

add to the decorum of the House. If we want decorum in the House the answer lies with each and every member.

We do not become more dignified by using the term "honourable." In fact, I think it is merely a mouthful and a waste of time. I hope, at least in regard to the Legislative Assembly—because we have no control over the other place—members will desist from using the term. I do not intend to use it again unless I am called to order by the Speaker. I think it is a different matter when we are addressing members of Cabinet. Common usage, over a considerable period of time, has conferred the title "honourable" on members of Cabinet and, in my view, they are entitled to it. However, for the ordinary backbencher—the ordinary member of the House—to be termed "honourable"—

Mr. Rowberry: Are we not all honourable men?

Mr. DAVIES: —is to my way of thinking archaic, and something that should be dropped as quickly as possible. I have heard it said that the Standing Orders require some revision and, from my little knowledge of them, I think they do. However, in regard to this matter I do not think the Standing Orders need to be revised; it is something to which we can all apply ourselves and I am sure I will be able to get some other members to join with me and desist from using the term "honourable."

We do not need to be called "honourable members" to maintain decorum and dignity in this Chamber. That rests with each individual member. I suppose we all get a little short-tempered at times and the decorum may not be the best. However, I still think the use of the term "honourable" does nothing to improve it.

#### *Progress*

Progress reported and leave given to sit again, on motion by Mr. Williams.

### STATE FORESTS

#### *Revocation of Dedication: Council's Message*

Message from the Council received and read notifying that it had concurred in the Assembly's resolution.

### BILLS (2): RETURNED

1. Coal Mine Workers (Pensions) Act Amendment Bill.

Bill returned from the Council with amendments.

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

Bill returned from the Council without amendment.

### ADOPTION OF CHILDREN ACT AMENDMENT BILL

#### *Receipt and First Reading*

Bill received from the Council; and, on motion by Mr. Craig (Minister for Police), read a first time.

### ADJOURNMENT OF THE HOUSE: SPECIAL

MR. NALDER (Katanning—Deputy Premier) [11.44 p.m.]: I move—

That the House at its rising adjourn until 2.15 p.m. tomorrow (Wednesday).

Question put and passed.

House adjourned at 11.45 p.m.

## Legislative Council

Wednesday, the 18th November, 1964

### CONTENTS

	Page
<b>BILLS—</b>	
Abattoirs Act Amendment Bill—	
Receipt; 1r.; 2r. ....	2717
Debt Collectors Licensing Bill—	
Further Report ....	2718
2r. ....	2718
Door to Door (Sales) Bill—2r. ....	2705
Electoral Act Amendment Bill (No. 3)—	
Further Report ....	2718
3r. ....	2718
Fisheries Act Amendment Bill—2r. ....	2699
Interstate Maintenance Recovery Act	
Amendment Bill—2r. ....	2703
Justices Act Amendment Bill (No. 2)—2r. ....	2703
Married Persons (Summary Relief) Act	
Amendment Bill—2r. ....	2700
Traffic Act Amendment Bill—2r. ....	2703
Weights and Measures Act Amendment	
Bill—	
Receipt; 1r. ....	2703
<b>LEAVE OF ABSENCE</b> ....	2698

The PRESIDENT (The Hon. L. C. Diver) took the Chair at 2.30 p.m., and read prayers.

### LEAVE OF ABSENCE

On motion by The Hon. J. Murray, leave of absence for six consecutive sittings granted to The Hon. C. R. Abbey on the ground of ill-health.

## FISHERIES ACT AMENDMENT BILL

### *Second Reading*

Debate resumed, from the 17th November, on the following motion by The Hon. L. A. Logan (Minister for Local Government):—

That the Bill be now read a second time.

**THE HON. R. THOMPSON** (West) [2.35 p.m.]: I have had a cursory glance at this Bill in the limited time that has been at our disposal. I cannot find any disagreement with the Minister's notes. If the notes coincide completely with the Bill I would accept this measure in its true form. I agree with the provisions of the Bill until we come to the proposed new section 12C which is to be added to the parent Act.

I recall about 30 years ago the actions of certain individuals who operated around our southern estuaries, when thousands of pounds worth of fishing nets and boats were seized by bogus inspectors. This new section 12C gives the power to the Chief Inspector of Fisheries to delegate power to persons to act as inspectors, and it will leave the gate wide open for the operation of bogus inspectors similar to those who seized nets, boats, and catches some years ago. Fortunately, that practice has died out to a great extent over a period of years.

Most honourable members know that I have a camp which I use primarily for shooting. It is surprising the number of people who go through the 1100-acre paddock and claim they are fisheries inspectors.

The new section 12C will permit a person to enter a property, stay on that property, and be delegated powers; but he does not have to show onus of proof that he is a fisheries inspector. Nowhere in the Bill does it provide that such people will have to prove to fishermen in coastal waters around Albany, where it is hoped this legislation will be used, that they are fisheries inspectors.

That is wrong. If honourable members who represent this area do not realise the fact now, they will realise it later when they receive numerous complaints; and those complaints will come from land-owners in and around Albany where people will be allowed to go on to properties and say that they are fisheries inspectors.

The Hon. H. K. Watson: Without producing any authority?

The Hon. R. THOMPSON: Without producing any authority whatsoever.

The Hon. G. C. MacKinnon: Shades of potato marketing!

The Hon. R. THOMPSON: The camp I mentioned is on the estate of the late Sir Ross McLarty. On numerous occasions when I have apprehended people; they have been there primarily for the purpose of sheep stealing.

The Hon. A. F. Griffith: Have they ever asked you what power you had to apprehend anybody?

The Hon. R. THOMPSON: I have the power in black and white to apprehend people on this property.

The Hon. A. F. Griffith: Have you?

The Hon. R. THOMPSON: Yes, because it is a lease which I have at a peppercorn rental. Under that lease I can do certain things so long as I look after the property.

The Hon. A. F. Griffith: I am interested to know that a private citizen has the right to apprehend people.

The Hon. R. THOMPSON: I can apprehend people up to the point of calling the police; let me put it that way.

The Hon. A. F. Griffith: Ah! That is more like it.

The Hon. R. THOMPSON: Exactly the same thing can and will happen as soon as some of these unscrupulous people realise what they can get away with. I support the Bill until we get to new section 12C, but from there on I will not have a bar of it. I think new sections 12C and 12D should be removed from the Bill, and I think the Minister would be well advised either to allow them to be removed or to have them redrafted to make it clear that an inspector can carry out his duties and do the work for which the Bill is designed. We should also put the onus on the inspector so that he shall—and I emphasise the word "shall"—prove that he is an inspector, by the production of the necessary authority to all persons entering prohibited zones. I consider the first part of the Bill quite good because of the trouble that speedboats, and particularly water skiers have caused.

I have heard the honourable Mr. Strickland mention what these people did around Shark Bay years ago when they disturbed the fishing grounds. Much the same thing is taking place not only in the area of Albany but also with all estuarine fishing around Western Australia. Possibly this legislation will be of benefit in protecting the livelihood of many fishermen. I support the measure other than the inclusion of new sections 12C and 12D.

**THE HON. J. M. THOMSON** (South) [2.43 p.m.]: Naturally I support this measure. First and foremost it is designed to protect and further encourage salmon and herring fishing along the south coast and around the south-west corner of the State. This in turn would assist the canning factory which is based at Albany and this factory is important, from

an industrial point of view, to the whole district. For those reasons I am very pleased to see a Bill of this nature introduced to Parliament and I am glad that so far it has received the approval of members in both Houses.

The honourable Mr. Ron Thompson seemed rather concerned about the delegation of powers to temporary inspectors. I am not as concerned as he is about that aspect. I think it would be difficult to police the Act without the delegation of powers, because the salmon and herring season is only a very short one—a matter of about 2½ months. I do not think there is much danger with new section 12C to which the honourable member referred, because it says—

The Chief Inspector of Fisheries may, by writing signed by him, delegate all or any of the powers conferred upon him by section twelve B of this Act . . .

The person who would be vested with these delegated powers could be called upon to produce the authority under which he was acting. If he did not produce such authority he could be told to mind his own business.

I, too, can recall the incidents to which the honourable member referred when bogus inspectors were operating. They caused a good deal of annoyance and inconvenience to people in the southern part of the State; but, according to my reading of the Bill, that sort of thing is safeguarded by these new sections. I was also pleased to see that by an amendment passed in another place protection has been afforded to people who have beach shacks and cottages, because the words "up to high water mark" have been included. This will protect those who own cottages along the south coast, and, indeed, in other parts of the State that would be affected.

I think this is a very good measure and I trust the honourable Mr. Ron Thompson's fears will be ill-founded. As I said, I think there is a necessity to have certain powers vested in these temporary inspectors because of the short period of time during which the salmon and herring are running. The inspectors can be called upon to produce the authority under which they are acting; and, surely, if anybody is approached by somebody who says he is an inspector the thing for him to do is say, "Will you produce your authority?" With the production of the authority the person apprehended would know what to do.

The Hon. R. Thompson: It does not say that he has to produce it. He can be called upon to produce it.

The Hon. J. M. THOMSON: If the honourable member has any doubt I would be prepared to support an amendment to put the position beyond doubt.

The Hon. F. J. S. Wise: It would be an awful irritant if it was not so.

The Hon. J. M. THOMSON: Yes; but if a person could not produce the authority one would have an action against him for usurping authority with which he was not properly vested. I think that would be the answer to it. However, I think the Bill is a very good one and I am sure the fishermen along the south coast will be well satisfied with it, as I understand, from what I have heard from the people concerned in the area, this is the sort of thing they want.

**THE HON. F. D. WILLMOTT** (South-West) [2.48 p.m.]: I support the measure and, like other speakers, I welcome it. However, I think there will be some members of the community in the areas concerned who will not welcome it because it will place a certain amount of restriction on them. Nevertheless I think that that restriction is very necessary because the fishing industry is important to the lower south-west and the southern portion of the State; and it is becoming more and more prevalent for people with speedboats to push big shoals of salmon out to sea—shoals of salmon that sometimes fishermen have sat on the beach perhaps for days waiting to net. In some instances shoals will sit over a reef for days and never move, and the fishermen have to watch them day and night waiting for them to move off the reef so that they can be netted.

One can imagine how frustrated a fisherman would be if he had been sitting on the beach with hundreds of pounds worth of equipment waiting to net a shoal of salmon and some young hopeful came along in a speedboat and frightened the salmon out to sea. Once salmon in a shoal move out to sea they do not return; they go on travelling and that is the last one sees of them.

Although a restriction will be placed on some people who will not like the Bill, nevertheless it is a very good measure, and I support it.

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

### **MARRIED PERSONS (SUMMARY RELIEF) ACT AMENDMENT BILL**

#### *Second Reading*

**THE HON. A. F. GRIFFITH** (Suburban—Minister for Justice) [2.50 p.m.]: I move—

That the Bill be now read a second time.

This is a Bill to amend the Married Persons (Summary Relief) Act and it is supported by two minor measures, one of which amends the Interstate Maintenance Recovery Act, and the other the Justices Act.

This group of Bills has been drawn up by me in collaboration with my colleague, the Minister for Child Welfare. They are presented to the House after being passed in another place with the object of improving in a temporary manner the equity of justice as dealt out by the Married Persons Relief Court. The necessity for introducing a measure of this nature may perhaps be not unexpected, for our Married Persons (Summary Relief) Act, which we introduced in 1960, was something in the nature of experimental legislation introduced at that time to remedy weaknesses which we felt were apparent in the machinery provided for the administration of the court in its judicial decisions in respect of family disabilities which unfortunately occur from time to time in exceptional circumstances.

I have mentioned that this is a temporary measure, because, during the past few years, while keeping a watchful eye on the administration of the parent Act, it has come to my notice that the Act which we passed in 1960 has not provided the court with the necessary elasticity of operation that is required to administer justice in the direction desired either in this State or in its decisions as affecting persons leaving the State, presumably with the object of avoiding their obligations to their families.

While this Bill does not purport to encompass the complete review which I was having made of the provisions contained in the Married Persons (Summary Relief) Act, it does, however, contain some important amendments which have been sought by the magistrates of the Married Persons Relief Court, in addition to which there is another amendment in respect of orders for the maintenance of dependent children.

In order to enunciate my position clearly in this matter, I should state at this juncture that I had hoped to introduce to Parliament this session a Bill to repeal and re-enact the parent Act as a consequence of investigations which have been going on at my behest for some considerable time past. The ideas which I have in mind are still being examined by the Law Reform Committee of the Law Society. They are of such a comprehensive nature that the society considers, even at this late stage, that the major changes which I propose should be allowed to stand over, as it is not believed to be practicable to incorporate the numerous amendments which I desire, without the Act becoming virtually unintelligible. Hence the necessity during the next session of Parliament to repeal an re-enact the entire Married Persons (Summary Relief) Act.

In the meantime the magistrates have pressed me to introduce to Parliament amendments which will at least in the

interim give basic relief to both parties concerned in matrimonial disputes; and that is the main purpose of this measure, though there is the other important amendment to which I have already referred concerning dependent children.

As there are questions of law arising out of the overall changes which I desire and as these questions of law have yet been found impracticable of resolution, I have decided to proceed with this limited measure, which covers the most urgent requirements of the magistrates to enable them to better administer relief where required.

I shall deal first with the points at issue about which the magistrates desire reform. These are as follows: At present a wife is required to go to the Police Court under the Justices Act if an interim order is required for her protection. This is now being rectified. Section 11 is being amended to make it clear that an application can be made on the original complaint for a person to be bound over. Another amendment will permit the extension of the operation of interim orders. This will have effect particularly in respect of one party being overseas where it is possible to delay the hearing for a greater period than the three months at present allowed, thus denying relief to the other party beyond that period.

There is also provision for an interim order to lapse on the complaint being dismissed or withdrawn, and where proceedings have been delayed for orders to be backdated. The court should be able to suspend the operation of an order made on a warrant under section 26, because it would be anomalous to give relief to a person who has no means but still imprison him for failure to make payments under a suspended warrant. It is proposed to permit the court, without limitation, to suspend the operation of an order retrospectively for any period necessary. This applies in particular where the person against whom it was made has been unemployed for a long period and there has been a delay in making the application.

Hardship has been caused by the court not being able to backdate the variation of an order to the happening of the event which gave rise to the variation. This applies in the case of a change in the means, or of the dependency, of any of the parties, or of any child of the family. There is provision also for any one or more of the provisions of an order to be discharged without affecting the other provisions and for such discharge to be dated back to the happening of the event which gave rise to the discharge.

Section 19 of the Act would appear to make a child a ward of the State and in these circumstances the parties would be precluded from applying to the court for custody to be reconsidered on changed

circumstances, as the court would have no further jurisdiction in the matter. An amendment accordingly makes it clear that custody only is to be given to the Child Welfare Department.

Though a defaulting party may have known assets within the State, execution may not be taken against these assets if the party is outside the State or his whereabouts are unknown. An appropriate amendment tidies up this provision to give access to all assets irrespective of where the defaulter resides.

The person who causes the most trouble is the persistently wilful defaulter who never makes a voluntary payment. This type pays regularly, but only on the issue of a warrant of enforcement. The added burden placed mainly on the complainant, and also on the court, is quite unwarranted, and on the passing of this measure the offender may be brought to court to answer a charge of contempt of court.

There must be power for a person against whom an enforcement warrant has been issued to be able to come back to court under extreme or unusual circumstances which demand relief against anomalous situations which arise, and this Bill makes the requisite provision.

Some courts have been allowing continual applications for progressive suspension of warrants, thus reducing the procedure to a farce, so an amendment is included to make it clear that only one application for suspension of a warrant can be made after it is executed.

A subsection is added to section 26 to give the court power to reissue a warrant where the defaulting party has failed to comply with any conditions under which its operation was suspended. Hardship sometimes occurs where the complainant is without means and unable to meet the fees which would enable court action to be taken. It is therefore proposed that original actions and warrants be issued in *forma pauperis*, or waiver of fees completely, under other sections where hardship would be caused.

The amendments sought to be introduced by the Bill give rise to the requirement as a temporary measure to amend two other Acts. The first of these is the Interstate Maintenance Recovery Act, 1959, and the second is the Justices Act, 1902.

I shall deal now with the final aspect of the Bill concerning dependent children. At present, orders remain in force until a child is of the full age of 21 years, unless an application is made for the order to be discharged on the ground that the child is no longer a dependent. This has given rise to orders being enforced in respect of children who have long ceased to be dependants and this has necessitated decisions of doubtful equity.

Apart from South Australia, the other States of the Commonwealth and New Zealand provide that orders for the maintenance of dependent children are effective only until the child attains the age of 16 years. After that age is reached, the order needs to be extended or renewed for any further period of dependency. It is now proposed to follow the provisions of the other States by requiring the order to be extended where the child remains a dependant after reaching the age of 16 years. Though, on first thoughts, it might be considered that such change could bring about some hardship, this is not so, for dependency can easily be proved where the child continues at school, is undergoing training, or is an invalid.

The requirement for applications for extension of maintenance to be made beyond 16 years will, in most cases, be of great practical advantage to the wife inasmuch as it will bring about a review of the situation of the sufficiency of the order. In practice, it has been found that many women are inclined to leave orders undisturbed, although they have become totally inadequate.

The new procedure will also eliminate the situations where the women with orders and who have taken no action for years are required to enforce them before they can be considered for a pension. As an example of the present position, it was incumbent upon a wife, in the case of an order in respect of a married daughter of 18 years of age, to have action taken for the arrest of the girl's father. When the defendant was arrested the warrant could only be satisfied by his application to have the order discharged on the grounds that the child was no longer dependent. This incurred costs to both parties, inconvenience, and the indignity of being arrested. There have been other cases of warrants being necessary in respect of children of ages up to 26, and this purely as a means of establishing that the order should be discharged. The amendment will also be of advantage where distance and other such difficulties preclude the parties making application to the court.

A further advantage will be in the matter of interstate enforcement of our orders, as in many cases collectors refuse to act on it appearing that the child is aged 16 and the order has not been extended. As a consequence of the amendment, orders will cease to have effect on a child attaining the age of 16 and, when the court is satisfied that a child on attaining that age is still a dependant, and makes an order, the court will be required to specify in the order the date or the happening of any event on which the provision ceases to have effect.

It will be appreciated, therefore, that no serious change will occur by reducing the age from 18 years to 16 years as there is power elsewhere in the Bill to extend the

operation of the order where the dependency continues after the child has turned 16 years of age.

I feel that on the passing of this Bill, better facilities will be provided for the more equitable administration of the Act, not only as affecting the parents in their relationships, but also as affecting the children. In conclusion, I express the hope that the passing of this Bill will provide a more effective means to the court of dealing with the problems which come before it.

Debate adjourned, on motion by The Hon. E. M. Heenan.

## **WEIGHTS AND MEASURES ACT AMENDMENT BILL**

### *Receipt and First Reading*

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

## **INTERSTATE MAINTENANCE RECOVERY ACT AMENDMENT BILL**

### *Second Reading*

**THE HON. A. F. GRIFFITH** (Suburban—Minister for Justice) [3.5 p.m.]: I move—

That the Bill be now read a second time.

This Bill is consequential to the Bill already introduced to amend the Married Persons (Summary Relief) Act, and its purpose is to ensure that all moneys paid under an order must be paid in the first instance to the court, so that the accounting system can be properly maintained as regards the payment of arrears and current maintenance.

At the present time, the court, when making orders for the suspension of a warrant with money to be paid to someone out of court, has no record of payments made as they are made in the first instance to the collector in the Child Welfare Department. Payments will in future be made into the court where the necessary accounting procedure will be carried out prior to its being forwarded to the collector.

Debate adjourned, on motion by The Hon. E. M. Heenan.

## **JUSTICES ACT AMENDMENT BILL (No. 2)**

### *Second Reading*

**THE HON. A. F. GRIFFITH** (Suburban—Minister for Justice) [3.7 p.m.]: I move—

That the Bill be now read a second time.

This brief amendment is complementary to the main Bill amending the Married Persons (Summary Relief) Act, and its object is to bring the enforcement procedures under the Justices Act into line with those of the Married Persons (Summary Relief) Act.

Under the parent Act granting relief, it was overlooked that provision should have been made for a warrant to be reissued when the defaulter failed to comply with the order. In order that the position may now be rectified, it is necessary to amend the Justices Act to empower the court by endorsement of a warrant to direct that it be put into operation when a person has failed or ceased to comply with any direction or condition imposed by the court. The appropriate amendment is to section 155D of the Justices Act wherein it is proposed to insert a new subsection (4) which provides the necessary authority. This is the third of the three Bills which have to be considered in a related manner.

Debate adjourned, on motion by The Hon. E. M. Heenan.

## **TRAFFIC ACT AMENDMENT BILL**

### *Second Reading*

**THE HON. L. A. LOGAN** (Midland—Minister for Local Government) [3.8 p.m.]: I move—

That the Bill be now read a second time.

One of the main purposes of introducing this Bill is to authorise the police, or a traffic inspector, to request the driver of a motor vehicle to produce his licence when called upon to do so. Clause 3 of the Bill provides that any driver of a vehicle who, when required by a member of the Police Force or an inspector, to produce his driver's licence and does not do so commits an offence against this Act and shall be liable to a penalty not exceeding £10.

There is a provision, however, that it shall not be an offence if the driver subsequently produces the licence within a reasonable time after demand to the officer in charge of a police station.

It will be seen, therefore, that in the first instance, the driver of any vehicle would be expected to carry with him his licence, but if he has not his licence about him, the member of the Police Force or the traffic inspector may, in his discretion, set "the reasonable time" after the demand for the driver to produce his licence at the nearest police station.

It is desirable for me to give a brief outline of the background for the necessity for introducing a Bill to amend the Traffic Act in this manner.

During the last session of Parliament, a Bill which was introduced to amend the Traffic Act included an amendment to shorten the period from three to two days

in which a motor vehicle driver would be required to produce his licence when asked to do so by a police officer or traffic inspector. This amendment which was introduced conformed with the National Traffic Code but it was not agreed to in another place. At that time, the honourable member for Balcatta submitted an amendment to delete completely that section of the Act dealing with this matter, it being claimed that it was often inconvenient for people to present the licence within the required period of three days.

The Minister for Police expressed, at that time, his opposition to the proposed deletion of the section and clearly explained to the honourable members present the difficulties which would arise should the police or traffic inspectors be deprived of the right to demand the production of the licence by the driver.

During the intervening period between the amendment of the Government's Bill, the views expressed by the Minister for Police have been demonstrated to have been well based. The Traffic Branch has now become responsible in satisfying inquiries made not only in the metropolitan area but also in all country shires. There are in the vicinity of 300,000-odd motor drivers' licences in this State.

It has become abundantly clear that in a situation where, of some 125 authorities who are enforcing the provisions of the Act and regulations, with only one of them having a record of drivers' licences, a chaotic state of affairs must result whilst the other 124 have no means of knowing whether or not a person—

- (a) is the holder of a current driver's licence;
- (b) is the holder of a licence appropriate to the vehicle he is then driving;
- (c) if the holder of a licence holds it on probation;
- (d) if over 75 years of age, has been re-examined as required by the Act; and
- (e) is the holder of a probationary licence.

Apart from any increase in the number of vehicles in use, this situation will be aggravated by the growing number of licences to be issued on probation, and by persons reaching the "over 75 years of age group."

With the Act as it now is, practically every shire in the State has been caused inconvenience, and the Police Traffic Branch has had a considerable burden of work placed on it and has requested that this provision be restored to the Traffic Act. Many of the country shires and the Local Government Association have made similar approaches. I might say, too, that this work now occupies an extra staff of three, full-time, to supply the information sought by the country shires and local police officers.

In the proposed amendment, it is not suggested that the licence be produced within a period of two or three days if not in possession of the driver at the time, but rather seeks to fulfil this requirement within a reasonable time. In other words, it seeks to restore the authority to the police or to a traffic inspector to request the driver to produce his licence when called upon to do so. By this means it is felt that no-one will be inconvenienced by the request, and country shires and the Police Traffic Branch will then be enabled to secure this necessary information with the minimum amount of trouble and inconvenience.

In the instance of a person being able to give an honest explanation of real personal difficulty in producing his licence for inspection within a matter of, say, a couple of weeks, the provisions in this Bill would enable that duration of time to be regarded by the authorities as a reasonable time.

The Bill also seeks to tidy up an anomaly created by legislation passed in the last session of Parliament. During that session, the Motor Vehicle (Third Party Insurance) Act was amended to restrict the field of liability upon the vehicle insurance trust. This was achieved by amending the definition of "motor vehicle," which has had the effect of excluding from its ambit a wide range of vehicles which previously were subjected to third party insurance, particularly road-making and earth-moving vehicles and street-cleaning vehicles used by local authorities.

Secondly, the traffic regulations were amended for the issue of permits subject to the production of insurance policies indemnifying the owners in an amount of not less than £100,000 against liability at common law in respect of the movement or use of such an "off-road vehicle" on a road. Subsequently, the validity of the insurance policy required by traffic regulation 10B, which requires that the commissioner must be "satisfied the owner of the off-road vehicle is indemnified" was challenged. In this claim it was pointed out that the rights of redress of any person who might be injured by this type of vehicle were considerably less than similar rights under the Motor Vehicle (Third Party Insurance) Act.

Following a Crown Law examination of the matter, it was agreed that an amendment was necessary, and it was felt that if the traffic authorities issued either full licences or limited licences to all vehicles, the problems of both the traffic authorities and the trust would be solved. To do this, the draftsman has included an amendment to enable the Governor to make regulations prescribing classes of vehicle licences and to designate the kinds of vehicles to which any class of licence is to apply. The purpose of doing this by regulation is to avoid the necessity of

amending legislation every time a new type of vehicle comes on to the market, a move that would be necessary if the types were written into the Bill.

The Minister in another place gave consideration to a request that the Bill be amended. When the measure gets into Committee I am quite prepared to move that the words, "police station nearest to the place where he resides" be deleted and the words, "nearest police station" substituted. This will mean that no matter where a driver is when he is requested to produce his driver's license, he may produce it at the nearest police station. I think this proposal will overcome most of the objections to the Bill.

Debate adjourned, on motion by The Hon. F. J. S. Wise (Leader of the Opposition).

## DOOR TO DOOR (SALES) BILL

### Second Reading

THE HON. J. DOLAN (West) [3.16 p.m.]: I move—

That the Bill be now read a second time.

I point out to honourable members that the Bill was originally introduced in another place, and the introductory remarks are to be found at page 855 of *Hansard* No. 7.

In order to get honourable members into the right disposition and mood to accept the Bill, I want first of all to give a couple of quotations. As long ago as 1762 Lord Henley, Lord Chancellor of England, said—

Necessitous men are not, truly speaking, free men, but to answer a present exigency will submit to any terms that the crafty may impose upon them.

In 1944 Lord Green, Master of the Rolls in England, quoted an English county court judge as saying the following:—

Too much of my time is taken up with people who are persuaded by persons whom they do not know to enter into contracts that they do not understand to purchase goods which they do not want with money which they have not got.

The main purpose of this Bill is to safeguard certain credit agreements induced by high-pressure itinerant salesmen. I believe that this Bill will meet what has become a real problem, where people who are not trained to resist specialised canvassers frequently commit themselves to expenditure beyond their means and ability to pay, sometimes paying prices greatly in excess of the value of the purchases they intend to make. Where people are high-pressured into contracts, it is my considered opinion that they should be given an opportunity to deny the contract upon reflection.

(97)

Honourable members will no doubt recall that in 1962, an honourable member in another place unsuccessfully endeavoured to have a Select Committee appointed to inquire into unethical advertising and objectionable salesmanship. On that particular occasion the terms of reference were quite extensive and encompassed many diversified matters. However, this Bill is intended to overcome the problem of high-pressure door-to-door salesmen, and provides for a stay of proceedings or "cooling-off" period of seven days.

It deals with all forms of credit selling where the agreement or offer is made at the residence of the purchaser.

The Hon. G. Bennetts: Do you think seven days is enough?

The Hon. J. DOLAN: I think so. The Bill requires the salesman at the time that any such agreement is made to give to the purchaser a statement advising him or her of his or her rights under this legislation; that right is to terminate the agreement at any time within seven days by delivering or posting a notice to the vendor of the goods. So long as the notice is posted within seven days of the agreement being made, the agreement will be terminated and the purchaser will be entitled to have any moneys that he or she has paid refunded to him or her.

Genuine hiring arrangements are excluded from the operation of the Bill, as are transactions which are incidental to the sales of houses, or transactions with shopkeepers who are engaged in selling goods of the kind dealt with in the agreement. Thus, the ordinary commercial transactions between commercial travellers and shopkeepers will not be affected in any way.

Likewise the legislation will not prevent the enforcement of a contract or offer made at the home of the purchaser where the salesman has been invited to the home in connection with the particular transaction.

Not all salesmen adopt unethical tactics and this Bill is certainly not directed at those salesmen who are sincere and genuine in their dealings with the householder. In this connection I would say there are three types of salesmen. There is the retail salesman who works in a retail shop and whose customers come to him. He is given a minimum amount of training and his is the easiest of the selling jobs.

Secondly, there is the commercial traveller who must go to his customers and who also has an advantage inasmuch as, generally speaking, his customers meet him at certain specified times in the course of his round, whether they be in the country or in the city. His job, whilst possibly being harder than that of the

retail salesman, is still easier than that of the last category dealt with in the Bill, namely the speciality salesman.

During his speech in 1962, respecting endeavours to have a Select Committee appointed, the honourable member referred to an investigation which was taking place in England by the Committee on Consumer Protection. It is interesting to note that the report was presented to the House of Commons in July, 1962 and the document was most revealing in connection with the conclusions of the committee regarding door-to-door salesmen. The committee which was chaired by Mr. Molony, Q.C., recommended in paragraph 117, page 308—

There is an over-riding need to protect the consumer against reprehensible pressures exercised in his own home, and we therefore recommend that in respect of hire-purchase agreements signed at a place other than a retail establishment, the hirer should have the right to withdraw within 72 hours of the receipt by him of the agreement signed by the owner; the right to be stated prominently in the agreement and an omission to do so to be a criminal offence.

That related to hire-purchase agreements. At page 168 of the report, the Committee stated:—

There is a proportion of hire-purchase trade initiated by unscrupulous salesmen largely but not exclusively operating from door-to-door, who aim at getting business at all costs. We do not underestimate the capacity of these men to distract the hirer by various means from a true understanding of the obligations assumed by affixing a signature to an agreement because we have had ample evidence of their activities. . . Their victims appear in great number in the County Court.

The report goes on further to say—

There can be no doubt that the glib persuasiveness of these operators (relying for their livelihood largely on commission) leads householders, particularly housewives, into transactions which are subsequently regretted, and which by a reasonable standard are improvident. . . The root of the problem is whether some further protective device should be introduced between the moment when the blandishments of the salesmen operate and the moment when the consumer becomes irrevocably bound.

It will be seen therefore, that the nettle has been grasped firmly by the Committee on Consumer Protection in England. It is pleasing to learn also, that the respective governments in Victoria and South Australia adopted legislation in 1963 on similar lines to this Bill. In New South Wales, the position is mainly covered

under the Book Purchasers Protection Act and in Queensland, the matter is being currently investigated.

Many honourable members will no doubt have read a book entitled the *Affluent Society* by John Kenneth Galbraith. This book, which is available from the Parliamentary Library, had a tremendous influence in America and a big impact it is said, on the late President Kennedy.

One of the points the writer makes is that as a society reaches affluence and a good supply of ordinary household goods is available to most people, the stage is reached where, by various methods, wants must be created. People must be persuaded that they do want certain goods which previously they had not considered as necessary. That is not to say, that a salesman is entitled to override all natural barriers of opposition and buyer-resistance in order to write a contract with someone who cannot afford it.

This legislation is opportune, because it gets in at a fairly early stage in this new development of the affluent society, and if we can restrict the excesses we can permit legitimate operators to carry on their business freely.

As I have stated previously, not all book salesmen behave in this manner or adopt these methods; many of them are quite exemplary and they fulfil a real service. It is the ruthless exploitation by some salesmen with which I am concerned. I think all members will agree that it is an exploitation of some of the finest human characteristics, such as hospitality, friendliness, consideration and the natural interest of women in the lives of their children. These are the characteristics which, in many cases, are being exploited in order to promote sales.

No doubt most honourable members have encountered instances where householders have been subjected to undesirable high-pressure salesmanship, and therefore it is my intention to quote only a few cases where people have been occasioned concern. An approach which implies that the householder has won a prize or will receive a gift is raising strong complaints. The offer boils down to 35 books and accessories for £144 10s. Mother of six. Mrs. . . . of Victoria Park, was so angry that after speaking strongly to the salesman she rang the police.

The policeman advised her not to sign anything, not even a blank piece of paper. The salesman had called asking if he could call again the next night, "with a surprise for the whole family." Some of the children aged from 4 to 13 heard this and spent a day of excited anticipation. They had seen a television programme in which substantial prizes were given away. At 9.45 next evening the salesman came and spent 30 minutes outlining the offer of 35 children's books. Ultimately, it transpired that he required the family to pay

for the books at £14 9s. 2d. a year for ten years. He was told that his approach amounted to fraud and if he had indicated straightout he was a book salesman then he would not have been allowed in the house.

A Floreat Park woman, visited by a salesman in the afternoon to make a night appointment, told her husband they must have won a prize in a national competition. The salesman made them understand that his firm was giving a gift from the money they saved by not advertising on television. The interview routine: After showing for as long as 45 minutes colourful charts picturing the books, the salesman offers the 35 books, a bookcase, and two postal information services for £144 10s.

The books are three sets each of 10 encyclopaedia-type books and one set of five. He places a value of £53, £40, £40 and £65 on these sets. He places a value of £265 on 100 reply coupons each entitling the holder to an explanation of any subject. Each question costs his firm £2 13s. to answer, but the firm offers this for 28s. 11d., he says. After writing these figures on a card the salesman crosses them out and makes the terms offer—either £14 9s. 2d. a year for 10 years or £4 10s. down and £5 monthly. It is not until this stage that the householder knows the cost of the offer.

All tell the same story about the salesman causing disruption between husband and wife. Mrs. . . . , Palmyra, said that when she received a globe, a world atlas, and a book on Australian history from the salesman, she found the total cost was £18. She said the salesman never gave her a chance to discuss the sale with her husband. "His stand-over methods were too much for me," she said.

Mrs. . . . , Midland Junction, said that when a salesman called she did not know he was selling books. "He paid the £1 deposit," she said, "and I signed up to get rid of him because the children were making such a noise."

Mr. . . . , Nollamara, said he had been annoyed when he found his wife had taken the books without consulting him. Mr. . . . said he made an appointment to return the books, but only the office boy was present when he called at the company's office.

Another housewife living at Palmyra said she had the worst row of her married life with her husband because she ordered the books. "I couldn't help signing the order," she said, "because I was alone in the house and I was frightened."

I saw the instructions which one book firm gives its salesmen—fictitious conversations "to be learnt by heart and then practised." I will give a typical example later on in regard to one fellow who tried it on me. Here is an extract of the pre-canvass routine—

"Mrs. Jones?" (query in voice).  
"Good morning. Smith is my name."  
"I don't suppose Mr. Jones is in at the moment?" (emphasis on "Mr.").

If answer is no—

"Oh, that's all right then. I am a bit pushed for time, anyway, at the moment—I have a few other things to do."

"Look, I'll slip around and see him one evening after work. Goodbye."

Count Three.

Start walking away. Count 1, 2, 3, then turn around and say—

"Oh, by the way. What time does he get home for dinner in the evening?"

"About six? Good. I'll call around a bit later then."

If questioned at this point, "What do you want to see him about?" or "Can I help?" answer—

"Oh, it's all right. It's nothing urgent."

**UNDER NO CIRCUMSTANCES** discuss books, education, children, the company or anything at all related to your business.

The pre-canvass followup is just as fascinating—and also "to be learnt by heart and then practised."

If Mrs. Jones comes to the door—

"Oh, hello again, Mrs. Jones. Have I finally caught him in? May I come in and see him for just a moment?"

Move forward—

If Mr. Jones comes to the door, smile and stretch out hand—

"Good evening, Mr. Jones, I've finally caught you in. I called to see you the other day . . .

"May I come in for just a moment, please?"

Move forward—

Do not discuss business on the doorstep . . . If customer inquires—"What's it all about?" answer—"It's a private matter—I'd prefer not to discuss it on the doorstep."

This firm also issued a demonstration discussion between a salesman displaying volumes and Mrs. Jones, and this is an extract—

Salesman: It's like a public library, isn't it?

Mrs. Jones: It certainly is.

And you need not worry, Mrs. Jones, if pages are torn like this; we replace them entirely free of charge.

All you have to do is write to us, and by return (put new book on top of torn one, with loud thump) comes the new page . . .

Isn't that a wonderful system, Mrs. Jones?

Mrs. Jones: Yes, it is.

Salesman: What is your first name, Mrs. Jones?

I have endeavoured to indicate to the House instances where undue pressure has been brought to bear on the householder by specialised canvassers; and examples have been given of the tactics employed by book salesmen. The same procedure is adopted by salesmen of all types of goods, extending to frocks, kitchenware, vending machines, and so on.

In the majority of instances it is the women who are the target for these salesmen. No doubt the majority of honourable members—especially the representatives from the Fremantle area—have received complaints from time to time; and it is considered that this Bill is an effective and genuine attempt to control the present unsatisfactory position.

Before I conclude I will give a personal example—

One of these creatures came to my front door. I went to the door and he said, "Good afternoon."

I said, "Good afternoon."

He said, "I am doing a canvass of this district."

I said, "Is that so? What can I do for you?"

He said, "I would like to come in and discuss something with you."

I said, "Tell me what it is all about."

He said, "I do not want to stand at your front door and discuss it."

I said, "We can walk out onto the front lawn as it is nice there."

He said, "I prefer to go inside because my business is private. I would rather discuss it inside."

I said, "What is it about?"

He said, "Have you ever heard of Chambers?"

I was not rude and said, "Do you mean the publishing firm?"

He said, "Yes, I represent them, and I would like to talk to you about it."

I said, "I am not keen to talk to you, but what is it you have to offer?"

He said, "I am an advertising man."

I said, "I am sorry but I have no time to talk to you."

He said, "I do not like your attitude."

I said, "I do not like your attitude, and do not come here again," and he went on his way.

The position has reached the stage where canvassers are quite cheeky; and I have had numerous cases of people getting themselves into difficulties and of others who have had human troubles, particularly between husband and wife, over these matters. Very often these

cases finish in the courts because the contracts are binding; yet they are signed as a result of high-pressure salesmanship.

There is no attempt whatsoever in the Bill to hinder those who are legitimate salesmen and who carry out their sales by methods which are ethical and decent. I commend the Bill to the House.

**THE HON. A. F. GRIFFITH** (Suburban—Minister for Justice) [3.55 p.m.]: On reference to the notice paper honourable members will find there are the titles of two Bills. One is entitled, the "Door to Door (Sales) Bill"—the Bill just introduced by the honourable Mr. Dolan—and the other is entitled the "Purchasers Protection (Door Sales) Bill." The second Bill is on the notice paper as a result of an intended purpose; because I gave an undertaking in the House last year that I would look into the problem of the matter of door-to-door salesmen and bring legislation to Parliament to deal with the matter if the investigations I made proved this to be necessary.

If my memory serves me correctly reference to the fact that a Bill to control the activities of door-to-door salesmen would be introduced was made in the Governor's Speech. However, the next thing I knew was that a Bill had been introduced into the Legislative Assembly by the honourable member for Canning (Mr. D. G. May). In regard to this action I have no objection whatsoever, because Mr. D. G. May has pursued this matter for some time. He has plied me with a number of questions from time to time, and in answering those questions I was always conscious of the fact that whatever was done in respect of the control of salesmen and the activities of salesmen of the type mentioned by the honourable Mr. Dolan, we should do it in such a way as not to inhibit legitimate business.

Therefore, the approach I made to the matter was a cautious one in order that legitimate business practices should not be inhibited or interfered with in any way. When I had an opportunity of studying the Bill that was introduced in another place, it became obvious to me that the measure had some shortcomings. One of two courses was open to me: either I proceeded with the Government's Bill, bearing in mind I had moved for leave to introduce it; or I go to Mr. D. G. May and suggest to him that because his Bill had been introduced and reached the second reading stage, if he would take some advice and follow some suggestions, the Government would be prepared to accept his Bill and let it go through the Legislative Assembly with the necessary amendments.

The honourable member for Canning is a reasonable person and he followed the line I suggested to him. A number of amendments were placed on the notice

paper of another place by my colleague and, in the main, the amendments moved in that place were accepted.

With the acceptance of those amendments, the Bill introduced by the honourable member for Canning is now quite a good one, but previously it fell short in one or two important aspects. For instance, there was no provision for its coming into effect on a date to be proclaimed. This meant that if that measure became law in the form in which it was originally written, it would simply have come into force overnight when it was assented to by the Governor, and people in business would have been seriously inconvenienced to find that one day there was no law and the next day there was a law.

I therefore suggested to him that he should put in a clause to provide that the legislation should come into effect on a date to be proclaimed.

The Bill dealt only with the question of salesmen calling at the doors of houses. The amendments which were suggested were to the effect that these activities should be extended to places of business and to technical schools. This was also accepted. The Bill was lacking in that it contained no regulation making powers, which is essential in legislation of this nature. That was done also.

The most important thing that Mr. D. G. May's Bill still does not do is deal with the definition of goods in the manner in which I had hoped it would. The definition of goods in the Bill as now amended in another place is that it covers all types of goods. It reads as follows:—

"goods" includes all chattels personal other than money or livestock and includes any fixtures severable from the realty.

So other than money and livestock, it takes into consideration every form of business practice that there may be. If this does not tend to inhibit legitimate business, then I do not know what does; and I am sorry that the honourable member did not think fit to follow the suggestion I made to him in this respect.

The examples given to us by the honourable Mr. Dolan, in a very clear explanation of the Bill which he introduced, were based mainly on door-to-door sales of books, lithographs, and photographs. He also made passing reference to some other items. But the concentration of the examples given by the honourable member was based mainly on the question of books. I intended that the Government Bill should be based on books, lithography, photography, and anything else which might from time to time be declared, in order that legitimate business practices might not be inhibited. But I rather fear this legislation goes too far;

and if the suggestion had been followed in another place the Bill might have been better.

The honourable member endeavoured to get the House into a good frame of mind so that the Bill would be accepted. He might have achieved this a little more successfully by recognising the fact that I had been of assistance to the honourable member for Canning in another place, and that I had provided him with information and assistance from the point of view of amendments which would make the Bill a little better.

I intend to support the second reading of the Bill, although I propose to leave my own Bill on the notice paper. When we get into Committee on this particular measure I propose to pursue some amendments. I will seek to change the definition of goods which appears in the Bill. I will take the same line that was taken in another place when those amendments were made. Goods shall mean any book or part of a book, or engraving, lithograph, or picture, or any other like matter whether illustrated or not, and include any article prescribed to be goods for the purposes of the Act; or words to that effect.

I will propose that amendment in order that we can start where the evil first arises—and it is recognised that this is where it does commence, although not with all salesmen. If more people had the approach which the honourable Mr. Dolan has, of saying to a salesman, "I do not want your goods, and don't bother me any more," we would not have this problem; but there are people who do not seem to be able to say this, and they find themselves becoming involved in one of those contracts which is subsequently an embarrassment to the family.

I do not recall the honourable Mr. Dolan saying anything about one very important part of this legislation. I am referring to the cooling-down period. Did the honourable member mention this?

The Hon. J. Dolan: Yes, I did.

*Sitting suspended from 3.45 to 4 p.m.*

The Hon. A. F. GRIFFITH: Just prior to the afternoon tea suspension I was mentioning the matter of what is referred to in this type of legislation as the cooling-off period; and, if I remember rightly, I was questioning whether the honourable Mr. Dolan had in fact mentioned this, and he assured me he had.

I favour the idea of a cooling-off period—if that is the right term to use—in the sort of transaction that may eventuate as a result of the activities of the type of salesmen that the honourable Mr. Dolan mentioned, the purpose being to put the housewife in the situation that if she becomes involved in a contract which obligates her husband to pay a certain amount of money—and she enters into

this contract because of some persuasive method used by the salesman—if when her husband gets home he does not like the contract or the goods, and has not the ability to pay, he will have the opportunity to terminate the contract. The Bill deals with the matter accordingly.

However, as I said before, what I am concerned with is that the definition would cover everything that anybody might buy, with the exception of money or livestock. That is how it appears to me, and it could go too far. As I said a few moments ago, when we get into Committee I think we should consider altering the definition to provide for books, lithography, etc.; and under the regulation making power we could regulate for other matters as they were reported; and they will be reported, from time to time. Then the people concerned and the salesmen would know that the particular goods being sold were the subject of regulations and both people would have to fulfil the terms of the legislation in respect of the sales of the articles covered.

On the other hand, if we accept this definition of "goods," whilst it is well intended I can see a number of difficulties ahead of us in respect of contracts that appear to be legitimately made at the time but which, for some reason, the purchaser desires to get out of and not fulfil his obligations. We should not allow that to be done. If a contract is legitimately made we should not interfere with it.

I think it is safe to say we cannot protect some people from themselves. It is amazing to me that some people will sign the sort of agreement that the honourable Mr. Dolan mentioned, and allow themselves to be subjected to the type of pressure to which reference has been made. However, the object of the Bill is to try to obviate this sort of thing and give the person who becomes involved some form of legitimate relief.

The Hon. F. J. S. Wise: They are very skilled in their pressure.

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

The Hon. F. J. S. Wise: Very skilled.

The Hon. A. F. GRIFFITH: I quite agree. But if we take the definition to its logical conclusion it could cover a great many things. It reads—

"Goods" includes all chattels personal other than money or livestock and includes any fixtures severable from the realty.

When one reads that one realises to what extent it can go. It could cover machinery, the purchase of a motorcar, and even the purchase of a launch—anything that may be sold at the door or, as the Bill now says, a technical school or a place of business. I am concerned with the interpretation.

The Hon. H. C. Strickland: Would it include real estate?

The Hon. A. F. GRIFFITH: I do not think so. The words "fixtures severable from the realty" do not cover real estate. I would not like to think the Bill included real estate.

The Hon. H. C. Strickland: I thought you were bringing in something about which you told us earlier.

The Hon. A. F. GRIFFITH: No; I do not propose bringing anything in. The way this is worded I do not think it involves real estate; and I would not like to think it involved real estate.

The Hon. H. C. Strickland: I thought you were going to amend the real estate Act.

The Hon. A. F. GRIFFITH: This is an entirely different thing. Yes, I do propose to do that.

The Hon. F. J. S. Wise: Can we expect it the week before Christmas?

The Hon. A. F. GRIFFITH: I had hoped to have it today, but it will be introduced either tomorrow or early next week. Something always has to be late and, unfortunately, it is one of those things.

The Hon. F. J. S. Wise: I don't believe in unpunctuality.

The Hon. A. F. GRIFFITH: You don't? Well, I agree with that; but at least allow me the point that I am as punctual as I can possibly be, because we have had a fairly heavy legislative session.

The Hon. G. C. MacKinnon: On a couple of occasions you almost introduced it, anyway.

The Hon. A. F. GRIFFITH: I have been encouraged to do so. However, I am getting side-tracked, and that is not a good thing, Mr. President. I shall satisfy myself with what I have said, and I think honourable members will bear in mind the points I have made. I will put on the notice paper an amendment in respect of the interpretation of "goods," and I will leave my remarks on that aspect until we reach the Committee stage.

**THE HON. G. C. MacKINNON** (South-West) [4.9 p.m.]: I find myself in the position that I cannot embrace this Bill with the enthusiasm which seems to be evident among practically all other honourable members. I do not say I am going to vote against it on that account; but quite frankly I am not as enthusiastic about it as some honourable members appear to be from what I have heard in general conversation and from the comments that were made during various speeches.

The honourable Mr. Dolan supported his introduction with a quotation which would probably bear examination. Let me give another old quotation: some wise man once said that if one made a better mousetrap the world would beat a path to his door. But let us examine that saying. It

is just not true in today's world. How would a better mousetrap get to the people who need it except through the men who are prepared to go out and sell it?

The Hon. F. J. S. Wise: You wouldn't be one of those pressure guys, would you?

The Hon. G. C. MacKINNON: With the advance in ordinary living we find that many of the amenities that people in towns and country areas use have been brought to them by people who are prepared to go out and sell those goods. I think the problem with which this Bill intends to deal will be solved by the passing of the measure. But the real problem is not the salesman; it is the basis on which he is employed.

On all occasions one will find upon examination that the sort of problems mentioned by the honourable Mr. Dolan occur when the salesman is selling on commission—almost entirely—and practically the only salesmen who work in this field are book salesmen and certain types of cooking-ware salesmen. These would include those who sell the special novelty lines such as high-priced aluminium cooking-ware, books, and the like where men are given an extravagant commission to sell.

The Hon. F. R. H. Lavery: What about fluorescent tubes?

The Hon. G. C. MacKINNON: I am not in a position to know all the bases on which salesmen sell, nor can I deal with individual cases. However, I think it should always be borne in mind that bad cases make bad law. Throughout the country salesmen very often visit at doors for the convenience of the people concerned. In many instances, particularly in country areas, we find that the salesmen who go to farms to demonstrate a particular line of machinery, such as milking machines, harvesters, or anything else, do so to help the farmer.

The same thing applies in the home. It has been my experience that salesmen engaged on a salary and expenses basis invariably adopt a businesslike and good approach because they want to be able to sell this year, next year, and the year after.

The Hon. G. Bennetts: It would all depend upon the character of the chap.

The Hon. G. C. MacKINNON: The person who sells on commission is the one who is generally to blame for the sort of thing we hear about today. What worries me is that with all our development we hear of instances where people are unable to deal with what, after all, is a basic and fundamental problem.

I think it is deplorable that in a country where the school-leaving age is now 16—and for many years it was 14—we are producing adults who know so little of normal economic procedures that we find it necessary further to restrict commercial activities by a Bill of this type. I am not

saying that this Bill has not proved itself to be necessary because of the activities of a certain class of salesmen, and because of the inability of a certain type of person to say "No." But I still think it is a pity; and I have often thought that some of this, shall we say, lack of learning in the ordinary rudiments of economic life may be traceable to the fact that many of those engaged in teaching have spent no time in the commercial life of the nation.

Many young teachers have passed through school, gone on to Teacher's Training College, and back to school as teachers without ever having had any experience in the normal commercial field. Perhaps through lack of experience they never see the need to explain the things which should be explained so that the selling methods referred to in this Bill could be successfully countered.

In the example given by the honourable Mr. Dolan, he showed how the matter should be dealt with when the salesmen approached him. Obviously he has the necessary training, the intelligence, and the quickness of wit to be able to handle the situation. I am sure many teachers also have that ability, but I wonder whether they actually endeavour to teach what they know about these things.

In our way of life today there is a need to sell the goods that are produced, and production is geared to that. Many of the employees of this nation depend, in no small measure, on a continuing turnover of the various products. Probably some honourable members in this House have made a study of the hire-purchase system, and have acted as members of various committees which investigated the subject. I am sure they have examined methods for curtailing hire purchase. Virtually everyone who has gone into this subject realises that if hire purchase were restrained or stopped a period of serious unemployment would follow in many industries.

What research I have undertaken leads me to the belief that if hire purchase is cut out, every employee in the furniture trade will be stood down for at least 12 months. Of course, the employment situation in this country could not stand that.

The Hon. F. R. H. Lavery: Hire purchase could not be cut out, because it has become part of our system.

The Hon. G. C. MacKINNON: It is part of our system, and production depends on the sale of goods under hire purchase, and on the people who sell the goods. The honourable Mr. Dolan was very kind in his comment about the unethical salesmen and said they represented the minority. He is quite right, but under this Bill the ethical, as well as the unethical, salesmen will suffer. It is a pity that we cannot actually restrict the Bill to commission salesmen. I agree wholeheartedly with the view of the Minister

that we should limit the goods which the Bill covers, by amending the definition of "goods."

It is my intention to support the second reading of the measure, but as I have had some experience in the field of salesmanship I feel constrained to voice my lack of enthusiasm. I notice that *The West Australian* supports this Bill, and that is a free enterprise organisation, depending for its income and its economic well-being on advertising. It offers, to some degree, the same sort of encouragement for forced selling—the very thing of which the newspaper is critical. Apparently it is the matter of degree about which the newspaper complains. I do not know to what extent *The West Australian* vets its advertisements; but it prints the standard advertisements, and most people advertise their products through it in glowing terms.

From what I have been able to ascertain, in nine cases out of 10 the manufacturers of the products are quite right in their claims, because in comparison with the products of bygone days the new ones are brighter, cleaner, or smoother. Tremendous developments have taken place since those days, and most of the claims of the manufacturers are correct. However, this is still forced selling, to a degree. Apparently *The West Australian* which sponsors this type of advertisement believes in free enterprise, as I do—I regard it as my friend—and does not object to it in principle. It objects to it in degree, and that is fair enough.

The other evening when we were discussing about how many swallows it takes to make a summer we were told that most of our laws had been passed to control the wrongdoer. I conclude by reiterating this: Because of the examples which have been given I feel constrained to support the Bill. I cannot support it with any great enthusiasm, because it is a further measure of control. However, I would like that control to be minimised as far as possible, particularly in the initial legislation. I trust sincerely that the amendment proposed by the Minister will be agreed to.

**THE HON. F. R. H. LAVERY (West)** [4.22 p.m.]: I support this Bill. I arrived in this House late today, because I had been doing my best to save the property of some person from seizure by the bailiff. Through the kindness of the bailiff I was able to spend yesterday and today doing that.

Earlier today I was in consultation with a credit officer of one of the biggest emporiums in Perth; and yesterday I was in consultation with another. Without my saying anything about the Bill which is before us, the officer to whom I spoke today said, "The Bill which is now before Parliament is a pretty good measure." I asked him what he was referring to, and

he said he was referring to the Bill relating to door-to-door salesmen. I asked him in what way was the measure a good one, and he replied, "If that Bill is passed those engaged in the retail trade, such as the big emporiums like John Allans, Foys, Cox Bros., and Boans, will be very happy indeed, because the unethical salesmen who now go from door to door to bluster the womenfolk into buying articles—such as books for the education of their children and electrical equipment—will be prevented from doing so."

In some cases these salesmen offer refrigerators with £20 to £30 in cash paid to the purchasers. In other words, they lend the purchaser of the refrigerator a sum of £20 to £30, for which interest at a high rate is charged. The officer of the big emporium to whom I was speaking today was informed by me that the Bill was to be debated this afternoon. I asked him whether I could have his permission to repeat what he, as a representative of the retail trade, had told me. He said that he wished he was in the position of being able to let me use his name. He said further, "The situation has reached the stage when the genuine hire-purchase contracts and agreements are being knocked to pieces by all kinds of fancy offers made to intending purchasers."

That person went on to tell me that he had read a speech which I made three or four years ago. On that occasion I mentioned the case of an intending purchaser who went to John Allans to buy some electrical equipment, and the firm offered that person a cup of tea while investigations were made into his financial position. That person was told subsequently that his financial position would only permit him to take on another £35 under hire purchase per year. He was told that was all he could afford, and that the firm was prepared to extend to him another £35 in credit. He was also told that if he obtained goods beyond that amount he would find it difficult to meet the payments.

That officer to whom I spoke today said that was a fair method of trading, because the intending purchaser was told whether or not he had any chance to meet the payments. He said that if he were to tell an intending purchaser that he had reached the stage where his financial position would not permit him to purchase a washing machine, that purchaser could go to 10 other firms and buy one under hire purchase, by trading in as a deposit an old sewing machine, a phonograph, or a set of spoons. This purchaser could walk away with a new washing machine and £20 to £30 in cash.

Coming to the door-to-door salesmen who sell books, cooking utensils, aluminium ware, and fluorescent lights, some of them leave between £15 to £20 worth of goods with the women who sign the documents and agree to pay 5s. to 10s. weekly.

In some cases when the husband arrives home and inspects the documents he finds that a very high rate of interest is being charged, or the family does not require the goods, and seeks to return the goods which he cannot afford to buy. When he returns the goods he is told by the firm that the contract of sale, which the wife had been blustered into signing, is irrevocable.

The officer in the emporium to whom I was speaking considered that the period of seven days which is provided in the Bill before a contract becomes binding, will not only help the retail trade in the city and the suburbs, but also the sale of goods, generally, and the intending purchasers. I do not normally take this line of thought when I speak to measures such as this, but the comments which were expressed by this senior officer in the second or third biggest emporium in Perth should be taken notice of.

Earlier I heard the Minister discuss the amendment to the definition of "goods"; he sought to include only books and associated articles. If only these articles are included in the definition, then only a very small portion of the hire-purchase contracts, made under the guise of ethical trading, will be covered.

I agree with the comments of the honourable Mr. MacKinnon that the salesmen, employed by firms like Boans and Foys, are very ethical in their methods; but the salesmen selling on commission have to do everything possible to get the purchasers to sign the documents, because they are under a quota and they have to sell, say, £100 worth of goods before they obtain their commission. I also agree with the view of the honourable member that if hire purchase were cut out the effect on the economy of Australia would be disastrous. Hire purchase has become part of our economic system. It is a third banking system.

When people cannot meet their accounts the hirers have ways and means of getting their goods back. However, the family man is faced with a problem when he is saddled with a £200 set of books, or a £25 set of books as was one lady in Hilton Park the other day. The books she was sold are suitable for boys and girls between 17 and 20 years, and her children are not yet even attending school.

In regard to the definition of "goods," I sincerely hope the Minister is not going to have it apply only to books, because that would not meet the situation at all. I support the Bill.

**THE HON. J. D. TEAHAN (North-East)**  
4.31 p.m.]: If ever a Bill was wanted, his is it. Complaints have been made for years, but this is the first time we have endeavoured to do something concrete.

I am afraid that if the Bill is limited, as was foreshadowed by the Minister, it will be next door to killing it because so many things sold should be encompassed.

The honourable Mr. MacKinnon said we cannot protect people against themselves, but I maintain we can endeavour to do so. He stated what the honourable Mr. Dolan did when he was confronted with this situation, but he is a man of mature years, a man of education, and a man of the world. The ones tackled are generally the newly-weds in their early twenties, making their first business deals.

I will quote one instance concerning my own daughter-in-law in Kalgoorlie. The salesman knocked at the door and it was the first time she was confronted by one of these salesmen. Before she knew much about it, he was in the passage-way with one of those cleaning outfits, vacuuming the carpet. He used such high-pressure, standover, tactics that he worried her, and in order to get rid of him she agreed to buy one and parted with a deposit of £3.

When I called on her she told me of the incident and I informed her that she had done something stupid. She said that she was glad to be rid of him and that she gave him £3, but could not afford to buy the unit. I told her that the best thing she could do when he came the next day for another £3, was to pay him the £3 if he would take it, and ask him to release her from the rest of the contract. I told my daughter-in-law to tell the salesman that her husband was away in the Navy overseas and that she could not continue the payments; and to hope that he would accept it. I told her he could make her continue with the contract.

I then told her not to buy anything from people who came to the door, but always to deal with reputable firms which had been in business for a number of years. The firm whose representative had come to the door was not in business in Kalgoorlie and everything would have had to be done by correspondence. This would have included any complaints, and they would have been ignored.

I saw my daughter-in-law later and asked her how she got on. She informed me that she had pitched the salesman a story and he had kept the £3 and that was the end of it. But how many times does that happen to young folk, particularly on their first business deal? I say we should protect them from that type of salesman. I am sure we all recall what happened during the depression when a number of people had to invoke the bankruptcy laws in order to obtain some relief from these door-to-door salesmen. On that occasion worthless land was being sold at the door and women were signing under pressure, but were unable to continue with the payments. Quite a few legal arguments ensued, but it was found that the contracts were binding, even though

they had been made by the wives, and they had to be honoured. The only alternative to the continued pressure from the courts, was bankruptcy proceedings.

This Bill is an attempt to protect those people who need protection, and I hope it will have that effect.

**THE HON. G. BENNETTS** (South-East) [4.35 p.m.]: I am very pleased to support this measure because I know of some scoundrels who have done just what the honourable Mr. Teahan has said. Only two or three years ago we had that spectacle down at Norseman—and the honourable Mr. Stubbs will be able to support me in this—a firm going around with parcels of linen containing one of each item which they showed to the people. The linen was good value for the money; but on receipt of the parcels ordered, those concerned found that they had been sold inferior quality goods.

Several cases of this were brought to my notice. Those concerned had signed the contract and received the articles, but we were unable to do anything about it because they did not have a sample or a guarantee of the quality of the linen. That was one instance.

The honourable Mr. Teahan will know of the photographic firm which was operating on the goldfields. The representative went around with a contract form. He would take a photograph and then the person concerned would sign the contract. However, there was a £30 frame attached to the contract that had not been noticed when the contract was signed.

The Hon. J. D. Teahan: In small writing.

The Hon. G. BENNETTS: Yes. I was taken to a house in Boulder. Incidentally this firm concentrated on the foreigners because they are great people for having their photos taken. The photo concerned certainly looked a good one but when they received the bill it was for £35 or £45 because of the frame.

The Hon. J. D. Teahan: It was certainly much more than they expected.

The Hon. G. BENNETTS: As I said, the people concerned asked me to have a look at it. There is no doubt that it was a good photograph but the whole thing would be worth £20 at the most, in my opinion.

The firms lending money for the purchase of motorcars are not all they should be either. I have a grandson in Kalgoorlie who bought a second-hand car for which he was paying so much a week into the R. & I. Bank. He kept ahead of the payments all the time but he kept receiving letters to the effect that his car would be repossessed if the money were not paid.

He received so many of these letters that he came to me and I went to the bank manager to see what had occurred. The manager was amazed at the tactics

of the firm. What we did then was to pay the balance in cash in order to save any more bother. This indicates that these people do not have too good a system either.

I am also concerned about the character of these salesmen. I read a few weeks ago in the paper that these salesmen want to sell themselves to the womenfolk at the door. There was proof of that as was indicated in the article I read a little while ago. Some of these people would come at anything. As the honourable Mr. Teahan said, they will just walk inside a house; and I know that to be a fact.

A lot of trouble on the goldfields has been experienced from those selling encyclopaedias. One family has a set and although no money was paid for it each year they have to buy a certain book worth about £9 or £10. By the time they pay for the collection, they will be up for over £150.

It is for these reasons that I believe the cooling-off period is a good idea. This will give the husband a chance to check up on any contract entered into by the wife, particularly if they have just been married and are purchasing their home and furniture on time payment. The man is the one who finances the home and he is naturally worried when he comes home and finds that his wife has entered into a contract for another 5s. or 10s. a week.

The cooling-off period and the character of the salesmen are the most important provisions in the Bill, which I support.

**THE HON. N. E. BAXTER** (Central) [5.41 p.m.]: I have not noticed the enthusiasm for this Bill which was foreshadowed by the honourable Mr. MacKinnon. Honourable members are viewing it as a necessity. It is a pity that legislation of this nature has to be placed on our Statute book; but because of the way credit selling has developed over the years since I was a lad, this type of legislation had to come.

At one time the credit rating of a person intending to buy anything on credit was examined very thoroughly to see whether he could meet the debt created, but over the past years and up to the present time credit rating by some companies selling goods of all types does not seem to come in at all. As long as a person will sign an agreement—whether it be the wife or the husband—the salesman will get it signed irrespective of whether the person concerned is earning enough to meet the commitment. There is no conscience at all attached to the credit side of selling under these agreements.

This takes me back to what was said at a certain congress I attended a few years ago. The guest speaker was practically the head of one of the largest hire purchase companies in electrical goods and he openly boasted that his particular company sold more electrical goods

people who did not require them than it sold to people who did require them. I thought that was an astounding statement. In other words, the company's high-pressure salesmen sold goods to persons who actually did not require them. That same company has, I suppose, the record for repossessions in this city. That is the type of situation which has developed; and, as I said, it is a pity that legislation of this nature has to be placed upon our Statute book, but that is the reason.

One provision which puzzles me concerns the interpretation of technical schools. I cannot see why this is inserted. Perhaps the honourable Mr. Dolan will be able to inform me. In the interpretation it refers to a school at which the purchaser or bailee is a student.

The Hon. J. Dolan: It is desired to keep them away from the place altogether.

The Hon. N. E. BAXTER: From my knowledge of common law, I would say that if a minor signed an agreement, that agreement would not be valid unless it was signed by the parent or guardian. That brings me to the point that this legislation does not go quite far enough in one aspect. This concerns clause 7 which contains the provision that an agreement is void if certain conditions exist.

We should, in that clause, include a provision whereby the spouse or other legally responsible person for any debt, should countersign the agreement; because in common law the husband is legally responsible for any debt created by his wife unless he takes certain steps to advise by letter—not just by a notice in the newspaper—all persons concerned that he is not responsible for his wife's debts. There could be other persons legally responsible at common law for someone contracting a debt. So I contend that this clause should contain a provision such as I have suggested.

It is no use our hiding our heads in the sand like an ostrich. We know there are many good wives who are gullible and who are subject to high-pressure salesmanship. An itinerant salesman comes along, and before the wife knows what she has done, she has signed an agreement for goods and has pledged her husband, who is responsible at common law, for that debt; and, as honourable members know, such debts can be as much as £140, and perhaps more.

In a number of cases these contracts are made and the people concerned cannot afford to pledge themselves to pay such amounts. They have probably entered into contracts for other goods. Yet the wife unthinkingly, as a result of high-pressure salesmanship, signs another contract, and the husband is responsible.

I believe the provision I have suggested is necessary so that any agreement must—and I say "must" sincerely—be referred

to the husband within seven days so that he can contract out. If the agreement is not signed by the husband, I say it should be null and void.

I move around amongst people of all sorts, and I know what goes on, particularly in the city. I am not concerned so much with the country because not much of this selling goes on in the country, but in the city many agreements are signed by wives, and the husbands become responsible for the debt. I think it is a poor state of affairs when the person responsible at common law is not protected from such an exigency.

The Hon. A. F. Griffith: What about a woman who buys consumable goods and uses some of them, and then the husband refuses to sign the agreement? Would you expect she could send the remainder back?

The Hon. N. E. BAXTER: I cannot imagine that any debt is contracted for consumable goods. The agreement would be such that if the goods were consumed to the extent—

The Hon. A. F. Griffith: You say that you cannot imagine. I agree that you cannot. What is the position if the housewife buys some linen and washes it, and then her husband says, "We are not going to have that stuff in the house"? Would you expect her to send it back?

The Hon. N. E. BAXTER: No. Possibly there could be a few such items. But the liability in that regard is the responsibility of the person who sells the goods. If the goods need to be washed, or if they deteriorate through some normal practice, then a certain liability is on the person who purchases the goods; but most of the liability falls on the person to whom the hire-purchase money is due. The seller should know very well whether the buyer can afford the goods or not.

The Hon. F. J. S. Wise: Anybody who deals in dirty linen should be banned, anyway!

The Hon. N. E. BAXTER: Yes; I agree with the honourable member; and in a case such as linen the vendor deserves to get the goods back, depreciated, if high-pressure tactics were adopted.

**THE HON. R. H. C. STUBBS** (South-East) [4.50 p.m.]: Norseman and other goldfields towns seem to be the pick of the places for these people. They come from the Eastern States in caravans and then go from door to door, and the quality of the goods they sell is not very good.

The Hon. G. C. MacKinnon: We had one whose car bore a Kalgoorlie number plate.

The Hon. R. H. C. STUBBS: A person can buy a car on the second-hand market. People went from house to house in Norseman selling high-quality linen on hire purchase, and they got just about all

of the families in. But when the parcels came along the goods were of terrifically poor quality. A lot of complaints were made to me, but the people were stuck with the goods. One woman decided she would not pay and she sent her parcel back. The next thing was that she received a summons. She still would not pay, and then a judgment summons was issued against her and the position got serious. In order to defend the action she would have had to go to Perth, so in the long run it was cheaper for her to pay the debt.

I had another case reported to me, and in this instance the salesman went to a woman's place and the husband was there and he flatly refused to buy anything. He told the salesman to be on his way. But next morning when the husband was at work the salesman came to the house and said, "I have seen your husband and he has decided to let you have the stuff. Sign your name here." In due course the parcel of inferior linen arrived. The husband came to see me, and I pursued the matter, but he finally had to pay.

Quite a number of Eastern States firms have come to the goldfields. They are supposed to be selling high-quality Irish linen, and the samples are certainly of good quality, but it is a different story when the goods turn up. However, the purchasers sign a document, which is a legal one, and they are stuck with it.

The Hon. G. Bennetts: If all the salesmen were like the honourable Mr. MacKinnon was, when he was on the job, it would be all right.

The Hon. R. H. C. STUBBS: I do not say that all salesmen are dishonest, but we seem to get our fair share of the dishonest ones. Perhaps it is because Norseman is the first stop for the chaps coming from the Eastern States. I hope that when we consider the Bill in Committee we will give some protection to the people in the country.

**THE HON. A. L. LOTON** (South) [4.54 p.m.]: I have listened with interest to the debate. I know that the honourable Mr. Dolan, with the very best intentions, has put forward a case for the control of door-to-door salesmen so that honourable members could have a chance to debate the matter. I look forward to hearing what the honourable member has to say in reply to the debate, and I await with interest the amendments to be placed on the notice paper. I support the second reading of the Bill.

**THE HON. J. DOLAN** (West) [4.55 p.m.]: It is with some reservations that I reply to the comments of honourable members. I would like them all to view the Bill in a spirit of co-operation. I commend the Minister in respect of his approach to Mr. Don May, and for his many

suggestions that he thought would improve the Bill. Mr. May probably did not approve of them all, but he accepted amendments comprising no less than four closely typed sheets of paper.

The honourable member, however, was quite definite that at no time would he go along with the Minister on the definition of goods. He took that attitude for the obvious reason—and I commend this point to honourable members—that the definition in the Bill is taken word for word from the Victorian Act, which was introduced by a Liberal Government and which has been in operation for 12 months and has proved to be highly successful. The proof of the pudding is in the eating. That provision has proved highly satisfactory for 12 months in another State in curbing the sort of people that we wish to curb.

The honourable Mr. MacKinnon made reference to *The West Australian* and I am sure he would appreciate the importance of the leading articles in that newspaper. With your permission, Sir, I will read a leading article from *The West Australian*, and I think it should be sufficient to convince honourable members that leading articles are generally written by men who sit down and think deeply and who have all the facts and evidence before them.

The Hon. F. J. S. Wise: Facts and precedents!

The Hon. J. DOLAN: That is right. I wish to quote the leading article which appeared on the 14th September, 1964, under the heading "Protecting The Public"—

Parliament should give a quick passage to legislation protecting householders against unscrupulous door-to-door salesmen. Mr. D. G. May (Labor) has got off the mark quicker than the Government in introducing a Bill, but it should be a simple matter to pool the ideas of both sides.

Now in that respect Mr. May has shown ideal co-operation. He has not gone all the way, but that is not necessary. Co-operation does not mean that everything is one way, but that the two sides get together. The leading article continues—

The sooner the law provides a means of escape from these determined and plausible pests the better. Mr. May's Bill does not prohibit anything, so it will not affect salesmen using unobjectionable methods.

That should satisfy one of the honourable Mr. MacKinnon's complaints. The measure will not affect in any way those salesmen who, he says, have to suffer because of the objectionable ones. Reliable, honest salesmen will have nothing to fear from the Bill. The leading article continues—

Its aim is simply to give people who sign a credit purchase agreement involving instalment payments severe

days in which to think the matter over and the right to withdraw from the deal. This seems reasonable.

Periodical complaints about some of the methods used by itinerant salesmen have shown that action is necessary.

Now we have the opportunity to take action.

I would like to refer to a few notes I made during the debates last evening. When an amendment was sought to the Agricultural Products Act Amendment Bill the Minister considered it advisable to let a measure of that nature alone—to let the Bill have the benefit of any doubt. Then, when we were dealing with the Workers' Compensation Act Amendment Bill the honourable Dr. Hislop said—and I wrote this down at the time in substance, not verbatim—that the medical board should be left as constituted. He quite logically pointed out certain objections to a change being made. I would commend those sorts of utterances to anybody.

Let us get down to something a little more basic, and something that we know a little more about.

The Hon. L. A. Logan: Would you accept that principle last night on the Workers' Compensation Act?

The Hon. J. DOLAN: I would think so. In football, the contentious rule is the holding the man holding the ball rule. The instruction given to the umpires who have to administer the rules is this: When there is a situation in which there is some doubt involved, give the decision to the game and call "Play on." I suggest that in their consideration of this Bill in the Committee stage honourable members bear that in mind. I hope they will give the Bill the benefit of the doubt. The legislation has proved itself in Victoria over a period of 12 months, and it will prove itself here. There are certain people who must be protected.

The honourable Mr. MacKinnon referred to some aspects of education, and felt that this might be lacking in some respects. But if honourable members want to know just how many suckers there are in the world who are easy prey for these people let me give the example which appeared in the daily papers concerning compulsory training that is to be introduced. The figures must have staggered everybody; particularly when we consider the number of rejects from the Army of good, strong, healthy fellows who have nothing on top.

I would submit that the womenfolk who are subjected to high pressure salesmanship for a time also finish up with nothing on top. They are prepared to sign anything.

The Hon. G. Bennetts: Let us give it a try for 12 months.

The Hon. J. DOLAN: Yes, and let us be realistic in our approach. There has been so much spoken and written about books and book salesmen, that I think anybody trying to sell an encyclopaedia now would have his work cut out. It would be like trying to sell an asbestos suit in Hades; there would be no chance of getting away with it. One cannot keep catching flies with honey all the time. They get wise to it eventually. I again commend the Bill to the House.

**Question put and passed.**

**Bill read a second time.**

## **ABATTOIRS ACT AMENDMENT BILL**

### *Receipt and First Reading*

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

### *Second Reading*

**THE HON. L. A. LOGAN** (Midland—Minister for Local Government) [5.4 p.m.]: I move—

That the Bill be now read a second time.

The existing legislation controlling the Midland Junction Abattoir Board provides the board with power to borrow money and obtain credit. The actual provisions in the Act, however, have been found in practice to be inadequate in respect of borrowing from private lenders.

The purpose of this Bill is to ensure that the board has satisfactory borrowing powers; and, as a consequence, the use of General Loan Funds for capital works at the Midland Junction Abattoir will be avoided, thus enabling such funds to be used on high priority capital works elsewhere.

This Bill empowers the board to borrow money in a more comprehensive way by the issue of debentures, debenture stocks, bonds, mortgages or other securities with the consent of the Treasurer. There is provision also for the board with the Treasurer's consent to borrow money on overdraft from any bank approved by the Treasurer. There is a further provision authorising the Treasurer to guarantee the repayment of all principal moneys so borrowed and the interest thereon.

Another amendment will enable the Treasurer to pay out of the Public Account money required to fulfil the guarantee. There is provision, also, for the Public Account to be subsequently reimbursed in respect of such payments.

There is a necessary provision enabling money borrowed under the provision set out in this Bill to be paid into the Midland Junction Abattoir fund.

*Point of Order*

The Hon. F. J. S. WISE: On a point of information, Mr. President, I try to be most generous when Bills are introduced. I would point out, however, that copies of this Bill were not available to us until the Minister had nearly finished his speech. It is requested that in future the Ministers endeavour to ensure that copies of the Bills are available to us before they make their speeches.

The Hon. L. A. LOGAN: I am sorry this happened. I was merely trying to fill in a gap between one Bill and another while my colleague was on the telephone. I did not realise that copies of the Bill had not been distributed, but I shall ensure that such distribution takes place in future before I make my speech.

Debate adjourned, on motion by The Hon. F. J. S. Wise (Leader of the Opposition).

### DEBT COLLECTORS LICENSING BILL

#### *Further Report*

Further report of Committee adopted.

#### *Third Reading*

Bill read a third time, on motion by The Hon. A. F. Griffith (Minister for Justice), and transmitted to the Assembly.

### ELECTORAL ACT AMENDMENT BILL (No. 3)

#### *Further Report*

Further report of Committee adopted.

#### *Third Reading*

Bill read a third time, on motion by The Hon. A. F. Griffith (Minister for Justice), and transmitted to the Assembly.

*House adjourned at 5.8 p.m.*

## Legislative Assembly

Wednesday, the 18th November, 1964

### CONTENTS

BILLS—	Page
Abattoirs Act Amendment Bill—	
2r. ....	2727
Com. ; Report ; 3r. ....	2735
Debt Collectors Licensing Bill—	
Receipt ; 1r. ....	2744
Electoral Act Amendment Bill (No. 3)—	
Receipt ; 1r. ....	2744
Iron Ore (Hamersley Range) Agreement Act Amendment Bill—Council's Amend-	
ment ....	2745

### BILLS—continued

Iron Ore (Mount Goldsworthy) Agreement Bill—Council's Amendment ....	274
Iron Ore (Mount Newman) Agreement Bill—Council's Amendment ....	273
Mine Workers' Relief Act Amendment Bill—2r. ....	274
Traffic Act Amendment Bill (No. 2)—	
Intro. ; 1r. ....	271
2r. ....	274
Weights and Measures Act Amendment Bill—	
2r. ....	272
Com. ; Report ; 3r. ....	272
QUESTIONS ON NOTICE—	
Darryl Beamish—Offences : Confessions of Guilt	272
Education—	
Carnarvon Junior High School : Enrolments for 1965 ....	272
Shearers : Technical Training at Albany ....	272
Electricity Supplies : Power Stations—	
Site for New Station ....	272
South Fremantle : Reduction of Output ....	272
Eric Edgar Cooke—Offences : Claims of Commission ....	272
Flooding at Harvey : Area of Evacuated Land ....	272
Gas from B.P. Refinery at Kwinana—	
Amount Manufactured and Sold ....	272
Surplus : Use for Proposed Power Station ....	272
Land—	
Esperance Area : Sale of Undeveloped Blocks ....	272
Esperance Land Development Company—	
Financial Assistance ....	272
Road Work ....	272
Shannon River Mill Clubhouse Land : Ownership ....	272
Meat Inspection : Establishment of a Single Authority ....	271
Medical School—Graduates : Number, and Districts of Practice ....	272
Mine Workers' Relief Act—	
Dependant's Allowance ....	272
Registrations under Section 50 ....	272
Narrows Bridge : Hump on Northern Approach ....	272
Railways—	
Flashing Lights : Installation in Market Street, Guildford ....	272
Kalgoorlie Train—	
Buffet Car Menu ....	271
Second-class "Sit-Up" Accommodation ....	271
Midland Railway : Burning-off in Shunting Yard and along Line ....	272
Roads—	
Esperance-Ravensthorpe Road : Sealing Required and Date of Completion ....	272
Main Roads Funds : Allocation to Esperance Shire Council and Works Programme ....	272
Ravensthorpe-Ongerup Road : Sealing Required and Date of Completion ....	272
State Engineering Works : Transfer of Machines to Doncaster-Hadfields ....	272