

Hon. J. D. TEAHAN: After listening to the comments of the Chief Justice I can see the weakness in the amendment. If a woman in an advanced stage of pregnancy is called up for jury service she will have to go to the court and satisfy the officer concerned that she has a valid reason for exemption. Cases could arise where it would be humiliating for women to do this. The Bill provides that all women over 21 be placed on the jury list, but if they are in ill health or for other valid reasons they can apply to be withdrawn. That method would be preferable. Under the amendment if 40 jurors were called up, consisting of 20 women, and if 10 or 12 of the women applied to be exempted before they were empanelled, another jury might have to be called. That would be too cumbersome. It would be better if women were able to apply before they were selected.

Hon. J. G. HISLOP: I would like to see women given as great an opportunity as possible to contract out of jury service. I am not convinced that many of them desire to serve on juries. We should not therefore make it difficult for them to become exempted. The way should be made as easy as possible. Later I shall move an amendment in Clause 5 to make it easier still for women to apply for exemptions.

Hon. A. F. GRIFFITH: I regret to say that it is obvious Mr. Teahan does not believe in the findings of the select committee of which he was a member. That is the situation. The select committee made a recommendation on which Sir Charles Latham, Mr. Teahan and myself were unanimous. Now a Bill has been introduced, the hon. member is not prepared to support this particular phase, which I suggest is important. However, that is all right. It is obvious to me that the Government does not really want to accept what the select committee submitted, but just what suits it.

The MINISTER FOR RAILWAYS: It is not a matter of what the Government accepts. Parliament accepts. The Government proposes and Parliament decides.

Hon. A. F. Griffith: That is right.

Amendment put and negatived.

Clause, as previously amended, agreed to.

Progress reported.

ADJOURNMENT—SPECIAL.

THE MINISTER FOR RAILWAYS
(Hon. H. C. Strickland—North): I move—

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

House adjourned at 11.23 p.m.

Legislative Assembly

Wednesday, 25th September, 1957.

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

QUESTIONS.

RAILWAYS.

(a) Haulage and Operational Costs.

Mr. EVANS asked the Minister representing the Minister for Railways:

(1) What was the average haulage cost per ton mile on the railways for the year ended, the 30th June, 1957?

(2) What was the average cost of operation per ton mile for the same period.

The MINISTER FOR TRANSPORT replied:

(1) The average earnings were 4.13d. per ton mile.

(2) This information is not yet available.

(b) Cost of Fuel Oil.

Hon. D. BRAND asked the Minister representing the Minister for Railways:

(1) What price per ton is paid for fuel oil by the Railway Department?

(2) What discount is allowed?

(3) How does this price compare with that paid by the Railway Department for similar fuel in the Eastern States?

The MINISTER FOR TRANSPORT replied:

(1) £22 19s.

(2) Nil.

(3) The only information available is that relating to Victoria where the Railway Department pays £23 0s. 3d. per ton for similar fuel.

(c) Eastern Goldfields line, Relaying and Reballasting.

Mr. EVANS asked the Treasurer:

On page 5 of the details of the Estimates for the year ending the 30th June, 1958, there is shown an item of expenditure for 1956-57, for relaying the Eastern Goldfields railway line, and a further item for the same purpose for 1957-58. What progress has been made in relaying and ballasting the above line during 1956-57?

The TREASURER replied:

A length of 57 miles 28 chains of track was relaid, and ballast aggregated 53,217 cubic yards over 32 miles of track.

(d) Increase in Freights and Fares.

Mr. BOVELL (without notice) asked the Treasurer:

In view of the fact that the Estimates of Revenue and Expenditure for the year ending the 30th June, 1958, have been presented to Parliament, will he give an assurance that there will be no increase in rail freights and fares for the current financial year? If not, why not?

The TREASURER replied:

This matter will receive consideration.

ROAD TRANSPORT.

Effect of Amending Legislation.

Mr. W. A. MANNING asked the Minister for Transport:

How will the following businesses operate in regard to road transport if the amending Bill to the State Transport Co-ordination Act is passed—

- (a) Australian Blue Metal;
- (b) Concrete Tank Co.;
- (c) Industrial Extracts;
- (d) oil companies;
- (e) timber companies; and
- (f) charcoal iron producers?

The MINISTER replied:

The amending Bill has been rejected. In the event of the Bill having been passed, the businesses referred to would have operated as hitherto by submitting an application to the Transport Board and obtaining the necessary permit.

LEIGHTON BEACH.

(a) Departmental Inspection.

Hon. J. B. SLEEMAN asked the Minister for Lands:

(1) Has the proposed inspection, by the Under Secretary for Lands and the Surveyor General, of the area known as Leighton Beach, been made?

(2) If so, has he received and considered a report on this matter?

(3) If not, when will the inspection be made?

The MINISTER replied:

(1) No.

(2) No.

(3) Within one month.

(b) Resumption of Land by Railway Department.

Hon. J. B. SLEEMAN asked the Minister representing the Minister for Railways:

(1) Is he aware that preliminary notice

has been issued to the Leighton Surf Life Saving Club requiring the club to vacate the land occupied by it under lease from the Railway Department?

(2) Does the issue of such advice mean that a decision has already been made on the future of this land, which is the subject of an application by the North Fremantle Municipality for the creation of a reserve for recreation?

The MINISTER FOR TRANSPORT replied:

(1) Yes.

(2) No. As plans are being considered for improved railway facilities in this area, the department has given preliminary notice to lessees that the land may be required.

ABATTOIRS.

Establishment at Geraldton.

Hon. D. BRAND asked the Minister for Agriculture:

(1) Does he consider that Geraldton is a suitable place for an abattoir?

(2) Could any such project be justified on the basis of export carcasses to near Asian countries?

(3) Has there been an increase in the numbers of stock produced in the hinterland of Geraldton over the last two years?

(4) If so, to what extent?

The MINISTER replied:

(1) Geraldton would be a suitable site for an abattoir if sufficient stock for slaughtering were guaranteed. However, the question of the establishment of an abattoir based on export was investigated by an expert committee which decided that it was not justified. The competition from the metropolitan market for early lambs at a higher price than that received for export will prevent adequate numbers being available for slaughter in Geraldton in the near future.

(2) No. The total carcass export of beef, mutton and lamb from the State to Asian countries is about 40,000. It is unlikely that all this trade could be diverted to Geraldton.

(3) and (4) In the road districts surrounding Geraldton and extending south to include Three Springs, cattle numbers have increased in the last two years by 3,300, sheep numbers by 165,000 and pigs by 4,000. Figures for stock produced in the past two years are not available at short notice but there is no apparent increase in types suitable for export. Although a freight subsidy is paid on export lambs from the northern areas beyond 215 miles from Robbs Jetty, only 1,127 lambs were forwarded in 1955 and 1,420 in 1956.

FISHING INDUSTRY.

Provision of Slipway at Bunbury.

Mr. ROBERTS asked the Minister for Works:

As the professional fisherman at present operating from, and/or using the port of Bunbury are desirous of a suitable slipway being built at that port, and in view of the work at present being done to provide a fish-landing jetty, will he incorporate in such work the provision of a slipway either for this, or the next, financial year?

The MINISTER replied:

When the question of building a slipway in the Bunbury-Busselton area was being considered some years ago, the Bunbury fishermen intimated that it would be satisfactory for their requirements if the slipway were built at Busselton.

As slipping facilities for larger boats are available at Busselton, and as no representation has been made that these are not reasonable or suitable for Bunbury fishermen, it is considered that the provision of a slipway at Bunbury can be left in abeyance for the time being.

EDUCATION.

(a) Building Programme for Classrooms, Bunbury.

Mr. ROBERTS asked the Minister for Education:

What is the proposed building programme for classrooms at each school within the boundaries of the Municipality of Bunbury for—

- (a) the remainder of this financial year;
- (b) the financial year ending the 30th June, 1959?

The PREMIER (for the Minister for Education) replied:

- (a) Carey Park: Tenders called for the erection of two classrooms.
- (b) The building programme for 1958-59 has not yet been prepared.

(b) Goldfields High Schools, Zoning of Pupils.

Mr. EVANS asked the Minister for Education:

(1) With the change proposed at the Boulder High School to provide a full junior certificate course at that institution, will school children in Kalgoorlie be zoned for the purpose of deciding which children (ex 7th grade) will have to attend the Boulder High School or the Eastern Goldfields High School, respectively?

(2) If so, will earnest consideration be given to the children of South Kalgoorlie, who are not on a direct bus route to either the Eastern Goldfields or the Boulder High Schools, but many of whom are within walking or cycling distance of the Eastern

Goldfields High School, to enable them, if desirous, to attend the Eastern Goldfields High School?

The PREMIER (for the Minister for Education) replied:

The position is being investigated on the spot at the present time by the Acting Superintendent of Secondary Education and the hon. member will be advised when his report has been received.

POTATOES.

Exports from Bunbury.

Mr. ROBERTS asked the Minister for Agriculture:

Will he ensure that during the coming potato export season the major part of the exportable tonnage within the Bunbury port zone is exported through that port?

The MINISTER replied:

Ships do not usually sail from Bunbury to Sydney and if they do, calls are made at a number of other ports in between to discharge cargo.

The time taken to reach Sydney would therefore be from three to four weeks, which would make the transport of potatoes on such ships too risky.

South Australian buyers much prefer potatoes to be consigned by rail as most of the potatoes are required for districts west of Adelaide and rail transport has proved more satisfactory and less costly.

BREAD.

(a) Prices in Kalgoorlie and Boulder.

Mr. EVANS asked the Minister for Labour:

(1) What was the delivery price of bread for 1lb. and 2lb. loaves, in Kalgoorlie and Boulder immediately prior to the cessation of deliveries in that district late in 1955?

(2) What was the price of bread for such loaves allowed by the Wheat Products Price Fixation Committee in the above district immediately after deliveries ceased?

(3) What is the present price for 1lb. and 2lb. loaves in Kalgoorlie and Boulder?

(4) What would be the estimated price of bread, allowed by the committee if deliveries were reintroduced in the district mentioned?

The PREMIER (for the Minister for Labour) replied:

(1) Retail price: 1lb. loaves—8d. per loaf.

Retail price: 2lb. loaves—1s. 3½d. per loaf.

(2) Retail price: 1lb. loaves—7d. per loaf.

Retail price: 2lb. loaves 1s. 2d. per loaf.

(3) Retail price: 1lb. loaves—7½d. per loaf.

Retail price: 2lb. loaves—1s. 3d. per loaf.

(4) Retail price: 1lb. loaves—8½d. per loaf.

Retail price: 2lb. loaves—1s. 4½d. per loaf.

(b) Deliveries in Kalgoorlie.

Mr. EVANS (without notice) asked the Minister for Justice:

Has he been able to obtain a ruling which I sought from him yesterday in relation to bread deliveries in Kalgoorlie?

The MINISTER replied:

I do not quite remember the question; but so far as I can recall, it was a legal one between two outside independent bodies and not concerned directly with the Government. So I have no right legally to answer the question.

Mr. Evans: All I want to know is whether a ruling has been obtained.

Hon. D. Brand: He just told you.

MOTOR-VEHICLE INSURANCE.

Premiums.

Mr. JOHNSON asked the Minister for Labour:

What is the insurance premium charged to cover a private car valued at £1,000 by—

(a) State insurance;

(b) R.A.C. insurance;

(c) Tariff insurance company;

(d) Independent insurance company—for an owned vehicle?
for a hire-purchase vehicle?

The PREMIER (for the Minister for Labour) replied:

(a) This information is confidential.

(b), (c), (d) This information is also confidential and not available to me.

TRAFFIC.

(a) Suburban Parking Provisions.

Mr. JOHNSON asked the Minister for Transport:

In reply to my question of the 19th September he stated "Parking facilities for suburban areas are being examined as the need arises." As traders in Leederville and Wembley consider there is need for better facilities in their areas, will he advise—

(1) When was a survey made of the need in Leederville and Wembley?

(2) What did such survey disclose?

(3) Will the installation of traffic lights in Oxford-st. complicate the problem in that area?

The MINISTER replied:

(1) No survey of kerbside parking facilities has been made in Leederville or Wembley.

(2) Answered by No. (1).

(3) The installation of traffic lights at the intersection of Vincent-st. and Oxford-st. will require a prohibition of parking for approximately 100 feet clear of the intersection on all four approaches.

(b) *Private Parking on Bus Stands.*

Mr. COURT asked the Minister for Transport:

(1) Is any revision of parking regulations proposed to permit private vehicles to park on bus stands in the city during off periods?

(2) If so, what is proposed, and what provision will be made to ensure that bus stands are available for buses in the other periods?

The MINISTER replied:

An amendment to Traffic Regulation No. 300A to permit private vehicle parking on bus stands during off-peak periods was gazetted on the 30th August last. The bus stands to be so used will be determined where and when circumstances permit.

(c) *Freeing Used Stands for Buses.*

Mr. COURT (without notice) asked the Minister for Transport:

(1) Arising out of his answers, have any bus stands been determined for use by private vehicles under the amended Traffic Regulation No. 300A?

(2) What procedure will be adopted to notify the public and keep the stands free for buses at appropriate periods?

The MINISTER replied:

(1) Yes.

(2) Notification will be made through the Press and over the air, and the public will also be apprised of the conditions obtaining by signs and markings, etc.

(d) *Regulations re Backing in Rights-of-way.*

Mr. COURT asked the Minister for Transport:

(1) What progress has been made with the examination of special cases under the regulations relating to backing into and out of rights-of-way?

(2) When is finality expected?

The MINISTER replied:

(1) Thirty-one requests for exemption have been forwarded from the Perth Chamber of Commerce for consideration by the special committee. These are being examined and where necessary a field inspection is being made.

(2) The recommendations of the special committee are expected within approximately one month.

(e) *"Plying for Hire" Regulation.*

Hon. A. F. WATTS asked the Minister for Transport:

(1) What is the definition of the offence under the Traffic Act, known as "plying for hire" by a taxi driver?

(2) In what other States of the Commonwealth is such "plying for hire" prohibited?

(3) What regulation governs the matter and when was it gazetted?

The MINISTER replied:

(1) There is no definition of the term "plying for hire", under the Traffic Act regulations.

(2) Information is available only in regard to New South Wales and Victoria where it is not an offence for a taxi-cab to ply for hire.

(3) Answered by No. (1).

WATER SUPPLIES.

Provision for Northampton.

Mr. SEWELL asked the Minister for Water Supplies:

(1) When can the residents of Northampton expect to have a reticulated water supply in that town?

(2) Can he say what progress has been made on the proposed scheme to date?

The MINISTER replied:

(1) Subject to funds being available, the scheme will be constructed during the 1958-59 financial year.

(2) Plans are being prepared. An amount of £500 is included on this year's programme for preliminary work during June.

LOCALLY MANUFACTURED GOODS

Campaign to Neutralise Imports from Japan.

Mr. HALL asked the Minister for Industrial Development:

Will he give consideration to the stepping up of the campaign to buy locally manufactured goods for the purpose of neutralising imports of Japanese goods and providing full employment for industrial workers in this State?

The MINISTER replied:

The Government is already conducting a vigorous campaign designed to increase the production and sale of local goods. This campaign is achieving results, and retailers and consumers are becoming more local-product-minded. The Government will continue and intensify its efforts in every way to increase secondary production.

TRUST FUNDS.*Use of Uninvested Moneys, etc.*

Mr. HEARMAN asked the Treasurer:

(1) What use is being made of the £4,357,957 of trust funds held by Treasury but not invested?

(2) Is this sum of £4,357,957 earning any interest?

(3) What amount of money is it considered necessary to hold at Treasury to meet day-to-day liabilities in respect of trust funds?

The TREASURER replied:

(1) Mainly to finance the accumulated deficit of £3,743,199 on the Consolidated Revenue Fund at the 30th June, 1957.

(2) No.

(3) Approximately £500,000.

WHALE MEAL.*Cartage, Albany to Perth.*

Mr. HEARMAN asked the Minister for Transport:

What arrangements are at present in force for the cartage of whale meal from Albany to Perth?

The MINISTER replied:

Whale meal may be transported from Albany to Perth by rail.

LIQUOR.*Obligation of Licensees to Supply Natives.*

Hon. A. F. WATTS asked the Minister for Justice:

(1) Will he advise if a licensee is under any obligation to supply liquor to take away, to any native who has been granted a certificate of exemption under the native welfare laws?

(2) If not, what action by way of refusal is a licensee permitted to take?

The MINISTER replied:

A licensee in any particular case should be advised by his own solicitor, but it is thought that Section 118 of the Licensing Act imposes upon a licensee an obligation to supply liquor to an exempted native unless the licensee has reasonable cause to refuse, e.g., where the native is an aboriginal native within the meaning of Section 150 of the Act.

Whether or not, in any particular case, the licensee has reasonable cause for his refusal would depend upon all the circumstances of that case, including the probable destination of the liquor.

OIL DRILLING.*Commonwealth Government's Assistance.*

Mr. COURT asked the Minister for Mines:

Has he received the information to enable him to assess the possible benefits to Western Australia of the Commonwealth Government's assistance for oil drilling?

The MINISTER replied:

An official reply to our inquiry has not yet been received. Information gleaned from other sources is to the effect that the Commonwealth subsidy would total £300,000 for the whole of Australia for this year, and that it would be utilised for stratigraphic test drilling in new areas to provide geological information. The subsidy would most likely be on the basis of one-half of the estimated cost of drilling. It would appear that the subsidy will be of more benefit to smaller companies with limited capital than to the bigger organisations.

STATE BUILDING SUPPLIES.*Conditions re Orders and Delivery of Bricks.*

Mr. COURT asked the Minister for Native Welfare:

(1) Is it correct that for certain builders to obtain reasonable delivery of State pressed bricks, it is made conditional that all building materials are to be purchased through State Building Supplies or no guarantee of brick deliveries can be given?

(2) If correct, how many builders have been so treated, and over what period?

(3) Is this practice not an unfair trading practice which falls within the scope of Unfair Trading Commissioner Wall-work's powers?

The MINISTER replied:

(1) No. Acceptance and supply of brick orders is at present controlled from head office and in no instance has acceptance of orders for bricks or delivery been made conditional on purchase of all building material from State Building Supplies. Since the amalgamation, some builders may have been advised from head office or local yards that purchase of timber could influence acceptance and delivery of orders for bricks. It is normal business practice with goods in short supply to give some measure of preference to more valued clients. A full measure of preference is being given to many long established clients of the State Brick Works who do not buy a stick of timber from State Building Supplies.

(2) See answer to No. (1).

(3) See answer to No. (1).

HOUSING.*Commission Appointments.*

Mr. WILD asked the Minister for Housing:

(1) In view of the reasons given by the Government for not accepting the recommendation of the Public Service Commissioner to appoint Mr. W. Hopkinson, Chief Administrative Officer, Department of Agriculture, to the position of Under Secretary, State Housing Commission, why was consideration not given to a reallocation of

the duties of the position of Under Secretary, State Housing Commission, before applications were called, following the retirement of the previous occupant, Mr. H. V. Telfer?

(2) Is this refusal to accept the recommendation of the Public Service Commissioner because Mr. A. D. Hynam, Building Superintendent, State Housing Commission, was not recommended for appointment by the Public Service Commissioner?

(3) Was the new position of Manager, State Housing Commission, for which applications closed last week created to enable Mr. Hynam to be appointed?

(4) What qualifications of an administrative, professional, or technical nature for the position does Mr. Hynam possess?

(5) Should not the claims of an injured veteran of World War II, and an administrative officer of wide experience be given preference for appointment over officers without war service?

(6) Has the Returned Servicemen's League made any representations to the Government in what appears to be a case where the principle of preference to ex-servicemen has been ignored by the Government?

The MINISTER replied:

(1) The Public Service Commissioner called applications for the position of Under Secretary in accordance with the provisions of the Public Service Act. After considering the qualifications of the applicants, the Government made its decision as required by the Act.

(2) The reasons for not accepting the recommendation have been placed before Parliament.

(3) The most suitable applicant will be appointed.

(4) The qualifications of all applicants will be fully considered before an appointment is made.

(5) and (6) As no appointment has been made, these questions are based on false premises.

UNIFORM GENERAL BUILDING BY-LAWS.

Examination and Possible Withdrawals.

Hon. D. BRAND asked the Minister representing the Minister for Local Government:

(1) What progress has been made by the Government in examining the uniform building by-laws in the light of objections and recommendations that have been received?

(2) When is finality expected?

(3) Does the Government propose to withdraw the existing by-laws and replace them with an amended set?

The MINISTER FOR HEALTH replied:

(1) The committee of reference appointed by the Minister for Local Government to consider suggestions and recommendations for amendments to the uniform building by-laws has recommended to date a number of amendments which have been approved.

As further amendments are submitted by the committee of reference to the Minister, they will be considered.

(2) A definite date as to finality cannot be given as suggestions and recommendations for amendments will continue to be made.

(3) No.

COAL.

Monthly Imports and Cost.

Mr. MAY asked the Minister for Mines: What quantity of coal has been imported into Western Australia for use by the Western Australian Government Railways and the State Electricity Commission for the following months:—

January, 1957;
February, 1957;
March, 1957;
April, 1957;
May, 1957;
June, 1957;
July, 1957;
August, 1957;
September, 1957;

and what was the price of such coal per ton, landed at Western Australian ports?

The MINISTER replied:

	W.A. Government Railways.		State Electricity Commission.	
	Tons.	Landed Cost. £ s. d.	Tons.	Landed Cost. £ s. d.
January	2,188. 1,501	9 0 8 9 0 11	.....	.....
February	.....	.....	1,851	9 7 1
March	538	9 2 10	.....	.....
April	.....	.....	2,753	9 6 2
May	.....	.....	2,492	9 7 7
June	.....	.....	.....	.....
July	.....	.....	2,598	9 7 11
August	.....	.....	2,227	9 7 9
September	.....	.....	2,094	9 6 10

TOWN PLANNING.

Regional Plan Legislation.

Mr. COURT asked the Minister representing the Minister for Town Planning:

Is it still the intention of the Government to introduce this session legislation for the implementation of the regional plan, or will interim legislation only be introduced?

The MINISTER FOR HEALTH replied:

It is still the intention of the Government to legislate for the implementation of the regional plan this session and it is possible that this will include the extension of interim development legislation.

STATE TRANSPORT CO-ORDINATION ACT.

Report of Review.

Hon. D. BRAND (without notice) asked the Minister for Transport:

(1) Is he correctly reported in today's "Daily News" as having called for a review of the State Transport Co-ordination Act with the main objective of forcing farmers to make greater use of the railways?

(2) Does this mean that country people will be forced to use the railways, no matter how unfavourable or how uneconomical the service provided, as against road transport?

(3) Does this envisage the appointment of a number of inspectors in order to achieve the objective?

The MINISTER replied:

(1) Yes.

(2) No.

(3) A decision was made several months ago to increase the number of inspectors for certain reasons, and it is not anticipated that there will be any increase beyond that number.

GOVERNMENT PARLIAMENTARY BUSINESS.

Legislation to be Introduced.

Hon. D. BRAND (without notice) asked the Premier:

Will he inform the House what new Government legislation has yet to be introduced this session?

The PREMIER replied:

The major Bills still to be introduced will include those dealing with the establishment of a metropolitan transport trust; with long service leave for employees in private industry, and one to continue the land tax on rural lands beyond the 30th June, 1958.

SITTINGS OF THE HOUSE.

Show Week and Thursday Nights.

Hon. D. BRAND (without notice) asked the Premier:

(1) What will be the sitting arrangements for Show Week?

(2) Can he state when the House will be sitting after tea on Thursdays?

The PREMIER replied:

(1) The Government does not propose to ask the House to sit at all on Wednesday of the next week, which is People's Day at the Royal Show.

(2) The House will be asked to sit after tea on Thursdays commencing from next week.

ROTTNEST BOARD OF CONTROL.

Policy for Future Development.

The MINISTER FOR MINES: Yesterday the member for Nedlands asked me some questions without notice as follows:

(1) What is the policy of the Rottneest Board of Control for the development of Rottneest Island?

(2) What finance is required and from where will it be obtained?

The answers to the questions are as follows:—

Availability of domestic water and the financial limitations of living within the island income effectively curb the board's desire for greater expansion than has been possible in recent years. When sufficient finance becomes available, consideration will be given to improving accommodation, attractions and amenities.

BILLS (3)—FIRST READING.

1. Electoral Act Amendment (No. 2).

Introduced by the Minister for Justice.

2. Acts Amendment (Superannuation and Pensions).

Introduced by the Treasurer.

3. Constitution Acts Amendment.

Introduced by Mr. Jamieson.

BILL—BEE INDUSTRY COMPENSATION ACT AMENDMENT.

Read a third time and transmitted to the Council.

REGISTRATION OF CHIROPRACTORS AND OSTEOPATHS SELECT COMMITTEE.

Appointment of Personnel—Order Discharged.

Order of the Day, read for the resumption of the debate from the 11th September on the following motion by the Minister for Health:—

That the following members be appointed to serve on the select committee:—Mr. Ackland, Mr. Crommelin, Mr. Jamieson, Mr. Marshall and Mr. Norton.

to which Mr. Court had moved an amendment to strike out the name of Mr. Crommelin.

On motion by Mr. Ackland, Order discharged from the notice paper.

BILL—BETTING CONTROL ACT AMENDMENT.

Second Reading.

Debate resumed from the 11th September.

MR. O'BRIEN (Murchison) [5.2]: This Bill was introduced for the purpose of giving a bookmaker's licence to a person

already holding a gallon licence. Throughout the northern areas of this State and the country generally we have licensed bookmakers, professional men who earn their living by bookmaking. From the latest report that I could obtain for 1957-58, there are no less than 24 country bookmakers.

One will see from the list, which I have before me, that these men are spread far and wide throughout the State. They are Adams of Cottesloe, Anderson of Terrace Drive, Perth, Bayliss of Carnarvon, Blake of South Perth, Brearley of Kalgoorlie, Cohen of Mt. Lawley, Cressey of Kalgoorlie, Culleton of Northam, Dennis of Geraldton, Drinkwater of Floreat Park, Farrel of Meekatharra, Finlay of Floreat Park, Fletcher of Claremont, Green of Melville, Halligan of Kalgoorlie, Jarvis of Kalgoorlie, Jupp of Wonthella, via Geraldton, Mackeney of Boulder, Morse of Victoria Park, Mosey of Wyndham, Skane of Boulder, Thomas of Hall's Creek and Wright of Kalgoorlie.

I think members will agree that professional bookmakers at country meetings have to pay heavy taxes, licence fees and so on in order to operate. From the information I have received, the tax at Broome is £34 15s., the travelling expenses are £28, the licence fee £20, hotel expenses £10, clerks' fee £12 and general fees £3, or a total of well over £100 for each fielder, and at Broome there are six fielders. At Derby there are six fielders and there could be 24 there as they are all licensed to operate.

At Port Hedland there are five fielders, at Roebourne five, at Wittenoom Gorge six, at Onslow four, at the Junction five, and all of these are men who earn their living at bookmaking. I see no reason why a man holding a gallon licence should be entitled to consideration for a bookmaker's licence and I therefore oppose the second reading of the Bill.

On motion by Mr. May, debate adjourned.

BILL—HIRE-PURCHASE AGREEMENTS.

In Committee.

Resumed from the 11th September. Mr. Moir in the Chair; Mr. Johnson in charge of the Bill.

The CHAIRMAN: Progress was reported after Clause 3 had been agreed to.

Clause 4—Interpretation:

Mr. COURT: As members will see, I have a lengthy series of amendments on the notice paper and their object is to make the Bill workable in the light of practical experience and practical problems, and not to be destructive or unreasonable in regard to the measure, as otherwise I would have adopted a different attitude during the debate on the second reading.

I am anxious that, in these amendments, we should avoid anything unduly restrictive or cumbersome. Some of the features of the Bill at present I consider to be unduly restrictive and cumbersome as they could have the effect of contracting the volume of hire-purchase business with an adverse effect on the economy of the State and ultimately on employment in Western Australia. My first amendment deals with this clause and has reference particularly to page 4 of the Bill. I move an amendment—

That the words "as a result of the voluntary return of the goods by the purchaser" in lines 22 to 24, page 4, be struck out and the words "at the request or at the instance of the purchaser" inserted in lieu.

There is some legal doubt as to the significance of these words and as to what is a voluntary return of the goods by the purchaser. I think the words proposed to be substituted in lieu of those struck out will leave the matter beyond reasonable doubt as they appear in the Hire-Purchase Agreements Act at present. The Act has operated for a number of years with reasonable success and in Subsection (1) (a) of Section 5, we find the words "if a vendor takes possession of a chattel except by the request or at the instance of the purchaser" and that phraseology is continued in the subsequent subsections.

The query is whether the voluntary return of a chattel means that the purchaser will physically return the chattel to the vendor. Often a purchaser wants to terminate the transaction and make a voluntary return of the goods but is incapable of making a physical return of the goods in the accepted manner. In those circumstances it is customary to go to the vendor and after discussion, the vendor arranges with the purchaser to take delivery of the chattel at a time mutually arranged. It is not suggested that there should be any loophole left for breaking down the intention of the Bill but I think we should clarify what is a voluntary return and I think this amendment will achieve that.

Mr. JOHNSON: I appreciate that it is not the intention of the member for Nedlands by his amendment to destroy the purpose of the Bill and I hope that by our joint endeavours we can make a workable law. As I told the hon. member and repeat here, one of the considerations underlying my thinking in relation to this Bill is the need for uniformity with New South Wales. The whole of the measure is drafted with that in mind and the clause before us is word for word the same as the provision in the New South Wales Act. I do not know why the New South Wales draftsmen have adopted any particular words, and I am sure we could produce a better article by way of drafting than can the New South Wales authorities.

Although the member for Nedlands believes that his amendment is an improvement in drafting, I cannot support it. If there is any doubt as to the meaning of words in this Bill, the matter will be clarified very soon in the New South Wales courts. It will be better for us to use the law in that State as a guinea pig to test this matter. I feel that the Bill covers the situation efficiently, and the argument put forward by the member for Nedlands that the words he proposes are better, does not convince me.

I do not suggest there is any hidden meaning in his move, although it could weaken the relationship of the purchaser vis-a-vis the vendor, when the purchaser is vulnerable by being behind in his payments. I am not sure it would do so, and the only place to test these matters is in court. The Bill gives us complete uniformity with New South Wales, where there is a far greater volume of transactions. I oppose the amendment.

Mr. W. A. MANNING: I cannot understand why this Bill should be uniform with the New South Wales measure. That is no point at all, particularly when the Act in New South Wales has not been tried; and particularly when the member for Leederville is depending on some action being taken in respect of the New South Wales Act to prove whether we are right or wrong. We can decide the best wording to use without any reference to the New South Wales Act. There is no advantage in having that uniformity.

We should deal with the matter on its merits. The wording in the amendment moved by the member for Nedlands would be advantageous to the purchaser, and that is why I support it. It defines the rights of the purchaser more clearly. It is not important, but it will help the Bill. I hope the member for Leederville will not persist in seeking uniformity with the New South Wales Act.

Mr. COURT: The member for Narrogin has touched the points I was about to raise. I support his comments. I was afraid that the debate would slavishly follow the New South Wales law. There are several reasons why we should not be tied to the law of New South Wales. Firstly, the workability of the New South Wales Act has not been tested. It is true they have had legislation for some years but when it is amended old established practices are upset. It will be many months before they can try out their present Act. We have had considerable experience of hire-purchase law, and we have sound legal brains to advise us as to the attitude we should adopt. We should examine the position in the light of our own problems. The average person does not realise the extent to which the existing hire-purchase law in this State is used. It is a small and simple Act, but it has been very effective. Its provisions are most desirable,

and it has been commended in the main by those who have had dealings in hire-purchase in this State.

Members will be surprised to know the provisions of Section 5 of the Act. A considerable number of accounts are rendered under that section, and hire-purchase people in this State have understood for many years that they would be "for it" if they did not conform to that section. The result is that the first thing they do is to follow slavishly the conditions of the Act so that the hirer is informed of his rights and, consequently, has a full statement of the transaction placed before him. We thoroughly understand the voluntary provisions of the words, "at the request, or at the instance of the purchaser." They mean what they say, and they are in the interests of the purchaser.

Some purchasers could not voluntarily return a chattel if it happened to be a piano or a washing machine. What happens in such a case? Under my amendment the doubt is removed. If they request the removal of the chattel, it is taken at the instance of the hirer, who is generally referred to in the Bill as the purchaser. The member for Leederville should not persist in tying us to the New South Wales law, otherwise we will have to go through all this business of amendment again and some of it quite unnecessarily. I trust the hon. member will accept my amendment.

Mr. JOHNSON: I do not wish to rigidly oppose this amendment, but I feel there is real value in the greatest possible degree of uniformity; and I am opposed to the view expressed by the member for Narrogin in this regard. In the other provisions of the Bill, particularly those relating to interest rates, uniformity is essential. There is value in uniformity where there is no good case for a change; and no good case has been made out for a change. I admit the wording of the amendment is that contained in our Act, but if I considered our present Act completely suitable, I would not have introduced this measure. However, as a token of good faith I am prepared to accept the amendment of the member for Nedlands, but I hope there will also be some good faith expressed on the other side of the Chamber.

Mr. Court: As a layman, what is your understanding of the expression used in the Bill, namely, "voluntary return"?

Mr. JOHNSON: A voluntary agreement between two parties that the possession of the goods should change hands. I cannot say that the value of the goods or their ownership could change hands because that remains with the vendor.

Mr. W. A. Manning: You do not think it means a physical return of the goods?

Mr. JOHNSON: I see no reason why it should. If a man voluntarily goes to a firm and says "I cannot meet the payments,

send the carrier out"—it is a voluntary return of goods, and I do not think it is any different to the words "At the request or at the instance of the purchaser." I will not oppose the amendment if it is put to the vote.

Mr. PERKINS: The commercial fraternity has shown considerable interest in this Bill because of the changes it foreshadows in our present law. Where a private member introduces a Bill of this nature the onus is on him to justify any changes in the existing legislation. If such a measure is introduced by the Government it is presumed that the department concerned has had a good look at it, and that the Crown Law Department has carefully studied the legal implications. In this case the Act on which the member for Leederville has based his measure is not in actual operation, and the provisions therefore are to a degree untried. The amendment moved by the member for Nedlands is more workable, and offers more protection than does the Bill at the moment.

In the case of reputable firms we generally find them treating their clients reasonably if approached in this matter. Where the actual wording in the clause is likely to be of some moment, is the case where a firm is anxious to get the maximum it can at the expense of the client, and where, perhaps, the case is actually taken to court, or the client is threatened with court action. In these circumstances the final decision is with the court. Therefore, it seems to me, that the wording in the amendment moved by the member for Nedlands offers greater protection to the client in the case of a firm that is anxious to gain the maximum advantage at the expense of the client concerned.

I have no doubt that in most cases firms would make provision for a particular article to be returned to their store. Obviously, it would be difficult for the client to arrange for physical return as in most cases the articles are bulky. Possibly the wording in the clause might be satisfactory, but it does appear that the amendment proposed by the member for Nedlands is better drafting. The New South Wales legislation is still in the experimental stage and we should accept the wording we consider most satisfactory.

Mr. JOHNSON: The purpose of the clause is to exclude from the protection of this particular Act agreements that are completed as a result of the voluntary return of goods. I feel that the fewer agreements that are completed outside the Act, the smaller will be the number of people left unprotected. The purpose of the clause is to throw out of the shelter of the Act those who return goods voluntarily and to get into the shelter of the Act those who do not. Is it better to shelter the greater or the smaller number? That is the basis of the argument.

Is the voluntary return of the goods greater or smaller than goods returned at the request or the instance of the purchaser? I feel it is the smaller number. We know from experience that there are people who deal with firms of highest repute and people have been high pressured into returning the goods and thereby losing protection. If they did not voluntarily return the goods under the terms of the Act, they would receive protection. Would the members taking part in the debate examine that angle?

Mr. COURT: I thought the member for Leederville was agreeing to the amendment. However, he has raised another point which I think should be answered because some of the earlier amendments have a great bearing on subsequent parts of the Bill.

The Minister for Justice: Does the purchaser have any right under the Bill to return goods if he cannot meet his payments?

Mr. COURT: Yes, in Clause 30 and this particular clause deals with goods voluntarily returned by the purchaser.

The Minister for Justice: Do you think they should have that right?

Mr. COURT: Yes. The implications of the Bill are retained, but they can be clarified and extended. That is the object of my amendment. It is not my intention to try to do anything to defeat the implications of the Bill. I think the intention of the author was to do exactly as we are trying to express in these new words. With the words he proposes, we shall be leaving ourselves open to litigation from the first day this goes on the statute book.

I am advised by a legal person, whom I regard highly, that the expression "voluntary return" is open to grave legal doubt, but the words proposed to be inserted are not open to legal doubt. Therefore we are protecting both parties by clarifying the law at this stage. I submit that the amendment not only retains the original implications of the clause, but clarifies and extends those implications.

Hon. A. F. WATTS: I propose to support the amendment. I consider the words proposed to be struck out and the words proposed to be inserted mean precisely the same thing except for one thing, and that is the question as to what is a "voluntary" return. I suggest that what exactly it means could only be determined by a court and I think the words suggested are much less capable of misunderstanding than the words at present in the Bill. It is much easier to establish that a thing was done at the request or instance of a person rather than that the return was voluntary.

The use of the word "voluntary" raises, I suggest, many problems for the court to decide. These words have been in the New

South Wales Act for something like 16 or 17 years—as the member for Leederville has them in this Bill—and when looking through a work on the subject of the New South Wales legislation, I noticed that the point was raised that the effect of the use of the word “voluntary” is a matter the court will have to determine. I am satisfied that the amendment is less capable of misunderstanding.

Amendment put and passed.

Mr. COURT: My further amendment to Clause 4 is most important and is extremely difficult to explain. Members will notice that there has been a redrafting of the amendment for greater clarity. That on the notice paper at the present time is slightly different in verbiage but not in actual effect from the one originally on the notice paper. The amendment I propose to move is to delete all words in lines 31 to 40 on page 4 and all words in lines 1 to 16 on page 5. In other words, it is the whole of the proviso to Subclause (3) of Clause 4.

The Bill as at present does not specifically provide that interest can be calculated on arrears, nor can any other damages be calculated when an accounting has to be made. I have endeavoured to bring in a proviso at this stage under Clause 4, which is a very vital clause, in order to clarify that matter and at the same time protect the purchaser. As I understand it, one of the most important features of the Bill is to protect the purchaser and make sure that the vendor gives rebates of hiring charges if and when the deal is terminated. All reputable companies subscribe to that theory.

I know of no reputable company that does not now give rebates, and has not done so for many years. It has become established practice. There is a method in use which is generally referred to as the Wolfenden Bros., formula, which is the basis on which reputable people have calculated rebates for many years. They give rebate charts on request and, as part of their practice, some give a rebate chart to new hirers so they will be fully informed on this matter.

The proviso I wish to place in the clause in lieu of the one at present in the Bill will no doubt be thoroughly examined during the discussion on this clause. I presume the author will have studied the wording and trust that he does not have as much difficulty as I had.

The Minister for Transport: It takes a lot of assimilating.

Mr. COURT: When we start to formulate a provision of this nature to protect certain people we get mixed up in words. The proviso as at present framed does, I consider, reduce what we seek to do to the simplest possible language. Some members will dispute the necessity or desirability of providing for interest on arrears. I assure the Committee that it is

a two-edged sword. If we do not provide specific arrangements for interest on arrears, and if we say that there will be no scope for negotiation between the vendor and the purchaser, we are literally legislating for people to repossess the moment an instalment gets into arrears. There are very few people in the hire-purchase finance business who are not fair and reputable in their transactions.

It is a happy state of affairs that there is adequate hire-purchase finance in this State and in most parts of Australia. The fly-by-nights in the business have literally disappeared from the scene. So we can approach the legislation in the light of a fairly well-ordered system of doing business. In practice, a great degree of commonsense exists in the handling of arrears. Most people purchasing under hire-purchase today are not the babes in the woods that they were 20 or 30 years ago. There is hardly a man or woman in the State who has not some knowledge of hire-purchase practice. They understand their rights and they have been educated up to demanding their rights, and if they do not know what they are, they inquire.

Hon. A. F. Watts: Usually they use the member for the district, I think.

Mr. COURT: Yes. We should pay some tribute to the people who put the existing hire-purchase legislation on the statute book because if it has done nothing else, it has been the means of bringing to the notice of the purchaser his or her rights. It was a simple measure which emphasised the rights of these people and, in fact, provided for an account taking without even a demand by the hirer.

The Minister for Justice: I do not think the hirer would really be conscious of his responsibilities under the agreement.

Mr. COURT: I am surprised to hear the Minister say that because the legislature at the time did not leave it to the hirer to find out his rights but made it a statutory obligation on the person repossessing to serve notice on the person concerned, and severe penalties were provided.

The Minister for Justice: I mean that very few really understand the flat rate and its implications.

Mr. COURT: I think the Minister is assuming that the public who deal in this type of transaction are more ignorant than they really are. If the Minister was doing hire-purchase business, on the selling side, he would realise that these people are not the innocents abroad that we sometimes think they are. These days even the most uneducated person knows fairly well the basic price of an item, and the difference between the aggregate of his instalments and the cash price of the article. People are not so ignorant although they may profess ignorance at a later date because it suits them to.

The Minister for Justice: I had at least half-a-dozen people in my office and they did not know the rate of interest they were paying. They said that a flat rate was the same as simple interest and that they were paying only 9 per cent.

Mr. COURT: I am amazed at what the Minister says because under the law if they suffered repossession, they would know exactly what the rates were. They would have an account sent to them. If the Minister knew of an instance where that was not done, he had a responsibility to see that a prosecution was launched. The firms who deal in hire-purchase live by the Hire-Purchase Act of 1931, as subsequently amended.

The Minister for Justice: Unfortunately, the purchaser does not thoroughly understand the implications.

Mr. COURT: I suggest that if people do not understand their rights under the Act, they cannot read because they have served on them a notice under the Act. That is mandatory; they do not have to request it.

Mr. JOHNSON: You just about have to sue for it at times.

Mr. COURT: No, because if the party repossessing the article does not do this, he commits an offence and is subject to prosecution.

Mr. JOHNSON: You have to threaten prosecution before you get it in some cases.

Mr. COURT: Those instances would be extremely rare. Of course, there will always be some people who will disobey statutes, but I would say that in 99.9 per cent. of cases of repossession, the people in this type of business studiously conform to the existing law. Briefly, this clause protects the hirer and ensures that he will get the benefit of the insurance rebates; and it protects the hirer so that he will get the benefit of the hiring charge rebates if the deal is terminated before the original term of the agreement because it provides that there will be a fair and equitable rebate to the hirer both in respect of insurance and in respect of hire charges.

I have used a phrase here—"actuarially calculated"—because the legal people could not find a better one, short of putting a complete formula into the clause. The Committee might consider it desirable to substitute a complete formula for those words in order to set out how this figure will be arrived at. I move an amendment—

That all the words in lines 31 to 40, inclusive, on page 4 and all the words in lines 1 to 16, inclusive, on page 5 be struck out with a view to inserting other words.

Mr. JOHNSON: I have no intention of accepting the amendment in its current form. A large proportion of the amendment is word for word with the Bill as

printed, although slightly different in arrangement. However, there is a proposal to include a reference to Section 31 which allows for early paying off. The section itself covers all the requirements and I see no necessity for the inclusion of the reference in the suggested amendment.

The inclusion in this section of penalties for breach is something that I do not acknowledge as being required. Breaches of hire-purchase agreements can be many and varied, but the principal one is failure to pay; and, of course, it is the most vital one. That is provided for in the standard agreements by an undertaking to pay interest at a higher rate—in the current agreements at a rate of 8 per cent. per annum—on moneys payable which may be overdue. There does not appear to me to be any real need to insert this provision.

I agree that there is a need to insert at the end of paragraph (b) a provision relating to stamp duty on registration under the Bills of Sale Act. I suggest this phrase could be inserted after the word "defined" in line 9 if the member for Nedlands would like to move to have it so inserted. The portion of the hon. member's amendment to which I am most vitally opposed is that which he skated over quite gently, namely, the part relating to the question of calculating actuarially.

Of course I may be a greenhorn—I am certainly not a lawyer—but I know a little about hire-purchase. The difference between a flat rate and an actuarial rate is a matter of real concern. I am of the opinion that people who trade in flat rates do so for one major reason—they desire to give people a false impression of reality.

I know there is a great deal of convenience in flat rates because they are simple of application, but the reality of a flat rate is that it is, in effect, double the actuarial rate; or very nearly so. If anyone would like proof of that, I can refer them not only to the formula in the Minister's speech but to a table that has been supplied to me by one of the firms in the business. This table sets out the calculation of the relationship between flat and simple interest on monthly and quarterly payments. But the general tenor of the flat rate is that it is double the amount.

The people for whom the member for Nedlands speaks may desire to conceal from the purchasers that they are paying a high rate of interest, as no doubt they are. However, if, when a contract is cancelled early, they desire to have the rebate calculated as the hon. member suggests, I will not be a party to it. If there is to be a concealed rate outward, we must apply the same rate inward. The only condition on which I will concede the inclusion of these words is if a firm undertaking is given to agree that actuarial rates shall apply to all transactions. I have not the slightest doubt that far

fewer high-purchase transactions would be signed if those signing the documents saw that the interest being charged was 19.7 per cent., particularly when they realised that money-lenders were restricted to 15 per cent.

The amendment in that regard is completely unreasonable. If the clause to which I have objected were not in it, there would be no need for the rest of it, except that portion which refers to the fees relative to the Bills of Sale Act. I think that part needs to be inserted because I think it was an omission in the redrafting.

Mr. COURT: I think this will be one of the major clauses upon which the future of this Bill will be determined, and I suggest that the member for Leederville is adopting a completely unrealistic attitude towards the situation. As I said earlier, I was prepared to replace the words to which objection has been taken with a fairly complicated formula, if that would make the hon. member any happier; but it would achieve the same result.

Mr. Johnson: The result is what I want to avoid.

Mr. COURT: I presume the hon. member wants a straight proportionate rebate system.

Mr. Johnson: The same as in New South Wales.

Mr. COURT: In other words, with a 24 months' transaction which is terminated at the end of 18 months, the hon. member wants a straight 6/24 rebate. If he does that, we will never get the hire-purchase business that we want in this State, and neither will New South Wales if that State interprets its legislation in that manner.

There is no mystery about this business. As I said earlier, most companies have a table which is made public and anybody can get a copy of it. They do not try to disguise the business. Perhaps it would have been a better idea if, in the early days of hire-purchase, the companies had not used the flat rate basis and got the people used to what is known as the true rate of interest; then there would not have been all this hocus-pocus about the rebate system. From the point of view of convenience, the rates are calculated on what we refer to as the flat rate of interest. The member for Leederville made the same point that was made by the Minister, and which many other people have made, that for all practical purposes the true rate of interest when compared with the flat rate is approximately double the stated flat rate figure.

The author of the Bill, and all other people in Australia who have tried to legislate in regard to rates for hire-purchase,

have accepted certain standards of rates and for convenience they have adopted formulae which, in effect, are the flat rate system. The people in this business are not innocents abroad and I suggest that the member for Leederville was almost apologetic, when he introduced the Bill, about the rates which he had included. He said that if we did not accept these rates, reluctant though he was about them, we would not get the hire-purchase capital to this State that we need. In view of the fact that this reference to the word "actuarial" will cause some concern, I think I should record in Hansard a fairly simple statement of the position.

The method of calculating actuarial rebates is one calculated to allow for rebating of hiring charges at the same true rate of interest as originally charged. That is why I am prepared to amend the amendment, if it is so desired, to bring in a formula which would put the matter beyond any legal doubt. The amount of net hiring charge for any particular month is naturally greater than for any subsequent months, because the balance owing reduces as the contract progresses. The rebate available, therefore, becomes increasingly less, not only as the months yet to run reduce, but also on account of the reduction of the net hiring charge for each successive month.

At this juncture it should be explained that the hire-purchase companies' practice of charging interest on a flat rate is mainly attributable to the ease of calculation. From an actuarial point of view to achieve the same true rate of interest as is charged, the following rebate calculations are made:—For example, if the contract is for 12 months and is repayable by equal monthly instalments, the add of 12, which is 78, is taken and the add of the number of months a contract has yet to run is likewise taken. To illustrate this point, take the example of a 12 months contract which is to be paid out nine months in advance. The add of 12 is 78 and the add of 9 is 45, in which case the proportion of charges rebated would be 45/78th of the original hiring charges.

Over the last two years, the member for Leederville has been looking into this question and he will acknowledge that that is the method of calculation used and publicly declared by reputable companies. We are not interested in the shy pooh firms; we are legislating only for reasonably decent people. To give an example, I will quote the following figures from charts which are at present in use. Take a 12 months contract financing the sum of £300 for the purchase of a used motorcar. I have selected that because there is provision in the Bill for that particular transaction and I thought that if I selected one with lower rates, I might be accused of camouflaging the position. In that case the charges would be £27, which members

will readily assess as 3 times 9—£300 at 9 per cent. equals £27. A rebate on the charges of £27, if paid out nine months in advance, would be £15 11s., which is 45/78ths on the original hiring charges of £27; in other words, the actual charge made would be the difference between £27 and the rebate figure of £15 11s., namely, £11 9s. for the three months.

As members will see, that is 15.1 per cent. and it will be observed from the calculation that the charges earned are in actual fact slightly less than the true interest rate of 16.615 per cent. which would have been earned had the contract run its full time. One could go on giving other examples of the method of rebating used under what is known as the actuarial system. I know that the flat rate system is easy to use because fancy fractions are not involved such as is the case with true interest rates; but, after all, service has to be given and a charge made for it. That is the established practice throughout Australia. The rates are higher in some countries and probably we would find them lower in others.

Mr. Lawrence: Do you believe they are exorbitant?

Mr. COURT: No. There is another important point that has to be taken into account. There are certain irreducible administrative problems which accompany every transaction. There is a lot of book work and other detailed work involved in conforming to the hire-purchase laws and the normal accounting requirements, and it can be said that the great bulk of the administrative worry involved is in the early part of the transaction, whether the deal runs for the full term of the contract or whether the contract is terminated within a week. The amount of work has been done and cannot be recalled. It is costly work and if members had personal experience of it they would appreciate that the early documentary stage, both as regards the hire-purchase agreements and accounting procedure, involves a considerable amount of work and it is quite a costly process. Therefore, it follows that the heaviest cost to the financier is during the early part of the deal.

The CHAIRMAN: The hon. member's time has expired.

Sitting suspended from 6.15 to 7.30 p.m.

Mr. JOHNSON: I oppose the amendment. I am aware of the background because in my preliminary studies of framing a provision, I toyed with the idea of inserting a flat rate, but it proved to be too difficult to word. I realise that the flat rate interest includes other costs besides the profit interest. The point with which I am really concerned is actuarial interest on refunds. I cannot agree to charging people

who buy at one rate, and people who refund at another rate. It has to work fairly both ways. If the member for Nedlands is prepared to re-write the other provisions to insist that all hire-purchasing agreements show the interest as rates arrived at actuarially, then I can agree to the amendment.

Mr. COURT: The hon. member has made it clear that he is not prepared to accept the principle in this amendment. I hope that other members will participate in the discussion on this amendment because it contains a vital principle. It might only be a matter of query rather than any other form of contribution to the debate. The principle should be thoroughly understood before this Bill is allowed to become law. I am prepared to go into great detail on the practical and legal effect of some of the clauses, but I shall not labour the matter unnecessarily. But it is my duty to invite the attention of members to the situation that exists.

The member for Leederville bases his case on the fact that there is what he refers to as concealment of interest rates. There is no concealment at all. It is well known, and it has been given great publicity in the Press. The general public is not ignorant on this matter. People know that the flat rate of interest is used. I agree that if it is expressed publicly the other way, much of the doubt and suspicion would be removed from the minds of the public and members. But for convenience, it is expressed as a flat rate system.

It may be argued that the reference to actuarial calculations is insufficient and not clear enough in meaning. I am prepared to replace paragraph (b) of the proviso with a formula which sets out clearly the method to be used so that there can be no suggestion of a "put over" in the meaning of the term "actuarially calculated". In spite of what the member for Leederville says, the method of calculating the charges is actuarially correct and sound.

Mr. JOHNSON: I agree.

Mr. COURT: Yet he is not prepared to allow the other end of the transaction to be dealt with that way. He is completely unrealistic and impracticable when he overlooks the fact that the early part of the transaction is the most costly. The fact is that the documents are prepared, whether the deal lasts one month or 36 months. Therefore it is not sound economics to rebate the deal on the system he proposes.

If members prefer, part (b) of the proviso could read as follows:—

(b) Where the purchase price as so defined includes any amount which is in fact added in respect of hiring charges (whether expressed to be so

added or not) there shall be deducted therefrom a sum calculated in accordance with the following formula:

$$R = \frac{X \times (X + 1)}{2} \text{ of } H.$$

$$\frac{N \times (N + 1)}{2}$$

Where

R = the sum to be deducted from the hiring charges.

X = the number of instalments payable under the terms of the agreement during the period subsequent to the date possession is taken or the agreement determined.

N = the number of instalments payable under the terms of the agreement during the total period thereof.

H = the hiring charges.

For the purposes of this paragraph the expression "hiring charges" means the amount by which the purchase price as so defined less insurance premiums, stamp duty on the agreement and any fees payable on the registration thereof under the Bills of Sale Act, 1899-1956, exceeds the price at which the goods comprised in the agreement might be purchased for cash.

In effect all that has happened is that a formula has been sent out in lieu of the reference "actuarially calculated."

I refer to one of my earlier remarks which the member for Leederville seemed to ignore completely. If no provision is made in the law for the charging of interest on arrears of instalments, we will force people into repossessing goods immediately. The moment that an instalment is overdue, there will be repossession. That is not desirable from either the purchaser's or the vendor's point of view. There must be room for negotiations on a properly established legal basis so that mutual arrangements can be entered into.

So, I hope the member for Leederville will see fit to adopt a more practical approach to this problem and accept the fact that these things are vital if the hire-purchase law is to function smoothly, efficiently and at the proper tempo.

Mr. JOHNSON: The fear that this provision will cause people to press for repossession immediately an instalment becomes overdue will be readily overcome, if the member for Nedlands were to agree to the deletion of actuarial calculation. The virtue of insisting on rebates at the flat rate is that early repossession will be discouraged when there is a possibility of payment being made. The member for Nedlands has made out a heart-searing

case for hire-purchase traders who are forced into bankruptcy by oppressive purchasers who insist on rebates at flat rates of interest. If rebates are to be calculated actuarially, then there will be some truth in his assertion, but if rebates are at a flat rate there is no doubt that the vendor will give consideration for the completion of a hire-purchase agreement instead of pressing for repossession.

I know that is not the intention of, or the actual steps taken by well behaved and reputable companies in this business. Their main concern is to sell the goods and leave them with the purchasers. The fact that they do good for themselves in the process is not immaterial. There is no doubt that any company desiring repeat business with its customers must consider the customers, therefore I feel sure that the case put up by the member for Nedlands for inclusion of actuarial rebates should apply to the other end of the transaction. If he puts forward an argument to apply one way, it should be applied in other ways. I prefer the Bill in its present form, although I think I can agree with the insertion of stamp duty.

Mr. COURT: A vital principle is at stake in this provision. I do not want to appear difficult or pedantic. It is quite apparent to members that widely divergent views are held by the member for Leederville and myself. This amendment has not been moved lightly. Members should thoroughly understand the provision. It should be examined in print. I do not accept the argument, put forward by the member for Leederville. My amendment has been based on the practical experience of people dealing in hire-purchase, whether as vendor or purchaser.

All I am trying to do is to co-operate to get something on the statute book which will be practicable and will not frighten away hire-purchase capital and make it unduly difficult for people to have the benefits of hire-purchase buying. This amendment is based on practical experience and it is the best way to amend the measure.

I subscribe to the view that there should be some legal provision for the rebating of interest, and every reputable firm I know subscribes to that view and practises it. We are not that far apart really, except that the member for Leederville takes a very dogmatic and unrealistic stand in connection with the method of calculation. He has got it into his head that the companies want to calculate interest one way going up and another way coming down; but that is not so. If the explanation I have put forward is examined, it will be seen that it is not so. If anyone likes to take the rebate charts of the companies, he will be convinced that it is not so. The calculations, if anything, are slightly in favour of the hirer under the rebating system.

In view of the complexities of the matter, and in view of the fact that I have now given to the Committee the formula I suggest should take the place of the words "actuarially calculated" in paragraph (b) of the suggested proviso, I think it would be a good thing if the Committee could report progress in order to allow members to examine the arguments advanced. It is most important that at this stage certain principles should be established; otherwise it is obvious we will finish with hotch-potch legislation which will be no good to anybody and could even defeat the objects of the Bill. I hope somebody will move to report progress so that members can examine Hansard on this matter and study the formula that has been advanced as an alternative to the words "actuarially calculated" used in the amendment.

Mr. CROMMELIN: I move—

That progress be reported.

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

Ayes	22
Noes	16

Majority for 6

Ayes.

Mr. Ackland	Mr. Marshall
Mr. Bovell	Sir Ross McLarty
Mr. Brand	Mr. Naider
Mr. Cornell	Mr. Owen
Mr. Graham	Mr. Perkins
Mr. Grayden	Mr. Potter
Mr. Heal	Mr. Roberts
Mr. Hoar	Mr. Rodoreda
Mr. Hutchinson	Mr. Sewell
Mr. I. Manning	Mr. Watts
Mr. W. Manning	Mr. Crommelin

Noes.

Mr. Andrew	Mr. Lawrence
Mr. Court	Mr. Nulsen
Mr. Evans	Mr. O'Brien
Mr. Gaffy	Mr. Rhatigan
Mr. Hall	Mr. Sleeman
Mr. Jamieson	Mr. Toms
Mr. Johnson	Mr. Tonkin
Mr. Lapham	Mr. May

(Teller.)

(Teller.)

Motion thus passed.

Progress reported.

BILL—ASSOCIATIONS INCORPORATION ACT AMENDMENT.

Second Reading.

MR. ROBERTS (Bunbury) [7.53] in moving the second reading said: The intention of this Bill is, firstly, to amend Section 3 of the Associations Incorporation Act, 1895-1955; and, secondly, to amend Section 7 of that Act, which, in fact, is consequential upon an amending statute of 1955.

The primary purpose of the first amendment is to overcome a difficulty which is being experienced in the interpretation of Subsection (2) of Section 3 of the principal Act. That subsection provides that the trustee or person shall within fourteen

days after filing the memorial and rules and regulations or trust or settlement deed of the association as the case may be, cause to be published twice at an interval of seven days in a newspaper circulating in the district where the association is situated or established. It will be seen, therefore, that difficulties could arise—and indeed have arisen—on account of that provision, especially in country areas where district newspapers are published only once a week. Let me give an example.

A memorial is filed, say, on a Thursday; and in the district concerned the newspaper is published each Thursday. So on the Thursday after the filing of the memorial, the first publication appears in the local Press. The second publication can appear only on the following Thursday to be within the 14 days as set down in the Act. But, in fact, only six days will have elapsed between the first and second publication, whereas the Act provides for an interval of seven days.

If, as sometimes happens, a public holiday is declared and coincides with the normal day of issue of the weekly newspaper, the publication of the paper is deferred for a day, in which case only five days would be the interval between the first and second publication. To overcome this irregularity, the amendment will allow the trustee or person after filing the memorial to cause the notice to be published twice at an interval of not less than seven or more than 14 days, the first of such publications to be made within 14 days of the filing of the memorial. This amendment allows a greater spread of time; and I think the Minister for Justice will agree that the extra time allowed will not affect anybody, but will allow those concerned to comply with the provisions of the Act, which, as the Act now stands, they cannot do at times.

The Minister for Justice: That is quite so.

MR. ROBERTS: When the Bill was in another place the words "approved by the Registrar" appearing immediately after the word "newspaper" in Sections 3 and 7 of the principal Act were deleted. However, it is my intention to request this House to agree at the Committee stage to have the words reinserted in the Bill. It will be noticed that I already have an amendment to that effect on the notice paper. I do not intend to explain the provision at this stage but will do so at the appropriate time.

The second amendment amends Section 7 of the principal Act; and, in the main, is consequential on a statute passed by this House to amend the principal Act in 1955. Prior to the amendment of Section 3 in 1955, the Act provided that a notice in the prescribed form was to be published in a newspaper published in Perth in the State and circulating throughout the State. On the proclamation of the amending statute

in 1955, provision was made for the publication to be in a newspaper circulating in the district mentioned in the memorial as being that in which the association is situated or established. But Section 7 of the principal Act was not at that time similarly amended.

And so at present the machinery of the Act provides for the notice to be published in a local paper, but as the Minister well knows, if the association wants to change its name the alteration in name must be published in a newspaper published in Perth, in the State and circulating throughout the State. I repeat that this amendment is consequential and will rectify an anomaly that has been apparent since the amending legislation of 1955 came into operation. I trust that the Bill, together with the amendments that I have on the notice paper, will receive the favourable consideration of the House. I move—

That the Bill be now read a second time.

On motion by Hon. A. F. Watts, debate adjourned.

BILL—NEWSPAPER LIBEL AND REGISTRATION ACT AMENDMENT.

Second Reading.

HON. A. F. WATTS (Stirling) [8.21 in moving the second reading said: This Bill seeks to amend Sections 3 and 5 of the Newspaper Libel and Registration Act Amendment Act of 1888 and to repeal Section 4 of that Act. It originated in the Legislative Council and was subsequently amended in that House. I think I can say that had it not been to some extent amended, I might not have been this evening asking the House to vote for the second reading of the measure, but in its present form I think it is a reasonable and desirable Bill.

I wish to explain that Section 3 of the Newspaper Libel and Registration Act Amendment Act, 1888, provided that no proceedings could be taken by any person who had had a meeting of his creditors or in connection with whom State bankruptcy proceedings had taken place, or who had no fixed offices in the colony, unless he put up security for costs to such extent as the court deemed sufficient in the circumstances. There was no limit on the amount of security for costs but the Legislative Council has seen fit to set a limit of £100 on the security to be put up by a person in any of those cases.

That, I think, is reasonable, because it would be distinctly unreasonable to have an unlimited amount, especially as the costs in which the defendant might involve the plaintiff in a libel action could easily include the cost of heavy travelling expenses for some individual or individuals who might be obliged to testify before the

court, in the interests of the defendant—or some other such expenditure—and in consequence, while I adhere to the idea that it is desirable in such cases to allow the court to make an order for security, I think the amount should be limited to a reasonable figure, especially in the circumstances mentioned, sufficient to establish the bona fides of the plaintiff.

That is the first amendment contained in the Bill. The second amendment seeks to repeal Section 4 of the Act of 1888 which provided that at the trial of any action against the proprietor, publisher, editor, printer or any person responsible for the publication of a newspaper for any libel published therein, the plaintiff shall be non-suited unless he gives evidence at such trial as a witness on his own behalf. That, in effect, means that the plaintiff could be forced into the box to give evidence or, alternatively, lose his action, however good it might be. The same provision does not apply to plaintiffs in other actions and they are at liberty to give evidence or not as the particular circumstances of the cases require.

Mr. Lawrence: Could they not be subpoenaed?

HON. A. F. WATTS: The defendant cannot subpoena the plaintiff to give evidence on his own behalf and the situation of a man as stated in a libel action should, in my opinion, be no different from that in any other action. Admittedly, in the majority of cases, I think it would be desirable for him to give evidence, as it is most desirable in most other cases for the plaintiff to support his own case, but in other actions he is not compelled so to do and if he has sufficient evidence, outside his own evidence, he is not obliged to give it consideration. It therefore seems to me—and that was apparently the view of another place—that that section could be repealed.

The third amendment seeks to amend Section 5 of the principal Act which provides that no action can be brought against the proprietor, publisher, editor, printer or any person responsible for the publication of a newspaper for a libel published therein after the expiration of four months from the date of the publication of the libel. The Bill proposes that that time should be increased to 12 months, which I think is a reasonable proposition, because, as is well known, in a legal matter, four months is a very short period indeed. That might not have been so in 1888—I am not competent to judge what happened in those days—but I know it is a short time now and so I think the proposal to substitute a 12-month period for a four-month period is a reasonable one. Those are the only provisions in the Bill and therefore I move—

That the Bill be now read a second time.

On motion by the Minister for Justice, debate adjourned.

BILL—UNIVERSITY OF WESTERN AUSTRALIA ACT AMENDMENT.

Second Reading.

Debate resumed from the previous day.

HON. D. BRAND (Greenough) [8.10]: The Premier did not have much to say in introducing the Bill and I have not much more to say in supporting it. It was fairly stated that the Bill aims to give parliamentary authority to the Treasury to guarantee the Senate of the University of Western Australia in regard to any moneys raised by way of loans and, as the Premier has pointed out on this occasion the Senate is particularly concerned in the raising of £250,000 to enable it to proceed immediately with much-needed buildings in connection with the new school of engineering. Members are well aware that in this stage of our history more and more qualified men are required in the engineering field, and it is in our interests to train them here.

The **SPEAKER**: Order! Members must refrain from carrying on such loud conversations. Although the member for Greenough is close to me, I cannot hear what he is saying. If members wish to conduct conversations they must lower their voices considerably.

Hon. D. BRAND: Thank you, Mr. Speaker. I repeat that we should do everything to encourage young men to study engineering and settle here so as to be available for the great developmental work taking place in this State and the even greater development that we envisage for the future. We heartily support the Bill which aims to authorise the Treasurer to underwrite the loan sought by the university. I think it is a good idea that the Senate has taken the initiative in seeking out, in this case, an insurance company which is prepared to lend £250,000 to enable the work to be proceeded with.

True, we cannot make up lost time and I imagine that the situation in which students of engineering at present find themselves is unfavourable. The existing buildings are of a temporary nature only, to say the least of it, and I think we should commit the future to some extent, especially as in this case the future is largely in the hands of the university Senate, by whose initiative we are to achieve something that will be an asset and an addition to the university itself. The measure is so framed as to give authority for all time and for any future Government to guarantee loans which the Senate might wish to raise. I support the Bill.

HON. A. F. WATTS (Stirling) [8.13]: I, also, wish to support this measure which seeks to empower the university to raise, and the Government to guarantee, a sum

of up to £250,000. I am well aware of the efforts that have been made by the university authorities in arranging for the availability of this money and I think it would be most unfortunate if, because of the absence of sufficient security, they were unable to proceed with the project and take steps to commence their building programme.

The guarantee of the Treasury of the State of Western Australia is still, thank goodness, sufficient security, and, in consequence, the Bill proposes to allow the Treasurer to enter into a guarantee so that the loan may be finalised. It seems to me that in the circumstances, and remembering all that has transpired in regard to this matter, it is appropriate that Parliament should enable this loan to be raised, by giving the Treasurer the necessary authority. Holding those views, it will not be surprising that I intend to support the second reading.

Question put and passed.

Bill read a second time.

In Committee.

Mr. Moir in the Chair; the Premier in charge of the Bill.

Clause 1—agreed to.

Clause 2—Section 15B added:

Hon. D. BRAND: I rise to comment on the fact that an ex-Under Treasurer of Western Australia is now the Chancellor of the University, and a member of the Grants Commission. I meant to take the opportunity as it occurred to congratulate him, and to point out that under his guidance, direction, leadership and support the recommendation to borrow £250,000 would be very sound indeed, and that Parliament and the Government should have no doubt as to the soundness of the proposition.

Clause put and passed.

Title—agreed to.

Bill reported without amendment and the report adopted.

BILL—FACTORIES AND SHOPS ACT AMENDMENT.

In Committee.

Mr. Moir in the Chair; the Minister for Works in charge of the Bill.

Clause 1—agreed to.

Clause 2—Section 100 amended:

Mr. ROBERTS: At present the representative body, which is the Western Australian Automobile Chamber of Commerce, is the only body that can make recommendations to the Minister in reference to extraordinary trading hours. If at any time it decides that its policy with reference to extraordinary trading hours shall be such-and-such, anyone who wishes to

approach the Minister cannot do so. My amendment proposes that where a majority of proprietors of shops having requisites for sale within a gazetted townsite or the boundaries of any local authority approaches the Automobile Chamber of Commerce requesting certain hours of trading in relation to extraordinary hours, and that body does not make a recommendation to the Minister, then that majority of proprietors shall have the right to approach the Minister.

Mention has been made of what has happened in Bunbury in that connection. The garage proprietors there are quite willing to co-operate although some of them are not members of the W.A. Automobile Chamber of Commerce. But the point arises that there are certain times of the year when garage proprietors in Bunbury consider they should give extra service to holiday makers, as Bunbury is a holiday resort. They want to trade between 7 a.m. and 7 p.m., say from a fortnight or so after Easter to the end of October; but from November to Easter, or a little later, they are keen to give an extra service to the public. One body should not have the sole right to make recommendations to the Minister. According to my interpretation of the Bill, the Minister's discretionary power contained in the previous statute that was not proclaimed last year has been taken away.

The Minister for Works: What would happen under your proposition if there was a conflict of opinion?

Mr. ROBERTS: My amendment proposes that a majority of proprietors of shops with requisites for sale should make the recommendation. Comment has been made regarding one service station in Bunbury being forced open. We must bear in mind that two garage proprietors were dead against the proposal and intended to please themselves. I agree there should be some control as long as the majority wants it, and those in Bunbury are keen on it. I have mentioned "gazetted townsite" because, as the Minister knows, within a local authority there may be two or three main towns or centres of population, and the extraordinary hours that suit one might not suit another townsite. I move an amendment—

That after paragraph (a) in line 18, page 2, the following be inserted to stand as paragraph (b):—

by adding after the word "place" in line 8 of the interpretation "representative body" the words "and includes any body representative of the majority of proprietors of shops having requisites for sale within—

(a) any gazetted townsite; or

(b) the boundaries of any local government authority."

The MINISTER FOR WORKS: I oppose the amendment; it would lead to confusion. It is possible that the Automobile Chamber of Commerce might make one recommendation and the association envisaged by the hon. member a contrary recommendation. How would the Minister act in those circumstances? We must have one authoritative opinion as set down in the Act by which the Minister can be guided. I see no merit in the amendment.

Mr. ROBERTS: I am surprised at the Minister's attitude. As long as a group of people in a particular country area decide the hours they want to trade, they should be permitted to make a recommendation to the Minister. If the Perth organisation is not prepared to do so, I must stress that point, namely, that the Perth body is not prepared to make the recommendation these people want. They are prepared to make a recommendation according to their overall policy, but not what is required by the majority of people in a particular area. Surely the majority of people in these areas should be entitled to some say! We should not give one organisation in the State the sole right to approach the Minister, and I hope the Minister for Works will change his mind.

Mr. HEARMAN: I cannot see why there should be any confusion caused by this amendment. It could be that the Minister is in receipt of two separate and conflicting recommendations, but surely he should determine that for himself—unless it happens that the Minister is confused, because he has received two separate recommendations. That is the only case in which there might be confusion.

The Minister for Works: Your proposition is tantamount to saying that the local opinion should be the one adopted.

Mr. HEARMAN: Not at all. They should have the right to voice their views in this matter, and the Minister should hear them. The member for Kalgoorlie mentioned last night that there was a local body which has been functioning for some time that represents the interests of the service station and people handling motorists' requisites on the Goldfields. If their opinion is in conflict with the Automobile Chamber of Commerce, it should be put to the Minister. One of the objections I voiced earlier in the second reading debate was that it virtually removed all discretion from the Minister. In view of the fact that the Minister did not reply to the debate, I do not know the position on that point.

Perhaps he could explain how much discretion this legislation leaves to the Minister; whether he wants any discretion, or whether he intends it to rest with the Automobile Chamber of Commerce. He told members last year that he was willing to accept and use his discretion. I think

he should give some consideration to this amendment because it assures that where the majority of local opinion might conflict with the policy and recommendation of the Automobile Chamber of Commerce, then the Minister can have that local opinion placed before him.

Hon. D. BRAND: If the Government is sincere about getting this legislation to work, it should accept this suggestion.

The Minister for Works: This would allow small shops to determine what service stations will do.

Hon. D. BRAND: They are in the minority and exist at the present time.

The Minister for Works: Not with the power this amendment is seeking to give them.

Hon. D. BRAND: There are not so many of them and there is a tendency now to eliminate this type of trade and direct it to the service stations proper. In the metropolitan area there is one problem, and in the main towns, such as Bunbury, Albany, Geraldton and Kalgoorlie and the isolated service stations which are to be found in the South-West and country districts, there is another. If a local body in the country was allowed to make representations to the Minister and he could exercise some discretion in regard to deciding between their proposals and those of the Automobile Chamber of Commerce, a lot of the difficulties and opposition to the Bill would go by the board. I appreciate that the Minister is only acting for the Minister for Labour, but he did not submit any reasons why consideration should not be given to the amendment put forward by the member for Bunbury.

Mr. ROBERTS: This is only applicable to an area which is zoned as prescribed. It is not applicable to the small country areas. As I said before, if the extraordinary trading hours in a zone are slightly different from the extraordinary hours that the proprietors want in the zone, as laid down in accordance with the policy of the Automobile Chamber of Commerce—they cannot make a recommendation to the Minister. It is only where the zone is prescribed and does not affect the small fellow at all.

Hon. A. F. Watts: It would not affect small shops, because it only applies to shops having requisites for sale.

The Minister for Works: It could be grocers' shops.

Mr. ROBERTS: It is for the majority of people with requisites for sale, and there would be no harm in it. It will give people an opportunity to decide what their extraordinary trading hours will be, or they can approach the Minister and it is up to him to decide if the Automobile Chamber of Commerce does not make the recommendation desired by people in a country locality.

The MINISTER FOR WORKS: One has to consider the reasons why the legislation was introduced in the first place, and what the proposed amendment will do. Service station proprietors desire that they should have some organisation in their industry to enable them to work reasonable hours and not have to keep open around the clock. For that purpose a scheme was put forward which would enable them substantially to comply with that desire. If this amendment is agreed to it will defeat the objective of the Bill so far as country districts are concerned. This proposition would, in many places which are zoned, place the trading hours in the control of the small shops, the major portion of whose business is not selling oil, petrol and motor requisites but other forms of trading.

Mr. Roberts: Can you give one example where the small shop is in a majority, so far as the selling of petrol is concerned?

The MINISTER FOR WORKS: I have a letter here from the Kalgoorlie Chamber of Commerce which reads as follows:—

At a meeting of this Chamber recently, the proposed amendments to the Shops and Factories Act were spoken of and members consider that country areas should be included in any amendment for the control of after hour trading by shops.

One section of traders who are directly affected by this indiscriminate trading are the service stations.

If the amendments to the Shops and Factories Act were formulated to include, inter alia, Kalgoorlie and Boulder, the selling of petrol and oils at week-ends and on holidays could be controlled. As it is now, the service stations must compete against the unfair trading of small grocery stores where no provision is made for such amenities as free air, water, greasing and accessories.

Mr. Roberts: They would not be in a majority at Kalgoorlie.

The MINISTER FOR WORKS: They could be.

Mr. Roberts: They are not.

The MINISTER FOR WORKS: How does the hon. member know?

Mr. Roberts: I have been there.

The MINISTER FOR WORKS: Has the hon. member figures to indicate the position?

Hon. D. Brand: Have you any proof?

The MINISTER FOR WORKS: No, but I am not making any definite statement like the member for Bunbury.

Hon. D. Brand: You are putting it up as an argument.

Mr. Ross Hutchinson: What are the requisites they sell as stated in the Bill?

The MINISTER FOR WORKS: Requisites for motor-vehicles.

Mr. Ross Hutchinson: That letter states grocers' shops. They do not carry accessories.

The MINISTER FOR WORKS: The grocery store with a bowser outside would come within the definition moved by the member for Bunbury.

Mr. Roberts: No.

Mr. Ross Hutchinson: I do not think so.

Hon. D. Brand: Not a majority by any means.

The MINISTER FOR WORKS: As there has been conflict on certain occasions regarding the opinion of service station proprietors and the opinion of shopkeepers who are in competition with them, if the Minister had to accept the advice of the majority, and the majority happens to be the small shopkeepers, then it is to be expected that what they would want would not be what the service station proprietors would want. Therefore, the objective of this Bill could be defeated because the Government believes that the service station proprietors have a right to work reasonable hours and to have control while it is being done. For that reason, the Government has brought the legislation before the House, and I am not prepared to accept the amendment.

Mr. ROBERTS: The Minister has stressed the point in regard to small shops. I would draw his attention to the sixth line in the amendment which states, "Shops having requisites for sale." A "requisite" according to the principal Act means anything necessary or required for equipping or operating a vehicle, which is a motor-vehicle, according to the interpretation given to that expression in the Traffic Act, 1919, and includes without derogation from the generality of the foregoing, fuel in any form, lubricant in any form, tyre, tube, battery, part, and accessory.

The Minister for Works: Are you prepared to limit your amendment to shops having only requisites for sale?

Hon. A. F. Watts: Service stations have things other than those for sale.

Mr. ROBERTS: A service station in the country might sell refrigerators. They also sell motorcars and machinery.

The Minister for Works: I asked you a question.

Mr. ROBERTS: No, I would not.

The Minister for Works: Because you want the small people to control the situation.

Mr. ROBERTS: No. Since I have been in this Chamber, this would be the only Act on the statute book which gives one organisation complete control.

The Minister for Works: Don't run away with that idea. Have you ever heard of the B.M.A.?

Mr. ROBERTS: Many people in the country areas are not members of the Automobile Chamber of Commerce, but by this legislation they will be forced to be.

Mr. HEARMAN: The Minister laid great stress on the possibility of the small storekeeper who has a bowser, but nothing else, controlling the administration of the Act. Is there anything to stop the small storekeepers from doing it now? So far as I am aware the Automobile Chamber of Commerce will accept anyone for membership if he has a bowser.

The Minister for Works: Let them have their say in that way.

Mr. HEARMAN: Even so, we could still have the situation whereby the overall policy and recommendations of the Automobile Chamber of Commerce would be in conflict with the majority of local opinion. All the amendment endeavours to do is to ensure that the local opinion will be placed before the Minister. There is just as much right for this to be done as for a State-wide body to put its opinion before the Minister. This is fair and reasonable. A minority should have some rights, and I cannot see any difficulty that this amendment will create.

The hypothetical argument that small storekeepers, not bona fide service stations, will run the show is fallacious inasmuch as they could become members of the Automobile Chamber of Commerce if they wanted to.

Mr. W. A. MANNING: I support the amendment. We are endeavouring to control State-wide activities without taking into account the individual needs of the different districts. We have the Goldfields areas, inland towns, holiday resorts and the city. Local opinion on these matters, especially on the closing hours of service stations, should be taken into consideration. This applies perhaps more particularly to tourist areas. Why should we legislate to have the hours controlled without any consideration for the particular needs of a district? I cannot see that we are going to lose anything.

The Bill was introduced because the service station proprietors desired to have restricted hours. Now the hours will be so restricted that they will be sorry they ever thought of being restricted. The Minister should at least accept the amendment which will take into account the needs of the various parts of this big State. To control the position in one particular way is entirely wrong.

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

Ayes	17
Noes	23

Majority against 6

Ayes.

Mr. Ackland	Mr. W. Manning
Mr. Bovell	Sir Ross McLarty
Mr. Brand	Mr. Nalder
Mr. Cornell	Mr. Owen
Mr. Court	Mr. Perkins
Mr. Crommelin	Mr. Roberts
Mr. Grayden	Mr. Watts
Mr. Hearman	Mr. I. Manning
Mr. Hutchinson	

(Teller.)

Noes.

Mr. Andrew	Mr. Marshall
Mr. Evans	Mr. Nulsen
Mr. Gaffy	Mr. O'Brien
Mr. Graham	Mr. Potter
Mr. Hall	Mr. Rhatigan
Mr. Heal	Mr. Rodoreda
Mr. Hoar	Mr. Sewell
Mr. Jamieson	Mr. Sleeman
Mr. Johnson	Mr. Toms
Mr. Kelly	Mr. Tonkin
Mr. Lapham	Mr. May
Mr. Lawrence	

(Teller.)

Pairs.

Ayes.	Noes.
Mr. Wild	Mr. Hawke
Mr. Mann	Mr. W. Hegney
Mr. Oldfield	Mr. Norton
Mr. Thorn	Mr. Brady

Amendment thus negatived.

Mr. HEARMAN: I move an amendment—

That the following be inserted to stand as paragraph (e):—

By adding after the word "section" in line four of paragraph (a) of Subsection (4) the following proviso:—

Provided that no zone will be prescribed in any area outside the metropolitan area as defined in the regulations made under the Traffic Act, 1919, and published in the "Government Gazette" on the 15th day of December, 1954, unless the local governing authorities have so requested in writing the zone to be prescribed; and provided further that the area within the City of Perth and bounded on the south by the Swan River, on the east by Plain and Zebina Streets, on the west by Spring, Milligan and Fitzgerald Streets and on the north by Vincent and Harold Streets shall not be prescribed as a zone under this section.

The amendment contains two points, one of which is that the areas outside the metropolitan area will not be zoned unless the local authorities ask for it. In view of the wide area over which the legislation can be made effective, it is desirable

that the Minister be given some direction from an impartial body as to the desirability or otherwise of having a zone prescribed. The amendment will ensure that someone with no axe to grind will make a recommendation to the Minister, who quoted an extract from a letter from the Chamber of Commerce in Kalgoorlie. If that chamber could persuade the Kalgoorlie Municipal Council that it was desirable to have a zone there, I think there would be little argument left. If, on the other hand, the local authority did not want zoning, that in itself would be a very good reason for not prescribing it.

The second part of the proviso is an endeavour to make some provision for 24-hour trading within the metropolitan area. Last year the position was made quite clear, by Ministers in both Houses, that it was not intended to stop 24-hour trading. Furthermore, it was pointed out that the Automobile Chamber of Commerce not only agreed that 24-hour trading was going on and was desirable, but went further and suggested that, if necessary, it would arrange for it itself.

During the second reading debate we did not hear a word in explanation of why it was undesirable to trade 24 hours in this particular area. It appears there has been a change in Government policy, but we have not been told what has brought about that change. Earlier this week I asked that the correspondence and files be tabled, but so far they have not been tabled. The Premier said yesterday that consideration would be given to the matter. So members are completely in the dark as to why there has been a change of front on the part of the Government.

The area that I have suggested should, if necessary, be allowed to trade for 24 hours, is right in the heart of the city. It might appear to be a large area, but unless we discriminate between the oil companies, it has to be this size.

THE MINISTER FOR WORKS: Invariably, when a member moves an amendment like this, the onus is on him to advance reasons for the change which he suggests. The hon. member did not advance any reasons; all he did was to give expression to a few desires. He would like to have the local authorities in control of the situation, but he gave no reasons as to why they should be. I was prepared to listen to any sound reasons that could be advanced for the placing of local authorities in control, but the hon. member did not advance a single one.

Mr. PERKINS: I do not think the Minister is quite fair in his comments. The Government proposes that by regulation the Governor—that is, the Government—may bring any area within the provisions of the Act. This is a major change from

the policy put forward when the legislation was originally considered by Parliament. I think there is some onus on the Government to show why the country areas, in particular, should be brought within the ambit of the legislation.

When the measure was originally before Parliament many of us representing country districts expressed strong views about the necessity for people travelling to the city to have their needs met by service stations at convenient points. We are hoping that the Government will administer the Act in a reasonable way, but there is no certainty that it will. It could be that some Minister administering the legislation would desire that there should be no after-hours trading of any sort either in the metropolitan areas or in the country districts. I think we are justified in attempting to have some provision placed in the Bill to limit the powers of the Minister. The Minister took some exception to the idea of local authorities being consulted.

The Minister for Works: No, I took exception to the local authority controlling the Minister.

Mr. PERKINS: If this amendment were agreed to we would have some reasonable assurance that the desires of residents of particular areas would be met and if the Minister attempted to bring those country areas within the ambit of the legislation, the local authority would, under this amendment, have the power to prevent the Minister from doing so. If the Minister were prepared to do the right thing, he would have nothing to fear. But if the Government contemplated restricting the hours of service stations to what were regarded formerly as the normal trading hours, the Minister would, if this amendment were agreed to, be in real trouble.

A great deal of discussion took place in both Chambers last year about arrangements in the city and about goodwill which had been built up by certain service station proprietors trading for 24 hours, and an assurance was given by the Minister that the interests of those people would be safeguarded. So I think in all the circumstances the Minister should give a fuller answer than he has done so far, and unless he can advance some cogent reasons as to why we should vote against this amendment, I hope it will be agreed to.

Mr. ROSS HUTCHINSON: I think this amendment is a very reasonable one.

Mr. Heal: It is all lopsided to me.

Mr. ROSS HUTCHINSON: The hon. member is lopsided in his views because I do not think he has a clue about what is going on in regard to the amendment. It contains two propositions; one is that no zone will be prescribed outside the metropolitan area unless the local authority concerned has so requested in writing.

The Minister said that the member for Blackwood had not given a reason as to why the amendment should be agreed to. Surely that is obvious.

The Minister for Works: We are supposed to have the reasons stated and not guessed at.

Mr. ROSS HUTCHINSON: Local authorities have their fingers on the pulse of local affairs and they are able to determine what is best for their districts. I think the Minister is allowing himself to be carried away by his desire for restrictive practices and restrictions on public freedom. The first proposition in the amendment takes no power from the Minister but will assist him to arrive at a proper conclusion. The second proposition is to prevent the zoning of a city area, and there again the reason is perfectly obvious. People in the past have been prepared to give a 24-hour service for personal reasons, including gain, and they are giving a real service to the public.

The Minister for Works: The purpose of the Bill is not to enable service stations to give a 24-hour service.

Mr. ROSS HUTCHINSON: It is perfectly well known that that is the present intention of the legislation. But two Ministers last year agreed that that service could be allowed to continue.

The Minister for Works: But they have not agreed this year.

Mr. ROSS HUTCHINSON: Why?

The Minister for Works: For reasons best known to us.

Hon. D. Brand: We have to guess at them.

Mr. ROSS HUTCHINSON: The Minister did not state the reasons.

Hon. D. Brand: But we can guess what they are.

Mr. ROSS HUTCHINSON: One of the reasons was here last night in the Members' Room, and members opposite have to toe the line. Last year two Ministers held the view that a 24-hour service was reasonable but, because of certain circumstances, they have changed their minds at the dictation and direction of some people outside of Parliament.

The Minister for Works: I can tell the hon. member that that is quite wrong.

Mr. ROSS HUTCHINSON: Perhaps the Minister will tell us the reason for the change of views of the two Ministers concerned.

The Minister for Works: I am not obliged to do that. That is not part of the argument.

Mr. ROSS HUTCHINSON: The Minister's argument would be much clearer to us if he were prepared to do that. If people were allowed to continue with 24-hour trading it would not take much trade

from other garage proprietors. People do not go to these 24-hour garages in the city in the early hours of the morning unless they are obliged to do so. They are used as a public convenience.

The Minister for Lands: A public convenience!

Mr. ROSS HUTCHINSON: If the Minister likes to interpret the words in that way.

The Minister for Lands: I have a mind.

Mr. ROSS HUTCHINSON: It is a mind like the public convenience he was thinking about.

The Minister for Lands: How do you know?

Mr. ROSS HUTCHINSON: I am surprised at the Agent General for Western Australia talking like that.

Hon. D. Brand: Agent General with "elect" in brackets.

Mr. ROSS HUTCHINSON: Yes. I support the amendment.

Hon. A. F. WATTS: I think the Minister for Works wants this both ways. He opposed the first amendment which provided for local representatives to recommend to the Minister, and then he objected to this amendment because he said the local authority would be able to dictate to the Minister. I want something which will ensure that certain country districts in the State are not placed in a position where these requisites will not be available. I was quite happy with the proposal that a recommendation of the local vendors of requisites could be accepted. But neither the Minister nor the Committee would have that, and so I am prepared to support this amendment.

Personally, I do not think there is anything objectionable in the fact that if a local authority recommends something, it shall be agreed to. After all, a local governing authority is in charge of the affairs of its district, and it should be as competent as anybody else to know what is best for its district. I am of the opinion that this measure would never have been passed had it been introduced a year ago, because it is obvious that now there is no intention to have 24-hour trading. Minds have been changed and we are quite likely to run the risk of having certain parts of Western Australia without any facilities for obtaining these requisites at certain periods.

I do not know why we should want to hamstring the travelling public in this matter if there is a possibility, as there obviously is, of some sort of local agreement being reached. Why the opinion of the local people should not be acceptable by way of a recommendation or a request, I fail to understand. I concede that in the metropolitan area the Automobile Chamber of Commerce is sufficiently

knowledgeable and representative of the people concerned to be able to make a recommendation. But I question whether a body which is mainly constituted of persons who live away from a particular centre that may be in difficulties should make a decision in regard to that centre. The few members of that organisation who are to be found in Bunbury would be hopelessly outnumbered by those from all other parts of the State, particularly the metropolitan area, and consequently a conclusion might be reached that was not satisfactory to the residents of Bunbury, whereas a recommendation coming from the local authority or from the local vendors themselves would be much more suitable. The Minister wants it both ways. He objects to the amendment that has been defeated, and he objects to this one as well. As the Committee did not agree to the last amendment, I propose to support this one.

Mr. HEAL: I am concerned with the latter part of the proviso, and if it is agreed to, a great deal of trouble will arise in the metropolitan area. If the provision is agreed to, I imagine that all garages in the area bounded by the Swan-River, Plain-st., Zebina-st., Spring-st., Milligan-st., Fitzgerald-st., Vincent and Harold-sts., will be permitted to sell petrol at all hours. Is that the intention?

Mr. Hearman: That would be the position.

Mr. HEAL: Terrific argument would crop up because half the garages in the metropolitan area will be able to trade at all hours, and the other half in restricted hours. The member for Cottesloe has supported the amendment, but what would he say if 30 to 40 garages in the metropolitan area were able to sell petrol at all hours, while all the garages in his own electorate would only be able to trade in restricted hours? They would all be on his doorstep wanting to know why they could not trade on a similar basis.

Mr. Ross Hutchinson: The residents of Cottesloe will not go out at midnight to buy petrol.

Mr. HEAL: The garages in Cottesloe will be closed, as will some in my area.

Mr. Ross Hutchinson: People do not go out at midnight to buy petrol in the city.

Mr. HEAL: Motorists are travelling at all times of the day and night. The hon. member himself might be driving from Parliament House to Cottesloe and run out of petrol half way. The whole of the metropolitan area should be placed on the same footing in regard to trading hours.

The MINISTER FOR WORKS: Some weird ideas have been advanced by the supporters of this amendment. The member for Roe believes that the onus is on me at this stage to justify the Bill. He does not consider there is any onus on

the part of the mover to tell us why the amendment should be accepted. He ought to know that the Government's view point was given during the second reading stage, and if any member seeks to amend the Government's proposition, surely the onus is on him to give the reasons.

Hon. D. Brand: There was no reply to the second reading debate.

The MINISTER FOR WORKS: The responsibility is most definitely on the mover to advance some reasons to justify what he proposes, but up to date I have not heard any. The Leader of the Country Party does not appear to have read this amendment because he referred to a local authority making a request of the Minister, and said that it had every right to make the request, and that the Minister ought to comply. The trouble with this amendment is that the Minister cannot do any thing unless the local authority requests; that is the difference. Thus a local authority can sit back and do nothing, and then the Minister is held in a cleft stick.

The member for Cottesloe has advanced the idea that it is all right to allow a local authority to determine what shall be done, and for the Minister to be subject to the local authority. Where would we get if that were to apply in all cases? Take town planning as an example. I suppose there is scarcely a member in this Chamber who has not supported some person, at some time or other, who wanted to appeal against a decision of a local authority.

Mr. Ross Hutchinson: That is not comparable.

The MINISTER FOR WORKS: So, the local authority is acting correctly when making decisions in regard to petrol stations, but if it makes decisions on town planning matters, it could be wrong. Is that what the hon. member believes?

Mr. Ross Hutchinson: There is no real comparison.

The MINISTER FOR WORKS: Where would we be in regard to town planning if we accepted such a proposition? We do not accept it at all. We allow an appeal to the Minister. In the illustration I have just given, the members concerned would be very glad indeed if the Minister for Town Planning exercised his power and gave a decision contrary to the determination of the local authority.

Mr. Bovell: That is an individual matter, and this is a collective case.

The MINISTER FOR WORKS: It is still the same principle. They are the same people, the same members and the same local authorities, with the same ability to make up their minds.

Mr. Bovell: In this instance, the matter refers to the community.

The MINISTER FOR WORKS: This is merely another method of hamstringing the legislation. I am not agreeable to placing the Minister in charge of this Act under the control of a local authority, without the right of appeal. If the service stations in a zone wanted the hours of trading to be controlled and the local authority did not agree and would not make a request to the Minister, then despite what the local traders wanted, the Minister would not be able to do anything. That is an absurd situation, and I cannot agree to it. This clause is designed to meet the needs of service stations which do not want to work at all hours of the day and night.

Hon. D. Brand: And ignoring those who do want to.

The MINISTER FOR WORKS: Those who do want to work at all hours should have more commonsense; they should go to bed sometimes.

Mr. Bovell: What about the motoring public?

The MINISTER FOR WORKS: The motoring public should not be driving all day and night.

Mr. Bovell: Sometimes they cannot help it. If the Minister lived in the country, he would know that.

The MINISTER FOR WORKS: There is provision to meet cases of emergency. Some petrol stations would be opened where people could get petrol at night. Petrol can be obtained from the rostered stations. But because some stations want to trade at all hours, every service station will be obliged to follow suit.

Mr. Court: They are not obliged to.

The MINISTER FOR WORKS: They are not obliged to if the local authority makes a request to the Minister to take some action.

Mr. Court: They are not obliged to trade at all hours.

The MINISTER FOR WORKS: The proviso states—

Provided that no zone will be prescribed in any area outside the metropolitan area as defined in the regulations—unless the local governing authorities have so requested in writing the zone to be prescribed.

That places the control of this situation in the hands of the local authority. I go back to the illustration in regard to town planning. Members will not be content to leave questions of subdivision and so on under the control of local authorities without a right of appeal to the Minister.

Mr. Roberts: Who has control of the recommendations in this case?

The MINISTER FOR WORKS: The Minister has control of this legislation, but it is now desired under the amendment to take that control away from him and delegate it to the local authority.

Mr. Hearman: Do you think the local authority should have no say in regard to town planning?

The MINISTER FOR WORKS: I did not say that. I want the Minister to be in control of the situation. Local authorities should not be able to dictate to him.

Mr. Ross Hutchinson: You want the Minister to be in control of the situation by restricting the freedom of the public.

The MINISTER FOR WORKS: The Minister will not have the power under this Bill to act unless Parliament delegates that power. If Parliament delegates that power, he is entitled to use it. The only reason I can see for introducing the amendment is to hamstring the legislation. The member for West Perth pointed out the most absurd situation that could arise if the amendment is agreed to; it would result in complete chaos in the hours of trading and the whole scheme would break down. The Government is serious in this matter. It wants to introduce legislation which will fix reasonable trading hours in the industry and at the same time make provision for genuine cases of emergency.

Mr. COURT: The Minister seems to have misread the amendment. His whole case is based on the fact that in respect of certain legislation the Minister has the over-riding authority, and people can appeal to him. He referred particularly to town planning. I suggest that the two propositions have very little in common.

The Minister for Transport: It is the same principle.

Mr. COURT: It is not. Town planning can affect people hundreds of miles apart.

The Minister for Works: It is the same body of men making up their minds.

Mr. COURT: It might be in connection with particular issues, but the ultimate effect of the decision is entirely different. The Minister for Works will realise that any decision made in regard to town planning in Waroona can vitally affect people living in Brunswick or Harvey. His department can be vitally concerned about the decisions made in each of those places.

But when it comes to considering the question of petrol-trading hours, it will not matter two hoots to the people of Waroona what the people of Harvey or Bunbury decide. It is purely a local matter. There may be a group of traders who come to a sensible arrangement in a country town and want the local authority to have a zone prescribed. The local people might be prepared to vote at a referendum

on such a subject. But surely the local authority would have sufficient knowledge of what is going on in its own district to act accordingly! If the local garage proprietors want a prescribed area for their town they will see the local authority. The local authority might say, "No".

The Minister for Works: That is the point. Would that be fair?

Mr. COURT: Yes.

The Minister for Works: The traders want it, but the local authority does not; so the local authority does nothing.

Mr. COURT: The Minister is implying that there is compulsion on the part of these people to remain open if the local authority takes no action. There is no compulsion at all. They can open for half the day and shut for the other half.

The Minister for Works: You might say that about the existing situation.

Mr. COURT: That is the existing situation.

The Minister for Works: Yet they feel obliged to keep open.

Mr. COURT: We are not suggesting that anybody must be compelled to stay open.

The Minister for Works: They would not want this legislation if it were not necessary.

Mr. COURT: The member for Kataning submitted a proposition last night dealing with a case where one trader elects to give service to the community. Good luck to him! If the others do not want to do so, or consider it unprofitable, that is their business. If the other wants to build up a flourishing business, good luck to him!

Under the law there is no compulsion to stay open for long hours. If the local authority does nothing about it and refuses to ask for a prescribed zone, no one is hurt. There would be cases where one or two traders in a district would want to force everyone to shut at 7 o'clock, and they would go to the local authority and say, "We want to be a prescribed zone and be brought under control." If those people had a good case, surely they could influence the local people, who would bring their vote to bear on the local authority and justice would be done. I have sufficient faith in the reactions of the local people to feel that there would be fairness in the deliberations.

All I am concerned about is that the amendment does not go far enough. It provides that the local authority can request in writing that a zone be prescribed; but, as I read it, it does not prescribe for them to go further. There might be circumstances when, having requested in writing that the area be prescribed, the local opinion wants it reversed in two or three years' time. There is no provision.

in the amendment for that to be done. As a town became a prescribed zone it would remain so until there was some amendment of the law.

I can see no rhyme or reason in the Minister's argument that this would be unfair and that it is comparable with the provisions of the town-planning law. I consider them to be two entirely separate propositions. The Minister has not given us the information we have been seeking from the Minister in charge of the Bill on the question of emergency services.

As I understand it, the only emergency services provided outside of ambulances, is in respect of members of the R.A.C. It will be many years before the R.A.C. is represented in every town throughout the State, and the only real emergency service authorised by the Bill is service to members of the R.A.C. What other provision is there within the law? One member, during the second reading debate, said that no one would be prosecuted if he helped out in a genuine emergency.

The Minister for Works: Some garages will be open.

Mr. COURT: The Minister has not told us.

The Minister for Works: You do not have to be told that. It is in the Bill.

Mr. COURT: It is not. The Bill prescribes ordinary trading hours and extraordinary trading hours.

Hon. A. F. Watts: We do not know what they are.

Mr. COURT: The last time this was a public issue, the Minister in charge of the department at that time—the Minister for Police—publicly declared that the extraordinary hours would be until 1 a.m. but there would be no all-night service—and there was a very strong public reaction. In other words, all the people who had traditionally traded 24 hours a day were to be shut down, even if they had been included within the recommendation of the Western Australian Automobile Chamber of Commerce. There has been no announcement by the Government which will change that attitude; in fact, the reverse.

The Bill was passed last session on the understanding that there would be all-night trading. The Government subsequently honoured that undertaking. Then the Minister came to this Chamber with this Bill and said, in effect, "If this is passed we do not consider ourselves bound any more by the undertaking given by the Minister for Labour in this House and the Chief Secretary in another place that there will be all-night trading"; and that something like the one o'clock provision originally announced would, in fact, prevail if this law were passed. Therefore, we have not yet been told what emergency facilities there will be outside of those provided for R.A.C. members, and there is

certainly no specific mention of the matter in the Bill. We are entirely in the hands of the recommending authority and the Minister. I support the amendment.

Hon. A. F. WATTS: I move—

That the amendment be amended by striking out the words "local governing authorities have so requested in writing the zone to be prescribed" in lines 8 to 10 of the proviso.

If these words are struck out, I propose to move for the insertion of the following words in lieu:—

Minister has given the local authorities in the zone to be prescribed 42 days' notice in writing of his intention to prescribe the zone and the local authorities have not within such period requested the Minister in writing not to prescribe the zone.

I do that in order to overcome, if possible, one or two of the objections raised to the original amendment. One, in which I saw some substance, was that under the amendment of the member for Blackwood all the local authority would have to do was nothing; and, in consequence, the Minister would be prevented by the local authority, which had done and said nothing, from prescribing a zone.

The intent of the amendment is that if the local authority does not within 42 days register an objection, the Minister can proceed. In that case the local authority, by doing nothing, will enable the Minister to carry on. But if the local authority decides to take action and objects, the position will be different.

Mr. HEARMAN: I have no objection to the amendment, because it actually seeks to achieve the same situation I have endeavoured to achieve—that the local authority should be consulted in some way before a zone is prescribed. I still feel that the local authority should not be completely disregarded.

The Minister criticised me for putting no argument forward in respect of this portion of the amendment, and then went on to say absolutely nothing with respect to the objections to the latter part of the amendment. Neither did he suggest the Government's reasons for wanting to stop 24-hour trading nor say why it has changed its policy since last year.

In reference to the criticism of the need for the local authority's opinion, I would point out that in my area there are four bowlers separated by a matter of some miles. Possibly one of the proprietors would be a member of the R.A.C. I would be surprised if the others were members. The one member could ask the Automobile Chamber of Commerce to prescribe an area, and he could have it zoned to suit himself—the other proprietors, the local authority and the general public having no voice in the matter.

If that is the state of affairs the Minister wants to see exist, he will persist in his objection to the amendment. The proposal of the Leader of the Country Party in no way conflicts with my idea. This matter is not one for decision by expert opinion as in the case of town planning. The local authority would be able to decide the matter, and the Minister should have no objection to the proposal of the Leader of the Country Party.

Mr. BOVELL: I feel that the proposal of the Leader of the Country Party will not conflict with the amendment. By way of interjection when the Deputy Premier was speaking some time ago, I referred to the fact that in country areas it is sometimes necessary to obtain petrol for emergency cases; and he replied that the Bill covered that aspect. I am afraid I cannot see any definite provision in the Bill enabling emergency services to be available for people requiring them.

Often in country districts, on account of accident or bereavement, someone has to travel a long distance late at night—say, from Albany to Geraldton. They have to set off on their journey and have no means of obtaining fuel supplies. The only conditions under which emergency supplies can be made available under the Bill are in respect of general ambulance and members of the R.A.C. Country medical practitioners are also called on to travel long distances and, being very busy, might forget to have on hand sufficient petrol to attend an emergency. If the Minister can convince me that such emergencies are provided for, I might review my attitude. I am convinced that the amendment of the member for Blackwood, together with that moved by the Leader of the Country Party, will overcome the difficulty.

Mr. ROBERTS: As the Minister apparently does not intend to comment—

The Minister for Works: You did not give him much chance.

Mr. ROBERTS: The member for Blackwood is endeavouring to allow people who have built up businesses over the years to continue to trade and give service to the public, and I do not think Parliament should force them to close during any given period. I think the amendment moved by the Leader of the Country Party to the amendment of the member for Blackwood would overcome the difficulty with regard to local authorities directing the Minister.

The MINISTER FOR WORKS: The Leader of the Country Party has altered the verbiage—if his amendment is agreed to—but not the intent of the amendment of the member for Blackwood, because the local authority would remain completely in charge of the situation.

Mr. Ackland: The Government will have the initiative now.

The MINISTER FOR WORKS: No. The amendment states that the Minister may give 42 days' notice, following which the local authority must do something. If it does nothing the Minister can proceed, but if it says "No", he cannot and so it is left in control of the situation.

Mr. Ackland: A local authority would not do that in an irresponsible way.

The MINISTER FOR WORKS: No, but they make mistakes.

Mr. Hearman: So do Ministers.

The MINISTER FOR WORKS: That is where the member for Nedlands will not see the point in my analogy. It is the same body of men who give decisions on town-planning matters, whether they affect one district or two. If they make a decision that is not acceptable, there is an appeal to the Minister, who can alter that decision if he thinks it necessary, so the appeal of the aggrieved person can be upheld. If a local authority can be wrong—there are many such instances in town-planning matters—it can be wrong in its interpretation of what is best for its community in relation to petrol selling. If a local authority is wrong and takes steps to prevent the Minister from meeting the desires of petrol sellers, under the amendment he can do nothing about it.

Mr. Court: What damage would that do?

The MINISTER FOR WORKS: It would deny traders in that area something which the Government desires to give them.

Mr. Court: Yes, it would deny them a restriction.

The MINISTER FOR WORKS: The Government does not believe it is necessary for people to work around the clock in order to live, and we think there should be time provided for sleeping.

Mr. Roberts: None of them work around the clock as individuals.

The MINISTER FOR WORKS: Some petrol sellers want to remain open 24 hours a day.

Mr. Nalder: Yes, but they are not on duty the whole 24 hours.

The MINISTER FOR WORKS: The Government does not think it necessary.

Mr. Court: That is not the Government's attitude towards taxi drivers.

The MINISTER FOR WORKS: It is the Government's attitude towards this business. Members of the Opposition believe that not only petrol sellers but other businesses should have extended hours of trading and the move is on in Victoria now to keep shops open longer hours, but this Government does not think it necessary. The Government does not think that

an odd person running out of petrol in the early hours of the morning justifies a situation that requires petrol stations to remain open all night, and so it has introduced legislation to regulate the trade and provide regular hours of trading and extraordinary hours of trading designed to meet most emergencies.

Mr. Roberts: What will be the extraordinary hours of trading?

The MINISTER FOR WORKS: I cannot say.

Mr. Bovell: They are not clearly defined in the Bill.

The MINISTER FOR WORKS: No, but the hon. member must accept that it is recognised that extraordinary hours will be necessary to meet emergency cases and some petrol stations will be open for those extraordinary hours, for that reason. Of course, there are always people who, through carelessness or for some other reason, will run out of petrol.

Mr. Bovell: Is it thought that some clerk in Perth must know what is going to happen over the week-end in Geraldton or elsewhere?

The MINISTER FOR WORKS: We are not dealing with the banks now.

Hon. A. F. Watts: Do not many other institutions have clerks?

The MINISTER FOR WORKS: The Automobile Chamber of Commerce will know the requirements of its members in regard to petrol selling and will make suggestions or recommendations to the Government.

Mr. Bovell: Then the Bill would make it compulsory for a petrol seller to belong to that body.

The MINISTER FOR WORKS: That is not so.

Mr. Bovell: Yes, it is.

Hon. D. Brand: What about a service station which does not join that organisation?

The MINISTER FOR WORKS: If members wish to indulge in flights of fancy I have no objection. It is a pleasant pastime but I am dealing with the Bill, the intention of which is as stated, to control the hours of trading to what the Government thinks are sensible hours.

Mr. Roberts: Yes, and cut off the livelihood of some people.

The MINISTER FOR WORKS: If they have to work 24 hours a day in order to live, it is not worth it.

Mr. Roberts: But they are making employment for Western Australians.

Hon. D. Brand: Most of them work three shifts.

The MINISTER FOR WORKS: The Government does not think businesses must stay open 24 hours a day to survive.

Mr. Roberts: What about the S.E.C.?

The MINISTER FOR WORKS: Unless members opposite wish to deny me the right to reply to what is being said—

Mr. Hearman: That would do us.

The MINISTER FOR WORKS: I know, but members opposite are not likely to get away with that. As I said, the amendment moved by the Leader of the Country Party would leave the local authority in control of the situation, with no appeal, and I refuse to accept that position in regard to anything. I have great respect for local authorities but know the pressures to which they may be subjected and it is a good thing there should be a right of appeal. Frequently when appeals are made against decisions of local authorities, they do not mind their decisions being upset. That shows it is not wise to put them completely in charge of any situation without appeal where the Government has a policy which it wants to put into operation. What self-respecting Government would place its policy in the hands of local authorities all over the State without appeal? It is a preposterous proposition that I would not entertain for five seconds.

Mr. PERKINS: At least the Minister has clarified the attitude that the Government is likely to take in administering this legislation. He digressed to a degree but gave us some clues as to his line of thought. He said it was not necessary for people to work 24 hours a day, but surely he does not suggest that any service station proprietors or employees are doing that! That would apply to the one providing all-night service as well. They all work on a roster system and none of their employees has worked hours other than those provided in the relevant award. If this legislation goes through as it is, some of these people will lose their jobs, and it would be as well for members on the Government side of the House to appreciate the position. The reaction of these employees will not be very favourable. They would rather work late hours than be unemployed.

The Minister said it is unnecessary to work long hours in supplying petrol and other motor requisites. Unfortunately, some people use their motor-vehicles 24 hours a day, and if the convenience of those motorists is to be met, it is desirable that service stations should operate some hours outside normal trading hours. There is also the transport used by the Railway Department which operates 24 hours a day.

The CHAIRMAN: Order! I think the hon. member had better get back to the amendment.

Mr. PERKINS: I am only replying to the arguments put forward by the Minister for Works. If you, Mr. Chairman,

permit him to raise these matters, surely we have the right to refute them! The more the Minister for Works spoke on this amendment the more convinced I was that some safeguards were necessary to protect the interests of the motoring public. If the Government is sincere in its desire to provide reasonable facilities for motorists it has nothing to fear. The Leader of the Country Party proposes that the Minister should give certain notice to the local authority, and if he receives no objection he can proceed with the proposal for zoning of the particular area. If an objection is received, it provides the safeguard I have in mind.

Then again, the Minister for Works says that local authorities might be capricious in their dealing with recommendations from the Government, and he quoted the town-planning regulations. Surely he cannot draw an analogy there! There is no parallel. The town-planning regulations provide for the actual action to be taken by the ratepayers of a particular local authority, and could cause considerable inconvenience. In this instance, all the local authority can do is to prevent the Minister from closing certain service stations. It does not provide that service stations must remain open, but only that they can remain open if they desire. Even if the local authority made a mistake, the worst that could happen would be that the motorist would receive better service than the Minister is prepared to let him have. Restricting service station hours to such an extent would be a serious inconvenience to the motorist. It is a retrograde step, and I am sure that some members on the Government side will not be happy with the proposal.

Mr. W. A. MANNING: The Minister seems to misunderstand what goes on in the country towns at present. He visualises that without restrictions these service stations will be open 24 hours a day. If that were so, it would be happening at present; but it is not. In Narrogin there is one service station that stays open till quite late. The others choose to close. Anybody going through the town is able to get petrol and any other service, and when the station closes the proprietor can be called by the electric bell. It is most satisfactory, and everybody is happy.

If these people are forced to close, the motorists will be put to endless inconvenience. It should be left to the individual as to whether he wants to remain open or not. We should leave it to the garage proprietors to decide. The Minister does not seem to have a very high regard for the ability of the local authorities. These people have far greater responsibilities than the Minister seems to imagine, and the decisions they make are more important than the question of petrol stations remaining open.

Mr. NALDER: We should not countenance the proposition put up by the Minister. Surely the Minister can tell us what is meant by reasonable hours! Does he mean from 10 o'clock to 2 o'clock in the afternoon, or from 8 o'clock to 12 o'clock? We are entitled to know.

The Minister for Works: Those are ordinary hours.

Mr. NALDER: We should not be left out on a limb in this matter. I know the argument the Minister would put up if he were on this side of the House. He would want to know where the "i" was dotted and the "t" was crossed.

Hon. A. F. Watts: Or where the "t" was dotted and the "i" was crossed!

Mr. NALDER: Parliament is entitled to know the definition of "reasonable hours."

The **CHAIRMAN:** Are you talking to this amendment?

Mr. NALDER: Yes. I am quite prepared to accept any suggestions that you might care to make, Mr. Chairman.

The **CHAIRMAN:** If the hon. member is not going to speak to the amendment, I suggest he resume his seat.

Mr. NALDER: The amendment should be carried and the position that exists at present should not be left as it is. The local authorities should be allowed to meet the situation in their own districts and provide a service where it is required.

Mr. HEARMAN: From the debate it would appear that the Government is not prepared to take any advice, or listen to any opinions other than those of the W.A. Automobile Chamber of Commerce. The Minister said that my amendment and the proposition of the Leader of the Country Party would place the local authorities in a box seat, as it were. That, of course, is open to debate. But he has given no indication that he would like to hear their opinion, or that the Government would be interested in their opinion.

The Minister for Works: They can write in and say what they have to.

Mr. HEARMAN: The whole tenor of the Minister's argument is to discredit any opinion they put forward. He has explained how often they make mistakes.

The Minister for Works: You think they are always right.

Mr. HEARMAN: No, but the Minister has not shown any desire to consider any interest that the local authorities might evince in this matter. It appears to me that the Automobile Chamber of Commerce is the only body in which the Government is in any way interested. Why it should be given priority, particularly in country areas, is beyond me. However, I want it clearly recorded that that seems to be the tenor of the debate and the

Government's intention. The Minister must bear in mind that there was no reply to the second reading debate.

The Minister for Works: There was no argument to reply to.

Hon. A. F. Watts: The Minister was not here to reply.

Mr. HEARMAN: It is also quite evident that for many years past this Act has been amended at different times, but there has always been a provision for emergency supplies. The Royal Commission which investigated these matters also submitted a proposal, although I was not enamoured of it.

The Minister for Works: The fact that emergencies can arise is no argument in favour of your proposition.

Mr. HEARMAN: The Government should justify the stand it is taking and say how it intends to meet these emergencies which could arise in the metropolitan area or in the country because we know nothing of its intention in this matter. If it accepted these amendments, anyone in the metropolitan area who got into difficulties would be able to get service.

It seems to me that no matter how extraordinary hours are prescribed, there will be deserving cases which will fall outside. It seems to me that the Government intends to disregard them for the reason that the Automobile Chamber of Commerce wants them disregarded. Last year the Government agreed to 24-hour trading and so did the Automobile Chamber of Commerce which undertook to provide service if nobody else would. Now there is a complete change in this matter. I would like it recorded that the Government does not want opinions from any body but the Automobile Chamber of Commerce.

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

Ayes	15
Noes	20

Majority against 5

Ayes.

Mr. Ackland	Sir Ross McLarty
Mr. Bovell	Mr. Nalder
Mr. Brand	Mr. Owen
Mr. Court	Mr. Perkins
Mr. Crommelin	Mr. Roberts
Mr. Hearman	Mr. Watts
Mr. Hutchinson	Mr. I. Manning
Mr. W. Manning	

(Teller.)

Noes.

Mr. Andrew	Mr. Molr
Mr. Evans	Mr. Nulsen
Mr. Hall	Mr. O'Brien
Mr. Heal	Mr. Potter
Mr. Hoar	Mr. Rhatigan
Mr. Jamieson	Mr. Rodoreda
Mr. Johnson	Mr. Sleeman
Mr. Kelly	Mr. Toms
Mr. Lawrence	Mr. Tonkin
Mr. Marshall	Mr. May

(Teller.)

Pairs.

Ayes.	Noes
Mr. Wild	Mr. Hawke
Mr. Mann	Mr. W. Hegney
Mr. Oldfield	Mr. Norton
Mr. Thorn	Mr. Brady
Mr. Cornell	Mr. Lapham
Mr. Grayden	Mr. Gaffy

Amendment on amendment thus negated.

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

Ayes	15
Noes	21

Majority against 6

Ayes.

Mr. Ackland	Sir Ross McLarty
Mr. Bovell	Mr. Nalder
Mr. Brand	Mr. Owen
Mr. Court	Mr. Perkins
Mr. Crommelin	Mr. Roberts
Mr. Hearman	Mr. Watts
Mr. Hutchinson	Mr. I. Manning
Mr. W. Manning	

(Teller.)

Noes.

Mr. Andrew	Mr. Molr
Mr. Evans	Mr. Nulsen
Mr. Graham	Mr. O'Brien
Mr. Hall	Mr. Potter
Mr. Heal	Mr. Rhatigan
Mr. Hoar	Mr. Rodoreda
Mr. Jamieson	Mr. Sleeman
Mr. Johnson	Mr. Toms
Mr. Kelly	Mr. Tonkin
Mr. Lawrence	Mr. May
Mr. Marshall	

(Teller.)

Pairs.

Ayes.	Noes.
Mr. Wild	Mr. Hawke
Mr. Mann	Mr. W. Hegney
Mr. Oldfield	Mr. Norton
Mr. Thorn	Mr. Brady
Mr. Cornell	Mr. Lapham
Mr. Grayden	Mr. Gaffy

Amendment thus negated.

Clause put and passed.

Clause 3, Title—agreed to.

Bill reported without amendment and the report adopted.

House adjourned at 10.28 p.m.