an important point which I think I should mention for the benefit of members. The inspection is carried out only where a complaint is received by the board. When a complaint is receive as to the quality of workmanship or materials on a job an inspection is made, and if the complaint is soundly based the board may call on the builder to show cause why his registration ticket should not be cancelled if he does not make good the defects.

With the volume of work at present being carried on, there are sufficient complaints to warrant full-time employment of the two inspectors.

The Hon. H. C. Strickland: Are they registered builders?

The Hon. R. C. MATTISKE: Yes; they are persons who were previously engaged in the building industry, and they are competent to say whether the work is being carried out in a proper manner.

The Hon. A. F. Griffith: If the £3,000 odd is the only income of the board, the inspectors cannot be paid very well.

The Hon. R. C. MATTISKE: The income at present is £3,660 odd; and taking into account administration fees, the payment of the inspectors, and the other incidentals which I mentioned, the expenditure must be in excess of that figure; but during the period when there was a great influx of conditionally-registered builders, the board had a considerable income, which may have enabled it to build up a reserve of funds with which to carry on for a while. I do not know the state of the board's finances at present, or whether it has used up that reserve; and I do not know whether it can keep going for another few years. Neither do I know whether it is necessary to increase the registration fee from three guineas to five guineas.

Perhaps if we increased the registration fee from three guineas to four guineas that would be sufficient; I do not know, and that is why I would like the Minister, when replying, to give full details with regard to the financial structure of the board. Then, if we are satisfied that the fee should be fixed at five guineas, the industry will have no kick coming at all.

The Hon. H. C. Strickland: You have forgotten the architects and engineers who will be coming in.

The Hon. R. C. MATTISKE: The number of architects and engineers who will come in as practising builders could be counted on the fingers on one's hands. It is not the normal practice for architects or engineers to practice as builders; but in recent years a few of them have done so. However, I believe that the income received from that source will be very small.

I commend the Bill to the House; but when it is in the Committee stage, I propose to test the feeling of members by moving to delete the provision which seeks to increase the maximum value of the work that can be undertaken by B-class builders.

The Hon. A. F. Griffith: I hope that both you and Mr. Strickland will put your amendments on the notice paper, so that I can give them proper consideration.

The Hon. R. C. MATTISKE: I certainly will. I propose, unless the Minister when replying can satisfy me to the contrary, to move to delete the provision which seeks to increase the registration fees. Apart from those points, I feel that the measure is a good one which will improve conditions in the industry in this State. It will be by no means be restrictive; and it is essential to give the public protection and ensure that the building industry in this State carries on as smoothly as in the post-war period.

On motion by the Hon. F. R. H. Lavery, debate adjourned.

House adjourned at 9.44 p.m.

Legislative Assembly

Tuesday, the 20th October, 1959

CONTENTS

CONTENTS—*continued*

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

BILLS (7)—ASSENT

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

1. State Electricity Commission Act Amendment Bill (No. 2).
2. Land Agents Act Amendment Bill.
3. Interstate Maintenance Recovery Bill.
4. Noxious Weeds Act Amendment Bill.
5. Nurses Registration Act Amendment Bill.
6. Motor Vehicle (Third Party Insurance) Act Amendment Bill.
7. Filled Milk Bill.

QUESTIONS ON NOTICE

YOUTH EMPLOYMENT

Government Action

1. Mr. MAY asked the Premier:

(1) Is he aware of the growing concern of parents, due to declining employment opportunities for their children, to the lack of financial assistance, the inadequate vocational training to equip young people with the necessary knowledge and skill in keeping with modern advances in industry, commerce and the professions?

(2) Does he understand and appreciate that employers want stability and skill when engaging labour?

(3) Does he realise that—

(a) Both commerce and industry are not extending the size of their staffs but only filling vacancies as they occur?

(b) In the coal industry no new labour has been employed and further retrenchments are a possibility?

(c) The number of apprentices taking trade classes at the Collie Technical School has fallen in three years from 74 to 34?

(d) The intake at the Collie district hospital of new trainees is a maximum of 16 per year?

(e) An additional 100 young people will leave the Collie High School at the end of 1959 to come on to the labour market, and this number will increase each successive year?

(4) In view of the above, will he, on behalf of his Government, indicate what steps it is proposed to take to—

(a) set up new industries suited to local conditions;

(b) increase the number of schools, training centres, and teachers;

(c) equip schools with modern up-to-date equipment;

(d) raise the school-leaving age to 16 years;

(e) make representation to the Commonwealth Government to increase child endowment and extend it to cover the student until education is completed?

(5) Will he indicate what steps his Government is taking to meet the growing seriousness of the employment situation, having in mind that an estimated 11,500 young people will be leaving school in Western Australia this year, and will be seeking employment in this State?

Mr. WATTS (for Mr. Brand) replied:

(1) I am aware that parents are always concerned about the future of their children in regard to employment on leaving school. I do not agree that there are declining employment opportunities.

(2) Yes.

(3) (a) No. Sections of industry and commerce are expanding.

(b) Retrenchments in the coal industry occurred under the previous Government, and further retrenchments must be a distinct possibility. The State Government is now easily the main consumer of coal. Most of the private firms which in the past used coal as a fuel have of recent years changed over to fuel oil. Modern mechanisation and the use of open-cut coal have the effect of reducing the number of employees.

(c) Yes.

(d) Collie Hospital is training 25 nursing aides which is its maximum capacity.

(e) It is estimated that the number of students leaving Collie High School this year will be 125, which is slightly less than last year.

(4) (a) See answer to No. (5).

(b) The Government is providing as many schools and classrooms as finances will permit. In the financial year 1958-59, 193 classrooms were completed. In the current financial year it is expected that at least 250 will be completed. The supply of teachers is adequate to meet the present situation under existing conditions. It is expected that 488 new teachers will enter the teaching service after completion of training in January, 1960. There are nearly 1,200 students in the two teachers' colleges at present.

(c) All new schools receive new equipment; and, in old schools, replacements are made as finances permit.

(d) The Government aims to raise the permissible leaving age to 15 years as a first step. When this step can be taken will depend on availability of finance for additional buildings required. In this regard the same problems face the present Government as faced its predecessors who were unable to implement the Act passed as long ago as 1943, or the amending Act passed in 1957. There is, however, nothing to prevent parents voluntarily continuing their children's education beyond 14. In fact, more than 50 per cent. of each year group do now remain in school beyond 14.

(e) This is a matter for the Commonwealth Government; but it should be pointed out that, under present conditions, child endowment is payable until the child reaches 16 years.

(5) The Education Department estimate is that 10,500 (not 11,500) young people will leave school this financial year.

It is the policy of my Government to encourage investment and industrial expansion in order to create employment.

While it can hardly be expected that six months in office is a period sufficiently long to allow full developments from a new policy, an improvement in the employment situation compared with last year is already on record.

COUNTRY GRAIN BINS

Installations by Co-operative Bulk Handling Ltd.

2. Mr. CORNELL asked the Minister for Agriculture:

On what dates and by what means was he informed of the intention by Co-operative Bulk Handling Limited to install country bins at the following sidings:—

Cranbrook;
Kendenup;
Darkan;
Bokal;
Boyerine;
Salmon Gums;
Grass Patch;
Formby;
Tambellup;
Burngup?

Mr. NALDER replied:

In the past, Co-operative Bulk Handling Ltd. has been in touch with the Minister through its general manager, who has discussed from time to time matters

affecting the company. Detailed records of the date on which certain works were discussed are not available.

Constructions at Cranbrook and Darkan were discussed on the 9th April, 1959. Details of plans for Kendenup, Bokal, and Boyerine are being prepared for submission to the Minister.

Receivals at Salmon Gums and Grass Patch commenced in 1951; Tambellup and Burngup bins were constructed in 1952. No written data is available within the department. The bin at Formby was constructed in 1954 as part of the programme on the Ongerup line.

GUAYULE RUBBER PLANTS

Growth and Transplanting of Seedlings

3. Mr. TONKIN asked the Minister for Agriculture:

(1) Are the seedling Guayule plants which were raised from the seed supplied by Mr. Hugh Anderson of Pacific Rubber Growers, making satisfactory growth?

(2) When is it proposed to carry out the transplanting of the seedlings in the selected localities?

Mr. NALDER replied:

(1) Guayule seed was planted at Gascoyne Research Station, Carnarvon, and the Vegetable Research Station, Wembley.

At Carnarvon, where higher temperatures prevail, the seedlings have made excellent growth and are now being drought-hardened ready for transplanting into selected sites in northern areas during the wet season—probably in January.

The growth at Wembley has been slower due to cold conditions; but the seedlings have now made sufficient growth, and 5,000 have been transplanted. All plantings in southern areas were completed during the last week of September and the first fortnight of October. During this period, 100 seedlings were planted at Kalgoorlie, 500 at Mingenew, 2,000 at Esperance, 2,000 at Jerramungup, and 500 at Grass Patch.

(2) Answered by No. (1).

4. *This question was postponed.*

EXCESS WATER PAYMENTS

Effect of Water Restrictions

5. Mr. JAMIESON asked the Minister for Water Supplies:

(1) What was the total amount received by the Metropolitan Water Supply, Sewerage and Drainage Department from excess water payments in the 1958-59 financial year?

(2) What is the anticipated receipt from this source in the 1959-60 financial year in view of the overall water restrictions in the metropolitan area?

Mr. WILD replied:

(1) Domestic excess water revenue for the 1958-59 financial year was £223,488.

(2) The inability to forecast the nature of the coming summer weather and the extent of hand watering make it impossible to give a reliable estimate of receipts from this source for 1959-60.

HIGHWAY LIGHTING

Plans for Improvement

6. Mr. BRADY asked the Attorney-General:

(1) Have any set plans been made between local government authorities and the State Electricity Commission in the metropolitan area for the improvement of highway lighting?

(2) If so, can the order of implementing such plans be stated?

Mr. WATTS replied:

(1) and (2) No set plans have been made, but proposals have been submitted to some local authorities at their request.

AGED WOMEN'S HOME

Improvement of Amenities

7. Mr. BRADY asked the Minister for Health:

(1) Has any consideration been given to improving the overall amenities of the Aged Women's Home at East Guildford?

(2) If so, will he state the type of improvements that are envisaged?

Mr. ROSS HUTCHINSON replied:

(1) Yes.

(2) Renovations and additions to toilet and ablution facilities, additional cupboard space, renovations to pantry, and necessary renovations to the building.

METROPOLITAN TRANSPORT CONGESTION

Alteration of School Commencing Time

8. Mr. OWEN asked the Minister for Education:

In view of the problems caused by heavy loadings of the metropolitan passenger transport system during morning peak periods, will

he investigate the possibilities of schools commencing at 9.15 a.m. instead of 9 a.m., as at present, and inform the House on the matter?

Mr. WATTS replied:

Yes.

MONEY LENDERS ACT

Adequacy of Fine

9. Mr. HAWKE asked the Attorney-General:

(1) In view of what appears to have been a very small fine—namely, £20—for the offence of charging excessive interest in connection with the charge which was found proven on the 25th September against the Terrace Finance Pty. Ltd., does he consider the monetary fine now provided for in the Money Lenders Act for this type of offence should be substantially increased?

(2) If so, does he intend to take action accordingly during the present session of Parliament?

Mr. WATTS replied:

(1) Terrace Finance Pty. Ltd. was fined the sum of £20 for a breach of section 5 of the Money Lenders Act, 1912.

The offence was that the company constituted itself a money lender under section 3 of the Act while it was not registered under the Act. The company lent money at a rate exceeding 12½ per cent. per annum on one occasion.

By subsection (4) of the section a fine not exceeding £100 is provided for a first offender; and, in the case of a company, a fine of £500 for any subsequent conviction. This company had not offended previously.

The magistrates, since the decision in the Mayfair Trading case, take into consideration when assessing a penalty, that the lender in these cases is precluded from recovering money lent and interest thereon.

(2) In the Bill now before the House, section 5 is not amended, but consideration is being given to an amendment.

QUESTIONS WITHOUT NOTICE

EDUCATION DEPARTMENT

Availability of New Regulations

1. Mr. EVANS asked the Minister for Education:

Could he indicate the likely date when the new Education Department regulations will be made available?

Mr. WATTS replied:

I would not like to be unduly certain in this matter, but I should say at the beginning of the New Year.

VISITS TO NORTH-WEST

Free Transport for Parliamentarians

2. Mr. BICKERTON asked the Deputy Premier:

I would like to preface my question by saying I gave the Premier some notice of it, but it is quite likely that the Deputy Premier did not receive it. With reference to the proposed Government-sponsored tour of the North-West by five Liberal Party members, as reported in *The West Australian* of the 17th October—

(1) Is it intended that the trip shall be sanctioned?

(2) Will the same privilege be afforded to Country Party and Labor Party members?

(3) Is he aware that the members representing the area are permitted only two free air trips per year to their electorates?

(4) If so, does he not consider that the money used to finance such a trip, or trips, would be better used supplying North-West sitting members with additional fares to their constituencies?

Mr. WATTS replied:

The honourable member's notice did reach me some time before the House met, and I have done my best to answer his questions. The answers are—

(1) No decision has been made.

(2) Answered by No. (1).

(3) Yes.

(4) This question is not considered relevant as the matter under discussion is a special case and not recurring, as are the free air trips and other allowances North-West members receive.

KWINANA FREEWAY

Access for Motor Scooters

3. Mr. HEAL asked the Minister for Transport:

Referring to the article in this morning's *The West Australian* regarding scooters not being permitted to use the Kwinana Freeway, could he explain why the scooters are not allowed to enter the Freeway? Because it is definitely thought by some people

that these motor scooters would be quite fast enough and capable enough to adhere to the rules that apply to the Freeway.

Mr. PERKINS replied:

I have had some discussion on this subject with the traffic authorities; and it has been thought desirable, for the protection of the riders of motor scooters and other low-powered bikes, that they should use the roads adjacent to the Freeway, rather than the Freeway itself.

The purpose of the Freeway is to enable traffic on it to move at a much higher speed than is allowed on other roads in the metropolitan area. In those circumstances, it is thought it would be better for traffic on the Freeway, as well as for riders of low-powered bikes when they approach the Freeway to move off it on to the good road provided alongside the Freeway. I hope no undue hardship will be caused to riders of scooters and low-powered bikes. I am advised that the road adjacent will be entirely suitable for their use.

GUAYULE RUBBER PLANTS

Despatch North of Carnarvon

4. Mr. BICKERTON asked the Minister for Agriculture:

Have any arrangements been made for the new Guayule rubber seedlings to be sent to points further north than Carnarvon—points such as Wyndham, etc.?

Mr. NALDER replied:

Yes; there are several places where the Guayule rubber seedlings are to be planted, and that information can be made available to the honourable member.

OIL REFINERY INDUSTRY (ANGLO-IRANIAN OIL COMPANY LIMITED) ACT AMENDMENT BILL

Second Reading

MR. ROSS HUTCHINSON (Cottesloe—Chief Secretary) [4.51] in moving the second reading said: This is a small Bill which, in the main, validates certain acts and things done by the State Housing Commission. On the assent to the Oil Refinery Industry (Anglo-Iranian Oil Company Limited) Act of 1952, the State was required to develop a townsite at Kwinana and erect rental homes there for employees of the oil refinery industry. Because of its experience in housing matters, the commission was given the development and erection responsibility in connection with this townsite.

Following the completion of that particular phase, it was given the management and control of the residential and shop properties. But, because there was no statutory power or authority for the commission to retain the rentals, all rent received was paid to the Treasury by the State Housing Commission. In 1956 the then Government, acting on the advice of the Treasury and the commission, passed to the commission the responsibility for the management and control of the Kwinana housing scheme. This was done in the interest of simpler administration and better control.

The Auditor-General, in his yearly report, considers that parliamentary authority is necessary for this action; and this view has been supported by the Crown Law Department. This Bill provides the necessary authority for the State Housing Commission to control, manage, and administer the Kwinana housing scheme, as well as validating all acts, matters, and things done by the commission since the inception of the Kwinana housing scheme. I move—

That the Bill be now read a second time.

On motion by Mr. Graham, debate adjourned.

BILLS (2)—RETURNED

1. Marriage Act Amendment Bill.
2. Main Roads Act Amendment Bill. Without amendment.

STATE HOUSING ACT AMENDMENT BILL

Second Reading

MR. ROSS HUTCHINSON (Cottesloe—Chief Secretary) [4.55] in moving the second reading said: This is a small Bill which, for the main part, amends section 66 of the principal Act by repealing and re-enacting subsection (2) with certain amendments to do certain things. Between the Commonwealth and the State, there have been two housing agreements. The initial agreement of 1945 expired on the 30th June, 1956, and a separate agreement came into being on the 1st of July, 1956.

Under the State Housing Act of 1946 the commission was given power to utilise land acquired under that Act for the purpose of the Commonwealth-State Housing Agreement Act, 1945. The commission was also empowered to manage and control the business arising out of the agreement with the Commonwealth. On the introduction of the 1956 agreement, it was assumed that the power given the State Housing Commission for the utilisation of land and the management of the business of the 1945 agreement with the Commonwealth would automatically extend to the 1956 agreement with the Commonwealth.

However, legal opinion obtained recently indicates that the 1956 agreement with the Commonwealth is separate and distinct from the 1945 agreement. Therefore, it will be necessary for the State Housing Act to be amended in order to give the State Housing Commission similar power to utilise land and administer the activities carried out under the 1956 agreement with the Commonwealth.

This Bill is designed to give the commission the same powers and authority to manage as it had under the 1945 agreement. It also validates all of the actions carried out by the commission to date under this agreement. I move—

That the Bill be now read a second time.

On motion by Mr. Graham, debate adjourned.

BILLS (2)—MESSAGES

Appropriation

Messages from the Governor received and read recommending appropriation for the purposes of the following Bills:—

1. Oil Refinery Industry (Anglo-Iranian Oil Company Limited) Act Amendment Bill.
2. State Housing Act Amendment Bill.

WESTERN AUSTRALIAN INDUSTRIES AUTHORITY BILL

In Committee

Resumed from the 13th October. The Chairman of Committees (Mr. Roberts) in the Chair; Mr. Court (Minister for Industrial Development) in charge of the Bill.

Clause 36—Exemption from rates and taxes (partly considered):

Mr. COURT: I understand that when the clause was debated in my absence last week, objection was taken to the exemption proposed in respect of rates and taxes. I have examined the situation since the matter was drawn to my attention, and I am not raising any objection to the deletion of the clause. The Crown Solicitor explained that the reason for its inclusion was that the authority could find itself in possession of considerable quantities of land held as a matter of Government policy against industrial development projects. In those cases, it could be an embarrassment to the Government of the day. Crown lands being normally exempt in respect of rates and taxes because of specific provisions. But I have no objection to the clause being defeated if the Committee so desires.

Mr. HAWKE: When the clause was previously before the Committee, I expressed the hope that the Government would allow it to be defeated; or that, in the event of a division being necessary, the majority of the members of the Committee would vote against it.

The proposal to exempt from rates and taxes any land held by the authority, or any industries operated by the authority would—in effect—mean, among other things, that the local authorities would be subsidising industrial development. In other words, the local authorities would be forced to forgo rates in order that, sooner or later, some company would benefit. The proposal would have been all the more objectionable where it was related to an industry already established and operating. There would certainly be no justification for such an undertaking to be exempt from the payment of local government rates.

In view of the further consideration given to the matter by the Minister, and because of what he told the Committee a few moments ago, it looks as though a division will not be necessary but that the clause will be defeated by the unanimous consent of the Committee.

Mr. COURT: By way of explanation, and in answer to the comments made by the Leader of the Opposition, I point out that the provisions of this clause are not unusual, because there are already many State concerns which enjoy this privilege. It was never intended that any private undertaking would enjoy the privilege. If the clause is read closely, it will be appreciated that it does not apply to any particular company but to the operations of the authority. I have no objection to the deletion of the clause.

Mr. HAWKE: I do not want to argue the point with the Minister or delay the deletion of this clause, but the point I made about companies benefiting from the non-rating of an industrial concern carried on by the authority was, in effect, that when the authority disposed of the industry to a private company, the private company would, presumably, in the price it paid, benefit from the fact that for a certain period the concern was free from rating.

Mr. Court: That is obscure reasoning.

Clause put and negatived.

Clause 37 put and passed.

Postponed clause 6—Remuneration:

Mr. COURT: There was a lengthy debate on this clause; and apparently during my absence in the North it was decided to by-pass it and return to it later. If I remember correctly, there was a motion before the Committee for the deletion of subclause (2). In a spirit of co-operation, I am quite prepared to move for the deletion of the subclause; or, if some other member cares to move for its deletion, I shall support him.

I have examined the position closely, and I find a most extraordinary state of affairs. At least an hour was taken up

in debating this clause. At the time, I tried to reason with the Committee, and I pointed out that the members of the Opposition had condoned this practice for many years. The argument in answer to my reference to the members of the State Electricity Commission was that these commissioners were paid a fee, and were not there full time. Whether the payment is called a fee, remuneration, salary, pay, or emoluments of office, surely the principle is the same.

I understand that one of the commissioners draws fees from the commission and that he is also a beneficiary under the State superannuation legislation, and that a ruling was given that because the money he received was a fee, it did not come within the disqualification provided in the Act. That is only playing with words; and if it can be done in one case, it can be done in another.

Having regard for all the circumstances, I do not propose to oppose the deletion of subclause (2), because it is quite obvious that if the principle could be applied to a fee, in the case of a commissioner of the State Electricity Commission, who is also a beneficiary under the State superannuation law, it could also be applied to a member of this authority if the Government so desired.

There is also some legal doubt as to whether a member of this authority would, in fact, be disqualified under the State superannuation law because of the nature of this authority. However, I think that is splitting straws, and that the matter can, without difficulty, be overcome in practice.

Mr. HAWKE: It is certainly some satisfaction to me and my colleagues to know that at long last we have, in connection with this matter, made an impression on the Minister for Industrial Development and his colleagues. In doing that, we have achieved what I thought was impossible. We have something to be grateful for; not so much for the fact that the Government has now seen daylight, but for the fact that at least the Minister for Industrial Development is capable of seeing it. In the circumstances, I move an amendment—

Page 3—Delete subclause (2) in lines 23 to 28.

Amendment put and passed; the clause, as amended, agreed to.

Title put and passed.

Report

The CHAIRMAN: The question is—

That the Chairman do now report to the House.

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

Ayes—21.

Mr. Burt	Mr. Nalder
Mr. Court	Mr. Nimmo
Mr. Craig	Mr. O'Connor
Mr. Crommelin	Mr. Oldfield
Mr. Grayden	Mr. O'Neil
Mr. Guthrie	Mr. Owen
Dr. Henn	Mr. Perkins
Mr. Hutchinson	Mr. Watts
Mr. Lewis	Mr. Wild
Mr. Mann	Mr. I. W. Manning
Mr. W. A. Manning	*(Teller.)*

Noes—18.

Mr. Andrew	Mr. Jamieson
Mr. Bickerton	Mr. Kelly
Mr. Brady	Mr. Moir
Mr. Evans	Mr. Nulsen
Mr. Fletcher	Mr. Rhatigan
Mr. Graham	Mr. Rowberry
Mr. Hall	Mr. Toms
Mr. Hawke	Mr. Tonkin
Mr. W. Hegney	Mr. May
	(Teller.)

Pairs.

Ayes.	Noes.
Mr. Brand	Mr. Norton
Mr. Bovell	Mr. Sewell
Sir Ross McLarty	Mr. Heal
Mr. Cornell	Mr. Lawrence

Majority for—3.

Question thus passed.

Bill reported with amendments.

ORDERS OF THE DAY

Postponement of No. 5

MR. WATTS (Stirling—Attorney-General) [5.15]: I move—

That order of the day No. 5 be postponed.

Mr. Hawke: Why?

Mr. WATTS: For various reasons; but the prime reason is that so many persons have waited upon me with requests for amendments that require consideration that, until I can solve the problems involved, I do not propose to proceed with the Bill.

Question put and passed.

ARGENTINE ANT BILL

Second Reading

Debate resumed from the 13th October.

MR. KELLY (Merredin-Yilgarn) [5.17]: The Argentine Ant Act was originally placed on the statute book for a period of five years, a term which was extended by one year during the last session of the previous Parliament. It is not surprising that it has been found necessary to extend the life of this legislation, in view of the great task that was carried out by the control authority under the parent Act. There are two main provisions in this measure, the first being for a permanent control organisation. Originally a committee of five carried out the functions of control under the Act, and it did a highly satisfactory job. For that reason it is not surprising that a similar committee is to be retained on a permanent basis.

The second provision to which I refer is a departure from what was contained in the original legislation; not that I disagree with it, because so much has been accomplished that the provision in regard to contributions is now no longer necessary. Under the new proposal, the local authorities will no longer find it necessary to contribute to the fund for the extermination of the Argentine ant. I understand that the Government proposes to guarantee a sum up to a maximum of £20,000 in any one year, to cover the cost of future activities in Argentine ant control. Up to date, the eradication of this pest has cost contributors to the fund roughly £500,000; and although that appears to be a very considerable sum, I am glad to say that the methods of extermination adopted were so thorough that it is possible now to have before us a Bill such as this one.

The committee constituted under the parent Act did an excellent job in facing up to the alarming position which existed six years ago. The problem then to be dealt with was the destruction of the Argentine ant in heavily-infested areas, and it was a task of considerable magnitude. Few people at that time thought that remedial action being taken would have proved so successful in such a short period of years. A considerable acreage was treated annually; and, at the present time, very little infested country remains, with the exception of some swamp lands which, in the aggregate, do not constitute a very great area.

I think that the policy now to be adopted —one of isolation—will effectively control the incidence of the Argentine ant in the future, provided that the work is carried out as thoroughly as it has been in the past. I believe that that is the only means by which this menace can be prevented from reappearing in Western Australia. Vigilance will have to be the keynote of future operations against the Argentine ant, particularly as its activities are now on a very much reduced scale.

This measure closely resembles the original legislation, and most of the clauses of the Bill are identical with those of the parent measure. Most of the safeguards provided in the original legislation have been embodied in this Bill, which also retains the fairly extensive powers given under the parent Act. As there is no room for apathy in connection with Argentine ants, I believe that the drastic action possible under various provisions in this measure is fully warranted.

I feel that the provision for the appointment of a caretaker committee of five will meet the needs of the department, as will the provision for the continuation of the trust fund, through which the £20,000 annually, which the Government is guaranteeing, will be channelled. That fund will be available to the committee for the necessary work of controlling the Argentine ants under its isolation programme. I notice that the Bill also contains provision for annual reports to be submitted to Parliament; and in my opinion that is a good idea, as it will give Parliament opportunity from time to time to review what is being done by the committee, and to pass whatever comment it thinks fit.

I wonder whether the Minister, when replying to the debate, will answer a query in relation to subclause (6) of clause 3? Under that clause the chairman of the committee is to be appointed by the Governor; while, under the parent Act, the chairman was the Director of Agriculture. I am wondering why it has been thought fit to make that alteration, and whether there is any real reason for it. By and large, I have nothing but favourable comment to make on this measure; and I commend the work which the committee has done over the past six years. It did a marvellous job in attaining such a degree of control over the Argentine ants, which had spread to places as far distant as Albany. I support the measure.

MR. NALDER (Katanning—Minister for Agriculture—in reply) [5.26]: I think members realise the importance of this measure, and that is why so few have taken part in the debate—

Mr. Hawke: Don't provoke us!

Mr. NALDER: I will not do that. I believe members realise how important this Bill is and want to see it carried, especially in the light of past experience. I thank the member for Merredin-Yilgarn, an experienced ex-Minister, for his comments on the measure. He knows how important it is that a Bill such as this should be carried without undue delay. I can assure him that all concerned with the control of Argentine ants realise how necessary it is to keep a strict watch over this pest, which has affected so many people in Western Australia. I know, from the look in the eyes of the member for Mt. Hawthorn, that there were plenty of Argentine ants in his electorate—

Mr. W. Hegney: Yes; but we do not anticipate having any more.

Mr. NALDER: No; and I can assure the honourable member and others that the Department of Agriculture will leave no stone unturned in its endeavours to prevent this pest again becoming prevalent. As has been stated, there are still certain parts of the outer metropolitan area which must be kept under surveillance to prevent the Argentine ant menace again assuming great proportions, although the cost of eradication in those swampy areas would be out of all proportion to the results obtained. However, control measures will be enforced to see that the ants do not again spread to a wider area.

I appeal not only to members of this House, but also to all residents of the metropolitan area and other parts of the

State where Argentine ants have been found, to report promptly any sighting of these ants. It is far better to receive such reports and find that the ants involved are not Argentine ants, than to allow them again to spread widely. I make that urgent appeal to anyone who may see what are thought to be Argentine ants; because the pest is at present under control, and we do not want, through laxity, to allow it again to take charge.

With regard to the last point raised by the member for Merredin-Yilgarn, in relation to the appointment of a chairman of the committee, it is felt preferable to have the appointment made by the Governor. There is no reflection on the previous chairman. In fact, it is thought that this move might relieve the director of some of his many duties. I can assure the honourable member that the proposal contained in the Bill has been carefully considered by departmental officers. It is aimed at easing the administration of the measure rather than tending towards the opposite direction. This Bill is considered by all to be just and acceptable.

Question put and passed.

Bill read a second time.

In Committee

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

ANNUAL ESTIMATES, 1959-60

In Committee of Supply

Resumed from the 13th October, the Chairman of Committees (Mr. Roberts) in the Chair.

Votes — Education, £8,408,600; Crown Law, £556,988.

MR. WATTS (Stirling—Minister for Education and Attorney-General) [5.38]: The estimated expenditure of the Department of Education for the year ending the 30th June, 1960, is £8,408,600, that figure representing an increase of £604,958 over the figure for last year. There are many reasons for the increase. Of course, increases in all department are more or less normal these days; but in regard to the Department of Education, one of the prime reasons is that an increase in attendance in the primary schools of not less than 1,500 is expected in the New Year, and this will bring the total primary school enrolment to approximately 93,000 children.

There is also expected to be an increase of 2,400 in the secondary schools, which will make a total of 28,000 in that division. So, taking the Government primary and high schools together, there is expected to be a combined enrolment of 121,000 children. It will be observed that the increase in the two sections—primary and secondary—will be in the vicinity of 4,000. It is interesting to note that the percentage of children remaining longer at school continues to rise. In 1959, students in third-year high school totalled 5,000, compared with 4,200 in 1958; and in 1960—as I have already indicated—this figure will increase again.

As has been the position for some years, there is clearly an intention on the part of parents to encourage their children to take the benefit of higher education as frequently as possible. I suggest this will ultimately have the effect of minimising the problem of raising the school-leaving age as prescribed in the Act of 1943—which has not yet been proclaimed—for the simple reason that 50 per cent. of the children who would be affected by the raised school-leaving age are already attending school; and as the department has succeeded in providing accommodation and teachers for that 50 per cent. increase, as well as for children of younger years, it will be apparent that the task of providing the accommodation and the teachers for the remainder will only be something like 50 per cent. of what the task would have been had there not been this tendency for children to remain at school.

That is borne out, too, by the position in the five-year high schools, where a total of 880 children—which is 100 more than in 1958—are now studying for the Leaving certificate, and it is expected that this number will jump to 1,250 in the coming year; that is, in the year 1960. The increase in enrolments in 1960 will necessarily result in an additional number of teachers being employed; and, of the increase in expenditure of £604,958 to which I have referred, it is anticipated that not less than £470,000 will be involved in that particular item relating to teaching staff.

It has been decided by the Government to retain the services of teachers reaching the age of 65 until the end of the year in which they become 65, provided that in each case such course is recommended by the Director of Education. This is being done on the ground that the loss of their services would act against efficiency in the department by causing additional transfers in the school year. I understand that this proposal has operated for the first time this year. Some savings have been effected in this way; and, we think, with some benefit to the pupils.

As I indicated in answer to a question asked by the member for Collie earlier today, there are not fewer than 1,200 students at the teachers' colleges. There is expected to be an intake of teaching staff from those at the teachers' colleges of not fewer than 488 at the beginning of the coming year. This, of course, will resolve a number of staffing problems and

greatly increase the expenditure on salaries. It must be realised that it is all to the good and is a very desirable state of affairs.

There is no doubt in my mind that the bursaries which were granted to young people—firstly during my term as Minister for Education, and continued over the subsequent six years by my immediate predecessor in office and the one before him—have to some extent been responsible for the better recruitment of students to the teachers' colleges, who intended to become teachers in the Education Department. It afforded some kind of attraction to the parents in overcoming the problem, which is evident in many households, of maintaining the child until it can take the Leaving certificate examination. To that extent, I am sure it was responsible for the better recruitment to which I have referred.

Turning to the question of high schools in the country, separate high schools have been established in Busselton and Katanning; and the possibility of additional ones at Bunbury, Harvey, and Margaret River in the near future is being investigated. A commencement was made in the last few weeks with the erection of the first stage of the buildings necessary for a high school at Kalamunda. The proposal there is to proceed with those buildings in three stages—the first this year, the second next year, and the third the following year. It will progressively take care of the children in the Kalamunda and surrounding areas of the Darling Range Road Board, without removing those who are at present attending the high school at Midland Junction.

The attendance next year will be children in their first year of high school. It is anticipated they will number approximately 100. By 1962 it is estimated there will be between 255 and 275 children attending the Kalamunda high school. By that time those who are attending the high school at Midland Junction will no doubt have completed their course at school.

In the metropolitan districts, new high schools will be commenced at Bentley and Melville during the current financial year. In the first few months of 1960 the Melville school will be formed but will have to occupy some accommodation in Fremantle, until the school building is ready.

At Katanning a contract has been let for the erection of additional premises to add to those which were already *in situ* last year, to enable the additional numbers to be accommodated at that place. As has been stated, consideration is being given to what can be done in the other centres I have referred to.

As is well known, the department now conducts four agricultural and residential wings, the last addition being the one at Cunderdin which was instituted last year. The number of students at Cunderdin is expected to increase in 1960 to 40; and at Narrogin, from 66 to 114. That will be achieved by the erection of a new dormitory block to accommodate 48 children, arrangements for the building of which are now in course.

The problem of dealing with the position at Wyalkatchem has been investigated by the department. It will be remembered that quite a definite undertaking was given in 1951, and reiterated in 1953 or 1954, that when the water supply reached Wyalkatchem steps would be taken to establish an agricultural residential wing for a high school. The opportunity offered to open such an institution at Cunderdin appears to place the Wyalkatchem proposal in the situation of becoming a long-term project, if it can be carried into effect at all. The undertaking has been given. It was most regrettable that such circumstances should have arisen. However, consideration has been given to the matter and a proposal is now in course for the establishment at Wyalkatchem of a junior high school. It is intended, as soon as practicable, to provide some measure or opportunity, on the agricultural side, to add to such a junior high school at Wyalkatchem.

As is well known, the water supply has just reached Wyalkatchem. I notice there will be a bank holiday for the opening of the scheme, and that is conclusive evidence that the water has reached that town. So it appears that that particular problem is at an end. As a reasonable compromise, the proposition at Wyalkatchem to which I have just referred, has been given careful consideration by the department and by myself. It has been agreed to, and the people concerned have been informed.

The people concerned appreciated the difficulty which faced the Education Department. So far as I am aware they have adopted a very co-operative attitude; and, in the net result, the position will become quite satisfactory from all aspects. I am informed that the number of boys in the State gaining some agricultural education is steadily increasing, and that an additional expenditure of approximately £10,000 on incidentals and equipment is required, in order to cope with their needs.

I think that is desirable in a community like Western Australia which, despite the desirability of extending secondary industrial development must, in view of the expansion which is taking place in land development, remain for a considerable period of years greatly dependent on primary production of all kinds. To bring about a well-balanced economy, it seems to me and to most others to be essential that opportunities for agricultural education should be increased.

The need for education among the farming community—using the term "education" in the widest sense—is becoming increasingly greater, because more and more problems of agriculture are being

given a scientific turn. The greater the opportunities for understanding the principles upon which these very great improvements and alterations in methods are based, the better. Substantially the young people of our community can only expect to get that grounding in such places as are established by the Education Department for that purpose.

In technical education the increase is very considerable. The population, which has been moving upwards through the other schools, is now reaching the technical division of the department. The expansion of this division necessitated the expenditure of an additional £50,000 on salaries and approximately £10,000 on incidentals. Here we have a problem of considerable magnitude. I refer to the requirements of buildings for the technical division.

The premises in St. George's Terrace, excellent though they have been, and excellent as they are so far as usefulness is concerned, are becoming insufficient for the purposes of the technical division. There is no question that at a very early date some steps will have to be taken to provide additional, and in some respects better, accommodation and opportunities than are at present available in the premises in St. George's Terrace.

Considerable discussion has gone on as to the site for future development. It seems to be agreed universally that future development should be north of the railway line; but as to the actual spot on which the work will begin, there is not yet complete agreement. However, such agreement will doubtless be arrived at in the course of the next few months, because it is unlikely that funds will be made available for a start on the work until the coming financial year, when it is anticipated that a fairly substantial grant will be set aside in order that a commencement can be made. In the meantime the architectural division of the Public Works Department is giving consideration to the design for the buildings.

The question of technical education in certain country places has not been lost sight of. A further investigation will be made at Albany in the very near future to ascertain the position there, and whether steps should be taken to develop a technical annexe on a larger scale than has up to the present been attempted. From information given to me which I hope will be given for verification, it would appear that there are substantially more young people in the Albany area who will require technical education than was at first supposed. If that is so, then it would be all the more necessary for the department to give consideration to the extension to which I have referred. Very similar remarks apply to Bunbury. The expansion of those two centres, so far as the local population is concerned, is very considerable.

I am not exactly sure of the population in the other places now, but I understand that Albany has in the vicinity of 11,000 people, and Bunbury has just over that figure. Those figures are approximately right. The reason I mention them is that it was only 10 years ago that Albany had 4,000 people or thereabouts; and as a consequence, very considerable changes must be contemplated in the rapidly-growing centres such as the ones I mentioned.

As is no doubt fairly well known by the members from the Goldfields, arrangements have been made for the amalgamation of the Boulder High School and the Eastern Goldfields High School. During the coming financial year, that will necessitate considerable further additions to what is now known as the Eastern Goldfields High School, with a view to coping with the demand that exists at that place. The extensions which were commenced during last year were opened on the 10th September last; and, at the same time, an announcement in respect of proposals regarding the Boulder and Eastern Goldfields schools was made, and general satisfaction, particularly from the Boulder side of the equation, seemed to be expressed, so that I am hopeful that the Eastern Goldfields High School will develop into an institution which will be worthy of the substantial townships which exist there and of the large number of excellent young people who desire to pursue their studies in that area.

An amount of £975,000 was placed on the Estimates this year for school transport. Of that sum, £25,000 is for driving allowances, and £950,000 for bus services. The latter amount represents an increase of £80,000 over the expenditure on bus services last year; but £30,000 of the £80,000, will be required for normal increases and extensions of services.

A more generous policy has been implemented in regard to the extension of bus routes; and, for the year, it was estimated that those would cost about £30,000. The situation is, however, that a very substantial number of them had not been brought into operation until about one-third of the financial year had passed; and in consequence it is unlikely that that figure of £30,000 additional in that regard will be reached.

Under an agreement with the W.A. Road Transport Association, which I think was made in 1956 or 1957—the member for Mt. Hawthorn will recollect this—slightly higher rates will be paid to many contractors to cover higher cost for wages and maintenance from the beginning of the 1959 school year, and it is estimated that £20,000 will be required for this purpose.

A formula was drawn up between the department and the W.A. Road Transport Association, to which a substantial number of bus contractors belong, providing

for certain adjustments to be made in connection with rising costs of one kind or another and in connection with adjustments to the basic wage. It is as a result of that formula that the adjustments to which I refer have recently been made.

I must confess that I am entirely in agreement with the system because it is quite impracticable, in my opinion, to expect these people to run efficient services unless there are taken into consideration the various cost factors which must affect them, particularly when it comes to a question of renewing the vehicles which they use at probably much higher prices than their original investments involved; and so it is desirable that a formula should have been made and adhered to.

One trouble, of course, is that some of the bus contractors have something else to do when the school-bus is not running, while others have not; because it is becoming increasingly difficult, I understand, for those who have no other fixed occupation or business—as is the position in some cases—to obtain part-time work; and it is those who cannot get part-time work who find, I think, that the bus contract is less rewarding than they would like.

It is extremely difficult to evolve any system which will deal with those two very different cases; but I fancy that the formula which has been devised and carried out is reasonably fair to all sections and appears to be giving very great satisfaction; or, anyway, much greater satisfaction than prevailed before.

On the loan side, an amount of £1,750,000 has been allocated for the purposes of the Education Department, for the financial year now under review. In addition to that, the sum of £65,000 has been allocated for educational buildings in the North-West areas—north of the 26th parallel, or thereabouts—making altogether a total of £1,815,000. Prior to the end of the last financial year, a sum of £100,000 was allocated to the department out of the loan funds which were available in the 1958-59 financial year; and in addition to those, the funds which previously had been set aside for the purpose.

In consequence, a very considerable number of small additions and provisions for classroom accommodation were able to be set on foot immediatelyl afterwards; although, of course, the calling of tenders in a number of places prevented the work actually being put in hand until early in the financial year.

One of the problems, as I see it—and this is purely my own opinion—in regard to the Education Department, is that the delay in determining—and that delay, as I see it, under the system under which we work, must exist—just what loan funds we are going to have for the financial year, postpones by a couple of months the entering upon a really decided plan of building during the year; and therefore postpones, to some degree, the very desirable situation of having additional classroom accommodation by the beginning of the ensuing year. I think the member for Mt. Hawthorn may have had the same feeling in regard to this matter. I do not know any way to overcome the problem. We just have to take it as it comes, I suppose; but it does not make for the achievement of the department's aims.

As the situation was to the middle of April—I think I can say that reasonably safely—there was a demand for something like 330 classrooms by the beginning of the next school year—that is, if we were to cope with all requirements that might reasonably be expected of the department, and do away with any extraneous accommodation that is being used. I think 193 or 198 classrooms were erected during the last year; and I was yesterday advised by the architectural division of the Public Works Department that the situation will be that at least 250—and probably 260—can be completed during the current financial year.

That is partly because the costs of building that have been resulting from the tenders that have been called, in a number of cases, have been considerably less than the departmental estimates of the costs of those buildings; and, in consequence, the Principal Architect has no doubt whatever that the funds available will build considerably more accommodation than was at first anticipated. I am unfortunately not in the position to give reliable figures as to how many or how much, because I have been informed that I would be well advised to wait for those until the end of the coming month. I can go so far as I have by saying that that information has been supplied by the recognised authority in the Public Works Department; and if I get the opportunity before the session ends, I will take it to let the House know what the resulting position is likely to be.

I suppose one of the major matters which has interested the Public Health Department has been the proposals which were briefly outlined by my colleague, the Minister for Health, when he introduced a Bill to amend the Health Act in regard to sewerage or the provision of septic tanks for schools. That Bill, as is well known, was introduced in order to ensure that the proposals could be lawfully carried into effect in regard to schools which were situated in municipal districts.

The advice of the Solicitor-General was to the effect that there was no doubt as to the authority of road boards under the existing Act—which, of course, has many differences from the Municipal Corporations Act—to carry out such a proposal; but that the same remarks did not apply to municipalities. While there were not a great number of municipalities involved in country areas, there were some; and, in consequence, it was considered that

identical systems should prevail where circumstances were similar, and that the Health Act should be amended to enable the municipality—as well as the road board—to take action.

In the net result, 25 local authorities have been communicated with, estimates having been supplied to them for the cost of the work, to raise the loans that are proposed. An arrangement was made with the co-ordinator of the Australian Loan Council—before the Loan Council met a few months ago, and before this proposal was any more than in the embryo stage—for a general allocation of £50,000 for local authorities for the purpose. Therefore, it is anticipated that not fewer than 35 of these schools will have arrangements made during the present financial year for the installation of this facility; and that, in the coming financial year, it will be practicable to deal with the remainder where water supplies are available.

It may be possible to deal with a few more than the number I mentioned this year, depending on whether or not the contract price exceeds the estimates—or the reverse; but, in any event, it is quite clear to me that those places which have a recognised water supply—and that matter is, of course, one that is determined by the hydraulic section of the Public Works Department in every case—will have the facility provided by the end of the next financial year, at the latest.

The local authorities are responding quite readily to the proposition; and an agreement has been drawn up by the Crown Law Department for submission to them whereby, in each case, the Government undertakes to recoup them, over a period of 15 years, the annual instalment of interest and sinking fund which they would have to pay, so that no responsibility will fall upon the ratepayers of the local authorities.

Sitting suspended from 6.15 to 7.30 p.m.

Mr. WATTS: Before tea I was making some reference to the provision of septic sewerage in Government schools. I would now like to say, in regard to that, that a number of difficulties cropped up for which special arrangements had to be made. In general, the proposal that has already been stated in regard to local authorities raising loans was applicable only in respect of existing buildings; and, even there, there was some problem as to whether some of the toilet buildings were suitable for conversion. Therefore, consideration had to be given to that latter aspect. In the main, it was discovered that the majority of the existing buildings were suitable for conversion; and, in consequence, the situation was simplified.

In one or two cases, however, it was discovered that the buildings were not suitable; and, in some instances, of course, new schools or substantial additions were being erected by the department, and consideration had to be given to the methods to be adopted in those cases. Finally it was resolved that where new schools are being erected and septic tank installations are being included—which would not be included only because of the absence of a water supply, which would be in only a few cases—the entire cost would be borne by the State as part of the building programme; because it would be impracticable to divide the works into Government and local authorities. As the practice has been in recent years, where a water supply was available, to incorporate these septic facilities in new buildings, it was decided to follow that practice.

In the case of existing schools, where additions are to be made, including additions to the lavatories, the cost of the building work is to be met by the State, and the cost of sewering the existing lavatories and providing a septic tank system is to be borne by the local authorities. That necessitated the tenders for some new places being included in two sections—one for the building construction, and the other for the conversion of the conveniences or toilet facilities.

It was provided as I have mentioned; but I had better make it clear that new structures were to be supplied only where the existing buildings were regarded by the Public Works Department officers as being totally unsuitable for conversion. Again, in regard to school quarters, where the quarters were on the site and provision was being made for the installation in the schools, it was decided that the installation at the quarters should form part of the proposition to be submitted to the local authorities. But where the school quarters existed any distance from the school, it was decided that no action should be taken for the time being.

I mentioned the other day that it had been decided to defer the construction of gymnasiums at certain metropolitan and rural high schools. An estimate was obtained from the Principal Architect as to the cost of those that were proposed, and that estimate was approximately £250,000. In those circumstances, as it represented one-seventh of the amount which was apparently available to the department for school buildings, and in the face of the considerable arrears and the increasing school population, it was felt that until a complete review could be made of the result of tenders and work being done on classrooms and ancillary accommodation, it would be desirable to defer these works as they were considered, although extremely desirable, to be less essential in all the circumstances that prevail than the actual provision of classrooms and ancillary accommodation.

Members can rest assured, however, that if it can be arranged that any progress can be made with any of these, that progress will be undertaken. But I do not

think it can reasonably be denied that the provision of classroom accommodation, in the face of the pressure that is involved, is more essential than the provision of a gymnasium at any particular school. I think that reasonably and fairly covers the position of the department in these Estimates for the current year; and I propose now, with your permission, Mr. Chairman, to pass on to the Crown Law Department.

Last year from all sources in the Crown Law Department—namely, the Law Courts, departmental, the Lands Titles Office, and the Public Trust Office—an actual revenue of £564,122 was derived. For the current financial year, the figure is estimated to be £565,500; this estimate is £1,378 greater than the revenue received for the previous financial year. From the Law Courts it is expected that there will be an increased revenue of £3,783; from the Lands Titles Office, an increase of £483; and from the Public Trust Office, an increase of £1,007.

Point of Order

Mr. TONKIN: I am sorry to interrupt, but I think I had better get this point clarified now. The Minister is now dealing with one of his other portfolios, and the practice has been for a Minister to deal with each department separately. As the Minister is dealing with both departments, I am asking whether a member is competent to speak separately on each department and have available to him the time allowed under the Standing Orders for the purpose; or whether, once he rises, he is obliged to deal with both departments at the one time.

The CHAIRMAN: He must confine his remarks to all of the departments in the one speech.

Mr. TONKIN: To all of the departments?

The CHAIRMAN: Yes.

Mr. TONKIN: In those circumstances I would point out to the Minister that he is being unfair to members and is departing from a practice which he previously adopted.

The CHAIRMAN: I understood that it was the usual practice at all times for Ministers to bring in their Estimates in bulk. These are all under one chapter—Chapter 8. The Attorney-General may proceed.

Committee Resumed

Mr. WATTS: I do not wish to enter into a controversy with my friend, the member for Melville; but I have a distinct recollection of the last occasion on which I had this job to do, and I introduced the Estimates for both the Education Department and the Department of Industrial Development at the one time.

Mr. Tonkin: Yes; but I had a look at what you did in 1947. You made particular reference to the fact that you dealt with them separately.

Mr. WATTS: Yes; but afterwards the practice came in of dealing with them both together. I think I followed that. I decided it was the practice because, if I remember aright, on subsequent occasions —I am not referring to the honourable member, because I cannot verify this— other Ministers, who are now on the opposite side of the House, when in office did exactly the same thing.

As I was saying, the revenue from the Lands Titles Office is expected to be £483 greater than it was for last year; the revenue from the Public Trustee is expected to be £1,007 greater; whereas the Crown Law Department, as such, is expected to have a lesser revenue of £3,895.

When one comes to the Companies Office, the question may be raised as to the fact that for last year there were no unclaimed moneys paid to the credit of the office revenue. Certain unclaimed moneys are held by the Registrar of Companies for six years, representing unclaimed or undistributed moneys which have been paid to the Registrar of Companies by liquidators and credited to the companies' liquidation account under the Companies Act. Therefore, the amount varies from year to year. It might be noted that in 1958-1959 there was no such revenue; and I would make it clear that £700 could have been paid to revenue during 1958-1959, but the transfer was not made, so that the estimate for 1959-1960 of £1,783 will cover both years. That will explain the fact that the Companies Office anticipates paying those unclaimed moneys into revenue during the present financial year.

In the Lands Titles Office the estimated revenue is £109,000 as against £108,517 last year. In the Public Trust Office the estimate is £65,000 as against £63,993 last year. Of course, the amount collected is dependent on the value and number of estates handled. Salaries amounted to £497,973 for the Crown Law Department, and last year the salaries were £482,085. The estimate for this year does not include the salaries of the Electoral Department—namely, £24,579—which are shown separately in division No. 24. The expenditure for 1958-59—namely, £482,085—does include the Electoral Department.

The reason for the fact that the Electoral Department is now shown in a separate division is that a decision was come to for the Electoral Department to be separated from the Crown Law Department but, of course, to remain under the Minister for Justice or the Attorney-General. The Chief Electoral Officer, therefore, is now in charge of the department of his own right, and arrangements are being made for the appointment of an Assistant Chief Electoral Officer. The circumstances were that Mr. Wheeler, who was the chief member of the staff under the Chief Electoral Officer, was transferred to the position of clerk of courts

in one of the metropolitan courts, and another member of the staff of the Electoral Office was transferred elsewhere.

This left the Electoral Office without sufficient experienced staff; and, therefore, steps were taken to call applications for an Assistant Chief Electoral Officer. Whether or not Mr. Wheeler will return to his duties in the Electoral Department Office in the new position is, of course, not known to me at the present time; it is a matter which will have to be determined in the usual course under the Public Service Act.

It is interesting to note that the anticipated expenditure on witnesses and jurors' fees is no less than £12,100. Of course, the amount of those expenses is contingent upon the activities of the courts; but the general trend is for the activities of the courts to increase. There are also some grounds for considering some permanent increases in witnesses' fees, and jury fees also. It is true that at the present time the Minister has authority, where any person shows that he is suffering a loss as against his ordinary salary or wages for the service he gives to juries or as a witness, to see that he is especially recouped the difference; and that does prevent, in all suitable cases, any injustice being done to any individual. The member for Eyre will be acquainted with those circumstances.

At the same time there does seem to be some justification for a review of the fees applicable in the ordinary way to jurors and witnesses, because that would to some extent remove the necessity for any such special provision ever being thought of. I propose, in the near future, to have some consideration given to that matter with a view to seeing whether any better proposition than we have at the present time can be put into operation.

During the year, the new court-house at Manjimup made great progress and, I think, is well on the way to completion. There has been a need for a new court-house at Katanning, Mullewa, and one or two other places; but at Katanning the representations that have been made in regard to this matter commenced as long ago as 1930; and, at one stage in between that date and the present time, plans were actually drawn up and tenders called, but no progress was ever made.

Mr. Nulsen: There should have been a new court-house many years ago.

Mr. WATTS: That is so. The old one is very suitable for police offices, because the police staff has increased considerably from what it was in those days. However, it is expected to make a start with the new court-house late in this financial year, so as not to involve the full amount of expenditure in this financial year, but to apportion a great part of it to the following financial year. A similar proposal is on foot at Mullewa where somewhat similar conditions prevail. Consideration has also been given to the possibility of providing better court-house facilities at Northampton, where the situation may not be quite so pressing, but where there is need for some betterment without question.

It is now proposed—and, as a matter of fact, it has been approved by Executive Council—that His Honour the Chief Justice (Sir Albert Wolff) should take 12 months' leave of absence from duty from or about the 1st March next. The Chief Justice has been in service for 21 years, I understand; and during the whole of that time has not had any long-service leave. In consequence, therefore, I think we can agree that it is about time he made the arrangements that have been made to take his leave.

Mr. Nulsen: You want two more judges; one for circuit work and one for relieving.

Mr. WATTS: The honourable member is right on the nail. The question arose as to the necessity for the appointment of at least another judge of the Supreme Court; and if, as the member for Eyre suggests, judges should be sent more on country circuits—with which I am strongly inclined to agree—then, of course, consideration will have to be given to some further manning of the Supreme Court benches. However, we seem to be at the maximum number of judges so far as the present Act is concerned; and the appointment of an additional judge would require an Act of Parliament, as I understand the position. Up to date, no decision has been made to introduce one, but consideration will have to be given to it before very long.

The need also for better distribution of the magistrates' duties in certain districts is becoming very apparent. The member for Albany will, I think, appreciate the fact that the duties of the resident magistrate or stipendiary magistrate of that centre have very greatly increased in recent years. Therefore, there is substantial need for his circuit to be restricted to some degree, if he is to be given a reasonably fair deal and yet, at the same time, be enabled to carry out his duties efficiently.

The same remarks apply very largely to the resident or stipendiary magistrate at Bunbury. So a decision has been made that when certain long-service leave difficulties have been cleared up in about April next an appointment should be made of a stipendiary magistrate at Narrogin. That magistrate will absorb some of the circuit which is now served by the magistrate at Albany, particularly that part which he has in and around Narrogin, where there are three or four local court sittings and also petty session courts which the magistrate at intervals attends.

Also, in order to relieve the magistrate at Bunbury, it is proposed that the local court at Collie should be placed under the magistrate from Narrogin; and, in consequence, that the new magisterial appointment will take up a great deal of the excess that the other two magistrates at Albany and Bunbury at present have to contend with. In future I have no doubt similar circumstances will arise elsewhere, and they should be given sympathetic consideration, because it is eminently desirable that opportunities for the proper administration of justice in the country districts should be first-class, and not that magistrates should be so considerably overtaxed that they have difficulty in carrying out in a normal and proper manner the work they have to do.

Mr. Nulsen: I think they are overworked.

Mr. WATTS: I would say that in many cases they are.

Mr. Nulsen: They cannot do the work justice if they are rushed.

Mr. WATTS: That is so. Anyway, there is a start being made in the appointment of another magistrate who will take over at Narrogin, probably in March or April next, when matters concerning the long-service leave of magistrates have been cleared up.

As everyone knows, no doubt, the Registrar of Titles (Mr. Robert Buchanan) retired last month after many years of very efficient service in the Lands and Titles Office. I think all of us who were acquainted with Mr. Buchanan and the work he did can, without any difficulty, pay a tribute to the efficiency and courtesy with which he managed the affairs of that office. At the present time Mr. Blott is the Acting Registrar of Titles; but nobody can say with certainty yet who will be Mr. Buchanan's actual successor. In the Crown Law Department we have had some difficulty with staffing. Since the elevation of Mr. Justice D'Arcy to the Supreme Court Bench there has been a deficiency on the drafting side, which was made worse by the departure of Mr. Ludovici to South Australia to accept an appointment there.

Mr. Nulsen: They gave him an increase of £500.

Mr. WATTS: That is so. Mr. Turnbull (former Deputy Master) has been appointed senior assistant Parliamentary Draftsman; and there is a third position which has been advertised and is waiting to be filled. At the same time, the position of Deputy Master has to be filled; and, with the resignation of Mr. Wallwork, a solicitor, there is another vacancy; consequently, a considerable reorganisation is going on. With those two vacancies filled—much will happen, I suppose, in the next week or two—we shall determine what blank spaces there are to fill up. No doubt suitable people will be found to fill those offices, and the department will proceed in its usual efficient manner to carry out its duties. I think that reasonably covers the activities of the Crown Law Department and the Electoral Department.

Progress reported.

HIRE PURCHASE BILL

Second Reading

MR. WATTS (Stirling — Attorney-General) [8.3] in moving the second reading said: This Bill to consolidate and amend the law relating to hire purchase is the result of conferences which took place between Ministers for Justice and Attorneys-General of the several States prior to, with one exception, the last general election. The one exception which I referred to took place, I think, four days after I assumed office; and, in consequence, I was unable to attend it. I wish to pay a tribute to the work in that connection which was done by the Deputy Registrar of Companies (Mr. McFarlane) and Mr. Robinson of the Crown Law Department.

Mr. Nulsen: Two excellent officers!

Mr. WATTS: Those officers undertook the responsibility of acting on behalf of Western Australia at the official conference. I think I would be lacking if I did not say that prior to the election the conferences were dealt with by the member for Eyre as Minister for Justice; and in consequence, some part of the responsibility, if any, or credit, if any, for this measure must descend upon that honourable gentleman.

Since that time there has been, of course, a considerable amount of work done by various people—and in the final analysis by myself—endeavouring to comprehend properly just what was proposed and what essential differences there were between the provisions of the uniform Bill which was passed in 1958, sponsored in this House by the member for Eyre, and the Bill which is now introduced.

Mr. Nulsen: It was not proclaimed.

Mr. WATTS: I was about to say that that measure has never been proclaimed. I would say it has not been proclaimed solely because of the discussions that have gone on in regard to some greater measure of uniformity in the hire-purchase laws of this country.

When the conference reached its final conclusions, it was recognised, of course, that absolute uniformity was not quite practicable; and it was decided that individual States could, if they wished, insert into the Bill matters which they considered were essential—if there were any such—for the requirements of their own State. I understand that one of the main matters discussed was that of regulating by statute the rate of interest; and another was the question of prescribing the

minimum deposit. In the Bill of 1958, which was introduced into this House and passed—as I indicated earlier—no provision was made for either of these things.

Mr. Nulsen: Which I think should have been made.

Mr. WATTS: The opinion of the majority of members of the conference was that no provision should be made in the uniform Bill. In consequence, there are no such provisions in the Bill, which I trust shortly I shall be able to explain to this House. However, I understand that because there were such provisions in the statute of New South Wales, just as there were at the time when the 1958 measure was introduced into this House without them, the Government of New South Wales proposes to retain in its Bill some provisions similar to those which it had. I have not gone into detail as to exactly what they are.

But this Bill does, I think, make a very substantial contribution towards the protection of persons who have entered into hire-purchase agreements; and has in it some provisions of an important character which were not in the 1958 measure. Those I will endeavour, to the best of my ability, to explain in a few moments' time.

The 1958 Act applied only to hire-purchase agreements made after the passing of the Act; and in conformity with the decision of the conference, this Bill makes similar provision. Therefore, the provisions in this Bill will not apply to a hire-purchase agreement made before the coming into operation of the Act, because the Act will not come into operation until it is proclaimed. That is the position which prevailed under the 1958 measure.

I would say at this stage that it would be my intention to ask for its proclamation as early as is practicable after its passage, because I think the lapse of time that has already taken place because of the factors to which I have made some reference is already too long. We must be reasonably fair and recollect that there are a number of provisions in this Bill which will require the preparation of new forms of agreement, new forms of conditions, statements, and the like; and these will take some time to prepare and have printed so that they will be available for execution as agreements and for distribution as notices and the like, as provided for in the Bill when it becomes an Act by proclamation.

So it will be necessary to postpone its proclamation for some little time to ensure that a reasonable opportunity is given to those persons most concerned to have these papers in readiness for their carrying on of future business. I am making reference to the 1958 Act in my remarks on this Bill quite considerably, mainly for this reason: that there is a great similarity in the provisions of this uniform measure and the provisions of the 1958 Bill.

What is more, the 1958 Bill was closely discussed in this House, and the great majority of members here are aware of the final decisions of the Legislature in regard thereto. Therefore, I think it is reasonable to assume that the majority of members of this House have had considerable acquaintance with the 1958 Bill and could use that quite reasonably as a guide to their consideration of this measure as I have done. That is the substance of the matter.

I said a moment ago that the Bill applies only to agreements made after it comes into operation. The 1958 Act, however, had no application to hire-purchase agreements under which the hirer or person was engaged in selling goods of the same type as those to which the hire-purchase agreement would relate. That provision is also in this Bill, but in a different place; and I will come to that when I arrive at the proper situation.

The provision in this Bill regarding the effect of the 1931 Hire Purchase Act on hire-purchase agreements made before this Bill becomes an Act is identical with that which was in the 1958 Act. It provides that the Hire Purchase Agreements Act, 1931-1937, continues to have the same operation and effect in relation to hire-purchase agreements entered into before the coming into operation of this Act as if this Act had not been enacted. The reason for that special provision, as I understand it, is this: that the Bill repeals the 1931 Act, and therefore the validity in regard to hire-purchase agreements which were in operation before this Bill comes into operation, must be retained.

Mr. Nulsen: It does not affect any prior agreements.

Mr. WATTS: That is so. It is the same as last year's Bill; and for the same reason, I gather. There are a number of definitions in the Bill, and I shall refer to some of them. The definition of "dealer" differs only slightly from the definition in the 1958 Act by excluding the hirer himself from the definition as well as the owner and his servant, who were included in 1958. The definition of "gross purchase price" which was included in the 1958 Act, has been replaced by a definition of "total amount payable."

If members will compare these two definitions, they will find that they are almost precisely the same; and I suggest that the phrase, "total amount payable" is the better one. The definition of "guarantor," in the 1958 Act, has been altered to exclude a dealer or person engaged in the business of selling goods of the same type as those comprised in the hire-purchase agreement.

I think for greater certainty the definition of "hire-purchase agreement" in the 1958 Act has been improved by stating that it does not include an agreement whereby the property in the goods passes at the time

of the agreement or at any time before delivery of the goods; or under which the goods are being hired or purchased by a person engaged in the same type of business. Those last words refer to the expression which was previously contained in section 2 of the 1958 Act, and to which I referred earlier when I said that a similar provision would be found later in the Bill.

The definition of "hirer" has been extended to exclude the assignee of the hirer, whether the assignment takes place by deed of assignment or operation of law.

The definition of "owner" has been similarly extended. In the 1958 Act, there was a definition of "terms charges;" but under the heading of "statutory rebate" in the Bill, there is clearly set out a provision similar to that in the 1958 Act. The provision in the 1958 Act was the subject of considerable debate. Members will recall that the phraseology, and the method of calculating under this clause, came in for considerable argument. I submit that the method of calculation is still difficult to follow; but I have no doubt that it represents the best that can be done, because it has run the gauntlet not only of this Parliament but also of all the learned draftsmen of the six States; and this is the final conclusion; and it is almost identical with what was in the 1958 Bill. In fact, I might even read it for the benefit of the member for Eyre.

Mr. Nulsen: It might be helpful.

Mr. WATTS: It is as follows:—

"statutory rebate"—

(a) in relation to terms charges—

(i) means the amount derived by multiplying the terms charges by the sum of all the whole numbers from one to the number which is the number of complete months in the period of the agreement still to go (both inclusive) and by dividing the product so obtained by the sum of all the whole numbers from one to the number which is the total number of complete months in the period of the agreement (both inclusive); or

(ii) where it is agreed in a hire-purchase agreement that the terms charges have been calculated on a simple interest basis at a rate specified in the agreement on the amount outstanding from month to month means the amount of interest attributable to the period of complete months which at the relevant time is still to go under the agreement;

Mr. W. Hegney: It has only the one meaning.

Mr. Nulsen: Have you worked it out?

Mr. WATTS: That is the new definition; but if members will look at the 1958 definition, they will find it is just as involved, if not more so. I have it here.

Mr. Court: I suggest they read *Hansard* and see the examples.

Mr. WATTS: As the Minister for Industrial Development suggests, a perusal of *Hansard* would assist more than anything else, because various examples were put forward to demonstrate the process of the calculation; and apparently it satisfied the Committee at the time, because the clause was passed. However, I think it is a great tribute to the draftsman who drafted the 1958 Bill, because I find that in the uniform Bill the wording is almost precisely similar.

Mr. Brady: It looks to me as though there is a job for the Minister for Education to bring it to the notice of school students.

Mr. WATTS: They will not have to worry about it.

Mr. Brady: They will later on.

Mr. WATTS: No; we will clear that up for them in the first and second schedules.

Mr. Toms: I think that in the last Committee all but one or two were worn out!

Mr. WATTS: I think that not even the honourable member could find a better way than has been found by all those who have been conferring in the last 12 months.

The definition of "statutory rebate" in regard to insurance has been redrafted, and it is a great deal plainer. The definition has been reversed by the use of "90 per cent." instead of "less 10 per cent." The definition otherwise is the same as in the 1958 measure.

A definition of "third party insurance" has been added, as has a definition of vehicle registration fees. Both of these definitions, I am informed, have been put in for the sake of greater clearness. The definition of "taking possession by the owner" is similar in effect to that in the 1958 Act, but it excludes the taking possession as a result of the voluntary return of the goods by the hirer.

Many of the principal provisions of the Bill are to be found in that part which deals with the formation and contents of hire-purchase agreements. Before the agreement is entered into, the owner or dealer shall give the prospective hirer a statement in writing in accordance with the first schedule. Great efforts have been made to ensure that this document shall be one that is easily comprehended and

followed. The document is headed, "Summary of your financial obligations under proposed hire-purchase agreement relating to . . . ." Then follows a short description of the goods. It goes on—

The cash price of goods is .... £.....
The terms charges are .... £.....
Other charges are—
For insurance for..... years £.....
For maintenance .... £.....
For freight, vehicle registration, etc. .... £.....
£.....
The total amount you will have to pay (including deposit of £.....) is £.....
The difference between the cash price of goods and the total amount you will have to pay is therefore £.....
Your instalments under the proposed agreement will be †.....
†Insert number, amount, and intervals of instalments.

If anyone, having got that document prior to the completion of the hire-purchase agreement, cared to take the slightest trouble with it, it should be fairly clear to him exactly what his obligations were and what he was undertaking to do. I confess that doubtless there are some people who will not take the trouble to examine it closely themselves, or have someone, whom they think better equipped to do the job than they are, to do it for them. But if they do not do it, there is little or nothing that anybody can do for them.

The point I desire to stress is that the document, in itself, is one which seems to me to be crystal clear and not capable, as far as the particulars therein given are concerned, of any misconceptions. The need for going over this document applies equally where the agreement results from an acceptance by the owner of an offer in writing by the hirer.

It may be as well here to specify just what is required of a hire-purchase agreement. The Bill provides—

(2) Every hire-purchase agreement—

(a) shall be in writing;

(b) shall be signed by or on behalf of the hirer and all other parties to the agreement;

(c) shall—

(i) specify a date on which the hiring shall be deemed to have commenced;

(ii) specify the number of instalments to be paid under the agreement by the hirer;

(iii) specify the amounts of each of those instalments and the person to whom and the place at which the payments of those instalments are to be made;

(iv) specify the time for the payment of each instalment; and

(v) contain a description of the goods sufficient to identify them;

(d) where any part of the consideration is or is to be provided otherwise than in cash, shall contain a description of that part of the consideration; and

(e) shall set out in a tabular form—

(i) the price at which at the time of signing the agreement the hirer might have purchased the goods for cash (in this Act called and in the agreement to be described as "cash price");

(ii) the amount paid or provided by way of deposit (in this Act called and in the agreement to be described as "deposit") showing separately the amount paid in money and the amount provided by a consideration other than money;

(iii) any amount included in the total amount payable for maintenance of the goods (in this Act called and in the agreement to be described as "maintenance");

(iv) any amount included in the total amount payable to cover the expenses of delivering the goods or any of them to or to the order of the hirer (in the agreement to be described as "freight");

(v) any amount included in the total amount payable to cover vehicle registration fees (in the agreement to be called "vehicle registration fees");

(vi) any amount included in the total amount payable for insurance other than third party insurance (in this Act called and in the agreement to be described as "insurance");

(vii) the total of the amounts referred to in subparagraphs (i), (iii), (iv), (v), and (vi) of this paragraph less the deposit;

(viii) the amount of any other charges included in the total amount payable (in this Act called and in the agreement to be described as "terms charges");

(ix) the total of the amounts referred to in subparagraphs (vii) and (viii) of this paragraph (in this Act called "the balance originally payable under the agreement"); and

(x) The total amount payable.

I do not think that more detail could be given; and, as I have said, if people care to keep their eyes on what they are doing, they should have a perfectly clear understanding of what their obligations will be. The Bill further provides—

(3) An owner who enters into a hire-purchase agreement that does not comply with subsection (2) of this section commits an offence against this Act.

It then goes on to state—

(4) Without affecting the liability of any person to be convicted of an offence against this section, where a provision of this section is not complied with in relation to a hire-purchase agreement (not being a failure to comply with paragraph (a) of subsection (2) of this section), the liability of the hirer thereunder is, by force of this subsection, reduced by the amount included in the hire-purchase agreement for terms charges and that amount may be set off by the hirer against the amount that would otherwise be due or become due to the owner under the agreement.

A hire-purchase agreement that is not in writing is not enforceable at all. So I think that, whilst striving to be fair to both parties in the matter, there is no difficulty in comprehending the substantial provisions of that important clause of the Bill. I might say that there were similar provisions in the 1958 Bill; but they have been given much greater detail here, presumably for clearness and added protection. The statutory period for service of a copy of the agreement or notice as provided in the second schedule to the Bill and a copy or particulars of the insurance policy, if any, has been extended to 21 days. In the 1958 measure the period was 14 days; and, although that is not a very important matter, I thought it as well to mention it.

I said, a moment ago, that in one of the schedules to the Bill there was provided a notice which was to be handed to the hirer, and it is headed "Advice to Hirers" and reads—

Under the provisions of the Hire-Purchase Act, 1959—

(a) you are entitled to a copy of the agreement and a statement of the amount that you owe if you make a written request to the owner for them. You may not request a copy or a statement more than once in three months;

(b) with the written consent of the owner you can assign your rights under the hire-purchase agreement and he may not unreasonably refuse his consent. For details of the procedure of assignment see Hire-Purchase Act, 1959, section 9;

(c) you have the right to complete the agreement at any time and if you do you will be entitled to a rebate of some of the charges payable under the agreement. For details see Hire-Purchase Act, 1959, section 11;

(d) if you are unable to pay your instalments you are entitled to return the goods to the owner at your own expense, but if you do you will be liable to pay an amount sufficient to cover the loss suffered by the owner. For details of the amount that you will have to pay see Hire-Purchase Act, 1959, section 12.

So there is some pretty good advice there for the hirer, if he will but take notice of it.

There are implied warranties in every hire-purchase agreement. The first is that the hirer may have quiet possession of his goods; the second is that the owner has the right to dispose of them to him; and the third, that they are free of all encumbrances. There will be implied warranties that the goods are of good merchantable quality; but there are some qualifications to that, and they appeared in the Act of 1958 very similarly. They are in every hire-purchase agreement, and in every such agreement there shall be deemed to be an implied condition that the goods shall be of mechantable quality; but no such condition shall be deemed to be implied (a) as regards defects of which the owner could not reasonably have been aware; or, if there is a dealer, neither the owner nor the dealer could reasonably have been aware at the time when the agreement was made; or (b) where the hirer has examined the goods or a sample thereof as regards defects which an examination ought to have revealed; or (c) if the goods are secondhand goods and the

agreement contains a statement to the effect that the goods are secondhand and that all conditions and warranties are expressly negatived and the owner proves that the hirer has acknowledged in writing that that statement was brought to his notice.

Mr. Nulsen: It would be very hard to define "reasonably aware".

Mr. WATTS: It may be; but apparently nobody has been able to devise a better term, either last year or since then. Representations or warranties made to the hirer orally or in writing confer on the hirer, as against the owner, the same rights to rescind the agreement as if the statements had been made by an agent of the owner, and as against the person who made the representation or warranty, the same rights of action in damages as the hirer would have had against them if the hirer had actually purchased the goods.

It is provided, too, that any provision in any hire-purchase agreement modifying these rights is to be void, but if that voidance of the agreement was caused by statements by somebody other than the owner, to the detriment of the owner, the owner will be entitled to be indemnified by the person who made the statement. I have already referred to the fact that the hirer is to be entitled to a statement not more frequently than every three months, of the amount due and unpaid; the amount already paid, and the amount payable in future; but I did not say, and I propose now to say, that if the owner defaults in that regard it is an offence and until the default is remedied the owner is not entitled to enforce the agreement or recover the goods or enforce any guarantee or any security.

Mr. Evans: I gained the impression, from reading the Bill, that a hirer does not enjoy the choice that he had under the 1958 measure of insuring with his own company.

Mr. WATTS: Yes he does. There is no compulsory insurance clause in this Bill. I referred earlier to the right of the hirer to assign his rights under the agreement; and in this regard the consent of the owner must not be unreasonably withheld, nor must the owner ask for any payment for that consent; and if the hirer thinks the consent is unreasonably withheld, he can apply to a court of petty sessions; and if the court considers that an order ought to be made authorising the assignment, it can make such an order. But the owner is entitled to ask, in any event, that as a condition of the assignment the assignee may be required to enter into a covenant to pay the amount remaining unpaid, and to pay the reasonable costs incurred in stamping and registering the assignment.

Another provision is that the court of petty sessions may give relief in regard to an application by the hirer to allow him to remove the goods to some place other than the place mentioned in the hire-purchase agreeement. We frequently see in hire-purchase agreements—and it is reasonable enough—that the place where the goods are to be kept is mentioned; and this provision has been put in in order to allow someone to grant authority for the goods to be removed to some other place.

The hirer is entitled to finalise the agreement at any time by paying or tendering the net balance due. The net balance is the amount originally payable, less amounts paid and less the statutory rebates, whether they be statutory rebates for terms charges, or insurance, or maintenance, where those are applicable. This right may be exercised at any time; but where the owner has repossessed only by paying or tendering the amount due within 21 days after the owner has served a notice in the form shown in the fourth schedule; and, in addition, the hirer must pay the reasonable costs and expenses of storage, repair, and maintenance, if any.

It may be of interest to go a little further into that question of what the schedule provides in these circumstances. In the Fourth Schedule we read—

> Now that the goods you hired have been repossessed you will be entitled to get them back—
>
> (a) if, within twenty-one days, you require the owner, by notice in writing signed by you or your agent, to redeliver the goods to you and if, within fourteen days after giving the notice, you reinstate the agreement by paying the arrears and remedy the following breaches of the agreement (or pay the owner's expenses in remedying them):
>
> The owner's estimate of the amount you must pay to reinstate the agreement is—
>
> | | |
> |---|---|
> | Arrears of instalments .... | £..... |
> | Cost of storage, repair or maintenance .... | £..... |
> | Cost of repossession .... | £..... |
> | Cost of redelivery .... | £..... |
> | Total .... | £..... |
>
> — or —
>
> (b) if, within twenty-one days, you give notice of your intention to finalise the agreement and pay the balance due under the agreement and costs of the repossession:
>
> The owner's estimate of the amount required to finalise the agreement is—
>
> | | |
> |---|---|
> | Total amount payable under the agreement .... | £..... |
> | Less deposit and instalments paid .... | £..... |
> | Balance due under agreement .... | £..... |
> | Less statutory rebates .... | £..... |
> | Add costs of repossession | £..... |
> | Storage, repair or maintenance .... | £..... |
> | Total .... | £..... |

If you don't reinstate or finalise the agreement you will be liable for the owner's loss unless the value of the goods repossessed is sufficient to cover your liability. If the value of the goods is more than sufficient to cover your liability you will be entitled to a refund.

The owner's estimate of the value of the goods repossessed is £.....

On the basis of that estimate you are—
entitled to a refund of .... £.....
liable to pay the owner .... £.....

NOTE.—You may give a written notice to the owner requiring the owner to sell the goods to any cash buyer you can introduce who is willing to pay the owner's estimate of the value, i.e. *

* Strike out whichever is inapplicable.
† Insert owner's estimate of value.

DO NOT DELAY.

Action to enforce your rights should be taken at once. You will lose your rights twenty-one days after the service or posting of this notice if you do not take action.

If you think you have any rights under the Hire-Purchase Act, 1959, you should seek advice at once.

NOTE.—Where this notice is sent to a guarantor it shall be endorsed as follows:—

This notice is sent to you as guarantor of .....

As guarantor you have certain rights under the Hire-Purchase Act, 1959, and you should seek advice at once.

Mr. Nulsen: It gives the hirer 21 days to find the cash.

Mr. WATTS: That is so. But what I am endeavouring to indicate is that this notice which must be sent to the hirer, under the Bill if it becomes a statute, gives him an opportunity of knowing what his rights are, and not in language which is difficult to follow. It even uses "don't" instead of "do not".

Another provision in the Bill deals with the right of the court to determine, on the application of the hirer, the place at which the goods can be returned. There was a similar provision in the 1958 measure. The address of owners, in many instances, is far distant from the place of purchase or where the goods are to be employed. It is considered that the obligation to return goods to the owner's place of business was an unreasonable requirement; and, in some cases, impossible because of the nature of the goods. So the power given to courts to decide seemed to offer a fair means in the interests of all parties.

It will be remembered, perhaps, that in the 1931 Hire-Purchase Agreements Act—which, with the exception of its operation on agreements existing before this Act becomes operative, will be repealed—there was provision for the court to have the right to reopen transactions which it believed were harsh or unconscionable or which, for any sufficient reason, ought to be reopened. A similar provision has been incorporated in this Bill, and it provides—

In any proceedings arising out of a hire purchase agreement where it appears to the court that the transaction is harsh or unconscionable or otherwise such that the Supreme Court in its equitable jurisdiction would give relief, the court may reopen the transaction and take an account between the parties thereto.

The court by which a transaction is reopened under this section may, notwithstanding any statement or settlement of accounts or any agreement purporting to close previous dealings and create a new obligation—

(a) reopen any account already taken between the parties;

(b) relieve the hirer and any guarantor from payment of any sum in excess of such sum in respect of the cash price, terms charges, and other charges as the court adjudges to be fairly and reasonably payable;

(c) set aside wholly or in part or revise or alter any agreement made or security given in connection with the transaction;

(d) give judgment for any party for such amount as, having regard to the relief (if any) which the court thinks fit to grant, is justly due to that party under the agreement; and

(e) if it thinks fit give judgment against any party for delivery of the goods if they are in his possession.

Where it appears to the court by which a transaction is reopened under this section that any person other than the owner has shared in the profits of or has any beneficial interest prospectively or otherwise in the transaction which the court holds to be harsh and unconscionable the court may add that person as a party to the proceedings and may give judgment against that person for such amount as it thinks fit or for delivery of the goods if they are in his possession and the court may make such other order in respect of that person as it thinks fit.

So those provisions are slightly more detailed than those contained in the 1931 statute, but have the same effect.

There are some special provisions in the Bill dealing with repossession from farmers. I am informed that at the conference there was a representative of the Commonwealth Government, just as there was a representative of that Government

at the uniform companies legislation conference which I attended a few weeks ago. I am credibly informed that this provision was inserted at the request of that representative—

> Where goods consisting of a harvester, binder, thrasher, plough or other agricultural implement or a motor truck are comprised in a hire purchase agreement and the hirer is a farmer the period fixed by any notice of intention to take possession of the goods shall, notwithstanding the period specified, be a period of not less than thirty days after the service of the notice.
>
> (2) The farmer may, within the period fixed by the notice, apply to a court of petty sessions for an order restraining the owner from taking possession of the goods.
>
> (3) If the court is satisfied that, within twelve months from the date of the application, the farmer will have a reasonable prospect of being able to pay all instalments due and owing on that date, the court may make an order restraining the owner from taking possession of the goods for such period not exceeding twelve months as the court fixes.
>
> (4) An order may include such terms and conditions, including conditions as to payments of instalments, as the court thinks fit.
>
> "Farmer" means any person engaged in agriculture, pasturage, horticulture, viticulture, apiculture, poultry farming, dairy farming, or any other business consisting of the cultivation of soil, the gathering in of crops or the rearing of livestock.

Then there are provisions in regard to liens for work done, which are as follows:—

> Where a worker does work upon goods comprised in a hire-purchase agreement in such circumstances that, if the goods were the property of the hirer, the worker would be entitled to a lien on the goods for the value of his work, he is entitled to a lien notwithstanding that the goods are not the property of the hirer.
>
> (2) The lien is not enforceable against the owner if the hire-purchase agreement contains a provision prohibiting the creation of a lien by the hirer and the worker had notice of that provision before doing the work upon the goods.

Some exception has been taken to the inclusion of this provision in the uniform legislation, but I am informed that the general opinion expressed at the conference was that the experience in the other States particularly indicated that unfair advantage was being taken of the provisions in the hire-purchase laws, and that some provision such as I have just read was desirable and, accordingly, agreed to.

In another clause in the Bill there is a provision for the size of type that must be used in notices and other documents. It is provided that the wording must not be printed in a type smaller than that known as 10 pt. Times. I have seen a sample of that type; and, without question, it is completely legible, and I suggest that anybody who cannot follow a hire-purchase agreement when it is printed in that size type is not looking very hard. There have been objections to it, of course, because it will increase, to some extent, the space taken up by the printing on the various papers required in these matters. However, the ultimate decision was that those objections were not tenable, and that provision has been left in the Bill as it was agreed to at the conference.

The Bill does not provide that the owner can require the hirer to accept any specified insurance broker or insurer. The hirer will be at liberty to select his own insurer. Here again some objection was taken to this provision; but as it has apparently been agreed to by those concerned in the search for uniformity, far be it from me to suggest that it should be removed from this measure.

I think I have given a reasonable resume of the essential provisions contained in the Bill; and, coupled with the knowledge that members must have of the Bill introduced in 1958, I feel that the ground has been well covered. I move—

> That the Bill be now read a second time.

On motion by Mr. Nulsen, debate adjourned until Tuesday, the 27th October.

AUDITOR-GENERAL'S REPORT

Tabling

THE SPEAKER: I have received from the Auditor-General a copy of his report on the Treasurer's statement of the Public Accounts for the financial year ended the 30th June, 1959. It will be laid on the table of the House.

ENTERTAINMENTS TAX ASSESSMENT ACT AMENDMENT BILL

Second Reading

Debate resumed from the 15th October.

MR. HAWKE (Northam) [8.56]: As explained to us quite clearly by the Treasurer last week, this Bill provides to exclude from the payment of entertainments tax completely a number of what are known as stage shows. Under the existing law, this type of entertainment has enjoyed some taxation benefit inasmuch as the rates of entertainments tax have not been as high in regard to the lower charges of admission as the tax applicable to admission charges to cinemas and entertainments, in which the majority of action is not provided by live persons.

In view of the policy which the Government is following in regard to entertainments tax, there can be no objection, I think, to the proposal in the Bill to exempt completely a number of these live shows from the payment of entertainments tax. The entertainments which come under this heading, and which are to be exempt in future, will be those where all the performers are present and performing and the entertainment consists solely of one or more of the following items—

A stage play
A ballet
A performance of music, whether vocal or instrumental
A lecture
A recitational

I like that term. I suppose that is a show where some poetry is spoken.

A music hall or other variety entertainment
A circus or travelling show.

Whether all circuses should be exempted from entertainment tax could perhaps be open to argument. However, in the circumstances surrounding this Bill we would be heartless indeed if we were to make any attempt to deprive a circus of the benefit of not paying any entertainment tax in the future.

The other provision in the Bill is open to a deal of criticism. The proposal is that any entertainment which is run for the benefit of educational or charitable activities, or other activities of that kind, is to be exempt from entertainments tax, irrespective of the ratio of expenses to takings. Under the existing law, entertainments carried on for the benefit of the parties to which I have referred are entirely exempt from entertainments tax, provided the expenses do not exceed 60 per cent. of the total receipts.

Sir Ross McLarty: That is a good safeguard.

Mr. HAWKE: I thought it was; and Parliament considered the safeguard to be good and thoroughly justified. However, this Bill proposes to wipe out that provision from the Act altogether. Its deletion will mean that functions can be run without any regard to the expenses side at all. The present provision was put into the legislation for a good reason. Where an entertainment was promoted, allegedly at any rate for the benefit of some educational or charitable activity, then it should be promoted for one or other of those purposes. It should not be promoted for the benefit, almost entirely, of, say, the orchestra; or for the benefit of those participating in an extravagant supper. I can recollect more than one instance where attempts were made to get around the existing provision in the Act.

One which I remember quite well occurred in the country when a local authority was opening a new hall. The board put on a ball in celebration of the opening. Before the ball, the board entertained in an extravagant fashion a considerable number of people, including many who were not ratepayers. The extravagance of this side of the entertainment, together with the high cost of the orchestra and the supper, meant that the 60 per cent. of expenses to total door takings was substantially exceeded. As a result, the entertainment became taxable in respect of entertainments tax.

When the demand was made upon the local authority for the payment of entertainments tax, the representatives of the authority put up quite a story. They stressed the fact that it was a big gathering of local people to celebrate the construction and opening of a new hall, and therefore the entertainment should not be taxable. Up to a point the argument had some merit. The factors which made the entertainment taxable were not that a new hall was being opened, and therefore there was every justification for celebration and jollification, but that in the running of the entertainment there had been undue extravagance and expenditure, with the result that the purpose for which the entertainment was run—it was run on the basis that the net profit should be paid over to some local charity—was defeated. Instead of the local charity getting anything out of the entertainment, those who benefited from the extravagant expenditure were the people who participated in the special gathering before the ball, and the members of the orchestra. The orchestra was paid adequately for its services. Others who benefited were those who participated in the supper, because the supper was a sumptuous one.

I would not have such objection to this provision in the Bill, if all of the taxing legislation which the Government has introduced during this session, and is still to introduce during the session, was to reduce taxation, rates, charges, and fees imposed upon the people. If this was a session during which the rates and taxes were being reduced over the whole of the population, then this proposal could be taken in its stride and agreed to.

However, as we know, this Government has introduced in this Parliament and passed through this House, a Bill to increase the water rates payable by certain people in the State by approximately £60,000 a year. We have before us also for consideration legislation which, if passed, will increase taxation upon the motorist by some £400,000 a year. There is probably other legislation to be introduced this year which will further increase taxes, fees, and charges in other directions.

We are therefore duty bound to look, with critical eyes, at a proposal such as the one I have been discussing in the Bill before us, which will deprive the Treasury of revenue it has been receiving up to date and which it is entitled to receive. What

is the good of running an entertainment for charitable or educational purposes when, in fact, the net profits are so small as to be hardly worth worrying about? Why run entertainments when, in fact, they are not run for educational or charitable purposes, but for the benefit of people who are being paid for their services in connection with the entertainment?

Country members in this House who have had any experience in engaging orchestras from Perth to play at country towns during the entertainments, will know how tremendously expensive the cost can be. I know from my own knowledge and experience that it is so expensive these days as to make it impossible for some organisations in the country to engage orchestras from Perth. There seems to be some idea—how well or how crazily based it is I do not know—that only orchestras from Perth can turn on music to which dancers in the country can dance. That is a crazily-based idea, because in my younger days I used to see people dancing very gaily and exceptionally well to an accordion. So I cannot swallow the suggestion that people in the country cannot dance well and enjoyably unless an orchestra is brought from Perth at great expense to play at a ball.

I am not a bit happy with the second proposal in the Bill. The Government would be justified in giving it further consideration. There is already provision in the law which gives a discretion to the Treasurer, where the expense ratio of 60 per cent. is exceeded, and the reason for the increase is due to inclement weather or to unforeseeable circumstances. In other words, where an entertainment is promoted for the benefit of an educational or charitable activity, and through bad weather or some circumstance the ratio of expenses to total takings rises above 60 per cent., then the entertainment tax which would otherwise be applicable could be waived. The situation in that regard is well safeguarded, and has been since this provision was put into the Act.

I suggest and hope that members of the Government will have another look at this provision; because, if it becomes law, I am afraid the Government will not be helping organisations who promote entertainments for worthy causes, but instead will be helping those people who will be paid very large amounts of money for the services they render in connection with the promotion and carrying on of those entertainments.

As I have no objection to the first part of the Bill, I propose to vote in favour of the second reading. When the Bill is in Committee, I shall speak against the second provision; but I hope the Government will in the meantime have another look at it.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr. Roberts) in the Chair; Mr. Watts (Attorney-General) in charge of the Bill.

Clauses 1 and 2 put and passed.

Clause 3—Section 9 amended:

Mr. HAWKE: I intend to vote against this clause. In addition to what I said during the second reading debate, I say now that the existing provision in the law has a very good effect in relation to ensuring that entertainments run for educational and charitable purposes are, in fact, run for them. In other words, the existing provision has a very good effect, inasmuch as it ensures that a charitable or educational organisation concerned shall get something worth while out of the entertainment. Therefore, the Government would, I think, by making the proposed amendment to the existing law, rather establish a situation where encouragement would be given to the running of these entertainments on extravagant lines, because there would be no bar or restriction whatever on the ratio of expenses. They could go up to 90 per cent. and 95 per cent., and the people running the entertainment would suffer nothing as a result, but the cause for which they were allegedly running the entertainment would not benefit.

Mr. WATTS: I cannot agree with the Leader of the Opposition. It is true that there is provision in the parent Act that the Treasurer, if he is satisfied that the failure to confine the expenses of running the show to 60 per cent. of the total proceeds is due to weather or such conditions, which militate against the attendance, can exempt the show; but that is a most unsatisfactory proposition to voluntary organisations that are running entertainments for the benefit of their organisations which are of a charitable or philanthropic nature. Administratively it is very difficult for them to handle, and administratively it puts great strain on the Department of the Treasury.

When these shows are held—or at least advertised and arranged—there is no opportunity of knowing what the attendance is going to be. There is no provision made for entertainments tax, and then those poor people find themselves in a position of having to pay tax of a very substantial nature. There have been occasions in my experience where circumstances of that nature have, in fact, so disheartened people that they have not bothered again to make any efforts to raise money.

I do not fear, for one moment, that in the great majority of cases—and I am not going to be a party to legislating for odd cases here and there—these organisations of which we are thinking are going to deliberately put up their expenses in order to end up by having nothing to put into

the coffers of the institution or philanthropic organisation which they were seeking to assist. As they have always done in the great majority of case, they are going to try to keep the expenses down so that there will be a good deal to put into the fund.

I am perfectly well aware of the tremendous amount of voluntary effort and so forth that is put into such organisations as parents and citizens' associations, with the intention of making the utmost money out of it. However, under present law, if, by circumstances which are adverse, they cannot keep expenses down legitimately to 60 per cent. of the total, they have to pay tax. I think that in the interests of the great majority of these organisations the tax should be wiped, and I agree with the provision in the Bill.

Mr. HAWKE: The organisations referred to by the Attorney-General would be covered by the existing law, and none of them would have to pay entertainments tax. In fact, their ratio of expenses to door takings or revenue would always be under 60 per cent.—and well under.

Mr. Watts: Not always.

Mr. HAWKE: They would therefore not be taxable.

Mr. Watts: Not always.

Mr. HAWKE: The only occasions on which I could concede that these very genuine organisations would reach a position where the ratio of expenses to total revenue would exceed 60 per cent. would be where some unforeseen circumstance arose as, for instance, as I mentioned earlier, bad weather or something of the kind. The existing law covers that situation, and I know of no organisation which has encountered circumstances of that character and which has not had exemption granted to it, on application, from the payment of any entertainments tax at all. So clearly the position of the careful, reasonable, genuine organisation is well covered and protected.

However, the existing law in my judgment is very necessary to keep any reasonable check on the others, where there is little or no consideration as to the ratio of expenses to total takings. We all know that in the community there are quite a lot of extravagant-minded people who go into this sort of thing without knowing actually where they are going.

They commit themselves to all kinds of expenditure, and the final result is that the cause in question gets nothing because the expenses have been piled up to such an extent that they are as great as—and in some instances greater than—the total income. By knocking the safeguarding provision out of the law, Parliament will not be benefiting at all the *bona fide* organisations and the people who work carefully and sensibly.

I think Parliament should be careful in a matter of this kind and should put some sort of a brake on the tendency or practice to which I have referred. Parliament has already put on a brake which has not operated to the disadvantage of any organisation which runs its entertainments or shows reasonably but which has operated to bring into line at least to some substantial extent, extravagant-minded people who put shows on so expensively as to make it a foregone conclusion, before the show actually starts, that the organisation or charitable cause will benefit not at all—certainly not to any worth-while extent.

Therefore I hope the Attorney-General and his colleagues in the Ministry will agree to progress being reported at this stage in order that the Minister might study this clause and obtain some additional advice on it.

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

Ayes—23.

Mr. Bovell	Sir Ross McLarty
Mr. Burt	Mr. Nalder
Mr. Court	Mr. Nimmo
Mr. Craig	Mr. O'Connor
Mr. Crommelin	Mr. Oldfield
Mr. Grayden	Mr. O'Neil
Mr. Guthrie	Mr. Owen
Dr. Henn	Mr. Perkins
Mr. Hutchinson	Mr. Watts
Mr. Lewis	Mr. Wild
Mr. Mann	Mr. I. W. Manning
Mr. W. A. Manning	*(Teller.)*

Noes—21.

Mr. Andrew	Mr. Lawrence
Mr. Bickerton	Mr. Moir
Mr. Brady	Mr. Norton
Mr. Evans	Mr. Nulsen
Mr. Fletcher	Mr. Rhatigan
Mr. Graham	Mr. Rowberry
Mr. Hall	Mr. Sewell
Mr. Hawke	Mr. Toms
Mr. W. Hegney	Mr. Tonkin
Mr. Jamieson	Mr. May
Mr. Kelly	*(Teller.)*

Pairs.

Ayes.	Noes.
Mr. Brand	Mr. J. Hegney
Mr. Cornell	Mr. Heal

Majority for—2.

Clause thus passed.

Title put and passed.

Bill reported without amendment and the report adopted.

ENTERTAINMENTS TAX ACT AMENDMENT BILL

Second Reading

Debate resumed from the 15th October.

MR. HAWKE (Northam) [9.32]: This Bill sets out the proposed new rates of entertainments tax as they will apply to entertainments which will be taxable under the proposed new schedule. Under the new system as proposed no tax at all will be payable where the price of admission, including the amount of tax, does not exceed 2s. 6d.; in other words, an admission

fee of 2s. 6d. or less will carry no entertainments tax at all provided this Bill becomes law. Where the charge for admission, including tax, is 2s. 7d., the rate of tax will be 3d; where the tax exceeds 2s. 7d. and does not exceed 13s. 1d., including tax, the tax will be 3d. plus 1d. for each 6d. or part of 6d. by which the payment for admission, excluding tax, exceeds 2s. 7d.; and where the price of admission, including tax, exceeds 13s. 1d., the tax will be a flat tax all the way of 2s.

The only part of the schedule which I want to question is the last item. Under that item an admission charge of 13s. 1d. will mean an entertainments tax of 2s. and an admission charge of 31s. 3d., for instance, will still mean a tax of 2s.; in other words 2s. is to be the maximum entertainments tax to be applied under this legislation in connection with the admission of any single person to a taxable entertainment.

Briefly, I raise again the point which I put forward on the previous Bill. The point is that if the Government was introducing only legislation of a taxation character during this session of Parliament, to reduce taxes, rates, and fees in all directions, there could not be any logical, legitimate objection to this proposal. However, when we know that the Government will be increasing taxation rates, and fees miles above what it will be doing by way of reducing entertainments tax, there becomes established a ground for criticising this last proposal in the schedule. I cannot see any reason in the world why water-rate payers should have their maximum rate increased 50 per cent., from 2s. in the £ to 3s. in the £; or why motorists should have their motor-vehicle license fees substantially increased, and their motor-driving license fees considerably increased, while at the same time people who pay as high as 30s., 40s., 50s., or 60s. for admission to an entertainment should have their entertainments tax considerably reduced, as will be the situation if this Bill becomes law.

Surely there cannot be any sense at all in a taxation policy which forces up rates, taxes, and fees in the directions I have indicated; and yet, at the same time, substantially reduces entertainments tax upon people who can pay extravagant rates of admission to go to entertainments. It appears to me that the Government's thinking in regard to taxation as a whole has gone completely haywire. It is giving money away in grand style to people who patronise expensive entertainments; and at the same time it is slugging people who in some parts of the State will have to pay increased rates for their water, and substantially increased fees for their motor-vehicle and drivers' licenses. In addition, a number of people who are having a struggle to keep in operation the motor vehicles which they possess will be forced to pay these increased fees.

Clearly a taxation policy of that kind is right off the rails. There may be some justification for reducing rates of entertainments tax on the lower prices of admission; but surely there is no justification for setting down a ceiling above which the entertainments tax shall not rise; and the ceiling proposed in this Bill is 2s. for each admission.

If members who support the Government can swallow this, after having voted the other day for a 50 per cent. increase in water rates, and can subsequently vote for the proposed substantial increase in motor-vehicle licenses and motor-drivers' licenses, it seems to me that the Government has a group of followers who can swallow anything.

Mr. May: Class legislation!

MR. WATTS (Stirling—Attorney-General—in reply) [9.40]: I think the Leader of the Opposition has gone a little off the trail in this discussion. I suggest to him that the majority of the types of shows to which he refers, where the charges would be likely to be above 13s. 1d., have already been exempted from the tax by the previous Bill. The great majority of those types of entertainment would surely be those that are incorporated in the provisions of the Entertainments Tax Assessment Act Amendment Bill to which he offered no objection. It is the stage plays, orchestral concerts, and the like where high prices are as a general rule charged, because they are live shows and there has always been an inclination to be reasonable and tender with them. That has been carried into effect to the *nth* degree by the provisions of the Bill that we passed 10 minutes ago.

So it seems to me that the strictures which he placed upon those shows that will cost 50s. or 60s. admission are not completely justified, because there will not be a great number of shows like that—the majority of them will be excluded by the provisions of the previous legislation. It seems to me that the proposition is a reasonable one, and I trust that the House will agree to the second reading.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr. Roberts) in the Chair; Mr. Watts (Attorney-General) in charge of the Bill.

Clauses 1 to 3 put and passed

Clause 4—First and Second Schedules repealed and Schedule substituted:

Mr. HAWKE: The Attorney-General put up a terrible argument in connection with this matter.

Mr. Watts: It was really quite good.

Mr. HAWKE: If the Attorney-General thinks the argument that he put up was quite good, he is much easier to please than I thought he was, because the argument was bad, illogical, and not worth while. He said the live shows would be excluded from entertainments tax if this Bill became law. So the high admission charges to which I referred would not be taxable in future in relation to those live shows. He went on to say there would be few shows to which they would apply. Let us, as an example, consider prize-fighting and wrestling.

Mr. Ross Hutchinson: Balls and dances.

Mr. HAWKE: I am grateful to the Minister for Health for giving me further ammunition. I have not been to a prize-fight or a wrestling match, and am certainly not condemning them; but I understand that the prices of admission are extremely high, and that a ringside seat for a boxing match could be £3 or more. Under this Bill, the entertainments tax on that £3 admission would be 2s., which is chicken-feed. I am sure the Attorney-General will agree, on reconsideration, that an entertainments tax of 2s. on an admission fee of £3 is unreasonable. Then, as mentioned by the Minister for Health, there are some balls which are extravagantly run.

Mr. Ross Hutchinson: Most of them are for charitable and sporting purposes.

Mr. HAWKE: Those for charitable purposes will be exempt. The taxation charges proposed in the Bill would apply only to entertainments which are taxable; deserving shows have been completely exempted. We will have a certain type of entertainment where the admission charge is 12s. 6d., and where we will pay an entertainments tax of 2s. Yet we will pay the same entertainments tax on an admission charge of £3. In the case of a high-class ball, where the admission fee is 50s. or 70s., the entertainments tax will still be 2s. That cannot be justified on a logical basis. The Attorney-General has tried to justify it with plausible arguments which carry no weight. The ceiling of 2s. entertainments tax might be all right if the Government had more money than it knew what to do with; if it was in a position to give money away. But that is not the case.

It would not be so bad if this were a new entertainments tax proposal; if no system were in operation at the moment in Western Australia. But there is such a taxing system. We know the rates of taxation increase as the admission charges rise. But under this proposal that system will disappear, and 2s. will be the ceiling. It is an insult to the taxpayers of Western Australia to throw revenue away in this fashion with one hand; while, with the other hand—the strong right hand—the Government is stretching out to grasp additional taxation from many taxpayers in Western Australia.

Mr. Evans: Sixty thousand pounds in water rates.

Mr. HAWKE: The proposition cannot be justified, and there is no excuse for the Government to put forward a scheme like this. I appealed to the Attorney-General during the second reading stage to do something about it. However, I was wiped off with plausible reasons. The Government is obviously not prepared to have another look at this matter; therefore I propose to force it to take some action in this direction. Therefore I move an amendment—

Page 2—Delete the last two lines of the schedule.

Should these words be deleted, the Government would be placed in a position whereby it would have to devise a new proposition to deal with the rates—and I use the plural word—of entertainments tax which should be applied to admission charges where, with the tax included, those charges exceed 13s. 1d.

Mr. WATTS: Would the honourable member indicate to the Committee what he proposes to insert in lieu, if he is successful in having these words deleted?

Mr. HAWKE: The question asked by the Attorney-General almost completely explains why the very good arguments which are put up by us from time to time are not accepted by him. It is clear that he does not listen.

Mr. Watts: He usually does, but the honourable member was not very clear on this point.

Mr. HAWKE: If the Attorney-General had been listening with the degree of attention of which he is capable—

Mr. Watts: Do not get too involved!

Mr. HAWKE: —he would have heard me say that I was moving to delete these words to give members of the Government an opportunity to work out a new proposal to deal with the rates of entertainments tax which should be applied to admission charges where those admission charges, with the tax included, exceed the sum of 13s. 1d.

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

Ayes—21.	
Mr. Andrew	Mr. Lawrence
Mr. Bickerton	Mr. Moir
Mr. Brady	Mr. Norton
Mr. Evans	Mr. Nulsen
Mr. Fletcher	Mr. Rhatigan
Mr. Graham	Mr. Rowberry
Mr. Hall	Mr. Sewell
Mr. Hawke	Mr. Toms
Mr. W. Hegney	Mr. Tonkin
Mr. Jamieson	Mr. May
Mr. Kelly	*(Teller.)*
Noes—23.	
Mr. Bovell	Sir Ross McLarty
Mr. Burt	Mr. Nalder
Mr. Court	Mr. Nimmo
Mr. Craig	Mr. O'Connor
Mr. Crommelin	Mr. Oldfield
Mr. Grayden	Mr. O'Neil
Mr. Guthrie	Mr. Owen
Dr. Henn	Mr. Perkins
Mr. Hutchinson	Mr. Watts
Mr. Lewis	Mr. Wild
Mr. Mann	Mr. I. W. Manning
Mr. W. A. Manning	*(Teller.)*

Pairs.

Ayes.	Noes.
Mr. J. Hegney	Mr. Brand
Mr. Heal	Mr. Cornell

Majority against—2.

Amendment thus negatived.

Clause put and passed.

Title put and passed.

Bill reported without amendment and the report adopted.

House adjourned at 10.5 p.m.

Legislative Council

Wednesday, the 21st October, 1959

CONTENTS

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

QUESTIONS ON NOTICE

ESPERANCE SUPERPHOSPHATE WORKS

Requirement Potential

1. The Hon. G. BENNETTS asked the Minister for Mines:

(1) Is he aware that much concern is being expressed by the residents of Esperance regarding the number of farms required to be established and the estimated ultimate superphosphate needs of the farms before a superphosphate works can be established in the district?

(2) What was the requirement potential when a superphosphate works was established at—

(a) Albany;

(b) Geraldton?

(3) Is he of the opinion that a greater requirement potential exists at Esperance than existed at Albany and Geraldton prior to the establishment of the superphosphate works at those centres?

The Hon. A. F. GRIFFITH replied:

(1) No.

(2) (a) The works at Albany were originally designed for 60,000 tons annual output but increased to 80,000 before completion. In the first full year of operation, the output was 65,000 tons.

(b) The Geraldton works were erected in 1929 and designed for an output of 50,000 to 60,000 tons annually. There is no record available of the estimates on which the project was based.

(3) Comparisons between estimates of the superphosphate requirements of different areas when fully developed have no immediate bearing, as the economics of establishing a works must be based on current demand. There is no suggestion that the ultimate demand in the Esperance district will never exceed the minimum requirement for the economic operation of a works, which could be erected in under two years.

ADOPTION OF CHILDREN

Departmental and Private, and Adoptive Parents' Health

2. The Hon. G. C. MacKINNON asked the Minister for Local Government:

(1) How many adoptions have been completed through the Child Welfare Department in the last five years?

(2) How many private adoptions have been granted by the Supreme Court in the last five years?

(3) How many of either adoptive parents in each category have had any history of—

(a) tuberculosis;

(b) any other infectious or contagious disease?

The Hon. L. A. LOGAN replied:

(1) From the 1st July, 1954, to the 30th June, 1959—368.