompanied his nomination and the returning officer as clerk shall refund the deposit as soon as practicable. . . . .

It therefore seems reasonable to me that a candidate who withdraws his nomination should, under this provision, have his deposit refunded.

The Hon. R. THOMPSON: This seems rather humorous to me. Members voted against the previous amendment because it sought to provide "seventy two hours after the close of nominations," as is provided in section 95(2) of the Local Government Act. Now members are indicating they do not favour the present amendment, because the Local Government Act provides that the deposit shall be returned to a candidate who withdraws his nomination. I think Mr. Ferry and Mr. Robinson might change their minds at the next election if a candidate erects one sign, starts his campaign, incurs a debt of hundreds of dollars, and then withdraws his nomination on polling day. In such circumstances I think they would feel that such a candidate should forfeit his deposit to the Crown because of the inconvenience those honourable members had suffered.

The Hon. V. J. Ferry: I would not feel so malicious if it happened.

The Hon. R. THOMPSON: It has happened, and it could happen again. It happened to the late Evan Davies, when a candidate—not a Liberal candidate—nominated. There are professional opponents to political candidates, and the amendment is designed to dissuade them from causing a nuisance. If a nominee withdraws after the closing date he should lose his deposit. The provision in the Act has been inserted for a good reason, and it should be retained.

The Hon. H. R. Robinson: Do you think the deposit is sufficient to worry this class of nominee?

The Hon. R. THOMPSON: We should bear in mind that these candidates nominate for an office for which a remuneration is paid.

The Hon. L. A. Logan: If I have an opponent who is prepared to withdraw I will gladly refund his deposit.

The Hon. R. THOMPSON: The provision that a candidate who withdraws shall forfeit his deposit of $50 should be retained in the Act.

The Hon. J. DOLAN: On occasions a candidate or a sitting member is involved in considerable expense as a result of the declared intentions of another candidate who is not selected by any political party. When the second candidate decides to withdraw because he thinks he has no chance of winning the election, in view of the amount of work that has been done by the first candidate, he should forfeit his deposit. He should pay a penalty, and it is little enough that he loses his deposit. The present provision will keep out of the field those people who are tempted to nominate, but who decide to withdraw when they find they have no chance of winning.

The Hon. A. F. GRIFFITH: The great amount of work which one candidate does, as against little or no work done by another, is not relevant to the argument. It cannot always be envisaged that there will not be an election just because one candidate withdraws. I should point out that a good candidate starts his work for the next election the day after the previous election has been held. In many elections three or four candidates nominate. If one withdraws, an election will still have to be held. The only argument to sustain Mr. Dolan's point of view is when two candi-

dates nominate, and one decides to withdraw.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 11: Section 88 amended—

The Hon. R. THOMPSON: To bring the Bill into line with the amendment agreed to, it is necessary for me to move the third amendment standing in my name on the notice paper. I move an amendment—

Page 5, line 9—Insert after the word "is" the word "not".

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 12 to 15 put and passed.

Clause 16: Section 155A added—

The Hon. R. THOMPSON: Was this an omission when the Electoral Act was amended a couple of years ago?

The Hon. A. F. GRIFFITH: There was no omission on that occasion. The report which the Chief Electoral Officer is required to furnish is the one referred to in the Electoral Districts Act. This report is made to the Minister when eight Assembly seats are out of balance. Previously it was five seats. If eight seats do not become out of balance then the Chief Electoral Officer will not make a report. As distinct from the report which the Chief Electoral Officer has to make under the Electoral Districts Act—as a result of which it might be necessary for a redistribution of seats to be made—the report which he has to make under the provision in this clause will relate to matters affecting the general election. The report is to be made within six months of the general election. It might be asked why it should take so long, but I explained that during the second reading debate.

The Hon. R. Thompson: That matter was dealt with when the Act was amended previously.

The Hon. A. F. GRIFFITH: The provision in this clause has nothing to do with the Electoral Districts Act. Under this clause the report has to be made by the Chief Electoral Officer under the Electoral Act. His report will relate to matters such as the conduct of the election, the number of males and females who voted, etc. This report might reveal inadequacies in the Act.

The Hon. R. THOMPSON: When we dealt with major amendments to the Electoral Act a couple of years ago all the points mentioned by the Minister were brought up. Was the provision in this clause an omission at that time?

The Hon. A. F. Griffith: It was not.

The Hon. R. THOMPSON: The points which have been raised by the Minister were debated at length on that occasion.

The Hon. A. F. Griffith: There has not been a provision in the Electoral Act which requires the Chief Electoral Officer to furnish a report.

The Hon. R. THOMPSON: I think there is, under section 12.

The Hon. A. F. Griffith: That is under section 12 of the Electoral Districts Act.

The Hon. H. C. STRICKLAND: Can the Minister advise us whether this report will be tabled in the House when it is received?

The Hon. A. F. GRIFFITH: I think it will be, because, no doubt, members will be interested in its contents. If the report is not laid on the Table of the House then it will be available for the perusal of members.

Clause put and passed.

Clause 17 put and passed.

Title put and passed.

Bill reported with amendments.

LOCAL GOVERNMENT ACT AMENDMENT BILL

Second Reading

Debate resumed from the 13th September.

THE HON. J. HEITMAN (Upper West) [5.57 p.m.]: I rise to support the Bill. The measure seeks to amend the Local Government Act which contains 694 sections. Over the period of six years since the principal Act has been in operation there have been something like 200 amendments, but with an Act of that size this is not extraordinary. When the original measure was first drafted, it could not be expected to be correct in every detail in view of the vast number of clauses it contained. The amendments to the various sections of the Act have improved the legislation and have rectified a few of the anomalies.

In dealing with the Bill before us, clause 4 seeks to amend section 37 which disqualifies a person, who is an undischarged bankrupt, from standing as a mayor, or as a member of a shire or a municipality. The provision in the clause goes further by excluding anyone from holding those positions, if he has executed a deed of assignment of his estate for the benefit of his creditors. He will be regarded in the same light as an undischarged bankrupt. In my view the provision in this clause is a good one. A member who is elected to a shire or a municipality has the responsibility of spending the revenue of the local authority; therefore he should know how to manage his own financial affairs satisfactorily before he is charged with that responsibility.

Clause 5 of the Bill seeks to enable the Minister to exempt a local authority from including in its list the particulars relating to valuations. This provision will not have very much effect in country districts but in the case of municipalities, where a great number of voters appear on the lists the proposed amendment will be an improvement to the existing practice. I

will enable the municipalities to effect a saving of money by reducing the amount of data that is to be included in the rolls.

Clause 7 contains minor amendments in relation to witnessing absent voting forms. Up to the present the witness has had to insert the date on which he affixed his signature to the document, but if the clause is agreed to it will not be necessary for him to do so. The main consideration is that a document has been witnessed.

Clause 7 amends section 117(2)(a)(iii) which provides that the outer envelope, containing the absent voting papers, must be retained by the returning officer. Actually they should both be retained. However, it is obvious that the word "outer" should read "inner." All votes have to be kept for a considerable time after an election in case of dissension, or appeal by any defeated candidate.

Clause 8 refers to the payment of overtime to officers at elections. This amendment was agreed to by the country shire councils some time ago because it is felt that if the returning officer is a salaried man he is not entitled to the overtime.

The Hon. R. Thompson: I think there has only ever been one paid.

The Hon. J. HEITMAN: This amendment rectifies the position, so there will be no worry about it in the future.

Clause 9 provides some control over surfboards. Although country shires are not affected very much, three or four country centres do have lakes on which skiing takes place. Sometimes those participating are towed by fast motorboats, the drivers of which have no thought for the safety of nearby bathers. Some control must be had over these skiers or they will ski in a manner dangerous to bathers. If it is possible to confiscate the surfboard, or ski, if the skiers or surfriders are not behaving themselves, I feel the position will be improved.

Clause 10 refers to parking on street lawns. It is a provision which is not required very often in the country because usually there are not many street lawns in the country. However if residents in the metropolitan area go to the trouble to beautify their street lawns it should be possible to prevent people parking on them.

Clause 11 alters a figure of $1,000 to $2,000 in connection with tenders. This has been found necessary because of the change in monetary values. It is not possible today to buy much for $1,000 and consequently there is no need to provide for tenders of under $2,000.

Clauses 13 to 15 transfer power from the Minister for Lands to the Minister for Town Planning when the matter in hand concerns town planning. I think many Acts today could be amended in this way because they provide for control by a Minister whose portfolio does not cover the subject matter of the legislation concerned. On many occasions it is necessary to deal with two or three Ministers before a particular matter can be brought to a successful conclusion.

Clause 16 amends section 329 and deals with those councils which desire to be added to or removed from a country or regional district. In the past it has been necessary to start all over again in these circumstances. This amendment is quite a good change and short-circuits the Act to make the position easier to control.

Clause 19 enables a council or building surveyor to obtain the approval of the Secretary for Local Government to issue a notice to a builder to stop the work covered by the notice. This is necessary because the work could quite easily be carried out in contravention of the original specifications. This is important because very often a shire will realise that a contractor in the country is not complying with the Act and is erecting a building not in accordance with the specifications. At the moment nothing much can be done about the situation and the contractor can complete the work and then cover up the mistakes. However, if the work could be stopped immediately it would give the builder an opportunity to rectify the building at that stage, instead of the person for whom the work is being done having to put up with it although it does not conform with the specifications.

I notice some amendments appear on the notice paper in regard to this matter, but I feel sure the fact that it is necessary for application to be made to the Secretary for Local Government before a stop-work notice can be issued, will give protection to the shire or building surveyor. It will also ensure that a building surveyor will not be able to throw his weight around. The fact that a building surveyor must seek the approval of the secretary will ensure that he remains on the right track, because the Secretary for Local Government will have some control over him. However, the builder will have the right of appeal to the Minister if he feels he is not being treated in the correct manner. This amendment is more important in relation to the country districts than to the metropolitan area.

The Hon. H. R. Robinson: No fear; it is not. It is possibly more important in the metropolitan area.

The Hon. J. HEITMAN: The reason I made that remark was that in the metropolitan area the builders are registered; whereas the Builders' Registration Board does not help at all in regard to country work. Even if a builder is registered and is working in the country, the board cannot have any control over him if he makes a mistake. Possibly this has not occurred in the metropolitan area but I know it has in the country. However, I consider

this is a very important amendment and should make for happier relations between builders and the councils.

Clause 20 amends the section dealing with neglected and undesirable buildings, and I think this amendment is very important, too. On many occasions shires have served a notice on owners to demolish certain unsightly buildings but up to date too many loopholes have existed and the buildings have remained in their unsightly and, sometimes, unsafe condition. This amendment will tidy up that section of the Act.

Clause 21 allows a council to insure the spouse—or, if the councillor is unmarried, a member of his family—in connection with attendance at local government functions. This is quite a good clause, although I do not think insurance has been claimed on many occasions.

Sitting suspended from 6.9 to 7.30 p.m.

The Hon. J. HEITMAN: Clause 22 amends section 533 of the Act so that a council may not alter its method of valuation or method of rating, on unimproved capital value or the annual rental value, more than once in five years. I do not know why it is necessary for this amendment because most country shire councils use the unimproved capital value system on farm lands and annual rental values in their towns. Obviously this amendment will stop the country shires from changing from one method to another more often than every five years.

Clause 23 amends section 637. This will mean that any municipality or shire with over a certain income will have to pay for its audit each year. These are all enumerated in the new twenty-seventh schedule which is to be added to the Act and the provision affects only those in the near metropolitan area which are getting a much larger income than those further out.

A very important amendment is contained in clause 24. Under this clause an attempt is being made to provide for the cleaning up of the rubbish and litter which we see on the roadsides and town verges in many areas. I think this applies right throughout the State. I feel the Minister is including this provision in an endeavour to assist shires and those responsible to try to overcome the litter problem, and to give those authorities some chance to police the provision. It provides for honorary inspectors to be appointed to try to control litterbugs. It will be interesting to see how they perform their duties. We have the same system applying in the Act which protects wildflowers but so far I have not seen an account of any charges laid under that Act. It will be interesting to see how the system operates in this particular instance.

There is no doubt that everyone is keen to see litter cleaned up, and this applies especially to the cans and beer bottles which are discarded at roadsides and in many other places. People do not think about helping to keep the towns and roads clean by putting the cans and bottles in receptacles instead of throwing them around.

There are a few amendments to be introduced during the Committee stage and I may have something to say about them. However, at this stage I support the Bill.

THE HON. L. A. LOGAN (Upper West —Minister for Local Government) [7.35 p.m.]: I thank members for their contributions to this amending Bill. I have been asked to give some explanation of one or two clauses. Mr. Robinson mentioned committees and stated he was rather concerned that in many instances all the work is being done by committees, and the decisions of the committees are being accepted without debate. He said this was not doing justice to some of the problems of local government. I agree that if this is the case it could be detrimental in the long run. However, it is the right at every full council meeting to debate the reports of committees and it is also the council's right, if it is not satisfied, to ask for the report to be referred back to the committee concerned.

I think it would be impossible these days, for big councils at any rate, to operate without committees because a terrific amount of work has to be done by councils. As a Government we are often criticised for taking away the powers of local government, but when we see the amount of work which is done at council meetings I think it is just the opposite. Councils have more to do than they can handle.

The Hon. H. R. Robinson: I did not mean that there should not be committees.

The Hon. L. A. LOGAN: I realise what the honourable member was getting at. I hope we do not get to the stage where committee reports are not considered. Generally, committee reports are sent out to councillors prior to a meeting so that those reports can be studied.

Mr. Willesee asked the reason for the amendment to section 37 of the Act. This is a peculiar case. Under section 37, a person who is an undischarged bankrupt is disqualified from being elected either as a mayor or president of a council, or from acting as such. Section 39 then states that a councillor, or a member who is already a councillor, who has an order of sequestration made against him, or who enters into any composition or arrangement, forfeits his seat.

However, the Act does not say that the person who has already entered into an order of sequestration or scheme of arrangement cannot be elected. This is exactly what occurred this year. The person concerned was elected and none of the existing section disqualify him. No section could stop him from being elected; yet an ordinary undischarged

bankrupt could not be in that position. If he had been a councillor when the order for sequestration was made, he could have been disqualified. This situation arose and we thought it better that it be tidied up by Parliament.

Mention was made of the roll, and I would remind members that when the audit is carried out the auditors check the entitlements of ratepayers for the number of votes. So a fairly tight rein is kept on this aspect.

Somebody expressed doubt whether a returning officer should be included, overtime payments or not. We have amended this section. The reason the returning officer is not included is that under the terms of the award, made by the court, the work of a returning officer is included in his duties, and he is paid accordingly through the award.

Mr. Robinson also wanted to make sure the section dealing with surfboards was proclaimed as quickly as possible. This will be done but it is only a by-law making power and gives the right to local authorities to make by-laws in this respect. I have promised to consult with the organisations which control surfboard riders and to look at any by-laws promulgated before they are put into effect. All the surfboard clubs are under some control and I am happy to know they are co-operating with us. I will admit the trouble is not only confined to surfboard riders; because very often swimmers encroach on the surfboard areas There is no control over that, so all the blame cannot be placed on the one side.

I think it was Mr. Willesee who mentioned clause 16 which refers to regional councils. Just recently we had an application from a shire which wanted to join a regional council. It was found that before this shire could join the regional council, we had to dissolve the whole of the regional council and start off afresh. This seems to me to be an unnecessary waste of time and money; so while making provision for a new council to join we have also provided for a shire which wants to withdraw. Provision is also made for an adjustment in regard to any money which it might have in kitty.

Proposed new section 401A has been under discussion and it refers to stop-work orders. I find this a fairly difficult matter. I will admit the first time it was put to me I knocked it back and said that Parliament would not agree to it. However, further representations were made and I had another look at it and agreed that perhaps the Act, at the moment, was harsh in that one could make a builder demolish or rebuild. Rather than have to do any of these things it would be better to have a stop-work order. The difficulty I find is to have some method whereby nobody is penalised to any great extent. I think it would be wrong to have to stop building operations unnecessarily on a building of some magnitude through the use of a stop-work order. This would be fairly costly to the builder, and I had to devise some means to safeguard the position; because, whether we like it or not, it has been brought to my notice more than once by builders that they thought a certain building surveyor had the boots into them. This might not have happened, but it has been said to me.

In the Local Government Department at the moment I have a technical officer who is a liaison officer between builders, architects, local authorities, and other departments. He is dealing with the Uniform Building By-laws practically all the time. I will have an assistant appointed to him as soon as we can get over an appeal. So there will be two officers. I think it is necessary to have the safeguard, whether it is in the country or the metropolitan area, that if a builder has to stop work as a result of a stop-work order some confirmation of it should be given by somebody above the building surveyor himself, bearing in mind that we are dealing with the decision of one man.

In the metropolitan area an officer such as I have mentioned has a better chance to interpret the Uniform Building By-laws than is the case with an officer in the country. In the country it is usually shire clerks who are involved and they have not had the opportunity which is available to officers in the metropolitan area. Therefore, a telephone call or a telegram to the Local Government Department would be in the best interests of everybody. The Uniform Building By-laws would be interpreted in the proper way and a stop-work order would not be issued incorrectly.

The Hon R. H. C. Stubbs: It is in the health inspectors' course.

The Hon. L. A. LOGAN: Yes, the course could be combined for a health inspector and building inspector; although I have to admit they are not all health and building inspectors. In some country shires the shire clerks act as the building surveyors, and as we are dealing with the whole of the State I had to devise some method which appeared to be workable. Somebody might be able to come up with a better answer and, if he does, I will be happy to have a look at it. However, the proposal in the Bill seems to me at the moment to be the only logical method to adopt.

As regards appeals, I realise a provision cannot be written into the Act, but it is essential that as soon as an appeal is lodged, after an order has been issued, it should be dealt with immediately. We cannot have gangs of men hanging around doing nothing. Therefore it will be my intention, if I am not available, to have somebody nominated and ready to hear an appeal. Either I, or the Secretary for Local Government, will make sure there is somebody in every district who will be able to hear an appeal when the Minister

is not available; because, as I have just said, we cannot have building organisations held up unnecessarily. However, the very fact that application must be made to the Secretary for Local Government, who has technical officers available to assist him, will mean most cases will be attended to before there is a necessity to appeal. If the method proposed is adopted I think we will have achieved something.

During his speech, Mr. Heitman referred to clause 22, and perhaps if I read the reasons for it he will see that it is a reasonable proposition. The notes read as follows:—

> The Council of the Shire of Broomehill was included with a number of other Shire Councils in a general Order gazetted in June, 1961, authorising the adoption of annual values in portions of the district. The Council recently decided to revert to Unimproved values in the Broomehill townsite and requested that approval should be obtained for this action. Whether the approval of the Governor under Section 533 (10) was necessary was doubtful and the Crown Law Department has suggested that consideration might be given to amending Sub-Sections 8 and 10 of Section 533 to revert to the "ordinary" method of valuation.
>
> The opinion expressed is that in order to vary the type of valuation in a portion of a district, a Council should meet the conditions prescribed in Sub-Section 10, 11, 12 and 13 of Section 533. This has not been the practice in the past, and in order that the present procedures may be continued, it is requested that it be made clear that it is possible to change the type of valuation used in townsites and prescribed areas without the provisions of sub-sections 10 to 13 being applicable.

Having done that the local authority must wait for another five years if it wants to revert to the previous position.

The other night Mr. Lavery mentioned two aspects and one dealt with three-storied flats. I would suggest the honourable member studies sections 804 and 807 of the Uniform Building By-laws, and if he is satisfied that these flats do not comply with the requirements of those sections he should inform me so that somebody can get rapped over the knuckles. Sections 804 and 807 of the Uniform Building By-laws should cover the flat projects he mentioned. In the course of his remarks I think the honourable member also mentioned a builder being away and his men having to stop work because of some technicality.

Here again, had discussions taken place between the building inspector concerned and the Secretary for Local Government this matter could have been adjusted and a great deal of time saved.

As regards the refuse and litter provision, as members know, for some considerable time we have had a model by-law covering the matter but not all local authorities have availed themselves of the opportunity to adopt it. Rather than have one council adopt a by-law and another disregard it, it was thought better to have a provision placed in the Act so that it would be mandatory for all local authorities to carry out the present provision in the model by-laws.

In Victoria there is a special Act dealing with litter, but, in effect, it is almost the same as we hope to have incorporated in the Local Government Act by the passing of this Bill. I realise it is a difficult problem and until the Australian people learn to keep the countryside tidy I do not know how far we will get with legislation on the subject. Honestly, when one goes around the countryside and sees the rubbish and litter that is thrown indiscriminately all over the place one is ashamed of one's fellow-man. The rubbish that is thrown about is nothing but a disgrace to all concerned.

The Hon. F. R. H. Lavery: You would not think there were any matches left in the world to burn the rubbish.

The Hon. L. A. LOGAN: The highway from here to Geraldton is a mass of rubbish—tins, papers, and everything else. Oil companies, and service stations, are always looking for some new gimmick to boost the sales of their products and perhaps I could suggest one they could adopt. It would be a good idea if these companies produced car rubbish bags which could be carried in the car, and lolly papers and drink cans could be placed in these rubbish bags and then disposed of at the nearest rubbish disposal point. This would be a worth-while idea for some of the companies to adopt if they are looking for a new gimmick.

I do not think there are any other clauses for which an explanation is needed at this stage. It is essentially a Committee Bill and any other points can be dealt with at that stage.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (The Hon. N. E. Baxter) in the Chair; The Hon. L. A. Logan (Minister for Local Government) in charge of the Bill.

Clauses 1 to 3 put and passed.

Clause 4: Section 37 amended—

The Hon. W. F. WILLESEE: In explaining the situation with regard to this clause the Minister lumped the undischarged bankrupt with the person who enters into a composition or scheme of arrangement with, or a deed of assignment for the benefit of, his creditors. There is a big difference between these two people be-

cause the person who enters into an arrangement does so with the object of repaying his creditors.

If bankruptcy follows, the provisions of the Act automatically apply and the person concerned would be precluded but, in many cases, bankruptcy does not follow. A scheme of arrangement is honoured, the creditors are paid, and the business runs on unimpeded. When a man is meeting his obligations, either under an arrangement with his banker or through the provisions of the Bankruptcy Act, what possible effect can it have on his ability to administer the Local Government Act? In one case a man is bankrupt but in the other he is not. Those are the views I hold in regard to this clause.

The Hon. L. A. LOGAN: The situation which existed under the Municipal Corporations Act is the one I am trying to write into this Act. For some reason or other sections 37 and 39 got separated. If a man is an undischarged bankrupt he cannot be elected. At the moment, under section 39, if a man is a councillor and he enters into a scheme of arrangement he cannot sit as a councillor either, but he can be elected. Surely that is an anomaly which must be rectified.

The Hon. W. F. Willesee: He should be eligible for election and also be allowed to sit.

The Hon. L. A. LOGAN: But he never has been.

The Hon. W. F. Willesee: That is so, but I fail to see the sense in it.

The Hon. L. A. LOGAN: Section 39 states—

> (1) Where a member of a council—

and then we run down to paragraph (c) which states—

> (c) under the Bankruptcy Act, 1924 as amended, of the Parliament of the Commonwealth, has an order of sequestration made against his estate, or enters into a composition or scheme of arrangement with, or executes a deed of assignment for, the benefit of, his creditors,

That provision was in the Municipal Corporations Act but an anomaly has arisen —there was a case this year in regard to it.

The Hon. R. Thompson: A member of Parliament can make an assignment and still retain his seat.

The Hon. L. A. LOGAN: Yes, but I am only trying to correct an anomaly that is in the Act at the moment, and revert to what was the position. Mr. Willesee might have something in regard to this and perhaps it would be better to have a good look at it.

The Hon. W. F. Willesee: If you agree to this you would probably have to delete the other.

The Hon. L. A. LOGAN: We will have a good look at it.

The Hon. F. R. H. LAVERY: I support Mr. Willesee's proposition. Probably the Minister would recall a case not many years ago when the chairman of one of the big metropolitan road boards—it is now a town council—had to resign because he had made an assignment of his estate. He was not bankrupt, and his credit is now such that he is employed as a health and building inspector with another local shire. A man who is a declared bankrupt loses a great number of civil rights, and his position is different from the man who makes an honourable arrangement with his creditors. Sometimes a man has plenty of assets but no liquidity. I know of a case at the moment.

The Hon. S. T. J. THOMPSON: This is an awkward proposition and I am inclined to agree with Mr. Willesee. However, we will have to do something about section 39, and to my way of thinking it is a technical point that such a man can be elected, because once he is sworn in he should be made to comply with section 39. Apparently this has not been the position because a case occurred after the last local government elections. The man concerned still took his seat despite section 39. Once a man is sworn in he is a member of the shire and I would have thought the provisions of the section would apply to him. A number of people make arrangements and never go bankrupt. Therefore we should do something about section 39.

The Hon. L. A. LOGAN: Would Mr. Willesee be satisfied if I had a look at this?

The Hon. W. F. Willesee: Yes.

Clause put and passed.

Clause 5 put and passed.

Clause 6: Section 114 amended—

The Hon. W. F. WILLESEE: During the second reading I queried the reason for deleting the date on a postal vote. It is the usual procedure to date the signature of a witness; in fact, I cannot recall any case where one does not put a date after a signature, whether it be on a receipt or statutory declaration. There is always a date identifying the day the action took place. There is no reason why people should not continue to add the date when witnessing a signature. The provision breaks away from long-established practice.

The Hon. L. A. LOGAN: There was no provision in the twelfth schedule for a date to be added, and there was conflict between the two provisions. Because no real purpose was served it was thought better to leave it out. I think I explained this during my second reading speech.

Clause put and passed.

Clauses 7 and 8 put and passed.

Clause 9: Section 193 amended—

The Hon. R. THOMPSON: I am sorry I was called away from the Chamber be-

fore the second reading was concluded. I do not like this clause. We tend to be a little over-governed in this State, whether it be by statutory bodies, Parliament, or anybody else. This is dangerous. At the moment everybody seems to be kicking the young people because some of them happen to do wrong. This clause provides for the seizure of surfboards, etc., by a specified person or classes of persons. This could mean anybody at all provided he came within the regulation. Every local authority could come up with a regulation to delegate power to some class of persons.

This provision was requested by the Cottesloe Town Council. Admittedly, the provision was supported by the Country Town Councils' Association, and by the Local Government Association, but we must appreciate that mistakes are sometimes made unintentionally. There are regulations governing speedboats and water-skiing. Last Sunday I was at Point Walter, where I saw a beautiful area set aside for ski-boats. I saw about 21 ski-boats operating quite lawfully, but I also saw about 42 people swimming in the area set aside for these boats. This provision means that a person could have a paddleboard in the area and it could be impounded for three months by the beach inspector, and if it were not claimed it could be sold.

I know there are people who have no concern for public safety, and who use the area set aside for swimmers. The beach inspector has the power now to set the skiing and the swimming areas, and there is nothing to prevent his calling the police and having an offender charged under the Local Government Act.

I intend to oppose the clause, because I think we are becoming too restrictive. Young people do not like restrictions, and in the main it is they who use the beaches. I have yet to find the young person who would not react in a lawful manner and fall into line if the position were explained to him decently.

Most board-riders have three or four boards. One of these boards could be impounded and he could re-enter the water with one of the others. I do not like power to be given to an inspector to impound boards and sell them if they are not claimed within three months.

The Hon. L. A. LOGAN: Members may recall having read Press articles dealing with the problems at our beaches during the last surfing season, and they may also recall that this provision was requested by the surfboard riders' association. The association felt there should be some control. These are only by-law making powers.

The Hon. R. Thompson: That is what I am not happy about.

The Hon. L. A. LOGAN: I have made arrangements to discuss the application and wording of the by-laws with the association concerned before such by-laws are promulgated. There must be some control over people who will not conform. If a person has three or four surfboards and he breaks the law on one of them, and obeys the law when he re-enters the water with the others, he will be all right. Some of these boards cost $50 or $60, so they are quite valuable, and the owners would not like them taken away. I feel sure that the by-law making powers will be exercised with discretion.

The Hon. R. THOMPSON: We can disabuse our minds as to what the association wants, because its members do not create the hazard; they are not operating in areas set aside for swimmers. For the most part they are experienced board-riders who operate at Yallingup and elsewhere. I am concerned about the person who is learning. I would like to know how many accidents have been caused by these boards.

The Hon. L. A. Logan: You will have seen from the Press that a number of people were treated at the beaches last week.

The Hon. R. THOMPSON: One could be treated for sunburn and a hundred and one other things at the beach. This provision is far too restrictive. The Cottesloe Town Council has enough power already to warn such people. If the warning is not heeded people concerned can be prosecuted. I do not like the idea of the local authority being able to delegate power to have such property seized. When the Perth City Council parking inspectors wanted more control over motorists the Minister did not see fit to grant that power; yet he is prepared to give this by-law making power to the Cottesloe Town Council. It does not make sense to me.

Clause put and passed.

Clauses 10 to 18 put and passed.

Clause 19: Heading and section 401A added—

The Hon. W. F. WILLESEE: During the second reading debate we had quite a discussion in regard to the stop-work notice and whether or not the Secretary for Local Government should be advised by a particular shire, municipality, or town when action is being taken by such authority to prevent something which is wrong being done by a contractor or a builder.

I still see no reason to change my view that the reference to the secretary will have a tendency to slow up the operation of a stop-work order. I believe the basis of the stop-work order is essentially speed, so that when a problem is seen, action can be taken forthwith. Even if the reference to the secretary is by means of a telephone call, some time is lost. I concede that within the metropolitan area the time loss would be at a minimum, assuming that the particular person delegated by the Minister for this work would be avail-

able. How this will work is something that can be found out only as a result of its application and the passing of time.

Although I see difficulties in relation to the closer areas, when we move out into the country, where telephone facilities are not as good as in the metropolitan area, and where travelling in the bigger shires is quite considerable, it would be necessary for a building inspector to travel several miles to get into town to report the situation to the Local Government Department office. So valuable time would be lost.

I do not believe the point raised about the inspector taking advantage of a building contractor because he personally disliked him has any import at all; we are dealing with the speed and efficiency with which the provisions of the Bill will be acted upon.

The rights of the individual are secondary, because that aspect is covered by a right of appeal to the Minister. I doubt whether the secretary could act in a positive manner because he is not on the spot to see what is happening. He is told by and accepts the word of the inspector that such and such a thing is happening at such and such a place by such and such a contractor. The secretary cannot see what is happening throughout the State, so he is only as good as the inspector. We are giving responsibility to a man who is not in a position to accept that responsibility because he is not the man dealing with the issue on the spot.

For those reasons I move an amendment—

> Page 8, lines 2 and 3—Delete the passage "with the approval of the Secretary,".

The Hon. L. A. LOGAN: This is a new provision; and it has been difficult to find a method to put it into effect. This method was devised for two reasons, one of which has been touched on by Mr. Willesee. Supposing a builder issued a stop-work order for a reason that was not correct. It would be possible to have 20 or 30 men idle because of that wrong interpretation.

The Hon. W. F. Willesee: How would the secretary know?

The Hon. L. A. LOGAN: In the metropolitan area he would either send out an officer immediately, or go himself.

The Hon. H. K. Watson: Is he going to go out?

The Hon. L. A. LOGAN: I have one technical officer, and another is due to start work shortly. In the metropolitan area these fellows would immediately go out to the job. I do not hesitate for one minute to say that often these things would be adjusted on the spot, without a stop-work order being issued, and the men would go back to work.

I know Mr. Willesee is trying to speed things up in one direction, but I am trying to speed them up in another in order to make sure that fairness obtains on all sides, and that men will not unnecessarily be stopped from working. I know there will be difficulties as regards the country, but not all councils have adopted the Uniform Building By-laws so buildings in the country will not be affected to a great extent. The purpose of the provision is to provide a safeguard and to make sure that the reason for a stop-work order is correctly interpreted and a costly holdup of men does not occur.

The Hon. W. F. WILLESEE: If a contractor is not on a true building line, or is putting in an inferior base, that is just as obvious to the eyes of an inspector as it is to the eyes of the secretary who goes out and confirms what is happening. If it is possible to negotiate the issue between the contractor and the building inspector, then I submit the stop-work order is not necessary in the first instance. It is only at the point of no return that an order will be issued. The Minister seems to have faith in what he is doing, but I feel he is defeating his object.

The Hon. J. M. THOMSON: When speaking to the second reading I voiced my approval of the stop-work clause because I could see it would obviate a certain set of circumstances. This provision will discourage the circumstances under which is is necessary for a building inspector to take action and go to court.

A great deal of building is taking place at Albany and Esperance, as well as at Geraldton and other places, and I can see that there will be a delay in country districts. I think the authority should rest with the local building inspector to issue an order that work should cease. This authority should be a sufficient deterrent; but if a contractor proceeds he must take the consequences.

I agree with Mr. Willesee that the delay in country districts will have an embarrassing effect on the builder concerned, the gang, and the client. So far as the metropolitan area is concerned, the delay should not be more than a matter of hours. However, in the country it could be a delay of three to five days. For that reason, I support the amendment.

The Hon. L. A. LOGAN: I wonder if Mr. Jack Thompson is of the opinion that builders stop work while the building inspector is discussing the problem with the Secretary for Local Government? The order does not take effect until it is approved by the Secretary for Local Government, so there is no delay in that respect.

The Hon. H. K. Watson: Is it contemtemplated that he will approve verbally or in writing?

The Hon. L. A. LOGAN: So long as the building inspector gets an O.K. from the Secretary for Local Government that the order is to be issued, that will be sufficient.

The building inspector could write in and confirm it.

I am looking for the best way to handle the situation. I am frightened to leave it to the building inspector. A country building inspector would be reluctant to issue an order until he obtained the correct interpretation of the Act from the Secretary for Local Government.

The Hon. W. F. WILLESEE: The Local Government Act applies as uniformly as possible throughout the State. In the implementation of this proposal there will be a delay, both in the metropolitan area and in the country. Does the Minister consider this is the best premises upon which to legislate?

The Hon. L. A. LOGAN: I suppose in the metropolitan region facilities that are not in the country will be available, but I do not think many stop-work orders will be issued. The fact that they can be issued will act as a deterrent. This provision will ensure that builders will be more careful in the future than they have been in the past.

What we are trying to effect, if possible, and as far as the metropolitan area is concerned, where the majority will take place, is a reduction in the number of appeals. Once the appeal stage is reached, time is involved. I would have thought the fact that the safeguard is included would be sufficient; namely, that before a stop-work order is issued it is necessary to apply to the Secretary for Local Government. This would save appeals and delays.

Amendment put and negatived.

Clause put and passed.

Clause 20 put and passed.

Clause 21: Section 513 amended—

The Hon. W. F. WILLESEE: This amending clause provides that the spouse of a member who is travelling in the course of local government business should be protected by virtue of a contract of insurance in the case of any accident arising to either party. I approve of the clause very much and I wonder if it is the forerunner of something which will be brought into being by the Government in connection with parliamentary wives.

The Hon. L. A. Logan: I could not answer that.

Clause put and passed.

Clause 22 put and passed.

Clause 23: Section 637 amended—

The Hon. W. F. WILLESEE: In speaking to the second reading, I dealt with the proposed amendment to the extent of explaining that some shires are now in the process of using an internal audit system which is costing them a considerable sum of money and which is saving the department a considerable amount of time in the conduct of an annual audit.

The measure has a schedule which lists a number of shires which have been enjoying the privilege of a 50 per cent. assessment of their annual audit fees. The amendment I propose is that where an internal audit is functioning, the privilege of the 50 per cent. assessment of the annual fee should remain with the shire. If this is allowed I have reason to believe that there will be an expansion of the internal audit system throughout shires, particularly in the metropolitan area.

From an administrative point of view, this would be good because the internal audit system is a continuous one. It is close to the actual transactions being carried out, and the possibility of errors is less likely than is the case with an annual audit. The original amendment I placed on the notice paper was subjected to scrutiny by the Minister and, at his suggestion, I have altered it and submit it in its present form. Accordingly, I move an amendment—

> Page 11, line 10—Insert after the word "or" the passage ", subject to subsection (4) of this section,".

The Hon. L. A. LOGAN: I am quite happy to accept the amendment proposed by Mr. Willesee. We have discussed this matter and his amendment is quite in order.

Amendment put and passed.

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

> Page 11, lines 13 to 16—Delete paragraph (b) and substitute the following:—
>
> (b) by substituting for the passage, "(4) The council of a shire shall on demand pay" in line one of subsection (4), a passage as follows—
>
> (4) The council of—
>
> (a) a shire other than a shire specified in the Twenty-seventh Schedule; or
>
> (b) a shire specified in the Twenty-seventh Schedule that satisfies the Minister that—
>
> (i) it has established and maintains a system of internal audit;
>
> (ii) the internal audit is carried out by a Government Inspector of Municipalities; and
>
> (iii) the whole of the cost of the carrying out of the internal audit is borne by the shire,
>
> shall pay on demand .

Amendment put and passed.

Clause, as amended, put and passed.

Clause 24: Section 665A added—

The Hon. J. DOLAN: When replying to the second reading debate, the Minister used very strong words in connection with those people who deposit rubbish and to whom we refer as litterbugs. Mr. Heitman also made strong comments in connection with these people.

We have reached the stage where we are trying to do something about it, and I consider we should not let one small word stop us from tidying up the position properly. The two words in the amendment are "deposits" and "leaves." *The Oxford Dictionary* defines the word "deposit" as—

to lay, or put, or set down.

Therefore, if I were depositing my book, I would lay it or put it down. In the same dictionary the word "leaves" is referred to as—

to allow to remain in a certain place or condition.

Therefore, if I put my book on the desk and went away, I would leave it. I would suggest that "discards" is a word which means—

to cast off, or cast aside, or throw away.

This meaning can be derived whether one uses *The Oxford Dictionary* or *The Collins Dictionary*. If this word were included, as proposed, it would establish a dragnet clause which will cover the actions of people who do these things.

The amendment I propose is very simple and in circumstances like this, when we are trying to get at those people to make sure they do not offend, I think it is something to which the Minister could agree. Accordingly, I move an amendment—

Page 11, line 23—Insert before the word "deposits" the passage "discards,".

The Hon. L. A. LOGAN: I have no objection to the amendment proposed by Mr. Dolan.

Amendment put and passed.

The Hon. J. DOLAN: To put the whole clause in order, it is necessary to move a further amendment. Accordingly, I move an amendment—

Page 11, line 24—Insert before the word "deposited" the passage "discarded,".

Amendment put and passed.

Clause, as amended, put and passed.

Clause 25 put and passed.

New Clause 5—

The Hon. L. A. LOGAN: I must apologise to the Chamber, because almost before the measure was introduced I had placed an amendment on the notice paper. This amendment was intended to be included in the original draft, but unfortunately I could not obtain the correct interpretation and, rather than delay the printing of the Bill, we went ahead with it with a view to placing an amendment before the Chamber.

This emanated from the fact that we found an irregularity which operates particularly in some country districts. We found two brothers who were living on their farm with their wives and they were entitled to eight votes for the property. The person next door, whose property was of the same value, was receiving only two votes. It seems that a corporate body is entitled to only one vote. We wanted to put a restriction on the people who were getting eight votes, but it was found almost impossible to draft such a restriction. Accordingly we went the other way around and made provision for the corporate body to have an extra vote which brings it more into line with rural properties, as such. I think members will find the amendment is self-explanatory. Accordingly, I move—

Page 2—Insert after clause 4 a new clause to stand as clause 5 as follows:—

S. 45 amended

5. Section forty-five of the principal Act is amended by repealing and re-enacting subsection (9) as follows—

(9) Where rateable land is owned or occupied by a body corporate, two persons nominated by the body by instrument in writing delivered to the clerk shall each be entitled to be registered on behalf of the body corporate and to be enrolled in respect of one-half of the rateable value of the land, or, if no person is so nominated, the manager, secretary or attorney of the body is eligible to be so registered on its behalf and to be enrolled in respect of the rateable value of the land.

At the moment only one person is nominated to be entitled to be registered on behalf of a body corporate, and this amendment will allow for two.

The original suggestion came from the country shires that some restriction should be imposed but, as I have said, we could not find the correct interpretation. Consequently, we did the best we could and that was to give the body corporate an extra vote in order to strengthen and equalise its position.

I hope the explanation I have given covers the situation. Mr. Heitman was involved in this matter earlier on and perhaps he may be able to give the Chamber further information if he so desires.

The Hon. J. HEITMAN: I support the insertion of this new clause although it does not go as far as the country shire councils expected. They have al-

ways been more or less upset by the fact that equitable voting values could not be given in any district. As the Minister has explained, where there is a partnership, and each person is married, the partners are entitled to two votes each and the wives, as occupiers, are entitled to two votes each. Hence with a particular property there can be eight votes in all.

It was thought that if the number of votes to which each property was entitled was reduced to four, it would be equitable and fair voting right throughout any country shire. However, as the Minister explained, it was very difficult to legislate for the desired control. It meant the alteration of many sections of the Act. In short, the original proposed amendment just did not measure up in practice. The compromise which has been agreed upon at least will make the position more equitable for everyone in the country to have fairer voting rights per property. I think we would be quite satisfied to foster this clause and I hope the Committee will agree to it.

The Hon. W. F. WILLESEE: I do not quite understand the full implication of what might happen if this clause is agreed to. Is it intended that a company which owns the next-door property, and which has its vote in the name of the secretary or the general manager, shall allow either one of those persons and one other to have votes for that particular area, or will the nominee principle apply and the vote be with a person at the head office of the company?

The Hon. L. A. LOGAN: All the amendment seeks to do is that where ratable land is owned by a body corporate, two persons nominated shall be entitled to register a vote on behalf of the body corporate. The amendment is only doubling up on what is already contained in subsection (9) of section 45.

The Hon. W. F. WILLESEE: I appreciate that the nominee will have double the voting power, but how does the clause apply to a partnership when the partners work and reside on the property? A body corporate is on an entirely different basis. The vote could be given to a person of high standing in a branch where the body corporate had representation. I cannot understand how the voting power of partners can be increased so that it will equal the voting power of someone who is conducting a property next to them.

The Hon. L. A. LOGAN: I realise that this is not easy to understand. Let us deal with rural areas first. Where there are two brothers in partnership on one farm, and they are living on the property with their wives, at the moment they can claim eight votes. A body corporate, conducting a farm of a similar ratable value to that property next door is allowed only two votes under the Act at present. We could not think of any way to reduce, satisfactorily, the voting power of, say, two brothers in partnership, so we thought it would be more convenient to grant a body corporate an extra couple of votes. I think my explanation answers the query submitted by Mr. Willesee.

New clause put and passed.

Title put and passed.

Bill reported with amendments.

ALBANY HARBOUR BOARD ACT AMENDMENT BILL

Second Reading

Debate resumed from the 13th September.

THE HON. F. R. H. LAVERY (South Metropolitan) [8.51 p.m.]: When introducing the second reading, the Minister mentioned there were four main factors in the Bill. One seeks to change the name of the Albany Harbour Board to the Albany port authority. The second is seeking a change in the title of the board's executive officer from secretary to managing secretary. The third main amendment is to authorise the board to carry out certain harbour works from its own funds and to employ and dismiss its own staff. The fourth major point in the Bill covers a provision empowering the board to acquire land for the purposes of the Act.

In reading the parent Act which the Bill seeks to amend, it is a matter of interest that the Albany Harbour Board was formed in 1926. In a moment, the debate on the Bunbury Harbour Board Act Amendment Bill will follow. The original Act governing the operations of the Albany Harbour Board was introduced in 1926 and it was not amended until 1956, and from that year until now this will be the fifth amendment made to the Act. I was wondering whether Albany is progressing—

The Hon. L. A. Logan: Mr. Jack Thomson will tell you.

The Hon. F. R. H. LAVERY: —or whether we have been behind the times for many years. The Bill has 78 clauses and, as a point of interest, clause 78 contains 18 amendments to the second schedule to the Act. Whilst the Minister stated that there are only four main points in the Bill, I would point out that the rest of the Bill comprises machinery clauses which, in the main, seek to change "board" to "port authority."

The Bill is not contentious. The Albany Harbour Board has developed to such an extent that at present it is in the process of constructing a third berth and it is necessary that £70,000 should be raised for this work. By being able to raise this money itself the new port authority will be in a position to receive matching money. The board is to be commended for this move.

One clause in the Bill seeks to allow the new port authority to carry out work

to the value of £10,000 in its own right instead of under the authority of the Public Works Department.

The Hon. L. A. Logan: Is it £10,000 or $10,000?

The Hon. F. R. H. LAVERY: I beg your pardon; I meant $10,000. When reading the speech made on the Bill by the Minister in another place I noticed that when asked if the amount of $10,000 was the maximum the new port authority could spend in any one year, the Minister repied that $10,000 was the maximum that could be spent on any one job taken on by the port authority. That is, if the Albany port authority wished to commence work on three projects, each of a value of $10,000, there would be nothing to prevent it from proceeding with the work provided it had the funds.

There is another point I wish to raise. In one clause it is stated that the port authority shall have the right—

The Hon. L. A. Logan: Which clause?

The Hon. F. R. H. LAVERY: It is clause 25. The new port authority will have power to acquire land compulsorily. The wording of the proposed new section reads, "The land may be taken or resumed by the Port Authority." I was wondering whether the words, "may be taken" apply in the same way as the resumption of land by the Crown. In resuming land the Government pays a reasonable purchase price, but I wonder if the same will apply in this instance when land is taken.

THE HON. J. M. THOMSON (South) [8.57 p.m.]: I support the Bill. It is pleasing to note the significance of the Bill by its position on the notice paper. Apparently its importance has been recognised. The measure is number seven on the notice paper, and the Bunbury Harbour Board Act Amendment Bill is number eight. It is indeed pleasing to me to note that Albany Harbour has number one priority.

The Hon. G. C. MacKinnon: It would not occur to you that the Bills may have been taken alphabetically?

The Hon. J. M. THOMSON: It is now a far cry—

The Hon. A. F. Griffith: From Albany to Bunbury.

The Hon. J. M. THOMSON: —to the days when the first murmerings were heard for the establishment of a harbour and attendant facilities at Albany to handle the shipping entering the port. Records reveal that in 1907 the first official approaches were made to the Government of the day for the establishment of the Albany Harbour Board, but it was not until 1917 that the Wilson Government brought forward a Bill for that purpose. However, owing to the strong opposition by Albany bodies to a provision contained in the Bill, the Bill was dropped. That provision was in the form of a proviso in the measure which stipulated that all property acquired from the Railways Department should be taken over by the board at the valuation thereof as fixed by the latest statement of the assets and liabilities of the department. Because of the strong opposition shown, Mr. Frank Wilson, the Premier of the day, withdrew the Bill.

As Mr. Lavery mentioned only a few moments ago, it was not until the 26th October, 1926, that a Bill was introduced into this Chamber by the then Chief Secretary (The Hon. J. M. Drew) to create the Albany Harbour Board.

Having gone through this House, the Bill was transmitted to the Assembly where it was passed on the 9th December, and it was assented to on the 24th December of that year. Since that time steady progress has been witnessed in relation to the activities of that region.

Looking back over the activities of the port, from 1956-57 to the present time, we find that the number of vessels which have used the port has doubled in the period of 10 years. Inward and outward cargoes as well as bunkers have likewise doubled. One has only to look at the land development in the hinterland served by this port to realise the reason for the great expansion and increased activities on this waterfront, and this state of affairs has been brought about by the increase in grain production and in the sheep population.

In June, 1965, the total acreage of the regional area under grain was 981,450 acres. Twelve months later, for the period ended the 30th June, 1966, it increased to 1,233,666 acres, or an increase of 252,200 acres. It is estimated by the Department of Agriculture that during the next seven years the area of cleared land within the region will increase to over 9,000,000 acres. It is interesting and important to note the quantity of grain that has been shipped through this port. For the year ended the 30th June, 1965, the quantity was 269,650 tons; the quantity for the year ended the 30th June, 1966, was 351,762 tons, or an increase of 82,112 tons. The latest estimate of Co-operative Bulk Handling indicates that within the next five years the quantity of grain to be shipped through Albany will be in the vicinity of 600,000 tons.

The sheep population of 6,280,000 should produce 200,000 bales of wool; and it is estimated that by 1971 this figure will be doubled—or 400,000 bales. The continued increase in the shipment of rock phosphate, sulphur, fuel oils, petroleum products, along with the export of fruit, frozen meat, wool, and whale solubles, fully justifies the change of the title of the port to that mentioned in the Bill; that is, the Albany port authority. I am sure members agree that the change is in keeping with the increased status and importance of our outports. I include the port of Bunbury in those remarks. I am

sure that in time we will see the need to create a port authority at Esperance, and when that is achieved it will be a matter of great satisfaction to the people of that region, as it will be to the State in general, because of the rapid progress that is being made in that part of Western Australia.

In conclusion I would point out that the Government is fully justified in proceeding with the plans recently announced by the Minister for Works to build the third berth at Albany. The preliminary work has commenced, and by 1971 the third berth will be an accomplished fact. It will serve the increased needs of shipping to cope with the expanded activities in that region, and with the greater number of vessels which will use the port. It is also necessary in view of the greater length of the ships which are being built. Provision has also been made for the lengthening of the two existing berths at Albany, and no doubt the same pattern will be followed in the other ports.

At the same time as the third berth is being established at Albany, it will be necessary to extend the two existing berths to accommodate the ships of increased size which will use the port. It is indeed very pleasing to know that Western Australia is enjoying a terrific expansion within its agricultural areas, and this expansion is reflected in the activities at the outports. For the reasons I have outlined I have much pleasure in supporting the Bill.

THE HON. G. C. MacKINNON (Lower West—Minister for Health) [9.7 p.m.]: I thank Mr. Lavery and Mr. Jack Thomson for their support of the Bill. In answer to the question raised by Mr. Lavery, I am informed by my legal adviser that the words "taken" and "resumed" are virtually synonymous; but I think the word "taken" means "possessed of by arrangement," and this does not entail a resumption order. It might be a purchase at a mutually agreed price.

I am delighted with the warm accord given to the Bill by the two members I have mentioned. I will not enter into a controversy on the relative merits of Albany and Bunbury, because unfortunately *Hansard* cannot indicate that a member is smiling when he speaks! I know that Mr. Jack Thomson's enthusiasm for the progress of this State will lead him to make exactly the same speech in regard to Bunbury as he made in regard to Albany; but having made the speech once I am sure he does not want to repeat it. I thank members for their support of the Bill.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

BUNBURY HARBOUR BOARD ACT AMENDMENT BILL

Second Reading

Debate resumed from the 13th September.

THE HON. F. R. H. LAVERY (South Metropolitan) [9.14 p.m.]: This Bill, like the previous one, contains 78 clauses. In this case also the schedule to the Bill contains 18 amendments, many of which refer to the machinery clauses connected with the four main points, as read out by the Minister during his second reading speech. As a point of interest, I would like to point out that the Bunbury Harbour Board—Mr. Jack Thomson said that the Albany Harbour Board was formed in 1926—was formed in 1909. The first amendment to this Act, since it was introduced in 1909, was in 1954, and since then seven amendments have been made to it.

Mr. Jack Thomson spoke about what has taken place in the hinterland of Albany. The same progress has been occurring in the hinterland of Bunbury. I know the late Mr. Hill, a former member for Albany, would be pleased to see the progress that Bunbury and Albany have made in the last 10 years. I would also say to Mr. Thomson that his loyalty will be somewhat divided when his electorate incorporates Esperance. He will find a great deal of work has been done in the hinterland of that port.

All this progress is gratifying to the State as a whole. Those ports which are away from Fremantle, which is in my electorate, must, of necessity grow in importance as the years go by, particularly in view of the vast advancement of primary production in Western Australia. With those remarks, I support the Bill.

THE HON. J. M. THOMSON (South) [9.17 p.m.]: I just wish to assure the Minister that I wholeheartedly support this Bill, because it is an important one. I wish to assure him also that I am as interested in the development of this port as in the one referred to earlier.

The Hon. G. C. MacKinnon: Thank you very much.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

INDECENT PUBLICATIONS ACT AMENDMENT BILL

Second Reading

Debate resumed from the 12th September.

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the Opposition) [9.22 p.m.]: The Minister, when he

introduced the Bill, said the parent Act had been passed in 1902, and that it could be said it had stood the test of time. I have studied the Act and I was impressed by the Minister's remarks, because the Act has not been amended since 1902. I am constrained to wonder if much use has ever been made of it during that period.

The Hon. A. F. Griffith: I do not think so.

The Hon. W. F. WILLESEE: In fact, I wonder whether the legislation has much value at all and whether our efforts in this regard would have been better confined to the Criminal Code and Police Act.

It is true that censorship laws throughout the Commonwealth are confusing to many people. After the Minister had outlined the variety of applications of censorship throughout the States, with the Commonwealth operating under its customs laws, it was easy to arrive at the reason for this confusion.

Therefore it would appear there is merit in the establishment of the proposed advisory board because this will, as the Minister outlined, bring about uniformity which, in turn, will benefit Australia because of the standardisation on an Australia-wide basis. Certain publications are claimed to be outside the definition of "obscene" because they have literary or artistic merit. An amendment in the Bill will also include books which claim scientific merit.

I feel it would be almost impossible to provide a national standard outlook on works of this nature, because we must remember that different people have varying ideas as to the literary, artistic, or scientific merit of publications. For example, a piece of contemporary art, thought to be very serious by some people is, by others, thought to be quite funny. So it has been quite easy for mistakes to be made in censorship when the situation is decided by just a few people.

However, someone, somewhere, must be appointed to make judgments on these issues, and because, up to date, there has been a complete lack of cohesion in these matters, there is merit in a basis of standardisation being established. Therefore I feel the advisory board is a forward step.

The crux of the issue was outlined by the Minister when he said that Commonwealth powers did not extend to locally-produced works. He said that some States have very strongly disagreed with the Commonwealth over works released by the Commonwealth which were held to be obscene under the State laws. Because of this it is essential for Australia-wide agreement. The Minister went on to elaborate on four points in support of this necessity. He said that firstly it was necessary for a widely-based joint Commonwealth-State advisory board to be substituted for the present Commonwealth Literary Censorship Board and that the new board would have representation from both the Commonwealth and the States. He then continued—

> . . . secondly, the Commonwealth and the States to recognise the decisions of the board that it is proper a book should be allowed to be published; and, thirdly, publication shall not be the subject of a prosecution if it has been approved by the board.

Then I think he made some contradictory remarks. He went on to say—

> On the other hand, the States shall not be bound to institute proceedings in respect of a book not so approved.

I do not know whether this means that a book can be published in defiance of the board or whether it is placed upon the market without the approval of the board. It would appear that the advisory board is to have very limited powers, and therefore this Bill is merely the machinery to create the board. The Minister finally said—

> Finally, the obscenity of any book, which has not been examined by the board, may be made the subject of action in terms of any State law concerning obscenity, but if the book is then submitted to the board with a claim that it is one of literary, artistic, or scientific merit, or a *bona fide* medical work, the proceedings would be stayed pending a decision by the board.

We would get back to the very difficult interpretation and just what it would mean under a variety of circumstances. I do not intend to specify any circumstances, but it is obvious that problems could arise which would vary between one picture or article or idea, and another. The normal appearance of a native from the north-west, as he appeared some years ago, would have a startling effect if that same person were to walk down St. George's Terrace in the attire he was used to wearing in the north-west; but, be that as it may, I accept that this Bill might be the best way of handling the problem at the moment.

There will be an agreement made between the Commonwealth and the various Governments concerned, and the agreement will basically be a gentleman's agreement in that the Minister will be advised but the board will not have the capacity to institute litigation. So, as the name implies, it will be essentially an advisory board.

There is also provision for the States to withdraw from this association by simply giving one month's notice. Also, when a Minister seeks advice from particular members of the public who are authorities in their own fields, those people are to be indemnified in regard to the

advice which they may give to the Minister. I think this is a very necessary protection, because any authority would almost immediately find himself challenged by another authority. In the field of experts, more than anywhere else, we find there is great disagreement. We find that one can be quite positive that he is right and yet other authorities can be quoted in support of other arguments.

There is need for legislative control for people who need to be brought to book by the law. This provision is required in spite of the elastic provisions which are incorporated in a Bill of this nature. It was that thought which prompted me, at the beginning of my speech, to say that I doubted if this legislation was really the medium through which to deal with the situation when we already have the Criminal Code and the Police Act. After this Bill was introduced in another place, *The West Australian*, on the 31st August, this year, referred to it as follows:—

> A Very Small Gain
>
> The State government's amendment of the Indecent Publications Act, though it widens the definition of literary merit, is little more than a machinery measure to conform with the new Commonwealth-State censorship arrangements which are expected to apply next year.
>
> The six-member Commonwealth Literature Censorship Board is to be replaced by the Joint Commonwealth-State Literature Board of Review, with nine members who will be able to consider locally-produced books as well as imports. However, since individual governments will be able to heed or reject the board's recommendations, the move towards uniformity is more apparent than real.
>
> The Bill before the State parliament represents a small improvement within the existing system of censorship, but it does not contribute to any liberalisation of the system itself.
>
> This is a pity. Most Australians concede that some form of censorship is unavoidable but it is implicit that it should be as liberal as possible. The absurdities of some officials and politicians in this matter have made Australia look ridiculous and there is no assurance that the situation will change.

That is the summation of a comparison between the old and the new. In supporting the suggestion here, we have to be mindful that there is a danger in censorship. It is not something that can be allowed to go unchallenged by the individual. If we deprive the right of the individual to read there is a tendency to interfere with his right to think. If we withhold publications, there is a tendency to interpret his wishes contrary to his rights within the law. I am wondering if we might be confounding the rights of individuals somewhat if we move too far in the trend to make censorship uniform.

There will always be differing tastes and customs and we will always have the artistic *versus*, shall we say, the pornographic. There will always be the nationals that will take the viewpoint of either side. The very highly educated may tend to view as artistic something which a national of lower basic intellect would regard as pornographic. It is a very great responsibility, indeed, to be responsible for deciding the difference in the interests of the nation.

Even the original Act of 1902 shows, by reference to the debate which took place in that year, that the main problem was not dealt with in the six clauses which became the law; it was rather an effort to stop the sale of preventatives and the like. It seems that this very devious and somewhat cumbersome Act was devised on that basis.

With the words of the Minister in my mind, the Indecent Publications Act has stood the test of time and in the course of that time it has never been amended; and in the course of that time I doubt if there has ever been a prosecution made under it. It is now 65 years old and I suggest it deserves an honourable retirement.

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [9.43 p.m.]: I would like to thank Mr. Willesee for his contribution to the debate. Obviously, he gave a great deal of consideration to the matter and I am sure we are all very grateful to him for his close examination of the Bill. I think the only point I need to comment on is the question of the Criminal Code, and the point raised by the honourable member that this situation might have been better covered by the Criminal Code.

The Hon. W. F. Willesee: In conjunction with the Police Act.

The Hon. A. F. GRIFFITH: In conjunction with the Police Act. It will be appreciated that the Police Act will be amended also; it is the next Bill on the notice paper. In the first place, the Criminal Code deals with indictable offences, the penalty for which is more severe than that under the Police Act. This Bill will provide for a fine, and the resultant penalty in the Police Court under the Police Act will be less severe than that which would be applied under the Criminal Code.

Another important point, of course, is that not all of the States are Code States, and they do not have the same sort of Act as we have in Western Australia. Nor have they the same Criminal Code in the

other two Code States; namely, Queensland and Tasmania. For this purpose, and because the legislation with which we are dealing will be of a uniform nature, it is thought better to handle it in the manner now before us.

Under section 204 of the Criminal Code, any action under that Statute requires the consent of the Attorney-General, or the Minister for Justice, and at the moment I am in that position. A prosecution under the Indecent Publications Act, at present, also requires my consent and, ordinarily, I would not have relinquished this right, because it is necessary to have legal people watching prosecutions of this nature. However, as under the Bill this matter will be dealt with by an advisory board, and the Minister who will be in close touch with the board will be someone other than the Attorney-General, or the Minister for Justice, I thought the authority to prosecute would be better placed in the hands of the appropriate Minister, in this case the Minister for Police. Under these conditions I feel the Bill is a move in the right direction.

We can have different views as to what is obscene and, in accordance with the definition in the Bill, and as was pointed out by Mr. Willesee, what is historic, literary, or scientific. I have seen many television programmes in which there was no scientific content at all; in many of them there was nothing artistic, nor did they have any literary value. As a matter of fact, it would be better if some television programmes were not shown at all. On the other hand there are many programmes which are acceptable to the public generally. However, although at this point of time the legislation does not cover films there may be some necessity to have them covered by legislation of this type in the future. I thank Mr. Willesee for his remarks.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

POLICE ACT AMENDMENT BILL

Second Reading

Debate resumed from the 12th September.

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the Opposition) [9.49 p.m.]: This Bill follows the previous Bill, which has just passed through the second reading and Committee stages. The measure has only one object; namely, to delete the word "book" in section 66 of the Police Act, in order to give effect to the amendments which the previous Bill, if passed, will make to the Indecent Publications Act. I see no reason to comment further on the Bill.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

DOG ACT AMENDMENT BILL

Second Reading

Debate resumed from the 14th September.

THE HON. J. DOLAN (South-East Metropolitan) [9.52 p.m.]: The story of this Bill has its beginning in 1956 when the South Perth City Council introduced a prohibitive by-law in furtherance of its opinion—which I share—that to allow dogs to enter shops, particularly those selling foodstuffs, was a practice which, in addition to being a nuisance, represented a danger to public health. As I have said, in 1956, in furtherance of its opinion, the South Perth City Council introduced a prohibitive by-law under section 35 of the Act, which gives the council power as follows:—

> Imposing as an absolute prohibition an obligation on the owner of any dog that the dog shall not enter or be in—
>
> (i) such places as may be prescribed, in any circumstances whatever.

Recently, however, the council found that this by-law conflicted with section 21A of the Act which provided for something entirely different. This section had wording similar to section 35, but contained the following proviso:—

> and which is not under the effective control of some person by means of a chain, cord or leash, commits an offence.

That proviso constituted an anomaly in that it prevented the council from putting its by-law into effect.

As a result, the South Perth City Council referred the matter to its solicitors, who ruled that the by-law was *ultra vires*, and suggested that the council take steps to have the matter rectified. That council referred the matter not only to me but also to its other district members of Parliament, requesting that steps be taken to have the Act amended. I took up the matter with the Minister and enclosed a copy of the opinion given by the legal authorities, and asked him if he were prepared to bring down a Bill to amend the Act.

I wrote to the Minister quite a long time ago but apparently things must have gone wrong somewhere. My letter to the Minister was dated the 10th July. He acknowledged it on the 12th, and on the 21st August he sent me a circular letter which I received this evening. I cannot very well blame the postal authorities for this delay.

I do not know who was given the job of delivering the letter, but the fact remains that I missed out.

However I do thank the Minister, because I was able to see him some time ago and he informed me of what was coming up. Accordingly I was ready to deal with the matter. The provisions of the Bill are quite simple and, as I have said, they correct the anomaly I have mentioned.

There is a further provision in the measure which, to a certain extent, exempts blind or partly blind people from the provisions of the Act. Ample provision is made as follows:—

> Notwithstanding anything in any Act, regulation or by-law, a person who is blind or partially blind—
>
> is entitled to be accompanied by a dog *bona fide* used by him as a guide dog, in any building or place open to or used by the public for any purpose or in any public transport; and
>
> is not guilty of an offence . . .

This provision is in most of the dog Acts of the other States. It has been requested by the solicitors for the Guide Dog for the Blind Association of Australia and there is no doubt that it is worth while, and no exception can be taken to it. I always feel that when anomalies in Acts are discovered they should be brought to the attention of the Minister concerned. I feel sure the Minister for Local Government has done the right thing in correcting the anomaly that has existed in this case, and I thank him for having done so.

THE HON. L. A. LOGAN (Upper West—Minister for Local Government) [9.57 p.m.]: I thank Mr. Dolan for his contribution to the debate, and I apologise for the fact that he did not receive the letter when he should have done so. He raised the query with me a month ago and, after having checked with my office, I was assured the letter had been sent to the honourable member. Apparently this was not the case, and I apologise for any inconvenience he might have been caused. I made sure, however, that the honourable member received the letter this evening! The position is as explained by Mr. Dolan, and I do not think there is any necessity for me to comment further.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

House adjourned at 9.59 p.m.

Legislative Assembly

Tuesday, the 19th September, 1967

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

QUESTIONS (10): ON NOTICE

ROAD MAINTENANCE TAX

Major Cartage Contractors, and Payload of Vehicles

1. Mr. McPHARLIN asked the Minister for Transport:

   (1) What is the amount of tax collected under the Road Maintenance (Contribution) Act from the major cartage contractors in the State, namely, Bell Bros., Mayne Nickless, Gascoyne Traders, Brambles, for the year ended the 30th June, 1967?

   (2) What are the principal various types of payload carried by these contractors to country areas?

   Interstate Hauliers: Collections

   (3) What amount has been collected from interstate hauliers up to the present date?

   Mr. O'CONNOR replied:

   (1) $596,502.11 was the aggregate amount collected from the major cartage contractors named. However, other major cartage contractors paid an additional $604,652.73 road maintenance contributions during the same period.

   (2) Cartage contractors are not required to give details of payload on road maintenance returns. However, it is known that such payloads could include a large variety of goods; that is, fertilizer, timber, road and bridge-making materials, light medium and heavy equipment for iron ore and other mineral projects, overlength out-of-gauge and indivisible loads and perishable foodstuffs.

   (3) Until the 15th September, 1967, an amount of $157,357.05 has been collected from interstate hauliers.

DEVELOPMENTAL PROJECTS

Commonwealth Financial Assistance

2. Mr. GAYFER asked the Treasurer:

   (1) Under national development, what developmental projects in Western Australia are being assisted by the Commonwealth Government?

   (2) What are the terms of assistance by way of—
   (a) grants;
   (b) loans?

   (3) With reference to (2) (b), what are the repayment terms and interest?