

taken into consideration. The sooner the community at large realises the conditions under which the Goldfields people live and the difficulties which have to be met by the goldmining industry at present, the better it will be for the State of Western Australia. There is a pressing need to recognise the importance of effecting decentralisation; and the sooner this is done the better it will be for all concerned.

As pointed out by Mr. Strickland, the measure will not produce a great amount of revenue but it will aggravate the difficulties which already beset the people in outback areas who can ill afford to carry these additional charges. For those reasons I am going to join those members who intend to oppose the Bill.

On motion by the Hon. R. C. Mattiske, debate adjourned.

### ADJOURNMENT—SPECIAL

**THE HON. A. F. GRIFFITH** (Suburban—Minister for Mines): I move—

That the House at its rising adjourn till 2.30 p.m. tomorrow.

Question put and passed.

*House adjourned at 8.31 p.m.*

### CONTENTS—continued

	Page
<b>QUESTIONS WITHOUT NOTICE :</b>	
Publicising Western Australia, a mission for "Miss Australia" .....	2542
KA railway waggons, examination of contract by Auditor-General .....	2542
<b>CLOSING DAYS OF SESSION :</b>	
Standing Orders suspension .....	2542
<b>BILLS :</b>	
Electoral Districts and Provinces Adjustment Bill, 1r. ....	2542
Constitution Acts Amendment Bill, 1r. ....	2542
Metropolitan Region Town Planning Scheme Bill—	
2r. ....	2543
Com. ....	2554
Report, 3r. ....	2561
Argentine Ant Bill, returned .....	2561
Town Planning and Development Act Amendment Bill (No. 3), 2r., remaining stages .....	2561
Hire-Purchase Bill—	
2r. ....	2561
Com. ....	2576
State Transport Co-ordination Act Amendment Bill—	
Message—Appropriation .....	2577
2r. ....	2577
Albany Harbour Board Act Amendment Bill, 2r. ....	2578
Bunbury Harbour Board Act Amendment Bill, 2r., remaining stages .....	2579
<b>ANNUAL ESTIMATES, 1959-60, Com. of Supply—</b>	
Votes and items discussed .....	2579

## Legislative Assembly

Wednesday, the 28th October, 1959

### CONTENTS

	Page
<b>QUESTIONS ON NOTICE :</b>	
Bread, lifting of price control .....	2539
Superannuation and pensions, increase and state of Government fund .....	2539
Perth Dental Hospital, professional personnel .....	2540
Crosswalks regulation breaches, prosecutions and penalties .....	2540
Fremantle Harbour, expenditure on No. 10 berth .....	2540
Government servants, salaries exceeding £2,000 and £3,000 per annum .....	2540
Air freight subsidy, grant to North .....	2541
Railway freights, increase .....	2541
Housing Commission homes, notice of increased rentals .....	2541
Metropolitan water supplies—	
Draw from Canning Dam and Mundaring Weir .....	2541
Limit of draw from Mundaring Weir .....	2541
Traffic, installation of lights and pedestrian crossing at Midland Junction .....	2541
Caversham motor trials—	
Police traffic officers, and vehicles present .....	2542
One-way traffic regulation .....	2542

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

### QUESTIONS ON NOTICE

#### BREAD

##### *Lifting of Price Control*

1. Mr. **HAWKE** asked the Minister for Labour:

Will he lay upon the Table of the House all papers dealing with the decision of the Government to lift price control on various classes of bread?

Mr. **PERKINS** replied:  
Yes.

*The file was tabled.*

#### SUPERANNUATION AND PENSIONS

##### *Increase and State of Government Fund*

2. Mr. **HEAL** asked the Premier:
  - (1) Has the Government given consideration to providing an increase this financial year in the pensions and superannuation of ex-Government and civil servants?
  - (2) What is the financial state of the fund at the present time?

Mr. BRAND replied:

- (1) This matter is under consideration.
- (2) The present reserve of the fund is £5,357,190 7s. 11d. The actuary is at present undertaking an investigation of the stability of the fund as at the 30th June, 1959. The investigation of the fund at the 30th June, 1954 showed that the fund as at that date was stable.

3. and 4. *These questions were postponed.*

### PERTH DENTAL HOSPITAL

#### *Professional Personnel*

5. Mr. ANDREW asked the Minister for Health:

- (1) How many professional personnel are employed by the Perth Dental Hospital, including the subsidaries?
- (2) What was the number 12 months ago?
- (3) What has been the turnover in personnel during that period?
- (4) What is the reason, or what are the reasons, given by those who left?
- (5) Is the turnover during that period higher than usual?
- (6) If the answer to No. (5) is in the affirmative, will he have an investigation made into the affairs of the Dental Hospital with a view to remedying the situation?

Mr. ROSS HUTCHINSON replied:

- (1) 25 personnel (including part-time).
- (2) 25 personnel (including part-time)
- (3) 12 appointments—12 services terminated.
- (4) Of the 12 who left the staff, eight resigned to travel overseas for experience or returned to private practice. One member resigned to accept an appointment at Princess Margaret Hospital. One female operator left the staff on her husband being transferred to Kalgoorlie. The remaining two include one who resigned because of dissatisfaction concerning his status, and one who was dismissed.
- (5) No direct comparison is available because of the establishment of metropolitan and country clinics in the last twelve months' period. Considered not above normal.
- (6) Answered by No. (5).

### CROSSWALKS REGULATION BREACHES

#### *Prosecutions and Penalties*

6. Mr. ANDREW asked the Minister for Transport:

- (1) How many motorists have been prosecuted for not giving way to a pedestrian on a crosswalk since the new regulation has been in operation?
- (2) How many have been found guilty?
- (3) What has been the average fine?
- (4) Has any other penalty, apart from a fine, been imposed?
- (5) If the answer to No. (4) is in the affirmative, what were the other penalties?

Mr. PERKINS replied:

- (1) 46.
- (2) 43.
- (3) £6.
- (4) Yes.
- (5) One license suspended for one month, in addition to the fine.

### FREMANTLE HARBOUR

#### *Expenditure on No. 10 Berth*

7. Mr. FLETCHER asked the Premier:

- (1) What amount has been spent to date on No. 10 Berth, Fremantle Harbour?
- (2) How much more expenditure is estimated to complete the berth?
- (3) Will it be satisfactory as a berth?
- (4) In view of Colonel Tydeman's Report, vol. II, paragraphs 77, 79, and 187, could not the Government spend the available finance to better advantage for future harbour expansion in the Cockburn Sound area?

Mr. BRAND replied:

- (1) £1,161,550.
- (2) Nil.
- (3) Yes.
- (4) Answered by No. (2).

8, 9, and 10. *These questions were postponed.*

### GOVERNMENT SERVANTS

#### *Salaries Exceeding £2,000 and £3,000 per Annum*

11. Mr. JAMIESON asked the Treasurer:

- (1) How many Government servants and pseudo Government servants receive salaries of £2,000 per annum or more?
- (2) How many of these salaries exceed £3,000 per annum?

Mr. BRAND replied:

- (1) Approximately 857.
- (2) Approximately 115.

12. *This question was postponed.*

**AIR FREIGHT SUBSIDY***Grant to North*

13. Mr. RHATIGAN asked the Minister for the North-West:

In view of requests from the North to have the air freight subsidy commence on the 1st November, as has been the practice in the past, will he follow such past practice and grant to the people of the North this most necessary amenity?

Mr. COURT replied:

Cabinet will make a decision on Monday.

**RAILWAY FREIGHTS***Increase*

14. Mr. LEWIS asked the Minister for Railways:

- (1) Is it proposed to increase railway freights in the near future?
- (2) If so, on which classes of freight will the increase be made?

Mr. COURT replied:

- (1) and (2) The whole of the railway finances are under review—both the expense and revenue sides.

Mr. Graham: Are you waiting for Parliament to rise?

**HOUSING COMMISSION HOMES***Notice of Increased Rentals*

15. Mr. JAMIESON asked the Minister representing the Minister for Housing:

- (1) Is he aware that State Housing Commission rents have been raised without tenants being formally advised?
- (2) Would he undertake to have tenants officially advised in writing on any future increase in rentals?

Mr. ROSS HUTCHINSON replied:

- (1) and (2) As rental rebates are automatically adjusted whenever tenants' incomes alter, tenants in receipt of Commonwealth pensions were recently notified that as from the 12th October, 1959, their rental rebates would be adjusted as a result of the increase in pensions. Metropolitan tenants were given a written advice slip for insertion in their rent book or had an entry made in the newer type book; these showing the alteration in rebate and new assessed rent. These actions were carried out by the commission's rent collectors. Country tenants were notified in writing.

**METROPOLITAN WATER SUPPLIES***Draw from Canning Dam and Mundaring Weir*

- 16A. Mr. OWEN asked the Minister for Water Supplies:

What is the average daily draw of water from the metropolitan area from—

- (a) the Canning Dam;
- (b) Mundaring Weir?

Mr. WILD replied:

- (a) and (b) At present the draw from Canning Dam and Mundaring Weir (for the metropolitan area) is less than one quarter million gallons per day from each source.

*Limit of Draw from Mundaring Weir*

- 16B. Mr. OWEN asked the Minister for Water Supplies:

Is it proposed to limit this draw from Mundaring Weir to ensure that the supply for the Goldfields and country areas will be adequate for future requirements?

Mr. WILD replied:

It is not proposed to limit this draw from Mundaring, which is essential to supply a limited number of hills residents. The question of any additional draw from Mundaring for the metropolitan area for the coming summer has not yet been decided, but an assurance is given that the Goldfields and country areas will not be prejudiced by any decision made.

**TRAFFIC***Installation of Lights and Pedestrian Crossing at Midland Junction*

17. Mr. BRADY asked the Minister for Transport:

- (1) Is any consideration being given to installing traffic lights in the Midland Junction shopping area?
- (2) If so, will he state at what point the lights will be installed?
- (3) Will consideration be given to providing a pedestrian crossing from the Midland Railway Company's entrance gates to Button's butcher shop to ensure safe crossing of the road to Midland Railway employees and shoppers visiting the area?

Mr. PERKINS replied:

- (1) Not at present.
- (2) Answered by No. (1).
- (3) The procedure in respect of the provision of new pedestrian crossings is for the local authority to

advise the Main Roads Department of the request, supporting it with preliminary pedestrian-vehicular counts. All metropolitan local authorities have been advised of this procedure. No such request has yet been received from the Midland Junction Municipality.

### CAVERSHAM MOTOR TRIALS

#### *Police Traffic Officers and Vehicles Present*

18. Mr. BRADY asked the Minister for Transport:

- (1) How many police traffic officers were in attendance to control traffic to Caversham motor trials on Saturday, the 24th October?
- (2) Approximately how many vehicles attended the trials?

#### *One-way Traffic Regulation*

- (3) Was a regulation issued for one-way traffic between Guildford and Caversham from 1 p.m. to 2.30 p.m. on the 24th October?

Mr. PERKINS replied:

- (1) Between 1 p.m. and 4 p.m.—1 patrolman, 1 car; between 4 p.m. and 5.30 p.m.—3 patrolmen, 1 car, for duty inside the metropolitan boundary. (There were three police on special duty who did some traffic duty in the vicinity of the gates, although actually employed for duty in the grounds.)
- (2) Not known, but believed in the vicinity of 1,000 were on the road. Many did not gain admittance.
- (3) No. I may add that apparently the attendance at the fixture was much greater than anticipated by the organisers, and the traffic police were not officially notified of these races, which took place on a track outside the boundary of the metropolitan traffic area.

### QUESTIONS WITHOUT NOTICE

#### PUBLICISING WESTERN AUSTRALIA

##### *A Mission for "Miss Australia"*

1. Mr. HALL asked the Premier:

- (1) Is he aware of the article in *The West Australian*, of today's date headed "State Job for Miss Australia," which states—

The State Government will give prepared publicity material to Miss Australia—Miss Joan Stanbury, of Bunbury—when she leaves for a three-month overseas tour late in December?

- (2) If he is aware of the article in today's *The West Australian*, can he advise the House whether Miss

Australia is an ambassadress for the State Government without any form of remuneration, or does she receive payment for services rendered?

Mr. BRAND replied:

The honourable member was good enough to give me a copy of his question and of the article to which he has referred. I assure him that Miss Australia is not receiving anything in the way of remuneration from the Government. In fact, the Government is taking advantage of her trip overseas in order to spread a certain amount of publicity and propaganda abroad in regard to the State, whilst realising, of course, that she is Miss Australia and is going away as a representative of the nation and not particularly of Western Australia.

### KA RAILWAY WAGONS

#### *Examination of Contract by Auditor-General*

2. Mr. TONKIN asked the Minister for Railways:

- (1) Has the Auditor-General completed his inquiries into the several matters relative to the KA wagon contract?
- (2) If so, when is it expected that the report will be available in Parliament?

Mr. COURT replied:

- (1) and (2) I do not know whether the Auditor-General has completed his work, but I will take the first opportunity to ask him, and I will advise the honourable member.

### BILLS (2)—FIRST READING

1. Electoral Districts and Provinces Adjustment Bill.
2. Constitution Acts Amendment Bill.  
Introduced by Mr. Watts (Attorney-General).

### CLOSING DAYS OF SESSION

#### *Standing Orders Suspension*

MR. BRAND (Greenough — Premier)  
[4.45]: I move—

That until otherwise ordered, the Standing Orders be suspended so far as is necessary to enable Bills to be introduced without notice and to be passed through all their remaining stages on the same day, all messages from the Legislative Council to be taken into consideration on the same day they are received, and to enable resolutions from the Committees of Supply and of Ways and Means

to be reported and adopted on the same day on which they shall have passed those Committees.

A similar motion is moved approximately at this stage of the session every year in order that there will be no undue delay through having to give notice and carry through the routine stages of Bills. It is, in fact, a motion moved every session. In 1956 the session started on the 2nd August, the motion was moved on the 27th November, and the session finished very near to Christmas—on the 21st December. In 1957, the session started on the 4th July, the motion was moved on the 13th November, and the session finished on the 29th November. In 1958, the session began on the 7th August, the motion was introduced on the same day as it was in the previous year—the 13th November—and the session concluded on the 5th December. On this occasion we started the session on the 30th June, and we are moving the motion today; and it is hoped we will conclude the session approximately at the end of November.

I have read the speeches made by previous Premiers when introducing this motion, and they said very little except to assure the House that in the event of Bills being introduced, members would be given the usual time, based on past experience, for consideration of them. Therefore, in order that we might conclude the session at the end of the month—I mean, at the end of November; I hardly think we could conclude at the end of this month—I move the motion.

**MR. HAWKE** (Northam) [4.48]: It is true that the motion is one which is brought down within a month or so of the expected time of conclusion of each session of Parliament. Having, however, listened to the Premier when he was Leader of the Opposition, towards the end of last session, I was looking forward with some anticipation to this sort of thing being unnecessary once he and his colleagues became the Government.

**Mr. Brand:** What did I say last session?

**Mr. HAWKE:** The Premier, when he was Leader of the Opposition, strongly condemned the Ministers of the previous Government for what he described as the late introduction of Bills, last-minute rush, and all the rest of it. I can see the Minister for Lands remembers very keenly—

**Mr. Bovell:** It has ever been thus.

**Mr. HAWKE:** —the display the present Premier put on a year ago; and, perhaps, two years ago as well.

**Mr. Ross Hutchinson:** Are you going to say it, too, now?

**Mr. HAWKE:** It is not necessary for me to say how difficult it is to run to any sort of a set timetable in Parliament. I suppose it is a good thing that it cannot be done.

After all, we are sent here to represent, firstly, the people in our electorates; and, secondly, in a general way, all the people of the State. In that situation we have a very important duty to say what we think should be said in connection with every Bill and motion which comes before us.

In principle I offer no objection to this motion. However, there are still some important measures set down on the notice paper for the second reading introduction. In addition, the Attorney-General this afternoon moved the necessary preliminary motions in connection with two other important Bills. Goodness knows how many more Bills are still to be introduced in the preliminary stage; I doubt whether even Ministers of the Government know that.

**Mr. Brand:** They would be the first to know.

**Mr. HAWKE:** Their officers may not have taken them into their confidence as yet! However, we seek an assurance to the effect that adequate time will be made available for the fair and reasonable consideration of the more important measures which have already been introduced, or are about to be introduced, and for any other important measures which may yet have to be introduced. It is essential that proposed legislation of an important character, which is likely to affect the situation and welfare of all the people, or a great many of the people, should be carefully and closely considered, not only by members of the Opposition but also by members on the other side of the House.

Therefore, we seek an assurance from the Premier that this motion, after it is carried, will not be used for the purpose of trying to rush through the House, without fair and reasonable consideration, any measure at all, and particularly measures which are of an important character.

**MR. BRAND** (Greenough—Premier—in reply) [4.59]: Naturally, I give the usual assurance. The most important stage of a Bill is the second reading; and in regard to any major measures—or, in fact, all measures which are to be introduced—the Opposition will have adequate time to consider them as has been the case, in the main, in the past.

**Question put and passed.**

## METROPOLITAN REGION TOWN PLANNING SCHEME BILL

### *Second Reading*

Order of the Day read for the resumption of the debate from the previous day.

### *Point of Order*

**Mr. W. HEGNEY:** Mr. Speaker, I regret that once again I have to take a point of order on this Bill.

**The Premier:** Not again!

Mr. W. HEGNEY: I believe that there is no other course open to me; and I would like your guidance, Mr. Speaker, as to whether I should give reasons for my point of order to enable you to give due consideration to the points raised, as you did on a previous occasion, or whether you are prepared to give a ruling after hearing the points that I wish to submit.

The SPEAKER: I think the honourable member had better give his reasons now, and then I will give a ruling.

Mr. W. HEGNEY: I will be pleased to do that with as much clarity as I possibly can. In the first place, I was not the only one who was amazed and astounded when the Minister for Transport, representing the Minister for Town Planning, yesterday introduced two Bills, one called the Town Planning and Development Act Amendment Bill (No. 3), and the other the Metropolitan Region Town Planning Scheme Bill. I listened to the Minister when he introduced these Bills; and he was rather casual, if not off-handed, in his attitude.

Mr. Graham: Arrogant.

Mr. W. HEGNEY: I was not going to use the word "arrogant".

The SPEAKER: Can the honourable member tell me what his point of order is, and under what Standing Order it is taken, and then I can relate his remarks to that Standing Order?

Mr. W. HEGNEY: The Standing Order is No. 181, and I propose to examine it minutely before I resume my seat. I said that the Minister, in introducing the Bill, was casual in his attitude. He was brief; and he made only a few statements, one of which was that the Bills dealt with a subject debated at great length in this Chamber during recent weeks. Then he went on to say, "An entirely new approach has been made to this particular question." I want all members—and particularly you, Mr. Speaker—to have regard to those two statements. He said that the Bills dealt with a subject debated at great length in this Chamber during recent weeks, and followed it up with the statement that an entirely new approach had been made to this particular question. But the Minister did not say that these Bills were not the same in substance as previous Bills introduced into this Chamber. He said nothing of the kind.

Mr. Perkins: I thought that was self-evident.

Mr. W. HEGNEY: I challenge the Minister this afternoon to say it; and I invite you, Mr. Speaker, to examine carefully, as I have tried to do in the short time at my disposal—we were kept here until 20 minutes to 1 this morning—the provisions of the Town Planning and Development Act Amendment Bill (No. 2).

They were practically the same as the provisions contained in the original Bill, except for the reference to members of Parliament. You agreed with me, Mr. Speaker; and you said that the original Bill, and the Town Planning and Development Act Amendment Bill were almost identical. As a matter of fact, when I quoted the Minister's words, he said, "I did not say it was identical".

The SPEAKER: I think the honourable member should relate his remarks to the present Bill and not what happened on a previous occasion.

Mr. W. HEGNEY: I am relating them to the present Bill; but first it is necessary to clear up the point I am discussing. One of the measures introduced yesterday had an entirely different title from those of any of the previous Bills introduced, and it did not indicate that the subject matter in it was substantially different from the subject matter of either of the Bills previously introduced, one of which was ruled out of order in the Legislative Council, and one of which was ruled out of order by you, Mr. Speaker, after I had raised a point of order.

That is my first point. The two Bills introduced yesterday, one of which had a title similar to a previous Bill introduced, and one of which did not, both contain subject matter which is substantially the same in character as the previous legislation introduced, and which has been ruled out of order.

I said that I had examined as carefully as I could, in the time at my disposal, the subject matter or the contents, or the material parts of the two Bills; and, as far as I could ascertain, that subject matter closely resembles the verbiage in the previous legislation. In the Town Planning and Development Act Amendment Bill (No. 3) there is a definition of "building line". I am not going to quote the definition; suffice it to say that that definition, which is in the Town Planning and Development Act Amendment Bill (No. 3), is substantially the same as the one in the Town Planning and Development Act Amendment Bill (No. 2). Clause 3 of the Town Planning and Development Act Amendment Bill (No. 3) is the same as clause 5 of the No. 2 Bill which you, Sir, ruled out of order. Clause 3 of this Bill is purely consequential, or corrective.

Without going into detail, and only to give you an indication of the minor character of this new provision, I would point out that it will be seen immediately on reading it that the third schedule to the principal Act is amended by deleting the names "Nedlands" and "South Perth" from the list of names appearing under the heading, "Road Districts", and placing them under the heading of "Municipalities." There is nothing important

in that, because some time ago both Neddlands and South Perth were raised to the status of municipal councils.

So, for the moment, that disposes of the Town Planning and Development Act Amendment Bill (No. 3). I will not weary the House by quoting the comparison between the Bill now before us, which is called the Metropolitan Region Town Planning Scheme Bill, and the Bill which was known as the Town Planning and Development Act Amendment Bill (No. 2) of 1959. In clause 3 of the Metropolitan Region Town Planning Scheme Bill there is reference to its being incorporated in the Town Planning Act. That is a point with which I will deal later.

Clause 4 of the Bill before us is the same as clause 6 of the Town Planning and Development Act Amendment Bill (No. 2); clauses 5, 6, and 7 are the same as clauses 37, 38, and 39 in the previous Bill; clause 7 (4) is the same as clause 39 (4) of the previous Bill; clause 8 is the same as clause 40; clause 9 is the same as clause 41; and clauses 10 to 18 in the Metropolitan Region Town Planning Scheme Bill are the same as those which were included in the previous Bill which you, Sir, ruled out of order.

Mr. Graham: Do you mean they are the same or identical?

Mr. W. HEGNEY: They are practically identical in verbiage. Clause 19 of the Bill before us refers to a delegation of powers; and, as far as I can see, the previous Bill was silent on that point. But I suggest that delegation of powers is not material to a Bill of this character. To continue, we find that clause 20 of the Bill before us refers to exemption from personal liability.

That is only a machinery clause which will be found in a number of other Bills. As far as I can see, clauses 21 to 38 of this Bill correspond with clauses 53 to 70 of the previous Bill, which was ruled out of order; and clauses 39 to 45 correspond with clauses 71 to 77 of the previous Bill. Clause 46 of the Bill before us, which is one with an entirely new title, provides—

This Act continues in operation until the thirtieth day of June, one thousand nine hundred and sixty-two, and no longer.

That did not appear in the Bill which was ruled out of order. The schedule in this Bill is slightly different, but the only difference in that schedule is that the reference to the State Government departments has been omitted from it.

I would like to summarise the position as I see it, and as it was indicated by the Minister, when he informed the House of the difference between the Bills. I wish to reiterate briefly that he did not say, nor did he claim at any stage, that this Bill was different in its subject matter, or substantially different, from that which

was contained in the previous Bill. As far as I can recollect, all the Minister said was that the schedule relating to Government departments in the previous Bill had no time limit, whereas the Bill before us has. He also indicated that provision was made for five Government employees to be members of the town-planning authority; that that provision has been altered and the Bill before us provides that the Governor shall appoint five members.

Those are the only actual differences between the previous measure and this Bill. I suggest that one of the important phases of this Bill is the constitution or setting up of a town-planning authority consisting of 11 members. The previous Bill also provided for 11 members, although there is a slight difference in the selection or appointment of five members.

The next point I wish to make is that the functions, powers, obligations, liabilities, and so forth of this town-planning authority are the same as those contained in the previous Bill. The Metropolitan Region Town Planning Scheme Bill provides in clause 41—

41. (1) Subject to the provisions of subsections (2) and (3) of this section, every person who, at midnight on the thirtieth day of June, one thousand nine hundred and fifty-nine, and at that time in each year thereafter, is the owner of land situate within the metropolitan region shall in accordance with the provisions of this Act pay Metropolitan Region Improvement Tax on the land which is hereby chargeable with the tax imposed by and at the rate imposed by section two of the Metropolitan Region Improvement Tax Act, 1959 for the then current financial year.

This is similar to the provision in the previous Town Planning and Development Act Amendment Bill, which was ruled out of order. I submit that that clause is vital in both measures because it refers to the taxing Bill with which I propose to deal in a moment, since it does have some relation to this clause. As I have said, it is vital to both measures, in that the setting up of the authority and the setting out of its duties are substantially the same in both Bills. I do not wish to take advantage of the Minister in this matter; but as far as I know, he indicated—and I am open to correction if I am wrong—that the two Bills he introduced yesterday were the final Bills in regard to this particular matter. I do not know whether that is right or not.

Mr. Perkins: I did not say that.

Mr. W. HEGNEY: It is apparently proposed to introduce a taxing Bill. Is that not so?

THE SPEAKER: I think the honourable member had better confine himself to the question before the Chair.

Mr. W. HEGNEY: You see, Mr. Speaker, I get no answer to a very simple question. I will briefly explain the position as I see it with regard to the taxing Bill, which was introduced previously here and which left this Chamber. That Bill had reference to two previous measures one of which was ruled out of order by the Legislative Council; and the other was ruled out of order by you, Sir. That Bill has not varied; it has no use whatever, because there is no supporting Bill to warrant its having any application. If the Minister is not going to introduce a taxing Bill, I am sure he is going to harness this with the measure which has been previously passed, and which is an entirely different measure altogether. It is not a Town Planning and Development Act Amendment Bill, but a Metropolitan Region Town Planning Scheme Bill. The Minister cannot have it both ways. Clause 3 of the Bill before us states—

3. This Act shall be construed in conjunction with the Town Planning Act, as if the provisions of this Act were incorporated with and formed part of that Act, but where the provisions of this Act are in conflict or are inconsistent with the provisions of that Act, the provisions of this Act prevail to the extent to which they are so in conflict or inconsistent.

This is a Bill with a new title. The clause I have just read definitely implies that this measure is to become part of the body of, or become united with, the Town Planning and Development Act. If that is so, it proves more than ever my point that this Bill is the same in substance as the one previously ruled out of order. I have had a look at the latest *Webster's Twentieth Century Dictionary*, and I find that the word "incorporated" is defined as meaning united in one body; united in a legal body. So the implication is that this Bill is to be absorbed in the Town Planning and Development Act.

In the same dictionary I found the word "substance" described as coming from the Latin root *substantia* and meaning essence, material; from *substare*, to be present, exist; the essential part; the main or material part. The underlying purport or idea as distinguished from its expression—as the "Digest" gives the substance of many important cases. The same dictionary has the word "substantial" as meaning belonging to substance, real, actually existing; real, solid, true, not seeming or imaginary.

I would now like to refer to the Minister's statement when he introduced the second Bill on the 22nd of September, 1959. In moving the second reading the Minister said—

I am very sorry to have to worry the House with this Bill once again. As members will note, it is almost identical with the original Town Planning

Bill that I introduced to this Chamber a week or two ago, and which was eventually passed after a great deal of debate.

Mr. Evans: What is the difference between this Bill and the other one?

Mr. PERKINS: I will explain in a moment. As I think members are aware, the Legislative Council decided that the Bill as presented to it was unconstitutional, and was not prepared to consider it. Members will recall that there was some discussion on this point in this Chamber and you, Sir, ruled that the Bill did not require an absolute majority in order to comply with the Constitution. The Legislative Council decided otherwise. Irrespective of our opinions on the necessity or otherwise of a constitutional majority, the fact remains that we are obliged to accept the ruling of the Legislative Council, and the only way to resolve the matter is to reintroduce the Bill in this Chamber in an amended form.

I hope it will not be necessary to go through the Bill in the same detail that we did when it was previously before this House. If members will accept the measure with the few amendments that it contains—namely, the deletion of certain portions, and the alteration of one or two other words—the Bill can be given a reasonably speedy passage. I have no doubt it will then be acceptable to the Legislative Council in its present form without a constitutional majority of the House being necessary to pass it. . .

Mr. Nulsen: The Bill will be substantially the same with the exception of those deletions.

Mr. PERKINS: That is so. If members look at page 11 of the new Bill, they will notice that there are two paragraphs instead of three; and that paragraph (a) of the present Bill deals with a council or municipality, and paragraph (b) with a road district under the Road Districts Act. They will also notice that paragraph (a) of the original Bill has been entirely deleted.

That is the only substantial difference in the two Bills.

I have referred to the difference between the Bill now before us and the previous ones. I submit there is no substantial difference. I draw attention to the remarks I made on the 22nd September last, as reported on page 1794 of *Hansard*, when I referred to two extracts from Sir T. Erskine May's *Parliamentary Practice*. Those two extracts apply to a large extent



to the measure now before us. To emphasise the point I am making, I refer to Standing Order No. 181 which states as follows:—

No question shall be proposed which is the same in substance as any question which, during the same session, has been resolved in the affirmative or negative.

That Standing Order does not refer to alterations or to the different titles of the Bills. The material point is that if the subject matter of the Bills is substantially the same, then the Bill before us cannot face up to the Standing Order I have quoted. I invite the Minister to prove to this House that the Bill is not substantially the same as the one which was ruled out of order previously.

I am amazed that the Bill now before the House, with a different title, has been introduced. To me it is rather a crude and awkward way of trying, in the first place, to get over the action of the Legislative Council; and, in the second place, to get over your ruling, Sir, which was given after much consideration and examination of Standing Orders.

Why has the title in the Bill under consideration been changed? Does the Minister think that by changing the title, while retaining the same subject matter, he will deceive you? He certainly has not deceived members of this House. I invite the Minister to quote the advice of the Crown Law Department relating to the substantial matter contained in the Bills, and as to whether or not it is substantially the same in character.

I have tried to make my point as clearly as I can. You upheld my point of order previously on two grounds. Firstly, you ruled very definitely that the Bill then introduced by the Minister for Transport was the same in substance as the first Bill, relating to this matter, which was introduced previously in the session, and which was ruled out of order, although it passed this House.

Secondly, you said that a position could arise where it would be awkward or impossible for certain Bills to be passed, if the ruling was too rigid. You also made the remark, in the same sentence, that the vital point was that the Bill was substantially the same in character as the one previously ruled out of order. Those are my reasons for raising this point of order. I sincerely trust that you, in your wisdom and impartiality, will rule that the point of order be upheld.

#### *Speaker's Ruling*

The SPEAKER: The member for Mt. Hawthorn has raised a point of order under Standing Order No. 181 which reads—

No question shall be proposed which is the same in substance as any question which, during the same session, has been resolved in the affirmative or negative.

In other words, what I am asked to do is to confirm whether the proposition contained in the Bill introduced by the Minister for Transport last evening is the same in substance as the one previously introduced by him, and which I ruled out of order on the 29th September.

Admittedly the Bill now before us deals with the same general subject; but I think the approach is different in that the proposal for the appointment of the proposed authority and the method of constitution are different. That means it is a different proposition. Furthermore, there is a time limit in the Bill before us, and that limitation was not included in the Bill introduced previously. That makes it substantially different. For that reason I rule that the Bill is in order.

#### *Dissent from Speaker's Ruling*

Mr. W. HEGNEY: I move—

That the House dissent from the Speaker's ruling.

I am obliged to do that because I am of the opinion that your ruling is incorrect. I presume that you have had an opportunity to study and to compare the subject matter of the previous Bills, with that of the Bill now before us. You ruled that because there is a time limit in the Bill before us, and that the method of constituting the Town Planning Authority is different, it is different in character.

I ask members to compare the Town Planning and Development Act Amendment Bill (No. 2), 1959, which was introduced previously, with the one now before us, forgetting for the moment the third measure which contained only a couple of provisions. Here are two Bills which differ in their titles. Apart from the method of constitution of the authority being slightly different, and apart from the time limit, the subject matter is the same. The vital point is that the idea underlying both measures is the setting up of a town-planning authority and the imposition of a tax on metropolitan landowners. If one examines the two Bills, particularly the provisions relating to the machinery to set up the town-planning authority, it will be observed that a number of clauses in both are exactly the same in character.

For the information of members I shall read the provision relating to the constitution of the proposed authority in the Town Planning and Development Act Amendment Bill (No. 2). On page 4, proposed section 39 reads as follows:—

(1) For the purposes of this Act, an authority having the functions prescribed by this Act is constituted as provided in this section.

(2) The name of the authority is The Metropolitan Region Planning Authority.

(3) Eleven members including the Chairman, all appointed by the Governor, constitute the Authority.

(4) Subject to section forty of this Act, the members shall be—

- (a) the Chairman of the Authority
- (b) five members, each one being an officer employed in one of the public authorities set out in Part A of the Fourth Schedule to this Act, and who shall represent that public authority in which he is employed;

Those public authorities are the Main Roads Department, the Public Works Department, the Lands and Surveys Department, the Government Railways, and the Town Planning Department.

The SPEAKER: You are referring to the Bill which I ruled out of order on the 29th September?

Mr. W. HEGNEY: That is so.

The SPEAKER: I point out that that Bill was resolved neither in the affirmative nor in the negative.

Mr. W. HEGNEY: The Bill to which I have just referred is the same as the Town Planning and Development Act Amendment Bill (No. 1), with the exception of a reference to members of Parliament. Proposed section 39, to which I have just referred, continues—

- (c) a member being a mayor or councillor of the Municipality of The City of Perth and who is nominated for appointment as a member by the Council of the Municipality; and
- (d) four members each representing one of the groups of local authorities in Part B of the Fourth Schedule to this Act, who shall be a mayor, councillor or member as the case may be of one of the local authorities set out in the group which he represents.

Under the Bill before us, clause 7 (4) states as follows:—

Subject to the provisions of section eight of this Act, the members shall be—

- (a) the Chairman of the Authority appointed by the Governor;
- (b) five members, each one appointed by the Governor;

The other two provisions relating to the appointment of the representatives from local authorities are the same as these in the Town Planning and Development Act Amendment Bill (No. 2).

The proposed authority is the same in name and substance. It will have the same powers and duties. The qualifications for appointment will be the same. From my point of view the position is very clear. The authority to be set up under the Bill before us is the same in substance as that proposed in the two measures introduced earlier in this session.

In regard to the time limit, I do not think that is a vital point. The previous measure contained no time limit. An amendment was introduced by a member in this House to insert a time limit in the previous measure, but that amendment was not agreed to. If the Bill before us did not contain a time limit to the 30th June, 1962, it would be competent for any member to move for the inclusion of a time limit. If this limitation is agreed to, then for three years the proposed authority will function; and for three years the metropolitan region improvement tax will be imposed on residents of the metropolitan area. If the Bill is passed without any time limit, the tax will be imposed just the same.

I consider the measure to be the same. I repeat, this is a most crude and awkward way which the Government is trying to get around a decision of Parliament and around your ruling. I know that you have given your ruling in accordance with your views; but I submit that the Bills are the same in character, although there is a difference in the titles. They have the same objective and are designed for the same purpose; that is, for the setting up of a town-planning authority, and for the imposition of a tax on the people in the metropolitan area.

Mr. MOIR: I support the motion moved by the member for Mt. Hawthorn to disagree with your ruling. An examination of the Bill before us and the two measures introduced previously will reveal that they are on all fours, one with the other, except for a few minor alterations. Even the contention of the Minister when he introduced this Bill was on all fours with his contention when he introduced the other Bills.

I would remind the House that the Minister introduced last evening, the Bill under consideration, and he spoke very few words in explanation. I doubt whether he uttered more than 200 words. He explained the minor details of difference between this measure and the previous one, introduced earlier in the session. When introducing the companion Bill he said:

This Bill, and another one which will follow it, deal with a subject which has been debated at great length in this Chamber during recent weeks. I would think, taking into consideration the debates that were made on a Bill which was subsequently ruled out of order, that every possible angle of this subject must have been covered.

And that would be exactly the position in debating this Bill which is now before us. There would not be one possible angle of it which has not been already covered in debate; and nothing fresh could be added to it, I am quite sure. It proves beyond all doubt that this Bill is exactly

the same in substance as the previous Bill or the two previous Bills which have been before this Chamber this session.

I feel that you, Mr. Speaker, in all honesty, have expressed your opinion on the Bill; but I consider that there are ample grounds for disagreeing with your opinion when one makes a close study of this Bill and finds that it is practically word for word the same as the previous one. Passages are exactly the same; it provides for exactly the same thing; the arrangements are exactly the same; the interpretation and the provisions of finance contained in the various clauses are all exactly the same. The only difference in the Bill is the different numbers. For instance, the arrangement in the second Bill was under clauses 36 and 34; and in this Bill they are 37 and 35.

I cannot see where a line of demarcation can be drawn between this Bill and the previous one. I have searched right through the Bill, and there are only minor alterations that were explained by the Minister last night. It took less than two foolscap pages for him to make his explanation. I, too, have to disagree with your ruling.

Mr. TONKIN: I regret exceedingly that your ruling has to be opposed in connection with this matter, because I think it is desirable that this Bill should be passed this session, although not precisely in its present form but with some amendments. Our conduct in this matter should not be determined by our desires. After all, when rules are laid down, they are laid down for a special purpose, not so that, when it suits someone, a coach-and-four can be driven through them, because the practice in Parliament is to rely on precedent; and if the House upholds your ruling in connection with this matter, then on some future occasion when it may not be desirable or expedient to pass a certain measure, an attempt will be made to do so by relying on the ruling which you give on this occasion. Therefore, we have to keep in mind that in making a decision on your ruling in this matter, we are determining a course of action which will be binding upon proceedings in this House on future occasions.

It is perfectly clear that there was only one course open to the Government to extricate itself from the mess it got itself into, and that was to call another session of Parliament. I know, from statements which were made, that consideration was given to the desirability of that course; but the Government declined to follow it, hoping that it could effect its purpose irregularly in this way. In other words, it hopes to stretch the Standing Orders to permit it to do something that it has no right to do.

The Standing Orders are for the purpose of protecting the rights of members and determining the procedure in Parliament.

They are not there to be twisted this way and that way to suit some particular occasion. The criterion in this matter is whether this Bill is or is not the same in substance. If it is the same in substance, it is out of order; if it is not the same in substance, it is in order.

If a Bill is introduced into Parliament and, after its introduction, it is desired to make substantial amendments to it to effect a considerable change in the legislation, the Standing Orders will not permit it to be done, and so the Bill has to be withdrawn and reintroduced in order to effect that purpose. Substantial changes have not been made with regard to this Bill. Some minor alterations have been made, and that is all. A few details have been changed, and an alteration made here and an alteration made there; but with respect to the main purpose, minor alterations only have been made. As there are therefore not considerable changes, the Bill remains the same in substance, and that is what the Standing Orders provide.

The Standing Orders have been drawn up for the purpose of preventing the line of action which the Government proposes to take. Otherwise it would be a simple matter for the Government, or any member, to reintroduce a Bill containing a few minor amendments a week following its defeat, and have another shot. If that failed, he could introduce it a third time, again with minor alterations, and have still another shot. He could do this hoping that finally he would be able to have his Bill passed. He would be wasting the time of Parliament in doing so, and the Standing Orders are provided for the very purpose of preventing that line of action.

I think that there is a responsibility upon the Attorney-General in this matter to state his opinion and to deal with the point raised from the legal sense and not with the desire of having this Bill passed or the desire to have the Government effect a certain purpose. This has to be determined from the point of view of the law, not as to its desirability or its expediency to the Government.

It is just too bad that the Government has found itself in this mess. If it had listened to the Opposition, it would not have been in a mess. But it cannot stretch Standing Orders to extricate itself. If it does, the Standing Orders become a farce and might as well be jettisoned and completely scrapped. They are provided to prevent a certain course of action being taken and when they forbid a course of action that action should not be taken.

Standing Order No. 181 is perfectly clear. It is as follows:—

No question shall be proposed which is the same in substance as any question which, during the same session, has been resolved in the affirmative or negative.

I submit with respect, Mr. Speaker, that there was nothing in your point that the Bill to which the member for Mt. Hawthorn referred was not carried in the affirmative or negative. It is axiomatic that things which are equal to the same thing are equal to one another. The Bill which you ruled out of order was ruled out of order because it was the same in substance as a previous Bill ruled out of order in another place but passed in this House by a simple majority.

Therefore, we come back to the question: Is this Bill the same in substance as the other Bill, or is it not? I could get a satisfactory answer to that question in the first form in a secondary school. It is only adopting a subterfuge to say that it is not the same. It is for precisely the same purpose as was the other Bill, a purpose which I would like to see put into operation because I think it is necessary. However, that does not mean that I must twist the Standing Orders to permit the Bill to be introduced.

No objection would have been raised by the Opposition if the Government had gone about this matter in the only way open to it; but we do object to the Government twisting the Standing Orders to suit itself. The Standing Orders are not there for that purpose and a reference to May's *Parliamentary Practice* will demonstrate conclusively that when a Bill is the same in substance it cannot be introduced twice in the same session. There is not the slightest doubt, if this matter is considered impartially, that this Bill is the same in substance and is to effect the purpose in the same way, with a few minor alterations.

If a majority can be found in the House to support such a course, and if the Government has regimented its members and can control its majority, this course will be taken; but not with the acquiescence of the Opposition and not without our very strong opposition—not to the Bill, but to the fact that it is completely irregular to bring a Bill before the House in this way. If this action is taken, it will be followed by succeeding Parliaments and will be an invitation to members to adopt this method to bring a Bill here half a dozen times in the one session if it suits their purpose to do so.

I say, in conclusion, Mr. Speaker, that the way to determine this question is to ask yourself whether any considerable changes have been effected; because if considerable changes have not been effected, the Bill is the same in substance. Changes have been effected, yes; but minor changes; an alteration here or there which makes no difference to the main purpose of the Bill. And, as that is so, there is not the slightest doubt that this measure, being the same in substance, is out of order.

I feel that there should be some spokesman from the Government side in connection with this matter, so that the views

may be recorded. If of no avail on this occasion, the views of both sides should be recorded so that, at some future time, when this matter comes up again for consideration, as it is certain to, the views now expressed may be examined, in order to determine whether they were logical views or otherwise. I support the motion.

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

**Ayes—22.**

Mr. Andrew	Mr. Kelly
Mr. Brady	Mr. Lawrence
Mr. Evans	Mr. Moir
Mr. Fletcher	Mr. Norton
Mr. Graham	Mr. Nulsen
Mr. Hall	Mr. Rhatigan
Mr. Hawke	Mr. Rowberry
Mr. Heal	Mr. Sewell
Mr. J. Hegney	Mr. Toms
Mr. W. Hegney	Mr. Tonkin
Mr. Jamieson	Mr. May

(Teller.)

**Noes—25.**

Mr. Bovell	Sir Ross McLarty
Mr. Brand	Mr. Nalder
Mr. Burt	Mr. Nimmo
Mr. Cornell	Mr. O'Connor
Mr. Court	Mr. Oldfield
Mr. Craig	Mr. O'Neill
Mr. Crommelin	Mr. Owen
Mr. Grayden	Mr. Perkins
Dr. Henn	Mr. Roberts
Mr. Hutchinson	Mr. Watts
Mr. Lewis	Mr. Wild
Mr. Mann	Mr. I. W. Manning
Mr. W. A. Manning	

(Teller.)

**Pair.**

Aye.	No.
Mr. Blackerton	Mr. Guthrie

**Majority against—3.**

**Motion thus negatived.**

**Debate Resumed**

**MR. MOIR** (Boulder) [5.50]: I am going to agree with the remark made by the Minister last evening, when he stated that this measure deals with a subject which has been debated at great length in this Chamber during recent weeks. He said that every possible angle of the subject must have been covered in the debate; and I agree entirely with that. I cannot offer anything new in regard to this measure; and do not intend to waste the time of the House by reiterating arguments that were put forward on the previous measure.

In my opinion this Bill deals with exactly the same things in the same way; and the arguments addressed to the previous Bill would be just as pertinent to this one. I still maintain that this legislation does not give relief to the pensioners as provided in the Land Tax Act; and despite the assurances which have been given by the Attorney-General—much as I respect his opinion—I feel that such a provision should have been included in this Bill, because that would have made it substantially different in that regard.

I hold the opinion now, as I did earlier, that there should be placed in the measure provision to make it beyond doubt that people on Commonwealth social service pensions are to be completely free from

the substantial tax that is to be imposed, just as is done in regard to those who are excluded under this measure by virtue of the provision which says—

The following lands are also exempted from the provisions of this section—

improved land within the meaning of subsection (2) of section nine of the Land Tax Assessment Act, 1907, used solely or principally for the purpose of agricultural, pastoral, horticultural, apicultural, viticultural, grazing, pig-raising or poultry-farming business.

I feel that something more should have been placed in the measure, to show beyond doubt that the persons to whom I previously referred are excluded. I know the Attorney-General considers that the phrasing of this measure will grant relief to those people; but I feel that that may not be so. I hesitate to set my opinion above that of the Attorney-General in such matters; but I felt it my duty to express my doubts in this regard.

We view this measure as one to bring about another sectional tax on the people. Other measures that have been brought down have shown the approach of this Government to the people; it is quite prepared to place sectional taxes on different sections of the people, and so there is nothing strange about the proposals contained in this Bill. One wonders where this will all end. There are certain people who have taxes imposed upon them, while others go scot-free; and if this is to continue—if this Government is to remain in office for long—the taxation picture in this State will become very lop-sided indeed.

However, the further the Government proceeds in this manner, the sooner the people will become restive and indignant about the way taxation is being imposed; and they will show their resentment in no uncertain manner when the opportunity comes. I oppose the Bill.

**MR. W. HEGNEY** (Mt. Hawthorn) [5.56]: This Bill, as was pointed out by the Minister for Transport, is similar to the measure previously brought down. During the debate on the motion to disagree with your ruling, Mr. Speaker, the Minister indicated that there were a few slight differences. He pointed out that there was a time limit on this measure; and said that the method of appointment of the 11 members of the authority was slightly different from that adopted under the previous legislation which was passed by this Chamber. In that measure the authority was to consist of 11 members, including the chairman, each appointed in accordance with the provisions of that Bill.

In this measure the 11 members are to be appointed, but the chairman of the authority is to be appointed by the Governor, and five members are to be appointed by the Governor. In the previous

measure part A of the fourth schedule, which does not appear in this Bill, referred to the Main Roads Department, the Public Works Department, the Lands and Surveys Department, the Government Railways Commission and the Town Planning Department.

With regard to the appointment of the members of the authority the present measure states—

Subject to the provisions of section eight of this Act, the members shall be—

- (a) the Chairman of the Authority appointed by the Governor;
- (b) five members, each one appointed by the Governor.

See how thin the line is! There were five officers of the Public Service to be appointed under the previous Bill; but under this one the Governor is to appoint five members. If the Minister is game to reply to the debate, I wonder whether he will tell us who he envisages will take seats on this authority. I think I am right in assuming that there would be appointed an officer from each of the departments which I mentioned earlier. If that is not to be done, very little thought was given to the personnel of the authority in the previous Bill. I am not going to be hoodwinked by the Minister merely altering that paragraph.

The other paragraphs, relating to the representations from the local authorities, are the same as they were in the previous measure. It will be seen, therefore, that the essence of the appointment of the personnel is the same. In the final analysis, I suggest that the authority to be appointed under this Metropolitan Region Town Planning Scheme Bill will have the same personnel as was proposed in the previous measure. I am sure that time will prove my contention to be correct.

The member for Boulder mentioned that much discussion took place on this matter on two previous occasions. The debate which took place, during both the second reading and the Committee stages of the Bill, was on exactly the same subjects, apart from the matter that I have mentioned and the provision which proposes to impose a time limit on the legislation. This Bill also provides, in clause 41, for a reference to another Bill. Subsection (1) of that clause reads as follows:—

Subject to the provisions of subsection (2) and (3) of this section, every person who, at midnight on the thirtieth day of June, one thousand nine hundred and fifty-nine, and at that time in each year thereafter, is the owner of land situate within the metropolitan region shall in accordance with the provisions of this Act pay Metropolitan Region Improvement Tax on the land which is hereby chargeable with the tax imposed by and at the rate imposed by section two

of the Metropolitan Region Improvement Tax Act, 1959, for the then current financial year.

That provision is exactly the same as the one which was passed in this Chamber earlier in the session and ruled out of order in another place. It is also exactly the same as the one contained in a Bill which was ruled out of order by the Speaker.

I wish to ask the Minister—he was as dumb as an oyster when he was asked previously—whether it is proposed to introduce another enabling Bill in regard to the tax to be imposed, or whether he is going to rely on another measure which was previously introduced and which was known as the Metropolitan Region Improvement Tax Bill. This Chamber is entitled to know whether the Minister is going to introduce another Bill to make this measure work. If he intends to rely on the previous Bill, I do not think he is on sound grounds.

If this measure is taken into Committee, it will be seen that, on two previous occasions, we have already debated practically 45 clauses out of the 46 contained in the Bill. However, you, Mr. Speaker, ruled that this Bill is not the same in substance as the one previously rejected, and the majority of the House has upheld your ruling. To all intents and purposes, therefore, this Bill is before the Chamber; and I would like to ask the Minister whether he could explain why it is to be construed in conjunction with the Town Planning and Development Act if the provisions of this legislation are to be incorporated in that Act.

As this clause definitely links the provision of the measure now before the House to the Town Planning and Development Act, why were not the provisions of this measure included in the Town Planning and Development Act Amendment Bill (No. 3)? What is the reason for changing the title? If the Minister was politically honest about the progress and development of this measure, he would have relied on incorporating this Bill in a Town Planning and Development Act Amendment Bill (No. 3). He should have relied on the two points that you relied on, Mr. Speaker. What is the necessity for a different title if the subject matter is exactly the same? To me it does not appear to be right and proper; but, in effect, it is playing ducks and drakes with the Legislative Assembly and the Parliament of Western Australia.

A precedent has been established, and certain Standing Orders laid down should be observed. If the Minister has enough courage, he could explain why he has brought down a Bill with a different title, but containing the same subject matter as a Bill previously introduced into this House. I would also point out that there is another Bill to be introduced at a later stage to be administered in conjunction with this measure.

**MR. TONKIN** (Melville) [6.2]: For the sake of the record I propose to raise, at this stage, a further point of order on the constitutionality of this Bill, because it is conceivable it could be challenged. In line with it, it is proposed that a taxing measure will be introduced; and people who pay taxes sometimes object. As I have said more than once in Parliament, majority decisions prove nothing for the time being. The previous decision does not prove that this Bill is not the same in substance as the one that was refused a second reading in this House a short time ago. I quote from May's *Parliamentary Practice* at page 497 where the following appears:—

Bills with the same purpose as other bills of the same session.—There is no rule or custom which restrains the presentation of two or more bills relating to the same subject, and containing similar provisions.

With which we all agree.

But if a decision of the House has already been taken on one such bill, for example, if the bill has been given or refused a second reading, the other is not proceeded with if it contains substantially the same provisions, and such a bill could not have been introduced on a motion for leave.

My stand is that this Bill should not have been introduced on a motion for leave; and, in effect, it is not here. Constitutionally, it is not here because the Standing Orders preclude its introduction for the reason that a Bill, substantially of the same provisions as this one, was refused a hearing in this House. I will leave the matter there because, if the point is raised in the courts in future, the view expressed in this House has been outlined and no doubt that will assist any consideration of whether the Bill is constitutional. That is why I invited the Attorney-General to express his opinion on this matter; and it is significant—and it will be a factor taken into consideration subsequently—that the Attorney-General declined. I have my own views as to why he declined. They could be wrong; but, on the other hand, they could be right.

**Mr. Perkins:** I doubt it.

**Mr. TONKIN:** I do not take any notice of what is said by the Minister for Transport after the remarks he made the other evening about my attending a conference, despite the fact that I was thousands of miles away from it.

There is nothing new that can be said about this measure as a Bill which is desirable, because it is the same in substance as a previous Bill that was before the House. However, I have had some time to give the measure a little more thought, and I am putting this contention before the Minister: Should the Bill become law, it would be preferable to have on the proposed authority a representative

of the Water Supply Department in preference to a representative of the Public Works Department. The Water Supply Department is responsible for laying down large numbers of sewerage and water mains; and because of the work it undertakes, it is more likely to come in conflict with the activities of the authority than the Public Works Department.

The work of the Public Works Department is of a nature which requires it to carry out projects in harbours, in country districts and the erection of public buildings. Its field of operation would not impinge on the work of a town-planning authority to anything like the extent the Water Supply Department would. I therefore suggest that for the better administration of this authority, it would be preferable—indeed, in my view it would be most desirable—for a representative of the Water Supply Department to be substituted for a representative of the Public Works Department.

Mr. Perkins: That could be done under this Bill.

Mr. TONKIN: Yes; and I am hoping it will be done. It should be borne in mind that both departments are under the jurisdiction of the one Minister, so the ministerial representation will not be a factor in giving consideration to this point.

I feel it would be advantageous to ensure that the better representation of these two departments would come from a representative of the Metropolitan Water Supply Department rather than a representative of the Public Works Department for no other reason than that the work of the Metropolitan Water Supply Department is likely to come under the authority of the town-planning authority more than the work and activities of the Public Works Department.

The only other comment I wish to make is that there is no point in covering the ground on a Bill which is substantially the same as the one which was previously introduced to this House. If it were different, there would be other points of difference, but of course it is not different. The Bill seeks to give effect to the purpose of the previous Bill in exactly the same way, and the objections of the Opposition have already been stated in regard to the constitutional principles. I will therefore content myself with those remarks; but conclude by emphasising that, in my opinion, the Bill should not be under discussion.

MR. PERKINS (Roe—Minister for Transport—in reply) [6.14]: Firstly, in dealing with the point raised by the Deputy Leader of the Opposition, there is more flexibility in the Bill now before us, and it would be possible for the Government to do as he suggests. I will pass on to the Minister in charge of the department the suggestion he has made. It is possible

that there is some substance in his contention; but I would not presume to express a definite opinion, because I do not administer the Department of Town Planning.

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

Mr. PERKINS: A few other points were raised at the second reading stage. The member for Boulder again mentioned pensioners. This matter was debated in the Chamber on another occasion when dealing with old-age pensioners under the land tax legislation. Under that legislation the actual tax can be deferred, although it does remain a charge against the property. However, no immediate hardship is caused to the old-age pensioners, because their immediate cash position is not affected.

The member for Mt. Hawthorn raised one or two other questions regarding the machinery provisions of the Bill. It is inevitable that when we introduce another Bill dealing with a particular subject we will deal with it in a different way; but some of the machinery provisions will certainly be the same. As a matter of fact, in many Bills which come before this Chamber the machinery provisions are very similar; and I think members will realise this if they reflect upon the position. Machinery provisions are just slightly adapted to meet the requirements of a particular piece of legislation. I think some of the points raised by the member for Mt. Hawthorn will be covered by the comments I have made.

Mr. Moir: You may think so; but that is not to say we do.

Mr. PERKINS: Perhaps we will have to agree to differ in these circumstances. One point raised by the member for Mt. Hawthorn was in regard to the actual Bill to impose the tax. There is still a Bill of this nature before Parliament; and although it does not particularly apply to this Bill, after the one now before us is dealt with—and I hope carried—by Parliament, it will then be possible for the Government to consider what it should do about the raising of the tax. The advice of the Crown Law Department is that there will not be any great difficulties in that direction.

Mr. Tonkin: Apparently there is no difficulty in doing anything if you have the numbers.

Mr. PERKINS: In answer to the member for Melville, I would say that if one does not have the numbers, one sometimes cannot do the thing that is right.

Mr. Tonkin: When you have the numbers you can do the thing that is wrong.

Mr. W. Hegney: Did the Attorney-General say this Bill was all right?

Mr. PERKINS: The Attorney-General has taken a personal interest in the drafting of this legislation, and the points I am

presenting to the House have been made after discussions with and the advice of the Attorney-General and his Crown Law officers. I think that other points might be covered during the Committee stage.

**Question put and passed.**

**Bill read a second time.**

#### *In Committee*

The Chairman of Committees (Mr. Roberts) in the Chair; Mr. Perkins (Minister for Transport) in charge of the Bill.

#### **Clause 1—Short title:**

Mr. W. HEGNEY: It will be noted that the short title of the Bill is the "Town Planning and Development Act Amendment Act (No. 2), 1959."

The CHAIRMAN: Order! The honourable member is referring to the wrong Bill.

Mr. Watts: You are reading the old Bill!

Mr. W. HEGNEY: What is the difference?

Mr. Watts: The title of this Bill is very different.

Mr. W. HEGNEY: The title of this Bill is "Metropolitan Region Town Planning Scheme Act, 1959."

The CHAIRMAN: That is correct.

Mr. W. HEGNEY: What intrigues me at the moment is why the Government should put such a high-sounding title to this Bill when the subject matter formed the basis of a Bill known as the "Town Planning and Development Act Amendment Act (No. 2), 1959." This Bill contains the same subject matter as two others which have been dealt with by this Chamber. Therefore, I ask the Minister: Is this a subtle attempt to get around Standing Order No. 181? We are entitled to know whether that is the case. If so, that sort of jiggy-pokery will cut no ice with members on this side of the House.

Mr. PERKINS: There is no doubt that the title of the Bill adequately describes it. We have made a new approach to this question; and I think the Government is entitled to deal with it in whatever it regards as the most effective way to achieve the objective it has in hand. All the member for Mt. Hawthorn has done has been to compare the title of this measure with that of another measure which got into difficulties.

Mr. Tonkin: That is the year's understatement.

Mr. PERKINS: The Crown Law Department considers this Bill will effectively achieve the objective which the Government has in mind; and the title gives a fair indication of what the Bill is. In those circumstances, I think the Committee should accept the title as it now stands.

Mr. W. HEGNEY: I am not satisfied, and I want to make this point clear at the outset: The Minister used the word,

"objective"; and he said that the Crown Law Department was of the opinion that the Government's objective would be achieved by this Bill. In no uncertain terms, I ask the Minister whether the object of the Bill now before the Committee is the same as that of a Bill which was ruled out of order by the Speaker.

The CHAIRMAN: Order! The question of the legality of the Bill has already been dealt with.

Mr. W. HEGNEY: I know.

The CHAIRMAN: The honourable member must keep to the short title of the Bill.

Mr. W. HEGNEY: I am keeping to it. What I want to know is: Is the objective the same as that of the previous measure?

The CHAIRMAN: It has nothing to do with the short title.

Mr. W. HEGNEY: It has everything to do with it.

**Clause put and passed.**

**Clause 2 put and passed.**

**Clause 3—Construction:**

Mr. W. HEGNEY: On clause 1, you, Mr. Chairman, said that the legality of the measure was not in question. The Minister is like an oyster when he is asked a simple question. Will the Minister agree that the objective would have been achieved just as well if the whole of the clauses of the Bill had been tacked on to the Town Planning and Development Act Amendment Bill? The word "incorporated" means that the Bill will, as it were, be united with another measure altogether. I ask the Minister whether he will answer a simple question.

Mr. Perkins: I will when you sit down.

Mr. W. HEGNEY: I am glad to have that admission.

Mr. Tonkin: You have the admission but not the answer.

Mr. W. HEGNEY: Yes; and I do not expect a long one, either. The Minister introduced two Bills: one known as a Bill to amend the Town Planning and Development Act, and the other being the Metropolitan Region Town Planning Scheme Bill. In the latter, there is a provision for it to be entirely incorporated or merged with the other Act. Would not the objective be the same?

Mr. PERKINS: Perhaps it will be best if I state what the objective is and then the honourable member can decide for himself whether it is, or is not, the same as that of some other Bill. The objective of this Bill, and other Bills, is to implement the town-planning scheme. We have the report of the Town Planning Commissioner; and there is a certain objective to be attained. There are certain orders—I.D.O.'s, as they are known—which are in force at present; but, because we



have not the proper town-planning machinery, hardship is being caused to a great number of people. Therefore it is desirable and urgent that the complete legislation should pass through Parliament. Hence we have the Bills now before us; there are several of them.

We realise there are more ways than one of killing a cat. We have chosen to implement the objective in this particular way. If this is not effective, I hope members will tell us. If, on the other hand, it is effective, I take it that members will agree with the objective, or they will not; and that is the score on which they will judge the legislation.

I say quite frankly that the advice of the Crown Law Department is that this is an effective way of dealing with the question. There is no question of the Bill conflicting with Standing Orders; because we know that many subjects are dealt with in this Parliament by a great number of Bills, and they can be dealt with in many ways; and they comply with Standing Orders.

Careful consideration has been given to this matter, and the advice I have is—and I agree with it—that the framework and the provisions of the Bill, taken with other measures to be dealt with by Parliament, will effectively achieve our end.

**Clause put and passed**

**Clauses 4 to 6 put and passed.**

**Clause 7—Metropolitan Region Planning Authority:**

Mr. J. HEGNEY: I want to elicit some information in connection with the constitution of the board. In a former measure, the members mentioned in sub-clause (4) (b) were to be chosen from various public departments. It is now proposed that they shall be appointed by the Governor. Will these persons be drawn from the public departments, or will the Governor appoint others who are not in Government departments?

The methods of appointment provide, in respect of the local authorities and in respect of persons in these categories, that a panel of names shall be submitted to the Minister. Is it the intention of the Minister that a panel of names shall be submitted from the various departments such as the Public Works Department, the Water Supply Department, and so on? If not, what is the intention of the Government?

Mr. PERKINS: This question will be finally decided by the Government; it will be a Cabinet decision. However, I think it is obvious that, in order to make the legislation effective, it will be necessary to have these five representatives from various Government departments.

The member for Melville has some suggestion about a variation from what was put forward originally, but the decision in this matter will have to be a Government one. Certainly I do not think there

will be any question of submitting panels of names from the departments. When all is said and done, the Government of the day makes similar decisions in regard to many matters. In regard to these five names, my reply must be that they will be decided by the Government of the day; and the Governor acts on the advice of his advisers.

Mr. GRAHAM: Members will recall that when we were recently discussing a Bill not very much different from this one, it contained a provision not very dissimilar from the one under discussion at the moment.

At the instigation of the member for Wembley Beaches—I regret he is not in the Chamber at the moment—the question was raised whether or not it was fair and equitable for the Perth Road Board to be represented on this authority. In order to refresh the memories of members, I shall read a few lines of what the member for Wembley Beaches said—

In this clause it is provided that 11 members shall comprise the authority. In the Perth Road Board area, part of which is in my electorate, there are large tracts of bush, and much work will have to be done under this Bill. At Scarborough Beach, the new planning scheme will cost in the vicinity of £90,000. The Perth Road Board area is approximately 45 square miles, and its population is 70,000 out of a total population in the metropolitan area of 380,000. The revenue of the board is about £500,000 and the valuations are approximately £16,000,000. These figures show the extent of the area that comes under the jurisdiction of the Perth Road Board, and the amount of revenue handled.

He goes on—

Does the Minister think it is possible for an extra member to be appointed to this authority to represent the Perth Road Board? I realise, of course, that there may be other members of Parliament who feel that a representative should be appointed on this committee to represent each one of their electorates, but I point out once again that the Perth Road Board area is very large.

Mr. Hawke: Is the honourable member going to move an amendment in that direction?

Mr. NIMMO: Before I do so, I would like to hear the views of the other two members who represent this district.

In point of fact there are more than two other members. To proceed—

The member for Mt. Hawthorn has a large part of it in his electorate, and the member for Maylands has many of his constituents residing in it also.

That was the end of the honourable member's speech.

Portion of the Perth Road Board district lies within the bounds of my constituency. In common with other members who are similarly situated, I received a communication from that local authority asking me to take appropriate steps to persuade the Government to allow representation of this local authority for reasons similar to those applying to the special provision which is made for the Perth City Council.

When we last discussed this matter, an attempt was made to increase the number of members from 11 to 12. I can appreciate, however, that that would put the committee out of balance, because I anticipate that the intention of the Government is that the five nominees of the Government—whether they be departmental officers or otherwise—should not be out-voted by the representatives of the local authorities; because the provision is for five on either side, with another person as the chairman. If the Perth Road Board is to have its own representative, then the Governor should appoint six members instead of five, which would mean a total of 13 members to comprise this authority. I move an amendment—

Page 4, line 9—Delete the word "eleven" with a view to substituting the word "thirteen."

Later on in line 16 I will move to delete the word "five" in order to insert the word "six," which will cover persons appointed by the Governor; and then move to insert a new paragraph (d) to make provision for a representative of the Perth Road Board in the same way as paragraph (c) now provides for a special representative from the City of Perth.

I think most of what needs to be said about this was said on the 27th August last, and all I want to do now is to appeal to the Minister. Sooner or later, surely, the time will arrive when he will allow some sort of amendment! Everything emanating from this side of the Chamber is not composed of mischief, or alteration of words for the purpose of destruction. Previously I suggested that the term "Lord Mayor" or "Mayor" should appear because reference to the Municipal Corporations Act shows a mayor and councillor to be two totally different parties. The Minister would not listen to me on that occasion, but I notice that in this Bill there is wording which gives effect to that submission.

I appeal to the Minister to judge on their merits the submissions which are made. If the proposition I am sponsoring would have the effect of destroying the Bill, or the effectiveness of the authority, I would not press the point; but I think the observations of the member for Wembley Beaches underline the fact that the Perth Road Board, because of the area it covers and the value of the properties

within its borders, is entitled to some consideration. Let us not forget that there is an accompanying measure which imposes a tax on all properties within the region, and there is £16,000,000 worth of property in the Perth Road Board district upon which that tax will be levied. Apart from the Perth City Council, I do not know of another local authority whose valuations would come within coöpe of that magnitude. I think there is merit in the proposition, and I hope the Minister will give consideration to it.

Mr. PERKINS: If members have given any thought to this matter they will realise that it is unsound to think of members of this authority in terms of representing somebody. The provisions have been designed on the basis of making sure that the constitution of the authority is such that we get a reasonable spread over the whole of the region being dealt with. The City Council is dealt with in a special way because any city council must represent the central city area, and some of the more densely-settled portions of the metropolitan area. That is the area which will pay a considerable part of any tax levied, in order to make the work of such an authority effective. Around the Perth City Council area there are various groups of local authorities, and a representative from each group will be placed on this authority; and the representative will be chosen from a panel of names submitted from each of the authorities in those groups.

If the Perth Road Board were to have a representative on the authority he would be there to represent the ratepayers of that authority, and thus the whole conception of it would be destroyed. It needs to be on a broader basis than that. I can only say that careful consideration has been given to the constitution of the authority; and if we start to tinker with it, we will be getting away from the original conception, and developing the authority into a more cumbersome body. On all of those counts I must oppose the amendment and strongly advise the Committee to do likewise.

Mr. W. HEGNEY: I hope the Committee will not be misguided by the remarks of the Minister. He indicated that if the Perth Road Board were given direct representation we would be getting away from the original conception of the measure. I do not see how that argument can hold water, because the Perth City Council has already been given representation. Why single out for special consideration the Perth City Council and not a local authority of the magnitude of the Perth Road Board? That body has indicated its interest and concern as regards representation under this measure.

As the schedule now stands, it will be mixed up with municipalities such as Claremont, Nedlands, and Subiaco, and road boards of the road districts of Mosman Park, Peppermint Grove, and Wanneroo. If the mayor or a councillor from

Nedlands were appointed to represent that group, he would not represent the views of the Perth Road Board, because Nedlands is a pocket burrough municipality.

Mr. J. Hegney: It would not have the same problems.

Mr. W. HEGNEY: No. The boundaries of the Perth Road Board are about eight miles from Perth. It joins the Wanneroo Road Board and its area extends to Scarborough and North Beach, and back to Maylands. The impact of town planning will be felt in an area like that more than it will be felt in an area like Mosman Park or Nedlands. Of the total sum of money which the Government will squeeze out of metropolitan landowners, ratepayers of the Perth Road Board will find 30 per cent. Therefore I think such an authority should be given direct representation in the same way as the Perth City Council is given direct representation, and I support the amendment. We tried to give effect to this proposition on a previous occasion when another Bill—with the same subject matter, but with a different title—was introduced.

Mr. TOMS: I support the amendment because it will overcome what appears to be an anomaly. The member for Mt. Hawthorn said that the Perth Road Board ratepayers will be finding about 30 per cent. of the total tax levied. I think the figure is somewhere nearer 20 per cent.; and as the Perth City Council is given direct representation, I think the same provision should apply to the Perth Road Board. All local authorities are looking for representation on authorities such as this, and I am beginning to wonder whether we as a Parliament are not trying to fool ourselves in handing out a sop to local governments. We are always careful to make sure, on bodies such as this, that the local authorities are out-weighted by Government representatives.

It might be better if we dealt with each local authority as this Committee moved into the district of that authority. There is provision for direct representation for the City of Perth, but the plan envisaged by Professor Stephenson will affect more the area of the Perth Road Board than that of the City of Perth. Accordingly, I support the amendment moved by the member for East Perth.

Mr. GRAHAM: The Minister in charge of the Bill has not made out a case. First let me clear up a point of difference that apparently exists between the member for Mt. Hawthorn and the member for Maylands. If the Perth Road Board is correct and there is approximately £16,000,000 worth of property, then one halfpenny in the £ would mean that £33,000 annually will be drawn from that area of an anticipated £140,000 overall, which is approximately 25 per cent. So the people residing in this local authority, and those who have property within its boundaries, will

be responsible for finding approximately 25 per cent. of the funds necessary to implement the scheme.

There will be six local authorities altogether. The Perth Road Board, responsible for one-quarter of the money, will still have only one-sixth of the representation; But under the Bill, the Perth Road Board will be associated with the municipalities of Claremont, Cottesloe, Nedlands, and Subiaco; and the road districts of Mosman Park, Peppermint Grove, and Wanneroo. In other words, notwithstanding the tremendous interest the Perth Road Board will have in this matter, its representation will be insignificant. Indeed, the odds would be against that road board being successful in having one of its members nominated to represent Group B as appearing in the schedule from which I have just quoted.

An exception has been made in respect of the Perth City Council. I do not disagree with the Minister and the Government on that. I differ from some of my colleagues in this matter. But the local authority for the capital city is in a special category and, therefore, is entitled to special representation.

The Perth Road Board, because of the circumstances I have outlined, is also in a special category and, accordingly, also entitled to special representation. I would go one step further and say that the City of Fremantle is also entitled to special representation.

Mr. Fletcher: Hear, hear!

Mr. GRAHAM: The other local authorities have two or three representatives between them on a joint basis, depending on the size of the authority as determined by the Government or Parliament. I am not disturbing the balance of the authority; because if the amendments I have outlined are agreed to, there will still be an equal number representing local authorities as against those nominated by the Government who, in all probability, will be departmental officers, with the further condition that the chairman of the authority will be appointed by the Governor.

The Perth Road Board is so concerned as to be pressing for this representation—and I am unaware of any other local authority seeking it. Surely it would be preferable to have a local authority happy and content with the Bill and the representation in it, rather than have that authority, which has such a vital stake, disappointed and to some extent frustrated because of the attitude of the Minister, and not because of the merit of the argument; and not because the submission we are now considering would in any way disturb the concept of this town-planning authority.

I am certain that the representative of the Perth Road Board would have a sense of duty equal to that of the representative of the Perth City Council. As the

metropolitan area is to be planned and detailed work prescribed, it is not possible to put the works into separate compartment. One is contingent upon another, and has an effect upon another. The Minister should reconsider this matter. It is not vital to his Bill.

Mr. Perkins: It definitely is.

Mr. GRAHAM: That, of course, is just so many words. I would ask the Minister whether representations have been made to him for special representation by local authorities of other districts.

Mr. Perkins: None at all.

Mr. GRAHAM: Surely that is the answer!

Mr. Perkins: It indicates a wrong outlook. We are looking for a broader outlook for this authority, and I hope a representative sent by the Perth Road Board would not take the narrow view you are adopting.

Mr. GRAHAM: That is an unwarranted reflection on the nominee of the Perth Road Board. I cannot see why he should be any more insular in his outlook than the person, being a councillor, who is nominated by the Perth City Council, and who will have a voice as to what happens in Fremantle, Cockburn, Kwinana, and the rest. I am prepared to believe that the representative from the Perth City Council would decide an issue in that portion of the metropolitan area remote from the Perth City Council's district to no greater and no lesser extent than would a representative of the Perth Road Board. If the Minister agrees to my amendment, quite a number of people and a local authority would be more content about the concept of the authority contained in the Bill.

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

**Ayes—22.**

Mr. Andrew	Mr. Kelly
Mr. Bickerton	Mr. Lawrence
Mr. Brady	Mr. Moir
Mr. Evans	Mr. Nimmo
Mr. Fletcher	Mr. Nulsen
Mr. Graham	Mr. Rhatigan
Mr. Hall	Mr. Rowberry
Mr. Heal	Mr. Sewell
Mr. J. Hegney	Mr. Toms
Mr. W. Hegney	Mr. Tonkin
Mr. Jamieson	Mr. May

(Teller.)

**Noes—22.**

Mr. Bovell	Mr. Mann
Mr. Brand	Mr. W. A. Manning
Mr. Burt	Sir Ross McLarty
Mr. Cornell	Mr. Nalder
Mr. Court	Mr. O'Connor
Mr. Craig	Mr. O'Neill
Mr. Crommelin	Mr. Owen
Mr. Hearman	Mr. Perkins
Dr. Henn	Mr. Watts
Mr. Hutchinson	Mr. Wild
Mr. Lewis	Mr. I. W. Manning

(Teller.)

**Pairs.**

Ayes.	Noes.
Mr. Hawke	Mr. Guthrie
Mr. Norton	Mr. Grayden

The CHAIRMAN: The voting being equal, I give my casting vote with the Noes.

**Amendment thus negatived.**

Mr. GRAHAM: Subclause (4) (c) states, "a member being a mayor or councillor of the municipality of the City of Perth—" Seeing that only one specific local authority is mentioned, and the title of the officer concerned is Lord Mayor, is it the custom to use the term "mayor" to include the Lord Mayor?

Mr. PERKINS: I do not know. I take it that the Parliamentary Draftsman was careful in drafting this clause, and that the lesser title covers the greater. I undertake to make the necessary inquiries; and if the term "mayor" is not the appropriate one, I shall have the position rectified when the Bill is in another place.

**Clause put and passed.**

**Clauses 8 and 9 put and passed.**

**Clause 10—Appointment to Offices:**

Mr. GRAHAM: I want to ascertain the attitude of the Minister in regard to this Bill, and I am raising this query as a result of experience when a similar Bill was before us under a different title. Is it his intention to allow any amendment to be made, or has he resolved to oppose every amendment or submission from the Opposition? I shall not give careful thought to the drafting of amendments to express my viewpoint if the Minister is going to reject all amendments. In view of the numbers on the Government side, there would be no point in my moving amendments if he is opposed to them, particularly as many of the points raised were discussed a few weeks ago.

Mr. PERKINS: Many points were discussed when a somewhat similar Bill was before the House. If amendments are moved to the Bill before us, similar to those moved when another Bill was dealt with previously, the Opposition will have as good a chance of carrying the amendments as it had previously.

Mr. Tonkin: The same amendments would not be relevant to a different Bill.

Mr. PERKINS: If amendments designed to achieve the same purpose are moved, I shall oppose them. When Ministers in this House introduce Bills on behalf of Ministers in another place, in all fairness members should place their amendments on the notice paper if they seriously expect the Government to agree to them.

Mr. Moir: You only introduced the Bill last night. How could we place any amendments on the notice paper?

Mr. PERKINS: There was an opportunity given to members to circulate them.

Mr. Tonkin: Of course, members could have stayed up all night!

Mr. PERKINS: In the past, addendums to notice papers have been issued when a number of amendments were intended to be moved. In a recent case, a member opposite—I think it was the member for Mt. Hawthorn—had amendments typed and

circulated. In those circumstances the Minister in charge of the Bill would have some chance to consider them. If members opposite are to move amendments on the spur of the moment, which have far-reaching consequences, it can be presumed that they have not given careful thought to the amendments. In certain circumstances they are only trying to be obstructive.

If amendments are moved which differ from the amendments moved when similar measures were considered previously, I shall give consideration to them. In view of the long debate which took place previously on the numerous amendments, I hardly expect any amendment to be put forward which has not already been previously considered by the Committee.

Mr. GRAHAM: This House adjourned at 12.32 a.m. on Wednesday; that is, this morning. This Bill was introduced only last evening. According to the Minister and the majority vote of the House it is not the same as previous measures. What opportunity have we had to study the Bill, which is quite involved? Most of us did not get to bed until 2 a.m. this morning. Surely we are entitled to some rest before resuming our duties and keeping our appointments!

The Minister, who is introducing the Bill on behalf of the Minister in another place, was afraid to accept amendments for weeks on end because of the difficulty in which he was placed. A private member has not the opportunity to discuss the contents of a Bill, such as the Minister has during Cabinet meetings. We have been assembled today since 4.30 p.m. What opportunity have we had to prepare amendments and have them typed, circulated and all the rest of it?

Mr. Tonkin: Especially when the Bill breaks so much new ground.

Mr. Brand: When we were on the other side of the House we were expected to place amendments on the notice paper in connection with Bills we had not seen before.

Mr. GRAHAM: I am unable to recall such an instance. I venture to suggest that the Premier could not.

Mr. Brand: As a matter of fact, he cannot.

The CHAIRMAN: Order!

Mr. GRAHAM: This is a lengthy and complicated Bill. It contains 28 pages, and it is associated with taxation of the public. The tax is discriminatory because it exempts certain sections. How can we be expected to work out amendments and supply copies to the Minister? Even if we did so, and no matter how overwhelming the evidence in favour of an amendment, the Minister would be afraid to accept it—I am not unduly blaming him—because it might do some damage to a Bill which he is handling for one of his colleagues in another place.

I sympathise with the Minister in his predicament; but, Mr. Chairman, I think members of the Opposition are entitled to a reasonable opportunity to perform their public responsibility in connection with this Bill. As the Minister has indicated that he would like to have notice of amendments in writing, I think that, when I resume my seat, it would be appropriate for some member to move that the Chairman report progress and ask for leave to sit again. If this is done, and after a night's rest, there should be no excuse on the part of Opposition members if they have not been able to supply a copy of their amendments to the Minister.

Mr. Perkins: The provisions are the same as in the previous Bill.

Mr. GRAHAM: That is what we thought; but the decision of the Speaker and the vote of the House decreed otherwise.

**Clause put and passed.**

Mr. W. HEGNEY: I move—

That progress be reported and leave asked to sit again.

**Motion put and negatived.**

**Clause 11 put and passed.**

**Clause 12—Vacancies in office:**

Mr. GRAHAM: I want to take advantage of this clause to state that in view of the attitude of the Minister and the Ministry I cannot do justice to this Bill in addressing myself to it. Accordingly, in view of the circumstances already outlined I do not intend to speak or participate because, in all conscience, it is impossible to do it. The Bill was introduced last night and the Government expects to be given notice of amendments before they can be considered by the Minister. After being kept out of bed for half of last night, I think it is disgusting.

**Clause put and passed.**

**Clauses 13 to 30—put and passed.**

**Clause 31—Procedure for submission and approval of plan:**

Mr. W. HEGNEY: This is one of the material clauses in the Bill. I want to know whether there is any difference between this clause and a clause contained in a previous measure known as the Town Planning and Development Act Amendment Bill.

Mr. PERKINS: This clause seeks to implement the Stephenson Plan. It is similar to a clause contained in a measure which was previously before the Chamber, but I would not guarantee that the wording is the same. However, I can say that the objective is exactly the same. My information from the Crown Law Department is that this clause will effectively give the necessary power for the authority—when it is set up—to implement the Stephenson Plan. I think members will realise that in order to implement the

Stephenson Plan it is necessary to have this sort of machinery. My information is that the machinery provided in this clause is necessary and will be effective to achieve that object.

**Mr. W. HEGNEY:** Like the member for East Perth who has given away the game for the time because of the fact that the Minister will not accept amendments, I have not had the opportunity of checking closely the verbiage of this clause. I am going to accept the Minister's assertion that the objective of this clause is substantially the same as the one in the corresponding Bill. I have had the opportunity, however, of checking the previous 29 clauses and, with the exception of one, they are identical to those in the previous Bill. I will continue to check the other clauses as we proceed, in order to discover whether there is any material difference in them.

**Clause put and passed.**

**Clauses 32 to 37 put and passed.**

**Clause 38—The Metropolitan Region Improvement Fund:**

**Mr. W. HEGNEY:** While you were calling clauses 31 to 37, Mr. Chairman, I made a rough check of the verbiage and wording of them, and I find they are identical with those in the previous Bill. I think the Minister will agree with that.

**Clause put and passed.**

**Clauses 39 and 40 put and passed.**

**Clause 41—Owners' liability to pay Metropolitan Region Improvement Tax:**

**Mr. J. HEGNEY:** I cannot support this proposition, because it becomes a sectional tax when applied to the metropolitan landowners only. I can see no reason for it and feel the tax should be borne equally by all persons who pay land tax. We have discussed this question before, and there is no doubt that it puts a further impost on metropolitan landowners. When all is said and done, the country landowners will gain benefit from the town-planning scheme to be inaugurated under this proposal. The whole countryside will benefit. For that reason, I am opposed to this sectional tax. I therefore move an amendment—

Page 26, lines 8 and 9—Delete the words "situate within the metropolitan region".

**Mr. PERKINS:** This is, of course, a very vital provision in the Bill, and I could not possibly accept this amendment. Under the Stephenson Plan one would expect there would be a considerable improvement in land in the metropolitan area. In order to implement this plan, it will be necessary to have funds. Under the scheme, certain lands will have to be resumed and money will be necessary for compensation. This has been referred to as a betterment tax.

Some landholders will get some advantage by being recompensed by the tax because their properties have been interfered with, and other landholders in the metropolitan area are going to find that the value of their properties will be considerably increased by the implementation of this plan. In these circumstances, this provision is to ensure that the advantages and disadvantages will be spread amongst those who will be affected. The view expressed by the member for Middle Swan is not a logical approach to this particular question.

**Amendment put and negatived.**

**Clause put and passed.**

**Clauses 42 to 45 put and passed.**

**Clause 46—Duration of this Act:**

**Mr. W. HEGNEY:** I move an amendment—

Page 28, line 20—Delete the word "two."

This clause is one of the few departures from the provisions of the other measure, because it seeks to set a time limit on the legislation. If the Government remains in office for its full term, there will be an election early in 1962; and, if the amendment is agreed to, the Government can introduce a continuance measure next year.

As I read the Bill, persons owning land on the 30th June, 1959, will be taxable, as will all owning land on the 30th June, 1962, if the Government extends the life of this legislation. If the amendment is agreed to the Government can decide, next year, whether the legislation should be continued. The Bill is of a sectional nature and will impose a tax on struggling landowners in Manning Park, Leederville, Wembley Beaches, Mt. Hawthorn, North Perth, and other parts of the metropolitan area; but it will not affect the member for Murray, or the people of Dongara, Kalbarin, or Hyden Rock.

The measure already passed by this Chamber imposed a charge of  $\frac{1}{4}$ d. on the unimproved value. Does the Minister intend that the  $\frac{1}{4}$ d. charge shall be altered to 1d. or  $\frac{3}{4}$ d.? It is estimated that the cost of this measure to the metropolitan landowners will be about £140,000 per year; but only the other day this Chamber imposed a substantial tax on a great number of people, many of whom will also have to pay this new impost. It is also quite likely that people living within the area of the City of Perth will have to pay in additional tax in order to provide certain facilities for the coming Empire Games. For those reasons I am opposed to this extra taxation.

**Mr. PERKINS:** The amendment would allow the tax to operate for a very short period only; and one can imagine the difficulties of the Government in having the legislation continued, as it would expire on the 30th of June next year, probably

some time before Parliament meets. It is undesirable to introduce such uncertainty into legislation of this nature. By 1962 we will know how the legislation is working; and I repeat that this provision constitutes a vital difference as compared with the provision in the previous legislation. I oppose the amendment.

**Mr. W. HEGNEY:** It is all very well for the Minister to blow hot and cold; the records of this Chamber will show that he has previously voted for measures on a continuance basis. I have in mind the price-control legislation, and that under which the Lotteries Commission carried on. The Minister put up some arguments against the amendment introduced earlier to limit the life of the legislation to three years.

The Minister pointed out that it would alter the concept of the measure and hamstring the authority. Now he brings down this Bill which provides for a limited period, and says that this is a vital difference. There is nothing vital about it. The people of the metropolitan region will, if this Bill passes in its present form, continue to pay tax on a certain basis until the 30th June, 1962. All the amendment seeks to do is limit the life of the Bill till the 30th June, 1960; and, at that date, it will be competent for the Government to continue the legislation. I hope the Committee will agree to the amendment.

**Amendment put and negatived.**

**Clause put and passed.**

**Schedule and title put and passed.**

**Bill reported without amendment and the report adopted.**

### *Third Reading*

Bill read a third time and transmitted to the Council.

## **ARGENTINE ANT BILL**

### *Returned*

Bill returned from the Council without amendment.

## **TOWN PLANNING AND DEVELOPMENT ACT AMENDMENT BILL (No. 3)**

### *Second Reading*

Order of the Day read for the resumption of the debate from the previous day.

**Question put and passed.**

**Bill read a second time.**

### *In Committee*

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

### *Third Reading*

Bill read a third time and transmitted to the Council.

## **HIRE-PURCHASE BILL**

### *Second Reading*

Debate resumed from the 20th October.

**MR. NULSEN (Eyre)** [9.13]: This is a very important measure, and it has been thoroughly investigated. The Attorney-General gave a fairly clear explanation of it when he introduced the second reading; and, in many respects, it is similar to the legislation introduced in 1958. There are not many arguments that can be adduced against it; but, in my opinion, the whole of the hire-purchase business should be placed on a proper basis.

There was a conference in Sydney in January to discuss hire-purchase control; and, although the matter was fully debated, there was no unanimity and no possibility of getting uniform legislation among the States. This Bill will at least place the hire-purchase business on a better basis and make the position more equitable. Previously the legislation has been such that it has been all in favour of the vendor, because I do not think the purchaser has had much experience with legislation relating to hire-purchase.

At the conference, we did not reach any decision on a maximum rate of interest; but, in my opinion, it should be provided in every hire-purchase agreement. However, South Australia, Victoria, and Queensland did not favour this proposal. On the other hand, Tasmania, New South Wales, and Western Australia were in favour of it. In any legislation dealing with hire purchase, a maximum rate of interest should be provided in the same way as in the Money Lenders Act. If a maximum rate of interest were not provided in that legislation it would be found that those people who borrowed money would be charged ridiculous rates of interest. The interest charged under any hire-purchase agreement at the moment is far too great.

Deposits were also fully discussed. If a deposit is not charged under the terms of any hire-purchase agreement, an article is too easily bought and the purchaser subsequently has great difficulty in meeting the payments. Where no deposit is required, high-pressure salesmen often sell various articles to men and women who can ill afford to buy them. On the other hand, if, say, a 10 per cent. deposit were charged, people buying articles on hire-purchase would have a greater sense of responsibility when making the purchase.

Something should be done about the flat rate of interest which is generally charged in hire-purchase agreements, because this method of charging interest is a delusion and a snare to most people. There are not many who understand the implication of a flat rate of interest compared with simple interest. Over a period, a flat rate of interest would bring in

nearly double the amount that would apply if simple interest were charged. Some people who are charged a flat rate of interest of 10 per cent. do not understand to what they are committing themselves; and, eventually, they sometimes pay the equivalent of 20 per cent. simple interest. In addition they have to meet the cost of keeping in good order and condition, the article they have purchased, together with other charges such as insurance premiums.

In my opinion, the newspapers should publicise the difference between a flat rate of interest and simple interest. On no occasion have I seen publicised an explanation and a comparison of the two interest rates. Many companies publish advertisements in the Press offering to borrow money at 12½ per cent. interest. That is a very high rate in return for any money borrowed; but, in the long run, the person who buys goods from such a company has to meet that high rate of interest offered by the company, in the interest charges that are imposed on the cost of the article he purchases. I see no reason why hire-purchase companies cannot use simple interest instead of a flat rate of interest.

Hire purchase has been in existence for hundreds of years. It was first introduced during the reign of Queen Elizabeth I, and it has continued to exist ever since. This method of purchase existed before Australia was discovered and before America was explored. However, the purchaser was not exploited to the same extent as he is these days by hire-purchase companies. Under the existing Act the purchaser has practically no security. He does not own the goods until he makes the final payment to the hire-purchase company; he is forced to pay a high rate of interest on the cost of an article; he must maintain the article in good order and condition; and he must meet the charges for insuring the article against theft or damage, for example. In addition to all these imposts, he has already been burdened, no doubt, by the company including a high profit margin in the cost of the article.

Mr. Watts: The original conception of hire purchase was hiring with the option of purchase, and that option was exercised by the payment of a lump sum at the end of the period prescribed.

Mr. NULSEN: The Minister must realise that although he has an option of purchase, the purchaser is paying very dearly for it.

Mr. Watts: Those are the changed circumstances, now. I said that was the original conception of hire purchase.

Mr. NULSEN: I cannot understand why the Commonwealth Government has not introduced legislation to control hire purchase. I see no reason why it should not control the interest rates provided in hire-purchase agreements in the same way as it controls private enterprise banks. Those

banks are not permitted to charge any interest rates which they desire to impose. There is great merit in the suggestion that the Commonwealth Government should introduce an Act which would make hire-purchase legislation uniform throughout Australia.

Like my colleagues on this side of the House, I am not opposed to hire purchase; in fact, I do not think we can do without it. Nevertheless, I consider that there are too many people being exploited by their entering into hire-purchase agreements. There is no doubt that the purchaser pays very dearly when he buys anything on hire purchase. It is good business for the vendor because his losses under these agreements are less than 1 per cent. I feel sure that if the Premier could get into one of these hire-purchase companies, he would leave his present position and take on hire-purchase business.

Mr. Bovell: He is not concerned with the money, but with his service to the State.

Mr. NULSEN: I have here a pamphlet entitled, "The Bank and Hire-Purchase", and I intend to read a few extracts from it as follows:—

What is the Principal Source of Hire Purchase Company Funds?

Almost all the funds used to finance their hire purchase operations are obtained by the finance companies from sources other than bank overdrafts. The great bulk of hire purchase company "outstandings" are financed by:—

- (a) Their shareholders, who provide the capital.
- (b) The general public, who put their money into hire purchase companies by way of debentures, notes and deposits.

To What Extent are Hire Purchase Companies Borrowing from the Banks on Overdraft?

Most hire purchase companies do not work on an overdraft basis at all, but maintain credit balances in their bank accounts.

However, some companies do still have bank overdrafts.

In the aggregate these overdrafts are at a very much lower figure than they were a few years ago.

Since 1955 it has been Central Bank policy that increased overdrafts should not be granted to hire purchase companies. Thus, whether the banks want to, or not, they would not be allowed to add to their advances for hire purchase.

From that, it can be seen that the Central Bank has control over the free enterprise banks.

The total amount of money which the hire purchase companies are borrowing from the seven free enterprise banks is about £10 million,



equal to about £12 out of every £1,000 which those banks are lending for all purposes.

It then gives a diagram which sets out the position. To continue—

Why bank credit is restricted while hire purchase finance is readily available.

Under national credit policy, lending by the trading banks is firmly controlled by the Central Bank.

If the free banks are firmly controlled by the Central Bank I cannot see why, with a very slight amendment, they cannot bring all the money—and especially that used for hire purchase—under the control of the Commonwealth Bank. The pamphlet continues—

On the other hand there are no restrictions on the amount of money which the finance companies may raise from the public or the rate of interest they may offer to support any expansion of hire purchase operations.

Central Bank control over the trading banks is designed to regulate the volume of bank credit in the community. One of the main methods by which bank credit is controlled is the system of "special deposit accounts" which the trading banks must maintain with the Central Bank. In September, 1958, £265,000,000 of trading bank deposits was "frozen" in these special accounts and therefore outside the control of the trading banks.

Interest rates, too, which banks may offer for deposits or charge on overdrafts are subject to Central Bank Control.

We then have a sub-heading which reads "What Shares in Hire Purchase Companies do the Banks own?". I quote again—

Spread over several years the total investment by the banks in shares of all hire purchase companies has amounted to about £12,000,000. This was either provided by bank shareholders, or it came from accumulated reserves. No customers' deposits, the normal basis of lendable funds have been used by any Australian free-enterprise bank to buy hire purchase company shares. The following table sets out the details of bank shareholdings in hire purchase companies.

We then have a table setting out these bank shareholdings. Seeing that the Central Bank has control of all our free enterprise banks, I see no reason why it should not be able to control hire-purchase organisations or corporations, because the amount now involved must affect the economy of Australia. There is over £350,000,000 invested in hire purchase at present.

I have gone through the Bill thoroughly; and in my opinion it would be better if a few amendments could be made. But seeing

that it has been thoroughly scrutinised at several conferences, and that we have got the best we can so far as uniformity is concerned, I think it would be reasonable to let it go for 12 months. I do consider, however, that we should have control over the interest; and also that there should be a maximum, which should be about 15 per cent. The interest charged by some people is exorbitant; and not only has the purchaser to pay a high interest rate, but, for his own advantage, he also has to maintain the goods for which he pays. There is also the matter of insurance to be considered; and, on top of it all, the profit the companies make.

We should also have some regard for the question of deposits. I feel quite strongly about this, and think legislation should be brought down to save the purchaser, in many instances; because if he can buy easily, he can easily get into trouble and not be able to meet his obligations. Surely it is possible for the purchaser to save sufficient to pay a small deposit on any article he might care to buy. If he cannot save the amount to pay the deposit, I do not see how he can possibly meet his liabilities in regard to the purchase he might make.

It is up to the Commonwealth Government to bring down legislation to secure uniform control of hire-purchase business. There is only one way to do this, because I do not think we will ever get it by means of a conference. I say that because we often hear some States say, "We promised at the elections that we would not interfere with private buying, or private enterprise; we feel that as far as business is concerned, competition should be open because we are able to get the best through competition."

That is not always the case; it depends on the psychology generally prevailing. The psychology existing today is, generally speaking, irresponsible in regard to finance. That is why there is such a great involvement as far as the purchaser is concerned. He feels he wants the goods and he knows he can get them without any deposit. He has no regard for the interest he will be paying; and quite a number of these people get into the position where they neglect their families because of goods they buy under hire purchase. They eventually find they have not sufficient money to buy food or clothes which are necessary for the family. I know families who are involved to the extent of £10 a week. Those people, of course, have no hope of ever meeting their obligations, unless they starve themselves to death to do so.

One thing hire purchase has done, in many instances, has been to help to stop strikes; because people who feel they would be justified in going out on strike for better conditions realise they cannot afford the time and money involved. Civil

servants have also made very great sacrifices. They do not like to be involved in court proceedings; and, consequently, they make every effort and sacrifice to meet their obligations, even if they know they have been exploited by hire-purchase companies.

I do not think the rebate is sufficient, although some members may not agree with me on that. After this Bill has been passed, and it has been tried for 12 months or a couple of years, we may possibly be able to amend it. I hope it will not be long before the Commonwealth Government will bring the whole hire-purchase system, so far as interest is concerned, under the Central Bank. If they can have some control—as they do have over the free enterprise banks—the purchaser will have an excellent chance of doing business without being exploited.

I commend the Bill to the House. It has been thoroughly discussed from many different angles at various conferences that have been held. We have not been successful in getting a uniform Bill, but we have been successful in getting a better Bill; and it will be a better Act, when it is enacted, than that under which we have had to work in the past. I support the second reading.

**MR. O'CONNOR** (North Perth) [9.40]: I have studied this Bill very closely; and, like the member for Eyre, I am very pleased to see it before the House. I am particularly gratified at the new set-up covering hire-purchase agreements, under which the exact purchase price, the terms, the interest, and the insurance are set out very clearly.

In the past there have been cases where those figures were not shown separately, and where they were included in one total. To some great degree the hirers were confused. However, the Bill will overcome that difficulty and the purchaser will be able to see very clearly exactly what he is paying for the article.

The Bill sets out provisions which comply with what most hire-purchase companies and the owners of the articles are doing at the moment. It will only bring the few, who are not complying, into line with what the others are doing.

In regard to statements of account, most companies do forward statements every three months when requested by the purchaser. I am aware that most hire-purchase companies are already giving the hirer seven days' notice before repossessing goods.

The provision in the Bill relating to the insurance of articles held under hire purchase is an important one. In the past, some companies have insisted that the purchaser shall insure the article with a particular insurance company, and sometimes the premium is higher than it ought to be. This Bill will enable the purchaser

to insure with a company of his own choosing, provided the coverage is adequate. That is only right.

There are two main provisions in the Bill with which I disagree to some extent, although not wholly. One provides that a period of 21 days must elapse before a repossessed article can be sold. I feel that a period of 14 days is sufficient. Regarding a repossessed motor vehicle, if it is to be retained by the company for 21 days before it is sold, the tyres and the battery may go flat and the article may become dirty. A prospective purchaser may not be prepared to pay as much for such a vehicle as he would if it were in a clean condition. There is a further disability in that the company has to provide storage space for all repossessed articles for 21 days. I think the period of 14 days is sufficient, although I am prepared to agree to 21 days.

I now refer to clause 25 of the Bill which states—

(1) Where—

(a) goods consisting of a harvester, binder, tractor, plough or other agricultural implement or a motor truck are comprised in a hire-purchase agreement; and

(b) the hirer is a farmer,

the period fixed by any notice of intention to take possession of the goods served under subsection (1) of section thirteen of this Act shall, notwithstanding the period specified in that subsection, 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.

This provision relates to only one section of the community; that is, to the farmer. If it is to apply to one section, it should apply to all sections of the community.

In some cases, hire-purchase companies sell articles on a crop basis. On this basis, a farmer may purchase an article in May of one year, and the first payment may not become due until the following February. Under certain circumstances, if the farmer falls behind in his payments and is taken before the court, he can obtain an extension for 12 months. In other words, he may not, for a period of two years, have

to pay anything on the article purchased. That is far too long to hold an article on hire purchase, without any option being given to the owner to repossess it.

This provision could react unfavourably to the farmer, particularly one who is short of assets, because hire-purchase companies will be bound to clamp down on him. The companies will take steps to ensure that the stability of a particular farmer is good before they will sell an article to him under hire purchase.

Clause 25 (5) reads—

In this section, "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.

This definition would include any person who was rearing birds for sale. There is no doubt that he would be included in the category of "farmer." I see no reason why he should be. Apart from the provision to which I have made reference, I think the rest of the Bill is commendable. It will prove to be of value to the community in general. I support the second reading.

**MR. GRAHAM** (East Perth) [19.47]: This is a Bill upon which I am sure there will be general agreement. Before proceeding with the various points I wish to refer to, let me mention with every respect that I differ from some of the views expressed by my esteemed colleague, the member for Eyre. In expressing a different opinion, I can say that this will not be the first time that we have held opposite views on certain matters.

On the question of hire purchase, some people feel that the citizens of the Commonwealth of Australia are going to excesses, and that some damage is being done as a result. I am not one of those who subscribe to that outlook. As members of Parliament, we can very easily mesmerise ourselves into the belief that we can handle the business affairs and personal matters of others more efficiently than they can themselves. I can instance a number of statutes which give evidence of that, to say nothing of the statements which have been made from time to time.

The average citizen of this country is a responsible and dependable type of individual. Whether the question relates to commitments under hire purchase, the consumption of liquor, or similar controversial matters, there will always and inevitably be a very small section of the community which is unable to look after itself properly. I do not think there is any warrant for restrictive legislation to the greatest degree to cater for those rare exceptions.

**Mr. Nulsen:** Don't you think there should be a limit to the rate of interest?

**Mr. GRAHAM:** I shall come to that point in a moment. That will be one point on which the honourable member and I will disagree. There seems to be a misunderstanding in the use of that term, and confusion has arisen as a consequence. I suggest that most people avail themselves of hire-purchase arrangements in the full knowledge of what they are doing and of their ability to meet the commitments.

In the great majority of cases, those who do take advantage of this purchase-by instalment arrangement would not otherwise be able to obtain goods or luxuries, the subject of the purchase. When I say that, I think of ordinary workers, pensioners, and people in that category who very often can obtain amenities and comforts for themselves that otherwise would be completely unthinkable. It is quite easy to envisage those who do hire-purchase business—that is, those who make sales through this medium or those who are actually in charge of the financial arrangements—as being something akin to ogres seeking to extract the last drop of juice from unhappy victims.

It could be that there are some unscrupulous people engaged in this form of business, as no doubt in all others; but from my knowledge and experience—which is not confined to my circle, but extends to people with whom I have conversed on all aspects of these business arrangements—so far as the person who is disposing of the goods is concerned, the last thing he wants is to recover possession of them.

What he seeks above all else is that the client shall meet his instalments regularly. In very many cases these concerns go out of their way—even beyond the terms of the agreement—in order to make it possible for a party to overcome temporary difficulties and so be able to resume payments. I am aware of many cases where concessions have been made.

So I draw from the observations I have made to date the thought that in respect of those who sell the goods, those who make the financial arrangements, and those who are purchasing the goods, there are undesirable exceptions; but not upon that basis should legislation be determined. These are simple souls who will sign a piece of paper of some importance without reading what is printed upon it.

Here let me make a confession. Some few years ago it was necessary for me to raise some money from a reputable institution—the Commonwealth Bank—by way of a mortgage on my home. I discussed the arrangements, signed the documents, and that was that. It was only some time later that I read in detail the document that I had signed; and was horrified to find that notwithstanding all the provisions—incidentally it was a loan for 10 years, reducible—the bank

could have called up the entire outstanding amount, more or less at a moment's notice; and notwithstanding the fact that the rate of interest was specified, the bank, almost without notice, could have increased the rate of interest I was paying. However, the Commonwealth Bank is a reputable institution, and the overwhelming majority of those engaged in hire-purchase activities fall within the same category.

Mr. Nulsen: Did you pay 20 per cent.?

Mr. GRAHAM: No; I did not pay 20 per cent. That seems to be worrying the member for Eyre.

Mr. Nulsen: I have had experience, and know.

Mr. GRAHAM: It is easy to say that a 10 per cent. interest rate is charged; and that worked out on a certain formula it almost becomes 20 per cent. and therefore these are usurers because of the rate of interest they are charging. However, if the transactions are analysed, it will be appreciated there is considerable service and considerable expense involved—that is potentially the case, to say the least—and it is not all interest.

Let us take the case of a pensioner who is buying an electric iron—perhaps on 5s. deposit, and 2s. per week. I suppose such a purchase could be made. The authority or the company financing that transaction has an office somewhere; and has a staff, machinery, and equipment. Records must be kept and maintained. The pensioner comes to the counter and pays 2s. A receipt must be written out; and that is occupying the time of an employee. The amount must be entered in the accounts and records; but because of something untoward—an illness or something of that nature next week or the week after—the pensioner does not come along with the 2s., and it is necessary to send a letter to the address of that person. There is a certain amount of work entailed; and there is expense involved. Perhaps even a second letter is necessary; and that would involve at least the entire 2s. instalment.

Mr. Nulsen: They are not all pensioners.

Mr. GRAHAM: I am giving an example of where a pensioner is paying allegedly the 20 per cent. in interest; but, in fact, 15 per cent. of the 20 per cent., or three-quarters at least, could be taken up in those costs to the concern.

Mr. Nulsen: Ridiculous!

Mr. GRAHAM: It is not.

Mr. Rowberry: You have got them all bankrupt.

Mr. GRAHAM: These people are so bankrupt and so inconvenienced, and feel they are robbed to such an extent, that invariably a person who has made a purchase under a hire-purchase arrangement

will, when he has concluded that purchase, immediately involve himself in another one. In many cases, he does not even wait until the first is concluded; so there is more or less a permanent set of purchases being made for household goods and so on.

People take advantage of hire purchase for many reasons; and I do not want to go into them in detail. Suppose the figure were 20 per cent. interest and a pensioner or person of humble circumstances wanted to buy something on hire purchase. I hope I am not overdoing the pensioner aspect, but I am seeking to illustrate what a service hire purchase does for a person who has no financial resources, but who is in receipt of a small regular income. Suppose, then, that a pensioner desired a radio set—and anybody who reflects for a moment will appreciate the comfort and companionship a radio set is, particularly to an old person who finds difficulty in getting about. Such a person will pay so many instalments over a certain period for that set. If there were two or three, or half a dozen more instalments of 5s. per week, that would not impose any great burden on the person concerned. It may, in the total, reach almost 20 per cent.; but the important thing is this: That type of person would have an opportunity of obtaining this amenity, which otherwise would be completely impossible of achievement.

Mr. Nulsen: Nobody objects to that; they object to the exploitation.

Mr. GRAHAM: Of the tens of thousands of people in Western Australia—indeed, taking transactions, it would be hundreds of thousands—who regularly make use of this facility, can it be suggested there is something wrong mentally with all of them because they freely and willingly do it?

Let us take an opposite case in regard to a wealthy family in the suburb of Dalkeith. The woman purchased her household linen—sheets, blankets, towels, tea towels—and so on, when she wanted them, on the system of 5s. or 10s. per week, or whatever it is. In this case, her husband, when he learned of it, expressed some concern. She gave him a reply which satisfied him. This was, "Which would you rather? That out of my housekeeping allowance I pay 10s. a week for these goods—even if I am paying interest into the bargain—or periodically I come and ask you for an extra £20 to restock the supplies of the goods I need?" That woman is quite satisfied and the husband is quite satisfied. I ask again: If the tens of thousands of people here, and millions of people in other parts of the world, are taking advantage of hire purchase without these restrictions, why should we concentrate upon these matters? Let them look after themselves.

Mr. Nulsen: Give them an open sesame.

Mr. GRAHAM: If one firm is going over the odds, another will offer a lower rate of interest. If this were not so people would be reluctant to take advantage of the hire-purchase system. But the contrary is the case. The volume of business being transacted is increasing considerably every year. In other words, the people like it the way it is.

Mr. Hawke: It is the only way some people can get certain goods.

Mr. GRAHAM: That is so.

Mr. Hawke: What alternative have they but to pay a high rate of interest?

Mr. GRAHAM: That is the whole point. Are we going to deny these people the opportunity of having these goods by imposing a limit of 10, 15, or 20 per cent.?

Mr. O'Connor: A very sensible approach.

Mr. Hawke: That should make the member for East Perth think a bit!

Mr. Bovell: That would be a change!

Mr. GRAHAM: I was just going to remark that I hope that I am not gaining friends on that side of the House and losing them from this side, where I find myself at home. But there is room for genuine differences of opinion.

Mr. Hawke: I thought you were wrong all through, but when the member for North Perth began to support you, I knew you were wrong.

Mr. GRAHAM: I prefer to make my own determinations; and if I can gather supporters, I welcome them from whatever point of the compass they come.

Mr. Hawke: Oh, no!

Mr. O'Connor: It is nice to see a sensible approach coming from that side of the House.

Mr. GRAHAM: There has been evidence of that on many occasions; but unfortunately it has not been recognised by supporters of the Government. Let me say that I first started to think seriously of this matter when I was approached by a deputation from a trade union. The deputation happened to consist of representatives of the Furniture Trades Union.

Mr. Nulsen: You did not explain that.

Mr. GRAHAM: I do not know what the member for Eyre has in mind as he mutters. I knew they were affiliated with the Party of which I am proud to be a member. When some seven or eight years ago we were then, as now, sitting on the Opposition side of the House, and a Bill was being discussed, the president and secretary of that organisation came here and interviewed a number of members because of the detrimental effect they felt the Bill would have upon their industry and, accordingly, upon their livelihood. They felt that the restrictions would more or less close the door on them.

Mr. Hawke: Mr. Hearn must have been spreading propaganda amongst them.

Mr. GRAHAM: That could have been true at that time; but even my worthy leader should be aware of the fact that since the unfortunate demise of the afore-said Harry Hearn, the same industrial organisation has made approaches to me, whether as a member or as a Minister I cannot remember. However, they were advocating the same course of action.

My summing up of the situation is that if the present arrangement in this State and throughout the Commonwealth of Australia, is so acceptable to the public—ranging again from the humble pensioner and worker to those in the middle salary class and even to those who have better and higher incomes—that because of some personal reasons they are taking advantage in ever-increasing numbers of the hire-purchase arrangement, which is undoubtedly having the effect on trade and industry of making it flourish far more than it had, then I think we would be foolish in the extreme to tamper and tinker with it and give consideration to restrictions which could close this avenue which is undoubtedly proving so attractive to the people, and unquestionably having such a good effect upon trade and commerce, employment, etc.

Mr. Nulsen: You would not agree to the central bank controlling the free banks?

Mr. GRAHAM: To deal with that aspect briefly, I feel that the Commonwealth Bank itself should make funds available for hire purchase. It is able to do so at a lower rate of interest than is the case at present. In other words, it would create greater competition. If the existing rates are higher than they should be, the flood of money from the Commonwealth Bank would outbid the others and they would either have to go out of business or reduce their rates of interest to what, in the eyes of the member for Eyre, would be a more reasonable rate. In other words, the Commonwealth Bank could meet the situation tomorrow; but I am not in a position to say that with absolute certainty five per cent., 10 per cent., 15 per cent., or 20 per cent., is the right percentage. But as the saying goes, forty million Frenchmen cannot be wrong, and I think that the several million people who take advantage of the hire-purchase system in Australia—not in all cases because of necessity—similarly cannot be wrong.

I know that there are very many benefits gained both personally and in the social and economic sense, and I would hesitate very much before taking any action that might have the effect of, on the one hand, depriving deserving sections of the community of things that they are now able to enjoy; and, on the other hand, of disturbing the economic equilibrium. There could be some tragic results.

Let us express our own personal ideas; and surely the views of the public are entitled to some consideration! Here let me

say that I get my quota of letters on all sorts of subjects, but I have never had a person approach me either by letter, telephone, or in person, to complain of high interest rates or the unfair treatment he has received at the hands of these people. Undoubtedly, there are such cases; and members could probably give instances. But, as is so often said, one swallow does not make a summer; and if we measure the complaints against the satisfaction that is apparently given to so many, in the balance there is only one answer to the question.

In any event, very many of these complaints do not bear investigation. I know from my experience in the State Housing Commission that people who complain of treatment accorded them and of what happens about all sorts of things often have no grounds for doing so. In other words, there is no substance in their allegations, and there is always another side to a story.

It is, I think, quite a good innovation that we, in common with other States, should be making it more simple and clear to the purchaser, or hirer—which is probably the proper term—what will be involved in his transaction. I am prepared to wager—again not here but elsewhere—that many of the people who engage in these transactions would be incapable of assimilating what was printed before them in the contract, even if it were printed in letters two inches in height.

I suppose members have gathered that I am supporting the Bill. I think it is quite an improvement on the legislation which preceded it; and that, in turn, was a major advance on what had obtained previously. I rose, among other things—apart from commending the Bill—to express my views on the question of interest rates. Naturally, I have not said the last word in that connection; but I think it is necessary that we should obtain a full appreciation of what those payments constitute. They are a service fee, as well as interest; and so, if we fixed an arbitrary deposit of 10 per cent. or any other figure as a down payment, some of the people in humbler circumstances would find that this was not only a deterrent, but also something which made it impossible for them to make the purchase they desired; and as a consequence only they would be the losers.

**MR. W. A. MANNING** (Narrogin) [10.12]: It is a pleasure to follow the member for East Perth on this occasion, and to be able to agree with him on so many points. I am sure that some of the ogres of commerce of today must be sprouting wings and developing haloes to-night; and I wish they could have heard some of the comments which the honourable member passed.

**Mr. Graham:** There are still some ogres.

**Mr. W. A. MANNING:** However, I feel much the same in regard to this Bill as does the member for East Perth. Many hire-purchase agreements were made in the past when there was considerably less legislative control than exists today, and less than is proposed in this measure; but those agreements were made to the advantage of both purchaser and hirer, and that illustrates what could take place without too much legislative control.

The manner in which the hire-purchase business has developed has been such that a great deal of that class of business has been taken over from the retail trade by the finance companies which specialise in that type of business. That has entirely altered the position, because it is not the seller of goods who is financially interested in them now after sale, but the finance company; and because of that, I believe that legislation of this nature has become more and more necessary.

On examination, this Bill seems to be very well balanced as regards protection for both the hirer and the purchaser; and I think there is very little in it to which one could take exception. It gives both the hirer and the purchaser a fair return in relation to outlay or responsibility.

There is one clause which concerns me; and I refer to clause 25, which deals with the extension of time. Although this provision is necessary in some respects, owing to the impossibility of agriculturists knowing in advance what their income for the year is going to be, in view of the possibility of crop failure, bad weather conditions, or other unfortunate circumstances, we must give this question careful consideration.

The farmer needs some protection if his payment on a hire-purchase agreement falls due and he is unable to meet it. The Bill provides for an extension of time for payment for a period of up to 12 months. I was rather concerned about that, because such an extension could militate against the possibility of the farmer securing terms for the purchase of his plant, as the person advancing money would feel an element of doubt as to when the payment would be made.

However, I notice that there is in the Bill provision for the court to exercise discretion in this regard. It is possible that the court would ask some security, apart from the article the subject of hire purchase. By "security" I mean security by way of lien on crops or wool, or something of that nature—some collateral, as the member for Moore says—which would give security for the further extension of time.

Such an arrangement would overcome many of the difficulties, and would enable the person concerned to be covered to a greater degree than might otherwise be possible. However, I understand that the provision of clause 25 has been contained

in similar legislation in other States for a considerable time; and so my objection may not be as valid as I thought it was. I hope that the Minister, when replying to the debate, can answer me in that regard. Apart from that, I heartily commend the Bill.

**MR. FLETCHER** (Fremantle) [10.17]: I would have liked more time in which to prepare my notes on this measure; because I am surprised at the attitude taken by some members on both sides of the House in relation to this Bill. But, like the member for North Perth, I accept the measure with some reservations, and particularly on these grounds: That banking accommodation might not be available to a farmer, for instance, at a reasonable rate of interest; and here I refer to the bank rate of 5 or 6 per cent.

A bank official, when approached by a farmer, could say to him, "I am sorry, but we cannot accommodate you. However, if you proceed down the passage you will see a notice carrying the name of a hire-purchase company. They may be able to help you." That hire-purchase company might have some innocuous name; while, in fact, it could be an affiliate of the bank whose doors the farmer had just left. The banking company could have a director in common with the hire-purchase organisation just down the passage; and the farmer, unable to borrow money from the bank at 5 or 6 per cent. interest, would find that he could borrow it at 10 or 15 per cent. from the hire-purchase company.

In the daily Press we frequently see advertisements inviting people to invest in hire-purchase companies; and I am concerned about that aspect of the matter, because if people can get a high rate of interest on money loaned to these companies, State and Federal loans will suffer as a consequence.

To the extent that money is drawn away from investment in public utilities, and into such avenues as hire purchase, it is to the detriment of the State, and even Australia as a whole. I differ from the member for Eyre on the question of 15 per cent interest. I say quite frankly I believe that to be exorbitant, even if it is simple interest.

**Mr. Nulsen:** I meant simple interest. They get up to 40, 50, and 60 per cent.

**MR. FLETCHER:** That is so; and that is what makes me say that money will not be made available for essential purposes if it can be invested with hire-purchase companies. On a flat rate, I declare it to be a swindle, inasmuch as the person who buys an article, and who pays such a rate of interest pays a price, eventually, which is out of all reason.

Because of hire purchase, our people are living in the future. It has been the practice for many people to buy articles on no deposit and 5s. a week. After they

have bought one article, they buy another on similar terms; and so they are paying that sum of money for the term of their natural lives; so much so that these commitments can get beyond the capacity of the family man to meet; it is so easy for that to happen. Other members have mentioned how people, without giving the matter any thought or consideration, will buy articles on hire purchase and continue to pay for them for years to come.

I say that it is evil. I frequently go into different homes in my electorate because the people concerned have some problem they wish to talk over with me. I see radiograms and television sets in lounge rooms which lack adequate furniture or carpets. Because of hire purchase, our people are drifting into a way of life where they do not put first things first. They become so obsessed with keeping up with the Joneses, as it were, that they buy all sorts of articles which are really beyond their means. Very often their children go without the necessities of life—I mean such things as fruit and clothing—and even their education suffers. I think that is of vital concern to the welfare of the State.

**Mr. Cornell:** Do you think you can legislate safely for that type of individual?

**Mr. FLETCHER:** I hope the honourable member is not implying that that type of individual is an average type of person. But there has to be some legislation to protect those people, and I will admit that this Bill goes part of the way. That is why I support it with certain reservations. Families enter into these commitments; and then they are forced to say to the 14-year old boy, "You will have to get out and start earning some money to help maintain the home"; whereas, if they were more careful, and did not indulge in this type of buying, they would be able to cater better for the more advanced education of their children.

It is the advertising, and the urge to buy that is inculcated in our people that cause these spending sprees. If it were not for such aggressive salesmanship people would not try to live beyond their means; the children would get a better education; and they would be better clothed and better fed. I go so far as to say that it is wrong when one drives through suburbia and sees television aerials erected on top of rental homes. The people in those places could have spent the money to better advantage by paying a deposit on a home of their own to give them a roof over their heads in their later years.

**Mr. Brand:** What would be wrong with that?

**Mr. FLETCHER:** I do not need any assistance from members opposite. I can make my own speech.

**Mr. Brand:** I was just asking you a simple question. Don't get cross.

**Mr. Brady:** And you got a simple answer.

Mr. FLETCHER: I was not ignoring the question out of rudeness; I am avoiding it because I wish to present my own point of view. I sincerely believe it would be to the advantage of the family man if he could acquire a home of his own. He could do this by paying a deposit on a home now instead of buying a television set, a radiogram, or other luxury articles.

Mr. Ross Hutchinson: You would not deny them the right to purchase those articles?

Mr. FLETCHER: No; but I do deny companies the right to charge an exorbitant rate of interest for these particular articles. That is the theme of my speech.

Mr. Roberts: Would you abolish the practice of hire purchase?

Mr. FLETCHER: Frankly, no; but I would definitely limit the interest rates; and, if possible, I would legislate in that direction. Since I have been a member I have had two or three experiences of where the bailiff has been called in to repossess certain articles; and in one case I knew of the bailiff's assistant in dragging a refrigerator out of the door damaged the linoleum in the process. This might not be of much consequence to members opposite; but the person concerned had almost paid for that refrigerator, and yet lost it because he could not find sufficient money to meet the weekly or monthly terms. He had paid about two-thirds of the purchase price when the article was repossessed, and it would be reasonable to assume that that refrigerator was sold at a price in excess of the money owing. As a consequence, the company which owned it got more for that refrigerator in the long run than it would have been able to get had it been left in the house and the person concerned given an opportunity to pay for it.

Mr. O'Connor: They would have to refund the difference between the balance owing and the price received.

Mr. FLETCHER: I made inquiries in regard to that point, and the person did not get his refrigerator back.

Mr. O'Connor: But he should have got some cash.

Mr. FLETCHER: He should have done so.

Mr. O'Connor: He would under the Act.

Mr. FLETCHER: If the Act were framed that way. The member for North Perth was out of the Chamber when I said I was in agreement with many of the points he raised; and I, too, accept the Bill with some reservations. If it gives the protection to which the honourable member referred, then I think it deserves some commendation.

As a result of these hire-purchase commitments—this is in answer to the interjection made by the Premier earlier in my speech—people cannot afford to be off

work sick. I know that from personal experience. When I was employed on wages, as a family man I could not afford to be sick.

Mr. Evans: Can you afford to be sick now?

Mr. FLETCHER: Yes I can, because my salary would continue to be paid to me. But if I were on wages and I was off work sick, I would not have any income coming into the home. A worker has only a limited number of sick days allowed per year. However, if a worker has heavy hire-purchase commitments, he will continue to work even although he is sick, because he cannot afford to lose even a day's pay. These are the evils of hire purchase which still exist.

I think it was the member for Eyre who mentioned earlier that he could not understand why the Commonwealth Government did not introduce legislation to control hire purchase. I realise that this Parliament is not entitled to instruct the Commonwealth Government on how to run its business. However, I am in a position to know that the Commonwealth had every right to engage in hire purchase a few years ago, but fairly recent amendments to the Banking Act have denied the Commonwealth Government that right. The free enterprise banks have seen to that because they want the hire-purchase field left entirely to themselves, both on a State and Commonwealth level. Hire purchase is a very remunerative line of business, and private banks could take strong exception to a State Government or the Commonwealth Government encroaching on their preserve. On this score, I differ from my colleague, the member for East Perth. In fact, I am surprised at the attitude he has shown to this subject.

Nevertheless, it shows that we can have a divergence of opinion among those on this side of the House. This Government would oppose the State bank entering the hire-purchase field in the same way as those members who represent business interests in this House opposed the State Government Insurance Office engaging in general insurance business.

Mr. Cornell: There is nothing to stop the Rural and Industries Bank from engaging in hire purchase.

Mr. FLETCHER: But does the honourable member think the private banks would condone it? I am sure that legislation would soon be introduced to ensure that that bank did not enter the hire-purchase field. Some member on the other side of the House has said that this is nonsense; but is it nonsense to say that this Parliament prevented the State Government Insurance Office from engaging in general insurance, which is considered to be the close preserve of the private insurance companies? In view of the fact that the State Government Insurance



Office was restricted to that extent, is it not reasonable to assume that the State Government would take steps to prevent the Rural and Industries Bank from engaging in hire purchase?

I applaud the Bill if only on the score that it affords some protection to the intending purchaser. Hire purchase has been a racket in the past, and some sort of legislation is necessary to control it. I commend the Attorney-General for the clear and concise way he introduced this measure. Nevertheless, its provisions do not go as far as I would like them to go, particularly in regard to restricting the interest rates, to which I have referred.

The first schedule in the Bill, which gives a summary of the purchaser's financial obligations under any hire-purchase agreement, refers to the cash price of the goods; the charges for the terms; and other charges, including insurance, maintenance, freight, etc. That these particulars are to be made known to a purchaser before he enters into a hire-purchase agreement is a move to be commended.

This schedule will at least throw some onus on the person buying an article on hire purchase, because the intending purchaser is made more aware of his commitments, and the responsibility for them is then on his own head. We have to accept hire purchase as a way of life in our modern society. The member for Bunbury asked me if I thought that there should not be any hire purchase, and I replied in the negative. Unfortunately, I think it is the only way that a family man can purchase furniture for his home and acquire his bare necessities. Therefore, to the extent to which the Bill proposes to control hire purchase, I commend it to the House.

**MR. ROWBERRY** (Warren) [10.36]: I, too, add my congratulations to those that have been extended to the Attorney-General for introducing this Bill. The measure represents an attempt to control a problem which the member for Eyre has said has been in existence for many years, but, which, in the past, was not so pressing as it is today. Personally, I do not believe in hire purchase. I believe in the sort of terms that were made public by the proprietor of a certain city establishment a few days ago who had a Jewish name. This announcement read, "Try our terms; Cash down and nothing for the rest of your life!" I submit that those terms would probably solve all the problems of the member for Fremantle.

I am surprised at the diversity of opinion that has been shown on this Bill, not only by members of Parliament, but also by reputable citizens. In their desire to correct the way of life of their fellow citizens, they have been indulging in moralities instead of legalities. I was also amazed that members who represent farmers did not grasp this opportunity to criticise the

banks for changing their policy and making available advances to farmers not through the ordinary banking channels, but through their hire-purchase establishments.

A few years ago a farmer could approach his bank manager—as all farmers know—and obtain finance on his next year's harvest on overdraft terms; either at  $6\frac{1}{2}$  or  $7\frac{1}{2}$  per cent. Nowadays, if a farmer approaches his bank manager with a similar request he is referred to the hire-purchase company which is controlled by the same bank in order to obtain his advance, on which he has to pay approximately 15 per cent. interest. I am therefore surprised that those members representing country districts did not offer any criticism about that form of hire purchase.

**The SPEAKER:** That is outside the scope of the Bill.

**Mr. ROWBERRY:** Apparently nothing is outside the scope of this Bill judging by the diversity of the opinion expressed on it. Apparently some members desire to control the way of life of the average man in the street. I could not understand the attitude shown by the member for East Perth. I know that he wears ties of various hues. Tonight he was wearing a tie of a certain colour which did not exactly coincide with the opinion he expressed on interest charges.

Had he been wearing a tie similar to that which he wore yesterday—a tartan tie—I would have said he was probably under the influence of that tie. When he expresses the opinion that 20 per cent. is a fair charge for the accommodation of hire purchase, I certainly cannot agree with him; nor can I understand him. In my life I have made a study of economics, in an amateur sort of way; and I have learnt that the cost of issue of any loan, or overdraft, or advancement from a bank does not exceed one half per cent. The member for East Perth made it about 15 per cent., I think.

I know the honourable member did study a certain line of economics, and I am surprised he has forgotten all about it. I also find myself in disagreement with the member for Eyre that hire purchase in itself would be bad, morally, for the public. I look at it from the employment angle.

**Mr. Nulsen:** You misunderstood me. I never said it was morally bad. I believe in hire purchase, but not in exploitation.

**Mr. ROWBERRY:** The implication was that people should be controlled in their spending. I admit that we should control their wages and the conditions under which they work. I should hate to think that we are going to make laws which will tell people how they shall spend the money they earn and the obligations they have in this regard. Those rights belong to the individuals themselves; they are inherent

in them. No man is going to listen to somebody who tells him how he should spend his last twopence. He has earned the money, and he has the right to spend it as he likes. Those are my views.

I was concerned mostly with the incidence of hire purchase, in that there is no necessity for it at all in my opinion, when goods are on the market—and they must be on the market before they can be issued on hire purchase. This is an aspect on which the member for East Perth touched slightly; namely, that hire purchase does create employment by absorbing the goods already on the market for purchase. The argument is that to be there at all they must have been produced; but they were produced under certain conditions and those conditions should have released enough money to purchase the goods. It will be found that the incidence of hire purchase at the present time will be equal to the amount of money being saved in the cost of production. That is a simple proposition I put to the House for its consideration.

A person who works in industry every day of the week should be able to purchase anything that is available for purchase. If the goods are there, people should have access to them. It is also a matter of simple economy. The strange fact is—and I thought members on this side of the House would have seen this point—that when there is a rise in the basic wage, there is always an outcry that that rise is causing, or will cause, inflation. In fact, some journals will tell us that it is the chief cause of inflation.

No-one will tell you, Mr. Speaker, that in connection with hire purchase, where you have to pay 20 per cent. over and above the cost of production for the money to purchase goods already produced, that is a cause of inflation. Yet it must be; there is no way out of it.

I will support the Bill. I specially commend that part of it that sets out the charges and the whole of the obligation towards the purchaser. Especially do I commend the statement of the difference between the amount that will have to be paid under hire purchase and the amount that would have been paid had the goods been purchased for cash. I think that is something that should have been done long ago.

Mr. Fletcher: Hear, hear!

Mr. ROWBERRY: It is a provision that will be of infinite benefit to the community. Although, as I said at the outset, I am opposed to hire purchase—my upbringing having taught me never to buy a thing until I could buy it for cash—I realise that, under our present-day conditions, if we did that we would soon find that unemployment would increase substantially; because there would be a glut of goods on the market. Since hire purchase does

enable the economy to absorb these goods, I am in favour of the Bill. I repeat that it is an honest attempt to deal with a very intricate problem.

MR. BRADY (Guildford - Midland) [10.46]: I feel I should have a few words to say on this important matter. Most of the other speakers have covered the more important parts of the measure, but there are one or two features on which I would like to express an opinion. The first is in connection with the schedule at the back of the Bill where there is a provision which sets out the owner's estimate of the value of the goods repossessed.

I believe that in connection with hire-purchase agreements there should be some means by which everybody can see how the owner assesses the value of the goods he repossesses; because therein lies one of the greatest weaknesses in connection with hire purchase, particularly when people who have had to forfeit their goods to the owner have already paid a substantial sum of money—probably 50 per cent. of their value—for their purchase.

I believe that ultimately the day must come when something will be laid down as to how the owner arrives at his basis of assessment. I know it would be difficult, but there are other things which have been difficult but which have been overcome. That is one of the weaknesses that I see with regard to repossession.

There is another matter on which I twitted the Attorney-General. When he was introducing the Bill I interjected at one stage that I thought he had a job on his hands as Minister for Education to bring the matter before the Education Department. He felt quite confident that he would not have to do that, because schedules are set out in detail in the Bill.

Up to a point I agree with him; but I would say to the Attorney-General that when he introduced the Licensing Act Amendment Bill, he included a unique feature in it which sets out—

The Minister may by agreement with the Minister for Education in the case of Government schools and with the proprietor, head master or principal teacher in the case of other schools, arrange for portion of each school term to be set apart, when children attending the school who are in the stages of post primary education shall receive instructions on the evils of over-indulgence in liquor.

I believe a similar clause could well have been put into the Hire-Purchase Bill so that students could have had their attention drawn to the dangers inherent in an over-indulgence in hire-purchase agreements.

I believe that hire-purchase agreements today are causing quite a lot of difficulty in domestic circles. A housewife can enter into a number of hire-purchase agreements

believing that she can meet the commitments from week to week or month to month; then some small thing goes wrong and the husband finds out that she has committed him to agreements about which he knows nothing at all. Such disabilities do arise. I know it will be quickly said that the husband is not bound to pay for something for which his wife has signed. But some wives take risks in respect of hire purchase and sign their husbands' names to hire-purchase agreements.

There is one weakness under the present hire-purchase arrangement, and that relates to the oral representations made by the salesman. They should be prevented from doing that. A woman may enter a shop to inspect an article she contemplates buying. The salesman will tell her anything and everything about its advantages. Many women are gullible and accept what is told them as fact.

They are completely unaware that when the agreement is made in writing, any oral representations made carry no weight. If after 12 or 18 months, the hirer finds that she cannot pay the instalments, or if a dispute should arise as to the quality of the article, then whatever oral representations were made by the salesman will carry no weight.

Like the member for Eyre, I believe there should be a maximum rate of charge and that it should be laid down in writing. Daily we read in the newspapers various advertisements by hire-purchase companies inviting loans from the public at 10 to 12½ per cent. per annum. If they are able to pay that, they must be able to make at least another two per cent. profit on top of that rate of interest. That being the case, the hire-purchase companies must make from 15 to 25 per cent. on the article, in order to pay such interest. Every effort should be made to discourage people from mortgaging their future for years ahead in respect of hire-purchase goods.

I support the Bill because I believe it will be the means of refreshing the memories of all the people in the State in regard to their obligations and rights under hire-purchase agreements. They will be awakened to the dangers and pitfalls of hire purchase, and they will be able to advise their families against excessive indulgence in hire purchase. The very fact that the Bill is being debated will give the community some idea of its obligations.

I would like to see a booklet on hire purchase published by some recognised authority, setting out the rights and obligations of hirers in respect of their purchases. This should be made available for sale at all bookstalls and newsagencies.

Personally I consider that hire-purchase business should be restricted to certain types of goods. The smaller articles referred to by the member for East Perth—such as electric fry-pans, toasters and

irons—should not be sold under hire purchase. The hire-purchase companies should not be able to incur vast charges in selling articles of that type. I submit that hire purchase should apply only to goods costing over £50, or even £100. I believe that ultimately the public will demand that hire-purchase transactions should be restricted to goods in excess of that value.

I support the second reading of the Bill because I believe it will be the means of bringing the public up to date in regard to hire purchase. The Bill will also create uniformity in hire-purchase transactions throughout the Commonwealth.

**MR. EVANS (Kalgoorlie) [10.55]:** It is my intention to be brief. I intend to support the second reading. My remarks will differ from some of those expressed by the member for East Perth; but where they differ they will be found to be in accord with the views expressed by the member for Eyre.

The method of transferring the ownership of contracts, and the use of goods, from one person to another—known as hire purchase—is a very old method. The member for Eyre mentioned that records show there was sale of goods of this description recorded during the reign of Queen Elizabeth I. That was a long time before Australia was discovered, and even before the U.S.A. was explored.

The method of purchase on time payment or the purchase of goods and commodities by instalments has become a way of life in Australia, as it has elsewhere. It has made a great impact on the everyday life of the people and on the family income, wherever hire purchase has been practised.

Today we can experience the effect of hire purchase on our own lives, and on our cognisance of the lives of others. Members have expressed the opinion that we, as legislators, should not take on the responsibility of legislating and regimenting the lives of other people. We should not tell them that they should buy this or that article. I agree with those remarks; but I feel we have an obligation, as members of Parliament, to set down guiding principles. If the people decide to follow those principles, well and good; if not, they are exercising their own free will.

There is a responsibility for members to set down guiding principles to control a scheme which is playing a big part in the commercial, economic, and family life of this modern community. We will shortly have before us—I am sure that you, Mr. Speaker, will forgive this digression—a Bill relating to the consolidation and amendment of the licensing legislation. We are to be expected to realise that drinking has become a social problem. It is my contention that it has also become an economic problem.

Today we find the racecourses are in a parlous position and are struggling to maintain attendances. The attendance at racecourses and other sporting fixtures, particularly those which require a pocket lined with money to attend, is an economic problem. I am sure that the sooner the hotel interests and the racing interests realise that these are economic problems, the better they will be. I am sure the problem can be related to the development of hire purchase.

I am not opposed to hire purchase, because I believe it is the only means available to some people on the lower economic rung to obtain goods. This method does give them an opportunity to provide themselves with the essentials of modern-day living.

I commend the Attorney-General for bringing forward this Bill, which was introduced as a result of an interstate meeting of State Ministers, in an endeavour to formulate a uniform policy to control and consolidate the various laws concerning hire purchase.

There has definitely been an attempt made in this measure to protect the hirer or purchaser from some of the worst of the minor features of exploitation. I mention the term "minor features" because, although I am supporting the Bill, I do so for the reason that it is better to have half a loaf than no bread at all; the Bill does not go as far as I would like it.

For example, in New South Wales an Act has been in existence for many years, and it contains two features that are non-existent in this Bill. This Act makes provision for a ceiling rate of interest, and there is a requisite for a certain minimum form of deposit. With respect to this measure—I am sure you, Mr. Speaker, will allow me this small license—the majority of my comments will be such that they will not be in regard to what is in the Bill, but will be giving emphasis to what I feel should be in the Bill; and asking that the Minister might even, at this late stage, give some further consideration to the measure.

If the Bill is amended along the lines which I suggest, I do not feel that it will lose its impact as a measure of uniformity; because, even though New South Wales was represented at the conference, I understand that State still intends to retain its Act, which contains the features I mentioned—a provision to control interest rates, and another which requires a certain form of minimum deposit to be paid.

Hire purchase, as I mentioned, is important in the economy of Australia as a whole; and so important is it that I believe it should be controlled by a uniform law throughout Australia. The member for Eyre contended that the Commonwealth Government, through the Central Bank of the Commonwealth Bank, has the right now to control hire purchase, although it

is still within the ambit of the State to do so. I would like to see the Commonwealth Government control hire purchase because I feel it is the only sane method by which this problem can be controlled. I regret that the New South Wales provision is not included in the Bill.

Briefly, I would like to mention the position as far as a minimum deposit is concerned. I am opposed to the modern tendency that has developed in commercial and economic spheres for people to buy and others to sell on no deposit at all. The person who cannot save to establish a deposit may not have the saving habit and may not be able to meet the various instalments that will come thereafter.

Another bad feature of no-deposit trading is that it results in an increased number of repossessions. I know that a few years ago in Melbourne many business firms, which had employed high-pressure salesmen, were, after a few short months, in the position that the salesmen had gone out to various people on a commission basis and had sold hundreds and hundreds of pounds worth of equipment—I believe of an electrical nature—to people who were definitely not in a position to meet the long-term instalments.

As a result, after a certain time payments ceased and the companies were involved in the difficult and onerous task of depriving those people of their new purchases; and also in the difficult task of disposing of that equipment. Many of them found this to be a severe financial embarrassment. By that time the salesman had left those firms. They worked with them for a few short months, received their commission, and then practised elsewhere.

I would not like to see that state of affairs in Western Australia. No-deposit trading has a tendency to result in increased repossessions which cause higher costs, and these are always passed on to the consumer. No-deposit trading could also result in a financial collapse of the business firms concerned. It seems to me that in cases where no-deposit trading does operate and these other bad features do eventuate, the purchaser would be better off without the item, and the seller would be better off without the sale.

We must remember the adage that bad money will drive out good money. During the stay of the parliamentary delegates, I had the good fortune to meet and speak to the Clerk of the Federal House of Rhodesia; and I had the opportunity of discussing hire-purchase laws with him and comparing those which prevailed in his country and those which operated in our own. He was surprised to learn that we, in Western Australia, did not have any law fixing a certain form of deposit. He informed me that in his country a minimum deposit was an established feature of the hire-purchase law; and that the minimum deposit varied as between

articles stipulated in the legislation as being of an essential nature and those which were considered to be luxury goods.

If I remember correctly, he said that with luxury articles a deposit of 20 per cent. was required. I think that was the maximum. The lowest rate of interest was 10 per cent. on an article such as a refrigerator, which is considered to be an essential in a hot country. I have made my point, I trust; and I hope that the Minister, even at this late stage, will give fresh consideration to this matter.

I now come to the ceiling rate of interest. I mentioned—as did the member for Eyre—that the Commonwealth Government has the right to control hire purchase in its various forms, and particularly in the form including a ceiling rate of interest. If I have established that the Commonwealth Government has this right, it is dodging the issue by not taking all of the responsibility instead of leaving it to the various States. If one State, such as New South Wales, were to include something in its Act, as it has done, it would veer off or keep away some of the big finance companies from operating in that State; and the State concerned would be victimised to the degree of that money lost, which would cause unemployment.

Perhaps this would not be the position in New South Wales because it is the biggest State in Australia and the finance companies would probably turn a blind eye; but if Western Australia were the sole State to have different legislation. I am sure that the companies would be very loth to pour money into this State. For that reason, the Commonwealth Government should be the Government to legislate for uniformity in hire purchase, including the features I have mentioned. I am very pleased to notice that this Government has acknowledged in the Bill two items in this regard; namely, that interest rates are suitable matters for State Government legislation and control; and that 8 per cent. simple interest is an effective rate. These items appear in a certain clause dealing with overdue payments. I do not intend to weary the House any longer; but there is a definite need for the public to be protected in regard to the use of hire purchase. That ties in with my opening remarks that we, as legislators, should help these people. Although this Bill does not go all the way to achieving my ideal as a law controlling hire purchase, I am pleased to support it.

**MR. CORNELL (Mt. Marshall) [11.10]:** This Bill endeavours to make the hire-purchase laws uniform throughout Australia, with the proviso, of course, that local conditions shall take precedence where necessary. The Bill has been the cause of several interesting speeches this evening; and for once in his long and distinguished career, the member for East Perth appears to be out of step with the remainder of those who sit behind him. We know that

the member for East Perth is not always right, but tonight apparently he could not take a trick on any particular score.

**Mr. Graham:** I could not with the Government a little bit earlier.

**Mr. CORNELL:** As a matter of fact I closed my eyes for a few moments, and I had not heard a better free-enterprise speech anywhere. It was almost like the product of a Liberal summer school. I desire to make brief reference to a few matters raised this evening. The member for Fremantle, of course, in my opinion was well and truly off the beam.

**Mr. Crommelin:** He often is!

**Mr. Fletcher:** He was on the beam when talking about the bank's interest.

**Mr. CORNELL:** He might have carried his argument to a logical conclusion by telling the people how to spend their money by endeavouring to regulate their liquor intake, and limit even how much they spend weekly in the s.p. shops. However, I think he is battling to get any individual to suffer the indignity of being told exactly and precisely what he shall do with his money.

As I have said before in this House, no matter how hard we try we cannot legislate for fools; and if a person is obsessed with the idea of over-spending, there is nothing very much we can do about it; and to endeavour to do anything by statute is quite futile.

Oral representations were mentioned by the member for Midland-Guildford and this raises most interesting repercussions. I suppose if one wanted to take his line of thought to its logical conclusion one would feel there should be some provision incorporated in the Electoral Act to cover oral representations made about every three years, because some of those—irrespective of what particular Party is involved—are often dishonoured in action.

**Mr. Fletcher:** You are further off the beam than I was.

**Mr. CORNELL:** The member for Fremantle made much of the advice to hirers. He commended the Bill because it included a provision for hirers to be told exactly where they stood. I would like to point out that those concerns which, according to the member for Fremantle, owe their existence to the generosity of the trading banks, have adopted that principle for many years.

**Mr. Fletcher:** Probably got an interest in it.

**Mr. CORNELL:** Every hire-purchase agreement which is undertaken by those companies has set out quite clearly in it the amount advanced, the accommodation, and other charges; so that in that respect, and so far as those companies are concerned, this Bill breaks no new ground.

Mr. Fletcher: A lot of ambiguity in them!

Mr. CORNELL: What is ambiguous to the member for Fremantle is probably quite plain, simple, and logical to me.

Mr. Fletcher: Not to the general public.

Mr. CORNELL: If we were to continue exchanging pleasantries, I could keep the member for Fremantle entertained for the next half hour. The question of hire purchase being placed on the school curriculum is another departure from established procedure. I think this idea was advanced by one member, too, and it opens up interesting avenues as to exactly how far we should write into Acts of Parliament subjects for the school curriculum. I can think of many subjects which would make quite interesting education for both post-primary students and others. But let us not proceed to deal with those this evening.

Mr. Rowberry: Would you educate them in clotted nonsense?

Mr. CORNELL: I would not know about that. I accuse my friend the member for Fremantle of indulging in clotted nonsense this evening. The question of protection for primary producers has been raised by the member for North Perth. Admittedly the section to which he referred is a fairly wide one, particularly in connection with the definition of a farmer. Although he said that the definition of farmer could extend to and include the raising of birds, I do not think—and I believe the Chief Secretary may be interested in this—that it would cover the fishing industry to which the Chief Secretary is keen to give his support. However, I think it is a section which could be studied.

I understand—and the figures are rather surprising—that farmers did not indulge to a large extent in hire-purchase finance in the purchase of certain items of agricultural machinery. However, I am reliably informed that an amount of £3,000,000 is at present outstanding in respect of hire-purchase commitments for agricultural machinery; and that is a good deal of money.

Mr. Moir: Is that in this State?

Mr. CORNELL: I understand so. Therefore, although most of that money, of course, would be on reasonably short terms, some of it could extend over two harvests.

There was a subclause in the clause relating to the right of the farmer to go to a court of petty sessions to secure protection in respect of instalments he could not meet. I feel that that subclause could be improved. I understand that a local justice of the peace could be involved. I would not like to place any local justice of the peace in the position of having to sit in judgment on a neighbouring farmer and having to endeavour to sort out the

good and bad points in the case. In that respect, I think the clause could be tidied up.

In the main, I think the clause is intended to look after cases such as the one which we are informed is about to occur in South Australia; namely a complete seasonal failure. I do not think it was intended to cover isolated cases, although I might be wrong. I believe it was intended to cover national disasters, and things of that description, such as when the crops fail entirely, so that the farmer could be given some easement, in respect of his tools of trade, in the carrying forward of the instalments due, which he would be unable to meet. Although the provision does not read that way, I think it could be improved in that regard; and I hope the Attorney-General will arrange for consideration to be given to this question so that the clause may be made more specific than it is at the moment.

I represent a rural constituency and a farming community, and I think that my electors believe, as I do, that there are two sides to every question; and, while it is desirable to give them any reasonable degree of protection consistent with their financial set-up, it is desirable also to keep equity in view. I agree that where we try to cover general cases in a statute, it is not always easy to get them into precise terms; and to that extent I feel that the draftsman may have given this provision something which was not quite intended. However, the measure has received the commendation of the House and I trust that, in its operation, it will achieve all that the Minister hopes for. I support 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.

Clause 1 put and passed.

Clause 2—Interpretation:

Mr. WATTS: In a couple of places further on in the Bill there is a reference to a court of petty sessions. Under the Justices Act that court may consist of a stipendiary magistrate or two justices of the peace. Some of the matters that are to be dealt with by a court of petty sessions should not, I think, be dealt with by justices of the peace. While I have great respect for those gentlemen and the work they do, the matters concerned, particularly in regard to clause 25, are of such a nature that I think the work should be undertaken only by a stipendiary magistrate. It is desirable, therefore, to insert in the Bill a definition of "court of petty sessions." It will not affect the principles of the Bill at all, but will ensure that when the phrase "court of petty sessions" occurs later in the measure, it will be clear that

the duties to be carried out and the work to be undertaken will be done by a stipendiary magistrate sitting in a court of petty sessions. I move an amendment—

Page 2, line 32—Add after the definition of “cash” the following definition—

“Court of Petty Sessions” means, notwithstanding the provisions of any Act, a court of petty sessions composed of a stipendiary magistrate.

It will be readily observed why the words “notwithstanding the provisions of any Act” are inserted; because the Justices Act provides, as I said, that a court of petty sessions may be a stipendiary magistrate or two justices; and therefore, notwithstanding that Act, the definition in this Bill, as I propose it, is to ensure that such court of petty sessions will be composed of a stipendiary magistrate only.

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

Progress reported.

## STATE TRANSPORT CO-ORDINATION ACT AMENDMENT BILL

*Message—Appropriation*

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

### *Second Reading*

MR. PERKINS (Roe—Minister for Transport) [11.30] in moving the second reading said: This Bill is a comparatively simple one and has only a couple of provisions in it. It arises from the position existing in districts not served by a railway, and where a subsidy is paid through a Government agency to bridge the gap between the charges on rail and road transport.

Members who were here during the last Parliament will recall that when rail closures were discussed in this Chamber there was a great deal of debate, and a great deal of importance was attached by the then Government, both during the debates and also subsequently, when there was much criticism of the decision to suspend certain rail services, to the fact that Parliament had made the decision on this matter. That point was stressed very considerably, particularly by members on the other side of the House.

Provision was also made for a subsidy which operated in certain districts that were not served by a railway, but where a railway had been promised; and in other districts where the railway services were suspended, provision was made for the subsidy to be reduced gradually until it was eliminated altogether after seven years. As most members realise, this has been a

contentious subject, particularly throughout the various country districts which are vitally affected.

The present Government has decided that no distinction should be drawn between the districts served by a railway, and those not served by a railway; and in districts which do not enjoy such a rail service, the Government has made up the difference between rail and road costs on the lower rate freighted goods. That has given great satisfaction in the districts concerned, and has almost eliminated the bitter criticism which was made by residents in those particular areas.

However, the criticism is still made that, if rail services are not restored, the people living in such areas will be at the whim of the Government of the day. It is not a question of Parliament deciding; the Government of the day can say, “From a certain date we no longer pay a certain subsidy.” The decision we have made has no legislative backing; there is no statute which has to be amended, and in those circumstances great uncertainty is caused in the districts affected, and it militates against permanent development in those areas.

Mr. Graham: But that state of affairs applies, and always did apply to rail services and rail freights.

Mr. PERKINS: It is not quite so easy to alter rail freights. The result of such an action would extend over a very large area, and Governments do not lightly make a decision to vary rail freights. In any case the subsidies I refer to are directly tied to rail freights. If freights are altered, the alteration applies over the whole of the rail system; and, of course, wherever subsidies are paid if the rail costs are “x” and the road costs are “y,” the Government only makes up the difference between “x” and “y”; and, naturally, if “x” is increased the difference that the Government makes up between “x” and “y” is proportionately reduced.

Mr. W. Hegney: Why?

Mr. PERKINS: I think most members are conversant with the position which exists, and I think it will be evident to them that in order to encourage permanent development in the districts served by road transport as distinct from rail transport, it is necessary to give the maximum stability to the various services provided in those districts. That is the object of the Bill.

Mr. Graham: It appears to me that the object is to take control of this away from the Government.

Mr. PERKINS: This Government is not afraid to entrust these matters to Parliament.

Mr. Graham: Your own decision, naturally. This Bill is gangsterism.

Mr. PERKINS: The first provision in the Bill is an amendment to section 10 of the Act, and it will extend the powers of the Transport Board by adding another paragraph, the effect of which will be that the Transport Board shall—

advise the Minister as to the areas which, because of the absence of a railway service or an adequate railway service, require to be served by road transport, and recommend, subject to this Act, the routes to be followed by that transport, the classes of goods to be carried, and the extent to which in the interests of public transport it is expedient that subsidies be granted in aid of that road transport.

The Transport Board is the most expert body we have to advise us in regard to these matters, and the powers and duties of the board are extended to advise along the lines I have mentioned. When the Transport Board has made its necessary examination, and subsequently tendered the advice to the Minister, there is a provision that the Governor, who will act on the advice of the Government of the day, may make regulations relating to the areas to be served and the routes concerned.

Regulations can also be made in respect of the classes of goods to be carried and the rates of subsidies; and, like all regulations, they are subject to tabling in both Houses of the State Parliament where they are subject to debate, and, if necessary, disallowance on the motion of either House of Parliament.

It has been thought desirable that the regulations to reduce or withdraw subsidies should take effect only after the regulations are no longer subject to a motion for disallowance by either House of Parliament, because it will be appreciated that regulations can be introduced soon after the session closes and there is no opportunity for members to consider whether the regulations should be approved or disallowed until a period of six or eight months has elapsed.

I think I have explained adequately the substance of the provisions in the Bill, which is designed in order to have the subject matter considered by Parliament before any alteration is made.

Mr. Graham: No; it is designed to hand over a phase of government to the Legislative Council.

Mr. PERKINS: I am afraid I cannot agree with the member for East Perth in that contention. I think the passing of the Bill—

Mr. Graham: Would be a disgrace to this Parliament.

Mr. PERKINS: — would create greater stability in transport in our country districts; and I hope it will have the effect of encouraging settlement in some areas

where there is scope for further development which, of course, if brought about, will ultimately be to the benefit of the whole of the State.

Mr. Norton: Will this measure apply to the North-West?

Mr. PERKINS: It will have no limitations. As with other statutes, it will apply to the whole of the State. I move—

That the Bill be now read a second time.

On motion by Mr. Graham, debate adjourned.

## ALBANY HARBOUR BOARD ACT AMENDMENT BILL

### *Second Reading*

MR. COURT (Nedlands—Minister for the North-West) [11.44] in moving the second reading said: I must admit that this Bill is probably the most—

Mr. Graham: Controversial.

Mr. COURT: I was about to say unimportant. However, it is important, but it is the most non-contentious legislation introduced this session, if not for all time.

Mr. W. Hegney: It is "check" legislation.

Mr. COURT: This is purely an administrative measure that is necessary to bring about a change in the number of signatures required on the cheques issued by the Albany Harbour Board. A similar measure in respect of the Bunbury Harbour Board is to be introduced also.

Mr. Graham: It will prove difficult during the Committee stage.

Mr. COURT: Briefly, the position is that the Treasury has requested this amendment so that the procedure will conform with the general situation that will prevail when the accounts of the Government instrumentalities will be handled by the reserve bank under Commonwealth legislation to be proclaimed in December, 1959, or January, 1960. I am informed that there are only three Government instrumentalities that require more than two signatures on their cheques. Of the three, two are the Albany and Bunbury harbour boards.

Section 55 of the Act is the appropriate one, and it reads as follows:—

All drafts upon the Treasury or cheques for expenditure by the Board shall be signed by two members, one of whom shall be the chairman or acting chairman, and countersigned by the secretary.

In other words, three signatures are required; one of which shall be that of the chairman or acting chairman and the other one the counter-signature of the secretary. In the proposed amendment it will be necessary for a draft upon the Treasury or a cheque for expenditure to be signed by only one member and countersigned by



the secretary of the board. In other words, there will be a reduction to two signatures, one of which will be the counter-signature of the secretary; and the other, the signature of a member of the board.

It will be left to the respective harbour boards to determine whether the signature of a member of the board will be restricted to the chairman or whether any one of the members will be able to sign. Provision is also made for this legislation to come into force on the 1st December, 1959. The reason for this is that the reserve bank will not take over until the proclamation is issued, which is expected to be in December or January; and if this new form of signing cheques takes place on the 1st December, 1959, it will be in time for the new banking arrangements.

In the signing of the cheques, it will not be necessary for the office of the signatory to be stated. If, of course, on the cheques is printed the information that one is a member of the board and the other is the secretary, that is entirely the affair of the harbour board; the Treasury will not require such designations to be shown on the cheque forms in the future. It will be its responsibility to ensure that the signatories are authorised signatories and the Treasury will accept that responsibility.

There are great administrative advantages so far as the Treasury is concerned. There is also an administrative advantage that will be enjoyed by the harbour board. The modern tendency is to reduce the number of signatories required on a cheque, and the present system, I understand, causes some embarrassment if the secretary, in order to have cheques signed, has to find two members, one of whom shall be the chairman or the acting chairman. There is nothing more in the Bill than I have explained. I move—

That the Bill be now read a second time.

On motion by Mr. Hall, debate adjourned.

## **BUNBURY HARBOUR BOARD ACT AMENDMENT BILL**

### *Second Reading*

**MR. COURT** (Nedlands—Minister for the North-West) [11.50] in moving the second reading said: This Bill deals with the Bunbury Harbour Board, and its provisions are identical with those of the Bill I have just explained in respect of the Albany Harbour Board. The object again is to reduce the number of authorised signatories from three to two. It also provides for the repeal of section 55 of the Bunbury Harbour Board Act, and for its replacement with a new section 55 making provision for two signatories in lieu of the three. The circumstances and reasons are identical with those given for the Albany Harbour Board and I move—

That the Bill be now read a second time.

**MR. ROBERTS** (Bunbury) [11.51]: All I wish to say is that I have great pleasure in supporting the provisions of this Bill.

**Question put and passed.**

**Bill read a second time.**

### *In Committee*

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

### *Third Reading*

Bill read a third time and transmitted to the Council.

## **ANNUAL ESTIMATES, 1959-60**

### *In Committee of Supply*

Resumed from the previous day, the Chairman of Committees (Mr. Roberts) in the Chair.

**Votes—Mines, £439,312; The State Housing Commission £5:**

**MR. ROSS HUTCHINSON** (Cottesloe—Chief Secretary) [11.53]: I have pleasure in introducing, on behalf of the Minister for Mines and Housing, the Estimates of expenditure for this financial year. The State's gold and mineral production for 1958 was as follows:—

Gold—367,187 fine ounces valued at £13,554,934.

Minerals—value £7,015,767.

The production for the nine months ended the 30th September, 1959, for gold was 609,849 fine ounces valued at £9,530,055. That output is 458 fine ounces higher than for the same period of 1958. The gold industry, in regard to the larger mines, is in a reasonably healthy condition in that the ore-bodies continue strongly; and, in the case of marginal producers such as Gwalia and Great Western at Bullfinch, the increased Commonwealth subsidy is an improvement. Prospecting for gold is not, however, so active; and the Murchison Goldfields particularly, with the exception of Mt. Magnet, badly need new finds. The Sons of Gwalia, as a result of State Government help—

Mr. Moir: Which State Government?

**MR. ROSS HUTCHINSON:** I freely grant the honourable member that it was the previous State Government; and I do not want to make an issue of it at this stage. As I said, the Sons of Gwalia, as a result of State Government help, which allowed it to modernise plant and carry out much-needed development, is showing a distinct improvement. Perhaps the member for Boulder played a major part in the achievement of that item.

Mr. Moir: A small part.

Mr. Graham: He is only being modest.

Mr. ROSS HUTCHINSON: The Government has increased prospecting sustenance by an amount of 10s. per week to £5 in eastern fields, and £6 in northern fields. It has also purchased modern compressor plants for loan in order to give incentive. A decision has also been reached to drill the Paddy's Flat area at Meekatharra in an effort to locate payable ore bodies at depth.

I will now deal with drilling generally. Apart from Meekatharra, gold drilling is continuing at Coolgardie, and has just finished at Day Dawn. The old Fingall ore-body was relocated at a depth of approximately 4,000 feet, and gold values were found in all holes. Drilling operations at Talling Peak iron ore body have just been completed. The grade of ore encountered makes it doubtful whether it is suitable for the present export market, if export is allowed.

The department is also drilling for bridge foundations at Fremantle, and in the North in regard to river and harbour investigations. Water drilling is continuing at Badgingarra with some success; and drilling of the iron deposits at Ellarine Hills, near Port Hedland; Wilgie Mia, near Cue; and Bungalbin, in the Yilgarn is now in course of preparation.

In dealing with mineral production I point out that great activity continues in the mineral industry, the major production during 1958 being as follows:—

	Tons	Valued at £
Asbestos .....	13,265	1,343,376
Clay .....	53,797	39,269
Coal .....	870,882	2,280,649
Copper .....	9,446	169,094
Gypsum .....	35,515	40,134
Iron Ore .....	536,713	532,355
(Yampi)		
Lead Ore .....	2,313	131,249
(Northampton)		
Manganese Ore .....	61,808	960,474
	Tons	Valued at £
Mineral Beach Sands .....	82,926	448,218
Pyrites .....	49,389	351,847
		Fine ozs.
Silver .....	200,767	79,651

A large number of companies are exploring areas in the State for minerals.

In regard to oil search, the Wapet Company will be recommencing drilling almost immediately following a period of intense geological and geophysical work in the Kimberleys. Westralian Oil Company is drilling a hole on its area in the North, while Oil Drilling Exploration Company is similarly engaged in the Eucla basin.

At Kalgoorlie, Norseman, and Bullfinch, schools of mines have had good enrolments this year, and are proceeding satisfactorily. The metallurgical laboratory at the Kalgoorlie school has also had a successful year undertaking research work for the mining industry.

In regard to the activities of the State Housing Commission, the building operations, for the sake of clarity, are divided into two sections. (a) Completions. By the close of the financial year 1958-59, some 1,731 units of accommodation were completed as compared with 2,385 in the previous year. These results were obtained under these housing schemes—

	Units
War Service Homes .....	510
Commonwealth-State .....	853
State Housing .....	338
Others .....	30

(b) Under construction. The incomplete housing units at the 30th June, 1959, totalled 707 units against 1,054 as at June 1958. The increased allocation to building societies and a reduction in funds available for war service homes accounts for the reductions.

In regard to the progressive total of houses, it is interesting to note that post-war completions now amount to 29,177 home units, which have been erected under the following scheme:—

War Service .....	9,857
State Housing .....	3,614
Commonwealth-State .....	14,904
Government Employees .....	10
McNess Trust .....	139
Kwinana .....	653

Regarding financial aid, funds provided have resulted in these additional homes—

	Homes
War Service—purchase of completed dwellings .....	5,326
State Housing second mortgages enabled occupancy of a further .....	507
Advances to building societies under the Commonwealth-State Housing Agreement Act, 1956, helped private citizens to erect .....	1,041
<b>Total .....</b>	<b>6,874</b>

The building programme for this financial year is of interest. The funds allocated will enable the Commission to complete the erection of the 707 homes under construction as at the 30th June, 1959, and commence the erection of a further 1,623 new dwelling units. The distribution of the building effort has been planned at—

	To be com- pleted	New contracts	Total
War Service Homes .....	198	325	523
Commonwealth-State .....	312	710	1,022
State Housing .....	176	558	734
McNess Trust .....	11	10	21
Government Employees .....	10	20	30

In other words, there is an overall total of 2,300.

The demand for State Housing Commission assistance by way of purchase and rental homes, continued at the rate of 630 applications per month compared with 670 per month the previous year. Vacancies and reversions enable the commission to assist 1,655 families annually. Last year 3,386 families were aided with 1,731 new dwellings and 1,655 vacated rental homes. Offers of reasonable accommodation were declined by 1,112 families.

In regard to expenditure, it is to be noted that capital expenditure for 1958-59 totalled £6,630,000 against £8,150,500 for the previous 12 months. The main avenues of expenditure were—

(a) Provision by the State Government for building activity under the—

	£
(i) State Housing Act	1,132,000
(ii) Government Employees Scheme	39,000
(iii) McNess Trust	31,000

(b) Provision of loan funds under the Commonwealth-State Housing Agreement Act, 1956 ....

2,842,000

(c) Commonwealth funds under the War Service Homes Act, £2,586,000.

The allocations for this financial year are to be utilised as follows:—

(a) State Treasury advances for home buildings, second mortgages, completion of partly erected homes, under—

	£
(i) the State Housing Act	1,150,000
(ii) the McNess Trust	20,000
(iii) the Government Employees Scheme	60,000
(iv) Housing of industrial personnel	20,000
	<hr/>
	£1,250,000

£

(b) Commonwealth - State funds for purchase and rental houses, housing for personnel of armed forces, additions, sewerage, etc., and advances to building societies

3,051,000

(c) War service homes for new house building and purchase, discharge of pre-arranged mortgages, etc.

2,768,000

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£7,069,000

For 1958-59 revenue amounted to £5,959,000. Of this amount, £2,583,000 represented repayments by home purchasers, £1,557,000 as deposits, fees, interest and remuneration for services rendered. Rents totalled £1,819,000.

Administration costs for the year were reduced by £5,761, despite the increased number of assets to be managed. This saving arose principally from a reorganisation and simplification of operating procedures.

In conformity with the Government's policy of encouraging home-ownership, the commission will build more homes for purchase at reasonable prices on moderate deposits. The main avenues will be through the State Housing Act under which assistance can be given up to £2,500 to buy a home already erected by the commission as part of a group contract in one of its estates or for an applicant to build to his own plan on his own allotment.

Assistance under this Act is limited to those currently in receipt of incomes not exceeding £1,080 plus £25 per annum for each child under 16 years. The State Housing Act funds will allow for the completion of 176 homes and the letting of a further 558 contracts. The housing of Government employees scheme has continued in the interests of decentralisation.

Under the Commonwealth-State Housing Agreement of 1956, building societies continued to be assisted with £925,000. To date 1041 homes have been erected under this scheme—389 in the past year. By the end of June, 1959, 159 houses had been completed for serving personnel. A further 34 will be erected in 1959-60. One thousand and seventeen ex-servicemen were assisted with the completion of 510 houses, the purchase of 421 houses, and the discharge of 86 pre-arranged mortgages.

Construction and maintenance prices continued to be competitive and it appears this trend will be maintained during 1959-60. Maintenance operations covered the renovation and repainting of 2,845 home units, the reconditioning of a further 1,750 units, plus attention to over 27,000 minor items. Expenditure on home maintenance amounted to £416,176.

By the 30th June, 1959, 794 country applicants had been accommodated in new and vacated country homes, thus leaving 1,217 applicants outstanding at that date. Experience over recent years indicates that approximately 50 per cent. of these applications will have lapsed by the time their turn is reached for a home.

The total of country houses is now 5,780 spread over 142 rural centres from the Kimberleys to the Bight—from Kalgoorlie to the coast. During this present financial year, 360 homes will be erected in country centres, and of this figure 51 will be erected in the north-west coastal centres and 10 at Wittenoom Gorge.

Progress reported.

House adjourned at 12.15 a.m. (Thursday).