Clause 7 provides for the closure of portion of Holland Street, Geraldton, to facilitate the resubdivision of the land in Public Education Endowment Reserve No. 11385, by which Holland Street is being diverted to provide access to other freehold land on the western side of the reserve.

Clauses 8 and 9 provide for the closure of portion of Reuben Street and portion of an adjacent private right-of-way to consolidate a site for a municipal depot for which the shire of Kojonup acquired the freehold land adjoining the road and right-of-way.

Clause 10 provides for the closure of portion of Bickley Street, Kwinana, to consolidate an industrial site for Transfield Pty. Ltd., out of adjoining freehold land registered in the name of Her Majesty the Queen, and dedicated for industrial purposes.

Clause 11 provides for the closure of various roads at Attadale in the town of Melville in a considerable area of freehold land, held by various subsidiaries of T. M. Burke Pty. Ltd., which is being replanned and resubdivided to more modern standards.

Clause 12 provides for the closure of a private right-of-way adjoining St. Hilda's Church of England School for Girls, at Peppermint Grove, which has been fenced in with the adjoining schoolsite and has been physically closed by a substantial brick building erected across the western end of the portion of the right-of-way for which closure is sought.

Clause 13 provides for the closure of certain private rights-of-way at Mount Yokine in the Shire of Perth with the intention that the land will be made available to the holders of adjacent lots.

Clause 14 provides for the closure of certain public and private roads and rights-of-way at Balga, north of Nollamara in the Shire of Perth to facilitate the replanning and resubdivision of the area and to comply with major road proposals of the Metropolitan Region Planning Authority.

The schedule to the Bill gives particulars of these roads and rights-of-way. Those are the brief notes; more detailed information is given in the files which, as I have stated, I have presented to the Leader of the Opposition for all honourable members on the Opposition side of the House, and to the Government Whip for all honourable members on the Government side.

Debate adjourned, on motion by Mr. Brady.

ADJOURNMENT OF THE HOUSE

MR. BRAND (Greenough—Premier) [12.46 a.m.]: I move—

That the House do now adjourn.

In moving this motion I would like honourable members next week to keep their days fairly free from 10.30 a.m. onwards. It has not been decided finally whether we shall sit at this time on Wednesday, Thursday, or Friday. We will sit at the normal time on Tuesday, but we will then decide the time of sitting for the following days.

One other thought is in respect of questions. If they are put on first thing in the morning it will give some opportunity to the departments to obtain the answers for the next morning.

Question put and passed.

House adjourned at 12.47 a.m. (Friday)

Legislative Council

Tuesday, the 24th November, 1964

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The PRESIDENT (The Hon. L. C. Diver) took the Chair at 4.30 p.m.

The Hon. J. MURRAY read prayers.

BILLS (9): ASSENT

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

1. Parliament House Site Permanent Reserve (A↑1162) Act Amendment Bill.
2. State Housing Act Amendment Bill.
3. Supply Bill (No. 2), £23,000,000.
4. Suitors' Fund Bill.
5. Morawa-Koolanooka Hills Railway Bill.
6. Mining Act Amendment Bill (No. 2).
7. Town of Claremont (Exchange of Land) Bill.
8. Judges' Salaries and Pensions Act Amendment Bill.
9. Public Trustee Act Amendment Bill.

METROPOLITAN REGION AUTHORITY

Tabling of Reports

THE HON. L. A. LOGAN (Midland—Minister for Local Government) [4.38 p.m.]: I wish to apologise to the House for not having the 1964 report of the Metropolitan Region Authority available for tabling before the end of this session. I was rather amazed when I was given the 1963 report to table, and I can assure honourable members that as soon as the 1964 report is printed I will arrange to have copies distributed.

QUESTION WITHOUT NOTICE

ELECTORAL ACT

Reprinting

The Hon. F. J. S. WISE asked the Minister for Justice:

Since the Electoral Act has been amended substantially in the year 1962 and during this session of Parliament; and anticipating that the amendments of this year will soon be proclaimed, can the Minister give an indication—

(a) as to whether the Act will be reprinted in the near future; and

(b) if so, when could the new reprint reasonably be anticipated?

The Hon. A. F. GRIFFITH replied:

(a) and (b) Yes; I intend to have the Electoral Act reprinted. I have made a determination in my own mind to have this done as soon as the present Bill which is now before the Legislative Assembly has been passed. I think there would be more advantage in waiting until all the amendments can be put into a composite Act. I will then have it reprinted and available as soon as possible. I cannot tell the honourable member just when that will be, but in the light of the Christmas holidays coming up, and that sort of thing, as soon as possible.

LAND AGENTS ACT AMENDMENT BILL

Introduction and First Reading

Bill introduced, on motion by The Hon. A. F. Griffith (Minister for Justice), and read a first time.

COUNTRY AREAS WATER SUPPLY ACT AMENDMENT BILL

Third Reading

THE HON. L. A. LOGAN (Midland—Minister for Local Government) [4.48 p.m.]: I move—

That the Bill be now read a third time.

THE HON. W. F. WILLESEE (North) [4.49 p.m.]: You will recall, Mr. President, that thanks to the Minister, this Bill was delayed until today in order to give me some time to investigate the possibility of putting a general amendment on the notice paper which would satisfy all the desires I have in connection with the measure. The more I look into the Bill the more I am convinced that only one section of

people is going to pay the increased costs under this Bill. Therefore, I could not frame a suitable amendment in such circumstances.

It is my sincere belief that the tenant, in the course of the next 12 months, in country areas and towns is going to get the shock of his life. I rise on this occasion to state this belief to this House in the hope that country members will realise wholeheartedly what they are doing.

There will be offence to some people, and there will be benefits to landlords, in particular. But I am convinced more than ever, as a result of the inquiries I have made—and I have been treated with every courtesy by public servants—that this Bill is misguided both in its endeavour and in its concept.

It will be found, when water rating accounts come in within the next 12 months, that every tenant in the country areas of this State will pay more for water than he is paying under the present legislation; and only the facts will prove my case. Therefore I oppose the Bill. I think it is a very bad piece of legislation.

THE HON. L. A. LOGAN (Midland—Minister for Local Government) [4.52 p.m.]: I deferred the third reading to enable inquiries to be made in regard to an amendment which was moved and later withdrawn by the honourable Mr. Willesee. We both appreciate, from investigations made over the weekend, that it would be wrong to amend the Bill in its present form, because we will not have much opportunity of telling what effect it will have on some of the areas concerned.

From investigations I have made, there is a terrific difference in the prices being paid from town to town throughout the north-west. The majority of towns are paying the 3s. rate, with 4s. for rebate water, and 3s. for excess water. However, there are a few towns which are paying less than that. There is a great deal of inconsistency so far as the north-west is concerned.

There is nothing contained in the Bill about the cost of water. The measure deals purely with the rating system. If the Government should find, after 12 months' experience, that there are anomalies, alterations can then be made. In regard to the views of the honourable Mr. Willesee, I will not argue the point with him at the moment, because only experience will tell what effect the legislation will have. However, we will have got down to a basis of uniformity which has never been attempted before, and on this basis the legislation is worth while. The criticisms voiced by the honourable Mr. Willesee are not cogent at the moment.

Question put and passed.

Bill read a third time and passed.

TRAFFIC ACT AMENDMENT BILL (No. 2)

Second Reading

THE HON. L. A. LOGAN (Midland—Minister for Local Government) [4.53 p.m.]: I move—

That the Bill be now read a second time.

This Bill makes some changes in the arrangements for paying grants to local authorities to ensure continuity in the funds available to them for road works; and, at the same time, it introduces some new features designed to ensure that we use our maximum capacity to attract the full Commonwealth grant.

It is proposed to retain the Central Road Trust Fund with the Commonwealth matching grant, vehicle license revenue in excess of the 1958-59 base year sum, and drivers' licenses paid into the fund as at present.

However, the Bill provides that, in future, it shall be compulsory for all vehicle license revenue collected outside the metropolitan area in excess of the 1958-59 collections to be paid into the fund. Honourable members may recall that it was not compulsory previously. Remittances are to be made monthly after the base year sum is reached.

Because of the difficulty the State faces in qualifying for the full Commonwealth grant, it is no longer possible to allow country local authorities the option of remitting vehicle license revenue in excess of the base year to the Central Road Trust Fund. The great majority of local authorities did participate in full during the past five years, but a few elected to retain their funds in some years and forgo the grant of 15s. in the pound.

Unless collections by country local authorities in excess of the 1958-59 amount are paid into the Central Road Trust Fund and are certified as such by the Auditor-General, the State's allocation to roads would be less than it could be, and our ability to attract the full grant reduced.

The base year sum will, as in the past, be retained by local authorities, but a new provision requires that at least 75 per cent. of the amount retained must be spent on road works or road plant. The other 25 per cent. may be taken in aid of general revenue to offset the costs of collection and the costs of enforcing the Traffic Act.

The arrangements for metropolitan vehicle license revenue remain basically unchanged. After meeting the charge for costs of collection, the base year sum will be divided equally between metropolitan local authorities and the Commissioner of Main Roads. All collections in excess of the 1958-59 base year are to be paid to the Central Road Trust Fund.

the same sums as they would have received under the existing scheme had it continued on the same basis beyond the 30th June last.

Payments to local authorities in 1965-66 and succeeding years to be made monthly in lieu of a lump sum in July-August of each year.

Country local authorities to continue retaining motor vehicle license collections up to a total sum equal to their 1958-59 base year collections, with a new condition that at least 75 per cent. of these collections are to be spent on road works.

Metropolitan local authorities are to be required to spend the whole of their 1958-59 base year allocations on road works.

The present involved system for the payment of a contribution to revenue for debt charges on loan funds spent on roads is to be simplified.

The Main Roads Contribution Trust Account is to be eliminated as it no longer serves any useful purpose.

Had the provisions of the new Commonwealth legislation for the matching grants been applied strictly to local authorities, they would have suffered a sharp fall in the funds available to them for road works, but we set out to avoid this as the Government is very much aware of the ever increasing road needs facing local authorities and we are anxious to ensure that the funds available to them grow with those needs.

I should also mention that the provisions contained in the Bill have been discussed in detail with the executives of the three local government associations, and they are in agreement with them.

I commend the Bill to honourable members as a fair and reasonable measure in respect of grants to local authorities to assist them with their road problems.

Debate adjourned until a later stage of the sitting, on motion by The Hon. D. P. Dellar.

(Continued on page 2891.)

WHEAT PRODUCTS (PRICES FIXATION) ACT AMENDMENT BILL

Second Reading

Debate resumed, from the 12th November, on the following motion by The Hon. L. A. Logan (Minister for Local Government):—

That the Bill be now read a second time.

THE HON. F. J. S. WISE (North—*Leader of the Opposition*) [5.4 p.m.]: This Bill is meant to put legally right that which the Government has deliberately kept legally wrong for 5½ years. It is to amend the Wheat Products (Prices Fixation) Act, 1938, which honourable members who are interested will find in the bound volume of Statutes for 1938, Act No. 39.

The purpose of the original Act briefly was to provide for the fixation of prices of flour and any other product manufactured from wheat. In addition to flour, this included bran, pollard, bread, and so on. The law laid it down that there should be a committee known as the wheat products prices committee, and it was also laid down that the committee should consist of a chairman and two members to be appointed by the Governor; and that the chairman and members of the committee should hold office for such terms as were fixed by the instruments of their appointment.

It is clear from a study of section 6 of the Act that there was a legal obligation upon any government to set up this committee, to appoint one of the three members as chairman, and all the three members to be appointed by the Governor-in-Council. Every government from 1938 until this Government carried out the inescapable legal obligations of the law. Every government until this one continued the committee in its legal operation, and continued to give effect to the recommendations of the committee.

There is a discretion in the law in relation to the issue or otherwise of a proclamation to give legal effect to the recommendations of the committee; but it is true to say that all governments until 1959 gave full effect to this law and to the recommendations of the committee.

Many attempts have been made by the Leader of the Opposition in the Legislative Assembly, since 1959, to get the Government to attend to the legal necessities associated with this law. The subject has been completely reviewed in debate recently, and the case will be found fully recorded in *Hansard* when those debates are printed. Consequently I shall not allude to them.

On the 11th May last, after much pressure by the Leader of the Opposition, and following Cabinet discussions, according to the statement made by the Premier, the Premier advised the Leader of the Opposition by letter that no action was to be taken this year. The compulsory provisions in relation to the appointment of a committee, the term of its appointment, the members to serve on the committee, and the other compulsory provisions have been completely avoided. So strongly did the Opposition to the Government feel on this matter that on the 6th October the Leader of the Opposition wrote a letter to His Excellency the Governor drawing His Excellency's attention to the refusal of the State Government to act in this matter and to operate the law. I have a copy of the letter that was written to His Excellency but as it has been recorded, and will be found in *Hansard*, I do not propose to read it to this Chamber.

the same sums as they would have received under the existing scheme had it continued on the same basis beyond the 30th June last.

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I commend the Bill to honourable members as a fair and reasonable measure in respect of grants to local authorities to assist them with their road problems.

Debate adjourned until a later stage of the sitting, on motion by The Hon. D. P. Dellar.

(Continued on page 2891.)

WHEAT PRODUCTS (PRICES FIXATION) ACT AMENDMENT BILL

Second Reading

Debate resumed, from the 12th November, on the following motion by The Hon. L. A. Logan (Minister for Local Government):—

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On the 22nd October a reply was received from His Excellency that the Government intended to introduce legislation this session. Files have been tabled showing the legal advice given to the Government, and the reports of the Chief Inspector of Factories and Shops, proving what I have just said—that the Government through the years decided to avoid its responsibility in the matter. Now we have this little Bill which does very little else than keep the law alive in case of need.

I have already referred to one of the obligations conferred by the Act—that of price fixing, which is indeed part of the title. That has not been implemented by successive governments for very good reasons. The master bakers entered into an undertaking that they would not, without reference, consideration, and advice, raise the price of breads without due consideration and prior advice. This is understandable because although we as a party believe in price control of commodities that affect the cost of living and the way of life of people, it is understandable that it should not be possible to single out one commodity to be subjected to price fixing. I think it must be said, quite fairly, that the operators in the baking industry have honoured their part of the obligations to which I have referred.

I consider this Bill a very important one to ensure that the Government leaves within the parent Act sufficient authority for it to operate if and when the need arises; and one can visualise very many circumstances which would render the necessity for this Act to become operative. All I can say in short is that while it is to be deeply regretted that the Government has not acted within the law, and according to the requirements of the law, for some years, it is important that the Bill, with all its frailties in not going as far as we would wish, should continue in its present form.

Debate adjourned until a later stage of the sitting, on motion by The Hon. G. C. MacKinnon.

WEIGHTS AND MEASURES ACT AMENDMENT BILL

Second Reading

Debate resumed, from the 19th November, on the following motion by The Hon. L. A. Logan (Minister for Local Government):—

That the Bill be now read a second time.

THE HON. F. J. S. WISE (North—Leader of the Opposition) [5.13 p.m.]: This Bill is really the result of the introduction of a system of metric weights and measures as the forerunner of other changes in methods of currency and methods of weight. If honourable members look at the Bill they will find that the measures of weight which are to be used under the authority of the Weights and Measures Act are to apply in the main to drugs which are to be sold or used.

It must be obvious that I do not wish to go into a strict analysis of the Bill, but I point out that in the new schedule to be attached to the Weights and Measures Act will be found new terms which will be in common usage and will currently be applied, particularly in the measuring of drugs. It is interesting to observe that in regard to a litre—which I understand to be the measurement used for liquids—one-tenth part shall be known as a decilitre; one-hundredth part shall be known as a centilitre; one-thousandth part shall be known as a millilitre; and one-millionth part shall be known as a microlitre.

The use and the application of those terms will require the greatest care when prescriptions are made up. I believe the metric system is to be introduced in measuring prescriptions, and if a medico were to put the decimal point in the wrong place the patient could suffer pangs of pain quite innocently, and perhaps irreparably. I am not sure that very close attention is given by many of the medical men to the clarity of their handwriting; but the honourable Dr. Hislop is one of the outstanding exceptions, because his writing is indeed calligraphy; and the dictionary defines calligraphy as beautiful handwriting. There are, however, other cases where the handwriting is hard to decipher, and the difficulty is great enough without the possibility of the misplacement of the decimal point.

The Hon. H. K. Watson: A housefly could have an effect on a prescription!

The Hon. F. J. S. WISE: I support the Bill, and I think my colleague is also anxious to do so.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (The Hon. F. R. H. Lavery) in the Chair; The Hon. L. A. Logan (Minister for Local Government) in charge of the Bill.

Clauses 1 to 7 put and passed.

Clause 8: Schedule A amended—

The Hon. J. G. HISLOP: The proposals in the Bill will probably be the most difficult part in the changeover to the metric system. It would be quite simple for people to become accustomed to decimal coinage. Those of us who have travelled in other countries which have adopted decimal coinage are aware that newcomers become accustomed to the new coinage within a few days.

The metric system of weighing drugs will require a great deal of thought on the part of those who use it. Considerable care will have to be exercised in placing the correct designations of the weights. For

instance, the terms "g," "mg," and "kg" will be used to designate a gramme and parts thereof. In some prescriptions the quantities are measured in microgrammes, but this unit is not mentioned in the Bill. In certain drugs the dosage is measured in microgrammes, and the term is designated by a curved "y" to a "g".

Great care will also have to be exercised in placing the decimal point at the correct place, because by placing it in the wrong place an overdose could be prescribed. I am sure these difficulties will be overcome in the course of time.

Clause put and passed.

Clause 9 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

THE HON. L. A. LOGAN (Midland—Minister for Local Government) [5.24 p.m.]: I move—

That the Bill be now read a third time.

THE HON. J. G. HISLOP (Metropolitan) [5.24 p.m.]: I notice that in clause 8 on page 4 of the Bill the term applied to a gramme is "g". In the past that unit has been represented by a capital "G". I am wondering whether this might be a different method of using the unit of a gramme. In the medical profession the gramme has always been designated by a capital "G". I suppose there is no reason for it being so designated, but by adopting the capital a distinction is made between one gramme, and a smaller part of a gramme, such as a milligramme, which is designated as "mg".

THE HON. L. A. LOGAN (Midland—Minister for Local Government) [5.25 p.m.]: I shall have the position investigated and inform the honourable member in due course.

Question put and passed.

Bill read a third time, and passed.

LAND AGENTS ACT AMENDMENT BILL

Second Reading

THE HON. A. F. GRIFFITH (Suburban—Minister for Justice) [5.26 p.m.:] I move—

That the Bill be now read a second time.

This Bill is primarily designed to extend the licensing system for the control of land agents. It will achieve this main object in two supplementary ways. Firstly, it imposes conditions as to qualifications and experience upon a person applying for a license as a land agent. Secondly, it provides for the registration of land salesmen.

Without being in any way critical of the magistrates of courts of petty session, whose duty it presently is to grant licenses to applicant land agents, it must be said that persons who ought not, in all the circumstances, to have been granted licenses, have received them. This situation has arisen because of the weaknesses in the present Act, and the lack of proper tests such as would enable a presiding magistrate to reject an application by reason of the lack of qualifications or doubtful suitability of the applicant for a license. This defect of the Act is dealt with in the Bill.

Few honourable members will be unaware of the fact that some land agents' businesses have, in the past, been conducted through the agency of "dummy" license holders. In recent years instances have been noted where following, or even in anticipation of, the compulsory cancellation of his license, the land agent has caused one of his employees to apply for a license. When the employee gained the license the deposed licensee continued to direct the affairs of the concern with no outward sign of what had happened in regard to the revocation of his license.

Similarly, a person who was himself ineligible to hold a license has carried on a land agent's business with his wife as the nominal licensee. These classes of dummying cannot be controlled under the existing Act or even by the tighter conditions that are now proposed to be attached to the granting of licenses.

It is therefore deemed necessary to provide for the registration of land salesmen. These registration requirements will enable dummying to be dealt with and will otherwise be useful as ancillary provisions to those regulating the granting of licenses.

Dealing with the new conditions to be attached to the granting of a license, an applicant, apart from being of good character, will be required—

(i) to have passed an examination relating to carrying on and conduct of the business of a land agent and his duties and liabilities as such, or

(ii) to have held a license anywhere in the Commonwealth within five years preceding his application, or

(iii) to have been an active member of a licensed firm for the two years prior to his application, or

(iv) where the application is made in the first year of the operation of the new Act to have been a land salesman for not less than three years, or

(v) to have made application in his capacity as the executor, etc. of a deceased land agent's estate.

The court considering the application is now to have regard to the fitness and the financial position of the applicant and of his partners, if any. An application on

behalf of a company will demand consideration of the above pertinent factors as regards the company directors and its principal executives.

I now propose to refer briefly to the provisions relating to the registration of land salesmen. The definition of land salesmen is extended to include the partners in a land agent firm other than that partner who as nominee holds the firm's license, and it also includes the directors of a land agent company.

Land salesmen—with certain exceptions—are required to register with the Land Agents Supervisory Committee every year. They must furnish a fidelity bond for an amount of £500. Subject to securing the bond any person may apply for and be granted registration. However, after registration a land salesman comes under the surveillance of the committee. The committee is given investigatory powers and is empowered to cancel the registration of a defaulting salesman or may impose a fine of up to £10.

An appeal against any decision of the committee lies to a court of petty sessions. The appeal is heard by way of a rehearing and the court's decision is final. Where a person has had his license as a land agent compulsorily cancelled, or has twice had his registration as a land salesman cancelled, or has been convicted of offences against the Act on two occasions, he must obtain written permission of the committee before he acts as a director of a land agent company, or before he acts as the employer, employee, or partner of a licensee.

The provisions relating to land salesmen will not operate for three months after the commencement of the Act and are not applicable to the salesmen and directors of a pastoral company affected by section 11 of the Banking Act of the Commonwealth. The provisions will also be inapplicable in the case of a company where its business as a land agent is, in the opinion of the committee, a minor part of the company's normal business and a declaration to that effect has been published in the *Government Gazette*.

The Bill extends the time after the commission of certain offences within which prosecution may be initiated in respect of them. This action is taken because, by reason of the nature of the offence, it would not come to notice until after the expiry of the six months' period otherwise allowed by the Justices Act. In addition to these matters I have mentioned, the Bill contains a number of purely formal amendments of the principal Act.

I am introducing this Bill in the interests of the general public, bearing in mind that a person's investment in his home is frequently the largest investment he makes in his lifetime, and it is regrettable that on numerous occasions in the past we have had the experience of agents failing in their duties and obligations to their clients, either wilfully and in fraud of their clients, or in ignorance.

I want to make it clear that the necessity for improvement in the Land Agents Act is not occasioned by the acts or defaults of the leaders in real estate—in fact, they support the principles in this Bill—but rather it is introduced in an effort to cure some of the ills which from time to time occur. I commend the Bill to the House.

Adjournment of Debate

THE HON. F. J. S. WISE (North—Leader of the Opposition) [5.35 p.m.]: I wonder if I may ask the Minister a question before moving the adjournment of the debate?

The PRESIDENT (The Hon. L. C. Diver): Yes.

The Hon. F. J. S. WISE: As this is a very important and, to a degree, involved Bill, I am wondering whether I may adjourn it till Tuesday next.

The Hon. A. F. Griffith: I would rather you adjourned it until the next sitting of the House. There is no certainty we will be here next Tuesday, and I would not like to lose the Bill because the debate was adjourned till Tuesday next.

The Hon. F. J. S. WISE: There is a lot of work in it for someone.

The Hon. A. F. Griffith: I will accommodate you in further adjournments.

The Hon. F. J. S. WISE: I move—

> That the debate be adjourned until the next sitting of the House.

Motion put and passed.

DOOR TO DOOR (SALES) BILL

In Committee

The Deputy Chairman of Committees (The Hon. G. C. MacKinnon) in the Chair; The Hon. J. Dolan in charge of the Bill.

Clause 1: Short Title—

The Hon. A. F. GRIFFITH: I move an amendment—

> Page 1, lines 7 and 8—Delete the passage "Door to Door (Sales)" and substitute the passage "Purchasers' Protection (Door Sales)".

I have not attempted to ask the Committee to alter the long title of the Bill because I think that fits the case. However, the short title gives me the impression of someone knocking on each door down the street when, in fact, that is not the whole of the exercise. I would ask honourable members to remember that the Bill has been amended to cover not only sales at the door of a residence, but also those at a technical school and a place of business.

In case it is suggested I am splitting straws over this, I would like to assure honourable members that is not the purpose. I have gone a long way in a spirit of co-operation to make this a better Bill and it is with the idea of again improving it I have moved this amendment.

The Hon. J. DOLAN: I would like first of all to say that when I closed the second reading debate, the Minister was absent. I then expressed my thanks on behalf of the sponsor for the co-operative way the Minister had dealt with the Bill. However, I have to oppose this amendment for several reasons. The Minister said that he believes the expression "door to door" means that a person goes from this door to that door, and so on. I take a different view. When a person is selling something, he does not necessarily go to every house. From the point of view of wisdom he would certainly leave some of them well alone.

The second point is that when the amendments were discussed between the Minister and the sponsor of the Bill, no mention was made of the Minister's wish to change the short title. I feel the sponsor should have been given the opportunity at that stage to examine the matter closely. Finally, I would refer honourable members to the short title of the Victorian legislation which differs from the short title of this Bill only in the date. That legislation has worked quite satisfactorily for 12 months in Victoria, where a Liberal Government sponsored the Bill. We wish to retain the short title as it is and I feel the arguments are all in favour of its retention.

The Hon. A. F. GRIFFITH: I appreciate the remarks made by the honourable member when he closed the debate. I am sorry on that particular occasion I had to go out of the Chamber for some reason. I cannot always be here, but I do try to be most of the time. I think it is questionable whether Mr. D. G. May should have been consulted about this. Nevertheless I admit that in the process of examining the Bill this particular point slipped my mind until later.

The Victorian Bill, as I understand it, is not similar to this Bill at all, because that Bill does not cover sales in technical schools and places of employment.

My final point is in the form of a question to honourable members. What is the purpose of this legislation? Its purpose is to give protection to the public in respect of certain purchases. Therefore what better title could we have than the one suggested in my amendment?

The Hon. J. DOLAN: The Minister referred to the insertion of technical schools and places of business. That was an amendment which he proposed and which Mr. D. G. May accepted in order to go along with the spirit of the Minister. Therefore the difference between this legislation and that of the Victorian Act has been brought about at the Minister's wish.

The Hon. R. THOMPSON: I believe we should leave the title as it is. Irrespective of whether we change the title or not, this legislation will be known as the Door to Door (Sales) Bill. That will be the general term applied by the public. Much publicity has been given to this legislation and therefore I think we would be well advised, even for our own sakes, to keep the title as it is.

The Hon. H. K. WATSON: I cannot follow the argument of the honourable Mr. Thompson. A door to door salesman, to my mind, is an itinerant vendor selling apples or icecream. I think the Minister's argument and his proposed title is more appropriate, and for my part I think the Act will come to be known as the Purchasers' Protection Act.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 2: Interpretation—

The Hon. A. F. GRIFFITH: This is the main clause of the Bill and includes the interpretation of the word "goods." I suggested to the honourable member who introduced this Bill in another place that he should accept an amendment to give the Bill a different version of what "goods" meant. Apparently this was not acceptable to him, and the other place decided to keep the interpretation of goods as is now shown in the Bill.

I desire to persist and ask this Committee to agree to the amendment which I have on the notice paper for reasons which I will give in a moment. I move an amendment—

> Page 2, lines 23 to 25—Delete the interpretation "goods" and substitute the following:—
>
> "goods" means any books or parts of a book, or engravings, lithography or pictures or any other like matter whether illustrated or not and includes any articles prescribed to be goods for the purposes of this Act;

Under the interpretation which is at present in the Bill, every type of goods sold is covered. I think that if we took this to its logical conclusion every single form of merchandise would be included under the word "goods," provided it was not sold for cash. This is not what we intend, as I pointed out during my second reading speech. I believe such a wide interpretation of the word "goods" could inhibit decent legitimate business. After all, we are trying to achieve some measure of protection for the purchasers.

The Hon. R. Thompson: What is the interpretation of "goods" in the Victorian Act?

The Hon. A. F. GRIFFITH: In the Victorian Act "goods" covers everything, but I do not agree with that. It can be reported that the Victorian Act is operating satisfactorily, and I will not disagree with that, because I understand it is. However, as I have often heard quoted in this Chamber, what is good for one place is not necessarily good for another.

The Hon. F. R. H. Lavery: You argued against the honourable Mr. Watson the other night.

The Hon. A. F. GRIFFITH: Horses for courses. Has the honourable member heard that expression?

The Hon. J. D. Teahan: When things are different, they are not the same.

The Hon. A. F. GRIFFITH: Is that how the honourable member works it out? Getting back to the basis of this legislation, when I told Parliament that I would investigate this matter, I did not expect to be beaten to the punch by the introduction of this present Bill. However, I have accepted that in the way I should. The amendments to the interpretation of the word "goods" will mean that we get to the immediate root of the evil, and that is the people who sell books, lithography, pictures, and that sort of thing. I agree that linen and crockery could be included, but if these things come under notice it will be an easy matter to prescribe regulations so that they will be embodied by this Bill. That is a better course than having every article of merchandise included.

The Hon. R. Thompson: How much time would elapse between the practice coming under notice and the regulation being gazetted?

The Hon. A. F. GRIFFITH: I could not measure the time in days, but as quickly as possible. As long as it takes to draw up regulations.

The Hon. W. F. Willesee: What would be the basis for bringing other articles under the Act?

The Hon. A. F. GRIFFITH: For a start, we have the regulation making powers in the Act and we would simply prescribe by regulation that such and such a piece of merchandise is one of those prescribed goods. When complaints are made regarding certain goods, then action can be taken.

The Hon. F. R. H. LAVERY: I appreciate the intention of the Minister in proposing this amendment. I repeat, I have not spoken at all to the proposer of this Bill in another place. Anything I say is from investigations I have made through contacting some firms in Perth.

One of the leading credit officers in the biggest emporium in Perth said that the Bill will give protection against what he called "weak-kneed" operators. It will give the public a protection which the big firms want them to have. He said that his firm was always prepared to give a prospective purchaser, before signing the agreement, a few days to discuss the purchase.

The Hon. R. F. HUTCHISON: I understand that the amendment to clause 2 will mean that the Bill will deal only with books and the other articles stated in the amendment. If the Bill does not cover ordinary merchandise, it is not doing the service which I thought was the intention in the first place. My main objection is to the type of salesman who goes around selling parcels of clothing. Recently, I saw such a parcel and the goods were not worth anywhere near the amount charged. That is the sort of thing I thought this Bill was going to prohibit.

To refer only to books, engravings, and so on means altering the Bill, and I am not in favour of doing that. Many people have said to me that the Bill will be a good measure. Abuses do not occur only in respect of books, but in respect of the articles of merchandise I have mentioned, including some new-fangled goods. The other day someone was selling a new gadget to put polish on the floor.

One woman paid a deposit on a parcel of clothing and then found she had signed a contract that she could not get out of. I took the parcel back to the vendors and said, "If you do not refund the money to the woman I will make a case of it and go to court, and we will show the parcel." The firm refunded the deposit, showing it did not have faith in its actions or goods. I can give the names and addresses of the people concerned. To protect people only in respect of books is to do nothing whatever. I oppose the amendment.

The Hon. A. F. GRIFFITH: I went to great pains to explain the purpose of my amendment. First of all, the honourable Mr. Lavery referred to the cooling-off period which is dealt with in clause 4. We are not going to alter that provision.

If the Committee agrees to the definition of goods that I have mentioned, the definition will include the words "and includes any articles prescribed to be goods." So in the course of time we could prescribe anything whatever. I think this is a much more practical approach to the problem than to inhibit general business. After all we cannot protect fools from their folly.

The Hon. R. F. Hutchison: No, but you can stop mountebanks from going around and doing what they are doing now.

The Hon. A. F. GRIFFITH: That is exactly what the Bill proposes to do, and the machinery in the rest of the measure is there to deal with that situation. Rather than that we should include all items of trading, I ask the Committee to have the goods defined and prescribed. If a salesman is not doing the right thing, then the goods he is selling can be prescribed. He will know they are prescribed

articles, because the second schedule contains the form that he must fill in, and if he does not fill in the form he breaks the law and is liable to prosecution, and the contract is not a legal contract and can be broken.

The Hon. R. THOMPSON: I think what is contained in the definition in the Victorian Act is the same as what is in the Bill.

The Hon. A. F. Griffith: You probably knew before you asked me.

The Hon. R. THOMPSON: I did not.

The Hon. A. F. Griffith: You ought to have known.

The Hon. R. THOMPSON: I have not seen the Victorian Act. I disagree with regulations dealing with specific goods that can be sold; and my mind goes back to a firm that was selling women's underwear. The firm had high-pressure salesmen operating throughout the suburbs, and they sold thousands of pounds worth of goods. The articles that come to my mind which they sold were women's girdles and women's dresses. I had one of the girdles valued at a leading retail house in Fremantle, and its valuation was 28s. The high-pressure firm engaged in this racket sent the customer a bill for £5 5s.; and for the dress, which was valued at £6 12s. 6d., it sent a bill for £15 15s. There were numerous other cases.

The person owning that business sold out her liabilities to a hire-purchase company and skipped the State. In fact she went out of Australia; she went to Scotland. The hire-purchase company realised that the people had been "had," but it had paid good money to the person who owned the business, and it had to recoup its money. We cannot blame the hire-purchase company for that.

I think it would be far better to leave the Bill as it is so that reputable operators such as those selling Hoover vacuum cleaners can apply for an exemption.

The Hon. A. F. Griffith: There is no question of an application for exemption.

The Hon. R. THOMPSON: A reputable firm would not want an exemption, anyway.

The Hon. A. F. Griffith: You do not seem to understand the clause. There is no question of an exemption.

The Hon. R. THOMPSON: From the time some shifty individual started to operate until the regulations were introduced would take at least six weeks, and many people could get caught in that time. I support the Bill as it stands.

Sitting suspended from 6.10 to 7.30 p.m.

The Hon. J. DOLAN: I am extremely disappointed that the Minister has seen fit to try to amend the Bill at this stage. His amendment will completely obliterate the Bill. First of all the Minister moved to delete the passage "Door to Door (Sales)" and substitute the words "Purchasers' Protection (Door Sales)." If that does not mean protection from all types of goods my English is sadly lacking.

I would refer honourable members to the Minister's amendment and ask them how many salesmen would try to sell engravings or lithography to a householder. He would be considered mad if he did. I would like a salesman to come to my house and try to sell me things like that. The Minister has made some play on the fact that we can include certain articles later if necessary. But why not have them in the Bill? If nobody is taking advantage of the position, the articles can be removed later.

As we all know it sometimes takes two months for the *Government Gazette* to be printed, and in that time innumerable people could suffer. We have heard so much about co-operation, both from the Minister and other honourable members. We heard it on the Workers' Compensation Act Amendment Bill, when the honourable Mr. Heenan was trying to move an amendment and the Minister asked us to accept the clause in the Bill as a step forward, saying that we should give it a trial. We agreed to give it a trial. This Bill will give us a chance to co-operate.

We are not trying to beat the gun in any way. As long ago as last March this question of door-to-door salesmen was brought up at our party meeting and we decided to do something about it. There was no mention in the Governor's speech about the Government's intention to bring down legislation in this connection.

The DEPUTY CHAIRMAN (The Hon. G. C. MacKinnon): I would ask the honourable member to connect his remarks to the amendment.

The Hon. J. DOLAN: I think they are connected.

The Hon. A. F. Griffith: Even though they are inaccurate.

The Hon. J. DOLAN: The Minister will have the right to point to the inaccuracies in a moment. The Minister's amendment will destroy the Bill. It will not give the protection required. I would refer the Minister to a leader in *The West Australian* which said—

> Parliament should give a quick passage to legislation protecting householders against unscrupulous door-to-door salesmen . . . .
>
> The sooner the law provides a means of escape from these determined and plausible pests the better.

The honest man is still protected under this Bill. The measure prohibits nothing. If the amendment is carried it will conflict with the short title. The Minister was out of the House at the time I was making my

second reading speech, but I would refer him to what I had to say in the matter. I oppose the amendment.

The Hon. A. F. GRIFFITH: For some unaccountable reason the honourable Mr. Dolan mentioned the fact that I was not in the House when he replied to the second reading of the Bill. I will not endeavour to make any excuse about this, because there are times when a Minister must be out of the Chamber.

The Hon. J. Dolan: I understand that. I was not being critical.

The Hon. A. F. GRIFFITH: The honourable member talked about the Labor Party introducing a Bill and the Government not doing so. I am not trying to make a political issue out of this even if the honourable member is. The honourable member said it was not in the Governor's Speech.

The DEPUTY CHAIRMAN (The Hon. G. C. MacKinnon): The Minister will be aware that I directed the previous speaker's attention to his comments on this, and I must ask the Minister to adhere to the amendment.

The Hon. A. F. GRIFFITH: You, Sir, think it out of order that I should draw the honourable member's attention to the fact that this was in the Governor's Speech and the Government did intend to bring down legislation to control door-to-door salesmen. The Bill I have on the notice paper is a Bill I propose to introduce on behalf of the Government. There is nothing wrong with the interpretation I suggest. The desire of the honourable member who is introducing this Bill is, in fact, to inhibit genuine business.

The Hon. R. Thompson: That is not true.

The Hon. F. J. S. Wise: That is not right, and you know it. It is just humbug.

The Hon. A. F. GRIFFITH: I am glad it is not right, because it is not what I want to do. I ask the Committee to agree to my interpretation of the word "goods."

The Hon. N. E. BAXTER: I am inclined to agree with the honourable Mr. Dolan. I thought the intention of the Bill was to deal with goods that were the subject of hire-purchase agreements and of documents on time payment. Not at any time has the Minister suggested the particular goods he wants prescribed. He merely talks about goods to be prescribed, but not any particular lines of goods that will be prescribed under this definition.

The Hon. A. F. Griffith: You think all hire-purchase agreements will be covered under this?

The Hon. N. E. BAXTER: All those that are made on door-to-door canvass.

The Hon. A. F. Griffith: Have a look at the Bill.

The Hon. N. E. BAXTER: I have read the Bill.

The Hon. A. F. Griffith: Have a look at the interpretation of "hiring agreement" and you will see that it does not cover hire-purchase agreements.

The Hon. N. E. BAXTER: I know what is in the Bill. The Minister has not indicated the goods he would have prescribed. If the amendment is accepted and goods are to be prescribed, who is going to decide what these goods are going to be; the Minister or some of the servants of the Crown? And when is it going to be done? We have no assurance when it will be, although the Minister in reply to an interjection said it could be done within a month.

The Hon. J. D. TEAHAN: The whole debate now revolves around the term "goods." At the present time I would recommend to my friends and relatives that they do not buy anything from a salesman at the door. However, we want to go back to the stage where door-to-door salesmen were quite reputable. Do not let us assume that if we accept the wide terms as contained in the Victorian Act every contract made at a door will be questioned for seven days. It is only the very doubtful contracts that will be affected.

The Hon. A. F. GRIFFITH: In reply to the honourable Mr. Baxter I wish to say that if the Committee accepts my amendment it will firstly apply to books, and so on; but anything else, from time to time, may be prescribed. When I say "anything else" I refer to the whole coverage of merchandise, whether it be furniture, cutlery, crockery, and so on, that is sold from door to door.

If the honourable Mr. Baxter will look at the definition of "hiring agreement" he will see that it means any agreement for the letting of goods which is not a hire-purchase agreement within the meaning of section 76 of the Stamp Act. If the clause is not amended it will mean that any firm that plies from door to door on a customer round will be subject to a cooling-off period of seven days. I think that goes too far, and I will leave it to the Committee to decide.

The Hon. E. M. HEENAN: This Bill with the definition of "goods" as set out will not prevent any of these people from calling at the house and inducing the husband or wife to purchase goods. They will still be able to pursue their business in that regard, but there will be a period of seven days in which the agreement can be revoked. I cannot see anything wrong if that applies to practically all articles. There are a number of exclusions. For instance. a hiring agreement is excluded; and anything that is paid for in cash is excluded.

The Minister wishes to limit the definition to booksellers, similar to those who have been going around the city, the suburbs, and the country getting people to sign up for encyclopaedias.

The Hon. A. F. Griffith: I do not want to limit it to them at all. I have said that on half a dozen occasions.

The Hon. E. M. HEENAN: The Minister's amendment limits it to that type of vendor.

The Hon. A. F. Griffith: And to anything else that is prescribed.

The Hon. E. M. HEENAN: Yes. If any other type of salesman creates abuses, his line of merchandise can be prescribed. I do not see anything wrong with the definition that is in the Bill. It is usually women who sign for these things at the door and afterwards they develop what I believe is called "buyer's remorse." I think we should not restrict the scope of the definition to the door-to-door salesmen who sell books or pictures. I do not think there would be any harm in covering all goods.

The Hon. J. DOLAN: I would like to make a final comment. The definition of "goods" in the Victorian Act has stood the test of time for over 12 months; and the Government of that State maintains that the legislation has acted fairly to everybody, and the salesmen are quite happy with it.

The Hon. A. F. Griffith: Would you accept an amendment which gave the Minister power to exempt certain goods such as foodstuffs and perishables?

The Hon. J. DOLAN: Surely if anyone was being treated harshly or unfairly, the Minister would remove them!

The Hon. A. F. Griffith: How could I without the power in the Act?

The Hon. J. DOLAN: We have been told repeatedly that in new legislation there should be some give and take; and, when in doubt, it should be given to the Bill. I would say to the Committee that we should give the clause a go as it stands, and if it has not worked satisfactorily after a period of 12 months, that will be the time to amend it.

The Hon. H. K. WATSON: There are some people who would control any action of any person at any time; and this Bill is an incursion into the rights of traders. Therefore I think it should be viewed with a certain amount of reserve. I believe there is some justification for controlling some of the high-pressure book salesmen and I am prepared to go along to that extent.

I think we should start off with booksellers, and we can say to other sellers, "If you do not behave yourself, you will be in it, too, but we will not bring you in willy-nilly at this stage." I support the amendment.

The Hon. J. G. HISLOP: As far as I can see neither the clause as it stands nor the Minister's amendment is acceptable to the Committee. I see difficulties in both, because there is no doubt that there have been large groups in the past that have been selling all sorts of things at the doors of private householders.

If we leave the matter as suggested by the Minister, we should be certain that there will not be hundreds of people victimised by the actions of traders going round selling from door to door. I suggest that the department handling this measure should keep a keen eye on what is happening so far as traders going from door to door are concerned. As soon as many restrictions are lifted people will be victimised again. It has always happened in times when money freely circulated.

One of the biggest firms that conducted door-to-door sales has now withdrawn its salesmen simply because of the tightening-up of financial restrictions. I can see difficulties all round with this measure. I think we should accept the Minister's statement and leave it to the good sense of the department to exercise a keen eye on the trading that is going on. If the Minister feels that we should retain the original clause, then I will support his contention.

Amendment put and a division taken.

The DEPUTY CHAIRMAN (The Hon. G. C. MacKinnon): Before the tellers tell, I cast my vote with the Ayes.

Division resulted as follows:—

Ayes—13

Hon. A. F. Griffith	Hon. H. R. Robinson
Hon. J. G. Hislop	Hon. S. T. J. Thompson
Hon. L. A. Logan	Hon. J. M. Thomson
Hon. A. L. Loton	Hon. H. K. Watson
Hon. G. C. MacKinnon	Hon. F. D. Willmott
Hon. R. C. Mattiske	Hon. J. Heitman
Hon. J. Murray	*(Teller)*

Noes—12

Hon. N. E. Baxter	Hon. F. R. H. Lavery
Hon. G. Bennetts	Hon. H. C. Strickland
Hon. D. P. Dellar	Hon. R. H. C. Stubbs
Hon. J. Dolan	Hon. R. Thompson
Hon. E. M. Heenan	Hon. F. J. S. Wise
Hon. R. F. Hutchison	Hon. J. D. Teahan
	(Teller)

Pairs

Ayes	Noes
Hon. A. R. Jones	Hon. W. F. Willesee
Hon. C. R. Abbey	Hon. J. J. Garrigan

Majority for—1.

Amendment thus passed.

Clause, as amended, put and passed.

Clauses 3 to 8 put and passed.

New clause 6—

The Hon. N. E. BAXTER: I move—

Page 5—Insert after clause 5, the following new clause to stand as clause 6:—

Agreements with married women.

6. (1) Subject to this section and to section seven of this Act, an agreement to which this Act applies and which is made by a purchaser or bailee who is a

married woman, shall not be enforceable by the vendor unless—

(a) the agreement contains a statement in writing signed by the husband of the purchaser or bailee signifying his consent to the agreement; and

(b) the statement is signed by the husband at or before or within seven days after the time when the agreement was made.

(2) Nothing in this section shall apply to an agreement where the vendor had reasonable grounds for believing and did in fact believe that at the time when the agreement was made—

(a) the purchaser or bailee was not fully dependent on her husband; or

(b) the purchaser or bailee and the husband of the purchaser or bailee were living separate and apart from one another; or

(c) the husband of the purchaser or bailee was outside the State or was under such a legal incapacity as to render him unable to sign a statement of the kind mentioned in paragraph (a) of subsection (1) of this section.

I intimated during the second reading stage my intention of moving this amendment, whereby a husband should sign a statement, or countersign an agreement or document, where his wife is wholly dependent on him. However, there are exceptions, and in this connection I refer honourable members to the wording of subclause (2) paragraphs (b) and (c). In the first part of the amendment it refers to "section seven of this Act." Section seven of the Act is clause six in the Bill as it stands at present. This amendment has been drawn up by the Parliamentary Draftsman to give a clear understanding of what is aimed at in this clause.

The Hon. A. F. GRIFFITH: I do not think the honourable Mr. Baxter will make many friends with his amendment. It invades the privacy of every married woman, and it removes from any married woman the right to enter into a contract to purchase some small commodity without reference to her husband. This is going much too far. The amendment goes on to provide for certain exemptions. We even invade the privacy of people to the point where they have to prove that they are separated; that there is a marital upheaval in the family; and that the contract was made outside the scope of the agreement because they were living apart.

The legislation provides that goods to be prescribed are subject to a cooling-off period. Surely that is enough. But this amendment means that the woman who wants to buy something has to wait until her husband comes home and then say to him, "I bought this today. Would you please put your name on this document, because if you don't it is not legal." The husband might say, "No, I won't put my name on the document." Therefore it would be a cancelled contract. It would have no validity.

The Hon. F. J. S. Wise: That's where a cooling-off period would be needed!

The Hon. A. F. GRIFFITH: That is right. The honourable member's wit often beats me to my point. There is no doubt that that is where a cooling-off period would be required. I think the honourable Mr. Baxter means well with his amendment, but I do not think that his well-meaning is going to b. well served.

The Hon. E. M. Heenan: He is the husband's friend.

The Hon. A. F. GRIFFITH: He is certainly not the wife's friend. I hope he will not pursue this amendment. Personally I propose to vote against it.

The Hon. J. DOLAN: I have handled cases where the women have entered into agreements and the husbands have been held responsible in law. In that regard the amendment has merit, and I think the husband should have some say in the matter as he is held legally responsible.

The Hon. A. F. Griffith: He doesn't; he cancels the contract.

The Hon. J. DOLAN: If the woman does not say anything about it the husband can say afterwards, "I did not know she was even buying it."

The Hon. A. F. Griffith: If she doesn't say anything about it, what is the good of the Bill?

The Hon. J. DOLAN: Some women keep things to themselves, or they are afraid of their husbands. There are plenty of women who are afraid of their husbands and are not prepared to tell them about certain things. I think the amendment has merit.

The Hon. N. E. BAXTER: I thought the Minister was a much more experienced gentleman with women than he has indicated. Apparently his experience is limited in what women do in certain circumstances.

The Hon. A. F. Griffith: Of course it is.

The Hon. N. E. BAXTER: This new clause will not affect a woman who likes to buy an article in a shop. No agreement is involved in that case. This Bill deals only with goods sold at the door of the house. Is not the concept of married life that the husband and wife are partners? Any deal that is made should be agreed to by both partners. Is there any need for a woman who is dependent on her husband to conceal the fact that she has purchased some goods on credit?

The Minister staggers me. Where the wife is fully dependent on her husband and she contracts at the door to buy certain goods, who is responsible? The husband. In that case should not the husband have a say in the matter? There is a moral and not a legal issue at stake in this new clause. The Minister says I will not make a lot of friends amongst the women by this proposal. I do not think I will lose one friend among the women.

The Hon. F. D. Willmott: Maybe you haven't got any.

The Hon. N. E. BAXTER: I think I have a few friends around the State; they include women and I do not think I will lose one of them. I think a clause such as this is necessary to put in a Bill of this nature.

The Hon. F. R. H. LAVERY: I heard the honourable Mr. Watson say tonight there are some people who would vote for anything that would impose a restriction on people. I am not one of those. I would support the honourable Mr. Baxter in regard to paragraphs (a) and (b) of subclause (1), but I would not support any legislation which provided for the privacy of private individuals to be investigated. As the honourable Mr. Dolan said, as members of Parliament we are called upon to deal with many marital problems and, in many cases, because of our position, we are able to advise people.

However, the first part of the honourable Mr. Baxter's new clause really only reaffirms what is already in the Bill except he is asking that the husband sign the document to say that he agrees with the purchase. There is nothing wrong with that and probably the Minister would not object to that part of the new clause.

The Hon. R. F. Hutchison: What about a woman who earned her own money?

The Hon. F. R. H. LAVERY: That is quite so. There are women who earn their own money. I am sorry I cannot support that portion of the new clause which virtually says that a salesman has to find out whether a woman is living with her husband, is parted from him, or is living *de facto*.

The Hon. H. C. STRICKLAND: Had the definition of "goods" remained as it was there might have been some call for this new clause. But as it is now reduced to covering a book, a picture, some engraving, or articles like that, and does not include motorcars, washing machines, TV sets, etc., I agree with the Minister that it is just too ridiculous to allow people to pry into other people's private lives. I could not support the amendment.

The Hon. N. E. BAXTER: I am amazed that honourable members should say the new clause will allow salesman to pry into people's lives. I would refer honourable members to subclause (2) which makes the position quite clear. It states, "where the vendor had reasonable grounds for believing". There will be no grounds for prying into people's lives if this is agreed to.

The Hon. A. F. GRIFFITH: This new clause is to become clause 6 and the present clause 6 in the Bill will then become clause 7. The new clause says, "Subject to this section and to section 7". Section 7, if this new clause is agreed to, and when the Bill becomes an Act, will read—

> Nothing in this Act shall render a credit purchase agreement unenforceable or authorise the termination of any such agreement if it is proved that the agreement was made at the residence of the purchaser or bailee, his place of employment or at a technical school, as the case may be, as a result of an unsolicited request . . . .

That means that if any married woman wanted to do so she could ring up a firm and say, "Come out and sell me a pound's worth, or a thousand pounds' worth, of goods," and she would not have to follow the provisions of the new clause which the honourable member wishes to insert in the Bill because it would be an unsolicited request.

The Hon. N. E. Baxter: Yes.

The Hon. A. F. GRIFFITH: How silly can it get! If she does not want to let her husband know anything about what she is buying she makes an unsolicited request and the purchase is then outside the ambit of the Act.

New clause put and negatived.

Schedule put and passed.

Title put and passed.

Report

Bill reported, with amendments, and the report adopted.

Third Reading

Bill read a third time, on motion by The Hon. J. Dolan, and returned to the Assembly with amendments.

SENATE VACANCY

Filling

THE PRESIDENT (The Hon. L. C. Diver): With reference to Message No. 9 from His Excellency the Governor and in conformity with the Joint Standing Rules and Orders relating to the election of a Senator to the Federal Parliament, arrangements have been concluded whereby a sitting of the Legislative Council and the Legislative Assembly will be held in the Legislative Council Chamber on Thursday, the 26th November, 1964, at 10.30 a.m., for the purpose of electing a person to fill the vacancy notified in His Excellency's Message.

IRON ORE (CLEVELAND-CLIFFS) AGREEMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by The Hon. A. F. Griffith (Minister for Mines), read a first time.

Second Reading

THE HON. A. F. GRIFFITH (Suburban —Minister for Mines) [8.31 p.m.]: I move—

That the Bill be now read a second time.

The agreement, the subject of this Bill, is between the State of Western Australia and Basic Materials Pty. Ltd., a company incorporated under the Companies Act of Western Australia. It is a wholly-owned subsidiary of Cliffs International Inc., a Delaware corporation registered in Western Australia as a foreign corporation under the provisions of our Companies Act.

Cliffs International Inc. is itself a wholly-owned subsidiary of the Cleveland-Cliffs Iron Company, an Ohio corporation. Throughout the world Cleveland Cliffs is acknowledged as a leader in the iron ore processing field with advanced techniques in the conversion of ore to blast furnace feeds such as pellets.

This agreement has special significance because it refers to substantial deposits of iron ore which are of average grade below 60 per cent. in the Robe River area near Onslow. There are physical characteristics which render these deposits unattractive normally as direct shipping ore for direct feed into blast furnaces without upgrading or processing. Nevertheless, the exhaustive research carried out in Western Australia and in the United States, including a full-scale series of pilot plant tests, has satisfied the company that iron ore pellets of a suitable quality, grade, and type can be produced to be competitive.

Pelletisation is a substantial industry and, as a consequence, the Government has been particularly desirous of concluding negotiations with the Cleveland Cliffs organisation. These limonitic average-grade deposits may lead us to a major processing industry in the north-west ahead of some of the major haematite deposits, the subject of other agreements, because of the need for conversion to pellets as an export proposition.

Electric power for processing would be of the order of 75,000,000 kilowatt hours per annum, initially, increasing to 225,000,000 kilowatt hours with plant expansion. Fuel requirements for the thermal process could be approximately 10,000,000 gallons per annum, increasing to 13,000,000 gallons when the proposed production capacity is installed.

Raymond International Inc., a firm of international consultants and construction engineers, has carried out an engineering feasibility study of possible port sites, railroad facilities, plant sites, townsites, and associated facilities. The company is satisfied the ore can be pelletised and the project is feasible economically if reasonable contracts can be procured from the Japanese, or other steel mills of the world.

The company has advised the State it is prepared to carry out the major works involved for the establishment of quarries, towns, railway, roads, and port if it can obtain satisfactory contracts for the sale of not less than 1,800,000 tons of iron ore pellets during the first two years from the commencement of export, building up to not less than 3,600,000 tons in subsequent years. In this regard I would refer to the preamble to the agreement on pages 1, 2, and 3 where this is formally recorded.

Although the ore covered by this agreement is predominantly limonitic with an average grade below 60 per cent., provision nevertheless has been made in the agreement for royalties at the full rate prescribed in other agreements should any of the ore qualify within the definitions previously used of "direct shipping ore," "fine ore," and "fines." It is not expected that much of the ore mined from the Cleveland-Cliffs deposits will come within these categories, but it was decided appropriate provision should be made lest the company receive more favourable treatment in respect of the normal types of ores covered by the other agreements.

It has been necessary to introduce a special type of royalty to deal with limonitic ores. This is covered in clause 9 (2) (j) on page 26. This is graduated over a period of years as follows:—

(v) on iron ore pellets produced in Western Australia north of the 26th parallel of latitude from iron ore with a combined average iron content of less than 60 per cent. at the rate of—

(a) one shilling per ton for all iron ore pellets shipped or sold during year one to year fifteen (both inclusive);

(b) one shilling and threepence per ton for all iron ore pellets shipped or sold during year sixteen to year twenty-five (both inclusive);

(c) one shilling and sixpence per ton for all iron ore pellets shipped or sold after year twenty-five.

The significance of this is that the special rates of royalty on this limonitic ore will apply only—

(a) if it is processed into pellets in Western Australia north of the 26th parallel of latitude, which for all practical purposes means in the area where the port site will be established to service the mine; and

(b) the ore is to be under 60 per cent. in average grade.

An additional royalty provision has also been added in respect of iron ore pellets produced in Western Australia north of the 26th parallel of latitude from iron ore with a combined average content of 60 per cent. or over. In this case the processing rate of 1s. 6d. per ton will prevail.

The escalator system in respect of royalties prevails on the basis covered by other agreements with the exception that there is the graduated scale for ore under 60 per cent. in grade as mentioned above. The base year for calculating escalation will be 1968 instead of 1963, and will apply from the 1st January, 1970, instead of the 1st January, 1969. This is related to the minimum time in which the company can get into production if it receives an order early in the new year.

The Government gave very careful consideration to this special royalty and negotiated the rate with a view to encouraging the establishment of industry in the area as well as encouraging the opening up of these large deposits which, on account of our large-scale high-grade haematite deposits, might otherwise be bypassed.

As many provisions as possible in the agreement have been kept consistent with other Pilbara iron ore agreements already introduced, but, because of the special circumstances, it has been necessary to make some variations. For instance, the company is protected in respect of a port site at Cape Preston up to the 31st December, 1966. There is provision for the interests of the company to be taken into account beyond that point should there be conflicting requests for port and other development there by other people or companies.

It is important we appreciate the significance of the reference to Onslow in the same clause as it is well known that B.H.P. has been concentrating most of its engineering research in respect of a port site in the Onslow area, whereas Cleveland-Cliffs concentrated more in the Cape Preston area.

The Hon. F. J. S. Wise: It could be that Onslow will bloom again.

The Hon. A. F. GRIFFITH: It is not intended at this stage that either company be bound to go to one of these particular areas, but it is logical they should seek some form of protection should they, within the prescribed period, desire to establish at either of these places. For this reason, the agreement is so drafted that a degree of preference is given in the initial stages to Cleveland-Cliffs in respect of Cape Preston subject to its making reasonable provision for what is termed "the nominated company" which, when the agreement was being drafted, was envisaged as B.H.P., should we conclude an agreement with that company in respect of its Deepdale deposits.

Likewise provision was made in respect of Onslow for the "nominated company" —again envisaged as B.H.P.—making reasonable provision for Cleveland-Cliffs. The clauses are so composed as to allow for ample consultation between the companies and the Government and machinery is provided whereby settlement can be reached through arbitration should the companies themselves not reach agreement.

The Government has hopes that when the B.H.P. Deepdale deposits and the Cleveland-Cliffs Robe River deposits are developed, it will be possible to work out a joint operation for at least part of the projects such as rail and port facilities. With this in mind, provision has been made under clause 14—the variations clause—for the Government to approve a proposition which would provide for joint operations which would meet the requirements of both companies' agreements and produce a much more economical result.

It was also considered that such an arrangement would produce a greater result in detail than the companies working separately. In the interests of clarity, I should say there is nothing final in this, but honourable members will be interested to know that the Government has been anxious to arrive at a joint operation for the whole or part of the proposals in the interests of producing the greatest economic benefit for the State and for the district.

It could be that the companies operate separately. In any case, such a joint arrangement cannot be contemplated unless we eventually conclude and have ratified an agreement between the State and B.H.P. In any negotiations with B.H.P. similar provision would be made so as to permit the best result to be achieved from the two projects.

In return for receiving the mining leases covered by the agreement, the company has to pay royalties and rents and also to undertake major port, rail, town and

mining developments. The port requirements at Cape Preston would need to provide for a vessel with a draft of 42 feet. In the case of Onslow, the provision is for ships of 40,000 tons capacity. Additionally, the company would have to provide a plant with iron ore pellet producing capacity of not less than 1,000,000 tons per annum within four years following the commencement date and increase this to not less than 3,000,000 tons of iron ore pellets per annum within a further five years.

The investment in the area would require to be not less than £35,000,000, covering the total development of mining, townships, railway, port and plant with associated facilities.

"Commencement date" is defined in clause 7. For practical purposes, the commencement date is the time when the company has submitted and obtained approval of the details of its proposals. The port capacity that has to be provided at Cape Preston or Onslow, under the reciprocal arrangements I have referred to, is 10,000,000 tons per annum. This is to provide for the operation of the two companies.

Should one company seek to have greater capacity facilities provided, it can do so but at the expense of the company requesting the expansion. This would no doubt be negotiated in conjunction with arrangements for joint use. Another important point is that the company which develops first at either of these areas has to allow a plant site for the other capable of carrying a pellet plant installation with a capacity of 4,000,000 tons per annum.

Cleveland-Cliffs have produced pellets at the laboratory and pilot plant stage, and recently had a large Japanese mission in America examining the pilot plant process to demonstrate the effectiveness of the Robe River limonitic ore for pellet production. I understand the features of the ore are that a moisture content of approximately 10 per cent. has to be drawn off. This increases the fuel cost of processing the ore into pellets. When the moisture is drawn off the ore is reduced to a very fine texture and is only usable in blast furnaces if it is processed by a major thermal process such as pelletising.

The conditions of the mining area leases and rentals are clearly set out in the agreement and follow the general pattern of these iron ore agreements.

The Hon. F. J. S. Wise: May we expect another one for B.H.P.?

The Hon. A. F. GRIFFITH: Before resuming my seat I would like to table a plan which shows the temporary reserve areas held by the company at present.

The plan was tabled.

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

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 4)

Second Reading

Debate resumed, from the 11th November, on the following motion by The Hon. F. R. H. Lavery:—

That the Bill be now read a second time.

THE HON. L. A. LOGAN (Midland—Minister for Local Government) [8.45 p.m.]: This Bill seeks to alter the situation under section 46 of the Local Government Act, under which local authorities are given the right to make either a combined roll or a ward roll. It provides that they shall prepare ward rolls, or, if more convenient, combined rolls.

Under the amendment proposed in the Bill it will be mandatory for every local authority to prepare ward rolls. If we examine the situation as it is at present, we find that the cost to some local authorities of preparing ward rolls will be a burden. In the past in the case of the smaller road boards, particularly those in the isolated areas, the preparation of ward rolls was not a problem, and today quite a number of these small local authorities still have ward rolls.

In the case of metropolitan local authorities, where the numbers appearing on the rolls are increasing at a rapid rate, the time required for the preparation of ward rolls is enormous. There is a necessity for streamlining the method of preparing rolls, and the majority of local authorities have adopted the combined roll system. To my knowledge only three have not done so.

Reference was made by the honourable Mr. Lavery to the Melville local authority. Up till two years ago it was a shire council, and at that stage it probably had ward rolls. When it became a town, the members of that council had other thoughts, and I understand it is now their intention to adopt a modified combined roll, rather than the old ward rolls.

I do not know whether the honourable Mr. Lavery has examined the present system under which local authorities operate. If he has he will agree that the present method is far superior to the old one. Let me refer to the position of the City of Perth. If this Bill were to become law it would have to prepare 10 rolls—one for each ward, and one for the Lord Mayor's election. At the present time when an election is held, a ratepayer can go into any polling booth in the City of Perth and cast a vote. If the principle of ward rolls was adopted then every returning officer would need 10 rolls before him. I am aware that some local authorities only permit a ratepayer to vote in the ward for which he is enrolled, but that seems to be a restriction on the rights of the individual. That became necessary because they had ward rolls. If they had

combined rolls the restriction would not have been imposed, and a ratepayer would be able to cast a vote in any polling booth.

Most local authorities today are turning to the modern concept of adopting the Kalamazoo principle, and I have before me a roll prepared under that principle. It contains 39,609 names. Against each name are shown other particulars, including Christian names, address, situation and description of land owned or occupied, entitlement to vote as occupier or ratepayer, and unimproved capital value of property, because this local authority rates under the unimproved capital valuation method. Then in the last column are shown the wards with the number of votes which that individual can register. A ratepayer in this local authority can go to any polling booth to vote. All that the returning officer has to do is to look for the ratepayer's name and for the particulars of his votes.

The Perth City Council roll, which I examined this morning, is exactly the same as this, except for the fact that it contains another column showing particulars of the votes for the office of Lord Mayor. In the case of the Shire of Perth that column is not included.

The Hon. R. F. Hutchison.: Is that in alphabetical order?

The Hon. L. A. LOGAN: Yes. I am sure those who have requested the honourable Mr. Lavery to introduce this Bill were not *au fait* with what went on in their districts. If they were to study the roll which I have before me they would agree that the Kalamazoo system is much better than the separate ward rolls. This system costs about £1,600 to implement, and the cost of printing the roll for the Shire of Perth was about £600. If that local authority had to prepare six separate ward rolls the cost would be double; that is, £1,200 instead of £600 for printing. To impose the system of ward rolls on all local authorities would create an unnecessary burden. I am sure that they do not want such a system.

If ratepayers consider that they are not being supplied with sufficient information it is their prerogative to ask their local authority to prepare ward rolls. I believe that the City of Fremantle and the Shire of Cottesloe have given some thought to this; but I am sure that when they study the Kalamazoo system and take into account the difficulties of establishing the ward rolls they will be agreeable to the combined roll.

The Hon. R. F. Hutchison: Is this roll like that of the Legislative Council, with the name of the ward shown?

The Hon. L. A. LOGAN: It shows whether the ratepayer is in the Inglewood, Scarborough, Hamersley, or some other ward, and whether he has property in one or more wards. All the details are supplied. If the honourable Mr. Lavery is aware of the cost that is involved in the amendment contained in the Bill, I am sure he will not persist with it.

At present the system is optional. Local authorities can decide on combined rolls, or on ward rolls. I do not think that we, as a Parliament, should make it mandatory for them to have ward rolls. I believe that quite a number of small local authorities will continue to adopt the ward rolls. In one there are only 46 names on the roll, and it is not much trouble to prepare ward rolls.

The Hon. F. J. S. Wise: Are you referring to Halls Creek?

The Hon L. A. LOGAN: I was thinking of the local authority at Laverton. Reference was made by the honourable Mr. Lavery to the Canning Shire Council. This shire changed its system of electing the president. Previously this office was elected by the councillors, but now the ratepayers elect him. I was not very happy about the change. A referendum was held in which less than 4 per cent. of the ratepayers voted, and there was less than 2 per cent. in favour of the change. Today the president is elected by the ratepayers, but this again necessitates a combined roll unless a separate roll is made up for the election of the president.

Having made that explanation, I hope the honourable Mr. Lavery will consider what I have said. I do not want to vote against the Bill, but I shall have to do so if it is proceeded with.

Debate adjourned, on motion by The Hon. W. F. Willesee.

MOTOR VEHICLE (THIRD PARTY INSURANCE) ACT AMENDMENT BILL (No. 2)

Second Reading

Debate resumed, from the 11th November, on the following motion by The Hon. E. M. Heenan:—

> That the Bill be now read a second time.

THE HON. L. A. LOGAN (Midland—Minister for Local Government) [8.56 p.m.]: The honourable Mr. Heenan has introduced a measure similar to this on more than one occasion. When he introduced this Bill he stated that its provisions will not come into force until the 1st July, 1965, the motive being that, with a possible increase in the premium rate caused by the introduction of the spouse *versus* spouse principle under third-party insurance, an opportunity will be given to the Premiums Committee to consider the matter. I have always opposed any attempt to include the spouse *versus* spouse principle. when it was to apply to only one section of the community. I

opposed it on two grounds: Firstly, because of the extra cost to the motorist; and, secondly, because of the principle itself.

The honourable Mr. Heenan stated that it has been a dogma for a very long period that a spouse cannot sue a spouse in court. Today that dogma still holds good in the majority of the countries. If we were to agree to the amendment in the Bill we would be faced with this set of circumstances: A person would not be responsible, through his own negligence, for causing an accident to his spouse, under any circumstances and in any place, except in a motorcar. Under the Bill a person causing an accident to his spouse through his own negligence is to be subject to the spouse *versus* spouse principle, and that is a principle to which I object.

If Parliament were to decide that the principle of spouse *versus* spouse in tort were to apply under all circumstances, then the trust would accept the decision. The trust does not believe that one section of the community should be singled out, and thereby increase the cost to it to some extent. We should not make any discrimination and single out the motorist, just because it is compulsory for him to take out third-party insurance. We should not compel the motorist to pay a higher cost, just to give the right to the spouse to sue.

I might ask the honourable Mr. Jack Thomson whether his wife should have the right to sue him if, through his negligence in his own home, he caused an accident to her.

The Hon. E. M. Heenan: Certainly not.

The Hon. L. A. LOGAN: Why not apply the same principle when dealing with motor cars?

The Hon. E. M. Heenan: You are suing an insurance company.

The Hon. L. A. LOGAN: The individual is being sued because he pays his contribution towards the fund.

The Hon. E. M. Heenan: You are suing the insurance company.

The Hon. L. A. LOGAN: The individual is sued.

The Hon. E. M. Heenan: Nominally.

The Hon. L. A. LOGAN: Nominally, it is the individual, the same as in a house. That is why I object to the principle of discriminating one from the other. If the provision is applied to one, apply it to the lot, and I will accept it if Parliament agrees to it; but Parliament has never agreed to it yet.

In regard to the cost, I say I do not know what it would cost. The honourable Mr. Heenan suggested that because it would not come into force until 1965 the Premiums Committee could have a look at it. However, as far as I am concerned, I do not want the Premiums Committee to meet before the 1st July, 1965. If it does it will mean that the trust will make application for an increase in premiums, and I am the last one who wants that. I do not think anyone else here wants it either.

South Australia had to put up the premiums by approximately 5 per cent. to cover this. What we would be saying to the Premiums Committee if we passed this would be that to cover the anticipated liability, the premiums would have to be increased by 5 per cent. Actually, it might not be 5 per cent. It might be 4 per cent., 3 per cent., or 6 per cent., depending on how it was worked out. However, at the moment I am not anxious—and I do not think anyone else is—to be discriminating in regard to any one section of the community, and at the same time, increase the premiums.

So once again I must ask the House not to accept this measure for those two reasons alone. If we forget about the cost, because the motorists may be prepared to pay it, I still do not think we should discriminate and allow a wife to sue her husband if an accident is caused through negligence in a vehicle, and not if the accident is in a house. As a matter of fact, the negligence could cause an accident in the street, beside a swimming pool, on the beach, on a tram, or in an aircraft —in fact, anywhere. However, the right is not given to one spouse, at the moment—and I do not think it will be for a long while—to sue the other for an accident under any of those circumstances, but it is being asked to be granted in the case of an accident in a motor vehicle. I do not think this is right and therefore must oppose the Bill.

THE HON. J. M. THOMSON (South) [9.3 p.m.]: When speaking on a previous measure I intimated that I favoured consideration being given to the proposal contained in this Bill. With all due respect to the Minister, I must confess that I am still of the same opinion as when I made that statement a few weeks ago. I consider the time is opportune to make the change.

The Minister says that if we make the change in regard to motor vehicles, why not do so in regard to everything? I would probably support that proposal at the appropriate time. But this amendment is dealing with a set of circumstances which was never envisaged when the law of tort was enacted centuries ago. I am impressed with the fact that a child can sue a parent, and a *de facto* wife can sue her *de facto* husband, but a wife because she is his wife has no right in this particular instance to sue her husband for negligence under the legislation. I will support this measure for the reasons I have expressed.

I realise that an increase in premiums may occur as a result of this legislation being accepted, but I do not think that that should be a reason to reject the proposal. Nor do I believe we should reject

it on the ground that it has never applied in the past. I must confess that the Minister's speech has not influenced me in my thinking and when the vote is taken I will vote as I indicated, both tonight and when dealing with another measure previously before the House.

THE HON. G. C. MacKINNON (South-West) [9.7 p.m.]: This is not of course the first time the honourable Mr. Heenan has brought this matter before us, and it is one which must attract sympathetic consideration. For that reason I think it is a measure which it is easy for people to agree with. Most of us have given it a great deal of thought.

It is pointed out, in justification of the line which the honourable Mr. Heenan wishes to take, that if a man lives with a woman and does not marry her, she is covered under this insurance, whereas a legally constituted wife is not. I do not see that that is a valid argument in itself. I think this is a matter which has to be examined more in fundamentals.

The Hon. R. F. Hutchison: What fundamentals?

The Hon. G. C. MacKINNON: None of us would say that the third party motor vehicle insurance as at present constituted is ideal, and I feel that there are aspects of it more needful of correction than the one which incites the interest of the honourable Mr. Heenan. The considerable delay occasioned in many settlements is one.

There is, of course, a fundamental in this which has been highlighted by all speakers, and that is negligence. That is another matter which could be the subject of a good deal of scrutiny. There may be six or seven young people in a motor vehicle, only one of whom can drive, but all of whom are screaming at the driver to go faster, to go slower, to pull to the right, to pull to the left, to step on it, and all the other directions they give. In such a case who is negligent if an accident occurs?

The Hon. E. M. Heenan: They all are.

The Hon. H. K. Watson: All of them.

The Hon. G. C. MacKINNON: But who is in law?

The Hon. E. M. Heenan: All of them are in law.

The Hon. G. C. MacKINNON: The action is taken against the driver of the vehicle.

The Hon. E. M. Heenan: He is not held liable in a case such as you mentioned.

The Hon. G. C. MacKINNON: We have seen case after case where the degree of negligence has been laid against the particular driver. He is the one who faces the action; who stands up and says, "I was egged on to go faster."

The Hon. R. F. Hutchison: That has nothing to do with it.

The Hon. G. C. MacKINNON: The actual driver is the one against whom the vehicle trust takes action. I am not sure that it might not be better to dispense with what has become a legal myth—that there are three parties in this deal. A person has to act through the motor vehicle insurers against the other party. I am not sure that a system could not be devised whereby the action is direct with the insurer.

The Hon. L. A. Logan: Third party insurance is not supposed to be a comprehensive policy of course.

The Hon. G. C. MacKINNON: I am aware of that. However, if an accident occurs and it involves some injury to a person, irrespective of the situation, action must be taken against the other party. The matter is rarely settled without action being taken or threatened. I have been informed that action is pending against me after about two years. The incident had gone out of my mind. It was a very minor accident and yet I am informed that this has to take place. A legal friend of mine informs me that this is the way it must be done. Apparently in any case it is very difficult to say whether or not there has been a degree of negligence. As I understand the Act this is the normal procedure.

It would seem to me that some method of evolving a system should be sought whereby this becomes an insurance contract between those who drive in vehicles and a group of insurers, and this would overcome the problem which the honourable Mr. Heenan has outlined, and at the same time retain the very old principle of common law that a spouse does not take action against another spouse.

In answer to an interjection which I made when the honourable Mr. Heenan was introducing the Bill, he said that the idea of this was the indissoluble oneness of a married couple. With all due respect, I think over many years it has been found to be advisable for other reasons not to allow one spouse to take action against the other. I have been told that in the life of lots of couples there comes a time when they would not be altogether averse to taking some sort of salutory action, one spouse against the other, which might lead to some damage.

Be that as it may, I think that this type of thing, if carried to the logical conclusion, could lead to a variety of forms of skullduggery.

The Hon. R. F. Hutchison: That is a bit far-fetched.

The Hon. G. C. MacKINNON: Well, it has been known to happen.

The Hon. N. E. Baxter: Premeditated accidents.

The Hon. G. C. MacKINNON: Yes. We were talking only the other day on the workers' compensation Bill and reference was made to people who injured themselves for gain. All honourable members know that in the days of the depression that actually happened. Therefore I would suggest that it is not as far-fetched as all that. I reiterate that the point raised by the honourable Mr. Heenan obviously attracts the sympathy of us all, but it is hedged about with a great number of difficulties.

I think it is one aspect of a piece of legislation which could bear examination, but only one, because there are other matters that really want examining; and something should be accomplished in such a way that it will not automatically cut across the time-proven principle that a spouse does not take action against a spouse.

The fact that a man and woman live together without the rights of matrimony, and the fact that the woman has certain benefits should not be taken as an automatic argument in favour of an extension of those benefits to married couples. It does not seem logical to me. Therefore despite the sympathy I have for the case I feel constrained to vote against the Bill.

THE HON. H. C. STRICKLAND (North) [9.17 p.m.]: I support the Bill. I cannot for the life of me follow the arguments submitted by the Minister or by the honourable Mr. MacKinnon in relation to an action of spouse *v.* spouse when we know that an engaged couple can have an accident on the eve of their wedding—and it has happened—and can take action after they have become a married couple.

So I do not think it follows that simply because it is a matter of a man and a wife having an action against each other, it is a reasonable excuse to reject the Bill; because, as I have said, an engaged couple are able to take action against each other, and that does not affect their later married life. So if there is to be any putting of heads together, surely it can happen in that case just the same as with spouses. I cannot agree with the arguments against the Bill submitted by the Minister and the honourable Mr. MacKinnon.

THE HON. R. F. HUTCHISON (Suburban) [9.18 p.m.]: I support the Bill because at present there is a wrong being perpetrated in the law which should be altered. If a husband and wife have a car accident, the wife should not be the only person who cannot claim compensation for medical expenses for injury. This is just another facet of the way the law applies against married women. There are too many of our laws that contain something to the detriment of a wife or a married woman.

The Hon. F. R. H. Lavery: This deals with "spouse" not "wife."

The Hon. R. F. HUTCHISON: Well, a married couple. Women are often wronged in law. It seems to me quite wrong that, in the event of an accident, a married couple cannot sue for compensation. Goodness knows there is enough to pay them compensation from the fees that they pay. They have to pay insurance on their car as well as the heavy cost of running the vehicle; and a car is rather like a refrigerator, because a refrigerator is no longer a luxury but a necessity. So it is with a car. People have to have a car for their business and for other reasons; yet a married woman or her husband suffer, under the law, in regard to compensation.

It does not make sense to me. I think the honourable Mr. Heenan should be commended for bringing this Bill forward. It seems always to be left to the Labor members to bring down these Bills relating to humanitarian rights, and it is about time honourable members on the Government side of the House began to do something. I listened to the debate on the workers' compensation Bill the other night, and I heard the honourable Dr. Hislop—

The PRESIDENT (The Hon. L. C. Diver): Order! Will the honourable member please address herself to the question under discussion?

The Hon. R. F. HUTCHISON: The same kind of wrong is being done here as applies under that legislation. It is wrong in law and in regard to human rights to say that people cannot receive compensation for an injury suffered in an accident because they are a married couple. I always understood that marriage was an honourable state of life in which to live.

THE HON. J. G. HISLOP (Metropolitan) [9.22 p.m.]: This legislation is, I am certain, the culmination of great difficulties that have arisen with the progress of living. One can well understand that in the years gone by, when we did not move as fast as we do now and when we had no motorcars, there was reason for the present legislation. It still strikes me, however, that to take action in respect of this one facet of the law could lead to certain difficulties. I would be more prepared to agree to a request to the law society to investigate the legal position of women in these modern days than to agree with the Bill.

I was interested to read that in a short time there is to be a conference at Tokyo. I think it is, of the women members of the legal profession, and the major item to be discussed is the position of women in regard to law. If this question were made the subject of discussion by the law society we might achieve a great deal more than by simply accepting this measure and then forgetting about the whole matter.

I have here the report of a case which, I admit, is a difficult one because various aspects of the law are involved in it. In

this instance a woman was living in a flat, and the rent was paid by her husband. The flat had a front stairway and a back stairway. The front stairway was considered by the woman to be difficult and slippery, and the back stairway was in a state of disrepair. There was legal action, and the husband came to the conclusion from the discussions in court that his wife was regarded as a mere licensee and was not entitled to the same rights and privileges as the man who was paying the rent. So this problem exists in many fields; and it applied in this instance to such an extent that the husband wrote to me and said that the Chief Justice had been kind enough to call for the papers in the case.

We can see, therefore, that there is something of a major character—and I am certain the honourable Mr. Heenan can give a lead here—for the law society to examine, not only in respect of this measure but in regard to every avenue in which women are penalised by some of the archaic laws that continue to apply. If such an examination were carried out, I think a great service would be done to women in general.

This matter is a contentious and difficult one, and in my opinion it needs the viewpoint of a society such as the law society; and if the members of that society can produce a Bill to amend the situation of women in regard to the law, I think that something real will have been achieved for the women of this community.

THE HON. E. M. HEENAN (North-East) [9.26 p.m.]: After listening to the arguments advanced by the honourable Dr. Hislop and those advanced by the honourable Mr. MacKinnon, as well as the short speech of the Minister and the few arguments he advanced, I will be greatly surprised if those members who really weigh up the pros and cons of the measure vote against it.

The honourable Dr. Hislop rightly pointed out that this legal dogma whereby a spouse is prevented from receiving damages from a spouse has come down through the years, and in times gone by it had some sound reason to back it. Those premises were well-founded and well-developed by the honourable Dr. Hislop.

I tried to point out when I moved the second reading of the Bill that in years gone by married couples were regarded as one entity, and it was unseemly if, for instance, a wife living with her husband fell through a rotten floorboard which the husband should have mended and broke her leg and sued him. That was a tort on his part. The husband should have looked after the house and kept the floor in order. But if his child or his wife fell through the floor and had an accident, they could not sue him.

Honourable members can imagine it would cause commotion and ill-feeling if they did sue; and anyway how could the wife receive money from him which, in any case, she would get from him in order to keep the house going? That was the reason for that principle in law.

If he libelled her, that also was a tort, and she could not sue him; and if she did she could not live with him and carry on a happy married life. That is why the common law sponsored and upheld this doctrine. As the honourable Dr. Hislop has said it was probably wise in doing so. As he pointed out, however, nowadays our society has become a very complex one to live in. The advent of the motorcar has transformed it perhaps more than anything else has done.

Only a few years ago Parliament, because of the tragic state of affairs that existed, saw fit to bring in this compulsory insurance, and to establish a fund to which everyone who licensed a motorcar would contribute, because everyone who drives a motorcar is potentially likely to drive it negligently. I am sure that 99 per cent. of the public who drive motorcars try to drive them carefully, but any of us can make a mistake; can turn around to talk to someone in the back seat; can take his eye off the road for a moment; or can inadvertently forget to give way to the right. That is all negligence. Because of that negligence, injury and harm can be caused to innocent people.

We in Parliament have covered that. We have provided that in such cases as I have mentioned if there are passengers in the car and, through negligence, they are injured, they can sue and can get their money for the injury they have suffered, and for the hospital and medical expenses they have incurred, from the insurance company to which the driver has contributed.

In his remarks the honourable Mr. MacKinnon mentioned that he is going to be sued in respect of something that happened a couple of years ago. This is what will happen: The person concerned will not recover anything against the honourable Mr. MacKinnon unless he or she proves there was negligence. That is the first thing. Whoever is making the claim against the honourable Mr. MacKinnon will have the job ahead of him to prove that the injury he suffered was due to carelessness or negligence. A writ will be issued, and there will be negotiations with the Motor Vehicle Insurance Trust and the honourable Mr. MacKinnon will hardly take part in the negotiations, because he is only nominally the defendant.

The person claiming against the honourable Mr. MacKinnon will write in to the Motor Vehicle Insurance Trust, which will carry out the investigations and negotiations, and the trust may settle the claim out of court. The honourable Mr. MacKinnon will hardly be consulted, or know anything about it.

The Hon. G. C. MacKinnon: It is still worrying.

The Hon. E. M. HEENAN: It is worrying, but the honourable member has insured himself, and that is what he is covered for. It is the insurer's job to look after the matter, and if the honourable member was negligent, to pay up for him.

The Hon. G. C. MacKinnon: They do it very well.

The Hon. E. M. HEENAN: Of course they do; I am not complaining about that. When this claim is settled the honourable Mr. MacKinnon will not pay out one shilling. It is the insurance company that will pay. If a writ is issued against the honourable Mr. MacKinnon he will not have to go to his lawyer. Under the Act he will have to notify the insurance company which will take over the whole conduct of the case. If it goes to court the insurance company will handle it.

The Hon. G. C. MacKinnon: Do not pursue this too far. You will make me feel like a criminal.

The Hon. E. M. HEENAN: If a false claim is being made the honourable member as an honourable person will not admit he was wrong just so that someone else can recover damages against the trust. I would again point out that the individual is only nominal.

The honourable Dr. Hislop wishes that the Law Society will take the matter up. I have told the honourable member about it; and I can produce countless excerpts from judicial announcements and from the Law Society criticising this. We had an Australia-wide law convention held in our State a few years ago, and this state of affairs was strongly criticised, and our own Law Society in Western Australia has criticised it.

Each honourable member who has spoken has mentioned—I do not know why, unless it was meant in a disparaging way—that I have introduced this Bill before. The implication is that we have tossed this out before, and we are getting sick and tired of it, and the virtue of it has somehow lessened because I keep bringing it up. The Minister said it, the honourable Mr. MacKinnon said it, and the honourable Dr. Hislop said it—as if there was something wrong with my bringing it up again.

The Hon. L. A. Logan: I think you misinterpreted what was said.

The Hon. E. M. HEENAN: The Minister started his remarks by saying that this was the second or third occasion on which I had brought the Bill before the House. What motive did he have if it were not to ridicule it?

The Hon. G. C. MacKinnon: We were commending you on your consistency.

The Hon. E. M. HEENAN: The honourable Dr. Hislop is worrying about wrongs to women. The conference, by the way, is being held in New Delhi, and my wife has contributed a paper to it. I do not know what great wrongs women suffer these days, except perhaps the one mentioned in the Bill. There are probably some ways in which they suffer, but I cannot think of any vital ones at the moment. But the one contained in the measure is a real one; one which is right on our own doorstep; one with which every husband and wife in Western Australia is concerned.

I can understand anyone opposing this on the grounds that it will increase our premiums; that as they are already so high we cannot afford this further protection. That would be a logical approach. The only argument I can advance against that is to ask: Why begrudge the extra few shillings it will cost us? Apart from the point I have mentioned I cannot see one valid reason. I think it was the honourable Mr. MacKinnon who said there might be some skulduggery; and there might be some substance in that, because, as the honourable member said, we had cases many years ago, in the difficult depression days, when men went to the extreme of chopping off a finger or a toe. But they were found out in a number of cases and their claims were disallowed.

What an insignificant and paltry person it is who would chop off his toe, or burn down his house, or wreck his yacht, in order to claim compensation! These things do happen, and I suppose if we accept this measure there might be cases where such things will be attempted in order to get compensation. But why destroy the virtue and principle of the thing, because certain mean and despicable people will always try to do these things? They get found out eventually.

The Motor Vehicle Trust is an expert body, and I am sure honourable members will know that if there is an accident anywhere in the city, or in the country, the trust has the police to help it. It has its own investigators who are quickly on the spot and who get statements from everyone concerned. It is not easy to put it over these investigators. They immediately get statements from all witnesses, and anyone who tries to put anything crooked over them is liable to get into a lot of trouble.

It is not a matter for sympathy as the honourable Dr. Hislop and the honourable Mr. MacKinnon said. Where does the sympathy come in? We are going to pay extra premiums for this cover. We are not favouring or disfavouring any section of the community. Everyone will have to pay for this.

It does seem ironical and illogical that an injured child can sue his father who has tipped over the car. One may take

his children out driving and perhaps not give way to the right. One does not do it purposely—one does not injure one's own children purposely—but if they are injured and if they have to have a lot of medical attention, operations, and perhaps a splint on their leg for life, it is right that they should recover insurance. As the honourable Mr. Strickland pointed out, under our laws at the present time, a young man and his fiancee can be out driving tonight. He injures her through getting into a collision, perhaps, by not giving way to his right, and she is smashed up badly. She is able to recover against him although they may become man and wife in a very short time.

There is no sympathy about this; it is just to extend the cover to the additional member of the family, namely, the wife. A son or a daughter may sue; and they only sue nominally, as instanced by the honourable Mr. MacKinnon. If I were to injure a member of my family, whatever I admitted would count very little. The trust is there with its experts measuring, getting statements, and finding out about the actual happening; and I am only nominal. If my son or a member of my family makes a claim against me, it would be the trust and its capable lawyers and others who would ascertain whether the member of my family would succeed in the claim or not. I would have nothing to do with it; I am only a figurative person.

I agree—I think it was mentioned by the honourable Mr. MacKinnon—that it is a pity our law is not the same as that of South Australia. I think in South Australia one does not sue the individual, one sues the trust direct; however, it is not my fault that that state of affairs does not apply here. I agree it is not nice for one's wife, even nominally, to issue a writ against her husband. I do not enjoy the spectacle of little children suing their father, although the lawyer knows the father is only in it nominally; that it is the trust that is being sued.

The Hon. G. C. MacKinnon: The public do not know; that is the trouble.

The Hon. E. M. HEENAN: What great harm is done so far as the public is concerned?

The Hon. G. C. MacKinnon: You agree that in South Australia it is better?

The Hon. E. M. HEENAN: Certainly. I would favour any move that provided for these cases to sue the trust direct, because it is the trust and its investigators who are directly concerned.

This is not a party measure in any shape or form; and it affects every one of us—every husband in the community. It is a pity that a wife who is out driving with her husband who has the misfortune to make a mistake, as a result of which she is seriously injured, cannot recover one shilling. She might be in hospital and incur stupendous accounts, and perhaps have a surgeon trying to fix her up. However, at the moment she cannot recover one shilling. I think we are wrong in excluding her; and I am not the only one who thinks that way. I repeat, for the satisfaction of the honourable Dr. Hislop—and he can take my absolute assurance on this, as can every other honourable member—this state of affairs has been strongly criticised by judges, law societies, by numerous other bodies, and by members of the public.

If this cover is paid for by way of increased premiums, we are entitled to it. It is not a matter of sympathy. However, for a comparatively small cost, an additional cover can be obtained. I have inquired from one of the large insurance companies and that company is not a bit concerned because this will increase premiums. I hope honourable members will not vote against the Bill on false premises because we are singling out some sections of the community. What other torts are there to worry about? This is a real one. These accidents are more prone to happen as each week goes by. Any member of the community is likely to suffer an accident from someone else's negligence; and for them not to be able to recover from the fund seems wrong to me.

I am grateful to the House for listening to me with consideration, and I hope on this occasion honourable members will feel disposed to adopt the Bill.

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

Ayes—13

Hon. G. Bennetts	Hon. H. C. Strickland
Hon. D. P. Dellar	Hon. R. H. C. Stubbs
Hon. J. Dolan	Hon. R. Thompson
Hon. E. M. Heenan	Hon. J. M. Thomson
Hon. J. G. Hislop	Hon. F. J. S. Wise
Hon. R. F. Hutchison	Hon. J. D. Teahan
Hon. F. R. H. Lavery	*(Teller.)*

Noes—12

Hon. N. E. Baxter	Hon. R. C. Mattiske
Hon. A. F. Griffith	Hon. H. R. Robinson
Hon. J. Heitman	Hon. S. T. J. Thompson
Hon. L. A. Logan	Hon. H. K. Watson
Hon. A. L. Loton	Hon. F. D. Willmott
Hon. G. C. MacKinnon	Hon. J. Murray
	(Teller.)

Pairs

Ayes	Noes
Hon. W. F. Willesee	Hon. A. R. Jones
Hon. J. J. Garrigan	Hon. C. R. Abbey

Majority for—1.

Question thus passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by The Hon. E. M. Heenan, and transmitted to the Assembly.

TRAFFIC ACT AMENDMENT BILL (No. 2)

Second Reading

Debate resumed, from an earlier stage of the sitting, on the following motion by The Hon. L. A. Logan (Minister for Local Government):—

That the Bill be now read a second time.

THE HON. D. P. DELLAR (North-East) [10 p.m.]: When I took the adjournment earlier in the evening, I did not do so with the intention of doubting the Minister. In my view, a Bill of this nature could have been brought before the House much earlier than it was, because it is a measure which could assist a great many local authorities. The Bill provides for the payment to local authorities of additional grants for road purposes totalling £1,572,000. This is a large amount of money to be put into circulation.

The Bill has only just been presented, and it leaves little time for research. I would like the Minister to give me some assurance on subsection (2) of proposed new section 11AA, which reads as follows:—

(2) Every local authority to which this section applies is authorised to retain, out of the fees for licenses and the renewal and transfer of licenses or registrations paid to it in any financial year, an amount not exceeding the base year sum of that local authority; and the local authority shall expend at least three-fourths of the amount so retained on road construction in its district.

This aspect is a source of worry to some local authorities. Does this provision include administration costs connected with the salaries of traffic personnel, the purchase and maintenance of patrol vehicles, the erection of road signs, and the painting of traffic lines, cross-walks, and so on?

One local authority has advised me that its costs would greatly exceed 25 per cent. of the vehicle license fees collected. The Bill has been discussed in detail with three local government authorities and they are in agreement with the measure. However, there are some local authorities which are concerned about the provisions of the Bill.

The provisions will enable local authorities in country areas to have loans made to them in monthly instalments. Some shires have a lot of roads to look after and a lot of plant to maintain, and the monthly instalments will be of great assistance to them instead of their having a lump sum in July or August. I repeat that it is a pity the Bill was not introduced earlier to enable more consideration to be given to its provisions. However, I support the measure.

THE HON. J. HEITMAN (Midland) [10.5 p.m.]: Perhaps I can answer some of the points raised by the honourable Mr. Dellar. A Bill of this nature requires a certain amount of thought to bring it into line with Commonwealth legislation before it can be presented to Parliament.

The Government placed before local authorities a proposed system of grants for roadwork, and it invited two representatives from the Country Shire Councils Association, two representatives from the Country Town Councils Association, two representatives from the Local Government Association, and three representatives of the Treasury to examine ways and means whereby every country shire, town council, and local authority would have an even chance of participating in the distribution of these moneys by a method which would allow them to take up all the grants available from the Commonwealth Government.

In the previous five years a sum of £30,000,000 was distributed by the Federal Government as matching money, and during the next five years, the base year being 1963-64, the sum will be £45,000,000. At the meeting a paper was prepared and discussed. I would like to read the paper because it will give honourable members an insight into the procedure which will take place over the next five years. The paper reads as follows:—

Although the base year for determining additional or matching grants to the States is now 1963-64, the form of the Commonwealth Aid Roads Act, 1964, is such that it is still necessary for all vehicle licence fees collected by Country Authorities in excess of the amounts collected in 1958-59 to pass through State accounts and be certified by Auditor General if they are to attract Commonwealth matching funds.

Metropolitan Authorities are also affected by the new legislation in that Metropolitan traffic receipts disbursed from the Metropolitan Traffic Trust Account, as well as excess collections disbursed from the Central Road Trust Fund, must be spent on road works or road making plant if the State is to qualify in full for matching grants.

In the last year of operation of the old scheme, Local Authorities qualified for £673,681 of Commonwealth matching money out of a total of £1,769,000 on the basis of 15s. for each £1 by which their vehicle licence collections (or entitlement in the case of Metropolitan Authorities) exceeded the amount collected in 1958-59.

In 1964-65, the Commonwealth additional or matching grant will amount to £532,000 and it is clear that if the present scheme of Local Authority participation were continued, there would be insufficient funds from this source to meet payments due to

Local Authorities from the Central Road Trust Fund in July or August, 1965.

Consequently it is proposed that Local Authorities will continue to remit collections in excess of 1958-59 revenue to a Central Fund (Metropolitan Authorities' entitlement in excess of £487,000 will also be paid to the fund as before) and in return will be paid grants for road works from State and Commonwealth funds. The grant will be determined as during the past five years, that is the amount remitted by or on behalf of each Authority increased by 75 per cent.

However, instead of the grant being paid in a lump sum in July or August each year, it will be paid in twelve equal monthly instalments throughout the year.

Because of the cash problem that could be experienced by Local Authorities in the early part of 1965-66, an additional grant will be paid to each Authority in 1964-65 equal to the amount received by them from the Central Road Trust Fund in August of that year. This amount will be paid in six monthly instalments in the period January-June, 1965.

As will be seen in the attached table, Local Authorities will receive, in the five years to June, 1965, £1,572,000 more than they would receive if the existing scheme were to continue without alteration.

Participation by Country Local Authorities will be compulsory and a new provision will require that 75 per cent. of base year funds retained by them must be spent on road works or road plant.

That is the answer to the honourable Mr. Dellar; namely, 75 per cent. of the base year money will be spent on road works. That will leave 25 per cent. of the money which can be spent on their collections. The committee felt that 25 per cent. of the base year money, 1958-59, would be sufficient to cover those expenses which were pointed out by the honourable Mr. Dellar.

The Hon. F. J. S. Wise: Such as road signs, and so on.

The Hon. J. HEITMAN: Country local authorities spend a certain amount of their funds on policing traffic. In most instances the money spent on the maintenance of traffic inspectors takes up 9 per cent. or 10 per cent. of the vehicle fees in each country locality. The paper continues:—

> The details of the new scheme as it affects country and metropolitan authorities are as follows:—
>
> Country Local Authorities—
>
> (a) Authorities to retain vehicle license fees up to a total amount not exceeding the 1958-59 base year collections as at present but with a new requirement that at least 75 per cent. thereof must be spent on road works, as defined in the Commonwealth Aid Roads Act, 1964.
>
> (b) Collections in excess of the 1958-59 base year amount to be remitted to the Central Road Trust Fund as at present but in lieu of this practice being optional it is to be made compulsory. Remittances to be made monthly immediately collections exceed the 1958-59 base year amount.

In the past five years many shires have refused to participate in the scheme which means that there was an amount which this State was unable to collect by way of matching money. One particular shire had something like £8,000 in excess which it did not put in as matching money and this money was more or less lost to the State. That is the reason it has been made compulsory to participate in the scheme, rather than that it should be left to individual shires. The paper continues:—

> (c) Grants for road works to be paid to Local Authorities in 1964-65 and to be equivalent to the amounts received by them from the Central Road Trust Fund in August 1964, viz. £860,045. Payment to be made in six equal monthly instalments in the period January-June 1965.

During the 12 months period, country local authorities will receive £860,000 in the August payments, and they will receive a like amount of £860,045 in monthly instalments from January to July. Continuing:—

> (d) The grants referred to in (c) to be subject to adjustment by June 1965, to correct any errors in remittances to the Central Road Trust Fund in the previous year as may be disclosed by audit.

Many shire clerks have in the past been able to collect dog and other license fees and send the whole lot in for matching money. This has to be audited and any mistakes found will be adjusted as at June, 1965. To continue—

> (e) In July 1965, the grant for 1965-66 is to be determined as the total remittance of "excess" collections in 1964-65 plus an additional sum equivalent to 75 per cent. thereof as is the current practice. Payment is not to be made in a lump sum but by 12 equal monthly

instalments and is to be distributed to local authorities on the basis of their individual remittances to the Central Road Trust in the previous year.

(f) Succeeding years to follow the same pattern.

As regards metropolitan authorities the proposed system is as follows:—

(g) Authorities to continue receiving the allocations made to them under section 14 (2) of the Traffic Act (£486,947) subject to a new requirement that the whole of this sum must be spent on roadworks as defined in the Commonwealth Aid Roads Act, 1964.

(h) Collections in excess of the 1958-59 base year amount to be paid into the Central Road Trust Fund as at present.

(i) Grants for road works to be paid to authorities in 1964-65 equivalent to the amounts received by them from the Central Road Trust Fund in August, 1964, viz. £711,876. Payment to be made in six equal monthly instalments in the period January-June, 1965.

So that in the case of metropolitan authorities their surplus for the year 1958-59 was £711,876, which they would have received in the month of August, and they would receive a like amount from January to July, 1965. The monthly instalments are to make up any lag they might have in finance by receiving the money in monthly instalments instead of annual instalments. To continue—

(j) In July, 1965, the grant for 1965-66 is to be determined as the proportion of "excess" collections in 1964-65 applicable to metropolitan local authorities plus an additional sum equivalent to 75 per cent. thereof as is the current practice. Payment thereof is not to be made in a lump sum but by 12 equal monthly instalments and is to be distributed to local authorities on the basis of the existing formula.

(k) Succeeding years to follow the same pattern.

There was quite a discussion, lasting about three hours, between the committee concerned and the Treasury officers, and I feel every aspect of this Traffic Act Amendment Bill was thrashed out thoroughly. I think every person present went away happy with the thought that all local authorities in the State would be better off by £1,572,000 over the next five years as compared with the position if we had continued with the formula for the previous five years.

I have discussed the matter with many local shire clerks and they are all happy with the proposals. The only grouse any of them had was in regard to monthly reports being required, instead of annual reports, regarding the money exceeding the base year. I do not think this would be much of a hardship on any shire clerk because his balance is made up monthly, by the 15th of the following month, and he must send in his statement showing the amount involved over the base year. This keeps the books in order all the time and at no time will there be a surplus in the trust fund so that the Commonwealth Government can point the finger and say, "You are accumulating trust funds and this is not allowed under the new system or the method of allocating matching money."

I think the new proposal is a big improvement on the one which has been in operation for the past five years. All the money will be allocated to the end of the year 1969 so that there will be nothing left in the trust fund. Everything will be paid out and the fund will be ready for the next allocation when it comes along. I support the Bill.

THE HON. L. A. LOGAN (Midland—Minister for Local Government) [10.20 p.m.]: I just want to answer a query raised by the honourable Mr. Dellar in regard to the 75-25 per cent. It was found, unfortunately, that the money being spent by local authorities on roads was decreasing. The Eastern States picked up this fact very quickly and thrashed our Premier with it when the Premiers met in conference on this matter. It was not brought to my notice until after the Premiers' Conference, and naturally I was rather perturbed about it. That was one of the reasons why the amount that had to be spent on roads was put in; it was to make sure that 100 per cent. of the money was spent on roads.

However, at the same time we appreciated the fact that most local authorities ran their own traffic control and they had to have some revenue to carry out this work. Consequently the 100 per cent. was reduced to 75 per cent. So not only have they the 25 per cent. in matching money but they also have what they receive from vehicle licenses, up to the base year, to provide for their needs in that regard. If any local authority was receiving £5,000 per annum in vehicle license fees up to the year 1958-59 it has that £5,000 to play with as well as the other 25 per cent.

I think if the honourable Mr. Dellar works along those lines he will realise that most local authorities will get by with anything they want to do outside of building roads with the 25 per cent. plus the money they receive for vehicle license fees.

I am pleased with the support the Bill has received and I can assure honourable members, as the honourable Mr. Heitman has done, that every care was taken to make sure that local authorities were made well aware of what was contained in the

Bill before it was introduced. As the honourable member said, members of the committee spent three hours with Treasury Department officers and they were all quite satisfied that what was contained in the Bill would safeguard them over the next five years.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by The Hon. L. A. Logan (Minister for Local Government), and passed.

ADJOURNMENT OF THE HOUSE: SPECIAL

THE HON. A. F. GRIFFITH (Suburban —Minister for Mines) [10.25 p.m.]: I move—

That the House at its rising adjourn until 3.30 p.m. tomorrow (Wednesday).

Question put and passed.

House adjourned at 10.26 p.m.

Legislative Assembly

Tuesday, the 24th November, 1964

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