

person will not get away with a small amount; he will stay in business long enough so he can get away with a decent sum. Therefore make it a decent bond. Make the first one £15,000, and the second one £10,000. That would keep people on the straight line; but if the penalty is small it will not act as a deterrent.

That is all I have to say. I notice the Governor has power to make regulations; and perhaps the method of advertising will be covered by that means. I raise these queries so the Minister can have a look at them.

This is an interesting piece of legislation. I know there are several people in Perth engaged in the business of debt collecting. People have different ideas about this. One of the evils of society today is that so many people are entering into hire-purchase commitments who do not realise that they have to pay 3s. on this or 4s. or 5s. on something else. They get into a hopeless muddle and the business firm has to engage a debt collector whose unpleasant duty it is to make arrangements to collect the debt. I support the Bill.

Debate adjourned, on motion by The Hon. H. K. Watson.

*House adjourned at 11.11 p.m.*

## Legislative Assembly

Tuesday, the 10th November, 1964

### CONTENTS

	Page
<b>ASSENT TO BILLS</b> .....	2388
<b>BILLS—</b>	
Administration Act Amendment Bill—	
Com. ....	2407
Report ; 3r. ....	2408
Council's Message .....	2436
Agricultural Products Act Amendment Bill—	
Intro. ; 1r. ....	2388
2r. ....	2410
Banana Industry Compensation Trust Fund Act Amendment Bill—Assent .....	2388
Bellevue-Mount Helena Railway Discontinuance and Land Revestment Bill—Assent .....	2388
Bibra Lake-Armadale Railway Discontinuance and Land Revestment Bill—Assent .....	2388
Chevron-Hilton Hotel Agreement Act Amendment Bill—Returned .....	2436
Chiropractors Bill—Assent.....	2388
Coal Mine Workers (Pensions) Act Amendment Bill—	
2r. ....	2405
Com.; Report; 3r. ....	2407

### BILLS—continued

Country Areas Water Supply Act Amendment Bill—3r. ....	2397
Education Act Amendment Bill—Assent .....	2388
Fisheries Act Amendment Bill—	
Intro. ; 1r. ....	2388
Local Government Act Amendment Bill. (No. 2)—	
2r. ....	2410
Com. ....	2419
Museum Act Amendment Bill—Returned .....	2403
Police Act Amendment Bill—Assent .....	2388
Rights in Water and Irrigation Act Amendment Bill—Assent .....	2388
Statute Law Revision Bill—2r. ....	2403
Traffic Act Amendment Bill—	
Intro. ; 1r. ....	2388
Water Boards Act Amendment Bill—Assent .....	2388
Wheat Products (Prices Fixation) Act Amendment Bill—	
2r. ....	2408
Message : Appropriation .....	2409

### MOTION—

State Forests : Revocation of Dedication .....	2406
--	------

### QUESTIONS ON NOTICE—

Caravan Parks : Model By-laws—Discussions at Country Tourist Bureaus Conference .....	2393
Collier Pine Plantation : Future Projects—Recommendations of Investigating Committee .....	2391
Education—Yealering School : Power Point Installation .....	2388
Electricity Supplies—	
Extension to Kulin .....	2388
Additional Power House : Establishment at Albany .....	2391
Fishing : Crayfish—	
Conservation .....	2388
Processing Points .....	2388
Fruit and Vegetables—	
Rail Consignments to Geraldton : Losses and Damage .....	2391
Road Consignments to Geraldton : Average Weekly Tonnage .....	2391
Honey—	
Beekeepers Registered .....	2391
Export Price .....	2391
Housing at Bunbury—	
Pensioner Units .....	2391
Programme for Current Year .....	2391
Local Government : Absentee Voting—	
Legal Application Forms .....	2388
Withholding of Applications from Canvassers .....	2388
Native Welfare—	
Native Children : Boarding Hostels—	
Additional Buildings .....	2388
Number Established, Accommodation, and Locations .....	2388
Native Prisoners—	
Educational Facilities at Fremantle Gaol .....	2391
Number in Penal Institutions .....	2391
Nurses' Training Centre : Use of Albany Regional Hospital .....	2391
Oil at Yardarino : Angle of Bore Holes .....	2391

## CONTENTS—continued

QUESTIONS ON NOTICE—continued	Page
<b>Railways—</b>	
Midland Workshops : Apprentices ....	2390
Flashing Lights : Installation at Pasture Street Railway Crossing, Pingelly .....	2390
Standard Gauge Railway : Cost of Works in West Midland Area .....	2393
Roads—Federal Aid Roads Grant : Sums Expended by Main Roads Department	2388
State Engineering Works—Keiserling Up- setting Machine : Acquisition, Cost, and Disposal .....	2389
Totalisator Agency Board : Retention of Pool Investments.....	2392
<b>Tourism—</b>	
Tourist Spending in Western Australia	2394
W.A. Bureaus in Eastern States .....	2394
W.A. Tourist Authority : Subsidies Allocated .....	2394
Water Supplies in North-West : Increase in Wittenoom Allowance .....	2391

## QUESTIONS WITHOUT NOTICE—

Land—Carlisle Residential Blocks : Use by Factories .....	2395
Murders in Western Australia : Con- fessions of Eric Edgar Cooke .....	2396
Native Reserve at Gascoyne Junction : Water Supply .....	2397
Water Supplies in North-West : Increase in Allowances for Towns .....	2395
Wheat Products (Prices Fixation) Act : Tabling of Departmental Files .....	2395

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

## BILLS (8): ASSENT

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

1. Chiropractors Bill.
2. Education Act Amendment Bill.
3. Bellevue-Mount Helena Railway Dis-  
continuance and Land Revestment  
Bill.
4. Police Act Amendment Bill.
5. Banana Industry Compensation Trust  
Fund Act Amendment Bill.
6. Bibra Lake-Armadale Railway Dis-  
continuance and Land Revestment  
Bill.
7. Rights in Water and Irrigation Act  
Amendment Bill.
8. Water Boards Act Amendment Bill.

BILLS (3): INTRODUCTION AND  
FIRST READING

1. Agricultural Products Act Amendment  
Bill (No. 2.).

Bill introduced, on motion by Mr.  
Nalder (Minister for Agriculture),  
and read a first time.

## 2. Fisheries Act Amendment Bill.

Bill introduced, on motion by Mr. Ross  
Hutchinson (Minister for Fisheries),  
and read a first time.

## 3. Traffic Act Amendment Bill.

Bill introduced, on motion by Mr.  
Craig (Minister for Police), and  
read a first time.

## QUESTIONS ON NOTICE

## CRAYFISH

## Processing Points

1. Mr. FLETCHER asked the Minister  
for Fisheries:

- (1) Will he give reasons as to why—
  - (a) crayfish need to be processed  
at sea;
  - (b) such processing cannot be per-  
formed at ports or agreed  
coastal points adjacent to  
fishing grounds;
  - (c) this processing cannot be car-  
ried out at such points or  
ports under the supervision of  
fisheries inspectors?

## Conservation

- (2) With a view to crayfish conserva-  
tion arising from the processing  
of only "size" crayfish, will he  
investigate the practicability of  
implementing a policy as outlined  
in (1)?

Mr. ROSS HUTCHINSON replied:

- (1) and (2) Crayfish need not be pro-  
cessed at sea and such processing  
could lawfully be performed in  
land-based installations. How-  
ever, it is not considered desir-  
able or practicable to take action to so  
restrict the operation of freezer  
boats.

## FEDERAL AID ROADS GRANTS

Sums Expended by Main Roads  
Department

2. Mr. GRAHAM asked the Minister for  
Works:

During the last five years, respec-  
tively, what sums have been ex-  
pended by the Main Roads De-  
partment from Federal aid roads  
grants—

- (a) in the metropolitan area;
- (b) elsewhere in the State?

Mr. WILD replied:

From funds accruing under the Commonwealth Aid Roads  
Act the Main Roads Department has expended the follow-  
ing:—

	Metropolitan Area (20m. radius of G.P.O.)	Elsewhere in State	Total Expended
	£	£	£
1950-60	792,132	7,257,438	8,049,480
1960-61	583,880	7,030,522	7,623,402
1961-62	594,651	7,514,086	8,108,737
1962-63	680,544	8,380,985	9,061,529
1963-64	636,000	8,435,890	9,071,890

In addition the following Commonwealth grants have been expended in the north-west part of the State:—

1961-62	Western Australia (Beef Cattle Roads) Act	500,000
	Commonwealth grant for flood damage and repairs	180,000
1962-63	Western Australia (Beef Cattle Roads) Act	700,000
1963-64	Western Australia (Beef Cattle Roads) Act	750,000

### BOARDING HOSTELS FOR NATIVE CHILDREN

#### Number Established, Accommodation, and Locations

3. Mr. BURT asked the Minister for Native Welfare:

(1) How many boarding hostels for native children have been or are being established in this State since the 1st July, 1959—

(a) by the department, and

(b) by missions,

assisted by government grants?

(2) Where are they established and how many children were enrolled at each hostel on the 30th June, 1964?

#### Additional Buildings

(3) Is it the department's intention to build or assist with the building of additional hostels during the current financial year?

(4) If so, where, and how many children will be catered for?

Mr. LEWIS replied:

(1) (a) Six.

(b) Three.

(2)

Departmental Location	Inmates, 30/6/64	Mission Location	Inmates, 30/6/64
Yalgoo	16	Amy Bethel, Derby	52
Onslow	62	Alban House, Mt.	
Cue	68	Lawley (trans-	
Hall's Creek	55	ferred to Katu-	
Marble Bar	16	kutu Mission De-	
Roebourne	45	cember, 1961)	10

(3) Yes.

(4) Departmental hostel at Leonora to cater for 60 children.

### LOCAL GOVERNMENT: ABSENTEE VOTING

#### Withholding of Applications from Canvassers

4. Mr. JAMIESON asked the Minister representing the Minister for Local Government:

(1) How could applications for absent voting be withheld from canvassers?

#### Legal Application Forms

(2) Would not a form printed by, or on behalf of an interested party, or candidate, as the case may be, containing so much of form 1 in the twelfth schedule of the Local

Government Act appropriate to the case, be lawful application for an absent vote under the Act?

Mr. NALDER replied:

(1) There is no legal obligation on a council to supply application forms to anybody. There is, however, a moral obligation to supply an absent voting application form to every voter who wishes to exercise the right to vote in absence. It is considered there is no moral obligation to make forms available to persons who are not themselves desiring to exercise a vote, but to canvass other persons; and therefore it is considered that a council could legitimately refuse to give absent voting application forms to canvassers.

(2) Yes.

### ELECTRICITY SUPPLIES

#### Extension to Kulin

5. Mr. HART asked the Minister for Electricity:

(1) When does the State Electricity Commission expect to extend its mains to Kulin?

(2) What is the actual route of the extension to Kulin?

(3) From which scheme will Kulin be supplied?

Mr. NALDER replied:

(1) to (3) Not yet known.

### YEALERING SCHOOL

#### Power Point Installation

6. Mr. GAYFER asked the Minister for Works:

(1) Why is it taking so long to provide the one necessary power point at the Yealering School for the refrigerator purchased by the Parents and Citizens' Association last summer in which to store the children's milk?

(2) As another summer is now with us, can the matter be expedited immediately?

Mr. WILD replied:

(1) The request for the installation of the power point at the Yealering School has been overlooked.

(2) The matter is being attended to urgently and the power point will be installed within the week.

### STATE ENGINEERING WORKS

#### Keiserling Upsetting Machine: Acquisition, Cost, and Disposal

7. Mr. TONKIN asked the Minister for Works:

(1) When was the Keiserling upsetting machine (S.A. 1½ inch) installed in the State Engineering Works, Leighton?

- (2) What was the purchase price of the machine?
- (3) What would be the propable purchase price today of a similar machine?
- (4) Is this machine included in the machines offered to Doncaster Hadfields for a total price not exceeding £10,000?

Mr. WILD replied:

- (1) 1952-53.
- (2) £11,788 3s. 3d. Book value at the 30th June, 1964—£6,179.
- (3) Reliable figure not immediately available. Country of origin would influence price.
- (4) Yes.

### HOUSING AT BUNBURY

#### *Pensioner Units*

8. Mr. WILLIAMS asked the Minister representing the Minister for Housing:

- (1) What number of State Housing Commission pensioner units are to be built in Bunbury this financial year?
- (2) (a) Where will they be situated;  
(b) When will they be completed?

#### *Programme for Current Year*

- (3) What number of State Housing Commission homes will be built in Bunbury this financial year?
- (4) How many of these will be built in the Minninup Road, South Bunbury area?
- (5) Of the number in answer to (4), what proportion of these will be brick veneers?

Mr. ROSS HUTCHINSON replied:

- (1) and (2) There are four units of pensioner accommodation under construction in Gibbs and Little Streets, Carey Park, and completion is expected this month. As there are only a few pensioner applicants listed, a further review of the demand for this class of accommodation will be made after these units have been allocated.
- (3) to (5) The commission's programme is 70 houses, of which approximately one half will be erected in the new estate and, as far as is economically possible, in brick veneer.

### MIDLAND WORKSHOPS

#### *Apprentices*

9. Mr. BRADY asked the Minister for Railways:

- (1) How many apprentices have been engaged by the railways for Midland Workshops from July, 1959, to June, 1964?

- (2) How many apprentices are from country centres?
- (3) How many have lost their employment through breaches of railway regulations?
- (4) How many have retired or left voluntarily?

Mr. COURT replied:

- (1) 508.
- (2) 99.
- (3) 2.
- (4) 82.

### NATIVE PRISONERS

#### *Number in Penal Institutions*

10. Mr. BRADY asked the Chief Secretary:

- (1) How many of the natives sent to Fremantle in the last two years have been sent to the following institutions:—  
(a) Pardelup;  
(b) Barton's Mill;  
(c) Karnet?
- (2) How many of the natives in gaol are under 21?

#### *Educational Facilities at Fremantle Gaol*

- (3) What educational facilities are available for natives at Fremantle gaol?

Mr. ROSS HUTCHINSON replied:

- (1) 9/11/62 - 9/11/64:  
(a) Pardelup, 31.  
(b) Barton's Mill, 167.  
(c) Karnet, 3.
- (2) At present nine natives in gaol are under 21 years.
- (3) Educational facilities in the prison are identical for whites and coloured. They are able to take correspondence courses in a variety of subjects and are also able to attend the special school in Fremantle Prison, which is conducted by the Education Department. Tuition is from fundamentals to Junior standard if required.

### FLASHING LIGHTS

#### *Installation at Pasture Street Railway Crossing, Pingelly*

11. Mr. W. A. MANNING asked the Minister for Railways:

- (1) Has approval been given for the provision of flashing lights at the Pasture Street railway crossing, Pingelly?
- (2) If so, when will they be installed?

Mr. COURT replied:

- (1) Yes.
- (2) Completion is anticipated within three months.

**ADDITIONAL POWER HOUSE***Establishment at Albany*

12. Mr. HALL asked the Minister for Electricity:

As it is strongly and persistently being intimated that the Government is to establish a new oil-burning power house at Kwinana, will he in the light of decentralisation and repeated power failures in the southern portion of the State, give serious thought to establishing the much-needed assured power supply generated in the Albany area by establishing a power station in Albany?

Mr. NALDER replied:

This idea has been examined, but it is not economical.

**NURSES' TRAINING CENTRE***Use of Albany Regional Hospital*

13. Mr. HALL asked the Minister for Health:

- (1) Has he given consideration to reviewing his previous decision on the using of Albany Regional Hospital as a general training centre for nurses and, if so, what is the decision?
- (2) If not, will he reconsider that decision, bearing in mind the modern facilities available, population intake of the area, and specialist visits to the hospital?

Mr. ROSS HUTCHINSON replied:

- (1) and (2) The future of nurse education is at present being actively investigated by the Nurses' Registration Board and until important decisions have been made regarding the pattern of nurse training, it is not practicable to alter the present status of hospitals in this respect.

**COLLIER PINE PLANTATION:  
FUTURE PROJECTS***Recommendations of Investigating Committee*

14. Mr. D. G. MAY asked the Minister for Lands:

In connection with question 27 which appeared on the parliamentary notice paper dated Wednesday, the 4th November, 1964, will he advise as follows:—

- (a) When is it anticipated the committee will present its recommendations;
- (b) has any definite agreement been reached as to any specific future project being established in the mentioned area;

- (c) if so, would he indicate details of the projects;
- (d) will he in due course make available the final recommendations of the committee;
- (e) what officers and their respective departments comprise this committee?

Mr. BOVELL replied:

- (a) When current discussions with City of Perth and City of South Perth Councils are finalised.
- (b) No.
- (c) Answered by (b).
- (d) Yes.
- (e) Under-Secretary for Lands (Chairman); Surveyor-General; Town Planning Commissioner; Conservator of Forests; Deputy Director-General of Education; Deputy Director of Agriculture; General Manager, Metropolitan Water Supply Board; General Manager, State Housing Commission.

**WATER SUPPLIES IN NORTH-WEST***Increase in Wittenoom Allowance*

15. Mr. BICKERTON asked the Minister for Water Supplies:

- (1) As the basic water allowance in Wittenoom is the same as in Perth, will he increase the Wittenoom allowance having regard for the following factors:—
  - (a) comparative rainfall;
  - (b) comparative evaporation rate;
  - (c) dusty conditions;
  - (d) extreme heat for long periods;
  - (e) need to operate water type air coolers;
  - (f) need to establish lawns to help make living conditions bearable;
  - (g) encouragement for people to remain in the north-west?
- (2) As a check by his department would reveal that there are cases of some families having excess water bills in excess of 90,000 gallons, will he give an early favourable decision to the request in (1)?

Mr. WILD replied:

- (1) and (2) No. These conditions apply to other areas of the State and it is not possible to make an exception at Wittenoom.

**FRUIT AND VEGETABLES****Rail Consignments to Geraldton: Losses and Damage**

16. Mr. SEWELL asked the Minister for Railways:

- (1) What were the reported losses and damage to fruit and vegetables consigned to Geraldton ex the W.A.G.R. and the Midland Railway for the 12-months period to the 31st October, 1964?
- (2) Will he list the goods reported as missing, destroyed, or showing wastage?

Mr. COURT replied:

- (1) During the period mentioned, the following claims were received, and paid:—

- (a) By W.A.G.R. and Midland Railway Co. rail services—  
4 claims for loss. Value, £4 13s. 3d.

Damage to one carton of grapes was reported by departmental staff, but no claim was received.

- (b) By Midland Railway Co. Road Services—

- 3 claims for loss. Value, £4 4s. 8d.

- (2) W.A.G.R. and Midland Railway Co. rail services—

Missing—3 cases of fruit, 1 bag of vegetables.

Destroyed—Nil.

Wastage—Nil.

Midland Railway Co. Road Service—

Missing—2 cases of fruit, 1 bag of vegetables.

Destroyed—Nil.

Wastage—Nil.

**Road Consignments to Geraldton:  
Average Weekly Tonnage**

17. Mr. SEWELL asked the Minister for Railways:

What is the average tonnage of vegetables and fruit consigned to Geraldton each week ex Perth Markets—

(a) by rail;

(b) by road transport?

Mr. COURT replied:

(a) 24 tons 10 cwt.

(b) 4 tons.

**HONEY****Beekeepers Registered**

18. Mr. DAVIES asked the Minister for Agriculture:

- (1) How many beekeepers were registered in this State for each of the last three years?
- (2) How many are currently registered?

**Honey Production and Export**

(3) What is the estimated production of honey for each of the last three years?

(4) How much honey has been exported in each of the last three years?

**Export Price**

(5) What was the export price received over each of those years?

(6) What is the current export price?

Mr. NALDER replied:

(1) 1961—630.

1962—649.

1963—673.

(2) 770.

(3) 1961-62—3,561 tons.

1962-63—2,720 tons.

1963-64—not available.

(4) 1961-62—1,799 tons.

1962-63—2,400 tons.

1963-64—2,297 tons.

(5) Approximate average prices:—

(Pounds Sterling Per Ton—  
c.i.f. London)

	1961-62	1962-63	1963-64
	£	£	£
Medium Amber	87	112	136
Light Amber	91	112	146

(6) Export prices were decontrolled as from the 5th November, 1964.

The export market is unsettled, but approximate recent prices are:—

(Pounds Sterling Per Ton—  
c.i.f. London)

Medium Amber—£85.

Light Amber—£95.

**TOTALISATOR AGENCY BOARD****Retention of Pool Investments**

19. Mr. TONKIN asked the Minister for Police:

(1) Prior to the T.A.B. itself investing and during the period in which it was conducting pool schemes, in how many instances did the total investments in the pool schemes remain with the board because there was no successful investor?

(2) Would this information be known to the board's auditors, McLaren & Stewart?

(3) Would the board's auditors, McLaren & Stewart, have known whether there were no successful investors on Ace Banner and/or Radiant Pine in connection with the Moonee Valley race meeting on Tuesday, the 4th April, 1961?

(4) On the occasions referred to in (1) above, when the total amounts of investments remained with the board, did the board not retain the money without having either a legal or a moral right to do so?

- (5) Having refused information requested in Parliament in 1961 relative to investments on Ace Banner and Radiant Pine, was not the board under obligation to retain records to enable it to supply the information required when the impediments to disclosure upon which it relied had been removed?

Mr. CRAIG replied:

- (1) There are now no records available to give this information.
- (2) This information could have been known to the board's auditors at the time as they had access to all records. However, an inquiry made this day from the auditors disclosed that they now have no information on the matter.
- (3) Answered by (2).
- (4) No.
- (5) Yes, for a reasonable period.

### OIL AT YARDARINO

#### *Angle of Bore Holes*

20. Mr. GRAHAM asked the Minister representing the Minister for Mines:

Respecting the drill holes, Yardarino Nos. 1 and 3, will he supply the following information:—

- (1) Were the bore holes exactly vertical?
- (2) If not, what was the angle off vertical, expressed in degrees and minutes in each case respectively?
- (3) What was the respective direction of the deflection from vertical (if any) expressed in degrees?

Mr. BOVELL replied:

- (1) No it is not possible to drill an oil well exactly vertical, but both wells are as close to vertical as is reasonably practicable.
- (2) The average deviation from the vertical for Yardarino No. 1 is 0 degrees 22 minutes, as calculated from the dipmeter survey run after the hole reached its total depth. The deviation is not constant in direction as the well has the slightly spiral shape which is usual for an oil well. A detailed directional deviation survey has not yet been run for Yardarino No. 3, but this will be done before the well is completed.
- (3) In Yardarino No. 1 the horizontal displacement of the bottom of the hole from the surface location is 47 feet in the direction 16 degrees 45 minutes south of west. In the case of Yardarino No. 3, the horizontal displacement will not be known until the detail deviation survey is run.

### CARAVAN PARKS: MODEL BY-LAWS

#### *Discussions at Country Tourist Bureaus Conference*

21. Mr. GRAYDEN asked the Minister for Tourists:

Were the caravan model by-laws discussed at the last annual conference of country tourist bureaus held at Augusta and, if so, what was the outcome of the discussions?

Mr. NALDER (for Mr. Brand) replied:

The following resolution is extracted from the minutes of the 1964 conference of country tourist bureaus held at Augusta Hall on the 17th October, 1964—

- (8) Moved Mrs. Wood, Augusta-Margaret River, seconded Mrs. Skinner, Busselton, that Conference moves for the reviewing of camps and caravans model by-laws as raised by Mr. Grayden, M.L.A., recently in the Legislative Assembly.

Carried.

On the 30th October, 1964, the secretary of the Augusta-Margaret River Tourist Bureau wrote to the Ministers for Health and Local Government asking that a meeting be arranged at an early date.

### STANDARD GAUGE RAILWAY

#### *Cost of Works in West Midland Area*

22. Mr. BRADY asked the Minister for Railways:

- (1) When was the estimated cost of standard gauge expenditure for West Midland area prepared for submission to Commonwealth Government?
- (2) What was the estimated cost of the following works:—
  - (a) new bridge over railway, West Midland;
  - (b) level crossing, West Midland;
  - (c) new road and footpaths, West Midland;
  - (d) bridge over Chatham Street to divert traffic via Hazelmere?

Mr. COURT replied:

- (1) Final estimates for the work in this area have not yet been prepared for the Commonwealth Government because the detailed design work is not yet finalised.
- (2) (a), (b), and (c) answered by (1).
- (d) This is not a matter for the Railways Department.

The Main Roads Department advises the cost will be between £35,000 and £40,000.

## TOURISM

### *Tourist Spending in Western Australia*

23. Mr. HALL asked the Minister for Tourists:

- (1) What would be the approximate value by way of tourist spending to this State for the years 1962, 1963, 1964?

#### *W.A. Bureaus in Eastern States*

- (2) How many tourist branches or sub-branches are representing Western Australia in the Eastern States and where are they situated?
- (3) What is the cost of managing and maintaining each agency or bureau in each State separately?
- (4) What would be the approximate total receipts from the Eastern States branches and the breakdown of receipts from each State?

Mr. NALDER (for Mr. Brand) replied:

- (1) Because travel statistics within Australia are not available, total visitor spendings in Western Australia could be ascertained only by a comprehensive investigation by experts. The only reliable figures that can be given by the Tourist Development Authority relate to travel business written by its branch offices in other States. The approximate value of spendings in Western Australia by visitors booked through these offices are—

1962—£473,000.

1963—£689,000.

1964—£566,000.

The 1963 figure embraces the Commonwealth and Empire Games period which was this State's greatest ever visitor attraction.

- (2) Three. Situated in Sydney, Melbourne, and Adelaide.

(3)

Branch	1962 £	1963 £	1964 £
Sydney ....	5,462	6,501	8,823
Melbourne ..	8,911	8,267	11,333
Adelaide ....	5,417	5,817	8,373

(4)

	£	£	£
Sydney ....	94,072	105,592	117,276
Melbourne ..	151,822	162,162	228,565
Adelaide ....	93,453	93,525	103,902
	<u>£339,347</u>	<u>£361,279</u>	<u>£449,743</u>

### **W.A. TOURIST AUTHORITY**

#### *Subsidies Allocated*

24. Mr. HALL asked the Minister for Tourists:

What subsidies were paid out by the W.A. Tourist Authority to the W.A. tourist bureaus, country

tourist bureaus, municipalities, and shires carrying out tourist activities for the years 1962, 1963, 1964; that is, the amounts paid to each organisation?

Mr. NALDER (for Mr. Brand) replied:

No subsidy was paid by the Tourist Development Authority to Western Australian Government tourist bureaus located in Perth, Sydney, Melbourne, and Adelaide. These are financed from a vote approved by Parliament.

Subsidies paid to approved country tourist bureaus from funds available to the Tourist Development Authority, and subsidies paid to town and shire councils for approved tourist projects for the years 1961-62, 1962-63, and 1963-64, were as follows:—

#### SUBSIDIES PAID TO APPROVED COUNTRY TOURIST BUREAUS FROM FUNDS AVAILABLE TO THE TOURIST DEVELOPMENT AUTHORITY FOR YEARS 1961-62, 1962-63, 1963-64.

	1961-62	1962-63	1963-64
	£	£	£
Albany .....	1,143	1,122	1,271
Augusta-Margaret River .....	505	565	702
Bunbury .....	885	1,678	1,670
Busselton .....	800	1,000	887
Geraldton .....	1,750	1,750	1,750
Pemberton .....	589	726	539
Rockingham .....	NH	260	574
Totals .....	<u>£5,672</u>	<u>£7,091</u>	<u>£7,393</u>

#### SUBSIDIES PAID TO TOWN AND SHIRE COUNCILS FOR APPROVED TOURIST PROJECTS. (Years 1961-62, 1962-63, 1963-64.)

Year 1961-62.

	£
Albany Shire Council .....	643
Albany Town Council .....	7,534
Boulder Town Council .....	630
Bridgetown Shire Council .....	693
Brookton Shire Council .....	887
Broome Shire Council .....	547
Bunbury Town Council .....	98
Corrigin Shire Council .....	1,720
Cottesloe Town Council .....	2,500
Denmark Shire Council .....	408
Donnybrook Shire Council .....	2,170
Geraldton Town Council .....	4,695
Gingin Shire Council .....	9,700
Harvey Shire Council .....	1,267
Irwin Shire Council .....	1,191
Kalgoorlie Town Council .....	68
Kwinana Shire Council .....	533
Mandurah Shire Council .....	143
Manjimup Shire Council .....	1,388
Mosman Park Town Council .....	250
Mundaring Shire Council .....	3,403
Narrogin Shire Council .....	5,001
Northampton Shire Council .....	2,032
Rockingham Shire Council .....	3,296
Shark Bay Shire Council .....	2,319
Tableland Shire Council .....	200
Toodyay Shire Council .....	582
Wanneroo Shire Council .....	2,777
West Kimberley Shire Council .....	527
Total .....	<u>£57,202</u>



## Year 1962-63.

	£
Albany Shire Council	1,436
Augusta-Margaret River Shire Council	2,693
Broome Shire Council	1,222
Bruce Rock Shire Council	581
Bunbury Town Council	534
Busselton Shire Council	1,078
Cockburn Shire Council	950
Cottesloe Town Council	2,500
Cue Shire Council	1,159
Dardanup Shire Council	1,161
Denmark Shire Council	3,805
Donnybrook Shire Council	481
Geraldton Town Council	967
Harvey Shire Council	1,534
Kwinana Shire Council	1,287
Manjimup Shire Council	5,376
Nannup Shire Council	820
Northam Town Council	4,421
Northampton Shire Council	1,593
Peppermint Grove Shire Council	4,264
Perth Shire Council	5,000
Port Hedland Shire Council	677
Rockingham Shire Council	10,995
Toodyay Shire Council	2,979
West Kimberley Shire Council	179
Wyndham Shire Council	1,983
<b>Total</b>	<b>£59,655</b>

## Year 1963-64.

	£
Ashburton Shire Council	500
Broome Shire Council	1,170
Bunbury Town Council	8,467
Busselton Shire Council	120
Capel Shire Council	1,417
Claremont Town Council	300
Cue Shire Council	1,415
Denmark Shire Council	1,967
Dundas Shire Council	2,160
Esperance Shire Council	10,000
Geraldton Town Council	200
Halls Creek Shire Council	3,133
Harvey Shire Council	2,787
Irwin Shire Council	1,252
Kalamunda Shire Council	1,002
Kwinana Shire Council	880
Mandurah Shire Council	6,209
Melville Town Council	675
Merredin Shire Council	3,255
Narrogin Town Council	120
Northam Town Council	2,000
Port Hedland Shire Council	359
Ravensthorpe Shire Council	1,056
Rockingham Shire Council	500
Wagin Shire Council	2,014
Wyndham Shire Council	163
<b>Total</b>	<b>£53,301</b>

## QUESTIONS WITHOUT NOTICE

## WATER SUPPLIES IN NORTH-WEST

*Increase in Allowances for Towns*

1. Mr. BICKERTON asked the Minister for Works:

In connection with question 15 on today's notice paper, the Minister replied that as other towns had a similar allowance there was no reason why an exception should be made for Wittenoom. My question is that as these other towns would be those suffering from similar disabilities as those outlined for Wittenoom, would the

Minister give consideration to increasing the basic water allowance to all north-west towns?

Mr. WILD replied:

Yes, I will give consideration to it; but, quite frankly, as the honourable member knows, this matter has already been looked into by the committee, together with departmental officials, over a period of many months; and they arrived at a finding which was introduced to the House last week. However, I will have a further look at the matter for the honourable member.

## WHEAT PRODUCTS (PRICES FIXATION) ACT

*Tabling of Departmental Files*

2. Mr. HAWKE asked the Deputy Premier:

Will he table all Crown Law Department and Labour Department files covering the last six calendar years in connection with the Wheat Products (Prices Fixation) Act?

Mr. NALDER replied:

I thank the Leader of the Opposition for giving me prior notice of this question, the reply to which is "Yes."

## CARLISLE RESIDENTIAL BLOCKS

*Use by Factories*

3. Mr. JAMIESON asked the Minister representing the Minister for Local Government:

Has he yet been advised of the information which he said he would obtain from the Perth City Council in respect of the industrial site at Carlisle?

Mr. NALDER replied:

Yes, I have an answer to the honourable member's question which I was proposing to give to the House this afternoon. The answer, which is based on information furnished by Perth City Council, is as follows:—

- (1) The only factories being conducted lawfully on residential blocks in the Carlisle district are those which enjoy a non-conforming use right under the zoning by-law and those businesses which are on lots which have been zoned for industrial use.

## (2) and (3)

## SCHEDULE OF FACTORIES—CARLISLE AREA

Name	Address	Industry	Zoning
C. E. Byfield ....	Lot 216, Oats Street ....	Sheet Metal ....	Zone 8 (Light Industry).
Pollick's Smallgoods ....	Lot 1, Marchamley Street	Smallgoods ....	Zone 1 (Single tenement dwellings) (Non-conforming use right).
Westralian Plywood Pty. Ltd.	No. 80 Sunbury Road ....	Plywood and Particle Board	Zone 8.
Hawker Siddeley Building Supplies Pty. Ltd.	Miller Street ....	Timber Yard ....	Zone 8.
Jalco Products Pty. Ltd.	Lot 1, Oats Street ....	Plumber's Shop ....	Zone 8.
" " "	Lot 525, cnr. Planet and Oats Streets	Plumbers' Shop ....	Zone 7 (Shops, offices, showrooms and warehouses).
Cotton Traders ....	Lots 549/550, cnr. Planet and Oats Street	Industrial Rags ....	Zone 8.
L. J. Lewis ....	234 Rutland Avenue .... (Lot 8)	Secondhand Building Material	Zone 1 (Non-conforming use right).
M. R. Marsh ....	Lot 865, Star Street ....	Engineering Workshop	Zone 1 (Non-conforming use right).
McGregor's Joinery ....	Lot 37, Oats Street ....	Joinery Works ....	Zone 8.
S. Jordan ....	Lot 18, Mercury Street	Shop-fitting and Joinery	Zone 8.
Corser Corporation Pty. Ltd.	Lots 15, 16 and 17, Oats Street	Timber Yard ....	Zone 8.
" " "	Lots 222/3/4, Oats Street	Factory Units and Timber Yard	Zone 8.
C. E. Squire " " "	Lots 1 and 2, Cohn Street	Factory Units ....	Zone 8.
" " "	Lot 221, Oats Street ....	Shop, Dwelling and Joinery	Zone 8.
K. Vilips ....	Lot 192, Cohn Street ....	Karlson Joinery Works	Zone 1 (Non-conforming use).
J. Betram ....	Lot 12, Marchamley Street	Spray Painting ....	(Use discontinued.)
Amalgamated Laboratories	Lot 36, Oats Street ....	Stock Feed ....	Zone 1 (Non-conforming use).
Balmoral Autos ....	Lot 870, Weston Street ....	Car Wrecking ....	Zone 8.
Plumbers W.A.	Lot 873, Weston Street ....	Plumbers ....	Zone 8.
Swan Furniture ....	Lot 392, Bishopsgate Street	Furniture Manufacturers	Zone 1 (Non-conforming use).
Plastercoill ....	Lots 4, 5, 6, Bank Street	Plasterboard ....	Zone 8.
Direct Distributors ....	Lots 198 and 199, Swansea Street	Fruit and Vegetable Distributors	Zone 8.
Wormald Bros. ....	Lots 180 and 181, Milford Street	Fire Equipment ....	Zone 8.
D. J. McKenzie Pty. Ltd.	Lots 513 and 514, Briggs Street	Tinned Food Distributors	Zone 8.
Jason Metal Furniture Ltd.	Lots 536-541, Welshpool Road	Metal Furniture Manufacturers	Zone 8.
Neeta Furniture Pty. Ltd.	Lot 8, Planet Street ....	Furniture and Plywood Manufacturers	Zone 9 (Industrial).
Main Roads Depot ....	Planet Street ....	Works Depot ....	Zone 9.
Public Works Department	Planet Street ....	Works Depot ....	Zone 9.

## MURDERS IN WESTERN AUSTRALIA

*Confessions of Eric Edgar Cooke*

4. Mr. HAWKE asked the Deputy Premier:

(1) How long before his execution did Eric Edgar Cooke make a confession of his guilt to the Reverend Mr. Jenkins in connection with the crime for which Darryl Beamish is now serving a sentence of life imprisonment?

(2) In what manner did Cooke make his confession?

(3) Did he at the same time confess to having committed any other crime for which some other person is now serving a term of imprisonment?

(4) If so, which other crime, and who is the person serving imprisonment in connection with it?

Mr. NALDER replied:

I thank the leader of the Opposition for giving me prior notice of this question, the reply to which is as follows:—

(1) to (4) Within a few minutes of Cooke's execution, he was asked by the Superintendent

of the Fremantle Prison whether he had anything to say, and he replied that he had done "the other two murders." It is understood that Cooke also again alleged to the Reverend Mr. Jenkins that he had murdered Miss Brewer. This information has been conveyed to Beamish's solicitors.

## NATIVE RESERVE AT GASCOYNE JUNCTION

### *Water Supply*

#### 5. Mr. LEWIS (Minister for Native Welfare):

Last week the honourable member for Gascoyne asked me a question relating to a water supply for the native reserve at Gascoyne Junction. I have now the following information:—

At the present time natives residing on the reserve draw their water from a soak in the river, which is some 50 yards from where they are camping.

When the river dries up (generally about half-way through the summer months) the residents must obtain water from a soak on the other side of the river (about a mile away). I understand that the Upper Gascoyne Shire Council is negotiating with the Public Works Department for a water supply and when this is installed the Department of Native Welfare will acquire a reserve site more convenient to the town supply and will connect thereto.

## COUNTRY AREAS WATER SUPPLY ACT AMENDMENT BILL

### *Third Reading*

MR. WILD (Dale—Minister for Water Supplies) [4.57 p.m.]: I move—

That the Bill be now read a third time.

The SPEAKER (Mr. Hearman): I call on the Deputy Premier; I mean, the Deputy Leader of the Opposition.

Mr. Fletcher: Coming events cast their shadows!

MR. TONKIN (Melville—Deputy Leader of the Opposition) [4.58 p.m.]: I desire to take advantage of this opportunity to say something in regard to this legislation, in order that should the occasion arise at some future date our attitude can be referred to and action taken accordingly.

I am astonished that a coalition Government, which is dependent upon Country Party support to remain in office, could get away with a proposition like this, when we were told it had been subjected to several years' study by members of the Country Party who set out to achieve uniformity, we are now told, as their main objective. I am sorry that the people generally were given the impression that what the Country Party was trying to do was to narrow the gap between country and city prices.

I would venture the opinion that if one were to go into the country and speak to the consumers, there would be very few of them who did not believe that the purpose behind the investigation, and the purpose behind the legislation, was to bring the country prices for water closer to the prices for water in the metropolitan area. I do not think they were concerned about any absence of uniformity. What they wanted was water to be supplied at a price and under conditions which approximate more closely those in the metropolitan area.

All that has been achieved—and, frankly, I marvel at this—is that the charges for water in these towns have been substantially increased in order to achieve uniformity. In other words, what the Government has done for the country consumer is to bring about uniformity by charging consumers in a number of towns more for their water; and that is the result of what the Minister for Education termed an exercise to improve the supply of water in country districts.

Mr. Lewis: You are still wide of the beam.

MR. TONKIN: That is what you said.

Mr. Lewis: Yes; but you are still arguing from a wrong assumption.

The SPEAKER (Mr. Hearman): Order!

MR. TONKIN: Am I?

Mr. Lewis: You are saying that the exercise was to bring about uniformity.

MR. TONKIN: That is what you said the other evening.

Mr. Lewis: I did not.

The SPEAKER (Mr. Hearman): Order!

MR. TONKIN: Mr. Speaker, I do not know what your impression was; but, apart from the Minister for Education, I have not heard anybody say that the objective of this investigation and subsequent legislation was not to narrow the gap between the prices for water in the country as compared with water in the metropolitan area. When I said the other evening that that, so far as I was concerned, was the primary purpose, I was told, "No it was not"—

Mr. Lewis: I still say it.

Mr. TONKIN:—and that the purpose was to achieve uniformity and, incidentally, in achieving uniformity, to save water. It may achieve uniformity but it will not save water, nor will it narrow the gap between country and city prices. The following towns will be most adversely affected by this legislation—and the Country Party members have to take their share of responsibility for it:—

Carnarvon  
Darlington  
Derby  
Katanning  
Mundaring  
Northam  
Roebourne  
Wagin  
Wittenoom

Mr. Norton: And Shark Bay.

Mr. TONKIN: Yes, and Shark Bay particularly. Those towns will be most adversely affected by this legislation under the guise of achieving uniformity. Uniformity has been achieved by charging the people in those towns more—not by charging the others less, but by charging those consumers more.

This afternoon the honourable member for Pilbara, by question, endeavoured to extract from the Minister an undertaking that some special consideration would be given to Wittenoom, and subsequently other towns, by giving a basic allowance. I do not know whether honourable members appreciate it, but under this legislation there will be no basic allowance at all. It is to be completely eliminated so far as the country districts are concerned; and the consumers will pay a service charge, which is half the rate they now pay, and then they will buy all the water which they require from a basic allowance of nil gallons. At the present time those people have a basic allowance computed at varying rates.

At Beverley the rate is 4s. 6d. per thousand gallons; at Boulder it is 4s. 6d. per thousand gallons—that is, every 4s. 6d. paid in the rates entitles a consumer to an allowance of 1,000 gallons. In Carnarvon every 3s. paid in the rates entitles a consumer to an allowance of 1,000 gallons of water before he has to pay for any more. In Darlington every 3s. 6d. paid entitles the consumer to an allowance of 1,000 gallons; and in Derby at present every 2s. 6d. paid in the rates entitles a consumer to 1,000 gallons of water. So, if his rates are £1, he starts off with 8,000 gallons of water before he has to pay for any more. Under the legislation he will pay half the amount he now pays in rates, with no water allowance at all, and he will have to buy every gallon of water he uses. There is no basic allowance at all.

A similar situation applies in Katanning where every 2s. 6d. paid in the present rate entitles a consumer to 1,000 gallons

of water. In Mundaring every 2s. in the rates paid entitles the consumer to 1,000 gallons of water as an allowance; in Northam it is every 3s. 9d.; and in Roebourne every 2s. Just imagine what uniformity is going to mean to Roebourne! At present every 2s. paid by a consumer in that town in his water rates entitles him to a rebate water allowance of 1,000 gallons. Therefore, if his rate is £1 he has 10,000 gallons of water allowed before he has to outlay any more money; but under the Government's proposals he will pay half the amount he is now paying in rates, be allowed no water at all, and then for all the water he requires he will pay 2s. a thousand gallons for the first 60,000 gallons, then 2s. 6d. a thousand gallons for the next 40,000, and then 3s. a thousand gallons for all water required after that.

In Wagin for every 2s. paid in the water rate at the present time a consumer is allowed 1,000 gallons of water. Under the Bill now under discussion the consumer will pay as a service charge half the amount he now pays in rates and he will be allowed no water at all—no basic water allowance. But he then has to buy all the water he requires. Some honourable members on the Government side argue that because people will have to buy the water they use they will use less, and so the Government will have achieved its objective in reducing the consumption of water. I say, in answer to that, that it has not been the experience in the metropolitan area where the principle is a similar one, although not quite the same. Where the rate in the pound was reduced, with a corresponding reduction in the basic water allowance, it did not keep the consumption of water down.

I quoted figures from the department's own report to show that from the first year of operation the consumption of water in the metropolitan area reached a record figure, after making due allowance for the 4,000-odd new consumers who came into the system. If the people in the metropolitan area did not reduce their consumption because their basic water allowance was reduced, is it likely that the consumption in the country districts will fall very much? For the Country Party to be satisfied with a mere £31,000 estimated loss—

Mr. Kelly: And that is very questionable, too.

Mr. TONKIN: Yes; as the honourable member for Merredin-Yilgarn says, that is very questionable: it is only a guess. But for the Country Party to be satisfied with that just amazes me; because the Government does not hesitate to lose that sum of money in accordance with other aspects of its policy. Take the Government's policy with regard to the State Engineering Works.

Mr. Hawke: By way of illustration.

Mr. TONKIN: Yes, by way of illustration. The Government now proposes, in respect of that undertaking, to dispose of certain machines in the works which will result in a reduction of the profit of the works. Ever since 1944 those works have made £800,000 total profit, working out in later years at round about £50,000 to £60,000 per annum. The taking of those machines out of the forging shop will inevitably reduce the amount of profit that those works can make and, quite conceivably, will wipe the profit out completely, which means the impact on the Treasury will be to the extent of the lost profit.

If the Government is prepared to lose £40,000 to £50,000 to put that sort of policy into operation I ask you, Sir, is not £31,000 a very small figure indeed to provide for the purpose of giving some relief to the higher charges for water in country districts?

Mr. Kelly: There are 50,000 consumers on that basis, too.

Mr. TONKIN: So I would say the Country Party is easily satisfied if it allows the major portion of the Government to make it accept this proposition when it is in the position to get a much better deal if it only stands up for its principles and shows that it is not very enthusiastic about the proposition.

I know what I would be doing if I were in the position of the Country Party in this matter. I would set out to confer some real benefit upon the consumers in the country. I would not be content with a proposition like this, which resolves itself into making substantial increases in certain towns for the purpose of achieving uniformity.

We intend to vote against the measure because we believe the people in the country are worth something better than this. If the scheme is not approved then the obligation will remain upon the Government, and both parties of it, to have another shot at this, because I cannot imagine that the country people will be satisfied to leave things as they are. They will not become aware of the real implications of this scheme until some months hence. They will get rate notices for a reduced amount; and they will not, in a number of cases, realise that the amount they are paying is a service charge and does not entitle them to any water. It will only be when they get their accounts for the water they have used that they will start to sit up and take notice. Then, of course, the Country Party members will know all about it! But it will be a bit late for them to do anything.

What we desire is that people in the State shall be made fully aware of the real nature of this proposal, and that it does nothing—and I repeat: it does nothing at all—to narrow the gap between country and city prices. But it does achieve uniformity so far as charges are

concerned by substantially increasing the charges in the towns I have mentioned. If that is anything to crow about I am surprised. I would rather want to hide that sort of information if that was my policy. However, that is all that has been done, and we look forward with some interest to the time when the consumption figures for the 12 months can be obtained at the end of the current financial year.

I am firmly of the opinion that the experience of the metropolitan area will be repeated. There will be no reduction in the consumption of water at all, even after making due allowance for an increased number of consumers; and then, when the full knowledge of the system is borne in upon the consumers, one can expect a number of irate persons throughout the country districts of Western Australia. I oppose the third reading of the Bill.

MR. NORTON (Gascoyne) (5.15 p.m.): I must again lodge a protest against this Bill because it is one which will not achieve any purpose for the people of Carnarvon. The only favourable feature of the Bill is that it may bring about a uniform rate for water charges throughout the State, but it will definitely not conserve water in the north, because of the climatic conditions. It will simply place an added burden on the people in that area. In an area where a hot arid climate persists, one might say, for 10 months of the year, adequate water supplies are needed for bathing, washing, and gardening, and one cannot deprive the people of the north of any water by imposing on them a scheme such as outlined in this Bill.

In a dry area, such as around Carnarvon, a garden must be grown to make the house more pleasant to live in and make conditions generally more congenial; and when there are strong prevailing winds such as there are in Carnarvon, unless lawn or gardens are grown the ground will simply erode away, creating more or less a dust bowl around the house. This was exemplified by the activities of the State Housing Commission a few years ago when the contractors levelled the ground all around the house and stabilised only that part of the ground on which the house was built. As a result, sand drifts were created by the prevailing winds and additional work had to be performed in the area to clear away this sand.

As I have already stated, it is necessary that a house should be surrounded by some kind of a garden which, when maintained in a reasonable condition, helps to improve conditions generally around the home; but if a tenant has to pay for extra water, as he will under this amending Bill, I can visualise those gardens already established being gradually neglected and finally going to rack and ruin. It must be borne in mind that under the rating system at present the average

householder is allowed about 100,000 gallons a year, which is paid for by the landlord; but when the tenant finds he has to pay for that quantity of water he will not be very happy.

The Bill will mean that government employees in the Public Works Department, the Main Roads Department, school teachers, and others, will have to pay extra rent of approximately £12 a year by way of additional water rates. The tenants of all State Housing Commission homes will be in the same position. Further, the tenants of private homes will also have to pay extra rent through the medium of increased water rates. The imposition of these charges simply means placing an extra burden on people who were prepared to venture into the outback to assist in the development of the north.

I cannot see how the Government will be able to apply this uniform rating in Shark Bay. At present the people of that town pay a rate of 3s. in the pound on the actual rental value for water, which entitles them to about 100,000 gallons a year; but as no water meters are installed water is unlimited. The reason for this is that the water which flows through the mains is artesian bore water, containing the following:—

	Parts Per Million Gallons
Sodium chloride .....	3,300
Calcium .....	192
Magnesium .....	109

plus small quantities of fluoride and iron.

From these figures honourable members will realise that the water is fairly salty and is suitable only for bathing, washing, general ablutions and septic tank use, but the only grass it will grow is a type of salt-water couch which is indigenous in that part of the country. Under this Bill, if those people are rated at 1s. 6d. in the pound on the annual rental value of £94, the cost to them will be £7 1s. for a service charge. They will then be charged 2s. per 1,000 gallons for the first 60,000 gallons and then 2s. 6d. per 1,000 gallons for the next 40,000 gallons used; and when they add to this charge their annual rates, they will not be very happy.

The residents of Shark Bay also have to maintain the roofs of their houses in good condition to act as catchments or runoffs to fill their rainwater tanks; and when one takes into consideration that galvanised iron does not last for very long in this area, the imposition of these extra water charges above the normal rate will prove to be a great burden for the Shark Bay people.

The Government will reduce its deficit very considerably by the additional revenue it will receive from the people in Carnarvon and other centres in the north by the imposition of these extra water charges. In outlining the charges for an average household, on an annual rental

value of £94, under the old water-rating system the Government would supply 94,000 gallons, at a charge of £14 2s. Under the Bill the Government will receive a service rate of £7 1s., and the tenant who occupies the house will pay £10 5s. for 94,000 gallons, making a total charge of £17 6s., as compared to £14 2s. he is paying now. Therefore, once again, on the third reading, I lodge my protest against this Bill.

MR. H. MAY (Collie) (5.21 p.m.): I, too, desire to record my protest against this legislation. I consider that the country people have been greatly misled by the propaganda that has been publicised in connection with this Bill.

Mr. Norton: They have been taken for a ride.

Mr. H. MAY: It is worse than that. In plain language, as far as water charges are concerned, they have been dumped. The people in the country generally considered that under this legislation the cost of water to them was supposed to be brought nearer to the rating in the metropolitan area; but I am afraid that when the country people receive their next water account, they will realise they have been greatly misinformed.

I do not know how Country Party members are able to face their electors on this water question; but I suppose, after all is said and done, that is their business. Nevertheless, I know what I would expect from my constituents if I supported this Bill, because they will feel the impact of it very forcibly. Consumers of water in the country will need to be extremely careful with the use of water as from the 1st January next year, especially when watering their lawns, gardens, and vegetable plots.

Many country people are forced to grow their own vegetables as this is an important item in their diet and in their cost of living. However, vegetables cannot be grown without water, more particularly in the arid wastes of the country districts. Lawns, and flower and vegetable gardens which most women tend around their homes, will become things of the past unless they are prepared to pay the price for the water they will consume. If they are, that is their business; but, nevertheless, there are many people in the country areas who will not be able to afford to pay for the excess water that will be needed to maintain their lawns and gardens. As a consequence, I am sure that many homes which have been a picture when surrounded by lawns and gardens under the provisions of the old water-rating scheme, will soon become desolate.

In the summertime, lawns that have been established around homes in the country will soon wither and die without

water, and it will be impossible to maintain a flower garden without an adequate supply. Furthermore, housewives will have their vegetable supplies depleted; because, without sufficient water, they will be unable to maintain a vegetable plot, and they will have to buy their vegetables.

How any Government can put this legislation across people who have gone to the country to live and who have stayed there to assist in the development of the State, I do not know. I wonder how we will view the word "decentralisation" after this legislation is put into effect? In my opinion, it is contemptible on the part of the Government to force the people to pay additional water rates when they have been prepared to stay in the country and work in the interests of the State. Under this legislation they will be penalised with extra charges for water which should not have to be borne by them.

I have been asked by the people of the Collie electorate to protest strongly against this Bill. One correspondent asked me to introduce a private member's Bill to protest against the action of the Minister for Water Supplies in increasing the water charges by this Bill. I feel sure that Country Party members, at any rate, will be subject to the criticism which will be their due in supporting a measure of this nature.

I understand that members of the Country Party conducted investigations over a period of two years into water problems to ascertain how country people could be assisted with a new water-rating scheme, and this is what has resulted from those investigations. Is any honourable member prepared to tell me that Country Party members at their meetings submitted a water scheme on lines similar to what is contained in this Bill? Of course they did not! Therefore, why have they changed their attitude?

Those Country Party members who are sitting in this Chamber are not game to tell us. But the people will soon know once this scheme is put into operation, and I feel certain those Country Party members who support this Bill will know what their electors think about it when they receive their next water account. I strongly oppose the Bill.

**MR. KELLY** (Merredin-Yilgarn) [5.28 p.m.]: In the course of the remarks I passed on the second reading of the Bill I indicated that I agreed with the principles contained in it, but was strongly opposed to the method of their application. There has been a lack of a full examination of the proposed scheme; otherwise the Government would never have been induced to bring this measure before the House.

I know—and other honourable members know, too—that in some country towns property valuations have reached a high level. In Merredin and other main-line

towns, in particular, accounts for water, as a result, have been considerably increased; and on a basis such as this, a niggardly approach to an improved water-rating scheme as is presented by this Bill could not be accepted very gratefully by the residents of those towns.

The figure of £31,000 has been mentioned as representing the benefit that will accrue to the people in the country; but although it may have been assessed by means of some formula, in practice it does not appear to be factual. In any case, when it is considered that the £31,000 is to be spread over 50,000 consumers, the figure is very misleading.

The attempt, if it is an attempt, to minimise the charges in country areas, and to help in bringing about a closer relationship between the country and the city, has failed miserably—if those are two of the aims of this legislation. The final aim of the Bill is supposed to be the minimising of the amount of water that will be used in country areas. When we realise that our country districts, apart from the towns, are made up very largely of farms, we see how empty is the suggestion that the curtailment in the use of water will result in a reduction of the price that is paid. Anybody carrying stock of any sort has got to use a given quantity of water. It is too ridiculous to say that conservation was one of the aims of the committee which advised the Government to bring in this legislation. I say the basis is unsound, and there can be nothing but repercussions, if this legislation is passed. I oppose the third reading.

**MR. EVANS** (Kalgoorlie) [5.31 p.m.]: I, too, would like to add a few remarks so as to make my position on this issue absolutely clear. The Government has been very shortsighted in introducing this measure, even though it has claimed to have given the Bill a great deal of study. To my way of thinking, the Government has, colloquially, thrown the baby out of the bath water to achieve some devious object. There seems to be some doubt as to what that object is; but there can be no doubt of the effect of this swashbuckling piece of legislation.

As the baby is thrown out of the bath water we come to the conclusion that after the 1st of January next—if this piece of legislation appears on the Statute book of Western Australia—the Government will be the only organisation capable of throwing out the bath water. People will have to think how that water can be used again. There will be a return to the bad old days in the history of the gold-fields of Western Australia and of similar districts when water was priced at a premium.

For anyone to suggest that one of the aims of the Government is to conserve water, or to reduce the consumption of water in the country, is to insult country

dwellers. No-one is more steeped in the conscious need and value of water conservation than the true country dweller, and not one drop of water is wasted by him. Yet the Government claims that one of the aims of this piece of legislation is to reduce the consumption of water in the country. That is an insult, and I do not accept the claim. I reject that insult on behalf of the people I represent.

Another consequence of this piece of legislation is that tenants will find that instead of being required to pay only for the excess water that is used, while the landlord pays the initial rate, they will be required to pay for the full amount of water consumed in respect of the premises. We know what the consequences will be. Those people will have to consider very clearly whether it is worth while to preserve the landlord's reversion and keep up the interests of the landlord's property. Many of them will let their gardens go to pot.

The Government proudly and loudly, on the right occasions—such as before civic-minded gatherings—proclaims the aesthetics of beauty and tourism; but on this occasion we find a heavy blow being struck at the natural aesthetics that might belong inside the heart of a true country dweller—the person who loves a garden. He is to be taken for a ride by the Government in this manner! I could not remain in my seat and allow the Bill to be read a third time without passing those comments. I give notice of my intense objection to the Bill, and I shall vote against the third reading.

**MR. MOIR (Boulder-Eyre) (5.35 p.m.):** I must express once again my very strong objection to this Bill. I opposed it strongly at the second reading stage, and I oppose it just as strongly now. On many occasions the Minister for Water Supplies made very proud statements in the goldfields areas that water restrictions were a thing of the past. With the passing of this Bill we will see a return to water restrictions, and they will be self-imposed restrictions because the people will not be able to use the quantity of water which they are now using.

As I forecast some time ago, revaluations of properties on the goldfields have taken place. That is a ridiculous step for the Government to take, because it is widely known throughout this State that the goldmining industry is up against all sorts of hardships. We find the extraordinary position of valuations of dwellings and business premises being increased, while the industry is suffering. Some of the valuations have been increased by 150 per cent., and that is absolutely ridiculous. Recently many appeals were lodged—with what success I do not know—against the new valuation rates which have been imposed on the people of the goldfields.

People living in a dry and hot climate are entitled to have ample water made available. It was one of the stated intentions of the Government in bringing down this Bill that water would be conserved. How will water be conserved? By going without a bath or a wash, and by allowing the lawn and garden to die? People living in this climate are entitled to the amenities which water can bring, and they are entitled to the water at a reasonable cost. They should not have to pay an extortionate price for it.

When people become aware that this measure has been brought forward under the guise that it will confer benefits to the country dwellers they will become very irate. Many people do not realise the implications of a Bill when it is introduced. The Government has been very ready to point out on this occasion that the water rate will be on a pay-as-you-use basis. Of course we are paying for water as we use it right now, because when we use up the amount that is determined on the initial rate, we have to pay for any excess that is used. But now the occupier of premises will have to pay for the water consumed, right from the first 1,000 gallons, at a certain rate.

It is true the rate has been reduced from 3s. to 1s. 6d. in the pound; but, as was pointed out by the Deputy Leader of the Opposition, that is a left-handed sort of benefit. Previously people were allowed the full amount of the water rate as a tax deduction, but from now on they will have only half of what they were allowed before. Instead of being allowed 35,000, 45,000 or 50,000 gallons, as determined under the rate, there is to be no rebate at all, and consumers will have to pay for the water right from the start.

The people on the goldfields and in country districts who will be affected by this measure will have a very rude awakening when they next receive their water rates. They will find that the water will cost them far more than it did previously. When people find they have to pay more than the amount which they paid in the past they will conserve the water and will not use more than is absolutely necessary. They certainly will not go into a wild scheme of garden expansion, because they realise the more they use the more they will have to pay.

Under the proposition with which we are dealing, instead of the water rates for the goldfields and the country areas coming more into line with those of the metropolitan area, they will be further apart. Quite a number of people in the country are under the impression that this Bill will be the means of placing them on the same footing as their counterparts in the metropolitan area in respect of water charges, but they are in for a very rude awakening.



We realise that people are, to some extent, apathetic to matters such as this, and do not give the due thought to them that they should give. That is no excuse for the committee, which deliberated for some two years on the proposals in the Bill, to be apathetic. I am astounded that country dwellers should come forward—as members of that committee—with a scheme such as this.

Mr. Norton: They are now touchy about it.

Mr. MOIR: Somebody on that committee was a fast talker, and talked them into these proposals. The country members of that committee did not pay much attention until the Bill was introduced in this House, and then they realised what an awful bungle they had made. As time goes on this realisation will be brought home to them more forcibly, because the country people will not remain silent when they receive their annual or half-yearly water account. They will be very vocal.

The only satisfaction I can draw is that we, on this side of the House, have been awake to the proposals in the Bill and opposed them vigorously. Therefore the blame does not lie at our door. I reiterate my strong opposition to the third reading, and I shall continue to oppose the proposals contained in the Bill.

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

**Ayes—22**

Mr. Bovell	Mr. Lewis
Mr. Burt	Mr. I. W. Manning
Mr. Cornell	Mr. W. A. Manning
Mr. Court	Mr. Mitchell
Mr. Craig	Mr. Nalder
Mr. Crommelin	Mr. Nimmo
Mr. Gayfer	Mr. O'Connor
Mr. Grayden	Mr. Runciman
Mr. Guthrie	Mr. Wild
Mr. Hart	Mr. Williams
Mr. Hutchinson	Mr. O'Neill

(Teller)

**Noes—21**

Mr. Bickerton	Mr. Kelly
Mr. Brady	Mr. D. G. May
Mr. Davies	Mr. Molr
Mr. Evans	Mr. Norton
Mr. Fletcher	Mr. Rhatigan
Mr. Graham	Mr. Rowberry
Mr. Hall	Mr. Sewell
Mr. Hawke	Mr. Toms
Mr. Heal	Mr. Tonkin
Mr. W. Hegney	Mr. H. May
Mr. Jamieson	

(Teller)

**Pairs**

Mr. Brand	Mr. J. Hegney
Dr. Henn	Mr. Curran
Mr. Dunn	Mr. Oldfield

Majority for—1.

Question thus passed.

Bill read a third time and transmitted to the Council.

## MUSEUM ACT AMENDMENT BILL

### Returned

Bill returned from the Council without amendment.

## STATUTE LAW REVISION BILL

### Second Reading

MR. COURT (Nedlands—Minister for Industrial Development) [5.49 p.m.]: I move—

That the Bill be now read a second time.

This Bill is the beginning of a plan to put the Statutes of Western Australia into a more convenient and up-to-date form. The Statute law passed by the Western Australian Legislature and which is still in force consists of Acts and Ordinances passed during the period from 1832 until this present session. These enactments are to be found in about 85 volumes which contain also a large number of Statutes which have been expressly repealed or which for some other reason have ceased to have effect. From time to time suggestions have been made that the Statutes now in force should be republished in a more manageable form and a programme to investigate the best way of doing this has been followed for some time.

The first legislative step, with which this Bill is concerned, is the express removal from the Statute book of those enactments which, for various reasons, are no longer effective and which should therefore be excluded from reprint. This Bill is to repeal 384 of these enactments which were passed during the period between 1832 and 1900.

It is necessary when considering the Bill to distinguish between Statute law revision and law reform. The process of Statute law revision is not directed towards making any substantial change in the law; that is the function of law reform. This distinction must be borne in mind. When enactments are repealed as part of a programme of Statute law revision, it is because they are thought to be dead. The Bill is based on the recommendations contained in a progress report on Statute law revision which was tabled in both Houses during the last session.

A second report has been made and I have recently laid a copy of this report on the Table of the House. This report is concerned mainly with the method of publication, which is not directly relevant to the contents of the present Bill; it describes the method contemplated. These reports have been considered by the Law Society of Western Australia which has supported the general recommendations made in the reports.

The process of Statute law revision has been in operation in other jurisdictions for many years. For instance, between 1861-1960, a total of 34 Statute Law Revision Acts had been passed in England and similar action has been taken by all the other Australian States and by the Commonwealth.

In view of the large number of enactments which it is proposed to repeal by this Bill, an explanatory memorandum has been circulated with the Bill which gives some details of each enactment and the reason why it is thought to be no longer effective. It is hoped that this memorandum will enable honourable members to study the Bill more easily.

When considering the effect of the Bill, it is necessary to bear in mind the provisions of the Interpretation Act, and, in particular, sections 12 and 16 which relate to repeals. In only one case, relating to the railway Acts, which are listed in the second schedule, has it been thought necessary to add any saving provision additional to those contained in the Interpretation Act. This is referred to on pages 2 and 3 of the explanatory memorandum.

The first three parts of the first schedule contain a list of Supply and Appropriation and other money Acts which are no longer effective. The fourth part contains a number of Naturalisation Acts which were passed prior to the Naturalisation Act, 1871. A general note on these Acts appears on pages 20 and 21 of the explanatory memorandum.

Part 5 of the first schedule contains a large number of general enactments which, for the reasons indicated in the explanatory memorandum, are no longer effective.

The second schedule contains a number of enactments authorising the construction of railways. Although adequate provision is made in the Public Works Act for the maintenance of a railway which has been constructed, some doubt exists whether the provisions of the Interpretation Act are wide enough to preserve the power to alter the line of the railway within the limits of deviation specified by the Act which authorised its construction. Provision has therefore been made in the Bill to preserve expressly the limits of deviation authorised by these enactments.

The remaining schedules are quite small. The third schedule contains four enactments each of which was intended to be repealed but which was incorrectly described in the repealing Act. The fourth schedule contains four enactments which ceased to have effect on the publication of a notice in the Government Gazette in 1913. The Bill merely provides a record of this date. The fifth schedule contains two enactments which, although they appear in the Statute book, never became law because, having been reserved for Royal assent, this assent was never given.

The enactments which it is proposed to repeal are now only relics of various problems and social developments of the past. If they are no longer effective, they should not be included in any reprint of the Statutes, for two reasons—firstly, because they needlessly increase the size and cost of the reprint; and secondly,

because the reprint of any apparently dead Statute may give rise to some doubt whether or not it still contains a spark of life. The obvious solution is to repeal them expressly so that in the future the fate of such an Act can be discovered readily by reference to the index of the Statutes instead of by embarking on time-consuming research. The schedule of the Bill will provide a readily-available index for each of these enactments which has ceased to be effective.

It will be remembered that this work is being undertaken by Mr. G. D. Clarkson and Miss Shirley Offer of the Crown Law Department was appointed to assist him in this very important work. We are indeed indebted to both Mr. Clarkson and Miss Offer for the work that has been put in up to the point of preparation of this first Bill to revise the Statute law. The task of law revision is a very necessary undertaking, and one that must continue for some years to come if the deadwood of our Statutes is to be removed.

There have already been indications of support for the overall revision of our Statutes following the tabling of the first report in both Houses. This has been confirmed by the good reception accorded this Bill when introduced in another place. The Minister for Justice has expressed his satisfaction at the wholehearted support the measure was given.

The introduction of this Bill is a little late in the session. The Minister for Justice had hoped to have it here earlier. However, I think many honourable members, because of the general interest aroused, will have taken an opportunity to examine the objectives and content of the legislation even before I have introduced it in this Chamber, and it is hoped that the Bill will be passed this session. The acceptance of this legislation I trust can be regarded as both practical and formal approval for the whole scheme of law revision.

Before concluding, I would like to explain this volume I have here. It is the new form which is proposed for the binding of Statutes and I will in a moment ask your permission, Mr. Speaker, to table it for one week in order that honourable members might be able to study it while the Bill is being considered in this Chamber. I ask honourable members not to be misled by the insignia on the front of the volume. This is just a volume which has been used for the purpose of illustration and it is not the insignia which will appear on the Western Australian legislation.

Mr. W. A. Manning: You are not canvassing for books are you?

Mr. COURT: No; I am not a door-to-door salesman and no contract has to be signed. When honourable members see this binding, they will probably think of

it in terms of a loose-leaf volume, and in view of the fact that we have been so used to having bound volumes, they might consider it to be something of a disadvantage. However, research in other countries and States has convinced our officers that this is the best form in which the Statutes should be brought together in the future. It provides greater flexibility and easier reference. I commend the Bill to the House.

Before resuming my seat, Mr. Speaker, have I your permission to table this book?

The SPEAKER (Mr. Hearman): Yes, for one week.

*The book was tabled.*

Debate adjourned, on motion by Mr. Evans.

## COAL MINE WORKERS (PENSIONS) ACT AMENDMENT BILL

### *Second Reading*

Debate resumed, from the 4th November, on the following motion by Mr. Bovell (Minister for Lands):—

That the Bill be now read a second time.

MR. H. MAY (Collie) [5.59 p.m.]: When the Minister for Lands introduced this Bill, I thought he was trying to make it seem a very simple one and it appeared that there was not too much in it. However, having looked at the Bill, I am perfectly satisfied that it needs some explanation.

Mr. Hawke: Yes; it does.

Mr. H. MAY: In view of the fact that the Bill contains matter which is very difficult to follow, I intend, more or less, to read those portions in order to make it clearer and more understandable to honourable members in this House.

This Bill is largely due to the result of the upheaval that occurred in the coal-mining industry in December, 1960, when many people lost their jobs, their homes, and everything they had. Everything they had been paying for over the years was lost as a result of the retrenchment that took place in the industry at that time.

Opportunity is also being taken in the Bill to amend the reference in the Act to the Court of Arbitration, because the Court of Arbitration is no more. It has been abolished, and the Western Australian Industrial Commission has taken its place. That is one of the simple items in the measure.

The present legislation provides that where a mineworker becomes totally incapacitated as a result of injuries received in the industry, workers' compensation in a lump-sum payment bars pension benefits until the compensation is used up at the rate of the weekly payments allowed under the Workers' Compensation Act.

This provision has created some very objectionable situations, and it is proposed to amend the Act to allow—

1. The injured worker to purchase his home.
2. The injured worker to redeem any mortgage on his home.
3. The payment of medical expenses in connection with the injury in respect of which he so accepted or received the amount or lump sum shall be disregarded.

We feel the amendment does not go far enough. If a man receives a lump-sum payment, there are many situations in respect of which the lump sum could be properly and usefully used. The union feels that the Bill does not go far enough under the three headings I have mentioned, and it is proposed to amend it to include these words—

or for any purpose the Coal Mine Workers' Pension Tribunal considers justifiable having regard to all the circumstances of the injured worker.

The union, in its correspondence to me, has mentioned an example—a man named W. Lebeck, who was injured at Collie. The union in its letter has this to say—

Mr. Lebeck was struck by a falling bar in the Ewington Mine at Collie. As a result of the accident he became paralysed and is now a paraplegic. He could not obtain any money from his lump sum. He had no finance. Not sufficient to even buy a wheel chair and finally the union came to his assistance and brought him a motor-car in order that he could get around and enjoy life to a certain degree with his wife and family.

Lebeck was only a very young man when he became paralysed and most people in his capacity do not desire to go on to the pension.

It could well be that another person in his capacity would like to have finance available from his lump sum to purchase a lottery kiosk or some other business which he could handle.

This would be of assistance in many ways and would relieve the pension fund to a degree.

Honourable members will know that if an injured person has an opportunity to establish himself in some business, or do something else by which he can help to regain his normal life, apart from his disability, it is very good for him; and I think the lump-sum payment of workers' compensation should be granted to him. We do not propose that the money should be used willy-nilly. The suggestion is that when an injured worker becomes more or less totally incapacitated for his work, then the Coal Mine Workers' Pensions Tribunal should be allowed to say whether some proposition such as I have mentioned is suitable for the individual concerned;

and if it is, then he will get his workers' compensation in a lump sum and his miners' pension will immediately commence. But at present the workers' compensation amount has to be cut out at the weekly rate imposed by the Workers' Compensation Act. As a result, the miner is more or less robbed of his pension payments until that condition has worked itself out.

The other provision in the Bill to which my attention has been drawn by the Coal Mine Workers' Union is that contained in clause 5. This clause deals with certain workers who were retrenched when Amalgamated Collieries ceased operations in December, 1960. It appeared at the time of the retrenchments that some of the men would not be reabsorbed into the industry, and as a consequence a refund of their contributions to the Coal Mine Workers' Pensions Fund was made to them. However, circumstances have subsequently transpired which have enabled those men to be re-employed; but if they were over the age of 35 years at the time of re-employment, they could not qualify for the pension on attaining the age of 60 years; and that is one of the points we are raising in connection with the amending Bill. The particular provision affects men who, in order to obtain other employment, disappeared from the industry after being retrenched in 1960.

Each man's address was retained; and as his turn came around to be re-engaged in the industry, he was advised accordingly and given the opportunity of returning. For the period he had been away from the industry he had not, of course, contributed to the fund; and, as a consequence, when he became re-employed he was not eligible to qualify for pension payments on attaining the age of 60 years.

The proposal in the Bill is to amend the particular section of the Act to allow any worker so affected—provided he repays to the pension fund the amount of pension he received when retrenched, within three months of the commencement of the legislation, and provided he will have paid contributions to the pension fund for a period aggregating not less than 25 years—to become eligible for retirement benefits on reaching the retiring age of 60 years.

If within three months a man has to repay the pension contributions which were refunded to him in December, 1960, it will cost him about £20 a fortnight. This means that until the refund was completed, a man would find himself going home with only a few pounds every pay day because of the many pounds he would have to repay to the fund in order to make himself eligible for the pension on retirement at 60.

The unions have agreed to this particular amendment except for one thing, and that is the stipulation that the refunds must be made within three months

of recommencing employment in the industry. It is considered that few, if any, of the employees could repay the refunds within a period of three months as it would mean the money would have to be repaid at the rate of £20 a fortnight.

Therefore, it is considered by the unions that the period of refund should be in line with the present conditions contained in the Act: that when a worker is off work and is receiving compensation, upon resuming his employment he is required to pay double pension contributions until arrears have been met. That is quite a reasonable proposition I would say, and the unions feel the same procedure should apply in regard to these men who have been re-engaged in the industry since December 1960.

In regard to both amendments I have foreshadowed, I would like to say I have approached the Minister for Mines, and he has suggested that in view of the fact that it is necessary to get the Bill through as soon as possible, we should agree to the second reading and should allow the Committee stage to go through, and even the third reading, and that in the meantime he will arrange to have the two amendments investigated; and, if possible, and if thought advisable by him, have them included in the Bill when it is in another place.

I think that is a reasonable proposition, and I am very grateful to the Minister for agreeing to consider the amendments and for saying that if they are advisable and workable he will arrange for somebody to move them in another place when the Bill is receiving attention there.

The changed circumstances in the coal-mining industry since December, 1960, have proved to be very harsh in respect of some of the men who were retrenched. I feel sure the House will agree that anything that can be done to alleviate their position and to make it possible for them to recover the status they had prior to retrenchment should be done.

Collie is the centre of the coalmining industry, which has taken some very hard knocks. At this point I claim the attention of the Minister for Education who was in Collie recently and met the people, and I think he appreciates the type of people they are. I am only sorry it has not been possible for more of the Ministers to meet the Collie people so that they could understand and appreciate them.

Mr. Bovell: I was there during the crisis to which you have referred.

Mr. MAY: That is true. The Minister for Lands opened the new wing of the school. I do not know, however, whether many other Ministers have been to Collie, although I am aware that some have. A person has to go to Collie and meet the people to understand their position and their characteristics.

I feel sure I can claim the sympathy of this House in regard to the Bill and the objectives it seeks to achieve, and in regard to the two amendments which we propose and which we hope will be considered in another place and finally included in the Bill. I support the second reading.

*Sitting suspended from 6.15 to 7.30 p.m.*

**MR. BOVELL** (Vasse—Minister for Lands) [7.30 p.m.]: This Bill, of course, is designed to improve the position of coalminers who enjoy benefits under a pensions fund, and it does bring the Western Australian legislation into line with that in New South Wales in this regard.

The honourable member for Collie has said that the Bill does not go far enough; but, in the main, the provisions are designed to improve the conditions which will be enjoyed by retired miners. I want to thank the honourable member for Collie for his suggestion that the two amendments to which he has referred be considered in another place where the Minister for Mines is. That, I think, is the correct procedure. Because of the limited time available to me I have not had the opportunity of considering the amendments and referring them to the appropriate Minister.

I know the Minister for Mines will give earnest consideration to the suggestions made by the honourable member. However, it is the responsibility of the honourable member for Collie to see that the amendments he has foreshadowed are raised in another place when the Bill is being considered there.

The only other provision is a machinery one in regard to the industrial commission, altering the present Act to bring it into line with present-day conditions.

**Question put and passed.**

**Bill read a second time.**

*In Committee, etc.*

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

*Third Reading*

**Bill read a third time, on motion by Mr. Bovell (Minister for Lands), and transmitted to the Council.**

## **ADMINISTRATION ACT AMENDMENT BILL**

*In Committee*

Resumed from the 4th November. The Chairman of Committees (Mr. I. W. Manning) in the Chair; Mr. Court (Minister for Industrial Development) in charge of the Bill.

### **Clause 8: Section 108 amended—**

The CHAIRMAN: Progress was reported on the clause after the Leader of the Opposition (Mr. Hawke) had moved the following amendment:—

Page 4, line 5—Delete the word "ten" with a view to substituting the word "six."

Mr. COURT: When this amendment was before the Committee on the last occasion I undertook to have the matter discussed with the Treasury, the Treasurer, and the Minister for Justice with a view to seeking some more information regarding the significance of the amendment set out in the Bill; namely the 10 per cent. limit imposed on the penalty that could be applied in respect of arrears of duty—in other words, on people who had been tardy in meeting their commitments.

We discussed at some length the protective clauses that were in the legislation so far as the commissioner was concerned and those who were liable to pay the tax. I chased this matter up to find out what was the position in the other States, and I find that the actual penalty rates of interest imposed by Statute for the non-payment of death duties are as follows:—The Commonwealth rate per annum is 10 per cent., and this is payable if the duty is not paid within 30 days after assessment. In our case the interest does not start to run, of course, until three months after the duty is assessed and payable. In Victoria the rate is 8 per cent., as it is in New South Wales. In Victoria it applies 12 months after the date of death and in New South Wales six months after the date of death. That is as distinct from our own three months after the actual assessment and it becomes due and payable.

I think that in our case the commencing date of interest would be much later than that which applies in New South Wales or Victoria. In Tasmania the rate is 10 per cent. and in that State it applies 30 days after assessment. In South Australia the rate is fixed by the Treasurer; and we were not able to ascertain, in the time available, the actual rate used there at the present time. In South Australia the rate applies three months after assessment.

In respect of the income tax and social services contributions under the Commonwealth Act, I refer to section 207 of the Income Tax and Social Services Contribution Assessment Act, under which the penalty rate for non-payment of income tax is 10 per cent. per annum. In any case, the Commissioner of Taxation may, for reasons which he thinks sufficient, remit the additional tax or any part thereof. I should add that the commissioner in each of the States is given discretionary powers in respect of this interest just as the commissioner is under our own Act, and as is proposed in the Bill at present before us.

Following a discussion of the matter with the Treasurer and the Minister concerned, it is felt that a compromise which might be acceptable to the Opposition is to adopt the figure which applies in the two so-called standard States of New South Wales and Victoria; namely, 8 per cent. In the case of the Commonwealth and Tasmania it is 10 per cent. The fact that in those States the interest payment starts on a different date from ours is not really material, because we have a well-established system here. If the Leader of the Opposition is satisfied with the proposal I am prepared to support his amendment to delete the word "ten" with a view to inserting the word "eight." We cannot see our way clear to come down any lower, particularly in view of the fact that Victoria and New South Wales, which have the lowest rate, have 8 per cent. while all the others have 10 per cent.

Mr. HAWKE: I still think that 8 per cent. would be too high as a penalty which could be inflicted for the non-payment of duty which had been assessed and which had become payable. However, it is some improvement on what is contained in the Bill. To reduce the maximum from 10 per cent. to 8 per cent. is some improvement and, to that extent, satisfactory. In the circumstances, and as there is no alternative available to me except to agree to the compromise, my amendment will still stand for the deletion of the word "ten."

**Amendment (to delete word) put and passed.**

Mr. COURT: I move an amendment—

Page 4, line 5—Substitute the word "eight" for the word deleted.

I can understand the reluctance of the Leader of the Opposition to have inserted a figure which is higher than the one he proposed. However, I want to reiterate that this particular provision is intended to apply against those people who are trying to avoid their responsibilities to the State and to the revenue; and it does appear rather strange to the Government that such resistance should have been shown to the figure 10, bearing in mind it was to be used with discretion. There were plenty of safeguards, and the intention was to give the Treasurer and the commissioner power to nudge along some of those people who were trying to avoid their responsibilities and possibly make a profit out of avoiding their responsibilities. However, for the reasons I have given, we are prepared to accept the figure 8.

**Amendment put and passed.**

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

**Clause 9: Section 119 amended—**

Mr. COURT: There is an amendment on the notice paper in my name in respect of clause 9. I explained the significance of this during the second reading.

As the Bill was drafted it would have embraced the bonuses within the sum of £1,000, and the intention is to make it clear that this is exclusive of those bonuses. The honourable member for Geraldton expressed a wish that the figure be made larger than was originally intended. However, this does go part of the way in meeting his objection. I move an amendment—

Page 4, lines 8 to 10—Delete all words after the word "substituting" down to the word "thousand" and substitute the following:—

for the words "together with any bonuses or benefits payable thereunder the sum of two hundred pounds" in lines six and seven of subsection (1), the words "exclusive of any bonuses or benefits payable thereunder the sum of one thousand pounds."

**Amendment put and passed.**

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

**Clause 10 to 13 put and passed.**

**Title put and passed.**

### *Report*

**Bill reported, with amendments, and the report adopted.**

### *Third Reading*

**Bill read a third time, on motion by Mr. Court (Minister for Industrial Development), and returned to the Council with amendments.**

## **WHEAT PRODUCTS (PRICES FIXATION) ACT AMENDMENT BILL**

### *Second Reading*

**MR. WILD (Dale—Minister for Labour)**  
[7.50 p.m.]: I move—

That the Bill be now read a second time.

The Wheat Products (Prices Fixation) Act, 1938-39, came into operation on the 5th December, 1938, for the purpose of controlling the prices of wheat products, including bread. This Act, and similar Acts in each State, followed Commonwealth legislation which was designed to assist wheatgrowers when the price of wheat in the markets of the world was at an abnormally low level.

Commonwealth legislation provided for a tax on flour consumed in Australia to bring the home consumption price of wheat used for manufacture into flour to 5s. 2d. per bushel. The Wheat Products (Prices Fixation) Act was brought in to protect consumers against a rise in price beyond a reasonable level of wheat products, including bread, as a result of the tax. On the 22nd December, 1947, the flour tax was reduced to nil, and since that date no further tax has been levied. Although the circumstance which

led to the introduction of the Act ceased to exist, it continued to be used for the fixation of maximum and minimum prices of bread.

The Act provided for the appointment of a wheat products prices committee which could recommend that the Governor by proclamation fix the minimum and maximum price at which flour and wheat products were to be sold in the State or specified part of the State. Section 15 (2) (a) and (b) of the Act, however, fixed a minimum price of £11 per ton and a maximum price of £13 10s. per ton for flour. Increases in the price of wheat for home consumption led to flour rising to £16 9s. 9d. per ton in June, 1948, and at the present time the price is £39 5s. per ton. It was thus impossible to fix the price of flour under the Act after 1948.

In August, 1959, in view of the fact that bread was the only food product which still had its price fixed, and then only the standard loaf, it was felt that no good purpose would be served by continuing to use the Act for fixing the price of bread.

Investigations showed that there was keen competition in the baking industry; and, in addition, the Bread Manufacturers' Industrial Union of Employers gave an undertaking to continue to fix the price of bread according to the accounting procedure used to guide the Wheat Products (Price Fixation) Committee. This practice, with some modification due to the introduction of a five-day working week in 1962, has been observed. The prices of bread in this State compare favourably with those in other parts of the Commonwealth.

The bread manufacturers also gave an undertaking that they would inform the Government if at any time they proposed to make an increase in the price of bread, and they have honoured that undertaking. It is well known that this Government was at that time, and still is, opposed to the principle of price fixing. The term of appointment of the committee expired on the 8th May, 1959, and the Government decided not to make a further appointment. It has been said that by not appointing a committee the Government has failed to give effect to the law.

It is clear the Act permits, but does not require, the issue of a proclamation. The Act does require that there shall be a committee; but as the Government had no intention of issuing a proclamation fixing the price of bread, it would have been farcical to appoint a committee. However, so as to put the matter beyond doubt, this Bill has been introduced to make the appointment of a committee as well as the issue of a proclamation permissive. The Act will remain on the Statute book. It will represent a deterrent to any unreasonable price increase, because the means will be readily available for the

Government to institute an inquiry by a properly constituted committee if at any time this is deemed desirable.

The purpose of this amendment is to allow in the first place of the appointment of a committee as and when required to investigate the price of wheat products, and also to impart flexibility to the section which at present limits the price of flour to £13 10s. per ton. When a particular price or figure is written into an Act it cannot be changed to meet conditions which differ from those which prevailed at the time the price or figure was fixed, except by an amendment.

By providing for the price to be fixed by regulation and the appointment of a committee as and when it is considered necessary or desirable, it will be possible for the machinery of the Wheat Products (Prices Fixation) Act to be reimplemented in the interests of the consumer of wheat products or the producer of wheat without delay or complication, at any time the government of the day may so desire.

Debate adjourned, on motion by Mr. Hawke (Leader of the Opposition).

## WHEAT PRODUCTS (PRICES FIXATION) ACT AMENDMENT BILL

*Message: Appropriation*

Message from the Governor received and read recommending appropriation for the purposes of the Bill.

## STATE FORESTS

*Revocation of Dedication: Motion*

Debate resumed, from the 4th November, on the following motion by Mr. Bovell (Minister for Lands):—

That the proposal for the partial revocation of State Forests Nos. 18, 21, 22, 27, 30, 37, 38, 39, 48, 51, 52, 53, 56 and 59, laid on the Table of the Legislative Assembly by command of His Excellency the Governor on the 3rd November, 1964, be carried out.

**MR. ROWBERRY (Warren) [7.52 p.m.]**: The matter before the House is a motion by the Minister for Forests for the revocation of certain portions of State forests as authorised by command of His Excellency the Governor. Because of certain considerations, during each year it is necessary to have alterations and revocations of State forests and their boundaries, and this is another such instance.

In the portions of the State forests before the House which I have examined—and I can see no reason why the House should not assent to the revocations—I find that in most cases there has been an exchange of land between the owners, the national park, and the State Forests Department. In nearly every case there has

been a *quid pro quo*; in fact, in some cases there have been two *quid pro quos*; because, during the year 1963-64, as at June, I find that the State forests increased in acreage by about 5,000 acres—by 4,722 acres, to be exact.

Members can therefore rest assured that in these revocations the State is not losing anything at all. It is interesting to note that in one case the land concerned had been used as a tramway for bringing logs in from the bush. I mention this because it is a matter of interest to the House that this was the last mill tramway line in the State. A few years ago all logs were invariably brought into the big mills by steam trains working on rails. A few months ago the last one was put off at Pemberton; and now this is the last instance where we will find bush line tramways mentioned in any revocation. I think it is a matter of historical import.

Mr. Burt: There is still one on the gold-fields.

Mr. ROWBERRY: As far as the south-west is concerned there are none left in my district. Mostly the transport of logs is effected by road transport.

I suggest to the Minister, or whoever the Minister will be next year—it could be there will be a different Minister in charge—that he include the reasons for revocation of the land in question, together with descriptions of the land, as this will make it easier for the honourable member who takes the adjournment and will facilitate the passage of the Bill.

I commend the motion to the House. As I have said, I have examined the proposition and can find nothing in it to which I can take exception.

MR. BOVELL (Vasse—Minister for Forests) [8.2 p.m.]: I would like to take this opportunity of thanking the honourable member for Warren for his comments. As I stated when introducing the motion, the matters dealt with are carefully considered by the Conservator of Forests, and it is in the interests of the State generally that these excisions from our State forests should take effect. I have much pleasure in commending the motion.

Question put and passed.

Resolution transmitted to the Council and its concurrence desired therein, on motion by Mr. Bovell (Minister for Forests).

## AGRICULTURAL PRODUCTS ACT AMENDMENT BILL (No. 2)

### Second Reading

MR. NALDER (Katanning—Minister for Agriculture) [8.4 p.m.]: I move—

That the Bill be now read a second time.

The need for this Bill has been occasioned by difficulties that have arisen in carrying out the provisions of the Agricultural Products Act and regulations as it relates to apples. There is power contained in the Act to prohibit the sale of apples of any prescribed grade; but, according to Crown Law opinion, this gives no authority to restrict sizes within a grade.

In 1962, as a result of the recommendations of the Royal Commission into the apple industry, and at the request of the Western Australian Fruit Growers' Association, legislation was introduced which set up the Apple Sales Advisory Committee to control the sales of apples.

It was the intention of the association and the Royal Commissioner that apple sales restrictions should apply to sizes of apples as well as grades. However, in the drafting of the legislation it was thought, at that time, that the powers pertaining to grades also covered the various size categories of apples. Regulations were prepared on this basis and have been policed. Numerous breaches have been reported, and a large number of them relate to the selling of undersize apples. It was when legal action was taken in regard to these undersize apples that the Crown Law Department drew attention to the omission in the Act.

This amendment will extend the activities of the Apple Sales Advisory Committee to cover grades and sizes of varieties of apples in keeping with the original intention of all those concerned. The passage of this Bill will enable the apple sales restrictions to have a more worth-while effect on the stability of the industry.

Debate adjourned, on motion by Mr. Rowberry.

## LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 2)

### Second Reading

Debate resumed, from the 4th November, on the following motion by Mr. Nalder (Minister for Agriculture):—

That the Bill be now read a second time.

MR. TOMS (Bayswater) [8.6 p.m.]: When the Local Government Act of 1960 was being discussed in this House—this Act came into force in July, 1961—the Minister of the day indicated that from time to time it would be necessary for amendments to be brought here. That remark was well and truly borne out by the fact that in 1961 an amending Bill with 34 clauses was introduced; in 1962 one with 29 clauses was introduced; in 1963 a Bill containing 34 clauses was introduced; and this year before the House is another amending Bill containing 35 clauses.



I do not propose to discuss some of the clauses very fully because they are a matter of interpretation and for the purpose of clarification only; but there are one or two particular clauses about which I will have a good deal to say. The first two clauses and, indeed, two subsequent clauses, deal with street alignments. There does appear to have been some confusion with local authorities to the definitions of "street alignment" and "building line," particularly with regard to the set-back. The object of this amending legislation is to alter the expression, "building line" to "street alignment"; and in only one clause in the Local Government Act will there then appear the words "building line." That will be in a new section to be inserted, I think, to be known as section 433.

The third amendment is one to which I, as a person connected with local government, desire to take strong exception; and, as honourable members will have noticed, it is the cause of an amendment on the notice paper in my name. This particular amendment is to the section of the Act which deals with disqualification. I refer, of course, to proposed amendments to section 36.

A case was brought to light during the elections of 1964 in which a pensioner, who had made arrangements under section 561 of the Act, sought to become a councillor on a council. However, because legal opinion is apparently running true to form, inasmuch as there is a difference of opinion, the Minister has brought down this particular amendment for the purpose of making it certain that a pensioner who has made arrangements under this particular section of the Act will not have the right to become a mayor, president, or councillor.

The Minister, in another place—and indeed, the Minister in this place—when introducing these particular amendments said that these proposals had the general approval of the Local Government Association and also the shire councils. It was most interesting to note that in another place when another Local Government Bill was being considered, a question was raised as to the position of the Local Government Association, and these words were used by one honourable member who asked the Minister, "Would you know whether a resolution was passed and whether all boards had discussed the matter?" The Minister replied, "All I know is the resolution was sent to me by the Local Government Association." It is rather amusing, because the Minister continued, "It represents a unanimous vote, except for three who did not vote." I do not see how one can consider that a unanimous vote.

I am wondering whether this particular amendment has been referred to all local authorities for their opinion. If it were, I doubt very much whether there would

be a unanimous opinion from each member body; but here we have the Minister saying that it has the unanimous support of local authorities when, in fact, I do not think it has. I say that because in the final paragraph of that portion which I was reading the Minister went on to say, "and since that time Fremantle has had its meeting and says it supports the resolution."

That was in regard to another matter; and I will also quote that shire council which did not agree to the other matter in a letter which it sent to an honourable member of this Chamber, dated the 2nd October, 1964. This letter was prepared by the assistant Town Clerk (Mr. S. W. Parks) and submitted to the council at a council meeting held on the 19th October, 1964, when the council adopted the report. The letter deals with the proposed new section 36, and this is what the council had to say about it—

The proposed Section 36 (1) (c), however, deals with the matter of disqualification of persons who have availed themselves of the opportunity to defer the payment of rates, as prescribed in Section 561. By virtue of this section, such a person is ineligible to be a Member of a Local Authority when any portion of the rates deferred has been imposed for a period in excess of six months.

As you know, the Council of the City of Fremantle has, by resolution, expressed its opposition to this provision. Although not specially dealt with in the original Act of 1960, the limitations of Section 36 (1) were considered to extend to Pensioners, and the introduction of the proposed Section 36 (1) (c) will leave no doubt as to the intention of the Act.

In a broad expression of opinion, this Council has stated that it believes that good, sound Local Government is more likely where a Council consists of Members who form a cross-section of the community. The experience of the City of Fremantle supports this view, where Council function has progressed with understanding between its Members and without the petty squabbles which occur from time to time in some Municipalities.

Statements have been made questioning the fairness of offering more generous conditions for any person to act as a Councillor than those applicable to persons who are already acting in an honorary capacity and who must pay their rates to continue as a Councillor. But is it reasonable to provide that a person who becomes a Pensioner and exercises his right to defer the payment of rates, in accordance with Section 561, is thereby disqualified from being a Member of a Local Authority? Many persons now

serving in Local Government are aged over 65 years but continue to give excellent service to the community in the capacity of Mayor or Councillor.

I might break in here by saying that many of us know the Mayor of Fremantle (Sir Frederick Samson); and who are we to know if, through adverse circumstances, he might have his livelihood chopped off and have to make arrangements under regulation 561? Are we to say, "Despite all your experience, and despite what you have done for the town, out!"? That is the extent of this clause. Continuing—

Is it suggested that the same people would be less competent, or otherwise unacceptable, simply because it had become necessary for them to defer the payment of rates?

It might also be said that a Pensioner desiring to serve in the capacity of Mayor or Councillor should make an effort to pay rates in the same manner as any other individual, but it is well known that many Pensioners have no choice but to defer rate payments in favour of their every-day needs.

The Executive of the Local Government Association offered the comment that instead of considering means whereby non-rate paying Pensioners can enter Local Government, should not the efforts of the Association be directed towards encouraging more young people to serve their fellow-ratepayers.

This comment warrants correction in that Pensioners are not "non-rate paying"—they merely have a statutory right to defer payments.

The need to encourage young persons into Local Government is agreed, but it is also submitted that there is an argument for some older members—to provide the cross-section of the community previously referred to.

If it is to be accepted that a person of 65 years of age is too old to serve as a Member of a Local Authority, then the Local Government Act should include such restriction. It is wrong to apply the proposed Section 36 (1) (c) and thereby provide that a person with means can continue as a Councillor to any age, but a person whose financial position dictates that he apply for deferment of rate payments at the age of 65 years is unacceptable. This more or less introduces a form of "means test" for persons whose age exceeds 65.

It is on the basis of the foregoing argument that the City of Fremantle has expressed opposition to the limitations which are now to be enacted in the form of Section 36 (1) (c), and the opportunity should be taken to have clause 6 of the Bill, in its present form, opposed in Parliament,

Those are the comments of the second city of Western Australia. Some honourable members may say that theirs is the second city, but I think Fremantle is recognised as being the second city of Western Australia.

I would draw the attention of honourable members to some of the comments made by the Minister in his second reading speech. These are some of the passages which, I believe, are applicable, and of which one should take a fair amount of notice. The first is as follows:—

The Bill is not one which should cause any great contention and in general the amendments are already known to the Local Government Association and Country Shire Councils Association and have been approved by those bodies.

I pause there, because I believe I have asked the question which was asked in another place: Have these particular items been referred to individual bodies of the Local Government Association and to country shire councils? I doubt whether they have. A vote was taken at the association meeting on another matter and there were some abstentions; and I think that possibly the same could apply in regard to some of the questions we are discussing here tonight. The Minister went on to say—

The opportunity has also been taken in the same clause—

that is, clause 36—

to deal with the question of pensions, there having been some doubt there as to whether in fact a pensioner who had had his rates deferred was debarred from membership. Some solicitors have held that there was no doubt that a pensioner whose rates were deferred was debarred but others have held that as pensioner's rates were deferred they were not owing in the full sense of the term and he was eligible.

Another paragraph reads as follows:—

As the whole purpose of the Act is to ensure that the persons administering the council do not owe money to the council and therefore cannot be charged with imposing burdens on people while failing to meet their own commitments,

Can any honourable member agree with a statement such as that? I think a person who is having his rights deferred on his property with a caveat would be one who would be more vigilant than one who was not worried about finance, and he would possibly have a tighter rein on finance. Yet we have this being put up as an excuse for a pensioner not to be entitled to become a member of a council.

There were interjections at that stage, which the Minister may recall, and he went on to say as follows:—

There is apparently some misunderstanding as to the intention of this amendment if comments in another place can be used as a guide. There is no suggestion whatever that the amendment is to make pensioners what might be called second-class citizens.

No; there is no intention to make them that way. But the provisions of section 36, which deal with this particular section and refer to disqualifications, would classify these people as being unable to take their places as councillors, and they would be classified among those who are bankrupt and who have a criminal record. Yet we are not going to set them apart; we will merely put them in that category and disqualify them simply because they have reached the stage where they cannot meet their commitments to a local authority. Local authorities have a gilt-edged security inasmuch as rates are charged against the property with a caveat on the title. It is the first charge, after the undertaker's charge, against the property. Except for the Limitations Act, it is the first charge.

Therefore I would ask the Minister once again to give very serious thought to this position. I believe we are meting out a serious injustice to men who have had years of experience in local government, and who are reduced, through adverse circumstances, to that state where they have to make arrangements with a local governing authority. And they having reached that stage, say to them, "No, we are not putting you in a separate category, but we are putting you among the bankrupts and among those who have criminal records. You can have a vote, but you cannot become a mayor or councillor. But your fellow councillor, who may be living in a State Housing Commission home across the road, and who may have been there for the past 12 months, is contributing, through rent, to the payment of rates. He may possibly have a reduced rental because of income, but he is contributing; and as an occupier of a house he can become a councillor after 12 months or less. But you, a pensioner, who have been living in the district since you were 21, who were married in the district, and who have lived here for 40 years and paid your rates right up until now, are not able to meet your rates; and simply because of that you are out."

That is the position we have reached in this particular section of the Act. It is one of the greatest slurs on our pensioners to say, "You are not eligible because you have deferred your rates." If rates were exempt I would say, "Yes"; but they are not exempt. They are a charge against the property. We might as well give a

pensioner who has an interest in the district a gun, or a razor with which to cut his throat, rather than take him away from local government.

Mr. Nalder: You're being cheerful!

Mr. TOMS: I am being honest. If the Minister had been in local government he would find it is something that gets in one's blood. It is not a glorious 3 per cent. business, as some people might think. One is there to do a job. We say to a man, "No, brother; you now have to make arrangements with a local authority. You get out and let somebody else come in." And somebody who is renting a property can take precedence over a man who has been living in the district for some 45 years. If that is justice, then my idea of justice is a great deal different. I think other honourable members may have something to say on that particular provision.

I now pass on to a minor amendment, wherein the word "of" is altered to the word "or". This is in relation to the oath of allegiance. The purpose of the amendment is to put the matter right. The Minister for Local Government encountered a problem last year with one of the shire councils. He had to tell the council to put back 32 names on the roll after the rolls had closed. One of the pages of a roll had been missed out and 32 people had their right to vote taken away, which matter was rectified by the action of the Minister. It is now proposed to amend section 59 of the Act to make it legal for that sort of thing to be done. I do not think we can find any argument against that. A person who has been on the roll and who has been inadvertently left off should not be debarred from having a vote.

The next amendment deals with the election of a vice-president by secret ballot. The routine is set out in section 73 whereby a president is elected by secret ballot. There is no reference in the Act to the election of a deputy president, or a deputy mayor, as the case may be, and this amendment sets the matter right.

The next amendment is one with which I agree to a point. I wish, however, it were a little broader. It gives the returning officer the right to refuse a nomination if he finds that the rates are over six months due. Under the existing Act that power is not given to a returning officer. Under the Act the returning officer is the shire clerk. The information I was given was that he, as returning officer, could not convey the information, but as the shire clerk he could possibly tell the fellow. Once he is appointed returning officer, I would say that he would be the returning officer until after the election was complete and, as such, he has been debarred from telling a nominee that his nomination was not correct.

In this connection I am pleased to say that I believe the Local Government Department is going to issue to local authorities the printed sections Nos. 35, 36, and 37 giving the disqualifications, and that each nomination form which is handed out by a local authority will be accompanied by a copy of these particular sections, so that no candidate can plead ignorance of these disqualifications. That is a move in the right direction and one which many councils will welcome.

The next amendment deals with the effect on a person whose name appears on the electoral list but not on the roll. This rather long clause contains provisions akin to those in section 122 of the Electoral Act wherein a person claiming entitlement to vote is given a vote after making certain declarations. The next two clauses are machinery amendments, clause 14 seeking to amend section 135, which is the section of the Act dealing with the payment of returning officers, deputy returning officers, presiding officers, and poll clerks at elections. It also seeks to raise the various fees paid to those officers ranging down the scale from £2 2s. for a presiding officer, £1 1s. for a deputy presiding officer, and so on. There is no argument about the granting of those increased payments, because the value of the pound today has been greatly decreased.

The next amendment is one that we tried to introduce in 1963 to section 173. It deals with a mayor or president being placed in the position of having to cast a vote in the event of equality of votes. Under the old legislation the word "may" was used, but this amendment seeks to have the word "shall" inserted in the Act, so there is no argument about that amendment. The next clause deals with a deputy mayor or deputy president taking the chair when a mayor or president is unable to attend a meeting, and the following amendment provides for any member of the committee present to be elected as chairman by the committee in the absence of both the mayor or deputy mayor or president or deputy president, as the case may be.

The following clause seeks to amend section 202 by granting additional power to the local authority to determine what is "rubbish", etc. I am afraid, however, the amendment will not have much effect. For some time local authorities have endeavoured to determine what is "rubbish". A ratepayer may have a great deal of material in his backyard which is considered to be rubbish by the local authority, but the ratepayer regards it as part of his tools of trade, etc. Therefore, whilst this provision proposes to grant a local authority a little more power, it will be a different question altogether when attempts are made to police the provision and determine what is "rubbish".

Under the next clause it is proposed to add a new section to the Act, to be known as section 202A. This seeks to deal with a problem which exists not only in the metropolitan area, but also in the country; that is, the disposal of disused motor vehicles, or old motor vehicle bodies and machinery. The provision will give a local authority power to make by-laws, and it is reasonable to assume that they will be fairly equitable, because the Minister's approval will first be necessary. The provision will, perhaps, give some local authorities an opportunity to clean up many of the eyesores, in the form of heaps of old motor vehicle bodies and machinery, around the various districts.

The next clause brought about a fair amount of discussion in another place because of its definition. It seeks to deal with private streets. I believe the main purpose of the amendment is to simplify the closing of rights-of-way. At the moment the position is that if one ratepayer objects to the closing of a right-of-way in any district, despite the fact that all ratepayers in the vicinity are in favour of the right-of-way being closed, no action can be taken by the local authority. Under this provision, however, the local authority will have power to serve a notice upon the owner of the private street, the owner of each block of land that abuts on the private street or to every other person who is affected by the closure, and takes action accordingly if it is considered to be in the best interests of all concerned for the private street to be closed.

Nevertheless, if any ratepayer who is concerned with the closure of the right-of-way has a *bona fide* objection the local authority will take cognisance of such objection, but, on the other hand, it could be just stubbornness on the part of that particular ratepayer, and this provision will give the local authority power to take action to close the private street for the benefit of all concerned. This particular clause is an extremely lengthy one.

The next amendment, appearing on page 18 of the Bill, deals with country or regional councils, and it seeks to include, in section 329, the words "whether under this or under another Act and in particular the Traffic Act, 1919." This deals with a situation where two or three local authorities combine for the purpose of some particular action, and the amendment seeks to add this section of the Traffic Act to section 329 of the Local Government Act and, as far as I can see, there is no objection.

The clause which seeks to amend section 331A of the Act provides for power to be given to local authorities to close streets for certain purposes. One of such purposes would be to ascertain the best method of controlling traffic. No doubt honourable members have seen an example

of this from time to time when sandbags have been placed along a section of a street temporarily with the purpose of ascertaining what effect it will have on traffic flow in the area. This amendment, therefore, merely seeks to give a local authority that power.

The following amendment deals with what are called "crossings" in this Act, but I think a local authority often calls them "approaches." The clause refers to "standard crossing" which would be the specification of a local authority for a standard approach. This means that in the event of a local authority putting down a standard approach it is entitled to recover half the cost of the work from the ratepayer. Should a ratepayer put down a standard approach himself and the work is substandard the local authority will bear no part of the cost. Further, should a local authority put down a crossing which is superior to a standard crossing or approach, the ratepayer will have to pay one-half of the cost. I do not think there is any objection to that clause.

The next amendment, which I referred to earlier during my speech, deals with building lines. This is the only place where the words "building line" will be mentioned. The rest of the Act deals only with "street alignments." The words "building line" are used only to refer to the building line as set back from the street alignment.

The next clause also deals with the power to prescribe new street alignments. The clause which seeks to amend section 374 is one which intends to increase a penalty and is a desirable provision. We often find where a person has been granted a permit to make alterations to a building, following which, without further reference to the local authority, he goes along his merry way to make further alterations not in accordance with the plan submitted, and under this clause a penalty of £100 is prescribed should any person deviate from the plan he has submitted to the local authority.

I believe that in the majority of cases the alterations that are often made contrary to what is in the permit comply with the regulations of the local authority, and only requires a further approach by the individual to obtain the permission of the local authority to effect the added improvements. When this is done the council or municipality is aware of what is going on. In many cases, once the work has been completed and it has been found to breach the local by-laws, it is rather difficult to ask an owner to pull the construction down. The usual practice is to impose a fine of £5 or £10 and the structure remains, but under the provisions of this clause, a penalty of up to £100 can be imposed.

I have no objection to the next amendment to section 443. This section requires any person who is constructing a building in excess of two storeys to provide for the parking of motor vehicles. I do not know who will work out the number of vehicles that will be allowed to park in such a building, but I think that nowadays when we are trying to divert traffic away from the city we should not be endeavouring to provide that in certain areas more traffic will be encouraged into the city. We should concentrate more on the provision of fringe parking with a view to decreasing the volume of city traffic.

I take objection to this sort of thing, because many of our Acts are worded along similar lines. A provision such as this would be better administered under the Uniform Building By-laws, than under this Act. The Uniform Building By-laws would probably be consulted to ascertain what the requirements were in such a situation, and then the Local Government Act would be studied to ascertain what is really wanted.

Therefore, apart from the other objection I have raised, in my opinion this provision should not be included in this legislation. I have an amendment on the notice paper to delete it and I hope the Committee will agree. However, if it is considered that the provision is necessary, it should be inserted in the Uniform Building By-laws so that we will have everything pertaining to buildings embodied in the one piece of legislation.

The remainder of the clauses are, in fact, machinery amendments. There is nothing that I can see in them to which one could take exception. Some of them merely seek to alter "one" to "two" and "two" to "one." Apart from those clauses which I will seek to amend in the Committee stage—the proposed amendments appearing on the notice paper—I support the second reading of the Bill. However, I also hope honourable members will take notice of section 36 (1) (c), in particular, and will support my contention that it is not right that these people who, because they have reached a certain age, should be prevented from doing a job on which many of them are now engaged. The provision may involve only a dozen or more people, but if it is intended to take away an interest from them simply because these rates have been deferred one may as well, as I said to the Minister earlier, put a razor in their hand, because I feel we are doing just that with a provision such as this. Therefore, I hope the House will have regard to the amendments I propose to move and will agree with them in Committee. I support the second reading of the Bill.

**MR. FLETCHER** (Fremantle) [8.44 p.m.]: I wish to make a few reasoned comments on the Bill. The honourable member for Bayswater covered the measure

and its various ramifications. Those honourable members present could wonder why that honourable member quoted correspondence from the Fremantle City Council.

I also have a copy of that correspondence. The letter which was read out by the honourable member for Bayswater was also sent to me by the Fremantle City Council. Fremantle Legislative Councillors and myself have been requested to ensure that this measure did not exclude pensioners whose rates had been deferred, from standing as president, mayor, or councillor of a local authority. A Legislative Council member has been unsuccessful in achieving the amendments which are considered to be acceptable by the Fremantle City Council.

On the matter of unanimity at the local government conference which discussed this matter, I would point out that the Fremantle delegates did not vote on this issue as they did not know the attitude of the Fremantle City Council. They had not been instructed on the matter prior to the conference. As a consequence they democratically refrained from committing their local authority to a policy of which it was not cognisant. I ask honourable members this: Is their silence to be accepted as tantamount to agreement with excluding pensioners from office because such pensioners had their rates deferred?

The correspondence to which I referred has been read in part by the honourable member for Bayswater; it pointed out that the Fremantle City Council was not happy with the exclusion of pensioners from holding office. That council has made representations to ensure that this Bill does not exclude them, and I shall attempt to the best of my ability to comply with its request. I received a letter from the Fremantle City Council enclosing a copy of the letter which was read out by the honourable member for Bayswater. It is dated the 27th October and is as follows:—

Mr. H. A. Fletcher, M.L.A.,  
28 Minilya Avenue,  
Hilton Park.

Dear Sir,

At its meeting held 19th October, 1964, Council adopted a report which I prepared in connection with clauses 6 and 10 of the Bill for an Act to amend the Local Government Act. Because it is understood that this Bill is already before Parliament, a copy of my report was taken by Cr. Campbell, with a view to making same available to you without delay.

Council has now resolved that you be requested, as its Parliamentary Representative, to take appropriate action during the process through Parliament of this Bill, so as to give effect to the decisions of Council.

The Legislative Council member concerned attempted to achieve—I regret without success—what I am attempting to achieve now. I am pleased to comply with the request of the Fremantle City Council. I know that is also the attitude of the Town of East Fremantle. On this issue I gave precedence to the honourable member for Bayswater, because he has far more experience in local government affairs than I have. Surely this House should not allow councillors who have comparable experience in local government matters to that of the honourable member for Bayswater to be excluded from representing the ratepayers on their local authority, merely because his or her rates have been deferred until his or her demise. I would point out that on the demise of such a ratepayer the outstanding rates would be paid. Even after death that ratepayer would have lived up to his obligations; yet during his lifetime this Bill seeks to exclude him from holding office. I consider that to be very unfair and very undemocratic.

I agree that young people are needed on local authorities, but I suggest that elderly councillors, who have had experience in these matters, are also needed to assist the young ones. Just as in this House we need a proper balance of honourable members experienced in various aspects, so I suggest the same applies in local government. To my own knowledge on the Fremantle City Council there are three councillors of pensionable age—highly qualified and capable men. The same applies to the Town of East Fremantle. Yet under this Bill if, through economic circumstances these councillors had to defer the payment of their rates, then automatically their aggregate of local government knowledge would be excluded from the two local authorities in my electorate.

I object to the Bill in that respect. I believe it is not democratic, and it should be amended, as was attempted in another place. I anticipate being equally unsuccessful in this House, but I appeal to honourable members opposite to support the amendment which has been proposed by the honourable member for Bayswater, because they must also have elderly people in their electorates who have spent a lifetime working in local government on behalf of the ratepayers, and who have attempted to achieve everything possible in the best interests of the community. I ask honourable members opposite to support the honourable member for Bayswater and myself to achieve very desirable amendments.

There was one portion of the correspondence to which the honourable member for Bayswater did not refer.

Mr. Toms: I did not read the whole lot.

Mr. FLETCHER: The letter to which I am referring was included in the correspondence from the Town Clerk of the City of Fremantle to me. One part related to clause 10 of the Bill. The measure has

been studied very carefully by a very capable town clerk, an equally capable assistant town clerk, and equally capable councillors. They arrived at the attitude which was expressed by the honourable member for Bayswater. The attitude of the City of Fremantle to clause 10 is—

This clause proposes the enactment of a new section 93 (5a) whereby the responsibility of establishing that a candidate for election is not disqualified by virtue of non-payment of rates is placed upon the Returning Officer.

This is a most unreasonable provision for, in large local authorities, it can involve the checking of twenty or more rate accounts. In regard to some ratepayers, transfers of property occur almost monthly and, at a time when there is some delay in the posting of rate credits to accounts, it would be virtually impossible, in the time available, to accurately verify that payment had been made of all rates which had been imposed in excess of six months prior to the lodging of a nomination.

Furthermore, the Returning Officer is required to read out the names of candidates and to commence such reading within fifteen minutes of the closing of nominations (Section 97 (1)). It would be impossible to comply with this requirement should a nomination be lodged just prior to the time for closure, particularly if the candidate was the owner of several properties.

Mr. Nalder: Very rarely do candidates leave their nominations till the last moment. Generally they are lodged well beforehand.

Mr. FLETCHER: As recently as the previous local authority elections this very thing happened. There was a surprise nomination at the last moment, which immediately threw all the difficulties on to the town clerk in relation to the matters I have just read out. He would be taking a chance in deciding that such a person was eligible to stand, when in fact he was ineligible. To continue with the letter—

(You will recall that a nomination was lodged only five minutes prior to closing at the recent annual elections.)

Surely the responsibility for compliance with the requirements of section 36 of the Act should rest with the person who nominates for Council, which person should be in a position to readily establish that, amongst other things, any rates which are outstanding have not been imposed for more than six months.

That was what I have been requested to make known to this House as the attitude of the City of Fremantle. It applies equally to the Town of East Fremantle. I support the Bill in the hope that I can join with others on this side of the House—and I hope with others opposite—in

obtaining the very desirable amendments that have been proposed by the honourable member for Bayswater.

MR. W. HEGNEY (Mt. Hawthorn) (8.58 p.m.): I shall not allow this Bill to be passed without voicing my objection to one of its clauses. To me that is a most objectionable provision, and it is in keeping with the Government's thinking in regard to the ordinary citizen in the community.

I commend the honourable member for Bayswater who took the adjournment of the debate on this Bill for placing an amendment on the notice paper which should be carried by this House. In effect the Government states that any citizen who is entitled to receive a pension, and who under the law elects to have certain monetary obligations deferred, is not entitled to hold office in a local authority.

Let us examine what that means. The Government says that if a pensioner, or a citizen who is on a pension of a few pounds a week, decides under the law to have his local authority rates deferred, then he is not a fit and proper person to hold office as mayor, president, or councillor of a local governing authority.

Let us look at the other side of the picture. Such a person can become the Prime Minister of Australia; is entitled to nominate for the Legislative Council or the Legislative Assembly of this State, for the House of Representatives, and for the Senate. In those cases his nomination would be accepted, because he would be regarded as a citizen. In this instance the Government lays down that although a person is entitled to nominate for the Senate, the House of Representatives, the Legislative Council, or the Legislative Assembly, to assist in making the laws relating to local government, he is not a fit and proper person to hold office as a councillor in a local governing body.

How inconsistent some people can get! How ridiculous a position can arise! Who are these people at whom the Government points the bone? These people will be citizens of long standing and would probably have reared families in this State. They must own property and it would take them quite a long time on ordinary wages to make their property unencumbered. Then, in the afternoon of their lives, they may decide to enter local government, but because they are on a pension and are not in a financial position and cannot pay their rates, the Government says they cannot become councillors. The rates will not be forgone by the local government body; they will be merely deferred. The Act very distinctly provides that they will be deferred and the local authorities have, to use the expression of the honourable member for Bayswater, a gilt-edged security.

Let me point out for the sake of the Minister and those who support him that under the Commonwealth income tax law some people are entitled to what is called an age allowance. They do not pay the same tax as the citizens under 60 or 65—depending on whether they are male or female. They are entitled to some concession. However, because they are entitled to those concessions above the younger citizens, the Commonwealth Government does not place any restriction on them; they are not regarded as second-class citizens by the Commonwealth Government or, indeed, by the State Parliament. However, the State Government says that because these people are not in a position to pay their rates, they are not entitled to hold office in the minor position of councillor, mayor, or president; but, as I have said, they can stand for the State Parliament, and if they are returned, one of them could become Premier of the State.

Mr. W. A. Manning: He would not be a pensioner then.

Mr. W. HEGNEY: The point is that a pensioner could become the Premier of the State. That is the point I am making, and the interjection was timely. A pensioner could become the Prime Minister of Australia.

Mr. W. A. Manning: He would not be a pensioner then, either.

Mr. Toms: He would be a pensioner until he was elected.

Mr. W. HEGNEY: The honourable member for Narrogin cannot deny that a pensioner could become the Prime Minister, even though his municipal rates are deferred, but he cannot become a councillor. The Government should agree to the amendment of the honourable member for Bayswater or delete the clause.

I was going to say that I am surprised: but knowing the attitude of this Government to certain affairs over the past five years, I am not a bit surprised that it is supporting a measure of this nature. However, I hope that sufficient honourable members opposite will approach this question on a reasonable and humanitarian basis, and on a basis of dignity concerning our senior citizens, to induce the Government to agree to the amendment proposed by the honourable member for Bayswater.

The other matters which are dealt with in this Bill have been covered extensively by the honourable member for Bayswater. I know that some difficulty may arise here and there with regard to the closing of private streets. This has been a bone of contention for some time, but I regard this provision as an effort to overcome the difficulty, and I think it is worth a trial. I agree also that the other machinery clauses such as that with regard to the

method of people exercising the right to vote are entitled to a trial. However, I would suggest that the Minister have regard for the feelings and sentiments expressed by members on this side of the House and assure that the amendments as foreshadowed by the honourable member for Bayswater are adopted in due course.

MR. NALDER (Katanning—Minister for Agriculture) (9.5 p.m.): I would like to thank the honourable members for their contribution, but would like to say that I cannot understand the attitude with regard to the amendments which have been foreshadowed. Most of the provisions in the Bill have been accepted by the members of the Opposition, but they have stated that the amendments to which reference has been made should be accepted by the Government.

Knowing that the honourable member for Bayswater was a responsible person in local government, I find it very difficult to understand why he should spend so much time debating the amendments which he proposes, especially when local authorities generally in the State have accepted these proposals.

Mr. Toms: I asked the question whether they did accept them. Were they referred to these bodies? I do not think they were.

Mr. NALDER: I understand they were. The honourable member for Bayswater said that I had stated that all except three of the local authorities had agreed. I would say that that is a majority vote, by a very long way.

Mr. Toms: Was it done by the association at a meeting or after reference to the local authorities and the member bodies?

Mr. NALDER: I would suggest that if this approval came from the central executive, the executive must have been satisfied that, in making a decision of this nature, it was speaking on behalf of the local authorities it represents. I think the honourable member for Bayswater, and others in this House know full well that on many occasions a central executive is called upon to make decisions. It is their prerogative as executive officers to exercise that right without reference to the individual member bodies. I am not saying this was the position, because I understand the local authorities supported the suggestion.

I would like to mention that the point raised by the Opposition could be carried in the other direction. Members opposite have stated that an old pensioner might be involved: a pensioner who has spent most of his life in local authority work and who, because he is placed in a position where he is unable to pay his rates, is debarred from taking a position on the council. The position could arise where



the majority of members on the council could be pensioners who were not paying their rates; yet they could be called on to decide questions involving large sums of money.

Mr. Toms: Surely the ratepayers would have their say, because they would be the ones who elected the pensioners.

Mr. NALDER: As I say, the position could arise where the majority of members on the council could be pensioners and therefore I say that the argument submitted by the Opposition has no ground whatever. I would like to ask the honourable member how many people in other organisations are allowed to voice their opinion and make decisions if they are not financial members? What happens in the union to which the honourable member himself probably belongs?

Mr. Toms: These pensioners do not get out of paying a penny.

Mr. NALDER: Do these other organisations and unions have members who are non-financial?

Mr. Kelly: That is not a parallel at all.

Mr. NALDER: It is exactly the same sort of argument.

Mr. Toms: Nothing of the sort. They do not get out of paying a penny of the rates.

Mr. NALDER: I do not think we should agree to a provision under which a person would be allowed to make decisions when he is not in a position to pay his rates.

Mr. Toms: But he does not get out of paying a penny.

Mr. NALDER: I would be prepared to accept a proposition if the local authorities generally were in agreement with it, but they are not.

Mr. Toms: I dispute that statement.

Mr. NALDER: In this particular case, where we are amending the local authority legislation, we accept the proposals put out by the majority of the authorities.

Mr. Toms interjected.

Mr. NALDER: Well, we do not put up a lot of legislation if they do not want it.

Several honourable members interjected.

The SPEAKER (Mr. Hearman): Order!

Mr. NALDER: Therefore I hope the House will agree to the legislation as it is. With regard to those who are erecting buildings and must make provision for parking, I think this is a very necessary amendment.

Mr. Toms: And bring more cars into town.

Mr. NALDER: It not only applies here. This could apply in Midland Junction, Bayswater, Fremantle, or anywhere else. The honourable member is trying to make people who legitimately own a vehicle,

park it in some other area and catch a bus or a taxi to their homes. This is a ridiculous situation, and I am sure you, Mr. Speaker, would not agree to this if you were on the floor of the House. You would argue that the proposition in the Bill is reasonable.

Anyone erecting a building should make some provision for the parking of vehicles of those who occupy that building. I know that the honourable member in his argument did not put up much of a case; and, in fact, I am quite sure he does not believe what he says.

Mr. Toms: I take exception to that. If I thought you believed what you said I would ask for a withdrawal.

Mr. Tonkin: You are not putting up much of a case either.

Mr. NALDER: I commend the Bill to the House.

Question put and passed.

Bill read a second time.

#### *In Committee*

The Chairman of Committees (Mr. I. W. Manning) in the Chair; Mr. Nalder (Minister for Agriculture) in charge of the Bill.

Clause 1: Short title and citation—

Mr. Toms drew attention to the state of the Committee.

Bells rung and a quorum formed.

Clause put and passed.

Clauses 2 to 5 put and passed.

Clause 6: Section 36 amended—

Mr. TOMS: The Minister has resolutely set his face against any amendments to this clause despite the weight of argument brought by this side of the Chamber. I had hoped there would be some streak of sentiment and justice on the Government bench in regard to this provision.

The Minister has made great play about the people who owe money to councils. The people to whom I refer do not get out of paying one penny to a council. Year by year their rates are booked up against the property, and in the ultimate the council receives payment in full. I classify the arrangement as a gilt-edged security. There are properties in respect of which rates are written off, but not this type.

I am sorry the acting Premier has adopted the attitude he has in regard to the clause. I feel it is an insult to the people to whom I have referred. I had hoped to get a reasonable response from members on the other side of the Chamber. I have not asked for anything unreasonable. Nothing I have said could be challenged except by people who want to keep these persons off local shires.

The person to whom I refer would, as a member of a council, be preferable to one who had been in a district for 12 months. The person who has been in a

district for 12 months may have paid a rebated rate in his rent to the State Housing Commission. He could get on the roll simply as an occupier. Yet the Government says to a person who has been in the district for 40 years, "We will chop you off because you cannot pay your rates; because you are having them deferred."

I am hopeful that even at this late hour the Minister will give serious consideration to what I am saying. When he said I did not believe what I said, I interjected to say that if I thought he really believed what he said I would call for a withdrawal.

Mr. Nalder: It was not on this clause.

Mr. TOMS: I only wish I could make one honourable member opposite see the reason for my amendment. The honourable member for Narrogin said, "If a pensioner were elected a member of Parliament, he would not be a pensioner." But he would be a pensioner until he was elected.

In respect of a man who has been tied up in local government affairs for a number of years, we might as well take his life from him as deny him the right to serve on a local authority when he has made an arrangement in regard to the payment of his rates. Any one of us might reach that stage, although it may be said that we are covered by pensions. Is there any equity in this provision? I hope the Minister will give a second thought to what I am putting forward.

I am sorry that in 1960, when the Act was being dealt with, I did not realise the full implication of the clause. Had the provision not been challenged, and legal opinion received on it, we probably would not have this obnoxious provision that is going to be written into the Act. As a prerequisite to moving the major part of my amendment, I now move an amendment—

Page 2, line 32—Delete the passage "paragraph (b)" with a view to substituting the passage "paragraphs (b) and (c)."

Mr. W. HEGNEY: The position is quite inconsistent when the people affected by the amendment cannot serve on a local authority but can take a seat in a State or Federal Parliament and rise to premiership or prime ministership. If the Government were consistent, it would not hesitate to accept the amendment.

From 1890, when responsible government was inaugurated in Western Australia, the members of the Legislative Assembly have been elected on the adult franchise and the members of the other place have been elected on a restricted franchise. In order to be elected to the Legislative Council one had to own property or pay rent, and so on. In addition one had to be 30 years of age. But those things have all gone by the board, because last year the present Parliament

passed legislation to amend the electoral law and the Constitution of our State in order to abolish plural voting and repeal the 30 years of age provision, and so on. The result is that in future members of both Houses of this Parliament will be elected on the basis of adult franchise.

Now we have the Bill before us proposing to restrict the right of a citizen to hold office as a councillor or a president or a mayor if he or she has elected to defer the rates due to the local authority. As the honourable member for Bayswater said, the rates would not be lost, because eventually the local authority would be entitled to claim from the estate of the person concerned. Why it is desired to impose this restriction, I cannot understand.

The Minister said the Government has to have regard for the decisions of local authorities. I quite agree that this Parliament must have regard for the views of the Local Government Association—or the Chiropractors' Association, or the Dentists' Association, or any other organisation—but that is not to say that Parliament should accept, willy-nilly, the views of a particular authority. It is the obligation of Parliament to introduce and pass legislation which is in the interest of the people of the State. Certainly the restriction which the Government proposes to impose on some members of our community is not a progressive step, but a retrograde one.

I hope, with the honourable member for Bayswater, that the Minister in charge of the Bill, even at this late stage, will agree to a modification of the provisions of the measure and will accept an amendment.

Mr. CROMMELIN: I cannot agree with the proposed amendment. The honourable member for Bayswater said he doubted whether all local authorities had been consulted by the Local Government Association, but he did not inform the Committee whether his own council had been consulted; and, if it had, what decision it had arrived at. I would have thought he would know that.

Mr. Toms: My local authority meets on a night when we are sitting here. Sometimes I can get to a meeting, but this matter has not been raised when I have been present.

Mr. CROMMELIN: I would have thought the honourable member would know the opinion of that authority before expressing his opinion here. The honourable member for Fremantle put forward the suggestion that older people would be good members of local authorities. I would agree with that, too; but I can remember, not so long ago, when the honourable member objected emphatically when it was suggested that Sir Alex Reid should be chairman of the proposed water board. So the honourable member is not consistent.

One would think, from listening to the two previous speakers, that the local authorities have a set on pensioners. That is entirely wrong. I wonder how many local authorities have gone to the trouble of assisting pensioners by getting land for them; by helping to get loans for them; and by establishing home centres for the aged. Surely that is an aspect that should be taken into consideration.

It is a fact that when some people get to 65 years of age they are not able to pay their rates; but if we have a council where pensioners who cannot pay their rates are councillors, what would be the position when each year the town clerk submitted his list of ratepayers who had not paid their rates? If there were a majority of pensioners on the council they would be instructing the town clerk to sue people for the non-payment of rates when they in their turn had had the opportunity of deferring their rates. That is how silly the position could become.

Mr. Toms: Who elects councillors?

Mr. CROMMELIN: The ratepayers.

Mr. Toms: Then they must have confidence in the councillors making the right decision.

Mr. CROMMELIN: But that does not give those who have not paid their rates, or who have deferred their rates, the right to sue others who have not paid their rates. For that and no other reason I could not agree to the amendment.

Mr. FLETCHER: I again rise on this issue to support the amendment. The Deputy Premier argued that pensioners who had deferred their rates were not paying rates. We on this side have clearly shown that those pensioners are paying rates.

Mr. Crommelin: Are they shown as a receipt for rates?

Mr. FLETCHER: They pay their rates later through their estates. Their dependants pay their rates on their behalf, and eventually the local authorities get the benefit of those rates. Those rates come from a ratable property.

Mr. Dunn: It is the estate that pays the rates and not the person concerned.

Mr. FLETCHER: The rates come from a ratable property; and, as the local authority gets the rates paid in full, the person who owns the property should be entitled to sit as a councillor. The rates are paid in a lump sum rather than on the instalment basis; that is the only difference, and there is nothing unreasonable about our proposition.

It is difficult enough to obtain candidates without excluding people who have had half a lifetime of experience. A young candidate can stand against an aged person; and, as the honourable member for

Bayswater said, the ratepayers eventually have the democratic right to choose whatever candidate they desire.

Mr. Crommelin: Don't you think the deferment of rates has an effect on the other ratepayers eventually?

Mr. FLETCHER: No; because a person who has reached 65 years of age has not many years to go—an exaggerated span for the deferment of rates would be 10 years—and the local authority does not have to wait long for its rates to be paid in full. Business people who cannot live up to their commitments can defer payments for periods that are acceptable. Surely the same privilege should be enjoyed by the people whom we are now discussing. I ask the Government to demonstrate that it represents the people of the State as equals, irrespective of social or economic status. To vote against the amendment will demonstrate partisanship of the type I have implied.

Mr. Dunn: Rubbish!

Mr. FLETCHER: I support the amendment.

Mr. W. A. MANNING: The honourable member for Bayswater almost had those on this side weeping.

Mr. Graham: Not you.

Mr. W. A. MANNING: He pictured some old pensioner being thrown out of office as a councillor. That could not happen; because if such a person is holding office at the time he defers his rates he continues to hold office until the end of his term. That is provided for in the Bill.

Mr. Toms: No; for six months.

Mr. W. A. MANNING: It says that a person is disqualified from being elected as mayor, president, or councillor. He is not disqualified during his term of office, but only from being elected. That is quite a different proposition. He carries on until the end of his term; and if at that time he has not paid his rates he is not eligible for re-election.

There may be some reason, or there is a cause for debate where a person who is already a councillor defers his rates. There could be some argument that he should be given a right to continue as a councillor. However, I cannot see any justification for saying that a person who has never been a councillor, and who has deferred his rates, should be given the right to be elected to a local authority. I do not think that is the time for a person to start doing that sort of work.

Mr. Toms: What about the person who has been in for 20 years and who defers his rates?

Mr. W. A. MANNING: I said there could be some justification in that case. The honourable member was not listening.

Mr. Toms: Yes I was.

**Mr. W. A. MANNING:** I said that there may be some justification for a person who is already in local government continuing under those conditions. But that is not provided for in the Bill, and it would be difficult to provide for it.

A lot has been said about deferred rates being a gilt-edged security. I ask honourable members opposite: What is the difference between rates that are deferred and rates that are owing by a ratepayer?

**Mr. Tonkin:** A big difference. One cannot defer his rates because there is no legislative provision for it. That is the difference.

**Mr. W. A. MANNING:** They are secured against the property and they are just as much a gilt-edged security.

**Mr. Graham:** No; not necessarily.

**Mr. W. A. MANNING:** Of course they are! From the security point of view they are absolutely identical with the case of the pensioner who defers his rates. How would honourable members opposite like to carry on an organisation if half the ratepayers did not pay their rates and the other half deferred them because they were pensioners? The whole thing is preposterous. An organisation cannot be carried on unless the rates are paid.

**Mr. Tonkin:** Would you disqualify a pensioner who has deferred his rates from voting?

**Mr. W. A. MANNING:** No.

**Mr. Tonkin:** So you would allow him to vote to put somebody else on the council, but you would not allow him to stand himself?

**Mr. W. A. MANNING:** Yes; that is fair enough. Why should a pensioner who has deferred his rates be in the position of being able to impose rates, which he does not have to pay himself, on others? I have not heard any objection from honourable members opposite about disqualifying people who owe their rates but who are not pensioners. Yet the two are equal.

**Mr. Toms:** They are not. There is no parallel at all. Don't be ridiculous!

**Mr. W. A. MANNING:** They are both gilt-edged securities. A person may not, for the time being, be able to pay his rates because of sickness, or for some other reason. If he is not a pensioner, what is the difference between that person and a pensioner who can defer his rates? I could not support the amendment under those circumstances.

**Mr. TONKIN:** The honourable member for Narrogin said that in cases where pensioners had deferred their rates they could continue to sit until the end of their term as councillors. I do not know where he gets that idea from, because the provisions in the Bill provide that they cannot do any such thing.

**Mr. W. A. Manning:** I read it out to you.

**Mr. TONKIN:** It says—

and if so elected is disqualified from acting as such if, while holding the office he is so exempt.

How on earth can a person continue to sit if he is disqualified?

**Mr. W. A. Manning:** That is if he is elected while he is disqualified.

**Mr. TONKIN:** No it is not. How can he be elected if he is disqualified beforehand? This refers to the fact that he can neither stand for election if his rates have been deferred, nor can he continue to sit after being elected if during the period he is so exempt. I would point out to the honourable member that he cannot be elected if he is disqualified from standing. Therefore he could not have had his rates deferred before his election. He has no chance of being elected if his rates have been deferred; and, if so elected, he is disqualified from acting as such if, while holding the office he is so exempt. I submit to the honourable member that if a man has been duly elected and whilst in office he applies to have his rates deferred, he can no longer continue to sit.

There is considerable lack of logic in the arguments being used in connection with this proposal. For example the honourable member for Narrogin sees nothing wrong with a person who has deferred his rates in determining who shall represent the ratepayers. The election might be decided by a handful of votes, and that handful of votes may be the votes of the persons who have had their rates deferred.

**Mr. W. A. Manning:** That is stretching the imagination a bit.

**Mr. TONKIN:** It is possible.

**Mr. W. A. Manning:** By five votes?

**Mr. TONKIN:** It could be one vote. It would not be the first time that a member of Parliament has been elected by one vote. It is not impossible nor improbable. The honourable member for Narrogin would permit persons who have had their rates deferred to have a say in the elections of representatives, but he would disqualify them if they wished to be representatives. There is no logic in that.

If a ratepayer's property is so heavily mortgaged that he is unable to pay rates himself, and the mortgagee pays the rates, the ratepayer can vote and offer himself for election. But if he has had his rates deferred, he cannot offer himself for election. Where is the logic in that? The Act specifically provides that where a mortgagee pays the rates, the mortgagee may add the amount of rates which he has paid to the mortgage and collect it from the mortgagor. In the meantime the mortgagor can continue to exercise his

vote and can stand for election in a local government election, even though he has not paid rates at all.

Surely he is not in nearly as good a position as the pensioner who has had his rates deferred! As individuals we could not compare the two situations, but we are allowing a person who relies upon the mortgagee to pay his rates to stand as a representative, and to determine what shall be done with other ratepayers; but at the same time we deny the right to a pensioner because he has taken advantage of the Pensioners' (Rates Exemption) Act. I am sure there was no thought in the minds of those responsible for passing that Act that there should be a stigma or a disqualification attaching to any application for benefit under it.

The Pensioners (Rates Exemption) Act, which has application to the Local Government Act and other Acts, was put there deliberately to confer a benefit upon a very worthy section of the people, with no thought of stigma or disqualification. But with this new principle we say, "If you are not well endowed with this world's goods, and you are obliged to take advantage of the Pensioners (Rates Exemption) Act you are to suffer disqualification. But if you are well endowed with this world's goods, so that you have a cash balance in the bank, and although you are still a pensioner and able to pay your rates you are not subject to disqualification." I cannot support that principle. No stigma or disqualification should attach to a person who takes advantage of a law specifically passed to help him.

Let us not overlook the fact that many people defer for a long time their application for pensions, preferring to live upon their own assets. During that time they meet all their commitments, when they could have been enjoying a pension and the benefits of the Pensioners (Rates Exemption) Act. They do not do so, however, and live much longer than they anticipated; their assets are used up, and they are obliged in their declining years to apply for a pension and for help under the Pensioners' (Rates Exemption) Act. When they do that they suffer this disqualification.

Mr. W. A. Manning: They would be a bit old to hold office after so many years.

Mr. TONKIN: They may not be. Churchill only just retired from Parliament.

Mr. Graham: There are young widow pensioners also.

Mr. TONKIN. As my colleague has said, this is not restricted to old age pensioners: it concerns soldier pensioners, widow pensioners, the wives of pensioners all of whom are entitled to the benefits of the Pensioners (Rates Exemption) Act. No more disqualification should attach to a person who applies for exemption under the Pensioners' Rates Exemption Act than

to one who seeks a pension. Nobody would say there is a stigma in applying for a pension, because every person who so applies has, during his lifetime, made a far bigger contribution than he is ever likely to draw. Why should we make a distinction of wealth in this case? Because that is all it is. If one is a pensioner with money to pay one's rates one suffers no disqualification; but if one is a pensioner with property and not enough ready money to pay one's rates, one suffers a disqualification.

Mr. Nalder: You are stretching it a bit.

Mr. TONKIN: Basically that is all it is. The person who applies for exemption from rates is the person who does so in most cases because he has not the ready money to pay his rates.

Mr. Nalder: You are spoiling your argument.

Mr. TONKIN: But the person who has the ready money would be in no difficulty because he would pay his rates. So ultimately it is a question of how much money a person has.

Some pensioners have property worth a considerable amount of money. I know of pensioners who own houses worth well over £6,000 or £7,000, but who are struggling because of the actions of local authorities and government departments in putting their valuations up from time to time. They are struggling to meet the rates that result.

Mr. Rowberry: Water rates and such like.

Mr. TONKIN: When they first went to live in their houses they had no difficulty in paying rates, but with the increase in valuations over the years paying rates has become a real difficulty to some of them and they are forced against their desire to take advantage of the Pensioners (Rates Exemption) Act. The Government would disqualify these persons from serving in local government, but it would not disqualify them from voting for somebody else to serve. The Government would disqualify them because the rates are so high, and because the rise in pensions has not kept pace with the rise in rates. Now they are to be told that they are not fit and proper persons to sit in judgment upon the rights of other people. That is not fair.

I hope the Committee will have second thoughts about this, because there is a principle involved that should be considered seriously. The principle is that one qualifies for representation if one has enough money to pay one's rates. It would not matter how well served one was mentally, or what contribution one could make to local government work, if one has not enough money to pay the increased rates one must put up with disqualification; but if the mortgagee pays the rates one does not have to put up with disqualification.

I am opposed to that proposal and I support the amendment moved by the honourable member for Bayswater.

Mr. GRAHAM: This clause and the necessity for the amendment to it arise from a state of mind of those who comprise the Government for the time being. It constitutes the type of outlook which for half a century regarded property as the criterion for a person's eligibility to vote for one of the two Houses of this Parliament. After 50 years in respect of that matter daylight dawned and those who had so strongly opposed the principle only a few short months ago became devotees of the rights of citizens to exercise a vote and to generally enjoy the privileges of citizenship.

Unfortunately there are remnants of this prehistoric philosophy still in the minds of the Government and its supporters. We find them speaking from time to time with fulsome praise of the senior citizens of this State; of the pioneers who laid the foundations of all we now enjoy—and all this is said with a bulge in the side of their face, because, when it comes to the fundamental rights of these people to exercise an elementary democratic principle, then the Government applies the pressure.

The qualification is a monetary one. No matter how admirable the citizen, that counts for naught. It is a question of whether certain moneys have been paid by him. If not, then he is not entitled to act in certain respects; and in this case is not entitled to serve or continue to serve on the local authority. Because of what is proposed, I feel the title of this Statute should not be "Local Government Act" but "Local Authority Act," because surely in a democracy "government" means that everybody in the community has a vote and everybody in the community is entitled to aspire to occupy seats of government. I would suggest to the honourable member for Narrogin that he might be a little more Christianlike in his attitude.

Mr. W. A. Manning: I said that I agreed with their having a vote.

Mr. GRAHAM: Because a pensioner is unable to find £5, £10, or £15 per annum, does that make him a less worthy citizen? The honourable member for Narrogin has no compassion for a person in that category. The only thing that matters in his makeup is filthy lucre and as to whether he in his own right has paid over to a local authority.

Mr. W. A. Manning: Imagination.

Mr. GRAHAM: It is not, because the only measuring stick as far as this clause is concerned is whether a person has paid his rates to the local authority. Therefore I insist it is a monetary qualification in which the honourable member for Narrogin is concerned.

When Parliament several years ago passed legislation permitting the deferment of rates it was thought a certain section of our community would enjoy the benefits of the legislation and the rights which previously were theirs. That was never in dispute by this Parliament until, at the behest of somebody, this Government decided to move in the restrictive way in which it has in his clause. At the present time section 36 of the Act reads as follows:—

A person is disqualified from being elected as a mayor, president or councillor of a municipality, if at the time of his nomination for election to the office he owes to the municipality, in respect of rateable land owned by him, other than in the capacity of a trustee or liquidator, the amount of any rates

and one can stop there.

I stress the words "he owes." The legislation was passed several years ago to ensure that the local authority would receive the rates, but for the purpose of retaining the rights of the pensioner, provision was made in another section. However, this legislation seeks to undo that. Honourable members will be interested to know, particularly the honourable member for Narrogin with his emphasis on pounds, shillings and pence, that there is a provision which enables certain persons, who, on account of economic or seasonal conditions, have not paid their rates, to be eligible to nominate and be elected to office in local authorities. So the wealthy farmer and the wealthy squatter, if there happened to be a drought or series of droughts causing an economic upset, which prevented them from paying their rates, are entitled to be elected to local authorities.

Surely when there is a separate Statute which says that in certain economic circumstances a pensioner can take advantage of them, he should be permitted to offer himself for election or remain on the council on which he happened to be serving at the time he made application. The Government has not any logical thought on this matter. Apparently certain members of local authorities are becoming concerned that the pensioners are increasing in numbers and they are fearful of the way these people vote. I only wish the whole of this evening's debate could be conveyed to pensioners so they might, not only through parliamentary elections, but local government elections, admonish those who support the scheme of things as embodied in the clause we are considering at the moment.

If a pensioner went to his bank and mortgaged his property to the extent of £10 or £15 per annum in order to meet his rate bill, then *ipso facto* he would be entitled to stand for election to office and hold office. I do not know whether being

indebted to the local authority covered by a special Statute or being indebted to a bank should make the difference as to whether or not the person is entitled to be elected to a local governing authority. Do not forget this: a pensioner can own the best home in a district and yet he is not only to be debarred from standing, but he is to be peremptorily dismissed from occupancy of office in the local government body if, on account of circumstances, he takes advantage of legislation which a more compassionate Parliament introduced and passed.

The position now is that if a pensioner takes advantage of the Act to which I have made previous reference, he is disqualified from serving on a local authority. However, in the case of another pensioner renting a Housing Commission home, for which the rental is perhaps £4 per week, and who is enjoying a rental rebate of £2 per week, the Housing Commission pays the rates to the local authority. Ordinarily embodied in the rental that any tenant pays is a factor to meet the rates of the owner, but in the instance I have given the tenant is not paying a single penny. I want to emphasise that it is not my wish to debar anyone from holding office, but this Government is allowing a doubtful situation where a tenant who pays not a ha'p'orth of rates will be entitled to stand for a local authority but another pensioner, who owns his own property and who has been a substantial and worthwhile citizen, if he takes advantage of certain legislation, is debarred the right to nominate for the local authority which is carrying out all sorts of activities in his district which could be to its advantage or detriment.

Some honourable members on the other side of the Committee derive comfort from the fact that the Local Government Association felt that pensioners should be denied. The Local Government Association, or those who comprise it, are the products of a restricted franchise and a philosophy which gives emphasis to property over and above the rights of a human being. Their rates are based on property; and the fact that they are on local authorities indicates they are quite happy with the existing arrangements. They are apparently afraid and accordingly seek to deny an incursion of any great number of pensioners because they feel pensioners may not agree with them.

Mr. Toms: I do not think your council would have that attitude.

Mr. GRAHAM: No. I am sick to death of the Government submitting legislation because a certain organisation wants it. Without any evidence to back him up, the same Minister who is in charge of this Bill decided a certain type of dog should be outlawed because a certain association, at a conference, expressed the desire that should happen.

The CHAIRMAN (Mr. I. W. Manning): Order! The honourable member's time has expired.

Mr. TOMS: I had hoped the Minister would indicate whether there was any change of heart from his point of view, but it would appear the Government is satisfied to sit on its majority of one and, despite the merits of the case, vote accordingly. It should be pointed out to the Committee that prior to 1960 neither in the Municipal Corporations Act nor the Road Districts Act was there the provision that is now in the Local Government Act of Western Australia. It was something that crept into the Act in 1960. That in itself was bad enough, but this year it was highlighted when an elderly lady—I think in the Shire of Perth—nominated for a particular ward as a councillor; and simply because of this isolated case there has been a rush to Parliament to put a blanket cover on every individual.

I wish the honourable member for Narrogin were in his seat, because he indicated to this Committee that he was interested in allowing the pensioner who was already a councillor to make arrangements with the council because of changed circumstances. I would go so far as to say that 95 per cent. of the people who will be affected by this provision are in that category at the present time.

There are very few people who seek local government endorsement or election at the retiring age; and I do not think there is one honourable member on the Government side who will challenge that. Honourable members should cast their minds back to the various elections which have been held in their own districts. There was a dispute recently in Carnarvon which has one of its youngest mayors. It may be that as time goes on this man, through force of circumstances, will be compelled to make arrangements with the council despite the fact that he may have served on a local authority for many years; and he could immediately be told that he has forfeited his right to represent the people. Is that the right attitude to adopt?

This provision did not apply prior to the amalgamation in 1960 of the Municipal Corporations Act and the Road Districts Act with the Local Government Act; yet because of this isolated case in the Shire of Perth, people have rushed to this Parliament to seek legislation to wipe out all pensioners who make arrangements with local authorities.

As I mentioned in my second reading speech, Sir Frederick Samson, the Mayor of Fremantle, is well over 65 years; and who are we to know what, through force of circumstances, is likely to happen? That gentleman could be in a position to having to seek the provisions of this clause and having to make arrangements with the

local authority. Would members of the Government say that Sir Frederick Samson should not represent the people; that his experience counts for nought? Are we to get rid of him simply because he might have to defer payment of his rates?

Mr. Nalder: You are battling hard for an illustration.

Mr. TOMS: I might be battling hard to penetrate the hard hearts of Government members. I am not getting any fun out of standing here for a principle, but I am prepared to stand here for hours speaking about a principle. I believe it is right. No government has the right to deprive a citizen of continued service if, through poorer circumstances, he is unable to meet his rates.

I know of ratepayers who have struggled for years to pay their rates and it is no fault of theirs that because of increased valuations they are finding the strain too heavy. Yet to those people we are going to say, "Out" because their finances are not as good as we would like them to be.

I thought there were members of the Government who had a Christian spirit; but if I cannot penetrate their hearts from a sense of decency to protect the individual who, through force of circumstances, is reduced to make arrangements with a local authority, then nothing can penetrate their stony hearts.

The honourable member for Claremont asked: "Does not the non-payment of rates by a pensioner affect the other ratepayers?" I said, "No, it does not." It does not do so one iota, because the number of ratepayers who have their payments deferred have to be carried by the balance of ratepayers. Honourable members know that a local authority, in assessing a rate, has to take into consideration every penny that it needs; and it may have to raise its rates because of pensioners who are on the list. But that does not relieve pensioners of a burden. The increased charge to ratepayers goes onto the rates owed by the pensioners and eventually they have to be recovered. Not one penny owed by a pensioner with a caveat on his property would be lost to local authorities.

We are now saying that the provisions of the Act prior to 1964 are no longer applicable. We are going to classify these people as coming under section 37. They are to be as classified as undischarged bankrupts; classified among persons who are awaiting sentence for crimes; classified among people who are of unsound mind.

The member for Balcatta indicated that because the Local Government Association came here with a proposition that does not make it right. These people are least able to help themselves and are deserving of protection. The Government can take consolation from the fact that their benches are almost empty. The members

on the other side of the House cannot take truthful statements, and so they have gone outside.

The CHAIRMAN (Mr. I. W. Manning): Order! The honourable member's time has expired.

Mr. W. Hegney called attention to the state of the Committee.

Bells rung and a quorum formed.

Mr. FLETCHER: This is my third contribution in support of the honourable member for Bayswater in his laudable attempt to suitably amend this measure in a democratic manner. I regret that the honourable member for Claremont is not in his place; because, when speaking previously, I should have taken him to task on a certain issue. In his shattering contribution he stated that I had raised a hullabulloo in opposition to the appointment of Sir Alex Reid to some office or other; but that I support the inclusion of aged persons as councillors.

I recall the discussion on the issue of Sir Alex Reid's appointment, but I am certain that *Hansard* will not reveal any contribution made by me on this issue. The honourable member for Claremont evidently assumed that since I become involved in many issues, I would have supported this side of the House in opposition to Sir Alex Reid's appointment. The honourable member gambled that I was involved in this argument. I do not recall having contributed, and I do not believe that *Hansard* will reveal my having done so.

The CHAIRMAN (Mr. I. W. Manning): I would ask the honourable member to keep to the amendment.

Mr. FLETCHER: I think you are democratic enough, Mr. Chairman, not to permit an honourable member to say something that is not true, or to deny me the right to correct such a statement.

The CHAIRMAN (Mr. I. W. Manning): Order! I must ask the honourable member to keep to the amendment.

Mr. FLETCHER: I was accused of having supported aged people being on local government authorities and in voting in opposition to the appointment of Sir Alex Reid. I was accused of not being consistent. The honourable member was wrong, and I am sure that *Hansard* will not reveal any contribution of mine on that particular issue. However, on this issue it will reveal that I have attempted to support democracy in seeing that councillors who have deferred their rates are entitled to sit on local government authorities. I am anxious to see that this Government does not demonstrate partisanship against one of the least privileged sections of our community. As the Deputy Leader of the Opposition pointed out, it does not affect only aged people; it affects people who could be receiving an invalid pension;



people in the middle years of their lives. This should not preclude them from sitting on local government authorities and from giving years of service to those rate-payers who elect them.

For the Government to deny them the right to be elected is undemocratic; and the Government is usurping the prerogative of ratepayers in their choice of suitable candidates. I again support the attempt of the honourable member for Bayswater to defeat this clause with a view to inserting something which is more democratic and worth while.

Mr. GRAHAM: It was 41 years ago that the Parliament of Western Australia decided that certain categories of persons having made application should not be regarded as unfinancial or in arrears. This retrograde Government seeks to turn back the hands of time to before 1923. The 1923 Statute contained the words, "A pensioner may claim to be exempt from the liability of payment of rates". So having made application, the pensioner was exempt from liability. In other words, he did not owe rates. However, the Local Government Act passed in 1960 disqualifies any person from being elected to the office of mayor or president of a council or municipality if, at the time of his election, to the office he owes to the municipality in respect of any rateable land owned by him, certain rates, etc.

So it will be seen that, from 1923, until this time in 1964, a pensioner has been eligible to nominate for election to office in a local authority because he, the pensioner, does not owe rates. He has been granted dispensation by a special Act of Parliament almost a generation and a half ago. Why does the Government want Western Australia to retrace its footsteps?

Mr. Fletcher: It does not care.

Mr. GRAHAM: This amendment seeks to undo something that was agreed to in 1923 before many honourable members in this Parliament were even born. I can see smirks on the faces of some of those who sit behind the front Government bench. They may disagree with my viewpoint, but surely not one of them will disagree with the provision as contained in the Local Government Act, because what I have pointed out has been in accordance with fact and the law.

Before I go on to quote section 36 of the Local Government Act I would like to point out to the honourable member for Narrogin that never before has he had so much notice taken of him.

The CHAIRMAN (Mr. I. W. Manning): Order!

Mr. GRAHAM: But you will agree with me, Mr. Chairman, that it is the truth if you will hear me out. The honourable member for Narrogin said that the Deputy Leader of the Opposition was wrong. He said that if a person in a city council

makes application for exemption under the Pensioners (Rates Exemption) Act he will be permitted to continue in office for the balance of his term; that it is only when he seeks to nominate on the next occasion that he will be ineligible.

Subsection (2) of section 26 provides that a mayor or president of a municipality shall be disqualified from acting if, while holding office, he fails to pay the amount of any rates for a period of six months after the rates are due. There is the answer to the honourable member for Narrogin, and no action is necessary. After I resumed my seat some of my colleagues were reluctant to accept that what I said previously was in accordance with fact; namely, that if there were a period of drought for, say, four years in the north-west, after a lapse of some three years many of the pastoralists and others could be in the position of being unable to pay their rates, and continue to be in that state for a period of seven years until the drought breaks. In such circumstances they are permitted to remain as members of the local authority and they are permitted to be nominated as members of the local authority. Subsection (3) of section 36 of the Local Government Act covers that situation.

Mr. Fletcher: But they are privileged people.

Mr. GRAHAM: Of course they are. That provision is in the Statute now and it will remain as the law even after the Bill before us this evening passes, in whatever form. There we have the situation where people, for many years, without paying rates, are permitted to nominate for and be elected to office on a municipality, and continue to serve as councillors, and yet this miserable and contemptible Government, on behalf of the local government conference has decided it will vent its political spleen, its class objection, or whatever it may be against the pensioners of Western Australia and take advantage of the Statute that was passed by this Parliament in 1923; which Act, incidentally, has been amended to cover other categories of persons since that time.

Therefore, surely the Government has an explanation for its attitude and for its policy in selecting the pensioners, among all sections of the community, to mete out this disadvantageous treatment. Why is the Government doing this? I think we are entitled to an explanation, and until a fair and reasonable explanation is given it is my intention to do everything I possibly can to delay and obstruct the passage of this clause, which seeks to deny to many pensioners the right to serve on their local authorities merely because they are pensioners and because they have taken advantage of a privilege which this Parliament extended to them 42 years ago.

In all decency, the Government, or at least one of its supporters—if it fails to heed the plea put forward by the honourable member for Bayswater—should give an explanation as to why this action is being taken. I challenge the honourable member for Karrinyup, who could be affected by this clause, to utter one sound in explanation of why this sort of action should be taken against a particular section of the community. It is all right for Government supporters to speak of pensioners in honeyed terms, and bring them up to Parliament, and so forth, but their democratic rights are being denied to them tonight by the honourable member for Karrinyup and other members of the Government.

The CHAIRMAN (I. W. Manning): The honourable member's time has expired.

Mr. TOMS: Having had 20 years' local government experience I am not opposing this clause merely for the fun of it. I intend to fight against it for as long as I can. If I can fan one spark of decency in one of the Government members opposite so that he will vote against what is being done by this clause I will have achieved something. Until 1960, there was nothing written into the provisions of this Act to debar pensioners from holding office on a local authority when they had not paid their rates. Apparently, legal opinion does not seem to agree on the provisions which are now in the Act, and if it were not for a difference of opinion among members of the legal profession possibly the Bill would not be before the Chamber this evening.

Within the reading of the Act that doubt definitely exists and yet we want to put this section of the community to a disadvantage. The honourable member for Narrogin told us that he would be happy to allow a person who had given years of service with the shire to carry on as a shire councillor despite the fact that his rates had been deferred. I point out to the honourable member for Narrogin and to other honourable members that this is the type of person who is going to be affected by this provision. Until 1964, when the Shire of Perth nominees went forward, no exception was taken under this section, but the Government now proposes to insert in the Act the following pernicious provision:—

(c) A person is disqualified from being elected as a mayor, president, or councillor of a municipality if, at the date of his nomination for election to the office—

(i) he is exempt from liability for payment to the municipality of rates and charges under this Act pursuant to section five hundred and sixty-one.

The word "pernicious" is not strong enough to use against this provision which the Government seeks to include in the Act. I do not believe the Government or some of its supporters believe that justice will be done if this provision is accepted. I would not care if 15 out of 16 local authorities agreed to this provision; in my mind that does not make it right. As a deliberative body we are seeking to make just and honest laws and I am appealing to the members of the Committee to do just that.

Surely, as the honourable member for Balclatta has said, in view of the fact that the Pensioners (Rates Exemption) Act has been in operation for 40 years, and no thought was given to this provision being included in the Act during that time, there is no need for it now. Is this to be accepted by the Parliament of Western Australia as part of the "great-leap-forward programme"? This is not a leap forward, but a step backward into the dark ages. Because of a man's lack of wealth he is considered to be in a different class. We claim that there is no class distinction in this country, but we still know that it exists.

In my view this is one of the most obnoxious clauses that could be inserted in any legislation. We intend to say to a man, who, through force of circumstances, has been compelled to approach the local authority to place a caveat on his title deeds, that he cannot nominate for office on a local authority. Even placing a caveat on his title deeds is distasteful enough to many people.

After 20 or 30 years' service on a local authority, such an individual might have to ask for a deferment of his rates, due to increased valuations and sickness. I would ask the Minister to give very serious thought to this amendment. I am not speaking for the fun of it, but because of the principle involved. Some honourable members have claimed that if the amendment were agreed to some shire councils would be controlled by pensioners, but I say they are talking with their tongues in their cheeks. I was hoping there would be some humanitarianism left in the hearts of some members of the Government.

When we on this side of the House put forward a sound and logical argument it should not be opposed and lost because of a majority of one vote held by honourable members opposite. This is not a party measure; a principle is involved in the amendment, and I ask honourable members to use their free thought in considering it.

Mr. FLETCHER: This is an attempt to make local government a close preserve of the privileged. If honourable members opposite wish to demonstrate they are not seeking to do that, they should support the attempts to ensure that it does not become such a closed preserve. I am wondering

whether those responsible for framing this provision in the Bill are seeking to counter Labor policy in local government.

The Press has accused this side of the House for introducing politics into local government. If the Bill is passed in its present form it will bring about a close preserve in local government, at the expense of the less privileged. From my knowledge of local government in the Fremantle area on very rare occasions do Labor-inclined councillors vote on the same side. Naturally they have to vote together on issues that are basic to Labor's platform—issues such as long service leave entitlement, and pay. On general issues the voting is divided. People who do not normally support the Labor Party would also vote in different ways for the benefit of the ratepayers, irrespective of their political outlook.

Mr. W. A. MANNING: I could go some way to meet the wishes of honourable members opposite. I am agreeable that a pensioner who takes advantage by deferring the payment of his rates should not be put out of office, when he is already holding office. If the honourable member for Bayswater is willing to withdraw his amendment I am prepared to move to delete the words in lines 29 and 30 of page 3 and insert the following:—

Provided that no disqualification under this paragraph shall apply to any person while he holds office of mayor, president, or councillor.

Mr. Graham: For what period?

Mr. W. A. MANNING: Whilst he is in office.

Mr. Graham: For that term only?

Mr. W. A. MANNING: Yes.

Mr. Graham: He would not be able to contest his seat at the following election.

Mr. W. A. MANNING: That could be attended on another occasion.

Mr. TOMS: The honourable member for Narrogin has agreed to amend the clause so that councillors already holding office will not be prejudiced. His intention could be achieved by inserting as paragraph (c) (iii) a provision to the effect that no mayor, president, or councillor holding office at the time when he takes advantage of section 561 will be debarred. It is a compromise. Whilst I am not concerned with a person who has reached 65 years of age and has arranged for the deferment of his rates, I am concerned with such a person who is already holding office, and who will be disqualified by the provision in the Bill.

Mr. NALDER: I am prepared to agree to the proposal of the honourable member for Bayswater to insert new paragraph (c) (iii), to the effect that no disqualification under this paragraph shall apply to any person whilst he holds office of president, mayor, or councillor.

Mr. TOMS: Do I understand that pensioners who are holding office will be permitted to carry on until they resign from the local authority, and not until they have reached the end of their present term?

Mr. Nalder: Until the end of their term. How could it be otherwise?

Mr. TOMS: They might live for only another two years.

Mr. Nalder: We are going part of the way. Now that you have given further thought to the proposal you wish to extend it.

Mr. TOMS: I thought the Minister meant until such a person resigned from the council. The Minister should make this small concession.

Mr. Nalder: The argument was that this provision would debar somebody in the middle of his term of office.

Mr. TOMS: It will not be a very great concession to permit such a person to serve another 12 or 18 months. Those already in office should not be debarred if their rates have been deferred.

Mr. Nalder: How else could the situation be met?

Mr. TOMS: Such persons could be permitted to carry on until they retired.

Mr. Crommelin: They could serve for another three years.

Mr. TOMS: They could serve for another three or six months only. I am saying that this provision did not exist prior to 1960, and yet in this enlightened age we are going to place upon the Statute book a provision disqualifying age pensioners whose only sin is that they have not sufficient money to pay their rates. Surely if they are in office they should be entitled to continue in office!

I am battling for those who have given years of service and still have knowledge and know-how. We have heard a lot about know-how from the Government, but it does not think it important in this case. We are classifying these pensioners in the same category as those under clause 37. The Minister said he did not want to, but that is what is happening. Most of those who enter local government have a sense of responsibility, and these pensioners would have been elected years before.

Mr. Dunn: How many pensioners are there in local government now?

Mr. TOMS: Not many.

Mr. Dunn: Any you know of?

Mr. TOMS: There are not many, but those who are in it are entitled to our protection, and not the boot. Too many people have received the boot under Statutes, and here we are again in 1964 about to write a reprehensible provision into our laws. I cannot add it up.

As I have said before, I am not happy to be talking my head off and going hoarse. I do not like hearing my own voice, and neither, probably, do honourable members opposite. However, a principle is involved, and it is a mighty principle. Like the late Ben Chifley, if there is a principle to be fought for, I will fight for it, and all night if need be. It is despicable that this action should be contemplated. We are picking out a section of the community and providing that because of the state of their finances and because the rates have gone up to such an extent that they cannot pay them they may finish their term in office and then they must get out.

Is that a Christian attitude to take? It is a different idea of Christianity from mine, because I have a different outlook on it. If these people were a liability on the district I would agree, but they are not a liability. This is a much deeper matter than the Government realises and, in fact, than the Local Government Association realises. I am sure they would agree with me if I had the opportunity of pointing it out to them. Not many will be affected and such being the case, it is reasonable to expect honourable members to be responsible and give these men their rights and dues by agreeing to the deletion of this clause.

Mr. EVANS: I do not wish to make a belated entry into this debate but I feel the Committee is discussing a difficulty which might not exist. I understand that the Minister used the words "while he holds such office."

Mr. Nalder: Until the end of the term.

Mr. EVANS: I was sadly mistaken. I gave the Minister greater credit and I am sorry.

Mr. GRAHAM: This Committee is entitled to somewhat better treatment than it has received. No-one can gainsay the fact that when in 1923 Parliament agreed that certain concessions should be allowed pensioners it was not to impose any hardship on those people. It was a measure to assist pensioners, not a penalty. That is why under section 561 of the Local Government Act a pensioner is exempt from liability for the payment of rates. Therefore such a person cannot be in arrears, because he is exempt from payment. The local authority would receive what it was entitled to in due course. There is a solicitor on the other side of the House, so let him argue against me if he can.

I would be particularly interested to hear honourable members on the other side of the House speak on this clause if they feel they are right. The honourable member for Bayswater has emphasised that he is fighting for a principle, and we are doing our utmost to support him in that stand. If the Government feels it is right and that it is fighting for a principle

which has popular acceptance, then I challenge one or two who are representatives for the time being of what might be regarded as borderline electorates—and I refer to the honourable member for Subiaco and the honourable member for Karrinyup—to justify their attitude in respect of this matter.

An honourable member: Blue ribbon electorates!

Mr. GRAHAM: If that be the case, in respect of the honourable member for Karrinyup—

Mr. Nimmo: You need not worry over me.

Mr. GRAHAM: No-one is the least bit worried about the honourable member for Karrinyup. I am worried about the pensioners, and because an honourable member, who will not express himself on this or any other measure—

The CHAIRMAN (Mr. I. W. Manning): That has nothing to do with the amendment.

Mr. GRAHAM: It certainly has, because it will be his vote which will deny the pensioners the opportunity of taking advantage of section 561 of the Act.

The CHAIRMAN (Mr. I. W. Manning): I would ask the honourable member to address himself to the amendment.

Mr. GRAHAM: I do not know how to do so more appropriately than I am at present. I am inviting those who support the Government and who feel they have a reason for opposing the amendment of the honourable member for Bayswater, to give their reasons for so doing. I know perfectly well that there is no logical argument against the proposition, and that is why the honourable member for Karrinyup will not speak in opposition to the honourable member for Bayswater.

The CHAIRMAN (Mr. I. W. Manning): There is no mention of the honourable member for Karrinyup in the amendment, and I would ask the honourable member for Balcatta to address himself to the amendment, or resume his seat.

Mr. GRAHAM: I do not think you have occasion to speak to me in that strain because there is no mention of section 561 of the Act, nor is there any mention of the Pensioners (Rates Exemption) Act in this amendment; but they are pertinent to the issue. I say that the vote of a single honourable member on the other side is also pertinent because such vote will determine this issue. I think it is an act of cowardice on the part of an honourable member who will not say a word one way or the other because he is frightened his utterance may be quoted against him. I think that is a fair statement.

The CHAIRMAN (Mr. I. W. Manning): I warn the honourable member to come back to the amendment.

Mr. GRAHAM: I ask honourable members on the other side to indicate how they can support a state of affairs under which pensioners who have been entitled to nominate for office in local government for more than 40 years will now be denied that right, while a privileged few, under another section, have not been paying rates for years because of economic or seasonal conditions.

Mr. Dunn: Would that not include pensioners?

Mr. GRAHAM: No; because if this Bill is agreed to, it will specifically exclude pensioners.

Mr. Dunn: It applies to everyone.

Mr. GRAHAM: How can one educate a person who is not prepared to listen? What I have stated has been in the Act since 1960 but what is under discussion at present is a new proposal directed against pensioners. Yet for four years it has been possible for whole groups of people to pay not one penny of rates but still be eligible to sit on the councils of local authorities. Surely the situation in which a pensioner finds himself can be classed as an economic condition!

Mr. Dunn interjected.

Mr. GRAHAM: We get these inane interjections! The point is that this is a deliberative Parliament and it is Parliament's responsibility to ensure that all persons shall be entitled (a) to vote; and (b) to nominate for office. That is the principle which the Opposition is espousing but which is not accepted by the honourable member for Darling Range. He interjected by saying, "Yes, but how many pensioners are affected?" There could be a provision in this clause to the effect that no Jew shall be eligible for election to a local authority—and that would not surprise me. The honourable member for Darling Range could then ask, "How many Jews are serving in local government at present?" The answer is probably none; but the provision to exclude them would be basically and utterly wrong.

In the same way, a provision to exclude pensioners under certain circumstances is also basically wrong. If a pensioner is unfinancial, then, as with any other ratepayer, he suffers side by side with that ratepayer. But in addition to that general penalty, which applies to every ratepayer, there is this special selection by this Government. Under the special provisions of section 561 he is not liable to the local authority, but he is still to be denied rights compared with every other ratepayer in the community. Has the honourable member for Darling Range any further questions?

Mr. Dunn: If the Governor makes provision for these exemptions—these economic and seasonal conditions—

The CHAIRMAN (Mr. I. W. Manning): Order! The honourable member's time has expired.

Mr. TOMS: The honourable member for Balcatta is trying to help me in connection with this clause, as are other honourable members on this side of the House. I was prepared to meet the Minister half way to let those who are at present in office continue in that capacity; but I am not prepared to go along with the Minister when he makes the proviso that they should continue only until the end of their term.

I do not think it is fair that any councillor who is at present in office should be able to continue in office only until he completes his term once he makes arrangements with a local authority. I prefer to see the whole of this obnoxious clause wiped out and my amendment agreed to. We would then get justice done.

I would be prepared to go half way with the Minister in order not to penalise those who are already holding office. That would be a fair compromise. But I do not think it is a compromise to say, "We will let them complete the balance of their term and then 'out'." I believe that men who have given of their time in local government should be entitled to some consideration.

The honourable member for Darling Range asked how many pensioners would be affected. Even if only one or two were affected there is every reason why the whole of this obnoxious clause should go out. To what extent does a pensioner avoid paying rates? Does he avoid paying one penny of the total debt? Silence indicates that honourable members opposite know that a pensioner is responsible for any debts accruing to a local authority against the rates; yet we are now prepared to introduce a provision which did not exist before. It was never written into the Road Districts Act or the Municipal Corporations Act, and it has not appeared in the Local Government Act since its introduction to Western Australia. Has the position become untenable because there are thousands of pensioners who owe rates to local government authorities? That is not the case. This provision has been highlighted because one person in the Shire of Perth nominated and the nomination was challenged. Therefore we are saying, "Out, the lot of you! You are to be a race apart". That is the desire of the Government, despite what the Minister said in his second reading speech. These people are to come within the category of section 37, and I do not think it is right.

I would have been happy to listen to reason hours ago, but I have heard nothing reasonable advanced from the other side of the House as to why this clause should go in. When we are legislating, there should be cogent and desirable reasons for a provision to be written into our Act. We are here as law makers and not as heart breakers. The Act is bad enough in view of some of its provisions, but apparently it is not sufficiently bad for the Government which wants to single out a particular section of the people and say, "You have finished your usefulness as representatives of the people and you are not eligible to stand. You can come under section 37."

I am battling for the right of an individual who is now on a council to finish his term in whichever manner he wishes, by either retirement or defeat at an election. I would like the Minister to offer a sound reason why this clause should be in the Act. I am prepared to tire myself out. If the time comes when I fall, I will get a glass of water and return to the debate.

I believe this contains a vital principle and that all right-thinking, Christian, and democratic men will think as I do in connection with this clause. I had hoped that one or two honourable members opposite would agree with my amendment. This is not something which is party political; it is not part of our platform or that of honourable members opposite. If this provision is inserted into the Act it will take away the rights of those individuals who are least able to defend themselves.

I therefore appeal to the Minister to give this matter serious thought. I am prepared to meet him half way if he will agree to the provision that those who are already in office shall be allowed to continue in office until they retire or are defeated. I cannot possibly agree to a provision under which a man can be told that at the end of his term he must vacate his position simply because he happens to make certain arrangements with his local authority.

Mr. HAWKE: I cannot understand why the Minister and the Government will not accept the compromise proposal suggested by the honourable member for Bayswater; because they do not have to go a very great distance from what they have already undertaken to support. I would think there would not be many of these men at present in local government. For my part I would not be in favour of any compromise in this matter. I think all these people should be eligible to nominate for local government whether they are on local government now or not. After all, the local government holds very good security for any rates which may be owed; and to disqualify these people from nominating for local government elections, as the Government's Bill proposes is, in my

opinion, handing out scurvy treatment to aged people who have played a valuable part in the development and progress of the State.

All the honourable member for Bayswater asks is that the Government agree that any person who is already a member of local government in Western Australia shall legally be entitled to continue as a member of local government so long as the local ratepayers at election times continue to elect him by giving him a majority of the votes cast.

The honourable member for Darling Range mentioned a very important point. He had the impression that these people could be covered by the action which can be taken by the Governor-in-Executive-Council. He pointed out that the Governor now has the power under the Act to extend consideration to people who are not able to pay rates because of seasonal conditions—such as primary producers who may be in difficulties. The Governor also has power to give businessmen who may be in some temporary difficulty the same right for economic reasons. The honourable member for Darling Range seems to think the Governor's power in that regard could cover aged pensioners.

However, if the proposal in the Bill becomes law it will prohibit these people absolutely, and the Governor will have no discretion of any kind in that situation. Why should these aged pensioners be victimised and penalised? I see no reason why, in return for the security which the local authority takes over their assets, they should not still have the right to stand for election to the local authority. They still have the right to vote to elect councillors, so why should they not have the right to nominate? Not many of them would wish to nominate, anyway. Probably only about 10 in the whole State might wish to do so; or, if they are already on local government, would wish to continue as members.

It seems absurd and vindictive for any Government to wish to penalise these people and put them on the black list as far as nominating for local government elections is concerned. If the Government is not prepared to accept the proposal put forward by the honourable member for Bayswater it seems to me it is adopting a most shabby, vindictive, and cruel attitude towards these people.

Mr. W. A. MANNING: I do not know whether the honourable member for Bayswater intends to accept the offer I made. He has not said so.

Mr. Graham: No.

Mr. W. A. MANNING: He has not done anything about it so I presume he is not going to do so.

Mr. Graham: It is not worth twopence.

**Mr. TOMS:** I hope we can reach unanimous agreement on this matter. If a member of a local authority finds it necessary to make arrangements with the local authority under section 561 that should not disqualify him during a term of office as mayor, president, or councillor. That is the suggestion that has been put forward. I have been trying to point out all night that such a person should not be debarred from continuing in office beyond the end of his term. To put this proposal into effect it may need adding a new subclause or a proviso which would read somewhat like this—

Provided that no disqualification under this paragraph shall apply to any person while he holds office as mayor, president, or councillor.

That does not specify the end of his term. To me that signifies that he continues in office until such time as I have indicated; namely, that he either retires voluntarily, or through lack of support by his electors. I am prepared to go that far as a compromise with the Government. The provision in this Bill is still obnoxious to me, because it has never been in any piece of legislation before. Now, simply because of one man, the Government proposes to put the iron heel on certain people, and I do not consider that is right.

**Mr. NALDER:** I made the position clear when I said I would be prepared to accept the amendment suggested by the honourable member for Narrogin, and I do not intend to go any further. If the suggestion by the honourable member for Bayswater means that once a person is elected as mayor, or as a councillor, he should continue to offer himself for subsequent terms, that would defeat the object of the amendment and I am not prepared to agree to the suggestion. I am prepared to accept the proposition that if a mayor or a councillor is in office at the time he applies for deferment of rates he can complete his term of office.

**Mr. TOMS:** I do not think the Minister is aware of the note that was passed to me by the honourable member for Narrogin. That is why I asked that the whole of the Government should come into line and agree with me on this point. The honourable member for Narrogin agrees with me that a member already serving on the council should not be affected by this provision, but I do not want the honourable member for Narrogin coming over to this side of the Chamber to vote against the Government's provision, because that seems to be the indication that I have been given. That is why I say I am prepared to compromise.

I think I am being reasonable in asking for my suggestion to be accepted. I still regard the whole amendment as being objectionable, but I am prepared to go this far with the Government, so that a sitting member can continue in office. I do not know how many men will be affected. It might only be a handful, but then again it could be a score. I ask the Minister to reflect again on my suggestion with a view to appreciating the merit it has. We should let these men continue in office until such time as they feel that they are of no more use to the district, or until the electors vote them out of office.

These men have not lost their ability; they have only lost the ability to pay their rates. In fact, they are not exempted from the payment of rates because their relatives have to pay them eventually. I hope the Minister will go as far as I would like him to go, because the principle, as a whole, is bad.

**Mr. DAVIES:** I oppose the clause and also the amendment put forward by the honourable member for Narrogin. I am amazed at the Government including this clause in the Bill, and I am further amazed at the conciliatory attitude adopted by the honourable member for Bayswater who has compromised to a far greater degree than I ever would. The inclusion of the clause in the Bill is a direct insult to an important section of the community. From the Minister's explanation I understand it has been included in the Bill at the request of those present at the local government conference; but we do not have to accept everything that is agreed upon at that conference. We do not know the number of people who voted on the proposition, and we have not heard the arguments put up for and against it. Yet in this Chamber I have heard many arguments in support of the clause being defeated.

Pensioners are in a extremely invidious position. They could possibly pay their rates, but having received the pension they like to have a few pounds behind them because they have a desire for some little security which may only be £200 in the bank. They take advantage of the concession under a section of the Act. I have found instances where that section is acting unfairly against pensioners, but I will deal with that aspect some other time.

However, as has been explained over and over again in the Chamber this evening, they are still liable for the payment of the rates, and eventually they will be paid to the local authority. Even if a man is in receipt of a pension and may have a few pounds behind him and is not entirely dependent on the pension, if he wants to take advantage of the concession to have his rates deferred, but

then finds himself in the position that, although he may be the best person on the council and has a great deal to contribute to its deliberations, and although he may want to remain in office, according to this provision, he cannot continue in office.

Further, many people may want him to continue in office, and many people will continue to elect him if he is prepared to nominate for office; but, because a local government conference has so ruled, he is to be denied the right to continue to serve the community.

What are the real reasons? Why is the local government conference against allowing these persons to take an active part in local government affairs? Is it because they do not dress well enough; that they are not generally presentable; that they do not add distinction to the council? Or is it merely because of their old age? Surely there must be some objection to it other than the fact that for a time they are temporarily having their rates waived! There seems to be more reason for it than that advanced in the Bill or by the Minister. Whatever it is, surely to goodness it is not sufficient reason to deny the community the services of many good men! Many of these people have exceptional ability, and are better than some of the younger men on the council. Some of them are dedicated men who have time to devote to council activities; but because of a few pounds, and a concession that has been granted to them, they can no longer take part in local government affairs.

The honourable member for Claremont said earlier in the debate—about two hours ago—that local government bodies were not actively working against pensioners; that they were trying to encourage them. That may be so in the case he quoted, but that is not the only section of the community that the local government bodies help. They help kindergartens, tree societies, and historical societies. Do they think that because they have provided certain amenities for pensioners they have discharged their obligations and duties? It is a disgraceful business. It is deplorable for the Government to say, "You are a class apart; you are going to be penalised because you are poor."

Mr. Hawke: That is it in a nutshell.

Mr. DAVIES: I would not go so far as the honourable member for Bayswater; I would not be associated with such a disgraceful approach. It is disgraceful enough that we have had to listen to some of the arguments advanced. Surely the community must wake up to the attitude the Government has adopted, and the way it has danced to the tune of the people who control the purse strings. The Minister says he is doing this because the local

government conference said it should be so. I have not seen the Government wanting to dance so quickly to requests made from the trade union movement.

Mr. Graham: That would be different.

Mr. DAVIES: That would be absolutely different. It is not the first time we have had evidence of the Government's thinking in such matters. It is disgraceful when one thinks of the import of this amendment and the fact that it may never be used again for perhaps 30 years, and yet the Government is prepared to legislate against these people.

Mr. W. A. MANNING: I cannot move my amendment until the member for Bayswater withdraws his.

Mr. TOMS: I am in full accord with what the honourable member for Victoria Park says, but in an attempt to rescue something from the wreck, I will agree to an alternative. The note handed to me by the honourable member for Narrogin might, I think, meet the requirements because it would mean that this could be done under certain conditions. I can see two alternatives. The one is to accept the proposal, and the other is to have written on to the Statute book something that is obnoxious to everybody; something that would affect the people vitally interested. It would mean that even if my amendment were defeated the honourable member for Narrogin could still bring forward the position he has indicated. The honourable member might think that the provision would read as he desires it should, and that it would only go to the end of the term; but I do not think this would be the case.

I am prepared to agree to the proposition because I feel it is the only alternative I have. Some of my colleagues have expressed themselves as not being in agreement with me, but very often one finds oneself over a barrel; and one feels that half a loaf is better than no bread at all. The alternative offered is that the amendment will be subparagraph (iii) to section 36; that no disqualification under this paragraph shall apply to any person while he holds the office of mayor, president, or councillor. If the Minister accepts that it will at least achieve some thing and save some of these men a great deal of anxiety. Even so, I do not like this principle being brought into local government, but I am prepared to agree to it to save something from the wreck.

Mr. GRAHAM: I am becoming a little perturbed at the attitude of the honourable member for Bayswater, with all respect to him. This notion of the honourable member for Narrogin is not an alternative but a separate proposition. I am prepared to stand by the amendment submitted by the honourable member for



Bayswater. If the Government uses its numbers to defeat that proposition, then we can have a look at the studied insult which I feel is contained in the amendment of which notice has been given by the honourable member for Narrogin, and which in my view does not have the effect attributed to it by the honourable member for Bayswater, because there will still be in the Bill a provision which disqualifies such a person from being elected. The proviso will enable a person to continue in office while he is already holding office, but at the expiration of his term he will not be eligible to nominate again. If a person is elected for a term of three years to serve on a local authority, but finds after 12 months that it is necessary for him to apply for exemption under section 561 of the Act, then instead of being disqualified at that point, he will be given the opportunity to complete the three years. It is a small concession, and does not meet the position.

I am surprised at the acceptance of the proposal by the Deputy Premier, in view of his expressed desire and that of the Minister in charge of the Bill in another place, that there should be uniformity in respect of persons who are in arrears with rates. They are to be treated on the same basis, but here is an attempt to depart from that principle. I disagree strongly with the attempt by the Government to persuade us that this allegedly harmless amendment will not take any rights from pensioners which they now enjoy, and that all it does is to clarify the position. That is nonsense.

In the provision at the top of page 3, a person who owes to the municipality rates at the date of his nomination is disqualified, and again in the provision in paragraph (c) a person is also disqualified if he is exempt from liability for the payment of rates. In the first case the ratepayer owes the rates; and in the second case the person or the pensioner does not owe the rates, although the property owes them. Under section 561 of the Act such a person is not in arrears with his rates, because he has been exempted.

The classes of persons eligible to claim for exemption from the payment of rates are set out in section 561. They include a person who is in receipt of an age pension—a man at 65 years of age, and a woman at 60 years of age—an invalid pensioner who could be a person of any age; a widow pensioner who could be of any age; a person who is or was a member of the forces within the meaning of part III of the Repatriation Act; and a person who is the wife or widow of such member of the forces if she is a service pensioner. These persons who can claim exemption are not all 65 years or more; they could be in their twenties.

The Government is putting its thumb to its nose at these people, who are admirable citizens and worthy of special treatment. Irrespective of the desires of the ratepayers concerned, the Government is providing that they shall not be permitted to offer their service on local authorities. The basic test of local government is what the people in the district desire; it is not what the majority of two or three in this Chamber or in another place desires.

Honourable members should not deny a deserving section of the community from offering their services on local authorities, nor should ratepayers be denied their right to elect the representatives they desire. The situation should be left as it is, and pensioners and others should not be denied a right which they have enjoyed for 41 years. I challenge any honourable member opposite to prove that any damage has been done to local government because of the existence of that law over that period of time.

Because a few reactionary Tory representatives of local authorities, elected on a restricted franchise, have decided that they want certain things, this Government hastens to conform. What about another instalment of the essence of democracy which was discovered towards the end of 1963, to the effect that so far as the Legislative Council was concerned human rights came before property rights? What about retaining a provision which has existed for over 40 years that human rights shall count ahead of monetary rights? Is this local government, or is this representation by those who are financially well circumstanced?

I have already indicated that where people suffer economic stress, power is provided to exempt them from the payment of rates for a limited period. If Parliament has decided that these persons are not in arrears, but are exempt from payment, they should not be denied the right to serve on local authorities, whilst the other sections of the people, covered by section 36 (3) are allowed to serve.

The CHAIRMAN (Mr. I. W. Manning): The honourable member's time has expired.

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

Ayes—21

Mr. Bickerton	Mr. Kelly
Mr. Brady	Mr. D. G. May
Mr. Davies	Mr. Moir
Mr. Evans	Mr. Norton
Mr. Fletcher	Mr. Rhatigan
Mr. Graham	Mr. Rowberry
Mr. Hall	Mr. Sewell
Mr. Hawke	Mr. Toms
Mr. Heal	Mr. Tonkin
Mr. W. Hegney	Mr. H. May
Mr. Jamieson	

(Teller)