

Hon. Sir Charles Latham: Can we discuss it with you privately?

The MINISTER FOR RAILWAYS: Yes, I would be prepared to discuss it privately, and I would also submit it to the department and ask it, in conjunction with Crown Law, to frame something which would combine both objectives.

Hon. H. K. WATSON: Although we all know what a hawker is, it is difficult to express it in words. The Minister's amendment and Mr. Griffith's amendment in their respective places are necessary to restrict the definition to what it ought to be.

Hon. A. F. GRIFFITH: If this amendment which the Minister suggests is in the old Road Districts Act had been tested at law, there might have been some conflict. That is the legal advice given to the people who approached me on the matter. Do you want me to stop there, Mr. Chairman, or will you take into consideration the other amendments I have on the notice paper?

The MINISTER FOR RAILWAYS: The amendments will be considered, and the hon. member and I can discuss them and perhaps arrive at a suitable amendment.

Amendment, by leave, withdrawn.

Progress reported.

#### ADJOURNMENT—SPECIAL.

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

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

Question put and passed.

*House adjourned at 11.36 p.m.*

## Legislative Assembly

Wednesday, 21st August, 1957.

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

**QUESTIONS.****PHYSIOTHERAPISTS.**

*Representations by Hon. A. F. Watts.*

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

Has he received my letter of the 14th June re physiotherapists and the matters raised in an earlier letter of the 29th March? If so, when can a reply be expected to the representations made?

The MINISTER replied:

The letter of the 14th June has been received.

A reply has been delayed pending further action by the Physiotherapy Board. A reply may be expected early next week.

**LAND SETTLEMENT.**

*Denmark Project, and Negotiations with Netherlands Government.*

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

Will he lay on the Table of the House all papers relative to any negotiations with the Government of the Netherlands in regard to proposals for the settlement of land in the Denmark district?

The MINISTER replied:

Yes.

**WAR SERVICE LAND SETTLEMENT.**

*(a) South Stirlings Project Surveys.*

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

(1) In respect of how many properties at South Stirlings

(a) now occupied by settlers,

(b) not yet occupied

has the survey not been completed?

(2) If there are any in respect of which this survey has not been completed, does this mean that the boundaries of occupied properties have not been accurately defined and the areas not accurately ascertained?

(3) When is it proposed to complete the surveys so that the boundaries and areas can be defined?

The MINISTER replied:

(1) (a) 20.

(b) 7.

(2) and (3) The whole of the survey of the South Stirlings project has now been carried out and the boundaries marked on the ground. Precise boundary measurements and exact areas of the locations are dependent upon final examination of the survey plans.

*(b) Items in "Planned Works."*

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

What are the items included in the term "planned works" in respect of a property in the South Stirlings war service land settlement project?

The MINISTER replied:

Clearing: 1,000 acres.

Pasture: 1,000 acres.

Water supply: dams or bores—normally three supplied.

Fencing: boundary: sheep proof as required; internal: subdivided into six sheep paddocks plus ram paddock.

Buildings: house; shed (combined machinery and shearing shed); sheep yards; and sheep dip.

*(c) Settlers' Living Allowance.*

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

(1) What is the present living allowance for war service land settlers?

(2) What is the settler expected to pay for out of such allowance?

(3) Does such allowance vary depending on the number in the settler's family and, if so, what is the extent of the variation?

(4) Has consideration recently been given to an increase in this amount and, if so, with what result?

(5) If not, is he prepared to give early consideration to an increase in the amount?

The MINISTER replied:

(1) (a) A non-repayable living allowance is paid by the Commonwealth Government during the assistance period as under:—

	Males	per week £ s. d.
Settlers with no dependants	6	12 0
Settler with one adult dependant	8	6 0
Settler with more than one dependant (including one adult)	8	16 0

Females	per week £ s. d.
Without dependants—while living with parents or otherwise at a home not maintained by themselves	5 17 0
Without dependants—while not living at such a home	6 12 0
With one adult dependant	8 6 0
With two or more dependants (including one adult)	8 16 0

A settler with one or more dependent children but no dependent adult, will be paid £6 12s. per week, plus nine shillings per week for each child, but the maximum weekly payment shall not exceed £8 16s.

This is augmented by the Land Settlement Board, by a repayable advance of £52 per annum—if this is requested by the settler.

(b) On the conclusion of the above assistance period a credit facility advance is made as a working expense loan of £550 per annum.

This is considered as equal to the basic wage, having in view that the settler pays no rent and obtains certain commodities in kind.

(2) Personal living expenses only.

(3) In regard to the Commonwealth allowance, (a) above, the settler's family is taken into account.

In regard to the allowance, (b) above, no account is taken of the number of the settler's family.

(4) Firstly, this is a Commonwealth matter entirely in regard to the allowance under (a) of Question No. (1).

Secondly, with reference to (b) of Question No. (1), no increase is contemplated.

(5) This question is receiving consideration, and a reply will be furnished shortly.

## TRANSPORT.

### (a) Effect of Proposed Legislation.

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

(1) Will he ask the chairman of the Transport Board to provide, and will he lay on the Table of the House, a report from that officer giving his estimate as compared with each of the last two years, of the quantity of goods carried by road during those years (excluding any quantities carried to or from places not served by railways) which would, as a consequence of amendments to the law such as are contained in the State Transport Co-ordination Act Amendment Bill introduced last Thursday, have been diverted to rail transport?

(2) Will he also have the chairman of the board include in such estimate, figures regarding those goods carried by road to or from places served by rail which were carried by road as a consequence of general exemptions issued by the Transport Board?

The MINISTER replied:

(1) As transport under exemptions does not require an operator to make any reference to the Transport Board or to submit information of loads carried, it is impossible to estimate the quantities carried. However, in respect of fuel alone observations on occasions have shown that hundreds of drums per day have left North Fremantle oil depots in farmers' vehicles. One check showed 874 drums in the day.

(2) The same general remarks apply in connection with all exemptions.

### (b) Amending Legislation and Railway Finance.

Mr. ACKLAND asked the Minister for Transport:

(1) By how much is it anticipated the railway finances will benefit during the present financial year, if the amendment to the State Transport Co-ordination Act, introduced by him last Thursday, is accepted by Parliament in its present form?

(2) What extra expenditure is it anticipated will be incurred by the Railway Department if the extra transport is diverted to the railways?

The MINISTER replied:

(1) The actual quantity of goods transported by road is not known, therefore it is not possible to reasonably anticipate the financial benefit.

(2) As overheads remain fixed, the extra expenditure would be comparatively small.

### (c) Transport Board, Employees.

Mr. ACKLAND asked the Minister for Transport:

(1) How many officers are employed at present by the Transport Board, dealing with country road transport—

(a) clerical staff;

(b) inspectors;

(c) all officers employed by the Transport Board?

(2) Does the Transport Board anticipate it will require extra inspectors to police road transport as a result of the amendment introduced last Thursday?

(3) If so, what number?

The MINISTER replied:

(1) The work of officers of the Transport Board is not confined to country road transport but all officers in the course

of their duties deal with work connected with country road transport. The staff employed by the board is—

(a) Clerical staff	....	....	21
(b) Inspectors	....	....	8
(c) Total employees	....	....	29

(2) It is not anticipated that the passage of the amendment referred to would necessitate the employment of additional inspectors.

(3) Answered by No. (2).

*(d) Road Cartage of Goods, Non-supply of Information.*

Hon. A. F. WATTS (without notice) asked the Minister for Transport:

Referring to Question No. 6 on today's notice paper, is he unable or unwilling to obtain from the chairman of the Transport Board a report on the matters raised in that question and to lay that report on the Table of the House?

The MINISTER replied:

The questions were referred to the chairman of the Transport Board who supplied the information which I gave a few minutes ago, that is to say, it is completely and utterly impossible to compile the information sought.

Hon. A. F. Watts: That is the statement of the chairman of the Transport Board?

The MINISTER: That is so.

Hon. A. F. Watts: I am satisfied.

*(e) Financial Result, Inability to Forecast.*

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

In answer to Question No. (19) on today's notice paper, the Minister stated that it is not possible to reasonably anticipate the financial benefit. If it is not reasonable to anticipate by what extent the finances of the State will benefit, why did he not find that out before he brought down the most drastic amendment for curtailing the transport of goods by road?

The MINISTER replied:

I should have thought that it would be obvious to anybody that there are vast quantities of goods being transported in different directions by farmers under the exemptions contained in the State Transport Co-ordination Act. As already indicated, there is no reference whatever made to the Transport Board. Therefore the volume of goods is not known, but it is known that the volume is considerable. I should say that, accordingly, the effect upon the railway finances would also be considerable, but to what extent it is almost impossible to state.

## EDUCATION.

*(a) Provision of Teachers' Quarters.*

Hon. D. BRAND asked the Minister for Education:

(1) Will he state what centres have been listed for the provision of teachers' quarters during the present financial year?

(2) What sum has been set aside for this purpose?

The MINISTER replied:

(1) The following centres have been listed for the provision of teachers' quarters during the present financial year:—

Jarrahwood.	Mt. Many
Fitzroy	Peaks.
Crossing.	Rockingham
Chowerup	Beach.
Creek.	Wanneroo.
Ejanding.	Wialki.
Latham.	Wagin.
Nyamup.	Morawa.
Allendale.	Mt. Helena.
Carnamah.	Bridgetown.
Lake King.	Kojonup.
Safety Bay.	Boyup Brook.
Geraldton	Mundijong
High.	(additional
Kulin (addition	bedroom).
of sleepout).	North Baandee..
Beacon.	Mogumber
Coolgardie.	Mission.
	Dudinin.

(2) An amount of £8,500 for the provision of quarters at Jarrahwood and Fitzroy Crossing has been allocated. It is not known whether any further funds will be available for the erection of other quarters.

I might add that teachers are not precluded from applying for tenancies of Commonwealth-State rental homes, either.

*(b) Salary Restriction under Commonwealth-State Rental Scheme.*

Hon. A. F. WATTS (without notice) asked the Minister for Education:

Arising out of the reply to Question No. (7) on today's notice paper at the conclusion of which he said that school teachers were not precluded from obtaining dwellings under the Commonwealth-State rental housing scheme, is there not a limit to the salary received by a teacher which would prevent him from obtaining assistance by way of Commonwealth-State rental homes?

The MINISTER replied:

I have checked up on the matter. I find that is not necessarily so in country districts.

*(c) Priority for Country Teachers' Housing.*

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

Further to the question just asked by the Leader of the Country Party regarding the provision of teachers' quarters, recently I received from the Morawa Road Board advice to the effect that it had applied for Commonwealth-State houses to be built at that centre. In view of the fact that Morawa is listed as requiring a house for the teacher, and the Minister for Education advised us that teachers can apply for Commonwealth-State rental houses, will the Minister for Housing look into the matter and give priority to those towns where such quarters are required for school teachers?

The MINISTER replied:

No, I am unable to comply with that request. The position is that there are considerable numbers of people who are subject to transfer. In addition to school teachers, there are railway officials, bank employees, officers of stock firms and others, to say nothing of the people who are compelled, owing to certain circumstances, to move from place to place.

If special allocations were to be made in all of these cases, or anything approaching it, then I am certain it would create grave discontent in the towns concerned because newcomers, or comparative newcomers, would be receiving consideration ahead of the local people who had applied some time earlier.

In connection with this matter, there is at present in operation an income limit in respect of Commonwealth-State rental homes, that figure conforming to the definition of "worker" under the State Housing Act. From memory, it is approximately £1,080 per annum plus £25 additional for each child. That is conformed to because the new agreement stipulates that these houses shall go to persons of moderate means. That formula is rigidly applied in the metropolitan area, but in country districts circumstances are taken into account.

Mr. Nalder: How long has this arrangement been working?

The MINISTER: It synchronises almost exactly with the operation of the No. 2 Commonwealth-State Housing agreement of last year.

**INCENTIVE PAYMENTS.**

*(a) Effect on Production, Chamberlain Industries.*

Hon. D. BRAND asked the Premier:

(1) With regard to my question, without notice, on Tuesday, the 16th July, will he inform me whether he has yet had an

opportunity to check the accuracy of a report in the issue of "The West Australian" dated the 13th July, where it was stated that incentive pay began in January in most production departments of Chamberlain Industries Limited, and this has largely influenced the rise of about 25 per cent. in workers' efficiency?

(2) If so, is this report correct? If not, to what extent is it correct?

The PREMIER replied:

(1) Yes. It is claimed the increase in efficiency during the period of January to June rose by approximately 23 per cent.

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

*(b) Application to Government Services.*

Hon. D. BRAND asked the Premier:

With regard to his undertaking to consider the question of applying an incentive scheme wherever practicable throughout the whole field of government activity, will he state the result of such consideration, if any?

The PREMIER replied:

This consideration will take some time to finalise. Additional efficiency was achieved by a change in management especially following the appointment of a technical director. This was most noticeable in the foundry. Increase in efficiency first took place in September-October following employment of the new technical director—the efficiency per cent. moved from 86 to 96, that is, in machine shop, assembly and fabrication. The foundry increase was most noticeable during the change although no incentive plan was operating in this shop.

**TRAFFIC.**

*Ratification of 1949 Convention.*

Mr. COURT asked the Minister for Transport:

Will he seek official advice as to whether the 1949 convention on road traffic has been ratified?

The MINISTER replied:

Yes.

**HEALTH.**

*Nurses and Nursing Aides Registered.*

Mr. MARSHALL asked the Minister for Health:

(1) How many nurses were registered for the years 1954, 1955, 1956, 1957?

(2) If student nurses are not included in the above, how many were in training during those years?

(3) How many nursing aides have been registered each year over the same period?

The MINISTER replied:

(1) General nurses who effected registration during the years mentioned:—

- 1954—458.
- 1955—488.
- 1956—501.
- 1957 (so far)—302.

(2) Students in general training:—

- 1954—705.
- 1955—742.
- 1956—838.
- 1957 (at date)—827.

(3) Nursing aides enrolled:—

- 1954—39.
- 1955—44.
- 1956—42.
- 1957 (so far)—33.

#### NATIVE WELFARE.

##### (a) Food Supplies for Canning Desert Basin Natives.

Mr. GRAYDEN asked the Minister for Native Welfare:

(1) Was food sent by helicopter to natives in the Canning Desert Basin on Thursday, the 8th August, as anticipated?

(2) How much food was sent?

(3) What did the rations consist of?

(4) Who was responsible for distribution?

(5) Has the food been distributed?

(6) Does the Native Welfare Department intend to meet the cost of distribution by helicopter?

(7) What arrangements have been entered into in this regard?

(8) On what date was permission to use the helicopter obtained from A.N.A.?

(9) On what date was permission to use the helicopter first sought from A.N.A.?

The MINISTER replied:

(1) Food was sent by helicopter on Wednesday, the 7th August.

(2) Not yet known at Perth office; the matter was in the hands of the department's district officer in Derby who had full authority to use his own discretion.

(3), (4) and (5) See answer to No. (2).

(6) Yes, if required to do so by the Department of Supply which has the helicopter on charter from Australian National Airways.

(7) None.

(8) The permission of A.N.A. was not sought.

(9) See answer to No. (8).

##### (b) A.B.C. News Report re Starving Natives.

Mr. GRAYDEN asked the Minister for Native Welfare:

(1) Has the Native Welfare Department been supplied with a copy of a report regarding the natives recently reported as

starving in the Canning Desert Basin, which was given on the A.B.C. State news on the 6th August last?

(2) Is a statement in the report which reads as follows:—"The Commissioner for Native Welfare, Mr. Middleton, said there were four missions in the area where natives could obtain food and medical supplies."—in accord with the actual statement made to the A.B.C. by the commissioner?

(3) If so, will he give the names of the "four missions" referred to?

(4) How far are each of the missions nominated from Well 40 on the Canning stock route?

The MINISTER replied:

(1) No.

(2) The A.B.C. report was not complete. The commissioner said the central desert area was ringed by four missions (and other relief centres), where natives could obtain food and medical supplies.

(3) The four principal missions he referred to were Balgo, Jigalong, Wiluna and Warburton Ranges. He also referred to others, for example, Fitzroy Crossing, La Grange, Cosmo Newbery and to privately-owned cattle stations. His statement was considerably condensed, but correct as published.

(4) Balgo—approximately 210 miles; Jigalong—300 miles; Wiluna—450 miles; Warburton Ranges—270 miles.

##### (c) Water Supplies in Desert Basin.

Mr. GRAYDEN asked the Minister for Native Welfare:

(1) What is the number of the well on the Canning stock route at which the survey party from the Bureau of Mineral Resources is based?

(2) What is the number of the well in the vicinity of which starving natives were recently reported by an A.N.A. pilot?

(3) What is the distance between the two wells referred to above?

(4) Is the country between the two wells traversable by motor-vehicle?

(5) Prior to obtaining the services of a helicopter, had members of the Bureau of Mineral Resources visited the country in the vicinity of Well 40?

The MINISTER replied:

(1) The Perth branch of the Commonwealth Department of Supply advises supplies for the party are sent to Well 48. It is presumed this well is identical with Godfreys Well where, according to the native welfare district officer in Derby, the party's base camp is situated.

(2) Well 40.

(3) Approximately 120 miles, according to the district officer's information.

(4) Only by a vehicle "suitably equipped for such travel." The district officer stated two vehicles would have to be used.

(5) Yes, by helicopter.

*(d) Meaning of Minister's Reply.*

Mr. GRAYDEN (without notice) asked the Minister for Native Welfare:

When I asked the question—

Prior to obtaining the services of a helicopter, had members of the Bureau of Mineral Resources visited the country in the vicinity of Well 40?

I understood the Minister to say in reply, "Yes, by helicopter." I now ask:

What is meant by that reply which is to the effect that personnel from the Bureau of Mineral Resources went to the area in question by helicopter prior to obtaining the services of a helicopter?

The MINISTER replied:

As far as I can judge, the position is that the native welfare officer stationed at Derby has been most anxious to get into the area where it is reported that these alleged starving natives are present. I understand he conducted a survey to ascertain how close he could get to the actual spot, and he found that he could not get any closer than 120 miles from it. Therefore, it was useless his travelling by road transport. It would seem that the Bureau of Mineral Resources made its first survey by helicopter. I do not know what the member for South Perth is seeking in regard to this matter, but if he wishes to ask more questions, I will endeavour to obtain the answers.

*(e) Amplification of Reply.*

Mr. GRAYDEN (without notice) asked the Minister for Native Welfare:

The question has not been answered. What I asked was this:

Prior to obtaining the services of a helicopter, had members of the Bureau of Mineral Resources visited the country in the vicinity of Well 40?

and the Minister's reply was "Yes, by helicopter." The answer that I am given by the Native Welfare Department is that the personnel of the Bureau of Mineral Resources visited the area by helicopter prior to obtaining the services of a helicopter. What is the meaning of that answer?

The MINISTER replied:

In No. 5 of Question No. 13 on the notice paper the hon. member does not ask: "By whom?". He says, "Prior to obtaining the services of a helicopter . . ." By this, does he mean prior to the Native Welfare Department's obtaining the services of a helicopter or prior to the Bureau of Mineral Resources obtaining a helicopter?

The hon. member does not make his question clear enough and if he is not satisfied with the answers given, he can ask some further questions in greater detail and I will endeavour to obtain the answers for him.

LATE Mrs. F. C. DEAN.

*(a) Complaint Regarding Coroner's Inquest.*

Mr. POTTER asked the Minister for Justice:

(1) Is he the Minister charged with the administration of the Stipendiary Magistrates Act, 1930?

(2) If so, why does he not propose to comment on the improper reply made by the City Coroner to my inquiries for information?

(3) As my complaints were originally addressed to him, will he himself reply to my inquiry why the inquest on the late Mrs. F. C. Dean was resumed without the solicitor or Mr. R. W. Dean being notified of the resumption?

(4) How can he say that the City Coroner in his reply dealt with the above complaint, when the files disclose he ignored this aspect?

(5) Why is there no reply on the tabled file to the letter sent by the solicitor to the Crown Solicitor on the 4th July, 1957, in which he gives an emphatic denial to the statements made by the coroner?

(6) Is this because he now knows the coroner acted wrongly in this matter, and that my original complaint was quite justified?

The MINISTER replied:

(1) Yes.

(2) (3) and (4) The City Coroner's reply should be read in the light of other papers on the file, and those files have been tabled in this House. They disclose a report from the City Coroner that, in a conversation between himself and the solicitor for Mr. Dean before the resumed hearing of the inquest, the solicitor indicated that he would not appear further on the inquest, and the City Coroner therefore proceeded without further notice to the solicitor or to his client.

The solicitor has since denied making the statement, so that presumably there was an unfortunate misunderstanding between the two.

Members can form their own opinions without any comment from me.

It is unlikely that an inquiry into the conversation would serve a useful purpose.

I have already offered to apply for a further inquest upon request supported by sufficient affidavit.

(5) No reply is necessary from the Crown Solicitor to denials to statements made by the City Coroner.

(6) No.

**(b) Royal Perth Hospital Board and Medical File.**

Mr. COURT asked the Minister for Health:

(1) Has he consulted the Royal Perth Hospital Board with reference to the medical file of F. C. Dean, deceased?

(2) If so, with what result?

The MINISTER replied:

(1) Yes.

(2) An important matter of principle is involved, which the hospital board is examining.

**RAILWAYS.****(a) Freights and Fares.**

Mr. BOVELL asked the Treasurer:

(1) Has Cabinet recently decided to increase rail freights and/or fares?

(2) If so, when are increases to operate and what percentage increase is envisaged?

The TREASURER replied:

(1) No.

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

**(b) Mileages, Deficits, Freights, Etc.**

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

(1) What were the total ton mileages of the W.A.G.R. for the years 1950-51 to 1956-57 inclusive?

(2) What were the railway deficits for the years 1950-51 to 1956-57 inclusive?

(3) What increases in freights have taken place over the period 1950-57 expressed as a percentage of the 1950 rate?

(4) What effect have freight increases had upon the earnings per ton mile?

(5) What were the costs of operation per ton mile for the year 1956-57 and also the earnings per ton mile for that year?

The MINISTER FOR TRANSPORT replied:

(1) Paying goods and livestock only—

Year ended the 30th June	£
1951	459,973,271
1952	469,747,561
1953	409,590,736
1954	537,798,882
1955	556,504,766
1956	608,418,205
1957	667,695,009

(2) The railway commercial deficits, as distinct from Treasury cash deficits, and including depreciation and interest, were—

Year ended the 30th June	£
1951	2,684,824
1952	2,843,683
1953	5,882,756
1954	4,514,604
1955	3,809,522
1956	4,615,844
1957	5,279,937

(3) On the 1st May, 1951, the freight rates were amended by varying percentages to obtain an overall increase in revenue of approximately 30 per cent. In addition, some amendments were made to commodity classification. On the 1st October, 1953, the same principle was adopted to obtain a 30 per cent. increase in revenue. The overall increase on the 1950 rates is therefore approximately 70 per cent.

(4) The average earnings per ton mile for the years ended the 30th June, 1951 and 1957, were 2.72d. and 4.13d. respectively.

(5) The average cost of operation per ton mile will not be available for some time. The average earnings per ton mile were 4.13d.

**(c) Week-end Shunting on Wharves, Postponement of Answer.**

Mr. HEARMAN (without notice) asked the Minister representing the Minister for Railways:

Why is it necessary to postpone the answer to Question No. 26 asked yesterday with regard to week-end shunting on wharves and wages paid? The information sought is merely the amounts that would be involved in assessing charges made against exporters for Sunday shunting.

The MINISTER FOR TRANSPORT replied:

On behalf of the Minister for Railways, I shall endeavour to obtain from the responsible Minister the reasons for deferment of the answer to this question.

**FISHING INDUSTRY.****Tuna in North-West Waters.**

Mr. NORTON asked the Minister for Fisheries:

(1) How many species of tuna have been identified in the waters off the North-West coast?

(2) What are the various species?

(3) Has any research work been carried out to test the potentials of a tuna fishing industry off the North-West coast?

The MINISTER replied:

(1) Five species of tuna occur in the seas off the North-West and Kimberley Coast.



(2) These are, in descending order of commercial abundance—

Northern bluefin tuna (*Neothunnus tonggol*).

Mackerel tuna (*Euthynnus alletteratus*).

Yellowfin tuna (*Neothunnus macropodus*).

Striped tuna (*Katsuwonus pelamis*).

Dogtooth tuna (*Gymnosarda nuda*).

(3) An investigation of the commercial potentialities of the tuna in these waters was undertaken by the C.S.I.R.O. Fisheries Division between the years 1943 and 1949. Aerial surveys were conducted by Mr. S. Fowler, of that division, and the f.r.v. "Warren" and f.r.v. "Stanley Fowler" made frequent reconnaissances under the direction of Dr. D. L. Serventy, also of the Fisheries Division. In addition, a boat chartered by C.S.I.R.O. in 1945, with Mr. G. P. Whitley, ichthyologist of the Australian Museum, Sydney, on board, made a survey from Fremantle to Broome. The general results of these investigations show that the northern bluefin tuna and the mackerel tuna at least occur over a considerable area and in great quantities.

#### CANCER.

##### (a) Mortality and Research.

Mr. MARSHALL asked the Minister for Health:

(1) Is the statement published in "News Review" on the 1st August, 1957, by Dr. W. S. Davidson, Deputy Commissioner of Public Health, that 800 people in this State die from cancer every year, correct?

(2) As the statement refers to research work being undertaken by the Anti-Cancer Council in Western Australia, what is being done to investigate the use of drugs, or chemical treatment of the disease, as opposed to surgery or radiotherapy?

(3) Why are not the references contained in the file submitted to this House?

The MINISTER replied:

(1) Yes.

(2) Research work by the Anti-Cancer Council will not necessarily be confined to particular fields.

(3) The references are contained within the constitution of the Anti-Cancer Council in the minutes on the file.

##### (b) Danger of Excessive X-ray Use.

Mr. MARSHALL asked the Minister for Health:

(1) Will the report be made available of the National Radiation Advisory Committee on the dangers from excessive and indiscriminate use of x-rays, as stated in "The West Australian" on Friday the 16th August, by Sir MacFarlane Burnet, to the Anti-Cancer Council of Western Australia?

(2) Will this report be available to members of this House?

The MINISTER replied:

(1) This committee advises the Federal Government.

(2) Yes, if made available by the Commonwealth Government.

#### POLICE.

##### Provision for Kalamunda.

Mr. OWEN asked the Minister for Police:

(1) Is he aware that there is an urgent need for a police station at Kalamunda?

(2) Has provision been made on the Estimates for building such a station this financial year?

(3) If not, could he indicate when a station at that centre will be constructed?

The MINISTER replied:

(1) There is need for such a station, but it is not particularly urgent, as the area is being well policed by patrols and regular visits.

(2) No.

(3) When loan funds are available.

#### THEATRES.

##### Fire Precaution Regulations.

Mr. COURT asked the Minister for Health:

(1) What are the current requirements for firemen to be in attendance at theatres?

(2) Are new regulations proposed?

(3) If so, when will they be gazetted and is an outline of their provisions practicable at this stage?

The MINISTER replied:

(1) A fireman is required to be in attendance.

(2) Yes.

(3) These regulations are still under consideration. It is not known when they will be gazetted.

#### RADIATION.

##### Laboratory Facilities.

Mr. COURT asked the Minister for Health:

(1) With reference to my question of the 8th August, 1957, regarding radiation and particularly part three of the question, what laboratory facilities exist in this State, either Government or private, for research and servicing of x-ray equipment?

(2) (a) Are these facilities considered adequate for the immediate foreseeable needs of the State?

(b) If not, is some extension of these facilities contemplated either by the State alone or in conjunction with the Commonwealth?

(c) Are these facilities abreast of the times both in technical and safety requirements?

The MINISTER replied:

(1) Three commercial firms have elementary workshops for servicing equipment sold by them. The State x-ray laboratory has a reasonably equipped workshop for servicing equipment in hospitals. Some research is undertaken in the State laboratory. These laboratories are apart from the university department of physics.

(2) (a) and (b) Owing to overcrowded accommodation, preliminary sketch plans have been prepared for a new x-ray laboratory which will be commenced as early as possible.

(c) Existing facilities are reasonably adequate in technical and safety requirements in the circumstances, but the provision of new premises and facilities would be a considerable improvement.

## LANDS.

### *Freeholding of Leases, Flinders Bay.*

Mr. BOVELL asked the Minister for Lands:

What progress has been made regarding the freeholding of leases at Flinders Bay?

The MINISTER replied:

Approval has been given for the freeholding of those lots at Flinders Bay which are acceptable from a town planning viewpoint.

The lessees of 22 lots have been advised that they may purchase the freehold if they so desire.

An inspection is to be made, on the ground, to determine which of the remaining lots comply with the necessary requirements to enable them to be freeholded.

## SECONDARY INDUSTRIES.

### *Negotiations with Overseas Interests.*

Mr. ROBERTS asked the Premier:

(1) Is the Government at the present time negotiating with any overseas or Eastern States industrial concerns with a view to such concerns establishing their industries in this State?

(2) If so—

(a) how many different concerns are involved;

(b) what is the nature of their particular activities?

The PREMIER replied:

A number of Eastern States and overseas manufacturers have been approached in an effort to establish new industries in Western Australia, among them being firms concerned with the production of—

Metallurgical coke,  
rubber tyres,  
builders hardware,  
electrical fittings,  
plastics,  
clothing, especially men's outerwear  
and men's hosiery, and  
surfacing compound for renovation  
of buildings,

as well as an integrated iron and steel industry.

Also a French firm Societe Industrielle & Commerciale de la Compagnie des Salins du Midi has shown considerable interest in the production of salt and its by-products from Port Gregory and Mauri Bros & Thompson in association with Effront Yeast have already decided to establish here.

## JUSTICES OF THE PEACE.

### *Position of Clerks of Courts.*

Mr. EVANS asked the Minister for Justice:

(1) Are clerks of courts precluded from becoming justices of the peace?

(2) If so, why?

The MINISTER replied:

There is no legal prohibition, but it has been the practice not to have public servants sit on the bench as justices. They already have power under the Declarations and Attestations Act to witness documents.

## AGRICULTURE PROTECTION BOARD.

### *Poison Baits on Old Coast-rd.*

Mr. I. W. MANNING asked the Minister for Agriculture:

(1) Is it a fact that officers of the Agriculture Protection Board have laid poison baits in the area of the old Coast-rd., west of Waroona?

(2) If so, what is the reason for laying baits in this area?

(3) Were any baits laid on private property or on a public thoroughfare?

The MINISTER replied:

(1) Yes.

(2) As part of a State-wide fox destruction measure.

(3) No baits were laid on private property. Sides of minor roadways being used by travelling foxes were baited, and notices were posted in prominent places at frequent intervals.

## WUNDOWIE PIG IRON.

### *Production and Exports.*

Mr. NALDER asked the Minister for Industrial Development:

(1) How many tons of pig iron were produced at Wundowie for the years ended June, 1953-54; 1954-55; 1955-56 and 1956-1957?

(2) How many tons or loads of other materials were produced during the same period?

(3) How many tons were exported during that period of pig iron and other materials?

(4) What was the value of these products exported during the same period?

The MINISTER replied:

			Tons.
(1) June, 1954	....	....	10,518
June, 1955	....	....	11,229
June, 1956	....	....	12,324
June, 1957	....	....	14,083

	Timber Loads	Refinery Products Gals.	Methanol Acetic Acid.
(2) 1953-54	5,423	30,634	36,900
1954-55	6,212	38,437	41,888
1955-56	6,457	34,682	61,497
1956-57	4,956	22,719	66,064

(3) Pig iron—

			Tons.
1953-54	....	....	2,041
1954-55	....	....	13,708
1955-56	....	....	7,134
1956-57	....	....	10,660

			£
(4) 1953-54	....	....	42,938
1954-55	....	....	246,801
1955-56	....	....	153,411
1956-57	....	....	306,834

#### STATE ELECTRICITY COMMISSION.

(a) *Quotes for Blue Drill Overalls.*

Mr. CROMMELIN asked the Minister for Works:

(1) Were quotations called for recently by the State Electricity Commission for the supply of approximately 900 pairs of blue drill combination overalls for the free issue to employees?

(2) Were samples of garments asked for on the quotation form?

(3) How many quotes for supply of the garments were received?

(4) What firms quoted for the garments and what were the prices submitted by each firm?

(5) Has the State Electricity Commission placed an order as yet with any of the firms?

(6) If so, who received the order?

(7) If not, when is a quotation for the supply of the goods likely to be accepted?

The MINISTER replied:

(1) Yes.

(2) Samples of cloth were requested.

(3) Four.

		£	s.	d.
(4) G. & R. Wills	....	1,662	19	3
Reliance Manufactur-	....	1,794	8	0
ing	....			

Goode Durrant & Murray	....	2,102	3	9
Style Clothing Com-	....	1,753	4	0
pany	....			

(5) Yes.

(6) Reliance Manufacturing Company.

(7) See answer to No. (5).

(b) *Extensions to Southern River-rd., Gosnells.*

Mr. WILD asked the Minister for Works:

(1) Is work to be undertaken this financial year on the electricity extensions to Southern River-rd., Gosnells?

(2) If "Yes" is the answer to No. (1), when is work expected to commence?

The MINISTER replied:

(1) Yes, where the extension is economically justified.

(2) Before the end of 1957.

#### DAIRYING.

*Wholemilk Producers, Tests and Prosecutions.*

Mr. I. W. MANNING asked the Minister for Health:

(1) How many licensed wholemilk producers have had their milk tested by officers of his department during the period from the 1st January, 1957, to the 30th June, 1957?

(2) What number of these producers were prosecuted for selling milk below the solids-not-fat standard where there was no question of adulteration?

The MINISTER replied:

(1) Sampling of milk supplies from wholemilk producers is carried out by the Milk Board and local health authorities. Sampling is not carried out by the Public Health Department.

(2) Complete figures are not available but the department is aware of five cases in which prosecutions were taken after prior warning by local health authorities.

In these cases the samples were below standard in solids-not-fat but there was no indication of adulteration in the analyst's report.

#### KOOLYANOBING IRON ORE.

(a) *Application for Export Licence.*

Mr. COURT asked the Premier:

(1) Did the Government make a request in 1956 for an export licence to export a quantity of iron ore from Koolyanobbing? If so—

(a) with what result;

(b) when was it made;

(c) for what quantity;

(d) for what destination; and

(e) what was proposed in respect of the proceeds?

(2) Was the Government's recent submission for permission to export 1,000,000 tons of iron ore based on establishing a charcoal iron industry in Bunbury only or were alternate sites nominated?

The PREMIER replied:

(1) Yes.

(a) Unfavourable.

(b) The 16th November, 1956.

(c) 50,000 tons.

(d) Japan.

(e) To dispose of overburden ore which would accumulate in the further development of the large scale iron ore deposits at Koolyanobbing and to assist in expanding the plant of the Wundowie charcoal iron and steel industry.

(2) It was publicly stated on more than one occasion in recent weeks that no site would be finally chosen unless and until a favourable decision for an export licence was made by the Commonwealth Government.

(b) *Reply to Sir Arthur Fadden's Letter.*

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

Has he yet replied to Sir Arthur Fadden who wrote to him in connection with the iron export licence?

The PREMIER replied.

An exceptionally good reply is now in the process of preparation.

#### BUDGET.

(a) *Probable Date of Introduction.*

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

Could he give the House any idea when he will bring down the Budget?

The TREASURER replied:

Yes, in the foreseeable future.

(b) *Approximate Date of Presentation.*

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

Can he give an approximate date?

The TREASURER replied:

I should hope in the second week in September.

#### WATER SUPPLIES.

##### *Cost of Pipe Laying.*

Mr. NALDER (with notice) asked the Minister for Water Supplies:

(1) What is the approximate cost per mile of the 30in. steel pipes used in the comprehensive water scheme, and similarly the cost for 24in., 12in., 10in., and 8in. pipes?

(2) What is the approximate cost of laying the above dimensions per mile?

The MINISTER replied:

(1) Approximate cost of pipe per mile at Hume Steel Works.

Diameter.	£
30in. ....	17,800
24in. ....	10,650
12in. ....	5,320
10in. ....	4,400
8in. ....	3,800

(2) Approximate cost of laying per mile including freight, etc.

Diameter.	£
30in. ....	9,900
24in. ....	7,400
12in. ....	3,700
10in. ....	2,930
8in. ....	2,260

#### BILLS (4)—FIRST READING.

1, Cemeteries Act Amendment.

2, Trustees Act Amendment.

Introduced by the Minister for Justice.

3, State Transport Co-ordination Act Amendment (No. 2).

Introduced by the Minister for Transport.

4, Betting Control Act Amendment.

Introduced by Mr. Norton.

#### BILLS (2)—THIRD READING.

1, Juries.

2, Coal Miners' Welfare Act Amendment.

Transmitted to the Council.

#### BILL—PUBLIC SERVICE.

Report of Committee adopted.

#### BILL—HIRE-PURCHASE AGREEMENTS.

##### *Second Reading.*

Debate resumed from the 7th August.

**THE MINISTER FOR JUSTICE** (Hon. E. Nulsen—Eyre) [5.15]: First of all I wish to commend the member for Leeder-ville for bringing this Bill down as I feel it will be a foundation for hire-purchase transactions in this State. This is a Bill for an Act intended primarily to afford greater protection to a buyer under the hire-purchase system than he is now given under the Hire-Purchase Agreements Act, 1931-1937, which is repealed in this Bill.

Mr. Bovell: Is there any reason why the Government should not bring this Bill down?

**The MINISTER FOR JUSTICE:** I do not see any reason why the Government should. A number of provisions in the Bill are intended to protect the owner

under a hire-purchase agreement. Substantially, the Bill conforms to New South Wales law, inclusive of the 1957 Amendment in that State, on this subject. Many of the provisions of the Bill have their equivalent in the relevant English Act.

Few people will deny that the hire-purchase system has now assumed immense importance in our economy. Those members of our community who regularly carry on business in the role of owners under the hire-purchase scheme have, through the years, adopted forms of agreement and business practices with the object of protecting their own interests.

These practices and the full enforcement of the terms which are contained in many standard forms of agreement often operate inequitably against the hirer. The owner, under a H.P.A., has become well entrenched. This has happened very naturally because the hirer is neither competent nor is he in a position to dictate the terms and conditions attached to his contract, and there has been little statutory control. However, it cannot be said that every owner who insists on his full rights under the agreement is always acting unfairly.

The requirement relating to the consent of the spouse of a married hirer, in the case of goods required for the home, should prevent the upset which we know can occur when, for example, a husband finds out that his wife, after listening to a persuasive salesman, has incurred liability for hire instalments beyond their joint means. The consent of a spouse is unnecessary where the value of the goods sold is less than £10.

Usually where a contract for a motor-vehicle extends over a period greater than one year, the full insurance premiums for the first and subsequent years are charges against the hirer at the outset and are added to the amount of his indebtedness. The finance company may then pay the premiums annually as they fall due. If the hirer in any year makes no claim against the insurer he would in normal circumstances become entitled to the usual no claim bonus. The Bill lays down that the hirer shall receive the benefit of any no claim bonus which may become due.

Experience indicates that where agreements end in repossession, the Hire-Purchase Agreements Act of 1931 does not lay down complete or satisfactory procedure. As a result, the unfortunate former hirer after repossession may suffer an injustice. The Bill aims to rectify this position. In this Bill hirers receive some rights which are at present conceded voluntarily by a few finance companies. In other words, there is to be statutory endorsement for what has been recognised by some as equitable dealing.

As an example, I refer to the provisions covering events following the early payment-out of a H.P.A. The majority of contracts in current use do not provide for any rebate of charges in the event of early settlement. In Perth in recent years many hirers who have settled have been told by the owner that their agreement makes no provision for early settlement and accordingly no rebate of charges can be made. This, of course, is patently unfair. Some leading finance companies voluntarily make an adjustment in favour of the hirer who pays a lump sum in lieu of the instalments which have not then become due. This minority practice, which is patently fair in principle, is by the Bill made compulsory in all such cases.

The Bill also adopts provisions from the New South Wales Act which are also law in England. I refer particularly to certain conditions and warranties in favour of the hirer which are to be implied in every hire-purchase agreement. These provisions should help to overcome the difficulties which arise where the dealer or his salesman makes extravagant claims for the item to be sold and the purchaser thereupon enters into an agreement for hire-purchase with a finance company. The majority of agreement forms in current use contain a provision which expressly excludes all warranties and conditions not set out in the agreement.

This provision excluding warranties is understandable from the finance company's point of view, but it has so often operated unfairly to the hirer who has been the victim of an unscrupulous dealer that I feel the proposal for implied warranties is desirable. The rates at which interest or accommodation charges are to be levied are the same as those prescribed in New South Wales. They, quite rightly, vary with the class of goods purchased and should go a long way towards preventing extortionate levies of interest.

The prescription of minimum deposits and the other provisions relating to deposits are intended to ensure that a hirer does not assume hire-purchase liabilities when his financial position is such that he cannot first pay the amount of the minimum deposit. Though I believe that the fixing of minimum deposits will be welcomed by most finance concerns, which now usually define their own minimum scale, the object of the Bill in this respect is to prevent the impoverished intending purchaser from assuming liabilities he may not be able to meet. For that reason I believe that the minimum deposit if not too high—it is not in this Bill—will be a protection to both the hirer and the vendor owner.

The Bill contains many excellent features and is well worthy of support. It is very similar to the Act of New South Wales. I imagine one factor the member

for Leederville had in mind was Section 92 of the Commonwealth Constitution inasmuch as if we make the interest much more favourable to the purchaser, we will experience competition from the Eastern States, which would do our industrial manufacturing companies much harm. Conditions are now comparable with those obtaining in the other States and I feel we should keep them that way until such time as we can probably reduce them a bit.

The hire-purchase business is a very good one. The banks have taken part in it and are protecting the hire-purchase companies wherever possible. Most of the country members have probably had complaints from farmers in regard to machinery because when they go to the banks to obtain the money for its purchase, they have been referred to the hire-purchase companies and have had to pay the piper. Any business with a 1 per cent. loss has very good security indeed and, with the flat rate as against simple interest, not many people realise the interest rates which they are paying over the whole period of purchase.

I have a scale of interest charges here and I intend to have it included in Hansard for the information of the people throughout the country in order that they will know and understand the difference between a flat rate and simple interest. I venture to say that quite a number of members in this House would not be able to explain the position in regard to flat rate and simple interest.

As I have said, I agree with the Bill and feel that it will serve as a foundation on which to work. If necessary, it can be amended later on. I do not want to infer that any of the hire-purchase companies are dishonest, but a percentage still take advantage of hirers. It is common to see their advertisements in the newspaper offering as much as 10 per cent. in order to borrow money for the purpose of hire-purchase. Therefore, there must be a great opportunity of getting a big rake-off. If one went to the bank, one would probably get that money at simple interest, but it would be very high if it were at 8 or 9 per cent. I think the member for Leederville has done a good job in bringing this Bill down as we should provide protection for not only the purchaser but also for the honest hire-purchase company.

Hon. D. Brand: If that protection is necessary, is it not the Government's responsibility to introduce legislation rather than that of a private member?

The MINISTER FOR JUSTICE: I do not see any reason why it should be introduced by the Government as against a private member, so long as this House agrees. Parliament is the primary factor and executive; we should consider it, and agree to the Bill. Mr. Speaker, would you allow a formula which I have regarding flat rate and simple rate interest to be included in Hansard without my reading it?

The SPEAKER: The Minister must proceed and read it.

The MINISTER FOR JUSTICE: Very well, Sir. The formula is as follows:—

#### FORMULA FOR CONVERTING INTEREST FROM FLAT TO SIMPLE RATE.

$$\frac{\text{Flat rate}}{1} \times \frac{\text{Period} \times 2}{\text{Period} + 1}$$

Example: 9% flat—1-year transaction—  

$$\frac{9}{1} \times \frac{12 \times 2}{12 + 1} = \frac{216}{13} = 16.62\%$$

Example: 9% flat—2-year transaction—  

$$\frac{18}{1} \times \frac{24 \times 2}{24 + 1} = \frac{34.56\%}{2} = 17.28\%$$

Example: 9% flat—3-year transaction—  

$$\frac{27}{1} \times \frac{36 \times 2}{36 + 1} = \frac{1944}{37} = 52.54\% \div 3 = 17.51\%$$

Example: 10% flat—1-year transaction—  

$$\frac{10}{1} \times \frac{12 \times 2}{12 + 1} = \frac{240}{13} = 18.46\%$$

Example: 10% flat—2-year transaction—  

$$\frac{20}{1} \times \frac{24 \times 2}{24 + 1} = \frac{960}{25} = 38.4\% \div 2 = 19.2\%$$

Example: 10% flat—3-year transaction—  

$$\frac{30}{1} \times \frac{36 \times 2}{36 + 1} = \frac{2160}{37} = 58.38\% \div 3 = 19.45\%$$

Mr. COURT: I hope the Minister has checked the answers to the examples.

The MINISTER FOR JUSTICE: I have, and they are all correct. The reason I would like to have this formula in Hansard is so that people may realise the difference between a flat rate and simple interest. I have spoken to people about this and one person said to me, "We are only paying 9 per cent. interest." I said, "Is it flat, or simple interest?" He said, "It is flat, but that is the same as simple interest." So, he did not know, and he was not a fool by any means. He was running a small business, but he did not realise the amount of interest he was paying.

The reason I have mentioned the interest rates is not because I think the business people are not fair and are not honest, but because I think the people who are dealing with them should know exactly what they are doing. I do not know how this formula was worked out to get a flat rate. I do not think it was for the purpose of deceiving the people but was one that suited the hire-purchase businesses better and made it simpler for them, and, consequently, they could make their calculations on a basis that would work out in accordance with the various years.

Members will notice that the interest goes up each year. For the first year it is only 18.46 per cent.; for the second year it is 19.2 per cent., and for the third year, if it is a three-year transaction, it is 19.45 per cent. So that over three years, nearly 60 per cent. is paid in interest. When we allow for depreciation, we can realise that not much equity would be left in the transaction. But we must remember that the purchaser has had the use of the goods for the whole time. The goods, of course, are not properly the purchaser's until such time as he makes the final payment.

The Bill is quite a good one and I feel it will put this matter on such a basis that we can probably later amend the Act and bring it up to date from a business point of view. I have had a lot of experience in business but this is the first time—this last three or four years—that I have known much about the flat rate, although it may have been used for many years. The motor industry uses hire-purchase, and many secondhand cars are bought over a period of three years, so there is hardly any equity left in them after the interest is paid. If members work out the interest rate of 19.45 per cent. they will find that it is not far short of 60 per cent. for that time. Of course, the purchaser has had the use of the car; but on the other hand, it is a high rate of interest when it gets up around 20 per cent. I commend the Bill to the House, and I feel that it will be of advantage not only to the purchasers but to the hire-purchase firms.

MR. COURT (Nedlands) [5.36]: I have studied the Bill in considerable detail and I advise the House that it is my intention to give the measure qualified support, and then only on the clear understanding that we will be allowed at least three weeks before we become involved in the Committee stage, for the reason that there are so many complexities in considering the drafting of what I deem to be desirable amendments.

It is a colossal task for a private member to bring down a Bill of this nature. He has not the facilities at his disposal that a Government has, and, as the member for Leederville has already explained, he has had to content himself with the limited facilities available to private members instead of having access to the Government's Parliamentary draftsman. Therefore, I come right to the point and ask why this has been introduced as a private member's Bill. I am not disputing the right of any member to bring down a Bill within the limits of the Constitution, but why would the Government want to sidestep this particular issue and not get in first with a Bill of its own if it considers this matter to be of such great concern that it should be legislated for this session?

The Minister for Justice: The Government has not sidestepped it at all. The member for Leederville introduced it last year and we let him carry on.

Mr. COURT: All the more reason why the Government should have introduced the measure itself. On the 29th March there was a Press announcement under the heading, "H.P. Deals may be Controlled." This is only one of several Press announcements on the point, and it states—

Legislation to control hire-purchase conditions may be introduced by the Government in the next session of State Parliament.

The Premier (Mr. Hawke) has written to that effect in reply to representations by the State executive of the Australian Labour Party.

It is not unfair to say that the industry concerned was expecting the Government to bring down hire-purchase legislation.

The Minister for Lands: What difference does it make who brings in the legislation?

Mr. COURT: It makes a big difference on a piece of legislation like this, which is vital to the whole of our economy these days.

The Minister for Lands: Do you look at it any differently if a private member brings it in than you will if the Government does?

Mr. COURT: Not necessarily, but that is not the point at issue. The Government of the day is responsible for the government of the country whilst it is in office. Surely on a matter of this importance the

Government itself should bring down the Bill. This is not just amending the hire-purchase law in the ordinary way; this is completely rewriting the hire-purchase law of the State.

The Minister for Lands: It seems to me to be a trivial objection.

Mr. COURT: Nothing of the sort! If the Minister were sitting on this side of the House he would raise "Cain" if a private member, supporting the Government, were allowed to bring down a Bill like this.

The Minister for Lands: I am all for private members having every opportunity to do things in the House; and I always have been.

Mr. COURT: I am not saying the member for Leederville has not the right to do it; he can bring down almost any Bill within the limits of the Constitution.

The Minister for Lands: Why not treat the measure on its merits instead of talking as you are?

Mr. COURT: This is a matter on which we would expect the Government to bring down legislation. It indicated previously that it would bring down legislation.

The Minister for Transport: No, give consideration to it.

Mr. COURT: That is different from certain discussions which took place between the Government and the people directly concerned in this industry. It was firmly understood that the Government would bring down legislation.

The Premier: By whom?

Mr. COURT: By those people who saw the Minister.

The Premier: On what evidence?

Mr. COURT: They interviewed the Minister, and he has told us on occasions that this matter has been the subject of discussion. The question of hire-purchase has not just blown up in the last three or four months or weeks; it has been on the go for years.

The Premier: There is no justification for anyone deciding that the Government would introduce legislation. Anyhow, what is wrong with dealing with the merits of the Bill?

Mr. COURT: I will, but I am making an observation—an appropriate one, I think—that the Government, if it feels strongly about the issue, should have brought down a Bill itself in accordance with its desires.

The Minister for Justice: I think you are a bit captious.

Mr. COURT: I will leave it at that. In dealing with the matter under discussion, I feel it should be acknowledged by the House that when we start to interfere with the hire-purchase law, in view of the importance of it in our economic setup, we

are playing with economic dynamite. There have been several classic examples in postwar years of various countries that have thought it desirable to restrict severely the flow of hire-purchase.

The most outstanding example, I think, was the experience of Canada when, as a matter of postwar policy, it decided to clamp right down on the flow of hire-purchase. Within weeks, it had the reactions through unemployment, and within months—I do not think it was allowed to go for many months—or within a very short time, they had the spectacle of literally acres and acres of new cars that they just could not sell. The repercussion, of course, was that there was mass unemployment and the Government, very quickly, had to go into reverse to restimulate the flow of hire-purchase so as to keep up the rate of selling and through the rate of selling, the rate of production.

The Minister for Justice: There is nothing restrictive in the Bill.

Mr. COURT: I have not got to that point yet. I am just making a statement of fact, and it is that if, with our type of economy, we interfere with the flow of hire-purchase finance, we are playing with economic dynamite and we could precipitate a serious state of unemployment.

Mr. Heal: Do you think this Bill would have that effect in Western Australia?

Mr. COURT: I do not think so, for reasons I shall give, if it is amended in certain important particulars. We have geared ourselves to a high standard of living in what we know, in the main, as the western countries—referring in particular to the United Kingdom and the United States—type of economy, where the flow of goods, which results from hire-purchase, is an important factor in the structure of those economies. This system of "pay as you use" has had the remarkable effect of enabling the volume of production to be such as to reduce the unit cost so that goods previously out of reach of the average man have, in fact, become every day commodities in the lives of most of us.

The Minister for Justice: Would you ever purchase anything under the hire-purchase system as it is now?

Mr. COURT: In my lifetime I have done so. I have had the use of motorcars and other amenities that I would otherwise have been denied.

The Minister for Justice: You did not pay a flat rate of 9 per cent.

Mr. COURT: In those days it was a bit higher, and I was jolly glad to get the accommodation because without a car I could not have built up my practice or earned my living. But if the question applies to the present day, and the Minister wants to be personal and specific,



I would not today buy a car on hire-purchase because I could probably make some other arrangements. But I have used hire-purchase facilities and I thoroughly understand the implications of them.

Coming now to the Bill itself, members will have noted that it is a very lengthy measure and it sets out first of all to repeal the existing hire-purchase law in this State.

The Minister for Justice: It is more or less a consolidation.

Mr. COURT: That is not so; it is a complete rewriting of our hire-purchase law and it is important that members understand that. I think that some people in this State have the impression that we have no hire-purchase law on our statute book. We have had an Act for many years and the measure before us repeals the existing legislation and completely rewrites it.

It is interesting to note the marginal notes on the existing Act which is the Hire-Purchase Agreement Act, 1931-37. Just running through the marginal notes quickly, they are "Interpretation," "Hire-Purchase Agreements to be in Writing," "Responsibility for Agents' Statements not to be Negative," "Proceedings on Vendor Repossessing Chattel" and then follows a very detailed set of conditions. After that we have a section the marginal note of which reads, "Reopening Hire-Purchase Agreements" and the other marginal notes are "Exemption of Agreements," "Costs," "Rules of Court" and then there is a special provision for no contracting out of the law.

The Minister for Justice: Is there any section covering rates?

Mr. COURT: I am coming to that. Members will see that there is a fairly comprehensive coverage. It has been a reasonably practical Act and it has been proved by experience that it works fairly well. I think we could have simplified the whole business and instead of introducing legislation based on the New South Wales law, which is not yet operative, we could have grafted on to the existing legislation supervision over rates, if the Government felt that there should be some maximum rates, and possibly some other provisions dealing with deposits.

They are, I think, the two main provisions that have been introduced by the hon. member in his Bill—firstly, the fixing of maximum rates for certain types of transactions and, secondly, the fixing of what are to be minimum deposits. There are a host of other provisions in the Bill but, in the main, they do not, if they are modified in certain ways, amend very much the procedure which is followed at present. I would not like members to get the idea that there is no protection at present for hirers under the hire-purchase laws in this State.

The Minister for Justice: I was quite aware of that.

Mr. COURT: It has worked very well; but on this occasion we have a complete re-enactment of the hire-purchase law and the Bill appears to me to be a very complex measure. Dealing with the question of rates specified in the Bill, I must say that I have no serious disagreement with them, because they are in line with modern concepts.

The Minister for Justice: Both in New South Wales and in England.

Mr. COURT: I think we can say that they are in line with the concept of rates throughout the whole of Australia—that is, when they are referred to as maximum rates. After all, they are the maximum rates and it is known that some people operate at present at rates below those set out. It is their own business if they want to continue on that basis; but I have no serious disagreement with the maximum rates that have been included in the Bill. There might have been—in fact I am sure there were—people who were operating at rates in excess of those specified in the Bill; but they were a product of the postwar era.

We have to realise that there was a terrific pool of unsatisfied hire-purchase demand immediately following the war, and all sorts of people entered the field. There were many people of the get-rich-quick variety who entered the field, but they have now gone by the board. There are few, if any, of those people left, and in most cases they had their fingers burnt, as generally happens when people try to step beyond a reasonable limit. They have been brought back to the field not by legislation but by natural events that have taken place.

Then again, we find that the principal companies operate under a well understood code of ethics and they have by this time become fully capitalised. They have a full and sufficient flow both of fixed capital and of borrowed funds with the result that they are able to meet practically all the demands of industry today. Once they are able to meet those demands, based on certain ethical concepts, it follows that the fly-by-night people—the get-rich-quick variety—go overboard and no one sheds a tear for them.

The next point covers the conditions of operating as distinct from the rates and charges permitted. These provisions in the Bill are extremely complex. Even those who have had a lot of experience in this type of trading are finding it difficult to satisfy themselves regarding the exact meaning and that is why I made my earlier reservations about wanting a time lag before the Bill goes into Committee. I say that not to be difficult or obstructive, but to be helpful, because it is very important that the amendments be placed on

the notice paper well in advance. The hon. member who is in charge of the Bill would be the first to admit that he would want time to examine those amendments. It would be unfair to place them on the notice paper twenty-four hours before they were to be debated because, just as people are finding it difficult to arrive at any amendments they would like to see incorporated, it would be difficult for somebody to consider the amendments with a view to their acceptance or rejection.

It has been claimed that the New South Wales legislation is on all fours with this Bill. I would say that in general terms that is correct, but I want to make a point because there seems to be some misunderstanding on it—this Bill is in line with the New South Wales legislation, but that is very new. It was introduced into the Parliament of that State only this year and the dates on which the debate took place were the 11th and 16th April, or thereabouts. Subsequent events in New South Wales are rather interesting. I am not sure whether the Act has been proclaimed up to date or whether it is about to be proclaimed; but it has not operated as yet because of the extreme difficulty in arriving at a workable solution of one of the sections, a clause similar to which is contained in this Bill.

In this legislation it is provided that the rates of insurance shall be fixed by regulation. I understand that in New South Wales they have only just arrived at some workable scheme regarding a scale of insurance rates. In fact, I think they have only at this point of time been able to agree on a system in regard to motor-vehicle rates. The others will no doubt follow in turn. If my information is correct the new rates will apply in New South Wales from the 1st October of this year. That is subject to confirmation, but I think the information is approximately correct.

I mentioned that specifically because it shows that we are trying to model this law on a statute which has not yet become fully operative. If the New South Wales law had operated for twelve months, and there had been case law or various experiences under that law and differences of opinion between hirers and lenders, it would have been much easier to review its practical effect. But let us be clear on the point; that has not happened as yet.

The Minister for Justice: There must be a beginning.

Mr. COURT: It would have been much better for us if the New South Wales legislation had had twelve months effective operation to see whether it worked or not. The Minister who introduced the Bill into the New South Wales Parliament, Mr. Sheahan, made it clear that there was a degree of experimentation in this legislation; so we are basing our measure on something which in itself is an experiment.

I am not suggesting that we need wait for another twelve months to see how the law operates; but it makes us cautious in our attitude towards the provision in this Bill.

I think we can make this measure a more practical proposition, a more simple proposition and a more equitable proposition than the New South Wales law because of the close study that some people are giving to it. I trust that when the amendments are moved, the hon. member in charge of the Bill will accept them in that spirit. There is no question of being difficult or of trying to break the Bill down, otherwise we would oppose it in an unqualified manner.

We are trying to arrive at machinery which will be practical and which will not backfire against this State once it comes under the stress and strain of everyday operation. The best of laws, as the Minister well knows, can have the most extraordinary results when put to the test. This is one which we cannot afford to have break down under the strain once it is put to the practical test. Hire-purchase has a large place in our economic life today, and we do not want to run any risks in that direction.

It is interesting to note that when the Minister in charge of the Bill in New South Wales—and they have a Labour Government in that State—introduced the Bill into the Parliament there, he was almost apologetic about the matter. This came as something of a surprise to quite a few of us because in the period immediately before, and going back for several months, the Government of New South Wales had been making all sorts of dire threats about what was going to happen to the hire-purchase people. But when the Minister introduced the Bill, his approach was entirely different; he was almost conciliatory, and they finished up with a Bill much different from what the original authors thought they were going to have, with a result that is very interesting.

The New South Wales Government has made no secret of the fact that it could not afford to impair the flow of hire-purchase funds no matter how it might feel about the rates charged and the methods employed. It could not afford to cut off the flow of hire-purchase funds because of the effect on the economy of the State and particularly because of its effect on unemployment. It is interesting to note that on page 4701 of the New South Wales Hansard, under date the 11th April, 1957, Mr. Sheahan said, among other things—

The Bill is not aimed at stopping the growth of hire-purchase agreements; it is an effort to control them within reasonable limits. Hire-purchase has now become part of our social structure. It must be tolerated and used properly; there is no strict objection to it in itself.

He previously had said—

I preface my explanation of the provisions in the Bill by reminding hon. members that hire purchase agreements, though to a major degree consisting of agreements involving regular weekly, fortnightly or monthly repayments covering goods of the nature of motor-vehicles and household equipment, may cover any chattel whatsoever. For instance, it was reported a short time ago that the Queensland Government is considering obtaining locomotive engines by hire-purchase.

That was before the recent elections. He goes on—

Furthermore, the English Government has recently made inquiries of this State on the effect, if any, of this State's legislation on hire-purchase agreements covering aircraft. These are but two examples of the vast number of transactions which may be entered into by hire-purchase agreement.

Clearly, therefore, it would not be possible to adopt any arbitrary method of controlling whatever charges may be involved in such agreements. Nor, indeed, does the Government desire to intrude in such a field.

He was explaining the point that there are certain types of hire-purchase transactions which of necessity should be exempt from the main provisions, or the charge provisions of the law, because of the impracticability of bringing them within its ambit.

If I read this legislation aright, the author has so designed the Bill that in Western Australia there will be similar exemptions from the hire-purchase laws. There will be transactions which are outside of that law and to protect the people who will be the hirers under such lawful agreements there is provision for an endorsement to be made which virtually says to the hirer, in effect, "Beware; this agreement is not subject to the limitations on rates which certain other transactions are." If I have misread that, then the hon. member will no doubt comment on it.

Mr. Johnson: There is a typographical error which shows a "three" for a "four."

Mr. COURT: There are certain peculiarities of industry that make it necessary for some short-term transactions and some special type transactions to be omitted. They have been omitted, provided that endorsement is made. It is really just an announcement to the hirer to beware, and I do not think that we, as legislators, can expect to do anything else.

On this question of caution in our approach to hire-purchase restrictions, it is interesting to note that the New Zealand Budget in July, 1957, as reported in the

"Financial Review" of the 1st August, 1957, refers to the fact that amongst other things there would be a removal of hire-purchase controls on everything except motor-vehicles. New Zealand has been a country that has watched its hire-purchase fairly closely and it is interesting to note that as part of its last Budget, the Government saw fit to advocate the removal of hire-purchase controls on everything except motor-vehicles. Presumably home appliances, household furniture and so on have all been allowed to go free, whereas till that time as part of the financial policy, the Government was keeping a tight control. Now it has only motor-vehicles on which there is hire-purchase control.

At this stage I would like to comment on the question of hire-purchase generally, before I come to the hon. member's speech when actually introducing the Bill, and to certain specific matters in the measure. Much of this, of course, will be repetition because members have read statements along these lines in various publications; but, in view of the fact that we, as a State Parliament, are overhauling the whole of our hire-purchase law, I think it is pertinent for us to examine some of the background of hire-purchase, because it has moved a long way since its original introduction into industry and commerce.

Some of us are inclined to get the idea that hire-purchase has, in fact, created some of the inventions of modern manufacture. But that, of course, is too extravagant a claim to be made by any of the supporters of hire-purchase. It is at least fair to say that hire-purchase has brought these modern inventions, these great labour-saving devices and amenities, to the people. There has been a popular line amongst economists, in the last few years particularly, to blame hire-purchase for most of our economic ills. One would think that if we could eliminate completely hire-purchase from the scene of our economy, our credit restrictions, inflation and similar problems would be solved. I cannot imagine anything more extravagant or more untrue as such a statement and claim.

What are the facts today? In Australia as at the 31st December, 1956, the last available figure that I could get in respect of the total hire-purchase indebtedness is £229,000,000 for the whole of Australia. Let us relate this to the personal income of Australia. The last reasonably accurate figure I could get for that is between £4,400,000,000 and £4,500,000,000 per annum. So we have only about 5 per cent. of that figure committed. That is not the national product, but the personal income figure for Australia. There is only about 5 per cent. of that committed and, frankly, I cannot get excited about it. I cannot say that we have an

economic crisis just because of that commitment in hire-purchase throughout Australia.

Mr. JOHNSON: Your hire-purchase figure was through the finance company?

Mr. COURT: The only reliable figure that I was able to get was that given in the Commonwealth Government surveys. There is a further figure which is never defined properly, and that is one for people who carry their own hire purchase. That, however, could be a considerable sum or a fairly unimportant sum. But that figure has never been accurately assessed; it has only been partially assessed. The Commonwealth Government has its own standard formula which it uses, and it is a good guide to trends.

There is a certain fear complex woven around hire-purchase and people are inclined to get the idea that if the wage earner is over-committed for hire-purchase, he will finish up in dire financial straits. Frankly, I would rather see a man over-committed on hire-purchase for such essentials as furniture, radios, washing machines and other labour-saving devices—perhaps a car for his family for the week-ends—than see him over-committed on bets and beer. I do not think there is any argument about that.

If a person is subject to a little strain to meet the commitments, at least he has something for his money; something which is of value to his family. I think Mr. Cahill, the Premier of New South Wales, made a statement to the effect that we have to accept the position that the hire-purchase instalments of the average wage earner today are just as much part of his budget as his food and clothing.

Mr. JOHNSON: They are not in the "C" series index.

Mr. COURT: No, but it is not a bad system in Australia today when the average person can get immediate advantage from the use of his refrigerator, washing machine, radio or car when he wants his family to have the benefit of these things even though it involves a temporary strain on his earnings. I do not think it is a bad thing.

The Minister for Justice: A hire-purchase business is a very good business.

Mr. COURT: Properly conducted, it is. There has been a lot of money lost in hire-purchase. It looks good on the surface, but I tried to make the point that the "get-rich-quick" boys invariably get their fingers burnt. From my own professional experience over the last 20 years—and I have had considerable experience acting as receiver and manager—in cleaning up the affairs of a lot of these people who thought they could make money out of hire-purchase but had had their fingers

burnt because they had gone into the business without proper organisation and possibly because they had been greedy. Such folk have invariably finished up in the hands of a receiver.

The hire-purchase business has been so great in Australia, the United Kingdom and America, and in other parts that it has brought about almost a social revolution, one might say. It has now got to the stage in Australia, and in the United Kingdom and America—but particularly in Australia and the United States—where the difference between the various social strata, if that is the correct phrase, is not so much in the things they have but in the quality and type of thing they possess. For instance, most of us have a motorcar, a refrigerator, radio, vacuum cleaner and washing machine. Some of us may have good articles and others bad ones. But at least we have most of these things. So the distinction lies not in the things that we have, but in the quality of those articles.

If we put the clock back 50 years we would find that the reverse was the case. Certain people had their carriages and amenities in the grand manner, while other people had very few of these amenities. Today, however, that has changed, and I think we should acknowledge that a large part of that change has been brought about by the tremendous upsurge in hire-purchase. There have been theories advanced by economists, and several people in Australia are great advocates of this theory, that if we suppress hire-purchase, we will increase the savings of the people and, in time, when the clock had gone full circle, those people would purchase many of the goods from the manufacturers for cash.

The Minister for Justice: If they saved their money, they would.

Mr. COURT: That is merely theory. But the Minister knows that in practice that would not happen. How many people have the will power to save? But if one has the obligation to pay for these things out of one's cash budget, one will meet them somehow, particularly if they are important to one's everyday living, and also important to one's family.

Mr. JOHNSON: Cannot that be achieved by banning the salesmen?

Mr. COURT: If the hon. member wants to cut down on the volume of sales, we could ban salesman. We could stop advertising; we could do all this if we wanted to bring things to a halt.

Mr. JOHNSON: That would make things cheaper.

Mr. COURT: I read with interest the hon. member's observations on the possibility—Heaven forbid—of our hire-purchase capital migrating to the other States,

and of people with money in Western Australia being able to buy these things at cheaper prices. What a dreadful spectacle that would be, when only the rich would be able to have their refrigerators, washing machines, vacuum cleaners, radios and motorcars, instead of everybody being able to enjoy these necessary amenities. I do not want to develop that theory too much at the moment. There is such a thing as the stimulation of trade and from that a reduction of costs.

The Premier: Do that by mortgaging the future?

Mr. COURT: Don't we all?

The Premier: Oh yes, I am not arguing against it.

Mr. COURT: There is a further aspect concerning the background of hire-purchase which I think it is important to contemplate, because it shows the advance made in our thinking over the last 50 or 60 years. I did some research on the origin of hire-purchase and it is interesting to note that practically all the writings between 1900 and as late as 1925 referred to hire-purchase in the most extraordinary manner. It was considered to be a social evil; it was morally wrong and would lead to individual corruption; it was so injurious to public morals as to be wicked and reprehensible, and it would weaken the moral fibre of the nation. That is what we were told.

Hon. A. F. Watts: A lot of people say these things without justification.

Mr. COURT: That is very true. That was the trend of social and economic discussion on this subject between 1900 and 1925. However, economic and social progress is dynamic; it never stands still. The clock has turned right around, and today we find that in most quarters hire-purchase is lauded as one of the greatest factors in bringing about a social revolution to ensure that more things are shared by more people, and that they do not have to wait until they are old and decrepit before they are able to derive any benefit from those conveniences. They are able to get the use of them right now, and have the facility of these modern appliances available to them immediately. I would like now to touch briefly on the hon. member's speech.

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

Mr. COURT: I had reached the stage when I wanted to make some comments regarding the speech made by the hon. member when introducing this Bill. He referred to the problems of a private member handling a Bill of this magnitude with limited drafting facilities available to him; and well we know it all!

Personally, I was pleased to notice that in his introduction of the Bill he showed a much more moderate tone in respect of

hire-purchase than he has done on former occasions. I can only suggest that his experience has been identical with that of the New South Wales Government and some other Governments when they have gone closely into this question.

There is scarcely a person in this Chamber who at some stage of his career has not felt moved to be critical of this hire-purchase system. But, on examination, we find that the facts are not quite as they appear to be at first acquaintance with the problem. The hon. member admitted in his speech the essential role of hire-purchase in the economy of a country such as this, with its aim of a very high standard of living so far as individual people are concerned.

I must admit that his more moderate approach to the problem has helped considerably those of us who are very interested in this matter on this side of the House to approach it in a helpful and, I trust, beneficial manner; because, if the proposition were not accepted that this is a vital part of our present-day life and the Australian economy, we would be so far apart that our views would be almost irreconcilable. But it has been good to know that there has been a general acceptance of the principle that this form of trading is with us to stay and is an important part of our way of life.

Another point in his speech which had a moral in it for all of us was his reference to the possible flight of capital and funds from this State had we attempted to bring down legislation which was unduly restrictive. I venture to suggest that had the Bill introduced by the hon. member last session been made law, that is precisely what would have happened. There would have been a migration of capital from this State to the other States, to our detriment. It would not have been the financial firms that would have been hurt. They would put money from one place to another. The people who would have been hurt would have been those whose employment is influenced by the flow of hire-purchase finance.

So it appears that the hon. member introducing the Bill is on common ground with most of us in this House in his approach firstly to the hire-purchase system generally, and its place in our way of life; and, secondly, to the importance of preserving a satisfactory financial climate here for the retention of capital. That does not apply only to hire-purchase finance, but also to any form of finance. If there is not the right atmosphere to encourage capital to come here and stay here, it will not be obtained.

In his speech, the hon. member referred to an attempt made by a Liberal member to reduce the charges incorporated in the New South Wales legislation by the Labour Government of that State. It is interesting to note that that did not get very far.

There was a Government that had all the numbers it needed—and some to spare—to take charge of that situation and use the amendment to reduce the charges lawfully payable under the New South Wales legislation.

Mr. Oldfield: Incidentally, that Act has not yet been proclaimed.

Mr. COURT: That is so. I want to come to that again, because it should colour our approach to the contentious clauses in this Bill. New South Wales has not had 12 months' practical experience of this legislation; indeed, it has not yet functioned at all.

The fact remains that the New South Wales Government, obviously after very mature consideration, in view of the change from its previous attitude, found that these rates were necessary to ensure an adequate flow of hire-purchase finance to New South Wales. That is evidence of a change of heart in this matter after the Government had gone into it very carefully, realising, of course, that it took them a long time to firm on the legislation they finally took to Parliament in 1957.

The Minister for Transport: What is your view on the adequacy or otherwise of the rates?

Mr. COURT: Earlier I expressed the view that the rates in the Bill are reasonable and in line with modern concepts. They represent maximum rates, and there are reputable people who do not charge those full rates. But they are maximum rates, and people can operate below them. Earlier in my speech I did not oppose the rates incorporated by the hon. member in his Bill, but said that we would have some serious qualifications to make regarding some of the conditions under which he wants hire-purchase to operate.

Coming to the Bill itself, I do not propose to deal in any great detail with the clauses, because it is one of those measures that are so complex that if one tries to deal with each and every one of the clauses at the second reading stage, one achieves nothing except to confuse one's own thinking and probably bore members.

However, there are one or two points in the Bill on which I would like to touch in order, in fairness to the author of the Bill, to give an indication of how we are thinking on this side of the House with respect to this matter. I have stressed the importance of a close examination of the Bill because it is one based on experimental legislation, unlike our own existing statute, which has been tried and proved so far as it goes.

We are not grafting something on to our legislation, but bringing down a brand-new law for this State, and using as our model the New South Wales legislation. New South Wales would be the first to admit that (a) it had accepted a degree of

experimentation in the legislation; and, (b) that since it has been put on the statute book practical difficulties have been experienced in bringing it into operation. So we should approach the clauses of this Bill with that reservation.

Amongst the headings that are of particular importance is, firstly, the one dealing with furniture. In this Bill there is a special portion devoted to what is described as household furniture used or intended to be used by the purchaser in his own home and which is bought by a purchaser who is married. The agreements made with such people will be unenforceable unless the requirements of the Bill are met. It is important that we pause on this subject of furniture, because it is of vital importance to employment in this State. Furniture is a commodity which is very susceptible to the ebb and flow of hire-purchase finance.

One particular firm in this State has, for longer than I have been born, carried out a system of home finance for furniture based on very low deposits and extended terms. The author of that scheme has long since been dead. But his theory was that if terms were made easy enough for people to acquire furniture early in their married life and have a reasonably furnished home, and be able to meet the instalments without great strain; that if instalments were extended over a long enough period, so that the weekly amount was small, that was a much better credit risk from the vendor's point of view than trying to force them to pay beyond their capacity.

I think that the firm to which I refer will be well known to all. It has achieved a good reputation in the centre of this city in that field. That is but one firm which has used that method of finance. The importance of that firm and that trade to us as members is that a great proportion of what the firm sells, because of the nature of it, is made in Western Australia. I suggest that if we did anything that made it more difficult to sell furniture—and I am referring to general household furniture such as bedroom and dining-room suites—that would immediately react against the employment factor in that industry in this State. It is an industry that has always been highly competitive. It is one in which a lot of people have commenced in a small way and gained a foothold in the trade and then built up a fairly high level of employment.

In considering this particular clause—which is in my opinion, unduly restrictive—I ask members to realise the repercussions on that industry. It is provided in the Bill that, except in very limited circumstances, the agreement must be approved and acknowledged by the spouse. It does not merely say that the husband must approve of the wife's signing, but it says that the wife must approve of the

husband's. I can imagine that some members would get an awful shock if they wanted to buy something on hire-purchase for their homes and the salesman said, "You cannot sign this unless you bring your wife along."

There are circumstances when such action could be justified, but I think it is utterly unnecessary in connection with household furniture. If it was sought to buy rubbish, something that did not matter, probably a different view of the matter could be taken. But surely when it is a matter of a bedroom suite or a dining-room suite, or something of that nature for the home, it is a fairly safe risk to let a husband and wife sort out their own financial problem. Surely we are not going to project legislation into a home and start disciplining a husband for the wife and a wife for the husband!

The Minister for Justice: What would happen if it was a wife who involved a man in an expenditure of £200 or £300 which he could not meet?

Mr. COURT: The answer to that is that is going on every day right outside of hire-purchase. We know that there are family squabbles on account of it, and that homes are broken up as a result. But we will never alter that. We will not change the woman of extravagant tastes who makes commitments beyond her means. It was ever thus and ever will be.

The Minister for Lands: You have got to keep on trying.

Mr. COURT: Does the Minister mean to legislate against it or to stop them?

The Minister for Lands: To stop them.

The Minister for Transport: He said that with feeling!

Mr. COURT: The Minister for Lands apparently speaks with some feeling. And I know how he has probably felt on occasions when he has been faced with a bill which he felt was more than he wanted to pay. But it was ever thus, and I do not think we should meddle unduly in such affairs. It is significant that in the furniture trade, household furniture or effects used or intended to be used by the purchaser in his home—I assume that that definition means what it says and cannot be legally twisted to include home appliances and motorised appliances such as refrigerators, washing machines and the like—

The Minister for Transport: What would "effects" cover?

Mr. COURT: I am thinking of such things as bedroom suites, and so on.

The Minister for Transport: But what would the word "effects" mean?

Mr. COURT: Furniture, floor coverings, bedding, mattresses and so on; general household effects and not such things as motorised appliances.

The Minister for Transport: Electric irons and kettles?

Mr. COURT: I would say so; they are not motorised. I think we can draw a sound line of demarcation between motorised and non-motorised appliances because motorised appliances would cover washing machines, refrigerators, vacuum cleaners and so on, while non-motorised appliances, with few exceptions, are the basic household furniture and furnishings.

The Minister for Transport: Under your definition a radio would be all right, but a radiogram would not?

Mr. COURT: I see the point; that it would be difficult to call a radio a motorised appliance, but I am not trying to attempt a legal definition. I am only endeavouring to suggest a broad line of demarcation between the two types of household equipment.

The Minister for Justice: I think television would come into that.

Mr. COURT: Yes, but I do not put that in the same category as a bedroom suite, floor coverings and so on.

The Minister for Justice: I agree.

Mr. COURT: Another matter which I think is peculiar to the furniture trade—there are objections to it in other trades—is the lack of provision in the Bill for "add to" accounts. Many firms merchandising furniture have a long trading history with various families—people who have probably married and bought the bare requirements of furniture and so on to start with and who later, owing to an addition to the family or for some other reason, have required more furniture and effects. They can go to these firms and negotiate to continue their transactions. They simply add the new purchase to the account and it is a simple process. Such accounts are favourably regarded by the merchant, because he knows them, and they are convenient for the purchaser, who in turn has confidence in the firm.

There are objections to "add to" accounts for some hire-purchase transactions and it would defeat the purpose of the Bill if that system were made universal for all hire-purchase transactions. But I think it would be a desirable amendment to have the "add to" provision in the Bill with regard to furniture hire-purchase contracts. I would be reluctant to see anything done in this measure to impair the sales volume of an industry that is essentially one of local manufacture.

Mr. Johnson: The "add to" provision that you speak of is not strictly hire-purchase but more a credit-sales agreement, is it not?

Mr. COURT: Not the ones I had in mind where we are dealing with bedroom suites and the like. There is provision in the Credit-Sale Agreements Bill for "add to" accounts. I think it would be a misnomer in the case of the hire-purchase people because there must be a separate agreement signed, but for book-keeping purposes they just add it to the accounts of the purchasers, who then continue to pay the adjusted instalments.

Another matter that calls for amendment has relation to some of the penalties. I will not dwell on this at the moment. There is the question of the minimum deposit which is a new principle introduced into the hire-purchase law of this State and I will not dwell on that, either, but I consider, briefly, that the proposal to leave the matter to be fixed by regulation is not the best way to handle the situation. I would like to see a form of minimum deposit specified and then we could leave it to industry to sort itself out at levels above that statutory point.

If we specified that there should be no deposit below 10 per cent. except for furniture, where we could probably fix it a bit lower, we could allow industry to work out its own destiny on the matter of deposits according to the ebb and flow of finance. Traders have shown a sense of responsibility in this matter. The Commonwealth Government had occasion to call the finance companies together and put to them a proposition to slow down the rate of hire-purchase finance. They entered into an arrangement which regulated the percentage of deposits and the Commonwealth Government has admitted that the arrangement was honoured during the term for which it was fixed.

It has since been adjusted and it is interesting to note that it was in the interests of employment and of the Australian economy that the deposit system was relaxed. The effect of higher deposits had so depressed the motor game that it was necessary to lift the restriction and reduce the deposits in order to give that trade some stimulus. A further point of disagreement with the measure that I will deal with in the Committee stage is that some of the clauses would interfere, in my view, with well-established legal concepts.

To my mind, it is not right and proper, without special reason, to interfere with well-established legal concepts. When legal opinion is available on some of these points, it may be proved that there would be no interference but at the moment it would appear that there are well-established legal concepts, thoroughly understood and appreciated by all concerned, which would be altered or impaired by this legislation.

The clauses dealing with insurance are important. There is provision that any clause in an insurance policy which states

that a matter shall be referred to arbitration shall be of no effect. The reason for such a clause in most policies is well understood. It might be possible to find a case where the provision had been abused, but in the main it prevents expensive litigation.

Policies usually state that the matter shall be referred to arbitration before litigation is entered upon, but the Bill seeks, as does the New South Wales legislation, to delete that provision and give such a clause in a policy no effect. The result could be that there would be no arbitration until there had been a claim and then there would be agreement by the parties at that stage to go to arbitration. I think that is a fair interpretation of the position.

Mr. Johnson: No, the intention is that arbitration should only be by agreement.

Mr. COURT: That is my point. Where a dispute arises, they can agree to go to arbitration but they cannot agree in the contract that if a certain event happens—such as a dispute or claim or something else provided for in the policy—there shall be arbitration.

Mr. Johnson: That is right.

Mr. COURT: I think it is a sound principle which has been established over the years and it acts in favour of the insured. That is why I cannot understand the intention to take it out of the policy. It acts in favour of the insured, who is usually the person with the least financial backing. If he can go to arbitration instead of litigation, it is much cheaper for him, obviously.

Mr. Johnson: I do not think the word "obviously" should be used.

Mr. COURT: The other important provision dealing with insurance is the clause providing that the rates of insurance for all types of risk where hire-purchase is involved, shall be fixed by regulation. Apart from any objection to the principle of giving the Government this power, there is a practical difficulty. The Bill provides that the Government can promulgate a regulation which adopts a schedule issued by a body reasonably representative of the insurance profession—presumably in this State such a body would be the fire and accident underwriters, which has well-established tariffs for the various types of risk, but that is not mandatory. It does not state that will be the list that the Government issues a regulation for.

Obviously considerable difficulty has been experienced in New South Wales in this regard as they have only just reached agreement on how to cover the situation in respect of motor-vehicles and there is still a host of things to be fixed up although there they have a much simpler set-up than we have here if the government of the day wants to make a regulation in respect of those rates. They have a Government



insurance office which can do all types of business and there are tariff and non-tariff companies and co-operative companies and, in addition, they have an insurance commissioner in that State who would be in a much better position than anybody in this State to deal with it, but in spite of that they have found considerable difficulty in arriving at the rates of insurance to be promulgated.

The practical problems are many and not the least is that when we want to promulgate rates for all the types of risk in all the districts and so on, there will be such a colossal tariff schedule to issue that it is almost a physical impossibility. The companies have built up a system over a period of years and I think the satisfactory course would be to adopt one of the acknowledged tariff schedules as being the maximum that can be charged; something that is easily determinable, which can be established by law in the courts and which is known to all of us. There is provision in the Bill for certain things to be done by proclamation and one of the schedules attached to it can be altered in that way. The form of it, the size of type used and so on can be altered by proclamation and I think that is a dangerous situation to establish.

If we want this particular schedule to go out in a certain sized type—I think the Bill specifies that it shall be in 10-point type—we should specify that in the measure and say that that is the form and then if the Government wants it altered, it will have to be done through Parliament. I have covered most of the points I desired to raise this evening, in a general way, and when it comes to the consideration of the measure in Committee I think the process will be fairly lengthy and some of the amendments might involve considerable technical detail. For that reason, I will not labour the matter further at present, having indicated my qualified support for the Bill.

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

## **BILL—INTERPRETATION ACT AMENDMENT (No. 2).**

### *Second Reading.*

**MR. OLDFIELD** (Mt. Lawley) [8.0] in moving the second reading said: This Bill seeks to amend Section 36 of the Interpretation Act, which section deals with regulations. We recognise the necessity for regulations because from time to time there arises an emergency in which the Government of the day must take action and introduce, probably in hurried circumstances, a regulation to cover it. Most Acts for various reasons, provide that regulations shall be promulgated, and because of the modern methods of government, regulations are what could be described as a necessary evil.

From time to time members object to too much latitude being exercised in regard to the introduction of legislation which provides for the promulgation of regulations. They have wide and varied reasons for so doing, but all of us must recognise the fact that those who attain Cabinet rank adopt the attitude that regulations are a good thing and those who are in Opposition or who are private members, take the opposite view. We must be prepared to admit, however, the necessity for them; we do not admit the desirability of them. In our present mode of living and with the scientific advances that have been made in recent years, we are acquiring more and more regulations. I should say that there are at least twice as many regulations in existence today as there were 20 years ago.

As we progress, further regulations are necessary. For example, it is necessary to promulgate regulations to govern household electrical appliances. This comes under the jurisdiction of the State Electricity Commission. Also, under the Traffic Act, as the performance of motorcars advances and as the volume of traffic increases, new regulations are introduced. So we have to face that problem and accept it. One drawback is that Parliament under the existing provisions of the Interpretation Act has the right to move for the disallowance of regulations only in their entirety. To move for the disallowance of any regulation that has been gazetted, an hon. member has to take action within 14 days of its being laid on the Table of the House.

After that period has elapsed the only person who can then move to repeal, amend, or revoke the legislation under which such regulation is promulgated, is the Minister concerned. If a member of Parliament has the power to amend part or parts of a regulation, instead of having to move for the disallowance of it in its entirety, it probably would be found that a regulation would be amended on the motion of an hon. member as distinct from a motion to disallow it. We have one or two instances before us at the moment where a whole heap of regulations must needs be disallowed because of a few objectionable features. Also, if we compare regulations with legislation, we find that any member has the right to move an amendment to any part or parts of a Bill before the Chamber or he can move, on his own accord, an amendment for the repeal of any legislation already in force.

We must also bear in mind that each and every member of Parliament enjoys the right to move for the repeal of any Act under which regulations can be framed, and yet he cannot take similar action respecting a regulation. This state of affairs has arisen because when the

promulgation of regulations was found to be necessary, Parliament was prepared to allow the Government of the day to make such regulations, and thus it approved of a form of government under that system.

Hon. J. B. Sleeman: This Government does not govern by regulation.

Mr. OLDFIELD: I have not said that it does. If the hon. member will be patient I will explain. We have gradually allowed the responsibility held by Parliament to pass into the hands of Cabinet Ministers and departmental chiefs. Whereas that may have been satisfactory in days gone by, as I stated earlier, with the great number of regulations now being gazetted, members cannot be expected to study every regulation gazetted in order to give it complete attention. As members know, every week fresh regulations appear in the "Government Gazette" and the Minister concerned, from time to time—especially at the opening of the session—tables large sheafs of regulations. It is not until a regulation has been in force for some time and an anomaly arises that we become aware of what we have agreed to and the difficulty then is to have the offending regulation either repealed or amended.

Subsection 2 of Section 36 of the Interpretation Act provides for the gazettal of regulations and the laying of them on the Table of the House. It also gives members the right to move for their disallowance within 14 sitting days after they have been tabled. The Bill seeks to repeal that subsection entirely, or, in other words, to delete the reference to the period of 14 days, because if this measure becomes law that period will not be necessary. The Bill provides that any hon. member may move to amend any regulation at any time during any session of Parliament. In that respect, this provision will bring regulations into line with legislation and we will return some measure of power to Parliament itself.

A close study of the Bill will show that if a member has the right—not only when it is on the Table of the House—to move for the revoking or the amending of a part or parts of any regulation that is either in force or is about to be gazetted, there is no need for that 14-day period. The reason for that is that if a regulation has been in existence and an hon. member has realised that it contains some undesirable features, it will be possible for any member in either House to move for the repeal or the amendment of such regulation.

The Minister for Transport: If this Bill becomes law, will it have application to the laying on the Table of the House of regulations that are promulgated in the future or will it have application to past regulations as well?

Mr. OLDFIELD: It will govern all regulations.

The Minister for Transport: Even those that were tabled years ago?

Mr. OLDFIELD: Yes, the Bill will bring all regulations into line with legislation. The purpose of that is explained by the fact that private members on either side of the House enjoy the right to move to amend legislation that has been in force for 50 years or even since the inception of responsible government in this State. If we enjoy that privilege, why should we not also enjoy the right to do the same with regulations, because they are still part of the governmental system. It would differ from our normal legislation in that it would not require the approval of both Houses of Parliament to amend or revoke. When I was having the Bill drafted, there arose the question: Why take away from Parliament a power it already enjoyed? The reason for that is that it is not necessary to obtain the approval of both Houses of Parliament to disagree with a regulation that may be tabled.

We should also give a little thought to the fact that regulations differ in character from legislation in the normal way in that they are not deliberated by Parliament in the first instance. They are agreed upon in Cabinet, gazetted and tabled. Further, they are tabled far too frequently for any one hon. member or group of members to keep pace with them. I know that in one other State at least there is a committee appointed to study regulations before they are gazetted. That is a full-time job in itself, and I understand it is most unsatisfactory because in that State quite a number of undesirable regulations have appeared.

Hon. J. B. Sleeman: Who said it is unsatisfactory?

Mr. OLDFIELD: For a committee to be given the task of studying the effect of every regulation and to report back to the House on whether it agrees with it or otherwise, is a terrific job.

Hon. J. B. Sleeman: I thought the system was very successful.

Mr. OLDFIELD: We must bear in mind that if such a committee made a mistake, we would be in the same position as we are in this State today. We are in the position that if the Minister tables a regulation which he subsequently agrees is wrong in principle, it generally takes some time to rectify that mistake. Recently we had an instance of a Minister gazetting a regulation with which he disagreed after the objectionable feature of it was brought to his notice. A similar state of affairs must have occurred on numerous occasions in the past and no doubt such lapses will continue in the future.

A Minister is a busy person and possibly a departmental head could place two or three hundred regulations in front of him at any one time and the Minister would

not have the time to go through all of them. Therefore, he must be guided by the advice given by his departmental head. If, however, the departmental chief has an opinion which is different from that held by the Minister or if he has misinterpreted the direction that has been given to him by the Minister, he may quite easily frame a regulation in a manner which would be unsatisfactory to the Minister.

I feel that this measure should at least be given consideration by all members during the second reading stage and I would welcome any comments in Committee. If any hon. member wishes to move an amendment in an endeavour to improve the Bill, I will be only too pleased to discuss any such amendment with him. There is one paramount feature we cannot afford to overlook—what is to be the power of Parliament in future? If we are successful in having this legislation passed by the House, it will add somewhat to the prerogative of Parliament and to the responsibilities which should repose in Parliament and not in those outside. I move—

That the Bill be now read a second time.

On motion by the Minister for Justice, debate adjourned.

## **BILL—CHIROPODISTS.**

### *Second Reading.*

**MR. GAFFY** (Canning) [8.17] in moving the second reading said: In introducing to the House the measure relating to the training, qualification and registration of chiropodists, the practice of chiropody and matters incidental thereto, I feel confident that it will meet with the approval of both sides of the House and that any criticism of the measure will be constructive.

The object of the Bill is to protect people needing the attention of chiropodists and to ensure that the treatment they will receive will be from highly skilled persons and not just anyone who cares to call himself a chiropodist. There is an instance of a woman attending a so-called chiropodist who gave her a facial, and another woman who had suffered for years and remarked after treatment by a qualified chiropodist that she would have had treatment years ago only that a neighbour had suffered dreadfully after being treated by a chiropodist. This is the state of affairs that this measure desires to rectify.

While chiropody has in some form been practised for a long time, it is only recently that it has attained the status of a science and a profession. This development has been slow, but steady progress has been made, encouraged and strengthened by practical support from the medical profession. Today physicians and surgeons recognise that the chiropodist performs an essential service, which is not otherwise provided within the medical field.

For the proper protection of the public it is essential that the chiropodist receive adequate training and observe an ethical code. In order to protect the public from the many risks attendant upon unskilled treatment of the feet, steps were taken in that regard by the British Medical Association, and in 1938 that organisation recognised chiropody as a profession and an ancillary to medicine. Certain bodies were admitted to the National Register of Medical Auxiliary Services by the Board of Medical Auxiliaries. There the course of training covers three academic years and is full-time.

Today the chiropodist is trained to understand fully the structure and functions of the foot, its relation to the rest of the body and the nature of its varied disorders. He is, therefore, equipped to take much more comprehensive measures than formerly in the treatment of a wide variety of foot disabilities which come within his sphere and also to distinguish those methods and surgical conditions affecting the feet which require further investigation and treatment. He is thus of service to people of all ages.

An important part of his work is the diagnosis and treatment of incipient foot defects occurring in children. He can do much to prevent the onset of disorders in adult life by early inspection and advice. Among the adult population, painful foot disorders are common and are serious for those whose livelihood depends on their being on their feet during most of the day. So obvious were the benefits of foot treatment to the industrial worker that in England, during the last war, chiropodists were appointed to the Royal Ordnance factories under the direction of the Minister of Supply.

In the majority of teaching hospitals in England the chiropodist is regarded as a valuable member of the team in the orthopaedic department. It is becoming more apparent that foot complaints are contributing factors to, if not the whole cause of, many of the ills to which mankind is heir today. In the issue of "The Sunday Times" of the 18th August, a man retiring after 51 years in the shoe business stated that people can have nervous breakdowns for no other reason than the wearing of tight shoes. He quoted a specific case of a nervous disorder because of tight shoes. This being the case, how much greater effect would complaints of the feet have on people? We must therefore have people who can relieve and remedy such complaints, but they must be qualified people. This is an instance where knowledge is power, but a little learning is dangerous.

With registered chiropodists we would have someone who, on recognising any abnormality or condition outside his sphere, could advise a medical examination. On the other hand, with registered chiropodists a medical practitioner could advise chiropodist treatment, as he would

advise dental, optical or kindred treatment. Among the reasons I wish to stress why chiropodists should be registered is the protection of the community from the dangers of people practising chiropody without a full knowledge of the subject. A qualified chiropodist has spent two to three years in practical and theoretical training in chiropody and has passed examinations in anatomy, physiology, materia medica, medical surgery and diseases of the skin within the province of chiropody.

Indeed, a chiropodist needs a general knowledge of the anatomy and physiology of the body, and also a very detailed knowledge of the legs and feet. A general study of anatomy and physiology is necessary because many constitutional and organic diseases, particularly of circulatory, lymphatic and glandular origin, affect the feet. Some of the diseases where symptomatic evidence is apparent in the feet are diabetes, thyroid condition, cardiac condition, diseases of the nervous system, pernicious anaemia and thrombosis. Therefore it is essential for a chiropodist to be able to recognise such symptoms in order to be aware of the care and skill necessary to treat such patients.

Should a chiropodist observe an unusual condition of the feet, one which he feels is not within his sphere, he would, whilst not making a diagnosis, suggest that the patient see a doctor. Furthermore, a chiropodist must have a knowledge of skin diseases, not for treatment but for reference to a doctor. It is important that he knows what to treat and what to refer to a doctor. Therefore, the profession should be protected against unqualified persons. It is felt that an untrained person is not competent to recognise conditions which should be referred to a doctor.

Incidents have occurred where people have lost toes and even limbs as the result of such conditions being treated in ignorance. In cases of thrombosis, an untrained person is liable to give massage during chiropody treatment and this would aggravate a dangerous condition. At present people without training in chiropody or asepsis can set up in practice in chiropody and this is a danger to the public requiring treatment. Chiropody is a medical, not a beauty, treatment. It is recognised in England as part of psychiatric treatment in mental hospitals and orthopaedic treatment.

A Bill was passed in South Australia in 1950 to cover this sort of thing. It is the duty of all of us to protect those in the community who are unfortunate enough to need treatment at the hands of chiropodists. Without exception, each and every one of us has at some time found something wrong with his feet, even if it be only a stone getting into the shoe when walking to a car. We know how uncomfortable we become and how

happy we are to have the cause removed. The case mentioned of a woman going to a beauty salon to have foot treatment but got a facial instead, might lift her morale but will not put her back on her feet. The other case is from a very reliable source. Toes and limbs have suffered because treatment has not been proper. This Bill provides that people, before securing registration, must either undergo training for a specific time and pass examinations, or for two years out of the three preceding have worked in the practice of chiropody.

Mr. Crommelin: Where do they gain that knowledge?

Mr. GAFFY: This knowledge would be obtained from the board, because there is provision in the Bill for the board to train them in the way proposed. The Bill is parallel to the Physiotherapists Act which was passed by this Parliament a few years ago. The board is to consist of the Commissioner of Public Health, a medical practitioner appointed by the Governor and three chiropodists also appointed by the Governor. Certain training will be given in various places, in hospitals and by the association which desires to set up a clinic for aged people for the purpose of relieving them of disabilities due to bad feet. There the trainees will be assisted in practical work.

I have a letter from the Association of Chiropodists of this State, setting out the type of training that it desires to be followed, more or less. The training facilities provide for the training of students, the undergoing of the anatomy and physiology section of the course at the university with the physiotherapists, a study of materia medica at the technical college, together with lectures in medicine and diseases of the skin to be given by a medical practitioner appointed by the board. One of the association members who holds an instructor's certificate of the Society of Chiropodists, London, has signified her willingness to teach the theory and practice of chiropody, this being done at a clinic for aged people.

In England they do a three-year full-time course and it is a pretty lengthy one. It is interesting to read some of the things they do. I have here a booklet entitled "Chiropody Today," which shows that the course of training covers three academic years and is full-time. It is undertaken at schools of chiropody which have been inspected by the Board of Registration of Medical Auxiliaries. All these centres are recognised by the Minister for Health, the secretary of State for Scotland, or the Minister for Education and conform to an approved training syllabus. All examinations in medical subjects are conducted by examiners from a panel of physicians and surgeons approved by the Royal College of Physicians and Royal College of Surgeons of England. The society is an

examining body approved by the Government under State regulations. The proposed board in this State will have the same powers as the board in South Australia possesses. I move—

That the Bill be now read a second time.

On motion by the Minister for Health, debate adjourned.

## **BILL—CREDIT-SALE AGREEMENTS.**

### *Second Reading.*

Debate resumed from the 14th August.

**MR. COURT** (Nedlands) [8.30]: I was hesitant in rising to speak because I thought the Government would want to express its views on this particular Bill. Although it is a kindred measure to the one we considered earlier tonight in connection with hire-purchase, I presume we can assume that the Government is going to support this Bill as it did the one dealing with hire-purchase.

The Minister for Justice: It is a companion measure.

**Mr. COURT:** The Minister is supporting it?

The Minister for Justice: I will have something to say on it later on.

**Mr. COURT:** The Minister seems to be in doubt about the Bill.

**Hon. D. Brand:** What you have to say will be in support of the Bill?

The Minister for Justice: I do not know.

**Mr. COURT:** There is a lot we would like to find out now.

The Minister for Justice: It is not necessary to tell you, is it?

**Mr. COURT:** It is necessary we should know as this is a vital measure which cannot be divorced from hire-purchase legislation and one is given the impression by the hesitancy on the part of the Minister, that the Government might not be as wedded to this proposal as the introducer of the Bill led us to believe.

The Minister for Justice: I indicated it is a companion measure.

**Mr. COURT:** Then I take it the Government is supporting it?

The Minister for Justice: Yes.

**Mr. COURT:** I support the Bill in the same qualified manner as I did its counterpart. It is, to a large extent, a kindred measure to the hire-purchase Bill. It does not apply to agreements of less than nine months' duration, and I suggest to the author of the Bill that he give serious consideration to accepting an amendment which could extend that nine months to at least a 10 months' period. The reason why I suggest that is that a fairly standard practice has grown up among many people who deal in time-payment, as distinct

from hire-purchase, to fix the rate of payment on the basis of 6d. in the £ per week, thereby cutting out the transaction in 40 weeks. If the nine months' period is adopted, it will keep the permitted period of the exempt agreements just below the 40-week period.

While I am not firm in my own mind in this regard, it has been strongly advocated to me by one firm in particular, which is doing a big business in this type of transaction. One of the proprietors of that business has authorised me to make this statement to the House with his full approval that if the members would like to examine his records and the methods he uses in doing the credit-sale type of business, he would welcome their inspection.

The firm concerned is not well known to me, except as a member of the public. It may be better known to members than to myself, but Mr. O'Grady of John Allens is the man who extended the invitation and who says it is important that this nine months' period be extended to 40 weeks or a period of 10 months so as to conform to the accepted use of the 6d. in the £ per week, so cutting out the transaction in 40 weeks.

It will be of interest to know that this firm has some 36,000 accounts current at the moment and some 96,000 on which they have credit history. In other words, the operations of the firm must extend to over 100,000 accounts. This is quite a business. Some of the figures advanced by this gentleman when talking to me—which he has authorised me to make public, because he has already put them in writing himself—are very illuminating. For instance, it is established by him that he has taken £62,000 worth of blankets from the Albany Woollen Mills this year.

That is a lot of blankets from a Western Australian industry, and it is only one phase of their trade. In addition, they handle a lot of Albany products in the form of made-up garments, and they also handle a lot of other Western Australian manufactured goods. I mention these particulars because one is inclined to dismiss this sort of business lightly and regard it as of no consequence at all. However, this business is highly organised and has interstate connections. It has obviously built up a substantial business in the credit-sale trade, or time-payment as distinct from the hire-purchase type of trading.

I can see the object of the author in bringing down this Bill, namely, to defeat the person who might be prepared to forgo the security available under hire-purchase, step outside the hire-purchase law and take a time-payment agreement. If a good credit system is established by a firm, the security is not of great moment, bearing in mind the fact that a firm

such as the one under discussion will carry its own finance and will not be dependent on outside finance.

The Minister for Justice: Did you say the repayment was 6d. per week per £1?

Mr. COURT: The rate of repayment is 6d. per £1 per week and an article to the value of £20 would mean 10s. per week. Repayment would be completed in 40 weeks under the agreement, but under the Bill they will be exempt only if the period is less than nine months. If it were a ten-month period, we would exempt this 6d. in the £ per week arrangement to enable transactions to be cut out in a 40-week period. A calendar period of ten months would be approximately 43 weeks and would well cover the 40 weeks.

I have no intention of labouring this matter because most of the issues I raised in the hire-purchase debate are equally relevant with this time-payment Bill, with the distinction, of course, that one is a form of security and the other is a form of agreement without security.

Mr. Bovell: There is no fear of firms being restricted in using credit.

Mr. COURT: No, such transactions are actually exempt. This Bill exempts transactions with instalments spread over a period of less than nine months. Ordinary credit is outside this legislation. It is mainly intended—if I understand the author's introduction correctly—as a means of preventing people from side-stepping the hire-purchase legislation as people have been known to do in the Eastern States by agreeing to forgo the security under hire-purchase and sign a time-payment agreement with security. With the reservations I have made on the previous occasion, I propose to support the Bill.

The Minister for Justice: What would be the interest they charge?

Mr. Bovell: Ask the author of the Bill.

Mr. COURT: As the member for Vasse has mentioned, the author of the Bill has the job of satisfying members on that point. It is fully set out in a Bill.

On motion by the Minister for Justice, debate adjourned.

## BILL—TRAFFIC ACT AMENDMENT.

### *Second Reading.*

Debate resumed from the 14th August.

HON. SIR ROSS McLARTY (Murray) [8.40]: I want to support this Bill and I am disappointed with Minister's comments on the measure when he indicated opposition to it. I do not think the request of the member for Blackwood is in any way unreasonable. Members will recall that during the last session of Parliament when this particular Act was under review—the Traffic Act 1919-1956—it was drastically amended and the fees were very steeply increased.

The Minister for Transport: We are still miles below the other States.

Hon. Sir ROSS McLARTY: The Minister said that when he replied, but it does not alter the fact that the increases made last session were very steep. All this Bill does is to provide for a reduction in the licence fees payable on agricultural tractors used by farmers for the haulage of goods on roads. The particular class of farmer who uses a tractor for this purpose is the small farmer; the larger farmer or more prosperous farmer has his truck or car as well as a tractor. However, he does not use his tractor for the purpose of hauling his goods on the road.

I said there was a steep increase in the licence fee, and I think all members must agree with that statement. It was certainly a steep increase for this class of vehicle because the fees were more than doubled last session, and the member for Blackwood, when speaking on the second reading of the Bill, told us that the tractor and trailer which used to cost £12 to license now necessitates the payment of £30. That takes into consideration the fact that a local authority has the power to halve the fees which are required, provided it thinks fit. Even so, there is an increase of from £12 to £30 and that is a very substantial increase.

In his speech, the Minister for Transport referred to the value of money in 1923 and the increase in the cost of road construction which had occurred since 1923, but, of course, the same can be said of the farmer. All his costs have increased and, if the Minister would consult the Premier for a minute or two, he would be told how steeply taxes have increased during past years.

The Premier: Mine? Yes, they have.

Hon. Sir ROSS McLARTY: I think the Premier was dozing when I made that reference!

The Premier: Mr. Menzies and Sir Arthur Fadden have whipped my taxes up.

Hon. Sir ROSS McLARTY: And Mr. Hawke has whipped mine up and that of others, too.

Mr. Bovell: I think the late Mr. Chifley's taxation was greater than that of the present Government.

Hon. Sir ROSS McLARTY: The Minister went on to say that the police and traffic authorities, and also the local governing authorities were opposed to the proposed amendments. We might rather expect that. These were the authorities which suggested to the Minister that there should be a considerable increase in traffic fees, and I take it he acted on their advice when he amended the Act last year. So it does not carry much weight with me when he tells us that the police and traffic authorities, and the local authorities, do not agree to the amendment proposed in the Bill.

In actual fact, this is not going to cost the Treasury or the local authorities much, but it will be a substantial help to the small farmers referred to by the member for Blackwood when he introduced the measure. I do not think the Minister realised he was inflicting such a steep increase on the farmers—particularly the class of farmer I have mentioned—when he introduced the amendments last session. I think he would have shown a more reasonable attitude if he had said, "This is a very steep increase and I am prepared to do something about it." I could go on at length, but I am not going to.

The Premier: Go on.

Hon. Sir ROSS McLARTY: The Minister is laughing. He has been whacking the farmers pretty hard this session.

The Minister for Transport: When?

Hon. Sir ROSS McLARTY: All through the session, by just about every Bill he has introduced in regard to transport.

The Minister for Transport: I have introduced only one Bill this session; and even that is not introduced.

Hon. Sir ROSS McLARTY: I am glad the Minister reminded me of that fact, because this will provide him with an opportunity to give further consideration to the amendments contained in the Bill; and I think he should do it.

The sad thing about legislation of this kind is that it is considered from the political angle. I wish it were possible for members to vote as they thought they should in regard to a proposition such as this because I am convinced that if they did so, they would agree to the amendments proposed in the Bill. I appeal to the Minister to have further consideration given to the measure. The amendments will cost him very little.

The Minister for Transport: They will not cost me a penny. The funds of the local authorities are the only ones that will be affected, not those of the Government.

Hon. Sir ROSS McLARTY: I think the local authorities, generally, would agree to a reduction in this case. The proposition, I believe, is a practical one and I hope the House will agree to the second reading.

MR. PERKINS (Roe) [8.48]: On second thoughts, the Minister for Transport might be able to agree to the measure.

Mr. Bovell: I am sure he will.

Mr. PERKINS: As he says, it is not going to cost the State Treasury any appreciable sum.

The Minister for Transport: Not a penny.

Mr. PERKINS: I thought it might in some remote way; I shall leave it at that. Any concession that is made will be granted by the country local authorities

and I do not feel that they will be adversely affected because in the vast majority of cases, unless some concession like this is provided, the primary producers concerned will not be able to license their tractors but will have to use some improvised means of doing the small amount of carting involved.

The Minister for Transport: At the present moment these people can license the vehicles at half price, which other sections of the community cannot.

Mr. PERKINS: If the Minister has a careful look at the schedule, he will realise that the increase in rates in this category has been so great that it has taken it out of all relationship to the cost of licensing a truck, for instance.

I raised this question when other legislation was previously before the House, and I pointed out to the Minister that while it probably was not a proposition for most farmers to license an agricultural tractor to do a small amount of carting on the roads even as the Act stood previously, with the amendments made last year the proposition became entirely uneconomic.

A tractor, of course, is generally designed for another purpose altogether. It is a slow moving vehicle, it is heavy and it has considerable horsepower. Therefore, when we apply the usual formula for determining what the licence shall be, we find it is fairly expensive. For that reason, I think the Minister will realise that the concession, if granted, is not, in the final result, going to cost local authorities much money.

The Minister for Transport: But it puts one section of road users out of harmony with everyone else in the State.

Mr. PERKINS: If the Minister has a careful look at the matter, he will see that is not quite correct.

Mr. Bovell: The circumstances are different.

The Minister for Transport: The circumstances of every individual are different from those of the next chap.

Mr. PERKINS: There is no question in regard to this type of vehicle doing any appreciable damage to the road. It must travel at a slow speed because a farm tractor is a slow moving vehicle, and the tyres are large. I think the Minister will fairly readily agree that in these circumstances, the vehicle is not likely to damage the road to any considerable degree.

If the Minister stops to consider the position still further, he will realise that other legislation which he has been introducing into Parliament is designed to have the effect of discouraging farmers from owning trucks. Some provisions in that other legislation will prevent a farmer from carting beyond his ordinary railway siding. Because of the form in which the legislation has been introduced, that must be the policy of the Government, and the

result of it must be, if it is passed, that there will be fewer farmers who own trucks which can operate over a somewhat wider radius than just between the farm and the nearest railway siding.

In these circumstances it will not pay the farmer to buy a truck for the small amount of carting that has to be done between the railway siding and the farm. If the distance is not very great it might pay him to license an agricultural tractor and trailer to do some of that work. I do not know that many farmers would even take advantage of that provision. In most cases contract carters would, I think, be employed. Still, the Minister should be careful about putting in the way of primary producers more discouragement in regard to the working of their properties to the maximum efficiency, than can actually be helped.

When I hear the Minister for Transport addressing the House, I sometimes wonder whether he ever stops to consider just how much the prosperity of a State like Western Australia depends upon the financial stability and the maximum production of its rural community. I think that many times he must entirely overlook that phase.

The Minister for Transport: Try discussing the Bill instead of me!

Mr. PERKINS: It would not be the first time that the Minister for Transport had discussed those who had opposed him when he had been bringing measures before the House.

The Minister for Transport: You had better watch out that I do not discuss you on the transport Bill.

Mr. PERKINS: I shall be pleased if the Minister does. In those circumstances, we might discuss the Minister for Transport in more detail.

Members: Hear, hear!

Mr. PERKINS: I do not offer that as a threat. I hope that the debates here can be kept on a reasonably high plane. We have not descended to those levels in the past, but if there are any bricks to be thrown, we can throw our share. I hope the Minister can have some second thoughts on this question because I believe the concession being sought is not very great.

MR. I. W. MANNING (Harvey) [8.56]: It is my intention to support the Bill which seeks to overcome what seems to be a serious injustice to farmers who occasionally use a tractor and trailer on the road. Last year when the Traffic Act was amended, the licence fees of all vehicles which used fuel other than petrol were doubled. Today practically all agricultural tractors are either kerosene or diesel driven; and nearly every farmer in my electorate owns a small tractor which he has licensed.

I have noticed that many of the farmers I have in mind have either a coast block or a hill block, and it is necessary for them to plough fire breaks or do some other work on them at various times of the year. They use the road very little, but nevertheless it is necessary for them to have the tractor licensed so that it may run on the road. Also, if they have to go to the sand pit or to the gravel pit, which is not very often but it does happen at various times of the year, the vehicle needs to be licensed. The use of tractors on the road is not very great and to ask a man in that position to pay a licence fee of about £30 is, in my view, ridiculous.

The Minister for Transport: Half that amount.

Mr. I. W. MANNING: But £30 is the half amount.

The Minister for Transport: I said, about half that amount.

Mr. Bovell: The member for Blackwood wants to make it half.

Mr. I. W. MANNING: The amount of £30 is half the fee chargeable. It is ridiculous to ask a farmer in that position, whose tractor is usually a small one—perhaps of the Fordson diesel type—to pay the licence fee prescribed by the amendment of last year. I ask the Minister to have another look at this. There is not a long argument attached to it, and it does not require us to say a great deal about it. I merely point out that at this stage it has become noticeable, when it is necessary to renew the licences on these tractors, that this serious anomaly exists. I ask the Minister to have a look at the position because at present the farmers who use their tractors only infrequently on the road are suffering a serious injustice.

MR. ACKLAND (Moore) [8.59]: I had not intended to do more than cast a silent vote in support of the amendment, but it seems desirable that some of us from the Country Party should have something to say as to our views on the matter. The Minister has said that the schedule, as passed by the House last year, is not going to affect the Government's finances at all. I am of the opinion that the road boards that have ratepayers who will be affected by the suggestion put forward by the member for Blackwood, will be quite prepared to have a smaller revenue from this source, because they have an appreciation of just how little effect the vehicle, which will be covered by this amendment, will have on the wear and tear of the road.

In my own electorate I do not think there is anybody who would want to avail himself of the privilege of licensing a tractor and trailer but down in the South-West where there are smaller holdings, most of which are quite close to railway sidings, it certainly does not pay farmers



in the great majority of cases to buy a truck. They can, and do, purchase small tractors to which trailers can be attached and by this means they transport all or most of their farm produce. I hope that the Minister for Transport will give further consideration to this measure, firstly, because it is not going to affect Government finance; secondly, because I believe he can rest assured that the road boards whose finances will be affected by this amendment will be in perfect agreement with the suggestion that has been put up by the member for Blackwood; and, thirdly, it will be of great benefit to the small farmers who are using their vehicles so very little and it will be of great help to them in keeping down their costs of production. I support the measure.

**HON. A. F. WATTS (Stirling) [9.2]:** As will be remembered, when the amendment to the Traffic Act was brought before this Parliament last year, it was, on the one hand, rather difficult to appreciate to the full the results of all the alterations to the licensing of vehicles schedule that were proposed by the Minister; on the other hand, it was rather difficult entirely to assess the result of those alterations in regard to specific types of vehicles, particularly those which were not of the normal truck or motorcar variety.

But even in the face of those facts, there was a great deal of controversy about the very considerable rises that were proposed and, indeed, in the majority of cases, finally accepted under that schedule. A number of grave doubts were expressed by members as to the final results of some of these proposals and it is quite evident now that the matter raised by the member for Blackwood is one that ought to have been given further consideration last year.

**Hon. D. Brand:** Hear, hear!

**Hon. A. F. WATTS:** I venture to say that so far from decreasing the revenue of certain local authorities, this measure, if passed, is quite likely to increase their revenue because the situation is that a number of people who are possessed of tractors and trailers, and who would like to use them on the roads for various purposes that have been discussed here, are so concerned when they find out the cost of a licence that they refrain from paying the required fee. In consequence, the local authority gets no revenue at all from that source.

As a matter of fact, I discussed this matter with the chairman of a road board in my own electorate, no longer ago than last Friday and that was the opinion expressed by that gentleman in regard to a number of people. Respecting that district, there are a great number of farmers in it who are not in a very prosperous condition. It is mainly a dairying district

and there is not the same degree of prosperity that exists, to some extent at least, in various other areas of the State. So it is rare to find in that district a person who is possessed of a truck as well as a tractor.

In the great majority of cases a tractor is necessary for the carrying out of farming operations. For the purpose of saving expenditure in the way of fuel it is usually a diesel tractor and, as the member for Blackwood in his opening speech a week or so ago said, it is not much larger than a Fordson diesel tractor. The result of the amendment passed last year, to which in principle no one objected, was to double the licence fees in respect of vehicles which were propelled by diesel fuel, for the reason that no tax was paid on that fuel and therefore no contribution was made to the Main Roads Department funds whereas the more volatile fuels such as petrol, suffer tax. That has had a considerable effect on the licence fee of this particular type of diesel tractor.

Now let us consider how much this particular type of tractor is going to be used. It is not going to be used to run the farmer and his family into town for ordinary domestic and social purposes. That is usually provided for by a utility or something of that kind. It is going to be used, and it is used, in the carriage of a couple of tons, and perhaps sometimes a little less, of fruit, potatoes or produce of that character from the farm to the nearest railway station or, in the future perspective, to the nearest point of some other organised transport service.

I would say that the proprietor of this Fordson diesel tractor and light trailer would travel probably not more than a maximum of 1,000 miles a year. But under present circumstances, from what I can see of the Traffic Act, such a person would contribute something between £40 and £50 to the local authority. If the local authority, as the Minister suggested, likes to allow him to have the licence fee at half rates, he will pay something in the vicinity of £23 for the privilege. But the local authority may not do that because he may already have some light vehicle licensed at half rates and it is at the board's discretion to decide whether he shall have another. So he could easily be asked, for a year's licence, to pay in respect of those vehicles between £40 and £50—just for the privilege of running not more than 1,000 miles in that year.

And what is going to be the result of that? He is not going to license his tractor and trailer and so all this argument about the local authority losing revenue is not going to take place because of any reduction made in the licence fee; it will take place because of the high figure at which the licence fee will remain if this Bill is not passed. So it seems to me that there might not have been a proper appreciation

of the result of this amendment to the traffic licensing schedule, which was made last year. It has obviously resulted in a ridiculous impost in regard to this type of vehicle for which the farmer pays no licence fee at all if it remains upon the farm.

As the member for Roe said, it is a vehicle that is not likely to be used for long journeys because its speed is slow and its fuel consumption pretty heavy. It is not going to be used as an alternative to purchasing a truck, and in areas such as I am referring to there are limited requirements for such a vehicle. Hence my contention that 1,000 miles a year would probably be the maximum that such a vehicle would run. Therefore, the licence fee payable in respect of such a vehicle is surely beyond reason. It compares unfavourably with the licence fee payable on a 5-ton truck. A 5-ton truck is capable of being driven at 50 to 60 miles an hour on the main or other roads; it carries a heavier load and does far more damage and it would probably be driven for 10,000, 20,000 or 30,000 miles a year as against this tractor plus trailer which will be used in an extremely limited manner because of the very nature of it, quite apart from the nature of the business it is expected to do.

So it seems to me that it is reasonable to ask the Government and the Minister to look upon this measure in a slightly different light from that which the Minister did last week. I would be the last one to suggest unnecessarily depriving local authorities of any revenue. But I think, as does the member for Moore, that where local authorities could be satisfied—and as I believe they could be satisfied in this case with reasonable justice—some reduction, such as was suggested by the member for Blackwood could be made, especially if those local authorities have not raised any complaints against the measure. As I have said, I believe on the evidence before me, and as a result of discussions which I had on Friday night last, the probabilities are that in that district anyway, and also in other districts where anything like similar conditions prevail, as they do in other parts of the South-West, the prospects of the local authority receiving more revenue as a result of some concession are very considerable.

I again express the hope that the House will not discard this Bill at the second reading. I hope members will give it an opportunity to go into Committee so that we can consider the question a little more closely and where, if necessary, amendments can be moved to make the figure something else than that suggested by the member for Blackwood if the Committee feels that such a step is justified. But in all the circumstances, I think it would be wrong to reject this Bill at the second reading and not give members an opportunity of going into the figures because I am satisfied that as the law stands at

present in regard to this particular type of vehicle, there is a measure of injustice being done to those persons who are not going to make very considerable use of the road; who, if they decide to license the vehicle would, in those circumstances, be made to pay very dearly for it and, I believe, in consequence they will not license it. So far from the local authorities losing as a result of this measure if it is passed, I am satisfied they would gain something in revenue, and their rate-payers, or at least a proportion of them who are not by any means wealthy, would gain something quite considerable. I support the second reading.

**HON. D. BRAND** (Greenough) [9.16]: I want to add a word or two to this debate. It will be generally understood that arising out of the amending measure introduced by the Minister for Transport certain anomalies have been created and the member for Blackwood seeks by his Bill to rectify the position and, in the light of practical experience to give us a permanent, stable, logical and reasonable law. By virtue of living in the South West and being associated with the small farmer and orchardist, and such people who find a small tractor such as a Fordson or Ferguson tractor useful, the member for Blackwood—

The Minister for Transport: What about the local manufacturer?

**Hon. D. BRAND:** We could go a step forward and include other makes such as the Chamberlain tractor. If the Minister for Transport is prepared to consider an amendment by my mentioning the Chamberlain tractor, then I would gladly include it. The fact remains, however, that a number of anomalies do exist. On the one hand we could have a farmer who has a compact area on one side of the road in which he might work throughout the year without finding it absolutely necessary to cross the road or go into the road board territory where he would be forced to license his tractor.

On the other, a situation could exist where a farmer held a property which was divided by a road which he might find it necessary to cross for one reason or another—perhaps to cart water or something like that. In such a case it would be most unfair that we should slug him to the extent of £30 rather than just make it incumbent on him to pay a registration fee; particularly if he happens to be less fortunate than his neighbour. The Leader of the Country Party raised a most reasonable point when he suggested that if a farmer found the licence fee too heavy, he would be inclined to take such risks from time to time to avoid paying the £30 and cross the road without registering.

The Premier: Do you think the local authority will have any difficulty in making up in some other direction the loss of revenue?

Hon. D. BRAND: I should imagine there are ways open to them, but the local authorities who control the areas in which these tractors are used would be most sympathetic, and it would not mean a great sum of money in any case.

The Premier: I suppose broadly the farmers would finish up paying.

Hon. D. BRAND: The farmer could finish up paying, but I think I have heard the Premier advance the principle when introducing the land tax legislation as against an increase in railway fares, that the load should be spread more equitably. I am not suggesting that it would, but it could be that a local authority might find it necessary to make up the loss by increased rating.

Mr. Bovell: Who said there would be a loss? More tractors would be registered.

Hon. D. BRAND: If there were a loss, the local authorities might increase the rates and so spread the financial load amongst people who may not find it necessary to register their tractors.

The Premier: I think that is fair enough.

Hon. D. BRAND: I think it is quite fair. When the member for Blackwood replies and points out some of the facts to the Minister, which I understand have been quoted to the Farmers Union, I hope the Minister will see the force of the argument put up and change his mind on the matter and help us to wipe out the anomaly that exists at present. I support the second reading.

MR. WILD (Dale) [9.20]: I must join with my colleagues in supporting the move by the member for Blackwood to correct the anomaly that has crept into the Traffic Act. In my electorate there are quite a number of farms. I have been thinking of the farms I know of out in Kelmescott and Roleystone and further on to Forrestdale where men have properties on both sides of the road. In these closely settled areas, many of the settlers may have originally started with five or ten acres and at some later time they may have purchased a block over the road and found it necessary to move their machinery from one block to another. As the position exists now, and unless this amending Bill is passed, we will find that these men will have to pay the full fee of £30 merely for shifting their tractor over the road possibly four or five times in the year.

For my part, I can speak with the certain knowledge of the Armadale and Gossnells Road Districts as there are quite a number of primary producers on the respective boards. I can think of two men who have properties in that area who will be affected by this legislation. I am quite certain they are not aware of the fact—even though it has been suggested that the local authorities are in agreement with

the legislation—that they will be expected to pay a fee of £30 for shifting their tractors from one side of the road to the other probably three or four times in the year.

Those men do not use their tractors for anything else but ploughing or harrowing or, in quite a number of cases, for shifting fruit from the orchard itself into a packing shed. They do not put their tractor on to the road for any other purpose. In the cases that I have in mind—and I can only speak of the areas I know—it would be purely to move the tractor from a block on one side of the road to the block on the other to do some work which might be necessary, and after the work has been completed to return with that tractor in the evening. For these men who are not going to use the road and will only cross it possibly half-a-dozen times a year, it is outrageous to think that they will have to pay £30 a year. I support the Bill and I hope the Minister will agree to the amendment.

MR. OWEN (Darling Range) [9.25]: I wish to support the Bill and put forward one or two angles which perhaps have only been touched upon. Firstly, from the point of view of the local governing authority, I would like to say on behalf of the particular board I represent, that it would be very pleased to have such a measure brought into force, because in the small farming and orchard country in the hills there are many small tractors which are used only occasionally on the road, and then only for a very short time.

As a matter of fact, it has been one of the problems of the board to induce these people to license their tractors, and so avoid the risk of using an unlicensed vehicle and one on which there is no insurance. It is very hard to force them to license these vehicles, particularly if they are compelled to pay such a high licence fee for a vehicle which they use so little. I know that our road board would welcome such a measure as this. From the point of view of the primary producers, many speakers on this side of the House have put forward a case for the small farmer. In the hill country perhaps more than in any other type, these tractors are very often used to bring the produce up to the road so that the carrier can load it on to his truck and take it to the market.

These tractors merely come on to the road, turn around, unload their produce, and go back. But unless they were licensed, they would be committing an offence by so doing. Also in many cases where orchards are in steep hilly country and perhaps the picking has been done at one end of the orchard rather than pull the fruit over the loose ground up the steep slopes the tractors traverse the road for 100 or 200 yards, load the fruit and then go back to the packing sheds.

Very often these people also take their tractor to the local depot or dump where they pick up their liquid fuel in drums.

In the particular district to which I refer I could count possibly 100 tractors which are in use at odd times on the road within a radius of five or six miles. If those owners have to pay the full rates, they certainly will not license their vehicles. They may be prepared to run the risk of prosecution by using them on the road for the few occasions they find it necessary to do so, but if they are licensed I venture to say that the local authority will receive in revenue quite a few hundred pounds which it otherwise would not secure. Accordingly, I have much pleasure in supporting the Bill.

**MR. HEARMAN** (Blackwood—in reply) [9.27]: Firstly, I would like to thank all members who have supported this small Bill, and at the outset I would like to say that I was not present last Wednesday when the Minister spoke. I read his speech, however, and I rather formed the opinion that he was probably under a misapprehension at the time he spoke. The Minister appeared to think that my figure of £30 which I mentioned as being the licence fee the farmer had to pay for an average medium weight tractor and trailer could be halved under Section 11. I would point out to the House that the combination I mentioned of a medium tractor and a normal trailer would be licensed at £60 if it were not for Section 11; accordingly even with Section 11 in the fee charged still represents a very considerable increase in the previous figure which would have been round about £12 or £13.

I would like to quote from a copy of a letter that the Minister himself wrote on this matter to the Farmers' Union. Among other things he said—

A Fordson tractor operating on diesel fuel and licensed at normal rates would be required under present legislation to pay a licence fee of £45 4s. per annum whilst a Ferguson tractor would be required to pay a fee of £16 8s. per annum. However, if these vehicles were used for a primary production work only, both the fees of £45 4s. and £16 8s. would be halved.

I might mention that that £16 refers to the older type of Ferguson tractor. The newer models are heavier and would pay a greater licence fee. Some of them are petrol-driven but 95 per cent. are diesels these days.

Had the Minister realised that the normal licence fee without Section 11 was £60, I think he would have appreciated the extent to which users of these vehicles have had their fees increased. I can agree with those who say that the cost to local authorities is negligible. In fact, probably the

local authorities' revenue would increase, because it is possible for an owner to take out what is termed a free licence, which costs £2—if the House can stand that Irishism. He pays £2 which covers third-party insurance and entitles him to drive his tractor on the road. If he likes to take a risk he can put an unlicensed trailer behind. These people are going to the licensing authority and licensing tractors for £2. If they can licence the whole combination for £10, it stands to reason that the local authorities will increase rather than decrease their revenue.

There is one point that seems to be relevant and that is that a tractor drawing a trailer is one type of commercial vehicle—if it can be termed such—that does not compete with the railways. The very nature of the vehicle and the speed at which it travels—particularly if it has any load on at all—are such that it is completely impossible for it to compete with log haulage on the railways. That should be a recommendation to the Minister, and encourage his use of this kind of transport rather than the purchase of motor-vehicles.

I would point out that the existing cost of licensing a tractor and trailer for an indeterminate load is heavy. I refer to the cost of licensing the Fordson vehicle, which is an average medium weight tractor. I would point out, too, that in a lot of these country areas in the South-West, which are hilly, people find it necessary to use heavier tractors. The smaller ones may be very good in flat country; but in orchard districts in particular, the heavier tractor is used.

While a man would have to pay £30 in respect of such a tractor and trailer, a farmer having the benefit of Section 11 can license a 30cwt. truck for £14 or £15. It seems anomalous that a tractor which obviously will do a very much greater mileage per year should be licensed for £14 or £15; whereas the smaller man, who cannot afford a tractor and is using what would be readily accepted as a much less satisfactory form of transport, must pay £30.

That is an anomaly the House never intended, in my opinion; and the Government could therefore quite well agree to the passage of this measure and so remove that anomaly. I am aware that there are other anomalies in the legislation, but this is one that the Bill seeks to eliminate.

Question put and passed.

Bill read a second time.

*In Committee.*

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

*House adjourned at 9.37 p.m.*