BILLS (3)—FIRST READING.

1, Argentine Ant.

2, Native Welfare.

3, Inspection of Machinery Act Amendment.

Received from the Assembly.

ADJOURNMENT—SPECIAL.

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

That the House at its rising adjourn till 2.15 p.m. tomorrow (Thursday.)

Question put and passed.

House adjourned at 10.17 p.m.

Legislative Assembly

Wednesday, 27th October, 1954.

CONTENTS.

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

QUESTIONS.

EDUCATION.

(a) As to School at Margaret River.

Mr. BOVELL asked the Minister for Education:

(1) When will the new school at Margaret River be brought into use?

(2) What schools are to be consolidated at Margaret River and when is consolidation to take place?

The MINISTER FOR WORKS (for the Minister for Education) replied:

(1) The 14th February, 1955.

(2) Investigations are now proceeding.

(b) As to Contract for School, North Scarborough.

Mr. NIMMO asked the Minister for Education:

(1) Further to my question of the 14th October, 1954, has the contract for the North Scarborough school been let?

(2) If so, can he give the commencing date for the erection of the school?

The MINISTER FOR WORKS (for the Minister for Education) replied:

(1) Yes.

(2) No. This will be a monocrete building. The contractor has commenced precasting sections at the factory.

RAILWAYS.

As to Closure of Napier-st. Crossing.

Mr. HUTCHINSON asked the Minister for Railways:

(1) Is he aware that the closure of the Napier-st. crossing of the railway line is occasioning inconvenience to road users and causing a certain stricture of cross-line communications in the Cottesloe area?

(2) Is it not possible to satisfy safety requirements at this crossing to the extent that it may be reopened for traffic in the near future?

(3) Has the department any immediate plans for the reopening of this crossing?

The MINISTER replied:

(1) Some little inconvenience may have been caused during the recent repairs to the Eric-st. bridge, but since that thoroughfare which is situated within a quarter of a mile of Napier-st. has been reopened, any disability suffered by drivers of road vehicles should have disappeared.

(2) and (3) No.

BASSENDEAN-WELSHPOOL CHORD LINE.

As to Land Resumed and Compensation Payable.

Mr. OLDFIELD asked the Minister for Works:

(1) Has any final decision been made regarding the Welshpool-Bassendean chord line?

(2) Is he aware that some of the landowners concerned have not yet been compensated?

(3) Is he also aware that it is now four years since notice of resumption was first given?

(4) In view of the indecision of the Government in this matter, will he return the land to those owners who desire it?

(5) If the answer to No. (4) is in the negative, will he take steps to have compensation paid immediately?

(6) Will compensation be paid at current or 1950 valuations?

The MINISTER replied:

(1) Consideration of the chord line proposals has been deferred until the report on town planning has been received from Professor Stephenson.

(2) Yes.

(3) The resumption was gazetted on the 14th September, 1951.

(4) and (5) See answer to No. 1.

(6) Compensation has been paid on values as at the 1st January, 1952. Consideration will be given to the basis of future assessments when the final decision on the site is made.

STATE HOUSING COMMISSION.

As to Reservations for Recreational Purposes, etc. in New Areas.

Mr. BRADY asked the Minister for Housing:

Will he ensure that in all new housing areas opened up, adequate land is set aside for recreational purposes and other communal requirements, e.g. kindergartens, schools, churches and public halls?

The MINISTER replied:

The principle adopted by the State Housing Commission in acquiring large areas of land for development as housing estates enables ample provision to be made for shopping sites, schools, church sites, etc. and playing fields. The Town Planning Board allows 10 per cent. of any area resubdivided for such amenities, but the State Housing Commission usually exceeds this percentage. The principle adopted will be continued.

TOURIST ROADS AND RESORTS.

As to Government Policy re Financial Assistance.

Hon. D. BRAND asked the Treasurer:

What is the policy of the Government with regard to financial assistance for the construction of tourist roads and for the development of tourist resorts?

The MINISTER FOR WORKS (for the Treasurer) replied:

The Government considers that tourist resorts are of importance to the State and therefore its policy with regard to such is to encourage their establishment by giving such financial assistance towards their development and the construction of roads leading thereto as is possible and thought to be justified after considering them in relation to all other items for which financial provision is required to be made.

NARROWS BRIDGE.

As to Letting of Contract.

Hon. D. BRAND asked the Minister for Works:

(1) Has he given consideration to having the preliminary tests, investigation and surveys in connection with proposed bridge over the Narrows, done by contract?

(2) Would he be prepared to call tenders for the work of dredging to be done in connection with this bridge?

The MINISTER replied:

(1) Yes. Some of the investigatory boring is being done by contract now. The precise survey work has already been carried out by the Lands Department.

(2) The dredging is a matter of some urgency and has been commenced. Any known available privately owned dredging plant could not negotiate the river bridges and reach the site.

POLICE STATIONS.

As to Provision at Scarborough and Wembley.

Mr. NIMMO asked the Minister for Police:

(1) Further to my questions of the 28th July, 1954, can he state whether the police stations at Scarborough and Wembley have been listed in the 1954-55 works programme?

(2) If so, can he indicate when these works will be commenced, as they are of great importance to the districts concerned, owing to the big increase in population?

The MINISTER replied:

This matter is now before the Treasurer for his consideration.

AIR BEEF SCHEME.

As to Reconsideration to Continue Subsidy.

Hon. Sir ROSS McLARTY (without notice) asked the Deputy Premier:

Has he seen the statement in this morning's issue of "The West Australian" that the Commonwealth offer to help the Air Beef scheme still stood, if the Western Australian Government was prepared to participate? I would also like to draw his attention to a report for the year ended the 30th September, 1953, by the Rural and Industries Bank of Western Australia, which says—

> The inland cattle stations, covering an area of 15,000 square miles, this year relied solely on the air-beef lift.

Under the adverse effects of the drought, it is considered that had there been no air-lift scheme in operation, not more than 200 head would have been strong enough to make the gruelling overland trek to Wyndham and Broome meat works.

During the year under review, the air beef scheme air freighted 1,643,502 lb. of beef, 158,387 lb. of hides, and 8,123 lb. of pork.

In view of the statement made in Canberra yesterday, and the report from the commissioners of the Rural & Industries Bank pointing out the benefit of this scheme to a number of cattle-producers in the North—

Mr. SPEAKER: Is the Leader of the Opposition going to ask his question or not?

Hon. Sir ROSS McLARTY: Yes, Mr. Speaker. I would ask the Deputy Premier if he will give further consideration to this matter at the next Cabinet meeting with a view to seeing if this assistance cannot be continued?

The DEPUTY PREMIER replied:

I would advise the Leader of the Opposition that this matter is under reconsideration by the Premier, and I have no doubt that in due course it will be referred again to Cabinet.

BILL—DRIED FRUITS ACT AMENDMENT.

Introduced by the Minister for Agriculture and read a first time.

BILLS (3)—THIRD READING.

1, Argentine Ant.

2, Native Welfare.

3, Inspection of Machinery Act Amendment.

Transmitted to the Council.

BILL—PHYSIOTHERAPISTS ACT AMENDMENT.

Second Reading.

HON. J. B. SLEEMAN (Fremantle) [4.42] in moving the second reading said: This Bill was introduced in the Legislative Council by Hon. F. R. H. Lavery. It proposes to make possible the registration of several people as physiotherapists who are debarred by misfortune more than anything else from being registered. Until the Act of 1950, which came into force in 1951, there was no registration of physiotherapists, and persons could practise as such without any qualifications at all. It was therefore not until 1951 that they had to be registered.

The people concerned in this matter, before they came here, made inquiries and were informed there was nothing to prevent their carrying on their profession if they came to this State. After they arrived, a Bill was brought down, in 1950, which provided that a person, in order to be registered, had to satisfy the board that he was competent and had been bona fide engaged in the practice of physiotherapy in the State for at least 24 months during the three years immediately preceding the commencement of the Act, which was proclaimed on the 15th January, 1951. The fact that the Bill was back-dated 24 months was the stumbling block, for the board had to refuse these people registration.

Two of the persons affected arrived here in 1949, and one in 1950. I will refer to their records to show that they are highly recommended. The first one is Oskar Tollefsen, a Norwegian, who escaped from Belgium during the German occupation and eventually reached England via Sweden. He served in the Norwegian Navy under the British forces for the rest of the war. Some time after hostilities ceased he returned to England and there studied to become a physiotherapist. He became a member of the Swedish Massage and Electrical Institute, London, and obtained diplomas in massage, joint manipulation, and medical electricity.

Tollefsen returned to Norway in September, 1947, and practised physiotherapy in that country as follows:—

(a) At Drammen on his own account from approximately the 15th October, 1947, to the 17th May, 1948.

(b) At Brumunddal on the staff of the Brumunddal Physical Institute & Medical Bath from the 17th May, 1948, to the 2nd July, 1949.

(c) At Drammen on his own account from the 3rd July, 1949, to approximately the 15th August, 1950.

During the whole of this period Tollefsen carried out treatment within the definition of "Physiotherapist" in the Act.

Tollefsen had friends in Western Australia and decided to migrate here with a view to setting up in practice as a physiotherapist. Inquiries were made as early as 1948, and it was found there was no difficulty in his practising as such in this State. On the basis of his qualifications and the reports of the practice he had carried out in Norway, he was negotiating for a position at the Royal Perth Hospital, but was offered a staff position in private practice with a physiotherapist here—Ivar Monthen, a physiotherapist of long standing who is now a registered physiotherapist —with the opportunity to purchase a Fremantle practice. He accepted the position offered by Mr. Monthen.

A good deal of delay arose through the difficulty of the arrangements being completed for his entry into Australia and obtaining a passage; and, in fact, he left

Norway on the 12th September, 1950, arriving here on the 15th October of that year. On arrival in Australia, Tollefsen commenced practice with Ivar Monthen on the 16th October, 1950, and was in charge of the Fremantle practice practically from the commencement. About two months afterwards, the Physiotherapists Act, No. 75 of 1950, was passed and was later assented to.

The Act was to come into force on a day to be fixed by proclamation. Although there were no regulations, and in fact no attempt was made to register physiotherapists until the year 1953, for some obscure reason the Act was proclaimed on the 15th January, 1951. The Act of 1950 provided alternative methods of registration—

(1) either by completing the prescribed course of training or holding certain qualifications; or

(2) practising physiotherapy in Western Australia for at least 24 months during the period of three years immediately preceding the commencement of the Act.

Tollefsen had already severed his connection with Norway and came to Western Australia to settle here permanently and was showing he was a competent physiotherapist by the time the Act was passed and proclaimed. He had no alternative than to continue his practice as had all the other physiotherapists without registration. Tollefsen applied for registration to the board in January, 1953, which was the earliest that any physiotherapist could apply for registration as it was not until then that the board was properly constituted and regulations proclaimed to deal with registration. The board had shortly before advertised that physiotherapists must register.

At that stage Tollefsen had been practising physiotherapy in this State in a competent manner for a period of 2¼ years. He was the owner of a Fremantle practice in which a great deal of his capital had been invested. Tollefsen's application for registration was supported by references from—

(a) Dr. R. D. McKellar Hall of Perth.

(b) Dr. C. R. Dunkley of Fremantle.

(c) Dr. W. P. White of Fremantle.

(d) Dr. B. J. Hallion of Fremantle.

(e) Mr. Ivar Monthen of Perth, physiotherapist.

All these professional gentlemen certified that Tollefsen was completely competent to practise physiotherapy. Extracts from references from such gentlemen are as follows:

Dr. McKellar Hall:

> I Consider Tollefsen an eminently satisfactory physiotherapist.

Dr. Dunkley:

> I am pleased to give this application my full support having had professional relationship with Mr. Tollefsen for over two years during which he has skilfully treated a large number of my patients . . . He has shown himself to my entire satisfaction to have a thorough knowledge of the principles and practice of physiotherapy in all its aspects . . . His professional rooms are adequately equipped . . . He invariably conducts his practice on the highest ethical plane.

Dr. White:

> I have known Mr. Tollefsen for over two years both professionally and as a patient and have the highest regard for his co-operation and his skill.

Dr. Hallion.

> I consider his work is of a very high standard and have every confidence in supporting his application.

Ivar Monthen:

> He has worked with me ever since he arrived in Western Australia and has shown himself to be fully familiar and capable with the many aspects of physiotherapy.

On the 21st January, 1953, which, it is noted, was over two years after the Act came into force, the board advised that it could not register Tollefsen as he had not practised in the State for two years prior to the 15th January, 1951. An appeal by Tollefsen was made to the board, but the board considered that as it had no discretionary powers, nothing could be done. In the last few months, owing to pressure and threats of prosecution by the board, Tollefsen has had to close down his practice and his skill is not now available to the public. He has shown himself competent in all respects and has, in fact, been allowed to practise in the State of Western Australia for over 3½ years and, in addition, has practised in Norway for a period of nearly three years—two years and 10 months.

He has treated patients for a number of doctors and has had members of the medical profession and their families as his patients. Some of the doctors are—Dr. McKellar Hall, Dr. Dunkley, Dr. White, Dr. Hallion, Dr. Bedbrook, Dr. David Owen, Dr. Ebell and Dr. Max Anderson. The only reason for his non-resigtration is the fact that he did not practise in Western Australia for two years prior to the commencement of the Act on the 15th January, 1951.

The next one concerns John. A. Johnston who says—

> 1. Was employed by the Department of Health for Scotland, from discharge after World War II till I emigrated to Australia.

2. Arrived in Australia, May, 1949; started work with Royal Perth Hospital, June, 1949.

3. Have been continuously with them since then; appointed permanent staff on December, 1949.

4. Have been employed at the Infectious Diseases Branch where there are two orthopaedic wards. For over two years was on my own there, and carried out all physiotherapy treatment under the various honorary surgeons.

5. During this time I treated patients up to the age of 94, who were suffering from broken legs or strokes. Most of these patients were discharged capable of walking and doing their normal chores.

6. Applied for registration, but was refused as I hadn't the necessary time of practice in this State fulfilled. Time of practice date was January, 1949, and my commencement date was 26th June, 1949, leaving me approximately 5 months short.

7. Have treated patients of the following surgeons:— Dr. McKellar Hall; Dr. Dawkins; Mr. Pannell; Mr. Hill; Mr. Daly-Smith; Dr. Moss; Dr. Stewart; Mr. Gilmour; Dr. Bedbrook, etc.

8. Lack of registration prohibits me from the following:—

(a) starting my own practice;

(b) treating private patients;

as doctors have a list of registered physiotherapists and will only send private patients to them. Previous to registration I was kept pretty busy.

9. The first paraplegic unit (fractured spines causing paralysis to both legs, sometimes higher) in the whole of Australia has not long been formed at I.D.H., Shenton Park under Dr. Bedbrook, and I have been put in charge of physiotherapy treatment. This necessitates teaching the patients (at present 12) an entirely different kind of walking, and making them self-supporting, instead of being a liability of the community.

10. I am fully qualified remedial gymnast and corrective therapist. This type of work is akin to physiotherapy only on a wider field, as we teach the use of artificial limbs, and all types of crutch and caliper walking.

11. Have designed apparatus for developing the various muscle groups. This apparatus is in use at I.D.H.

12. One paragraph in Physiotherapy Act describes what is meant by physiotherapy, and this is an actual description of remedial and corrective work. It also states that anyone practising same without registration is liable to a £20 fine, and also loss of job.

At present I have been told that my job is secure, but what would happen if some nasty or jealous person took exception to me, and reported me, and the job I am doing without being registered and quoting that paragraph, then to my way of thinking the Physiotherapy Board must take some action.

I have the doctors' recommendations for this gentleman, which are as follows:—

Dr. Dawkins:

For the last three to four years I have been in a position to observe the work of Mr. J. A. Johnston and I have formed a high opinion of the man and his work. In the field of remedial and re-educational therapy he has proved to be extremely competent. He is conscientious, reliable and capable of taking responsibility and in his sphere, I consider the responsibilities approximate to those of physiotherapist. I am quite happy to support him in his application.

The medical superintendent of the Royal Perth Hospital:

To whom it may concern: I wish to strongly recommend Mr. John A Johnston's claim for registration as a physiotherapist under the Physiotherapists Act, 1950.

Mr. Johnston has been on the staff of this hospital since 26th June, 1949, and I wish to commend most highly his ability. His duties at this hospital encompass class exercises to male and female patients, re-education of walking—non-weight bearing and weight bearing, massage, prophylactic movement, and specific exercises for patients with diseases such as fractured spines, ankylosing spondylitis, cerebral vascular accident, etc.

Dr. Moss:

To whom it may concern: It gives me pleasure to testify to the great competence and untiring industry of Mr. John A. Johnston.

Mr. Johnston has now treated a considerable number of Perth Hospital patients of mine. They have been paralytic cases of various types and they have almost all been grossly disabled. During the time they were being treated by Mr. Johnston they were reviewed periodically by me. I visited him also at I.D.B. and my opinion is that he is very competent indeed.

From what I have already said it can be seen that the type of work he has carried out for me approximates very closely to that of the physiotherapist. The treatment of a number of the cases called for considerable physical exertion on his part and at no time did he spare himself.

I consider that if he were prevented from continuing his good work his loss would be a serious one.

The Infectious Diseases Hospital:

To whom it may concern: During the last 18 months I have seen the work and the results obtained by Mr. John Johnston in this hospital. He has always co-operated readily with me. His work is excellent and obviously shows an acute knowledge of the necessary sciences. I would be quite happy to work with him anywhere. J. J. Keating, M.S.S.P., A.P.A.

Dr. MacKellar Hall:

To whom it may concern: I have much pleasure in saying that Mr. J. A. Johnson has given me great satisfaction with the work he has carried out under my direction, in particular relationship to the paraplegic patients, who are at the Infectious Diseases Branch.

He also carries out treatment, under our direction, for post-operative convalescent orthopaedic patients and has always given much satisfaction.

Members will, in these circumstances, see that both these gentlemen are highly recommended by the profession.

The Bill was introduced in the Legislative Council where one clause, which was practically the Bill, was redrafted by Dr. Hislop. That should be a guarantee that these men are accepted by the medical profession as well as by the Physiotherapy Board, especially as I understand that the board is more than ever satisfied that, because of the last provision in the Bill, there is no danger of anyone being passed by that body unless he is competent. A person who applies to the board must prove that he is competent, and must be registered before the 31st December of this year because this provision ceases then. I have much pleasure in moving—

That the Bill be now read a second time.

On motion by the Minister for Railways, debate adjourned.

BILL—GUARDIANSHIP OF INFANTS ACT AMENDMENT.

Returned from the Council without amendment.

BILL—CORNEAL AND TISSUE GRAFTING.

Second Reading.

THE MINISTER FOR RAILWAYS (Hon. H. H. Styants—Kalgoorlie) [4.59] in moving the second reading said: This Bill is being introduced by me on behalf of the Minister for Health. It is a Bill for an Act to make provision with respect to the use for therapeutic purposes of eyes and other tissues of the bodies of deceased persons.

Within recent years, advances in medical knowledge and surgical techniques have opened a new field for curative medicine employing the grafting of tissues from one person to another. For example, the widely-known blood transfusion is really an example of a tissue graft. More recently it has been found that it is possible to remove the cornea of the eyes, which is that part of the front of the eyes covering the coloured portion, or iris and the pupil. It can then be transplanted on to a patient with disease or malformation of the cornea, in order to improve his vision.

In other cases the suprarenal gland has been grafted and, more recently still, grafts have been made of sections of arteries. There are possibilities with regard to other tissues still being explored. It has been found, however, that a cornea removed from a person who had recently died or any other tissue which has been mentioned, can be used, but only where the removal of the cornea or tissue occurs within a matter of some hours after the occurrence of death.

There are two reasons why this measure is required. Apart from statute, a person cannot, by will or otherwise, legally dispose of his body after death, and any directions which he may have given during his life are not binding on his representatives after his death. Section 214 of the Criminal Code, which relates historically to times when corpses were a source of revenue for sale for early medical research, precludes improper interference with dead human bodies. Similar legislation for each State is contemplated. The Bill now before the House is an adaptation of the Corneal Grafting Act, 1952, of the United Kingdom. It has been altered to extend to the grafting of other tissues. It would seem that the United Kingdom measure is working satisfactorily.

The Bill requires the party lawfully in possession of the body of the deceased to authorise the removal of the eyes or other tissue from the body for use for any purpose of or pertaining to the healing of disease, if the deceased has expressed a request that they be so used, and has expressed that request in writing at any time, or during his last illness orally in the presence of at least two witnesses, and has not cancelled the request, or the surviving spouse or a surviving relative of the deceased does not object.

The expression "party lawfully in possession of the body" is used in the United Kingdom measure because, according to the annotations at page 556 in the 1952 volume of Halsbury's "Statutes of England," the only decided case on the question is that an executor is in lawful possession of the body of the deceased testator. The deceased person, however, may have left no will and so, of course,

there would be no executor, or even though the deceased left a will in which he appointed an executor, the executor may have renounced.

The writer states, "Though it seems clear that some person other than an executor may in the circumstances of a particular case be in lawful possession of a body, the law on the subject is unfortunately in a somewhat undeveloped state." After mentioning the United Kingdom provisions from which certain portions of the Anatomy Act, and Part V of the Registration of Births, Deaths and Marriages Act of this State originated, he concludes—

> From a consideration of the above provisions it is submitted that the person lawfully in possesion of a body is the person on whom falls the duty of disposing of the body, or the person in whose care or charge the deceased was prior to death. Presumably, in the case of a death in a house the person authorised will be the nearest relative, such as husband, wife or parent. It is noteworthy that under Subclause (6) in the case of a death in a hospital the hospital authorities can give the necessary authorisation.

Because of those difficulties it would be extremely unwise if not indeed impossible to attempt to define who is lawfully in possession of a body and to exhaust all possible combinations of circumstances. The same expression is used in Sections 9 and 10 of the Anatomy Act, No. 23 of 1930, where no attempt at definition was made, doubtless because of these difficulties.

Without prejudice to the provision in the Bill which I am presenting to the House, the party lawfully in possession of the body of a deceased person may, but only with the written approval of the surviving spouse of the deceased person, or if there is no surviving spouse, with the written approval of the next of kin of the deceased person, authorise the removal of the eyes or other tissues from the body for therapeutic purposes. Similar regard for the wishes of the deceased and of his surviving spouse or relative may be found in Sections 9 and 10 of the Anatomy Act, No. 23 of 1930, of this State.

It is provided that, even where the necessary authority is given, the removal of the eyes or other tissue may be effected only by a registered medical practitioner, who must be sure life is extinct. Here is the real safeguard. No practitioner would be likely to risk deregistration under the Medical Act for malpractice.

Another clause in the Bill precludes the giving of the necessary authority where an inquest on the body is likely to be held, unless the coroner grants his consent to the authority being given. Where an inquiry into the cause of death is pending, it would obviously be necessary that the condition of the body should not be altered by the removal of eyes or other tissues before examination. If, however, the coroner is, for example, of opinion that removal of the eyes will not prejudice an examination of the contents of the stomach, he has power to consent to the necessary authority being given to remove the eyes.

It is to be noted that under Section 12 of the Anatomy Act the body cannot be removed from the place of death for anatomical examination until a certificate of death has issued, and hence the consent of the coroner is not involved. A similar provision in this draft is omitted because the usefulness of eyes and tissues for therapeutic purposes depends upon removal shortly after death. Out of an abundance of precaution it is emphasised that, although an undertaker has possession of a body for the purpose of its interment or cremation, the undertaker is not the person who is authorised to give the necessary authority for the removal of the eyes or other tissue. Similar provision is incorporated in Section 9 of the Anatomy Act.

Another clause provides that, in the case of a death in a hospital, the hospital authorities can give the necessary authorisation. This is copied from the United Kingdom Corneal Grafting Act. Evidently it contemplates a person making a request during his last illness in the presence of at least two witnesses and the necessity for removal of the eyes or other tissue soon after death. In this Bill the provisions of the United Kingdom measure are adopted in order to achieve uniformity, but difficulty could arise if the hospital authority were agreeable to give the necessary authority, but the "person lawfully in possession of the body" were not.

Probably the authors of the United Kingdom measure contemplated that in those circumstances the hospital authority would refrain from giving the necessary authority and, in any case, would be most discreet in exercising the power possibly only in cases where the deceased had no visitors or inquiries from an interested spouse or relative. The importance of speedy removal after death of the required eyes or tissue must be borne in mind. Something of a similar idea is suggested by Section 8 of the Anatomy Act, but the restrictions imposed there would not be suitable in this measure.

As a precautionary measure another provision emphasises that the Act will not render unlawful any dealing with a body or part of a body, if lawful irrespective of this particular Act. For example, it contemplates examinations which are lawful under the Anatomy Act, and post-mortem examinations lawfully conducted to ascertain the cause of death. I move—

> That the Bill be now read a second time.

On motion by Mr. Oldfield, debate adjourned.

BILL—MOTOR VEHICLE (THIRD PARTY INSURANCE) ACT AMENDMENT.

Second Reading.

Debate resumed from the 14th October.

HON. A. F. WATTS (Stirling) [5.9]: In the main this Bill appears to be one which could safely be passed by this House. The bulk of the measure, as I see it, is of a machinery nature, coupled with the proposals to enable the trust to be in a better position to enforce claims against drunken drivers. But I take some exception to the proposal to alter Section 21 of the principal Act.

As is well known that section provides that a period of 15 days is allowed to elapse after the expiry of a traffic licence within which period a third party insurance policy is valid. The exact provision reads—

> Where a policy of insurance complying with this Act would, but for this section, expire by effluxion of time on the same day as the licence then last issued and in force in respect of the motor vehicle in relation to which such policy was issued will expire by effluxion of time, the term of such policy of insurance shall, notwithstanding anything to the contrary contained in the policy, by virtue of this Act continue and be extended for a further fifteen days after the date upon which but for this section it would have expired by effluxion of time, or until a new policy of insurance complying with this Act is obtained in substitution or replacement of such first mentioned policy of insurance in respect of the said motor vehicle, whichever is the lesser period.

That section, as I have always understood it, was placed in the Act to dovetail with the procedure under the Traffic Act, where no exception is taken if the vehicle licence is not renewed for a period of 15 days after the date of its expiry. As a matter of fact, I was responsible for introducing this third party trust legislation and I was given to understand, at the time, that the period of 15 days, was, in some respects, a convenience to the Traffic Department and that its dovetailing with the procedure under the Traffic Act was most important.

In this Bill the Minister proposes to alter the section considerably. It is proposed to repeal and re-enact Subsection (1) of Section 21, and it was Subsection (1) which I read out a moment or two ago. In introducing the Bill the Minister said—

> The subsection at present provides for a period of 15 days after the expiration of a policy during which the vehicle is deemed to be insured, even though the policy has not been renewed or a new policy obtained. This extension was intended for the benefit of a person who renews his policy within the 15 day period and was not intended to extend the term of all policies to one year and 15 days.

Referring to the last statement—that it was not intended to extend the term of all policies to one year and 15 days—I do not think anyone ever imagined it did, because the wording of the section is quite clear in that regard, especially when one recalls the expression regarding the 15 days and the words "whichever is the lesser period."

It is obvious that it was intended to extend only to the day on which the licence was renewed, or 15 days from the date of its expiry, whichever was the shorter period. Obviously, if a person had not renewed his licence or third party cover after 15 days, he would be committing not only a couple of offences, but also would be without the protection afforded him by the third party insurance policy. Yet the Minister said—

> This extension was intended for the benefit of a person who renews his policy within the 15 day period and was not intended to extend the term of all policies to one year and 15 days.

To cover this position the amendment provides that if a policy is not obtained or renewed within the 15 days the vehicle is deemed uninsured from the date of expiry of the old policy. I suggest that that is likely to cause a great many difficulties. It is hard to state likely cases in regard to it, but members will agree with me that if the position is as the amendment provides, and if a policy is not obtained or renewed within the 15 days the vehicle is deemed uninsured from the date of expiry of the old policy, there are quite likely to be instances where the circumstances are perfectly bona fide and where protection may ultimately be refused by the trust.

In my opinion, if we are going to alter Section 21 at all—to which I am definitely opposed—it would be far better to say that the licence and the policy have to be renewed before the expiry of the licence period, and if they are not, the licensed person, who is the insured person, must suffer the consequences. I do not think there is any case for the repeal and re-enactment of Section 21. There may be some case, perhaps, for altering its phraseology to some slight degree at the beginning where I think the draftsman got himself slightly involved, although the provisions of the section are clear enough. I do not think there is any case for running the risk of bona fide cases not being insured in the circumstances to which I have made some reference.

The Minister goes on to say that the second and more important object is to meet the position which arises where (a) a vehicle is involved in an accident after a policy has expired and (b) the owner then obtains a new policy. On general principles, it is submitted that the owner should not have the benefit of a new policy to cover the accident which occurred before the policy was obtained. It is possible, however, that if the renewal of a new policy is dated back to the expiry of the old policy, the owner could obtain such benefit.

Some doubt regarding the position arises because of certain provisions in the Traffic Act and the principal Act. Section 10 (5) of the Traffic Act, which deals with the renewal of licences in the metropolitan area, provides that a new licence, when issued, shall commence and have effect from and after the date of the expired licence. I think members, on considering all that, will definitely come to the conclusion that we are likely to have a deal of trouble at times if this section were amended and re-enacted, as proposed by the Bill. A good many of these licences are renewed by post. Therefore, the applicant whose licence expires on the 31st October, on the 14th November sends to the necessary licensing authority his application and his money for a renewal of his licence. In the ordinary course of events, that application does not reach the recipient until some time late on the 15th November. Early on the moning of the 15th November, however, he meets with an accident.

I suggest that under the terms of the section, as the Minister proposes to re-enact it, he would not be an insured person, and I think that that would be a very unhappy and undesirable state of affairs. So while I have no objection to the other proposals in the Bill, I consider that the House would be well advised to reject the proposition for the amendment and re-enactment of Section 21 in the terms as proposed by the Minister.

I am sorry, too, that this measure did not contain—or the Minister did not make —some reference to consideration having been given to one or two other aspects of the operations of the trust dealing with third party insurance. The trust, of course, has had to pay a considerable number of claims and they have come from a comparatively small number of motor-vehicle drivers as a result of their negligence or default when driving their motor-vehicles. In consequence of the number of claims which the third party insurance trust has had to pay arising out of those defaults, the trend has been for a steady rise in the premiums payable.

However, no greater premium is paid by the person who causes these claims and heavy expenditure than by the vehicle-driver who carries on year after year without causing any financial expenditure to the trust, no activity for the traffic police and no inconvenience or damage to his fellow-citizens. He pays precisely the same increase of premium as that which he would have paid if he had been one of those persons who had landed the trust in an expenditure of a few thousand pounds.

In the last two or three sessions, questions have been asked in this House whether consideration had been given to allowing some rebate to those persons who have caused no expenditure to the trust and, of course, there might be the alternative of making those who have, pay some surcharge. I do not think we are justified in asking the community as a whole, or that portion of it which is responsible for the management of motor-vehicles, to pay a very substantial increased premium because of the charges that have been imposed upon the trust by a fractional number of the motorists. I consider that we should either pay a rebate to those who are careful during the period of their licences or make a surcharge upon those who are not and cause cost to the trust. There should be something done along those lines.

A question arises—and I fancy that some reference has been made to it in the Press during recents times—as to the judgments that are given, particularly on the amount of damages, by judges who are assisted by a jury in the hearing of these cases. There are times, of course, when I have been able to agree with the amount of damages that have been assessed in so far as one can form an opinion from the reports, but there are also times when it would certainly seem to me that sympathy has outrun the judgment of the jury.

It must be recognised that the jury in such a hearing is responsible for the assessment of the amount of damages. All the judge does is to direct the jury on the law and on the evidence prior to its retiring to consider its portion of the verdict. So it has been suggested—and I must say that the suggestion seems to have virtue—that there should be constituted a special tribunal to deal with the claims under the third party insurance laws. Two advantages immediately appear, I would think. One is that we would be likely to have some uniformity of decision because the same people would be making the determinations in every case, and, in the other, we would find that the members of the tribunal in a very short time would become experts in dealing with the problems which are associated with what I might term violation of the traffic laws.

So I would like to commend that suggestion to the Minister, together with the other which I have just made. The third party insurance trust has done an exceptionally good job. Its personnel has certainly shown great interest by successfully

administering the trust and it is perfectly true, as the Minister said, that its administration costs have been far less in percentage than was originally anticipated. Part of that, I will willingly admit, has been because of the care and efficiency with which the trust and its officers have administered the Act.

Part of it, I have no doubt, is due to the fact that there has been much greater revenue received than would have been expected on account of the greatly increased number of motor-vehicles. But even making allowances for that last particular, it does not take away from the credit that is due to the trust and its officers for their careful and efficient administration of the Act. I am convinced, however, that the time will come when, unless we take some steps to bring about some uniformity of decision, and decision by persons not only expert in the legal side of the matter, but also expert in dealing with the traffic problems of the day, we shall find that our premiums will reach much higher figures than they are at present.

That has been the experience in the Eastern States of this Commonwealth—or at least in some of them—and I fear that it may be our experience here. That would be more unfair to the person who, during the course of his year's licence, does not cause the trust expense and damages, and would be still more unfair to those who have driven their motor-vehicles for many years without causing any trouble and expense, and who, as I said, constitute by far the greater proportion of the motoring public.

It is the opinion of American investigators that a person who meets with one accident is more likely to meet with another than a person who has never had one. Their investigations show that some people have had five, six or seven accidents, while others have gone on year after year without any. It is not unreasonable to suggest that, in some degree, the same applies in our own State. I would ask the Minister to discuss this matter further with the trust with a view to seeing if something cannot be done along the lines I have suggested.

Regarding the question of premium, there would be a great deal of satisfaction among the careful section of the motoring public if some scheme of no-claim rebate could be instituted; and a just penalty provided for those peculiarly clumsy people who always seem to meet with accidents. On the other hand, the question of separate tribunals to deal with the bulk of these claims which come under the third party insurance cover, would be a step in the right direction, likely to diminish to some degree the heaviness of the expenditure falling on the trust, without in any circumstances diminishing the fair computation of the amount that is due to an injured person. As I see the position, it would simply do away with the very considerable differences which exist in regard to similar types of injuries, both here and in the other States. With those few remarks, I hope the Minister will agree to withdraw his amendment to Section 21. I support the second reading.

THE MINISTER FOR POLICE (Hon. H. H. Styants—Kalgoorlie—in reply) [5.33]: I am grateful to the member for Stirling for the manner in which he has dealt with this Bill, and to know that he favours the provisions, with one exception. After I have explained the position, I think he will probably withdraw his objection to the amendment to Section 21. A person taking out a licence for a vehicle must at the same time take out a third party insurance policy; he cannot get the vehicle licence without such a policy. Under the Traffic Act, a person is given 15 days' grace in which to renew a vehicle licence which has expired. This Bill does not in any way interfere with that right.

Some persons refrain, neglect or deliberately omit to renew the vehicle licence and third party policy. If, after three months, such a person decides to take out a new licence, the amendment to the Traffic Act last year provides that the licence shall date back to the time of expiry of the previous licence. It is on record that a person who neglected to renew his licence for more than the 15 days' grace met with an accident, and he immediately went to the police to renew the licence and the insurance cover.

Under the provisions of Section 21 he can claim to be an insured vehicle-owner because of the amendment to Section 10(5) of the Traffic Act. This allows a most unscrupulous and unfair exploitation of Section 21 of the Act. If this clause is agreed to, it will not take away the right of an injured person to claim third party insurance. What it will do is to impose a liability on the person failing to renew a vehicle licence and, if he possesses means, then the trust will be able to claim on him for the amount of compensation payable.

I hope I have made the intention of the amendment clear. It means that a person who omits to renew a licence, and who meets with an accident subsequent to the expiration of the 15 days' grace, will now be liable. Members will agree that the present position was never contemplated, and that it is unfair. The trust wants it altered. I agree with the member for Stirling that consideration should be given to careful motorists who drive year after year without an accident and who are yet called upon to pay the same premium rate for third party insurance as drivers who frequently meet with accidents.

The suggestion for a no-claim rebate has much to recommend it, as has also the suggestion that an attempt should be made to bring about uniformity in awards for

damages, where persons are injured through the fault of motorists. Grave discrepancies exist, and I might even say anomalies, in the quantum of damages awarded to injured persons. I am not the Minister in charge of the Traffic Act; the Chief Secretary holds that position. I can assure the member for Stirling that I shall bring his remarks to the notice of that Minister. He may consider them of sufficient merit to bring them before Cabinet and the Motor Vehicle Insurance Trust with a view to amending the Act at a later date.

Question put and passed.

Bill read a second time.

In Committee.

Mr. J. Hegney in the Chair; the Minister for Police in charge of the Bill.

Clauses 1 to 7—agreed to.

Clause 8—Section 21 amended:

Hon. A. F. WATTS: The remarks just made by the Minister are a repetition of what he said the other night. I am not entirely satisfied that the effect of this Bill will be what the Minister expects. Proposed Section 21(1) reads—

> (1) (a) Where a policy of insurance complying with the requirements of this Act, and a licence under the Traffic Act, have been issued in respect of a motor vehicle, and both would, but for this subsection, expire by effluxion of time on the same expiry day, if the provisions of paragraph (b) of this subsection apply, the operation of the policy is extended by, and in accordance with those provisions.
>
> (b) If a new policy complying with the requirements of this Act is issued in respect of the motor vehicle within the period of fifteen days of the expiry day of the policy mentioned in paragraph (2a) of this subsection, the operation of the policy mentioned in that paragraph, is, by this paragraph, and notwithstanding any provisions to the contrary of the policy mentioned in that paragraph, extended until the new policy is issued.

I submit that, as the clause is worded, it is likely to place a person, who has acted in a bona fide manner, in the position that an accident has occurred before the policy was issued, although he had endeavoured to comply with the law. That was and still is my complaint against the clause.

The MINISTER FOR POLICE: I cannot follow the hon. member's logic. To my mind the clause is crystal clear. Under it the owner is given 15 days' grace to renew his third party risk, just as he gets 15 days' grace to renew his vehicle licence. If he does not renew it within the 15 days, then, for the purpose of this measure, it is an uninsured vehicle.

By an amendment to Section 10(5) of the Traffic Act, a man could go on driving his vehicle for three or six months without having a vehicle licence. He may have genuinely forgotten to renew the licence and if he had an accident and then applied for a licence, it would be dated back to the date of the expiry of the previous licence. That is what the Act at present permits an owner to do as regards his third party risk.

As to the case quoted by the hon member on the second reading—that a third party risk policy could expire on the 31st October, that the driver could apply for a renewal on the 1st November and that before the application reached the traffic office, he met with an accident—I do not think that is logical, but perhaps the hon. member wished to imply that on the fifteenth day after his third party risk and vehicle licence expired, he set about applying for another licence. The case would have no merit if the man took full advantage of the 15 days' grace and then applied for a renewal; I would have no sympathy with him, but if he, on the day his third party risk and vehicle licence expired, wrote to the traffic office for a renewal, he would be regarded as an insured person.

The trust is endeavouring to prevent a person, after he has had an accident with an unregistered vehicle, applying for a licence and having it dated back to the expiry date of the previous licence. Members need not be afraid that the trust is endeavouring to evade its responsibility to a third party who may be injured. Its sole desire is to guard against the practice I have outlined. If the unlicensed person had means, the trust should be able to claim from him the amount of the damages awarded. If the person had no means, the trust would shoulder its responsibility by paying damages that may be awarded to an injured third party.

Hon. A. F. WATTS: I do not doubt the Minister's interpretation, but a person could post his application for a renewal and then, on the 14th November, the same afternoon, become involved in an accident. I am afraid that he would not be covered, although he had done his duty by making application within the period allowed.

The Minister for Police: When would his previous licence have expired?

Hon. A. F. WATTS: On the 31st October.

The Minister for Police: I would have no sympathy for him if he left it till the 14th November.

Hon. A. F. WATTS: It is not a matter of sympathy. I would not sympathise with him, but people at times are confronted with events that prevent their attending to these matters at the time. Although that person had forwarded his application

in time, if the new policy were not issued until after the expiration of the 15 days, he would not be covered. I regard the existing section of the Act as sufficient to cope with the position.

The MINISTER FOR POLICE: That is not so; it has not worked satisfactorily. That is why the trust has asked for an alteration. The provision worked satisfactorily until the Act was amended last year. I think that amendment originated with the various licensing authorities—the road boards and the police—who pointed out that people were allowing their licences to over-run the date by two or three months and then were approaching the Traffic Office and taking out a new licence from that date. Consequently they were escaping the payment of the licence fee for the two or three months.

The Act was amended so that the hiatus between the expiration of the previous licence and the date of application was covered by the new licence. Now the trust has been legally advised that third party insurance could be claimed if a man had not taken out his licence and had driven for three or four months, but on meeting with an accident had obtained a licence and secured third party cover. Because of that the trust desires this amendment. I cannot see much merit in claiming that we should make provision for a person who defers his application till the last minute. If we accept the hon. member's contention that the person could wait until 14 of the 15 days' grace had expired, the same argument could be advanced in favour of granting extension of time to a man who omitted to apply for a vehicle licence.

If the hon. member objects to limiting the time strictly to the 15 day's grace in connection with the third party risk, it is logical to limit it to 15 days in the case of the vehicle licence. I cannot see that any injustice would be done by the clause, but under the amendment made last year, an injustice could be done to the trust by holding it responsible for a person who, at the time of meeting with an accident, had been operating for probably several months without having taken out third party cover.

Mr. BRADY: Something should be done to water down this provision so that a person, who may have had a licence for 20 years and who failed to renew at the due date on one occasion and was unfortunate enough to have an accident, should not lose all cover. That would be a harsh way of dealing with the matter. When one goes to the traffic office to renew a licence, the officials invariably try to make one produce the current licence and third party cover. It cannot be assumed that everyone whose licence or policy is allowed to lapse temporarily will have an accident, and I believe the percentage would be very small.

I have previously raised in this Chamber the question of whether the staff of the traffic office could be increased and the hours extended so as to enable people more easily to renew their licences. At the traffic offices at James-st. and in Midland Junction I have seen long queues of people waiting to have their licences renewed. Often a person may not be able to wait, because the queue ahead of him is too long, and on returning a few days later he might again be faced with the same situation.

If a small penalty of 2s. or 2s. 6d. were inflicted on a person who went beyond the 15 days, I feel sure that sufficient money would be provided to cover the trust office for the sums involved in the one or two isolated cases where people had renewed their licences and policies, having been involved in an accident during the period while the licences were lapsed. I do not think we should remove the protection from those people as, after licensing a vehicle regularly for 20 years, and keeping it covered regarding the third party risk, a man might return from a holiday to find his policy had expired, or he might get sick and overlook the necessity for renewing the policy.

In such an instance he might be involved in an accident and would find that he had not been covered. The principle involved in my suggestion already exists. The person taking out an annual insurance policy pays a fixed premium while he who takes it out half-yearly pays a slightly increased premium, as does also he who takes out the policy quarterly.

Mr. O'BRIEN: The clause has been fully explained by the Minister and the Leader of the Country Party, but, being familiar with the procedure in road board offices, I know that at the end of each month the trust receives a duplicate form containing every licence number issued by the road board concerned during the month. According to my understanding of the measure, a person is allowed 15 days grace after the expiry of his licence, and surely that is sufficient. I agree with the suggestion of the member for Guildford-Midland in relation to the imposition of a small penalty. I agree, also, with the member for Stirling who said there should be some surcharge for the person who has met with more than one accident. I feel that the clause is worthy of trial as I believe it will assist the trust, and I think it will prove successful.

The MINISTER FOR POLICE: I do not think it matters how many accidents are likely to occur under this proposal—whether it be one or 50. The point is whether a person driving an unlicensed vehicle, without third party cover, should be permitted, because of something in another Act, to claim that he was an insured person and evade responsibility, if

he has sufficient means to pay for any damage done. If he has not paid his insurance premium, why should he be permitted to gain an advantage through something appearing in the Traffic Act? I would remind members that 15 days' grace is provided already, and I think that is sufficient. If the law laid down that a licence expiring on the 1st January had to be renewed by that date, there might be merit in the suggestion that has been made, but for that reason the 15 days' grace was provided for years ago. I believe it is ample.

Mr. McCulloch: There is 14 days' grace with regard to registration.

The MINISTER FOR POLICE: Yes. The amendment made last year states that one can renew a licence 14 days in advance of its expiry date. The member for Guildford-Midland suggested a fine of a couple of shillings for those who were found out after having had an accident, but the accident, having occurred during the time when the policy was void, owing to the premium not having been paid, might cost the trust thousands of pounds. I do not see that it can be argued that the person who has omitted to re-license his vehicle or take out a policy with the Motor Vehicle Insurance Trust should be covered.

Clause put and passed.

Title—agreed to.

Bill reported without amendment and the report adopted.

BILL—LOCAL GOVERNMENT.

Second Reading.

Debate resumed from the 12th October.

HON. V. DONEY (Narrogin) [6.12]: As members may recall, I was closely associated with the Local Government Department during the early stages of the construction of the Bill now before the House, and naturally I take a keen interest in its future. Without wishing to be unduly critical of the Government, I must express the opinion that the Bill is now far removed from the healthy measure which it certainly was when the highly competent Royal Commission that constructed it and handed it over to the Government, which—regrettably, in my judgment—has apparently considered that a few coercive touches here and there would improve it.

I am deeply disappointed that the Government has seen fit to add to this large and important Bill certain provisions which are disliked intensely by all the local governing authorities in the State. I say "all" because I have heard of no exception, and because the party to which I belong has received letters from some 60 or so local governing authorities, every one of which has stressed its deep dislike of the Government's proposed new method of electing the members and chairman, to say nothing of other objections raised against various portions of the Bill by members on my right who have already spoken to the debate. I ask members on the Government side of the House to name a single local governing body which is known to have stated itself as being in favour of the major amendments put forward by the Government.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. V. DONEY: Prior to the tea suspension I had voiced the opinion that probably not a single local governing body in this State had expressed itself as favouring the voting and valuation amendments proposed by the Government. I cannot help thinking that that fact certainly calls for some attention. I also asked members opposite to name any exceptions if they knew of them. I cannot swear that there are none, but I can at least assert that I do not know of any. Conceivably, of course, there may be one or two. If there are, all members will agree that the local governing bodies concerned are keeping very quiet about them. I feel reasonably safe in claiming that I know of no pro-Government road board or municipality—not even in the Fremantle or Goldfields area—that favour those amendments. That, I imagine, must be somewhat of an embarrassment to certain of our hon. friends on the other side of the House.

I have drawn attention previously to the fact that in the 60 letters from different local governing bodies throughout the State, each one had made it very plain that every one of them was against the amendments; I refer to the principal amendments brought in by the Government itself. In the face of those figures—the 60 strong opinion I have quoted—I repeat, it is an argument that cannot very well be ignored by the House, or by individual members for that matter; nor can it be ignored by Governments which, as we know, might be said to live on majorities, and cannot exist without them.

In the face of the figures I have mentioned, I wonder whether the Government would care to assert that its new proposals are in the interests of Western Australian local authorities, and also in the interests of the people of Western Australia. If I recall aright, when handling this measure on behalf of his colleague in another place, the Minister for Railways expressed—I presume on behalf of that colleague—the view that these new requirements of the Government would survive a trial.

That may be so, but it is not particularly high praise merely to say of them that they would survive a trial. Nevertheless, my hon. friend may be quite right in what he says; it is just a possibility and the barest chance. But in any case it is too early yet, as any member will agree, to hazard a guess of that kind. But if the Government does succeed in having

its own way in respect of the newly proposed method of electing members, the chairman and so forth, one quite likely result will be that a band of irresponsibles would insist on borrowing to the permissible limit and ruining in the process the district they represent. There could be no other result than that the ratepayers would be left with the costly job of straightening out the tangle.

I know that would be regarded by some as a foolish assumption, but in my judgment—and in the judgment of many with whom I have discussed the matter—it represents one of the very dangerous and cock-eyed results that may actually come to pass if the Government does not see fit to change its intentions regarding future local government elections. I find myself wondering whether members opposite have tried to assess some of the more or less minor effects of the new type of elections upon the minds and tempers of the ordinary citizen and voter.

Members should reflect on the fact that with the adoption of the new proposed order, we shall substantially add to the number of those who will necessarily have to attend the polling booths to vote. Do not let us forget that under the proposed new order, the elections will not, of course, continue to be the very small and easy things that they have been in the past. The elections will assume the same proportions as when the State occupies itself with Commonwealth or State politics. I am inclined to think that not too many will like that. Elections which, as we know, have never been regarded as a very popular way of passing the time, will, if this Bill is passed as drafted, be regarded as a useless interference with the rights of the people of this State.

Mr. May: That is a peculiar viewpoint to adopt.

Hon. V. DONEY: I do not know what the peculiarity may be, but, if Mr. Speaker will permit him, the hon. member may mention it; or perhaps if he will meet me later, I will have a talk with him. I feel sure it would be regarded as a useless interference with the rights of the people, and one that should not have been passed by Parliament. I do not see how it could be otherwise.

Is it not a fact that during the last 25 years or thereabouts Saturdays have become, with the passing of the years, sacrosanct to sport? I think it is worthwhile to reflect on that aspect for a moment. I am sure members will agree that there is a definite feeling that Saturday is a sort of people's day, and that it must not, of course, be unduly interfered with by Governments or any other groups of people. We may feel sure, therefore, that the Government's proposals—assuming that they pass both Houses of Parliament—will not be received by sport addicts—and in that I suppose I would include the Premier—with shrieks of joy.

As it is, it is never easy to drag voters from the various sports grounds to the polling booths to vote for Federal, State or any other form of election. In future it is likely to be more difficult still, unless wisdom prevails and the stupidities we find in this Bill are put away out of sight, and the present restricted franchise is allowed to remain.

During the last 27 years or so—and that is in keeping with the length of my time here in Parliament—I have, like most other members, been involved in many thousands of arguments, political, personal and theological; and, of course, arguments about local government as well. But not once do I recall anyone suggesting that Parliament should be asked to infuse politics into the local government of this State. I know the Minister in charge of the Bill is, strictly speaking, handling the measure for his colleague, and I have no doubt that many of the views he expressed, would be those of his colleague; they could hardly be otherwise.

I was saying that at no time had I personally been involved in an argument of the type to which I have referred; nor do I think I have ever heard other people involved in one. I mention that in order to demonstrate that this itch on the part of the Government to pursue the line that it is taking, is not due to any great call for a change but is due to the circumstance that the Government suddenly woke up to the fact that it would like a change, and ultimately screwed up the necessary courage. Still, why it has taken that stand is very much of a problem to me and, I think, to every other member on this side of the House.

One other reason I am surprised at the structure of the Bill is that the local authorities throughout the State—and no one will care to deny this—operate quite unpretentiously, respectably and wisely; and I think it might be truthfully said that they are wholly receptive of modern methods. They are on the friendliest of terms with senior departmental officers. Successive Governments over the past 26 or 27 years have showered upon municipalities and road boards praise of the most complimentary kind.

There must have been some very solid reason for that, and for its recurrence every year. I do not think one year has passed in which compliments of the kind to which I have referred have not been paid them by the Government of the day, from whichever side of the House it has been drawn. One would imagine that to deliberately disturb such a relationship would be unthinkable; that it would be almost indecent to praise a group of men to their

faces; and then, at a somewhat later date, and for no apparent reason, put across them a Bill such as this one.

Mr. Johnson: Is the Bill going to throw them out? Is it designed to disfranchise the present councillors?

Hon. V. DONEY: I do not know whether it is designed to do that; but it will have the effect of disfranchising many of them, for want of a better word: that one was the hon. member's. It cannot be otherwise than that the type of man returned to the various local government authorities will be of an entirely different type from those serving at present.

Mr. Johnson.: Where is that in the Bill?

Hon. V. DONEY: I have said that it does not appear to me as being proper that the present relationship between the local authorities and the Government, and the governmental department that looks after these matters, should be changed. Yet there is no doubt that that is contemplated in the Bill. Perhaps things are not precisely as they seem; I am not sure. I have not had a talk with the Minister, or with any of the other Ministers on the front bench. But it strikes me that, though it is not very likely, it may be that the Government is just testing the position to see how members will react during the debate. If it gets no encouraging response, maybe the Government will agree to the withdrawal of the unpopular amendments, rather than spoil an otherwise splendid Bill.

During his speech, if I remember aright, the member for Leederville, after stating that this should not be regarded as a party Bill, disclosed the fact that adult franchise in respect of local governing authorities, was on the Labour Party's platform. I do not know whether that is so; I have a hazy idea of having heard of it. But the hon. member said it was so, and stressed the fact over and over again. That would indicate that if the matter was not a party one, the hon. member was very plainly making it one by broadcasting the fact that this question was on his party's local government platform.

Mr. Johnson: That is not a reason for opposing it.

Hon. V. DONEY: I do not know that there was any outstanding reason why the hon. member should have mentioned it. His reference to the matter brought the first suggestion of party politics into the discussion; there is no doubt about that. I will admit that for any public question to find a place on the platform of any party, whether in this State or elsewhere, is something of value; but it is striking me now that it is not everything, by a long way. Opposed to it are these facts, as they come to my mind.

It is not on the platform of the Liberal Party or of the party to which I belong. It is not on the platform—if they can be said to have one—of the local governing bodies. Nor—and this would be the strongest point of all—is it on the platform of the man in the street, the general voter. That, I think, is the point that counts most. It is conceivable, if my ideas happen to be correct, that it will not be long on the Labour Party's platform. What I mean by that the hon. member can occupy his time in trying to think out.

I said earlier that the Government's only apparent reason for its more objectionable amendments—and I do not use the word in any nasty sense—namely, those dealing with elections, was that they might be given a trial. To say that the Government, or any other body, will give some new, queer, untried idea a trial, is generally taken as meaning that the body concerned is to give the matter a trial, and damn the consequences. The adult people of Western Australia do not like important public matters to be dealt with in that very slipshod fashion.

It is my hope that members will vote on this measure on non-party lines. I think that that is quite right and proper, and to that extent the advice of the member for Leederville was helpful. There cannot be the slightest doubt that the adults of this State are thinking that way, and the normal expectation is that we, their representatives, will follow suit. Let me assert this, too: We have never known the collective intentions of the people of this State with more sureness than we know them on this occasion. I intend to vote for the second reading, but to oppose the adult franchise amendments and to favour a continuance of the existing valuation practice.

I have said earlier that the party to which I belong received some 60-odd letters. I have one here now which seems to give, in a quite succinct and very interesting form, the writer's opinion of what is wrong with the Bill and what should be done in order to set it right. This letter is from the Goldfields and is headed, "Conference of Goldfields Local Bodies". The letter is addressed to me.

Hon. J. B. Sleeman: What is the date?

Hon. V. DONEY: It is dated the 11th October.

Hon. J. B. Sleeman: This year?

Hon. V. DONEY: The 11th October this year. Nothing was known about this matter last year. The letter is drawn up in a very succinct fashion; and of the several communications that have come our way, it strikes me that this one might be as good as any other to read out. I think it is desirable that the nature of the objections by outside people should find a place in our parliamentary paper. This conference comprises representatives of nine

local governing authorities which meet every now and again at Kalgoorlie. Since there are in this Chamber quite a number of members from that district, I hope they will feel an interest in the letter. It reads as follows:—

> The subject of the new Local Government Bill was introduced at a recent meeting of this conference and discussion centred around the provisions for adult franchise in connection with local government elections and the system of valuation.
>
> It is the considered opinion of this conference, which represents nine local authorities from Leonora to Esperance and west to Southern Cross, that if the particular clause dealing with adult franchise was allowed to go through, ratepayers would virtually cease to manage the affairs of local government and its control could be taken over by a force of irresponsible persons with probably no special interest in the district whatever, thereby upsetting the smooth working of a local authority.
>
> The new Bill makes unimproved capital valuation of land compulsory throughout the State and though undoubtedly there are good arguments for this system where land values are increasing, it is very detrimental to goldfields towns. In small country towns, and especially goldmining towns where land values are low, local authorities will lose a considerable amount of revenue and it would be more than difficult to assess the unimproved value of goldmining leases; no regard can be had to the building and plant erected thereon.
>
> You are, therefore, earnestly recommended to support this conference in its views to have the Bill amended to give goldfields local authorities the option to continue rating on the annual value system or both as may be practicable.
>
> I would point out that if the system, as provided in the Bill, were forced upon local authorities represented in this conference, many of them would find themselves financially embarrassed in a very short time and therefore could become a burden to the State to keep them operating.

That letter is signed by the secretary to the conference. I anticipate there will be many speakers on this subject, so I feel I need go no further except maybe to say that I recall no other occasion when objections to Government proposals have been so widespread and so regardless of political partyism. Another strange feature is that not yet, to my knowledge, has anyone asserted that there are any material weaknesses in the present system. Before we are justified in making such radical changes as are proposed in the Bill we should certainly be in a position to say that certain weaknesses exist which, in the interests of the local bodies themselves and of the people of the State, should be corrected. We should go to a little more trouble to prove that the method laid down in the Bill is the best available.

Mr. Brady: Are you dealing with valuations only, or administration generally, when you make that statement?

Hon. V. DONEY: I do not know what the hon. member has in mind.

Mr. Brady: Are you dealing with unimproved or capital values?

Hon. V. DONEY: I have been dealing with administration generally.

Mr. Brady: Your party introduced an amending Bill.

Hon. V. DONEY: That is quite right. I have no doubt that on a score of occasions the party to which I belong has brought down amending Bills, but they have not been such as to arouse the ire of all local authorities throughout the State.

Mr. Brady: I can show you dozens of letters opposing the Bill you introduced.

Hon. V. DONEY: Of course; and we can retaliate from this side, and we could be doing this for months on end.

Hon. Sir Ross McLarty: I can show you a nice pile about this Bill.

Hon. V. DONEY: That is all I have to say. I am interested in one or two other matters, but I shall defer reference to them until the Committee stage.

MR. OWEN (Darling Range) [8.5]: I hesitated to rise to speak on the Bill as I thought there might be a few members on the other side who would be willing to say why some of the clauses, which were referred to by the hon. member who has just resumed his seat, were included, but apparently they have been well drilled and told to remain silent on the matter. The Bill is the biggest in volume that has been before the House for many years. It seeks to repeal both the Municipal Corporations Act and the Road Districts Act and to roll them into one enactment.

The Bill is like the curate's egg—it is good in parts! Local governing authorities have been looking forward to this measure because they want a modern Act to get them away from the atmosphere of the horse-and-buggy days. They want an Act that will deal with their problems in a modern way and will give them the legal right to continue such practices as they are carrying on now, more or less without authority. In some ways, the Bill does these things. On the other hand, it contains some most objectionable clauses that were not recommended by the Royal

Commission which dealt with local government matters some years ago. It seems that they were inserted because they were the policy of the Labour Government.

On several occasions, the Minister for Local Government has said, perhaps facetiously, "If you do not like it, just wipe it out." As the member for Narrogin remarked, perhaps the Minister has included these provisions in the Bill on this understanding: If we can get away with them, well and good; and if not, well, let us knock them out. Undoubtedly the two provisions which have been most bitterly opposed, or criticised by local governing bodies are the clauses providing for adult franchise and the method of election of the president. I have sighted letters from nearly 50 per cent. of the local governing authorities in the State, and not one of them has spoken in favour of these two provisions.

Mr. Nalder: Would they represent a cross-section of the State?

Mr. OWEN: They cover all parts of the State, including the North-West local governing bodies; and certainly the mining local authorities that were represented at the goldfields conference, have indicated their views in a letter which was quoted by the member for Narrogin. Without exception, they have expressed opposition to these clauses, and have also suggested that about 25 other clauses could well be amended. The two clauses relating to adult franchise and the election of the president have been unanimously objected to.

From personal contacts I have made with members of local governing bodies—I have been interested in local government matters for quite a few years—I am sure that although they are in favour of the greater part of the Bill, they would rather it were defeated than that they should have to accept these two clauses. I had intended to quote a paragraph from the letter read by the member for Narrogin, and perhaps, just to emphasise a point, I might read a portion of it, but I do not want the Minister for Railways to accuse me of reading it out of its context.

The Minister for Railways: I received a copy of the letter, and I know it off by heart, pretty well.

Mr. OWEN: The portion to which I refer is as follows:—

> If the particular clause dealing with adult franchise was allowed to go through, ratepayers would virtually cease to manage the affairs of local government, and its control could be taken over by a force of irresponsible persons with probably no special interest in the district whatever, thereby upsetting the smooth working of a local authority.

That is just what could happen. Later, I propose to quote from a letter I received from another road board whose area forms part of my electorate.

Some years ago I took a course of study for the purpose of passing an examination in economics at the University, which I succeeded in doing. I gained some knowledge of the subject and also some insight into the ramifications of our modern economic setup. In dealing with the clause favouring adult franchise, I might develop my argument along economic lines, although I admit that my knowledge is slight, and perhaps a little knowledge may be dangerous. The member for Leederville has demonstrated more than once, when dealing with economics, that a little knowledge can be dangerous, because of the conclusions he has drawn in regard to some of the matters he has debated in this Chamber.

Let us assume that in our modern society we are working and earning a salary or other remuneration, contributing to the general wealth of the district. Then, according to the reasoning behind the inclusion of this clause in the Bill, we should all have a say in the government of the district, whether we own property there or not. Some might think that is all right, but I certainly do not. If we are to have a say in our local government organisation, we should contribute to it in a direct manner by way of paying general rates or loan rates.

We can pursue the argument a little further and say that if we, as members of the community, are purchasers of consumer goods, the cost of which is made up by the costs of distribution, including handling, transport, etc., as well as the cost of manufacture, then we contribute to the workers' wages. I do not think anyone can deny that. If we are contributing to workers' wages, we must be contributing to that part of them which is paid by the workers in union dues. Pursuing the argument still further, if we are doing that, why should not we, as the general public, have something to say in union elections? I refer particularly to the election of the union executive or the spending of union funds. I think it is just as logical to argue along those lines as to argue that we should have adult franchise in local government.

Mr. Brady: It is better than the arbitration system.

Mr. OWEN: If we did that there would be a yell of objection from members of unions. They would be far outvoted and there would probably not be any strikes and things would go on quite happily. The workers would have no say in managing their union affairs. Just as union people would object—I do not hear any objections from members opposite, but no doubt they would object if it came to a vote on the point—I strongly object to the

clause which provides for adult franchise in local government. I believe that those who provide the bulk of the revenue should have the say in the district's affairs and the say in electing those who represent them on the local governing body.

Clause 33 sets out the qualifications required of a person before he can be elected to a local governing body. For instance, he must be 21 years of age and a free citizen but he need not be a ratepayer. At this stage I would like to read a paragraph from a letter I received from a local governing body in my area. The letter states—

> Section 33, page 39.—The board is unequivocally opposed to the exclusion of the property qualification from this section. If this qualification is omitted, the whole council and president might be non-ratepayers and would have power without responsibility. They might borrow to the permissible limits, secure in the knowledge that only ratepayers would be called on to foot the bill. The Road Districts Act allows the ratepayer to have a voice in the extent to which his representatives on the board may borrow, but in this new Bill he has no redress whatever. Section 600 provides for a loan poll on petition of electors. Admittedly the terms "ratepayer" and "elector" will be synonymous in many instances, but as the roll of the district is to be used in taking a loan poll the ratepayer must be outnumbered in every roll by non-ratepayers. This is an iniquitous state of affairs, and opposed to every principle of common justice.

It goes on to say how it could affect a particular ward in this road district. I am referring to the Mundaring Road Board and the letter continues—

> The Chidlow ward of this district might be used to illustrate how Section 33 could operate to the detriment of ratepayers. This ward has a total of 315 names on the electoral roll; under adult franchise this number might increase to perhaps 550 and each person would be a ratepayer or the spouse of a ratepayer. If Section 33 becomes law, the staff at Wooroloo Sanatorium, consisting of about 250 persons, becomes eligible for enrolment, and, as many are married, the number of electors might be 350, few of whom would be ratepayers; add to these the staff at the sanatorium farm, and the employees of the W.A.G.R. at Chidlow and Wooroloo, and the total is certainly not less than 550. It must be remembered also that these electors are mostly housed on unrateable land.

So, if the Bill were passed in its present form, in that particular ward electors and their immediate dependants would total 550—at present there are 315 ratepayers—and, in addition, there would be the other persons I mentioned, making at least another 550. So the ratepayers, if the Bill were passed, could be outnumbered by 3 to 1. In such a case, the ratepayers would have little say in the election of their representatives. How that can be considered fair and equitable, I fail to see. I was hoping that some members on the Government side would tell us a little more about it. There are several other points which can be dealt with in Committee, but I would like to mention a few of them in passing.

One clause, 99, deals with ballot papers and it seems that any candidates at a municipal or district election have to conduct a lottery to decide their places on the ballot paper. They put their names in a hat and draw them out. That seems ridiculous, particularly when we remember that in country areas many candidates are living 20 or 30, or perhaps 50 miles away. They would have to come in on the eve of the election and have their names drawn out of a hat in order to decide the order of names on the ballot paper. I cannot understand why the present method—with the names in alphabetical order—cannot be continued.

The Minister for Railways: Under that system you would not get on too well.

Mr. OWEN: There is another point, which I mentioned earlier, regarding the election of president. At least 50 per cent. of the road boards concerned feel that members of a board or council should be permitted to elect their president because they have to work under his chairmanship.

Hon. J. B. Sleeman: Are not mayors elected at mayoral elections?

Mr. OWEN: Yes, but at present road boards elect their own chairmen. Members of these boards know that they have to work under the chairman and they like to have someone with whom they can work without any friction being caused. If he were elected by a common vote of residents, the members of the board might not work harmoniously with him. In addition, people standing for the position of president would be denied a chance to serve on the road board because they would be denied an opportunity of standing for election as a member.

Mr. Heal: If they did not want to be president, they would not stand for the position.

Mr. OWEN: If it is good enough to elect a president of a local governing body by that method, why do not we elect the Premier in the same way?

Hon. J. B. Sleeman: You are elected in that way.

Mr. OWEN: It would be strange if the majority of members in the House were members of the Labour Party and, because of a separate election for Premier, the present Leader of the Opposition, as an example, became Premier. I am afraid that members opposite would not work harmoniously with him. The same principle applies in local government.

The Minister for Railways: They do that in the United States.

Hon. A. F. Watts: That is not a good advertisement for it. Their local government is halfway upside down.

The Minister for Railways: It is a very fine country; the most successful in the world.

Mr. OWEN: There is another clause dealing with preferential voting. This is opposed by many local governing bodies because they feel that the system is rather complicated and, even if the returning officer thoroughly understood it, he could easily make mistakes. Here again I might quote a letter I received from the Mundaring Road Board. It says—

> The board is opposed to adoption of the preferential system of voting at local government elections. The existing system under the Road Districts Act works very well in practice, as there are few spoilt ballot papers, and count is easily and quickly completed with little fear of error. The preferential system is, no doubt quite simple in the hands of an experienced officer of the Electoral Department, but under the Bill the returning officer may be a plumber or a steeplejack, totally unaccustomed to figurework and therefore likely to be slow and prone to error in completing the count of votes.

So it seems that no sound argument can be advanced for the adoption of the preferential voting system.

There has been a good deal of objection to the clause making it compulsory to adopt the unimproved capital value rating system. Like several local governing bodies that have expressed their feelings on the point, I think it should be left optional. There again, I think I can quote—although I hope the Speaker will not rule me out of order on the ground of needless repetition—a letter which has already been quoted by the member for Narrogin; I do so particularly for the benefit of those members who represent Goldfields electorates. The letter reads—

> The new Bill makes unimproved capital valuation of land compulsory throughout the State and though undoubtedly there are good arguments for this system where land values are increasing, it is very detrimental to goldfields towns. In small country towns and especially goldmining towns where land values are low, local authorities will lose a considerable amount of revenue and it would be more than difficult to assess the unimproved value of goldmining leases; no regard can be had to the building and plant erected thereon.

I would like members representing those areas to give some more thought to this aspect and I hope to hear the views of members on the other side regarding the clauses I have mentioned.

Clause 133 deals with the scale of fees for officers conducting elections. The scale is set out and I will deal particularly with those elections where up to 2,000 ratepayers are involved. The scale sets out that the returning officer shall receive three guineas for the election. As all members know, the returning officer has the bulk of the work to do at an election. This applies not only to election day but also to the time preceding and following the election. He has the job of counting the votes and ensuring that everything is in order. For that he is to receive the magnificent sum of three guineas a day which, on an hourly basis, would be round about the basic wage.

But the presiding officer and the poll clerk are to be paid at the rate of 7s. 6d. per hour. As polling booths are open for 12 hours a day, those two officers receive £4 10s. a day. That seems to be most unfair. As is often the case, the man who does the most work gets the least remuneration. It is certainly the position with this scale of fees. I would like more thought given to this clause and I hope the Government, in the Committee stage, will be amenable to reason when we endeavour to knock this Bill into shape so that it will prove to be of value to local governing bodies.

After all is said and done, local authorities are considered to be the third arm of government. They are considered to be doing an excellent job for the State on a voluntary basis and in an honorary capacity. It can be taken that on an average each member gives up one day a month so that he can attend meetings, and another day to make inspections. That makes a total of 24 days a year, which means that he spends approximately one-tenth of his working time on local government matters, and that would be the minimum. Therefore, we should give all the attention we can to this Bill so that it will become a workable statute and prove to be fair to those people who are doing an excellent job for the State. Although I support the second reading of the Bill in the main, I will oppose those clauses which deal with adult franchise and the election of the president.

MR. HEARMAN (Blackwood) [8.53]: As the Minister said when introducing the Bill, this measure has been on the stocks for some time; in fact, for quite a while before I became a member of this Chamber. It has always intrigued me why the Government, after having had experience of a contentious Bill such as this, should have seen fit to depart substantially—in some respects at least—from the recommendations of the Royal Commission and include some of the planks of the Labour Party's platform dealing with local government. Surely the Cabinet must have realised that this measure would be contentious and that there is no demand for it from the public!

Mr. Jamieson: How do you know?

Mr. HEARMAN: Because I have heard no demand whatsoever from any member of the public. In fact, a good deal of hostility has been aroused because of some of these clauses. I would go further and say that I do not know of any Bill, since I have been a member of this House, that has proved to be so universally unpopular. At least with some legislation there is occasionally a section of the community that will voice its support of several clauses of a Bill.

But with this measure, there seems to be almost universal objection to its provisions, and in particular, to those dealing with adult franchise, the election of shire councils and presidents, and the assessments on unimproved capital valuations for rating purposes. I have known of some unpopular measures to be introduced, but there has always been a minority willing to come forward to support them. I repeat that in this case no one has come forward to support any of the provisions in this measure.

I think Parliament should be guided by the opinions expressed by local authorities. The members of those bodies act in a voluntary capacity and in the past they have done sterling work. Therefore, I do not think we should ride roughshod over their wishes and deny them any consideration whatsoever. This Bill is completely baffling to me when I realise that, with the exception of the Minister and the member for Leederville, not one single member on the Government side of the House has contributed to this debate and the Bill has now been before the House for nearly five months. If members on the other side of the House are not prepared to support a measure submitted by their own Government, when it is under fire by members of the Opposition and practically every local authority in the State, it is not much recommendation for the Bill.

The Minister for Railways: You are only repeating what the local authorities have been suggesting, anyhow.

Mr. HEARMAN: That does not matter. Nevertheless, the impression that I gained when the Minister was speaking was that he did not have much regard for the Bill, either. The Minister for Railways has had considerable experience of local government matters and he knows what the local authorities think of this Bill. He knows that in his own electorate there have been meetings by no less than nine local governing bodies who have forwarded communications to members in this Chamber in which they have expressed their objection to many clauses contained in this Bill.

Mr. Hutchinson: The Government is defying them.

Mr. HEARMAN: Yes, and the Minister introduces a Bill in this Chamber which he says is in the interests of democracy. Surely the members who represent those local authorities that have expressed their objections to this measure in writing, in similar terms to those expressed by Mr. Rasmussen, should have a voice in this Chamber. Is it not their democratic duty to voice their opinion?

The Minister for Railways: You could not spell the word "democracy."

Mr. HEARMAN: It is all very well for the Minister to make a cheap gibe about democracy such as that. He is not a monopolist of the ideas on democracy. If the Minister wants to become personal—and he appears to be—

The Minister for Railways: You started the personal angle.

Mr. HEARMAN: —I would point out that there have been two wars fought for the sake of democracy and that every member of the Liberal and Country League in this Chamber, with the exception of the member for Subiaco, has fought in one or both of them in a combatant unit. There is no reason for the Minister to make those sort of cheap gibes merely because we do not agree with his ideas. My idea of democracy is just as good as the Minister's and I am quite entitled to express it.

Mr. Brady: Will you give those who fought in the army a chance to vote in the municipal elections? Answer that one!

Mr. HEARMAN: I do not think it is democracy for any member of Parliament not to be prepared to express his opinion. Considerable weight of opinion has been expressed by local authorities in the Minister's electorate. Let him suggest that it is democracy to completely ignore them! I think the member for Darling Range made this point on democracy pretty clear. He pointed out that the trade union movement itself accepts votes only from those who contribute to its funds. It goes further than that and forces a man out of

his job if he does not become a union member. How much better it would be if those men were free to act as they wished.

For instance, is such a procedure followed in public companies? Merely because I purchase something at Foy & Gibson's and in a small way contribute to that firm's profits, should I be permitted to go along to the shareholders' meeting and have a vote? Is it suggested that although a member of the public helps to contribute to the funds of the W.A. Trotting Association, although not a member of that organisation, he should be permitted to attend its meetings and have a controlling vote in regard to its activities?

Mr. Moir: What about those people who contribute large sums of money to local authorities by way of licence fees? Should they not have a voice in local government affairs?

Mr. HEARMAN: The great majority of them do have a say in local government affairs. If the proposal in the Bill were merely to grant such men a voice in regard to the control of local government matters, I would have no objection. But to suggest that a man who has not much personal estate or who does not own any land should have the same vote as a man who contributes hundreds of pounds in rates, is preposterous. That is something which is certainly not practised in the Labour movement in the conduct of its affairs. This strange silence that prevails in the back benches on the Government side of the House is something about which the members concerned should be ashamed. If they have the courage of their convictions, let them stand up and speak and not just interject.

Mr. Moir: We cannot all speak at once.

Mr. HEARMAN: We have given those on the other side of the House plenty of opportunity to get on their feet. The sooner the vote is taken on this Bill, the better. This is the fifth night on which discussion on the measure has been conducted and so far only the Minister and the member for Leederville—the one member who has not a number of local authorities in his electorate—has seen fit to speak.

Mr. Moir: You are doing pretty well.

Mr. HEARMAN: I am glad the member for Boulder thinks so. I thought I was doing pretty well myself, as a matter of fact. I think this Chamber can properly reject the provision for universal suffrage, which was not recommended by the Royal Commission. I do not think that such a provision can be deemed to be democratic. The idea of having one democracy for local authorities and another for trade unions is something that does not make sense to me. If there should be a desire for universal suffrage, it is only right and proper that one of the features of our democratic form of government should be relied upon, namely, general respect for the method of our elections and enrolments.

The enrolment provisions in the Bill are, I suggest, particularly weak. It appears that anyone who is over 21 years of age and has been a resident in a district for six months, can have his name put on the roll. The secretary of a local authority can even put his name on the roll without that person making a request for him to do so. The secretary merely has to fill in the form provided, to have that person's name put on the roll. He does not have to make any declaration or to obtain any witness. All he has to do is to fill in the form which gives the individual's name and address and show how long he has lived at that address. It is not even necessary for him to declare that he has been in the district for six months. Merely pinning his name on the notice board showing his address and the time he has lived at that address does not give anyone scrutinising the roll any information that such a man is eligible to be on the roll.

Such a roll is in marked contrast to the present system of compiling the ratepayers' rolls, which are kept accurately and clearly. It seems that a person can even get on a roll under a fictitious name because there is no penalty for wrong enrolment. The position is left wide open for anyone desiring to stack the roll. I cannot see any point in leaving the matter as wide open as that. Surely the Government should give some consideration to this factor.

A person applying for enrolment should at least make some sort of declaration and be subject to some penalty if he applies wrongfully. If this provision is agreed to, it will undermine the great confidence we all have in any form of election. If we can be convinced that such a roll is not in order and can be stacked, it will surely mean the end to our trust in the democratic system.

It has been suggested in other States that the Labour Party wishes to introduce party politics into local government. I do not know if that has been done in this State, but I know it has not been denied. In view of the fact that it has been done in other States, it is only right and proper for a representative of the Labour Party to tell us whether it is the intention of that party to introduce party politics into local government in this State.

Mr. O'Brien: You are not insinuating that the Labour Party is controlling local authorities at present, are you?

Mr. HEARMAN: I am not insinuating anything. I merely ask the Labour Party to declare its stand. As for the Liberal Party, we do not want politics introduced into local government. Sydney has been quoted as an example. It was pointed out

that universal suffrage is adopted. Why that city should be mentioned I do not know. I have yet to learn of any other city which has a worse reputation for corruption in local government than Sydney. Local government in that city has been the subject of Royal Commissions and has been the laughing stock of the general public. It astounds me that it has been held up as an example for adopting universal suffrage and for introducing party politics. I do not know if members opposite are proud of the politics of the Labour Party in Sydney.

Mr. Heal: You would not say that there is no party politics in local government in Western Australia.

Mr. HEARMAN: I do not know whether the party to which the hon. member belongs has introduced politics into local government.

Mr. Jamieson: There is almost a monopoly by your party in local government.

Mr. HEARMAN: I do not know of any local government election which has been supported by any political party in this State.

Mr. Jamieson: Then you have a lot to learn.

Mr. HEARMAN: If party politics has been introduced in this State, then there may be a reason why all the Goldfields authorities have so much objection to this clause. I do not think the hon. member believes what he says. If he does, then I cannot follow his logic. He says that party politics has been dragged into local government in Western Australia, but I do not know where that is done. If it is going on, it is still undesirable. The member for Canning would do well to state where he stands on this matter. Does he believe in introducing party politics or not? He has not told us.

Mr. Hutchinson: He will in Committee.

Mr. HEARMAN: He will show us by the way he votes in Committee. There is no question that he will do as he is told. The whole attitude of Government members to this Bill indicates that they are no strong supporters of democratic principles, for the very reason that they do what they are told by their leaders. They are told that this is a party matter, irrespective of what is good for the electors; and they must support the Bill. We will see how they vote. They will not give voice to any of the objections of their electors. Even if there is some objection from a small number of electors, they are entitled to consideration. It is all right to snigger, but I know Labour Party members will do what they are told.

Mr. Andrew: Who will?

Mr. HEARMAN: We know that the hon. member has not spoken. We know that he does not want to show his hand too far. I suggest that members have been elected to this House to represent the electors, and should not be influenced by party politics in such matters. I do not remember the member for Canning ever voting against his own party.

Mr. Jamieson: Then you have not read "Hansard."

Mr. HEARMAN: This is a very good opportunity for the hon. member to show that he dares to vote against his own party. If he does he will be in a position to criticise the action of other people.

Mr. Manning: He will have Dr. Evatt on his heels soon.

Mr. Heal: You know what happened to the previous member for Nedlands.

Mr. HEARMAN: I do not know where the member for West Perth stands in this matter. Does he suggest that a person who votes against his own party does what he is told? I cannot understand the point of his interjection. Reference has been made to the practice in England and New Zealand and it was suggested that adult franchise is adopted in those places. It was introduced in England in 1948 by a socialist Government. It has not been demonstrated that the introduction of universal suffrage has improved local government in England.

It is true that the British system of local government has been looked upon by the world as being the best example. It is worth while to bear in mind that it has developed that reputation not on adult franchise, but on a restricted franchise. The very country quoted as a model by the world has developed that reputation on a restricted franchise. As the member for Nedlands pointed out, there are very vast differences in the conditions, circumstances and responsibilities.

Hon. C. F. J. North: The member for Claremont said that.

Mr. HEARMAN: I am prepared to give the hon. member full credit for having said it as well. I do not doubt that the point was apparent to him. Rather than copy other countries or Sydney, we should concern ourselves with a Bill drafted to suit local conditions.

Mr. Brady: Whose conditions?

Mr. HEARMAN: I suggest Western Australian conditions, and even those are very widely varied. It does not necessarily follow that what is good in England, New Zealand or Sydney, is good for Western Australia. I referred to enrolments. It is required that a list of enrolments be posted on the notice board of a local authority for two weeks, to enable anyone to lodge an objection if so desired. I would ask the member for Guildford-Midland what use would such a list be in connection with the West Kimberley Road Board. How many people would be able to scrutinise that list and lodge objections? The

ratepayers are scattered over a vast area. We know perfectly well the difficulties that would be apparent, and it makes the whole set-up farcical.

If we are to adopt adult franchise, then we must find some method of ensuring that the rolls can be brought to the notice of the ratepayers not only in the metropolitan and closely settled areas, but throughout the State. Is anyone going to suggest that the putting up of a list on the notice board of the local authority in your district, Mr. Speaker, for a fortnight would be of any use? I do not think that you can conscientiously go back to your electorate and say that it is a satisfactory method of ensuring a true and proper roll. I know I would not say it.

We have to consider the conditions as they obtain here. The member for Leederville pointed out that in Western Australia, to some extent the reverse process in local government has been applied, as compared with England. He said that local government there took on many more responsibilities. It meant that Parliament took on fewer responsibilties. In this State the reverse is the case. The tendency here is to impose more and more responsibility on Parliament and less on local authorities.

If that is the position—and I think he is right—then it follows that what is good for England is not necessarily good for Western Australia. Let us not delude ourselves into blindly copying someone else and take some of the clauses out of the local government platform of the A.L.P. The Government should be commended for not introducing some of the clauses because they are completely unrealistic, such as No. 7 of the A. L. P. platform, which says that meetings of local government authorities are to be held in the evenings. It is ridiculous to apply that to this State.

This shows how unrealistic was the attitude of the people who drew up the platform. How would such a provision apply in your electorate, Mr. Speaker? The member for Darling Range, who has had considerable experience in these matters, points out that it takes two days every month to conduct the meetings. How it can be expected to complete the job in one evening is beyond my understanding. The people who drew up the local government platform of the A.L.P. were not particularly realistic in their approach. I suggest they were influenced by the party political aspect.

There is another clause to which very widespread exception is taken, and that is the election of president in the same manner as a mayor is to be elected in the municipal councils by the electors of a municipality or a shire council. I consider that here again we are in a position where we have to consider local conditions. The Minister who introduced the Bill knows perfectly well that in a great many road districts, the people in the town wards far outnumber those in the other wards, and furthermore it is much easier to get the town ratepayers to a poll to vote than those from the outside areas. The member for Murchison should have some appreciation of the difficulties of getting the electors in the outlying areas to a poll.

If we adopted this system, I think it would mean that in practically every road district one of the representatives living in the town would become president of the shire council, because quite obviously he would have a tremendous electoral advantage. Would that be a good thing or not? I do not think it would be at all good. It is only right and proper that anyone who stands for the job should have an equal chance with others of being elected.

In the present set-up, where we have the chairman elected by the board, each member stands an equal chance; in point of fact, we have only to call to mind the various people who are acting in the capacity of chairman of a road board. I realise that under the existing system, no one has any monopoly; he does not have to come necessarily either from the town ward or from the country, but is elected on his merits. We should consider this matter, quite apart from the difficulty of getting people in many instances to stand as office-bearers in local government because of the onerous duties, the considerable responsibilities and the fact that it is a non-remunerated post.

I think there is very good reason for retaining the present system. I am not at all impressed with the argument that both municipalities and road boards should have the same arrangement. The conditions prevailing in municipalities and road districts are quite different, and I see no objection to having a different system for each. I am not impressed with the argument that both should necessarily be the same merely for the sake of being the same. Why not put forward a sound argument in support of it and not be content with saying that it is in the A.L.P. platform or will bring road boards into line with municipalities or should be adopted because of the system in England? Let us have some constructive argument in support of it.

The third provision in the Bill objected to, namely, insistence on the adoption of unimproved value rating, is one that is going to be very hard on road boards, particularly in mining areas. The Greenbushes Road Board, for instance, will be very seriously embarrassed if this proposal is insisted on. I cannot see any objection to the suggestion that this matter of valuations for rating should still be left to the option of the local authority. I know full well that any local authority must have a certain amount of revenue and must raise it by rating. I see a good deal of

virtue in allowing local authorities to exercise their discretion in the matter if they so desire.

By and large, rating on unimproved values is quite a sound system and has many desirable features. I am not opposed to it, but there are occasions when the adoption of the system of rating on annual values is more desirable, and I see no reason why Parliament should impose this provision on local authorities for no other reason than that it forms part of the A.L.P. platform. Generally speaking, the option is fairly wisely exercised by local authorities and I see no reason for insisting on the change. Why insist upon it? The Minister and every member representing a Goldfields electorate knows that is not desired, so why continue to insist on it knowing that it is going to create extreme difficulties for some road boards?

The Minister for Railways: Tell me why they cannot raise as much revenue under the unimproved system as they do now?

Mr. HEARMAN: I have already pointed out that local authorities have to raise so much revenue and have to do it by rating, whatever method may be employed.

The Minister for Railways: Then how can it create difficulties?

Mr. HEARMAN: What is the objection to leaving the option with the local authorities? That is my contention. No objection has been advanced, except that the Minister has said that it is in the Labour platform.

The Minister for Railways: I did not say it is in the Labour platform.

Mr. HEARMAN: Well, it is in the Labour platform.

The Minister for Railways: Do not attribute to me a statement that I did not make! Be factual!

Mr. HEARMAN: What is the Minister getting annoyed about?

The Minister for Railways: You are making a misstatement in saying that I said it.

Mr. HEARMAN: It is in the Labour platform.

The Minister for Railways: You made an untrue statement to the House. Why do not you stick to the truth?

Mr. HEARMAN: It is in the Labour platform. Is not that the Minister's platform? Of course it is. Does he like it or not?

The Minister for Railways: You stand up for the truth!

Mr. HEARMAN: If the Minister stands up for his platform, he should have no objection to admitting what I have said.

The Minister for Railways: You stand up for the truth! Do not say that I made the statement!

Mr. SPEAKER: Order! The member for Blackwood will address the Chair.

Mr. HEARMAN: I do not know whether the Minister said that it is in his platform, but the fact remains that it is. If he does not want to stand up to it let him say so. If he does stand up to it, why worry about the statement being attributed to him?

The Minister for Railways: I will not stand up to your statement, but will stand up to rating on unimproved values.

Mr. HEARMAN: I have discussed this provision with Mr. Guy Thompson, president of the Road Board Association, who informed me that the association had circularised all road boards in the State, asking for their opinions on the Bill. He told me a week or two ago that he had not received replies from all of them, but that he had not received a single reply in support of this provision. Surely the Government should be prepared to give some consideration to the wishes and opinions of those local authorities! Evidently it does not matter in what part of the State they are located, they all object to this proposal. Is the Government prepared to consider their views at all?

Mention was made in the newspaper a few days ago that representatives of North-West constituencies had been written to on the point and had not replied to the letters. I do not know whether that statement is correct or not. Surely to goodness people of the calibre of those constituting local authorities, responsible people, public-spirited people, should have consideration given to their opinions! Surely they are entitled to have their views expressed on the floor of the House! They should not be disregarded; they are entitled to consideration from the Government, even if it be merely to let them know that their opinions have been considered and have not been agreed to.

Perhaps better still, the Government could make some effort to find a way of extending consideration to them. Could not the Government waive its insistence upon the unimproved values provision that the local authorities do not want? What is the objection to not insisting upon it other than it forms part of the Labour platform? Surely there is no objection to giving the local authorities the option of adopting whichever rating system they prefer!

The Minister for Works: Some of them want it. They asked for it at the South-West council.

Mr. HEARMAN: The Road Board Association has expressed the opposite opinion. I do not know what the South-West council is to which the Minister is referring.

Hon. Sir Ross McLarty: South-West council of the A.L.P.!

The Minister for Works: The Leader of the Opposition ought to know. He was present.

Mr. HEARMAN: I can only say what the chairman of the Road Board Association informed me, and I am not aware that anyone wishes to dispute that statement. If any local authority wants this provision, it had better step forward, because there is certainly a lot of opposition to it. I can see no objection to making it optional. If a local authority desires to rate on unimproved values, it is at liberty to do so under the existing Act. There is nothing whatever to prevent its doing so.

Mr. Johnson: What about giving the people the right to say?

Hon. D. Brand: What people?

Mr. HEARMAN: The people have the right to express their opinions through their elected representatives, that is, the people who are being rated. What is the objection to that? The hon. member's contention seems to be that anyone who does not agree with him must be wrong. Members on the Government side are treating some of these clauses as party political matters, but members of the Opposition are not approaching consideration of them in that way. The Government's approach is completely illogical. There is no logic in the argument that we should not regard the wishes of the local authorities.

Mr. Johnson: What I said was that I hoped you would not oppose these clauses simply because they were in our platform.

Mr. HEARMAN: I am not suggesting that at all. Apart from the contentious clauses in the Bill, I think it would be right and proper for this House to give the recommendations of the Royal Commission a fair trial. I believe those recommendations are sound and are entitled to be given a fair trial. If the Government had introduced a Bill embodying the recommendations, it would have received support from this side of the Chamber. I cannot see that any valid objection can be raised to the adoption of this course, but I fail to understand why the Government should have introduced the other provisions to which exception is taken.

This measure has been on the stocks for a long time; it is necessary, and it is desirable to clean up the matter in order to place the local authorities under the one Act, if possible. The local authorities desire this, but if we are asked to accept the whole of this Bill as presented to us, I would rather not have it at all.

If the Government will not give way on some of these points and show a willingness to discuss them in the light of the objections that have been raised, I shall oppose the second reading. I shall be reluctant to do this because there is much good in the Bill, and such a measure is necessary. It would be a pity to lose a large amount of good because of the other provisions included in the measure. I shall be very interested to hear what other speakers have to say, and particularly the Minister when he replies to the second reading debate.

HON. SIR ROSS McLARTY (Murray) [9.15]: I feel that I must contribute to this debate as I have received a great deal of correspondence in regard to the Bill from local authorities, organisations and individuals. I can, in fact, say with truth that a considerable portion of my stamp allowance has been used in replying to that correspondence. There is no doubt that throughout the length and breadth of the State there exists very considerable opposition to a number of the clauses contained in the Bill. I suggest to members —and particularly those on my side of the House—that there is no need to be in any hurry to pass this Bill.

The Minister for Railways: None whatever.

Hon. Sir ROSS McLARTY: I am glad the Minister agrees with me. He knows that it is a measure containing over 700 clauses, most of which are non-contentious, and I say now that there is no need for any member in this House to be apologetic about rising and expressing his views on the contentious clauses. The same remark applies to members of another place.

A number of the provisions of this measure are extremely unpopular. I suppose we all try, as far as possible, to interpret the wishes of the electors we represent and I have no doubt at all that, in opposing a number of the clauses in this Bill, I represent the views of the vast majority of my electors. I believe that applies with equal force to many other members. The Minister, when reading his speech—I do not blame him for reading a speech when introducing a measure embodying hundreds of clauses and containing much contentious matter—said the Bill embodied the recommendations of the Royal Commission with, I think he said, five exceptions. Those exceptions, of course, are really the contentious clauses of the Bill.

The Minister for Railways: That is what the Minister said; that they were the contentious ones.

Hon. Sir ROSS McLARTY: When I look at the objectionable clauses to which reference has already been made by a number of members, I find that they are indeed contentious. The Minister said they referred to electoral matters, the election of mayor and president, to valuations and audit; but I would suggest to the Minister that he might have made some reference also to trading. When the Leader of the Country Party was speaking, he quoted the remarks of the Premier when

a Bill dealing with local government was introduced in 1949, and I think it is worth repeating what the hon. member, who was then, of course, sitting on the Opposition side of the House, said on that occasion. The Premier said—

> If there is one Bill on which the Government and the people most concerned should reach almost unanimous agreement, it is one dealing with local governing authorities.

I ask the Minister in charge of the Bill whether he thinks that anything like almost unanimous agreement has been reached.

Hon. D. Brand: On the contrary.

Hon. Sir ROSS McLARTY: As the member for Greenough says, it is far from unanimous, and the result is that we have been inundated with this tremendous volume of correspondence. I would suggest to the Minister in charge of the Bill that he give consideration to the withdrawal of some of these contentious clauses. We know there is need to bring local government in this State up to date in quite a number of directions, and I suggest to the Minister that, by following the course I have outlined, he will be getting somewhere near the views of his Leader. I suggest that he withdraw some of those contentious clauses in order that we might reach that almost unanimous agreement with the local authorities.

Much has been said about adult franchise and I propose to have something to say about it now. I do not think any member in this House will deny that the local authorities throughout the State have done an excellent job, and I feel certain that no hardship has been inflicted on any particular section of the community. If hardship has been inflicted on some particular section, I would be glad indeed to know what section it is and in what manner and to what extent it has suffered. I do not know why the Government, apart from the fact that it is Labour policy, insists upon putting this clause into the Bill. I would ask the Minister what demand has been made for it—what public demand?

Like the Deputy Premier, I have been in politics for a long time and I do not remember one single occasion when it was suggested to me that adult franchise should be provided for municipal or road board elections. I cannot help feeling that if there was a demand for it, in my capacity as Minister, or as a private member, I would surely have known about it. The fact, however, is that in all districts there is satisfaction at present, and I doubt whether there is any country in any part of the world where local government goes along more peacefully than it does in Western Australia.

I do not want to reiterate to any great extent the arguments that have already been placed before the House by members who have spoken, but I thoroughly agree with those who have said that if adult franchise is agreed to in this Bill, injustice will be done. The ratepayer, as we know him today—I think this was said by the Leader of the Country Party—would cease to exist, and it would be quite possible, as has already been pointed out, that we could have a local governing authority without a single ratepayer on it. Of course, it will be said that that is not likely to occur, but the fact remains that it could happen, and surely that would not be justice, or what the majority of members of this Parliament desire. I am perfectly certain it is not what the majority of the people of this State desire.

Let us now examine the position of a ratepayer or occupier. We must not forget that there are two sets of ratepayers; the one who owns property and the occupier. Those people are responsible for raising most of the revenue that goes to the local authorities, and if this provision were agreed to, we certainly could have taxation without representation, and I have heard members opposite refer to that on a number of occasions. Those without responsibilities so far as taxation is concerned could become the members of a local governing authority and could impose taxation upon the rest of the community, which would have to pay without redress.

I might add here that large numbers of people could vote at a local government election, if this provision were agreed to, and not have one penny-worth of interest in the district, their only qualification being that they had resided in it for six months. They could then, after electing the mayor and members of the shire council, take no responsibility at all. They could decide what the rates were to be and then go elsewhere, leaving the permanent residents, the ratepayers, to carry on.

Of course, I know Ministers have their notes prepared for them and that if they do not like the wording they use their own, but I am certain it was not the Minister's own language when he said—

> Adult franchise is rendered necessary by the fact that Australia was a subscriber to the Declaration of Human Rights passed by the United Nations Organisation in Article 21 of the Declaration.

In all seriousness, does any member of this House think that when the Declaration of Human Rights was drawn up it visualised a case such as this? It is too absurd. A case like this was never considered when the Declaration of Human Rights was drawn up.

[*Mr. Hill took the Chair.*]

The Minister for Railways: I hope you will not adopt the practice of lifting a few words out of their context.

Hon. Sir ROSS McLARTY: No. I am endeavouring to quote the Minister correctly. It would require a great stretch of imagination to think that this matter had anything to do with the Declaration of Human Rights. The Minister went on to say what happened in the reign of Charles I.

The Minister for Railways: He also said other things, about the basis of democratic government. Will you quote that?

Hon. Sir ROSS McLARTY: He went on to tell us what happened in the reign of Charles I. Whether he thought that would have a frightening effect or not I do not know, but at all events he went a very long way back. What I say about adult franchise as it applies to the election of members of local authorities applies also, I think, in regard to the election of the president by the whole of a district. I do not think it is advisable, or that it is nearly such a satisfactory set-up as is the election of the president by the present method.

The Minister, when referring to the election of the president of the shire council, said that the election of the president by the whole district would raise the position to dignity, honour and leadership, which he cannot enjoy as a creature of the council. There I thoroughly disagree with the Minister. All members who represent any district—whether it be in the metropolitan or the rural areas—know that the chairman of the district road board is a respected person and a person of some standing in the district.

Hon. A. F. Watts: He is not a creature of the local authority, anyway.

Hon. Sir ROSS McLARTY: The member for Blackwood gave some good illustrations of the impracticable nature of this proposal. He instanced your own district, Mr. Speaker, and referred to the West Kimberley and other areas which are so vast. Surely it would be difficult for such areas to elect their shire president by a vote of the whole district. It is quite possible, in fact quite probable, that such a candidate would not be known to many of the electors in those wide-flung areas. The experience we have had in the past of each road board—or as it will be, shire council—electing its president by the members elected by the whole district is a much more practical proposition, and I hope the Minister will agree that the present position should continue.

The Premier: Does the member for Dale agree?

Hon. Sir ROSS McLARTY: I am sure he does. If he did not he would have voiced his objection. I am glad the Premier interjected because the other night the Leader of the Country Party read a speech of his made in 1949. I would like to remind the Premier of it again, because he said that if there was one Bill on which the Government and the people most concerned should reach almost unanimous agreement, it is one dealing with local government authorities. I hope the Premier has not changed his mind.

The Premier: I think we are unanimous on about 95 per cent of the Bill.

Hon. Sir ROSS McLARTY: If there is five per cent. of it on which we are not unanimous, it is highly contentious, and I would say that the local authorities are almost 100 per cent, in opposition. I do not think the Premier denies that. If he does, I would like him to reel off some local authorities who are not showing opposition.

The Premier: We are more concerned with the people as a whole than we are with sections of the people.

Hon. Sir ROSS McLARTY: A short while ago I asked where the people were suffering in any part of Western Australia because of the activities of local government. Perhaps the Premier will be able to tell me.

The Premier: That is not the only test.

Hon. Sir ROSS McLARTY: What is the other test?

The Premier: The right of the people.

Hon. Sir ROSS McLARTY: I dealt with that before the Premier came in; I dealt with taxation without representation, which would apply if this Bill were agreed to.

The Premier: I will read what you had to say.

Hon. Sir ROSS McLARTY: I thank the Premier very much, and I hope I am here to listen to what he has to say on the Bill; I hope the Premier does speak on it because there is no hurry to get it through.

I would now like to refer to the unimproved capital valuations which are to be made mandatory. Much opposition has been expressed to this proposal and I think it should be left optional. The Minister in charge of the Bill represents a goldfields area and he has a much more practical knowledge of those areas than I have. I am not sure, but I think that at some time or other he has been a member of a local governing authority there. I am informed that the Kalgoorlie Road Board is of the opinion that it is almost impossible to fix an unimproved capital valuation on goldmines and goldmining leases; it would much prefer to keep to the annual rateable value.

At a meeting held in Kalgoorlie on the 2nd October, consisting of representatives from Kalgoorlie and Boulder Municipal Councils, and the Kalgoorlie, Menzies, Coolgardie, Leonora and Esperance Road Boards, the mandatory provisions of unimproved capital valuations were strongly opposed. In fact, the delegates said that if it did become mandatory, they were doubtful if they could carry on. I regard members of local government authorities as very practical men and I should not think they would express that view unless they had very sound reasons for doing so. I think local authorities are the best judges as to whether rating should be carried out on the unimproved value or the annual value. Certainly, rating on unimproved values in small country towns is not satisfactory.

Another matter to which I wish to refer is the proposal in the Bill that local governments may engage in trading. I think we should be mighty careful about this. If members look at page 367 of the Bill, they will find that local authorities can trade in the supply of electricity, etc., in gas and fittings, ferry services, transport, the supply of stone, clay, gravel and brickworks if they want to establish them. There are numerous other things in which they can trade. They can trade in cold storage; they can carry on hostels for school children; they can undertake water boring and sheep dips and even reforestation and they can sell the timber; they can also carry on any undertaking approved by the Minister. I cannot believe for one minute that the ratepayers of Western Australia would approve of that, especially so when we consider that there is provision in the Bill for adult suffrage.

We might get a council consisting of men who would be all for municipal or shire trading, and who would be quite glad to establish some industry in their district, particularly so when they would not have to carry any of the loss, if loss occurred. This is a highly dangerous provision and one which could cost ratepayers enormous sums of money. It could be imposed upon them by people without responsibility who in some cases would be thoroughly irresponsible. Accordingly, when this clause is reached I hope every member who is interested in local government will have a thoroughly good look at it. I think it is a highly dangerous provision. I wonder whether the local authorities realise that this provision is in the Bill.

Hon. A. F. Watts: You mean any other trading the Minister may approve?

Hon. Sir ROSS McLARTY: Yes. It is very difficult today to get one's message to the people. Parliamentary proceedings get very little publicity in the daily Press; but I am quite certain that if the people throughout the State realised that this provision was in the Bill they would be very concerned.

The Premier: Have not all the local authorities read the Bill?

Hon. Sir ROSS McLARTY: Yes, they have all had a copy of it, but, as the Premier knows, there are about 700 odd clauses in the Bill and it is not easy to keep track of everything at once.

The Premier: You are not suggesting that they have not read that part of the Bill.

Hon. Sir ROSS McLARTY: There are parts they could easily miss, and I think it would be wise to draw their attention to it. I do not want to say any more except that I am glad to hear the Minister indicate that there is no hurry to get on with the Bill. I would say that there is very little chance indeed of passing it this session, and I have said as much in a number of letters that I have written to local authorities, organisations and various people. I have pointed out that there is little prospect of the Bill being dealt with by Parliament this session. I have stressed the fact, however, that this is my own view; but I think I am right. In view of its highly contentious nature and its importance I certainly think we should take our time in dealing with the measure.

I will support the second reading but, not with any great enthusiasm because of the the contentious clauses that have been referred to. When we get to the Committee stage, I hope the Government will take a reasonable view of the amendments on the notice paper. I understand many more amendments will be placed there. I hope the Government will not stick rigidly to the Bill and that some respect will be shown for public opinion so that we will include only those amendments which the paying public of Western Australia desire.

MR. PERKINS (Roe) [9.42]: I have not delved into history to find out just how far back the existing legislation dates under which local government works, but I think it must be a very considerable time. I am sure that both country local authorities and the other local authorities as well, will find some difficulty in working under legislation which was framed a great many years ago and which, while it has been amended from time to time, does not exactly fit present-day circumstances. For that reason, many of our country local authorities in particular have told me that they are most anxious to see this new legislation brought before us as soon as practicable.

It is natural that legislation covering such a very wide field must necessarily be lengthy and somewhat complicated. Governments before the present one have realised that; and all members know that a Royal Commission, very widely representative of the various parties affected within the State, was appointed to consider the

question and make recommendations to Parliament as to the form the legislation might take. The report of that commission has been available for a very considerable time for everyone to peruse. What rather surprises me is that when the Government brought down this legislation, it chose to ignore the report of the Royal Commission in a number of very important particulars, which have been the subject of most of the debates on this measure.

As most members are very anxious that the wishes of the local authorities should be met, I suggest to the Minister that he should agree to have the non-contentious parts of the legislation passed in the form originally recommended by the Royal Commission. Then, if the Government has some special reasons for thinking that desirable amendments might be made to the framework envisaged by the Royal Commission, it could bring down an amending measure and allow a debate to take place on that measure. In those circumstances, it would be possible for the local authorities to have the benefit of working under legislation fitting modern conditions. These other questions that are contentious could be debated at length subsequently, and Parliament could come to some decision on them.

It is very significant that all the intimation we have had from local authorities themselves has been to the effect that the contentious clauses—those referring to adult franchise, rating, and the method of appointment of presidents of councils—are opposed by those local authorities. While hardly any members from the Government side have expressed their opinions on this subject, I can scarcely believe that some representations have not been made to them by local authorities in their particular areas. Admittedly, a great many members on the Government side represent industrial constituencies where perhaps local government is not discussed quite as much as in rural areas.

On the other hand, there are some members opposite who do represent rural areas. There are the members representing the Goldfields constituencies, and there are three members of the Cabinet in whose electorates there are farming areas. The Premier himself represents an important farming district, and so does the Minister for Agriculture. The Minister for Mines represents an important farming area as well as part of the goldfields. That being so, I am rather surprised that some representations have not been made by the local authorities in those areas to their members about these obnoxious clauses in the measure.

The Minister for Mines: You are far more concerned than are the local authorities you are speaking for. The local authorities are not worrying as much as you are on their account.

Mr. PERKINS: I am concerned, but the local authorities are also concerned. I can show any members on the Government side who are interested, letters from every one of the road boards within the Roe electorate protesting against the clauses dealing with adult franchise, rating, and the appointment of presidents of the proposed new shire councils by vote of those eligible to vote—it would be by popular vote if the Government had its way. Obviously, if these clauses are passed, it may not be within the power of the local authorities, as we understand them now, to secure the amendments they require, because I think that sufficient has been said on this side as to what might happen under adult franchise. There could be a much more irresponsible attitude towards the spending of money which is being contributed by people other than those who are having a voice in the spending of it, than we have been accustomed to see in local government up to the present.

To the Minister for Mines I suggest that at least one local authority in his area—I cannot speak for the others—does not agree with this proposal. I refer to the Merredin Road Board, which I feel certain is not in agreement with the proposal. In fact, I think I have seen in the Press that that road board, which is an important body in the Merredin-Yilgarn electorate, objects most strongly to the provision of adult franchise for the election of those who are to serve in local government.

The Minister for Railways: Are the members of the board unanimously against it or is it just a majority?

Mr. PERKINS: So far as I know, there is unanimous opposition.

The Minister for Mines: You know that they are not unanimous.

Mr. PERKINS: If they are not, it is quite within the province of the Minister to get up and tell us what the real position is.

The Minister for Mines: You are making an unfounded statement, you know.

Mr. PERKINS: If I am wrong, no one in this House desires to be put right to a greater extent than does the member for Roe. The position is that members on the Government side are refusing to get up and tell us what the position is. They are prepared to interject and give us advice piecemeal, but I am very interested to hear what the position is. I am making the statement now that, so far as I know, the Merredin Road Board is entirely opposed to the principle of adult franchise for the election of members to serve on local governing bodies.

Mr. Brady: What about Bruce Rock?

Mr. PERKINS: That road board is absolutely opposed to the principle, and so are the rest of the local authorities within the Roe electorate. I was only speaking for

the Roe electorate, and do not presume to voice the opinions of the others. I made it clear that my other statements were based on hearsay, and on what I saw in the Press. But in the absence of any evidence to the contrary, I am prepared to believe that what I stated is the true position.

The damage that we could do to local government if we took a wrong step at this stage could be very great indeed. I feel that members should certainly think twice before they do something which might cause very great damage to our local government set-up. In my judgment, local government is extremely important. Its importance to the community as a whole can be just as great as that of either our State Government or the Federal Government. Admittedly, local government does not deal with national matters, but it does deal with affairs that are very close to the people as a whole.

Local government has played a very great part in building up the democratic system of government as British peoples know it. If we delve back into British history, we find that there was local government before there was any other form of government, and our system of democracy has been largely built up by trial and error. We have started from the humble beginning of local government dealing with people right on the spot, and have gained experience in that way until eventually we have worked out a system of government which has been the envy of other peoples of the world.

Therefore I feel that we should not lightly tinker with something which is working reasonably well at present, unless we are very sure that the other framework we are going to supply will be better. I do not want to go over all the arguments advanced on this side, particularly those about the evil effects which could follow in the train of some of the proposals contained in this Bill. The most important one, of course, is that dealing with adult franchise.

Mr. Johnson: Is that not a success in Britain?

Mr. PERKINS: The British set-up is not exactly parallel to ours. If the member for Leederville will have a look at it, he will find that it is very different indeed. I understand that of the rent of the average house in Britain, approximately one-third represents rates which go to the local authority. The people generally are paying a considerable amount towards the finances of the local authority. Many of the functions that are undertaken by local authorities in the Old Country are here carried out from Commonwealth and State revenue.

Mr. Hutchinson: Education is tackled by the local authorities in Britain.

Mr. PERKINS: Yes. The position is very different; it is not parallel with ours at all.

The Minister for Railways: What about New South Wales?

Mr. PERKINS: Local government there does not deal with education.

The Minister for Railways: In New South Wales there is the adult franchise for local government.

Mr. PERKINS: A lot of things happen in New South Wales that are not exactly desirable from our point of view. I do not know that they are working particularly well. I understand that the State in which local government has been developed to the greatest extent is Victoria; and it is significant that there the local authorities have the widest powers under the enabling legislation.

I feel that anything we do to reduce the status or the responsible outlook of local authorities will ultimately be to the detriment of the State as a whole, as well as very much to the detriment of the local districts concerned. It has always been a principle of government that there should not be taxation without representation. I feel that the converse might very well hold good. If people are not going to be liable for taxation, then they are not entitled to representation.

The Premier: There is much more indirect taxation than direct taxation.

Mr. PERKINS: Not in local government.

The Premier: Yes.

Mr. PERKINS: I gather that the Premier is referring to traffic licence fees in particular.

Mr. Brady: What about electric light.

Mr. PERKINS: That is more of a commercial proposition. In many instances, electricity is supplied by contractors and not by the local authority; and, as the State Electricity Commission extends, electricity will be supplied by that governmental authority and not by local government authorities at all. That example is not a good one.

The most important revenue to local authorities, other than rates levied on property, is that derived from traffic licence fees. Had the Government brought down a proposal under which any one who, by way of traffic licence fees, made more than a trifling contribution, should be entitled to vote at a local government election, I would have supported it; and I say that quite definitely.

Mr. Moir: You say that now, when it is not in the Bill.

Mr. Owen: The majority of ratepayers would, too.

Mr. PERKINS: Yes, I think so. If we give representation to those who have no financial stake in local government, it is

easy to see that people will be encouraged to become somewhat prodigal with money that someone else has provided.

Mr. Brady: Who are the people that you are frightened might get a vote?

Mr. PERKINS: I would prefer not to give names. I am concerned with the principles involved, and we should face up to them. I am prepared to concede that in many instances no ill-effects would follow the granting of adult franchise, but the difficulty is that in the one case where it might occur, it could almost wreck the position of that particular local authority. If, as the result of adult franchise being the basis on which local authority representatives were elected, the attitude that has been suggested would develop, did develop, it could be the means of ultimately wrecking our local government system altogether. We could easily find that the ratepayers would demand that many of the functions at present carried on by local authorities should be handed over to some elected body such as the Commonwealth or the State Government, and that, in my judgment, would be a very backward step.

Already I have stated the principle which I regard as vital, and that is that a form of government which is so close to the people as is local government, is the best type of government that we can have to deal with the problems which come within the scope of that particular system of administration. From what I have said, members will realise that I am most anxious to see new legislation placed on the statute book, but I am not prepared to accept a Bill with such—

Mr. Johnson: Democratic principles.

Mr. PERKINS: —a dangerous clause included as the one which provides for adult franchise for the election of local government authorities. Members on this side of the House have stated the position fairly clearly as far as it affects their areas. If the Government is going to refuse to accept amendments on these objectionable clauses, I feel that members on the Government side of the House should be prepared to stand up and say what the position is in their own particular areas.

The Premier: I remember a time when we could not get you up for love nor money.

Mr. PERKINS: I cannot recollect that time.

Hon. Sir Ross McLarty: Why—

The Premier: The Leader of the Opposition remembers.

Mr. SPEAKER: Order!

Hon. Sir Ross McLarty: Why is the Premier exercising such discipline tonight? Give the boys a go!

Mr. PERKINS: I would particularly like to hear the Premier, the Minister for Lands and the Minister for Mines, because they represent farming areas where, I know, this question is a vital one. I will be greatly surprised if representations have not been made to all those Ministers against these objectionable features.

The Minister for Mines: If you did not spend so much time canvassing the Merredin electorate, you would not know so much about Merredin affairs.

Mr. PERKINS: I do not know about that.

The Minister for Mines: I do, and so does everyone else.

Mr. PERKINS: The Minister for Mines knows that I live fairly close to the Merredin electorate, and I lived there long before I was a member of Parliament. I am afraid I cannot help but know what goes on in that particular centre. The Minister for Mines would be better advised to justify the Government's stand on this particular measure than to throw bricks at me on this score. In conclusion, I just wish to say that I am prepared to support the second reading of the Bill, but unless the Minister or the Government agrees to the deletion of the provision for adult franchise, at least, then I would rather it were lost. At this stage, the most I can say is that I support the second reading.

Mr. MANNING: I move—

That the debate be adjourned.

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

Ayes	14
Noes	16
Majority against	2

Ayes.

Mr. Ackland	Mr. Nalder
Mr. Brand	Mr. North
Mr. Doney	Mr. Owen
Mr. Hutchinson	Mr. Perkins
Mr. Mann	Mr. Watts
Mr. Manning	Mr. Wild
Sir Ross McLarty	Mr. Bovell

(Teller.)

Noes.

Mr. Andrew	Mr. McCulloch
Mr. Brady	Mr. Moir
Mr. Hawke	Mr. Norton
Mr. Heal	Mr. O'Brien
Mr. J. Hegney	Mr. Sewell
Mr. Johnson	Mr. Styants
Mr. Kelly	Mr. Tonkin
Mr. Lapham	Mr. May

(Teller.)

Pairs.

Ayes.	Noes.
Mr. Nimmo	Mr. W. Hegney
Mr. Yates	Mr. Nulsen
Mr. Court	Mr. Guthrie
Mr. Cornell	Mr. Lawrence
Mr. Abbott	Mr. Graham
Mr. Oldfield	Mr. Hoar
Dame F. Cardell-Oliver	Mr. Rhatigan
Mr. Thorn	Mr. Jamieson
Mr. Hearman	Mr. Sleeman

Motion thus negatived.

MR. MANNING (Harvey) [10.12]: I desire to voice my objection to those provisions in the Bill that are outside the recommendations of the Royal Commission, and I shall devote what I have to say to the clauses which deal with the franchise for local government elections; to the method of electing the chairman; and to valuations. With the set-up that exists in local government elections at the present time, we find that the people who are concerned—the ratepayers—are the ones who are directly interested in local government affairs by virtue of the fact that they are financially affected.

If the scope of the measure is widened to include all adults over the age of 21 years, being natural born or naturalised British subjects, we will then include quite a number of people who are not in any way interested in what goes on in local government. They will be completely disinterested because they are not in any way affected by the decisions or policy of the road board or shire council. We know that in Legislative Council and Legislative Assembly elections there are always some people who have to be virtually dragged to the poll. I, for one, would not like to see that happen in local government elections.

The earlier speeches tonight have stressed that local government has functioned very satisfactorily during past years. The Bill contains many clauses which may prove of further assistance to members of local governing authorities in carrying out the good work that they do for their particular districts and for the advancement of the State generally. I was interested in an interjection that the Deputy Premier made while the member for Blackwood was speaking, dealing with the motion passed by the South-West conference in Bunbury on the 3rd December last. The conference was made up of all organisations in the South-West, and all South-West road boards were represented there.

Mr. Nalder: And other organisations.

Mr. MANNING: Yes. There were two motions on the subject, items 25 and 26, and the first reads as follows:—

> That this conference does not approve of the proposal in the new Road Districts Act that all persons 21 years and over be allowed to vote in local government.

That was carried. The next item reads—

> That conference considers that the method of rating in local government should remain the same, namely, that rating on the unimproved value or the annual rental value be optional.

That was also carried. If I remember rightly, the Deputy Premier interjected and said that conference asked that rating should be on the unimproved capital value.

The Minister for Works: Did not they carry a resolution to that effect—that water rates should be left on the unimproved value?

Mr. MANNING: These are road board rates.

The Minister for Works: Yes, but did not they carry a resolution to that effect?

Mr. MANNING: No.

The Minister for Works: I think they did.

Mr. Owen: That it should remain as it is at present.

The Minister for Works: As a result, I promised to send an officer down to Busselton to make inquiries.

Mr. MANNING: That is apart from local government affairs.

The Minister for Works: No, it is not; it deals with rating on unimproved value. In any case, the Leader of the Opposition was there and I am certain he would remember.

Mr. MANNING: I think the Deputy Premier was referring to the motions dealing with local government. There is one other point dealing with the election of a chairman. As we all know, at present the chairman of a road board is elected from the members of the board; the members select their own chairman. This method has proved satisfactory in the past, particularly in my area. I believe this is because the most suitable man—the one best able to carry out the duties of chairman—is chosen by the board and he enjoys the full support of all members in any decisions or work he has to do in his capacity of chairman. The chairman of a board should have the full support of all members over whom he presides. The only way to do this is to elect a chairman from the members themselves.

There is a further point dealing with valuations. Most local authorities who have written in about the subject consider that the system should be optional, and I cannot see why the Government should not accept that view. If the Government insists upon only one method—the unimproved capital value system—many anomalies could result.

I would like to quote an instance from my electorate where a road board is rating on the unimproved value. A certain farm is rated at £300, while the local hotelkeeper pays only £3. That is a fair indication of what could happen under the unimproved capital value system; it is out of all proportion in that instance. If the local authority rated on the annual rental value system, the hotel keeper would pay much more than £3 in rates.

So I think it is necessary that the road board should have the option, if it so desires, to rate in townsite areas on annual rental values and also to be able to rate on the proved capital values in the farming areas. That covers the main points that I want to stress. The principal objection I have to the Bill relates to the widening of the franchise because I think that if that provision were agreed to, local authority elections would become a rabble. There are many people who are not interested in local government affairs.

Mr. May: If they are not interested they will not vote.

Mr. MANNING: Every householder and every person owning a piece of property in a district is entitled to a vote. Therefore, the majority of the people interested in local government affairs already have a vote and are catered for. If we widen the franchise to permit of adult suffrage, we will be providing for those people who are not interested in the affairs of local government.

Mr. May: Let them have a vote.

Hon. Sir Ross McLarty: Let us hear from the member for Collie. I am surprised at his having the gag put on him.

Mr. May: I am surprised at anything that surprises you!

Mr. MANNING: Whilst I strongly oppose this part of the Bill I intend to vote for the second reading. I hope that the Government will accept the reasonable amendments which appear on the notice paper and which will be submitted by members on this side of the House.

On motion by Hon. D. Brand, debate adjourned.

House adjourned at 10.23 p.m.

Legislative Council

Thursday, 28th October, 1954.

CONTENTS.

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

QUESTIONS.

LAND RESUMPTIONS.

(a) As to Further Discussion of Motion.

Hon. A. F. GRIFFITH (without notice) asked the Chief Secretary:

With regard to item No. 13 on the notice paper dealing with my motion on the resumptions of land by the State Housing Commission, does he intend to keep the item low down so that it cannot be dealt with? If that is not his purpose, will he have it dealt with at next Tuesday's sitting, if it is not reached today?

The CHIEF SECRETARY replied:

The reason for making that item No. 13 was that it would not be dealt with today. What will happen to it next week, I am not at this stage prepared to say. The question under issue will be put on the notice paper according to the amount of business before the House, and according to the types of items and their urgency.

Hon. A. F. GRIFFITH: Why did the Chief Secretary not inform the House why it was not intended to discuss item No. 13 today?

The PRESIDENT: The hon. member cannot debate the question. The Minister has given him an answer.