unless they have to do so. I reserve my decision on this matter until I have received the answers to the queries I put foward, and also until I have heard other members speaking to the Bill.

On motion by Hon. J. McI. Thomson, debate adjourned.

ADJOURNMENT—SPECIAL.

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

> That the House at its rising adjourn till 2.15 p.m. tomorrow.

Question put and passed.

House adjourned at 11.35 p.m.

Legislative Assembly

Wednesday, 9th October, 1957.

CONTENTS.

CONTENTS—*continued.*

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

QUESTIONS.

EDUCATION.

(a) Anticipated Expenditure on Classrooms, etc., Bunbury.

Mr. ROBERTS asked the Minister for Education:

(1) What is the anticipated total expenditure on—

(a) school classrooms;

(b) other school buildings;

at all schools within the boundaries of the Municipality of Bunbury during this financial year?

(2) At which schools and on what projects will these funds be expended?

The MINISTER replied:

(1) (a) £5,000.
(b) £1,491.

(2) (a) Bunbury (Carey Park School).
(b) Bunbury Girls' Hostel.

(b) School Ground Improvements and Sewerage Installations.

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

(1) In the last two financial years has there been any expenditure on the improvement of school grounds—

(a) in the metropolitan area;

(b) outside that area?

(2) If so, what amounts have been expended during the years mentioned, giving each year separately, in—

(a) the metropolitan area;

(b) the part of the State outside that area?

(3) What expenditure has there been in the same two financial years, giving each separately, on the provision of sewerage or septic systems in Government schools—

(a) in the metropolitan area;

(b) outside that area?

(4) In what schools—

(a) in the metropolitan area;

(b) outside that area;

has such expenditure on sewerage or septic tanks taken place?

(5) In what schools—

(a) in the metropolitan area;

(b) outside that area;

have proposals for sewerage or septic tanks, otherwise approved, been deferred or rejected because funds were not available?

The MINISTER replied:

(1) (a) Yes.

(b) Yes.

(2) (a) Metropolitan area—

	£
1955-56	1,057
1956-57	6,000

Outside metropolitan area—

	£
1955-56	3,835
1956-57	6,708

(3) (a) Total expenditure in metropolitan area—

	£
1955-56	43,714
1956-57	50,850

(b) Total expenditure outside metropolitan area—

	£
1955-56	28,831
1956-57	28,104

The above figures are not actual expenditure, but are apportioned costs only, as, in most cases, the sewerage and septic tank installations are included in new works and additions, etc.

(4) (a) Ashfield
Attadale
Belmont
Belmont High
Brentwood
Bentley Park
Belmay
Canning Vale
Cannington
City Beach
Dalkeith
Doubleview
Fremantle High
Hampton Park
Hillcrest
Hilton Park
Hamilton Hill
Innaloo (North)
Innaloo school quarters
Inglewood (Cleveland)
Koonawarra
Koongamia
Lathlain Park
Midland Junction High
Mt. Lawley High
Middle Swan
Mt. Pleasant
Melville
Maddington
Midvale
Marmion Beach
North Scarborough
North Cottesloe
Nollamara
North Fremantle school quarters
Riverton
Redcliffe
Tuart Hill High
Tuart Hill Primary
Tranby
Wembley
Willagee Park.

(b) Armadale High
Beachlands (Geraldton)
Bridgetown
Byford
Boulder
Bruce Rock (old)
Bunbury (Carey Park)
Dudinin
Deanmill
Derby
Ewington
Glen Forest
Geraldton
Hall's Creek
Harvey school quarters
Hyden school quarters
Hoffman Mill
Kellerberrin school quarters
Kelmscott quarters
Merredin High
Manjimup High
Moora
Mt. Lockyer
Muresk Agricultural College
Mukinbudin
North Collie
North Northam
Pinjarra
Perenjori
Parkerville
Rockingham
Shannon River
South Bunbury

Trayning
Toodyay quarters
York school quarters
Yericoin.

(5) (a) Lake Guelup
West Midland.

(b) Fairbridge
Coorow
Swan Upper
Harvey
Rockingham East
Kellerberrin
Westonia
Mundijong
Waroona
Manjimup
Bindoon
Baandee North
Baldivis
Beermullah
Bencubbin
Boyup Brook
Brunswick
Coolgardie
Deanmill
Yalgoo
Dandalup North
Forest Grove
Huntley
Kondinin
Kununoppin
Kweda
Brookton
Leonora
Mt. Barker
Mt. Helena
Meekatharra
Sawyers Valley
Augusta
Nannup
Moorine Rock
Narrogin Agricultural High
Pingaring
Yuna
Wannamal
Wagin
Roelands
Kulin
Mornington Mills
Margaret River old school and quarters
Northcliffe
Pemberton
Mt. Walker
Port Hedland
Quindalup
Quinninup
Vasse
Yallingup
Yarloop
Merredin
Yorkrakine
Waterloo
Coogee
Buntine
Dalwallinu
Bridgetown
Tambellup
Wickepin
Harvey Agricultural Wing
Cadoux
Forrestfield
Glen Forest
Miling
Pickering Brook.

(c) State School Teachers' Superannuation Fund, Money Held in Trust.

Mr. HEARMAN asked the Treasurer:

(1) What amount of money is held in trust by the Treasury on behalf of the State School Teachers' Superannuation Fund?

(2) How much of this money is invested and how much is available for immediate call?

The MINISTER FOR WORKS (for the Treasurer) replied:

(1) There is no fund under the title of the State school teachers' superannuation fund. These employees contribute to the W.A. Government Superannuation Fund, and details of separate groups of contributors are not recorded.

(2) Answered by No. (1).

ELECTRICITY CHARGES

Formula Used for Assessing Increases, etc.

Hon. D. BRAND asked the Minister for Works:

(1) What is the formula on which increased charges for electricity are assessed?

(2) What was —

(a) Basic wage;

(b) cost per ton of coal to the State Electricity Commission;

(c) charge per unit of electricity to domestic consumer;

(d) charge per unit of gas to domestic consumer as at—

30th September, 1953;
" 1954;
" 1955;
" 1956;
" 1957?

The MINISTER replied:

(1) The formula to vary the price per unit in any period is based on:

(a) The ratio of the variation in total cost of coal used in that period to the total units sold in that period.

(b) The ratio of the variation in wages and associated working expenses to the total units sold in that period.

(2) (a) Basic wage—

1953.	1954.	1955.	1956.	1957.
£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
12 6 6	12 6 6	12 12 5	13 1 6	13 12 9.

(b) Cost per ton of coal to the State Electricity Commission—

	1953.	1954.	1955.	1956.	1957.
	s. d.	s. d.	s. d.	s. d.	s. d.
Coal	69 0	69 11	65 9	64 8	52 8
Freight....	27 6	37 6	37 6	37 6	37 6
Total	96 6	107 5	103 3	102 2	90 2

(c) Charge per unit of electricity to domestic consumers—

	1953.	1954.	1955.	1956.	1957.
	d.	d.	d.	d.	d.
"D" Basic	6·65	6·65	6·65	6·65	6·65
Balance	2·65	2·65	2·65	2·65	2·65

(d) Charge per unit of gas to domestic consumers—

1953.	1954.	1955.	1956.	1957.
d.	d.	d.	d.	d.
1·58	1·58	1·58	1·58	1·58

STATE HOUSING COMMISSION.

Total Administration Cost, 1952-57.

Hon. D. BRAND asked the Minister for Housing:

What has been the total administration cost of the State Housing Commission for each of the past five years?

The MINISTER replied:

Year.

1952-53—£323,766 11s. 1d.
1953-54—£364,544 8s. 2d.
1954-55—£410,672 7s. 2d.
1955-56—£441,796 3s. 5d.
1956-57—£471,021 18s. 3d.

Details of these administration costs are contained in the annual reports of the State Housing Commission.

MOTOR-VEHICLE LICENSING.

Police Percentage Commission, etc.

Mr. ROSS HUTCHINSON asked the Minister representing the Minister for Local Government:

(1) What is the percentage commission received by the Police Department for the collection of third party insurance charges made in conjunction with motor-vehicle licensing?

(2) What are the amounts so received by the Police Department for each of the last three financial years?

(3) What are the total amounts paid by motorists to the Motor-Vehicle Insurance Trust for each of the last three financial years?

(4) What is the profit for each of the last three financial years?

(5) What are the amounts held in reserve by the Motor-Vehicle Insurance Trust as at the 30th June, 1955, 1956 and 1957?

The MINISTER FOR JUSTICE replied:

(1) Commission is not paid to the Perth Traffic Office on a percentage basis. At the end of the first financial year of the trust's operations, i.e., the 30th June, 1950, the Commissioner of Police suggested an initial remuneration of £1,000 and £100 increase for each additional 5,000 increase in the number of licences effected. The amount of £1,000 was agreed to, but the system of increases was not and each year to the 30th June, 1956, the remuneration was calculated by the trust on the amount of work involved and the number of licences and the amount agreed with the Commissioner of Police. At the 30th June, 1956, the Commissioner of Police renewed his request for remuneration based on his proposals at 30th June, 1950, and the trust agreed.

(2) Year ended 30/6/55—£1,600.
Year ended 30/6/56—£2,100.
Year ended 30/6/57—£2,200.

(3) Year ended 30/6/55—£572,221 17s. 1d.
Year ended 30/6/56—£589,024 18s. 6d.
Year ended 30/6/57—£688,795 18s. 4d.

(4) These figures cannot be ascertained with any degree of accuracy at this date. In accordance with Section 3P (4) of the Motor Vehicle (Third Party Insurance) Act, the financial books of the trust must be kept in separate years or "pools." In this way the accounts for any one year must show the total premiums received during that year and the total claims paid against the insurance effected during that year. Until all claims received are paid and completed it is, therefore, impossible to arrive at the actual profit or loss on a "pool." Experience has shown this takes up to six years and, in fact, the last claim for the year ended the 30th June, 1952, has been paid during September, 1957. There is still one claim outstanding for the year ended the 30th June, 1951.

The following is the position of the last three financial years as at the 30th June, 1957, but it is pointed out that these figures are estimates only and are arrived at after a careful estimate of the probable cost of claims still unsettled as at that date. The actual final result is solely dependent upon the degree of accuracy of estimating the unsettled claims and could vary considerably from the result estimated at the 30th June, 1957:—

Year ended		Estimated cost of unsettled at 30/6/57	Estimated final result
		£	£
30/6/55	....	158,751	66,233 (surplus)
30/6/56	....	315,753	88,086 (surplus)
30/6/57	....	372,869	37,602 (surplus)

The figures shown for year ended the 30th June, 1957, is also dependent upon a figure of £221,353 estimated to cover unearned premiums at the 30th June, 1957, i.e., premiums received during the year, but which have varying periods up to twelve months after the 30th June, 1957, to run and against which claims occurring during the currency of the policy will have to be debited. As these accidents have not yet occurred, no estimate of cost can be considered.

The two "pools" which have been completed resulted as follows:—

Year ended 30/6/50—£64,280 actual deficit.

Year ended 30/6/52—£17,193 actual deficit.

For the year ended the 30th June, 1951, if one unsettled claim is settled for the estimated figure of £5,000, the actual deficit will be £101,272.

(5) Year ended 30/6/55—£901,689.
Year ended 30/6/56—£1,073,212.
Year ended 30/6/57—£1,280,492.

For the information of the hon. member it is advised that audited copies of the financial statements of the trust are tabled at the end of each financial year in both Houses of Parliament.

PERTH CITY COUNCIL.

Acceptance of Substandard Access Way.

Mr. MARSHALL asked the Minister representing the Minister for Local Government:

(1) Was the substandard access way through City of Perth territory accepted to allow the subdivision to take place in the Wembley Downs area from Border-rd. north?

(2) Was any assurance given by the Perth City Council to have a surveyed road put through from The Boulevard?

(3) Has the survey for this road been completed by the Perth City Council?

The MINISTER FOR JUSTICE replied:

(1) The Wembley Downs area north of Border-rd. has been partly subdivided for many years without any road construction taking place.

Further subdivision of Lots 23 and 24 adjoining Weaponess-rd. was approved on appeal after the subdivider had provided trafficable access along the existing track from The Boulevard to Weaponess-rd.

(2) Following a request from the Town Planning Department, the Perth City Council resolved to proceed with the survey of the Weaponess-rd. extension to The Boulevard.

(3) No.

GOLDMINING.

Drilling in Menzies District, etc.

Mr. O'BRIEN asked the Minister for Mines:

(1) As the Menzies district was a wonderful gold-producing area over many years, does the Mines Department intend to have the area diamond-drilled in the near future?

(2) If so, will he kindly investigate the possibility of drilling between the mines "Lady Shenton" and "First Hit"?

(3) What progress is being made with the drilling of the following: "Fingall" at Day Dawn; "Oroya" at Sandstone; "The Rajah" at Agnew?

The MINISTER replied:

(1) and (2) The possibilities of diamond drilling around abandoned mines at Menzies were examined by our technical staff, but prospects were not considered to offer sufficient chance of success.

In regard to operating mines, the department is prepared to consider, on their merits, any applications by leaseholders for diamond drilling under the department's scheme which, in the first instance, is based on £ for £ contributions.

(3) The second deep surface hole at Day Dawn is down to approximately 300 feet, and is proceeding satisfactorily. At "Oroya," Sandstone, the second hole is nearing completion, and results to date have not been favourable. At the "Rajah," Agnew, drilling has been completed with satisfactory results to owners.

HOGGET.

Supply and Sales to Public.

Mr. LAWRENCE asked the Minister for Agriculture:

(1) Is he aware that hogget for sale was advertised in the "Daily News" publication of the 2nd October for 1s. 2d. per lb. by Law's supermart?

(2) If so, is he aware of the position as regards the supply of hogget which, to my knowledge, is not in any supply?

(3) Is he aware that broken mouthed ewes are being sold as hogget?

(4) If such be so, what steps are to be taken to protect the public?

The MINISTER replied:

(1) Yes.

(2) Very few hoggets are sold for slaughter as this class is in keen demand by farmers for stocking purposes.

(3) It would be impossible to prove or disprove this statement.

(4) The question of branding of carcass meat is under consideration.

TRANSPORT.

(a) Subsidy and Freight Charges, Perth to Carnarvon.

Mr. SEWELL asked the Minister for Transport:

(1) Is any Government subsidy paid on case shooks or any other commodity used by Carnarvon planters and vegetable growers, when transported from Perth by road?

(2) What are the various road freight charges from Perth to Carnarvon?

(3) How were these rates arrived at?

(4) How do these rates compare with the freight rates by road from Perth to Geraldton?

The MINISTER replied:

(1) No.

(2) £15 per ton up to three tons, £13 per ton from three to five tons and £12 per ton over five tons.

Parcels—Up to 14 lb., 7s.; 15 to 28 lb., 10s. 6d.; 29 to 56 lb., 14s. 6d.; 57 to 112 lb., 18s.

(3) By open tender invited by the Transport Board.

(4) On a mileage basis, Perth-Geraldton freight rates are higher but this is a regular service which operates irrespective of the loading offering on any particular occasion whereas the Perth-Carnarvon service operates only as back-loading against almost capacity loads of tropical produce carried when available only.

(b) Increased Cost of Operating Diesel Buses.

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

In reply to my question of the 3rd October, the fuel cost per mile of omnibuses is given at 4.01d. Last year the figure was given as 2.1d.—

(1) What is the cause of this almost 100 per cent. increase?

(2) Does the latest price include the newly imposed tax on diesel fuel?

The MINISTER FOR TRANSPORT replied:

(1) The figure of 4.01 pence is based on the recent price increase of diesel fuel. In October last year the figure given was 2.65 pence.

(2) Yes.

WATER SUPPLIES.

Flushing Allowance for Septic Systems.

Mr. JOHNSON asked the Minister for Water Supplies:

(1) How much water is allowed as a flushing allowance in rating houses with septic tanks or sewer connections?

(2) Is this allowance considered adequate for the average family?

(3) Can the allowance be increased for families above the average?

The MINISTER replied:

(1) 5,000 gallons per annum for each w.c.

(2) The quantity allowed is a concession to meet minimum requirements of a flushing system.

(3) Administrative control of variable flushing allowances would be impracticable.

TREASURY.

Cash Reserves.

Hon. D. BRAND asked the Treasurer:

What were the total cash reserves at the Treasury on—

the 30th June, 1953;
the 30th June, 1955;
the 30th June, 1957?

The MINISTER FOR WORKS (for the Treasurer) replied:

The information required by this question is not clear. No funds are held as a cash reserve. Funds are held at the Treasury under loan, revenue and trust.

PARLIAMENT HOUSE ADDITIONS.

Government's Intentions.

Hon. D. BRAND asked the Premier:

In accordance with a previous statement that additions would be made to Parliament House, can he explain what are the Government's intentions regarding this work?

The MINISTER FOR WORKS (for the Premier) replied:

It is proposed to complete the following work over a period of six years:—

(a) The southern section of the eastern front.

(b) The central section of the eastern front.

(c) The northern section of the east-front.

(d) The northern and southern elevations of the existing building.

FIRE BRIGADES ACT.

Regulations, Volunteer Brigades, etc.

Mr. HALL asked the Minister for Health:

(1) Can he advise if regulations have been made under the Health Act to enforce lessees or owners of theatres to engage the services of trained fire brigade personnel?

(2) What steps are being taken to amend the Fire Brigades Act to define who is the responsible person—owner or lessee—for the employment of trained firemen and the payment for such services rendered?

(3) Have volunteer firemen continued to carry out theatre duties regardless of payment to their brigades?

(4) What amount of moneys is owing to volunteer brigades for past and present services?

(5) What brigades have received payment from theatre managements by mutual arrangement and what brigades have not received payment?

The MINISTER replied:

(1) Existing regulations under the Health Act require theatre firemen to be in attendance at theatres and cinemas.

(2) Amendments to regulations under the Fire Brigades Act are being prepared to specify the person who is to be responsible to pay for the services of volunteer firemen who attend at theatres.

(3) Regulations under the Fire Brigades Act require volunteer firemen to attend at theatres in their district. We have no information to suggest that any volunteer fire brigade is not complying with the regulation.

(4) Information is being sought as to the amount which has been lost to volunteer brigades through theatre managements taking advantage of a recent court decision which revealed deficiencies in the fire brigade regulations.

(5) Not known, but information is being sought.

COMMISSIONER OF UNFAIR TRADING.

Investigation into Bread Situation, Eastern Goldfields.

Mr. EVANS asked the Minister for Labour:

Has the Commissioner of Unfair Trading made a decision as to whether he will investigate the bread situation on the Eastern Goldfields?

The MINISTER replied:

Yes. An officer is now in Kalgoorlie investigating the matter.

DIESEL OMNIBUSES.

Effect of Double Licence Fee.

Mr. HEARMAN asked the Minister for Transport:

To what extent has the decision to double the traffic licence fees for diesel omnibuses, as compared with those paid in respect of petrol omnibuses, imposed additional costs on the private operators of omnibuses in the metropolitan area?

The MINISTER replied:

The additional costs amount to £7,363 per annum, as stated in the reply given yesterday evening to the Deputy Leader of the Opposition.

NATIVE WELFARE.

(a) Threat to Kelmscott Farmer by Commissioner.

Mr. GRAYDEN asked the Minister for Native Welfare:

(1) Is he aware that the Commissioner of Native Welfare described charges that he had threatened a Kelmscott farmer as being "quite untrue" ("The West Australian" of the 4th October, 1957)?

(2) Is he aware that the four occupants of the farm are prepared to testify on oath that they were threatened?

(3) Is he aware that the commissioner said that his visit to Cranny had been made as a private person who considered himself aggrieved and that it was not an official visit ("The West Australian," of the 4th October, 1957)?

(4) Is he aware that the occupants of the farm will testify that the commissioner used such terms as "You know who I am, don't you? I am Mr. Middleton, the Commissioner of Native Welfare," and "My Department" and "Officers of my department"?

(5) Is he aware that the commissioner arrived at the farm soon after 9 a.m. on Thursday, the 3rd October, 1957, and, after interviewing two occupants of the farm and being told that Mr. Cranny and his wife were out, waited approximately half an hour until they returned?

(6) Is he aware that this visit took place during departmental office hours?

(7) In view of the facts contained in Questions (4), (5) and (6), how can the commissioner now claim that his visit had been made as a private individual ("The West Australian," of the 4th October, 1957)?

(8) In view of the fact that Cranny's letter in "The West Australian" on the 3rd October, 1957 (which provoked the commissioner's visit) was factual in every detail, what did the commissioner expect Mr. Cranny to "retract" ("The West Australian," of the 4th October, 1957) when he visited Mr. Cranny on the morning the letter was published in "The West Australian"?

(9) Was the statement made by the commissioner and published in "The West Australian" on the 4th October, 1957, made by him as a private individual or as commissioner?

(10) If the answer to No. (9) is "As the commissioner" will he, the Minister, in fairness to Mr. Cranny, produce evidence to prove the inference contained in the commissioner's published statement that "he hoped that Cranny might be persuaded to recognise that he was wrong and make a published retraction"?

The MINISTER replied:

I have been in the country until 4.30 p.m. today and I was unable to obtain the necessary information. I shall endeavour to answer the question tomorrow. The hon. member asked for the Warburton file to be placed in the hands of the Public Service Commissioner last evening, but that had already been done on the 24th September.

(b) Canning Desert Basin Natives, Papers on File.

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

Is he aware that a number of papers dating back to a telegram sent on the 30th August last were placed in the file at present on the Table of the House relating to the natives in the Canning

Desert basin, and that this fact has been noted on the papers which have been restored to the files?

The MINISTER replied:

I would prefer the question to be placed on the notice paper. I understand that in the interim, while the file was on the Table of the House, certain information came into the possession of the department. It was held in the office until the file was returned. That is the normal procedure. Whether that relates to the information desired, I do not know. I have been informed by the department that the only papers which have been held at that office awaiting the return of the parent file were as follows:—

(1) Copy of a memorandum addressed to the Commissioner of Public Health in reference to a newspaper cutting and illustration of a native woman and boy taken by the helicopter pilot who transported them to Balgo mission. The cutting and the commissioner's report are on the file now in the House.

(2) Telegram to district officer, Derby (Mr. Beharell) from this office reading "Report details stores how distributed Well 40." Sent on 30th August, 1957.

(3) Telegram from Beharell, dated 2nd September, 1957, from Hall's Creek reading "Interim report in mail."

I mention this, even though I did not know the hon. member was asking the question, to let members see that the department is not hiding anything. It is trying to apprise this House of what is being done.

(c) Sequence of Papers on File.

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

Arising out of his reply to my last question, is he aware that the papers I was speaking about were not tabled until after the 18th September, yet telegrams and other correspondence received by the department and dated back to the 30th August were not on the file notwithstanding that letters written in September were on the file?

The MINISTER replied:

If the hon. member will place the question on the notice paper, I will endeavour to solve the difficulty and let him know.

CAR PARKING.

Press Statement re Plan.

Mr. COURT asked the Minister for Transport:

With reference to the Press announcement in "The West Australian" of the 8th October entitled "Plan for Parking Delayed," will he make a statement of the exact position at an early date to clarify the matter in the public mind?

The MINISTER replied:

The Perth City Council desires to synchronise the installation of parking meters with the completion of the off-street parking areas which areas are at present receiving the consideration of the Government.

LONG SERVICE LEAVE.

(a) Local Legislation and Proposed Australia-wide Code.

Mr. COURT (without notice) asked the Minister for Labour:

(1) In view of the agreement reported to have been reached between the employers and employees in South Australia on a code of long service leave, and a conference of representatives of the employers and union groups in Melbourne on Thursday to arrive at an Australia-wide code, will this affect the Government's approach to long service leave?

(2) Under the circumstances, will the Government's Bill be delayed to permit of an examination in the light of attempts at an Australia-wide code?

The MINISTER replied:

(1) No.

(2) Not necessarily, but the matter will be considered within the next few days.

(b) Information re Suggested Code.

Mr. COURT (without notice) asked the Minister for Labour:

Will the Bill be introduced before details of the proposed Australia-wide long service leave code are available?

The MINISTER replied:

I cannot answer that question at this stage. I do not know when the Australia-wide code will be available, and I am not prepared to commit myself at this stage to stating whether the Long Service Leave Bill will be delayed until the information the hon. member refers to is available.

(c) Government's Attitude Regarding Negotiations.

Mr. COURT (without notice) asked the Minister for Labour:

Is the Government seeking details of the proposed Australia-wide code which I understand is the subject of negotiations between the employers' representatives and the A.C.T.U. with a view to arriving at a common understanding for subsequent implementation throughout Australia?

The MINISTER replied:

The Government has its own manner of obtaining information and finally drafting its own Bills. If and when the information the hon. member refers to is available, he will be at liberty to use it in this House, as he no doubt will.

BILLS (5)—FIRST READING.

1. Loan, £16,073,000.
   Introduced by the Minister for Works (for the Treasurer).
2. Inspection of Machinery Act Amendment.
3. Coal Mine Workers (Pensions) Act Amendment.
   Introduced by the Minister for Mines.
4. Bills of Sale Act Amendment and Revision.
5. Roman Catholic Vicariate of the Kimberleys Property.
   Introduced by the Minister for Justice.

BILL—BEE INDUSTRY COMPENSATION ACT AMENDMENT.

Returned from the Council without amendment.

BILL—ELECTORAL ACT AMENDMENT (No. 1).

Report of Committee adopted.

BILL—HIRE-PURCHASE AGREEMENTS.

In Committee.

Resumed from the 25th September. Mr. Moir in the Chair; Mr. Johnson in charge of the Bill.

Clause 4—Section 3 amended:

The CHAIRMAN: Progress was reported on the clause after Mr. Court had moved the following amendment:—

> That all the words in lines 31 to 40 inclusive, page 4, and in lines 1 to 16, page 5, be struck out with a view to inserting other words.

Mr. COURT: On the last occasion when this measure was before us progress was reported on the ground that that would give members an opportunity to study in print the proposition for the deletion of the present *proviso* to Subclause (3) of Clause 4 and the insertion of a replacement proviso in lieu. I will not go over all the ground again but the intention was to protect the purchaser in respect of rebates of insurance and rebates of hire charges and the main difference of opinion between the sponsor of the Bill and me seems to be whether the charges to be rebated shall be calculated actuarially or straight-out proportionate rebate.

As I tried to explain previously, the actuarial system is the only fair and equitable one to be used. As I have said, I heartily subscribe to the theory of rebates to purchasers who pay out a deal before the allotted time. The main argument perhaps surrounds the question of whether the flat rate system of charges is best for the public. The fact remains that practically throughout its existence, this type of business has used the flat rate method and the majority of the people understand it. The Bill proposes to use that method.

It is necessary that the people should know what they are being charged and what legal rights they have as regards rebates, and therefore I think the amendment is desirable. If the Committee feels that the use of the words "calculated actuarially" are open to doubt, I am prepared to accept a formula in the Bill in the same manner as the rates of permitted charges are set out in it. Members will notice that there is an alternative paragraph (b) to my proviso on the notice paper in the name of the member for Claremont and its practical effect is the same.

I have taken the precaution of making a calculation under the actuarial formula and I will have a calculation recorded in Hansard using this actuarial formula. For this purpose, I have assumed the following four factors:—

(1) A twelve months contract.

(2) That the amount to be financed is £300.

(3) That the chattel under consideration is a second-hand car for which the prescribed rate is 9 per cent. flat, which in this case would be three times £9, or £27.

(4) That the deal has been paid out in three months instead of the 12 months prescribed in the contract.

The calculation then, under the actuarial system, whether we use the words "calculated actuarially" or not, is as follows:—

R = Rebate.
X = The instalments outstanding = 9.
N = Total number of instalments under the deal = 12.
H = Hiring charges = £27.

The arithmetical calculation would then be—

$$R = \frac{\dfrac{9 \times (9 + 1)}{2}}{\dfrac{12 \times (12 + 1)}{2}} \text{ of } £27$$

To carry it further it would be—

$$R = \frac{\dfrac{9 \times 10}{2}}{\dfrac{12 \times 13}{2}} \text{ of } £27$$

$$R = \frac{45}{78} \text{ of } £27$$

which gives a rebate of £15 11s. 6d., which is 6d. more than the figure I gave the Committee last time we were discussing this measure.

This amendment is very important in my effort co-operate in making the Bill a practical one that will work under Western Australian or almost any other conditions. Apparently, the main fear of the member for Leederville was the suggestion of a concealment of rates of hiring charges. I cannot follow that reasoning as the Bill provides the method of calculating hiring charges. It contains the formula which can have wide publicity as to how the hiring charges are arrived at and the purchaser has certain legal protection under the Bill even if all my amendments are agreed to.

It should be understood that anyone who violates the provisions of the Bill will be subject to heavy penalties. The purchaser has ample protection and there is no danger in accepting this amendment, as the member for Leederville would have us believe. With regard to interest on arrears, under the existing law since 1931 there has been provision in Section 5 for interest on arrears and damages. That principle of interest on arrears—as well as the rebating system—has been well established under our law for many years, and it would be wrong to repeal that provision and force people who are owners of chattels to repossess them at the first opportunity in order to protect their interests.

Amendment (to strike out words) put and passed.

Mr. COURT: I move an amendment—

> That in lieu of the words struck out, the following words be inserted:—
>
> > Provided that in the application of this subsection to a case in which possession of goods has been taken by the vendor or the hire-purchase agreement is determined by the purchaser pursuant to section thirty of this Act or the purchaser has given notice pursuant to section thirty-one of this Act that he desires to complete the purchase of the goods comprised in the hire-purchase agreement—
> >
> > (a) the expression "the total amount of the moneys paid or payable and the value of any other consideration provided or to be provided by the purchaser to complete the purchase of the goods pursuant to the hire purchase agreement" shall not include that portion of any insurance premium refunded in consequence of the determination of the agreement, but shall, except for the purpose of calculating hiring charges pursuant to paragraph (b) of this proviso, extend to and include moneys payable to the vendor pursuant to the hire-purchase agreement in consequence of any breach or breaches of the terms thereof by the hirer and not otherwise taken into account in determining the amount to be paid by or to the vendor as the case may be;

That will leave, the remainder of my amendment, paragraph (b) to be considered in view of the alternative which is in the name of the member for Claremont.

Amendment put and passed.

Mr. COURT: I take it that when I move to insert paragraph (b) the Committee can indicate—by voting against it—that it prefers the amendment of the member for Claremont, should that be the case.

The CHAIRMAN: The hon. member can move his amendment and the member for Claremont can then move an amendment to the hon. member's amendment.

Mr. COURT: I move an amendment—

> That at the end of the proposed new proviso a further paragraph be added as follows: —
>
> > (b) where the purchase price as so defined includes any amount which is in fact added in respect of hiring charges (whether expressed to be so added or not) there shall be deducted therefrom a sum, which shall be calculated actuarially, equivalent to that part of that amount which is applicable in respect of any period subsequent to the date on which the vendor takes possession of the goods or the agreement is so determined and for the purposes of this paragraph the expression "hiring charges" means the amount by which the purchase price as so defined less insurance premiums stamp duty on the agreement and any fees payable on the registration thereof under the Bills of Sale Act, 1899-1956, exceeds the price at which the goods comprised in the agreement might be purchased for cash.

Hon. A. F. WATTS: I have given a good deal of consideration to this question and I am inclined to the view that the formula provision would be the better one. I am waiting to see whether the member for Claremont proposes to move an amendment as otherwise I am prepared to move it for him.

Mr. CROMMELIN: I move—

That the amendment be amended by striking out all words after the word "sum" in line 7 and inserting in lieu the following words:—

calculated in accordance with the following formula:—

$$R = \frac{\dfrac{X \times (X + 1)}{2}}{\dfrac{N \times (N + 1)}{2}} \text{ of } H$$

Where

R = the sum to be deducted from the hiring charges.

X = the number of instalments payable under the terms of the agreement during the period subsequent to the date possession is taken or the agreement determined.

N = the number of instalments payable under the terms of the agreement during the total period thereof.

H = the hiring charges.

For the purposes of this paragraph the expression "hiring charges" means the amount by which the purchase price as so defined less insurance premiums, stamp duty on the agreement and any fees payable on the registration thereof under the Bills of Sale Act, 1899-1956 exceeds the price at which the goods comprised in the agreement might be purchased for cash.

Amendment on amendment put and passed.

Amendment, as amended, put and passed.

Clause, as amended, agreed to.

Clause 5—Application of Part II:

Mr. COURT: This clause has a degree of retrospectivity about it; and I can understand the reason for it in some parts but not completely. Will the member for Leederville explain the real objective of it because I have certain amendments on the notice paper which are tied up with retrospectivity?

Mr. JOHNSON: The question of retrospectivity consists largely of the fact that the material content in this part of the Bill is the same in content, although quite different in wording, to the present Act under which we are now working. It is identical with the wording of the New South Wales Act. The member for Nedlands will realise that if the Bill is passed, it will repeal the parent Act and we must have some holding together of the situation to deal with agreements which are already in existence to ensure that there is no doubt about the situation.

Clause put and passed.

Clause 6—Purchaser's right to recover certain amount where goods repossessed:

Mr. COURT: I move an amendment—

That after the word "time" in line 1, page 7, the words "but not later than 12 month after service of the notice referred to in section eight of this Act," be inserted.

Under Clause 8 of the Bill, which will become Section 8 of the Act if it is passed, certain action can be taken by the vendor to serve statements and notices upon the purchaser. A time limit is prescribed and if he does not conform to that time limit, an offence is committed by the vendor. It appears that under Clause 6 as it exists at present, the time during which these accounts could be reopened by the court would be limitless; and I suggest that that is unreasonable.

In all commercial transactions it must be possible to say that at a certain point of time all legal liability ceases. My amendment is to tidy up the situation and make it clear that the court can reopen these proceedings on the application of the purchaser for a period of up to 12 months only. Under Clause 16 a period of 12 months is stipulated in connection with intent to defraud; and so the Bill has already acknowledged the principle of fixing a time. I do not disagree with the principle of the court having power to grant an extension of time because there is always the tardy purchaser who may not be able to attend to all the details within that period.

Mr. JOHNSON: I see no necessity for this amendment because the matter of time is in the hands of the court. Surely we have some respect for our magistrates! Also a time limit is prescribed in Clause 6 now, and the Statute of Limitations applies as it does in normal transactions. I oppose the amendment.

Hon. A. F. WATTS: I hope the Committee will agree to this amendment. Words similar to those in the Bill have been in the New South Wales legislation since 1941 and recently I read a textbook by Mr. E. Mitchell, LL.B. of New South Wales, written about the hire-purchase laws. He comments on this particular provision and says it is most unusual. Either there should be a time limit or, alternatively, the discretion of the court should be defined in some way to indicate in what circumstances the discretion to extend the time should be used. There is neither, either in the New South Wales legislation or in this Bill. If the circumstances under which the court could extend the time were defined, I would agree to leave the matter to the court.

But that is not so. I think in the circumstances that 12 months is a reasonable time within which a person must make application. I support the amendment.

Mr. COURT: The Leader of the Country Party has summarised the matter in a concise and explicit manner. I draw members' attention to Section 6 of the existing Hire-Purchase Agreements Act which deals with the reopening of hire-purchase agreements. The provision in that is similar to my proposal, as regards the time factor and, as the Leader of the Country Party said, I would not disagree with leaving out the time factor if the conditions under which the court could use its discretion were defined.

That is not an unusual provision, and the court then can use its discretion as to whether the circumstances warrant the reopening of the case. But in view of the fact that there is no guidance given to the court, and also that this matter could have been closed for two or three years after which it would be impossible to produce evidence, I feel it is our duty either to define the conditions under which the court grants an extension or to definitely fix a time.

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

Ayes	18
Noes	21
Majority against	3

Ayes.

Mr. Ackland	Mr. Marshall
Mr. Bovell	Sir Ross McLarty
Mr. Brand	Mr. Oldfield
Mr. Cornell	Mr. Perkins
Mr. Court	Mr. Potter
Mr. Crommelin	Mr. Thorn
Mr. Grayden	Mr. Watts
Mr. Hearman	Mr. Wild
Mr. Mann	Mr. Roberts
	(Teller.)

Noes.

Mr. Brady	Mr. Lapham
Mr. Evans	Mr. Lawrence
Mr. Gaffy	Mr. Norton
Mr. Graham	Mr. O'Brien
Mr. Hall	Mr. Rhatigan
Mr. Heal	Mr. Rodoreda
Mr. W. Hegney	Mr. Sewell
Mr. Hoar	Mr. Toms
Mr. Jamieson	Mr. Tonkin
Mr. Johnson	Mr. May
Mr. Kelly	*(Teller.)*

Amendment thus negatived.

Clause put and passed.

Clause 7—agreed to.

Clause 8—Vendor to serve statement and notice:

Mr. COURT: The amendments on the notice paper are in reverse order and with your permission, Mr. Chairman I will deal with the one that comes first.

Mr. Johnson: I agree with the amendment.

Mr. COURT: At the moment the Bill provides that notice given under a subclause of this Bill shall not be in type smaller than 10 point face. I am glad that the member for Leederville agrees with the amendment, but I think it is my duty to explain to the Chamber that 8 point is a statutory provision that is fairly well understood. It has been inserted in our Companies Act. I should think that 8 point face would be quite sufficient. I move an amendment—

> That the word "ten" in line 9, page 9, be struck out and the word "eight" inserted in lieu.

Amendment put and passed.

Mr. COURT: I move an amendment—

> That all words contained in lines 10 to 15, page 9, be struck out.

This is a proviso to Subclause (3). It is wrong in principle to allow this form to be fixed by proclamation. The schedule referred to is an important document. It will no doubt be amended before the Bill passes the Committee stage, to give effect to consequential amendments. In view of the importance of the notice that goes to the purchasers, it should be fixed by the statute itself so that any person examining the Act can see that the notice received is in accordance with the law. If this were altered by proclamation, it could be difficult for the purchaser to obtain a copy because every purchaser has not the same access to gazettes, statutes and regulations that we have. The schedule is headed "Form of Notice to be delivered to Purchasers and Guarantors."

It should be practicable to define, at least when this Bill has gone through the Committee stage, what will be contained in the schedule. It would be wrong if things were contained in the schedule which were not in accordance with the Bill itself. There is nothing to say that the Governor in the proclamation would not include something in the schedule to which this Chamber would take exception. We cannot be sure until we see the proclamation itself. It is not difficult to define here and now what shall be in the schedule. It is done in many other Acts, particularly in respect of important documents such as this.

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

Clause 9—Vendor to retain possession of repossessed goods for twenty-one days:

Mr. COURT: I move an amendment—

> That paragraph (c), lines 22 to 34, page 10, be struck out.

Mr. Johnson: I agree with that.

Mr. COURT: At the moment the Bill provides that the expenses shall not exceed £10. This could produce anomalies because goods could be repossessed from 200 or 300 miles away and it is obvious that the cost would be more than £10. I am glad the member for Leederville agrees with the amendment.

Amendment put and passed.

Mr. COURT: I move an amendment—

> That the following be inserted to stand as paragraph (c):—
>
> > Pays or tenders to the vendor the costs and expenses reasonably and actually incurred by the vendor in respect of his taking possession of the goods and the reasonable costs and expenses of redelivering them to the purchaser.

By way of some assurance, I would point out that the purchaser is thoroughly protected under the proposed subclause. If he feels he has been unreasonably treated, he will still have a remedy under the Bill.

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

Clause 10—agreed to.

Clause 11—Reopening hire-purchase agreements:

Mr. COURT: I move an amendment—

> That the figure and brackets "(4)", line 17, page 12, be struck out, and the figure and brackets "(3)" inserted in lieu.

This is a drafting amendment because there is no Subclause (4).

Amendment put and passed.

Mr. COURT: I move an amendment—

> That paragraph (a) in lines 19 to 22, page 12, be struck out.

This particular clause is for the reopening of hire-purchase agreements and sets out the list of matters on which the court can deliberate. If the words proposed to be struck out are left in the clause we will have the absurd situation that Parliament deliberates on this matter and fixes the maximum rate charged in Division 2, Clause 39, which deals with the limitation on hiring charges and sets out the formula by which rates will be calculated, but a magistrate could ignore them. If anyone exceeds the rates prescribed in that particular clause, it would be a serious breach of the law and it would be patently absurd for a magistrate to hear the case of a person who considered he had been wrongly treated, and for the magistrate to fix a rate of interest different from that fixed by Parliament. Therefore it would be commonsense to delete these words.

I suggest that the draftsman, in preparing this Bill, has slavishly followed the existing provisions and overlooked the fact that maximum charges are to be fixed by statute, whereas in the existing hire-purchase law there were no declared maximum charges; they were left entirely to the discretion of a magistrate when a case was before him. There was no upper or lower limit fixed. He examined a case on its merits and could say whether a person was overcharged or undercharged, as the case might be. In this Bill we have a special clause which fixes the maximum hire-purchase charges that can be applied. Therefore, I feel it wrong to allow this clause to pass with these words included.

Mr. JOHNSON: I must admit that I do not see why the clause should not be left as it is. It is taken not only from the existing Act but from the New South Wales Act and is word for word, including paragraphs (a), (b), (c) and (d). It has stood in the New South Wales Act since 1941. Whilst I agree with the argument that other parts of the proposed Act cover interest rates, I feel that to delete these words from the clause weakens the powers to reopen. There are penalties for using excessive interest rates, but unless these words are left in, it is conceivable that beyond the penalties, it would not be possible to reopen a transaction. I oppose the amendment.

Mr. Roberts called attention to the state of the Committee.

Bells rung and a quorum formed.

Mr. COURT: I must admit to some amazement on the part of the member for Leederville wanting to persist with this. We are trying to pass a piece of legislation which will be sensible and practicable. I am not the least bit interested in New South Wales; it is obvious they are in a first-class mess at the moment, so why emulate their example?

Mr. Johnson: It has been in their Act since 1941.

Mr. COURT: The hon. member is getting a little mixed, because he must realise that under their old legislation they needed that particular provision. If they made a "blue" by leaving it in when it should have been taken out, why should we follow their example? It is obvious that we have a provision in this measure for fixing the maximum rates of interest. If anyone goes outside these rates, he commits an offence. Listen to these penalties—

> Any person guilty of an offence against this Part of this Act shall be liable on summary conviction—
>
> (a) if a company, to a penalty not exceeding two hundred pounds;
>
> (b) if any other person, to a penalty not exceeding one hundred pounds, or to imprisonment not exceeding three months, or to both such penalty and imprisonment.

Surely that is sufficient deterrent!

Mr. Johnson: How about reopening the transaction to let the person robbed get something, besides putting the boots into the man who has done wrong?

Mr. COURT: I would point out that the person is thoroughly protected. Not only does the person who commits the offence finish up in gaol if the offence is serious, but the purchaser gets redress. Obviously, the purchaser gets a refund because it is an unlawful charge. Because the man is in gaol, does not mean that the transaction will not be adjusted. We could not contemplate a state of affairs where a magistrate could defy Parliament. If we are not prepared to accept the maximum rates which Parliament lays down, let us alter these rates as a separate issue. It is important that this matter be clarified beyond any reasonable doubt.

Mr. CROMMELIN: I feel this amendment is necessary. It is reasonable to assume that the Committee is going to accept set rates of interest for different classes of hire-purchase agreements and, as the member for Nedlands has said, the penalties are indeed very severe. They are so severe that I doubt whether even a shady hire-purchase company would be prepared to take such a risk as paying a £200 fine or its principals being sent to gaol for two years. I cannot possibly see what advantage will be gained by letting a magistrate fix rates on appeal. It is entirely wrong in principle because, if this Bill becomes law, it does not matter what rates of interest Parliament fixes, they can be altered by a magistrate on an appeal. A magistrate could fix a rate of interest so low that the owner of the goods could suffer considerably financially. I cannot see why the member for Leederville should argue that that would be satisfactory, as it casts a slur on decisions arrived at in this Chamber.

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

Ayes	17
Noes	22
Majority against	5

Ayes.

Mr. Ackland	Mr. Nalder
Mr. Bovell	Mr. Oldfield
Mr. Cornell	Mr. Perkins
Mr. Court	Mr. Roberts
Mr. Crommelin	Mr. Thorn
Mr. Grayden	Mr. Watts
Mr. Hearman	Mr. Wild
Mr. Mann	Mr. I. Manning
Sir Ross McLarty	(Teller.)

Noes.

Mr. Brady	Mr. Lawrence
Mr. Evans	Mr. Marshall
Mr. Gaffy	Mr. Norton
Mr. Graham	Mr. O'Brien
Mr. Hall	Mr. Potter
Mr. W. Hegney	Mr. Rhatigan
Mr. Hoar	Mr. Rodoreda
Mr. Jamieson	Mr. Sewell
Mr. Johnson	Mr. Toms
Mr. Kelly	Mr. Tonkin
Mr. Lapham	Mr. Heal
	(Teller.)

Amendment thus negatived.

Mr. COURT: I obtained a legal opinion as to the meaning of the word "premiums" in paragraph (b) and I am assured that it would be interpreted by the court as meaning insurance premiums. When I first read this provision, I felt it might refer to some extra charge. Later in the Bill we will be legislating to fix the maximum charges that shall be made for premiums, but here we are giving the magistrate the right to override what Parliament fixes for premiums.

Mr. Johnson: That is a foolish statement.

Mr. COURT: Nothing of the sort.

Mr. Johnson: Magistrates have to obey laws.

Mr. COURT: The magistrate would be obeying the law if, under this provision, he used his discretion. Some of these things have been included because of the necessity to include them in the old law. When there was no limitation prescribed as to the rate of interest and in respect of other charges, we gave the magistrate the power to make a determination, but now we are endeavouring to fix the maximum rates of interest and insurance premiums, and that should be sufficient. For similar reasons to those I gave for the deletion of paragraph (a), I move an amendment—

> That the word "premiums" in line 24, page 12, be struck out.

Hon. A. F. WATTS: I cannot agree with the member for Nedlands in this instance. It seems to me that the magistrate should be equipped with authority to examine this position, especially as at the moment no provision has been made by the Committee to fix the premiums. I was in considerable doubt as to the wisdom of deleting paragraph (a) in which the same principle involved. The two questions that arise are whether the power given to the magistrate is such as to enable him to override the provisions in this Act in regard to interest and premiums; or whether it is only for him to ensure that the provisions of the Act have been complied with. If it is the former, the argument adduced by the member for Nedlands would be correct; if it is the latter, then there would be considerable doubt as to whether this deletion should be made.

To the deletion of paragraph (a) I agreed, because I was satisfied that the question of interest would be fixed, but I do not think we want to go any further in this matter and delete other words which give the magistrate the right to ascertain whether excessive charges have been made. I do not think the magistrate would be entitled to reduce the charges below those that were lawful; but it is not impossible to envisage circumstances where the charges would be greater than those which are lawful; and so both points that have been put forward present considerable difficulties to me. I trust that the member for Nedlands will agree to leave this word in.

Mr. COURT: I am assured that the magistrate could ignore the Act, if he so desired, in view of the wording of this clause. If there were a provision here limiting the magistrate's powers to the charges fixed by the Act, I would have no objection to the clause because all the magistrate would do would be to review transactions within the framework of the Act. If they were outside the Act, the magistrate could use other remedies.

I have no intention of pressing this matter particularly hard, but I was anxious to invite the attention of the Committee to the anomalous state of affairs that will exist under the clause. In view of the division on the last subclause, I have no intention of pressing the matter further.

Amendment put and negatived.

Clause, as previously amended, agreed to.

Clause 12—agreed to.

Clause 13—Vendors to supply documents, etc:

Mr. COURT: I move an amendment—

> That after the word "expenses" in line 34, page 14, the following words be inserted:—
>
> > and unless such person has within thirty days preceding such request duly complied with a prior request by the purchaser made under this subsection.

The clause deals with the rendering of accounts and documents to the purchaser. I support the principle that the purchaser should be given reasonable access to the information. One of the greatest causes of doubt in the minds of a purchaser is the inability to obtain the information he or she needs regarding a transaction. But there is the crank who, if he studied this clause, would delight in running along, tendering 2s. and wanting a copy of the account in considerable detail as prescribed here; and, in addition, a copy of the agreement, etc., between the purchaser and the vendor. The cost could be terrific.

Some of these documents are quite lengthy and even if they are printed forms that require only the names, addresses and amounts, etc., to be inserted, a considerable amount of time is involved. The object of the amendment is merely to protect reasonable people against cranks and to provide that the statement can only be demanded at intervals of 30 days. In special circumstances, people would give the statement at more frequent intervals.

Mr. POTTER: I feel that many of the safeguards the hon. member is seeking to put into the measure are imperative. I support most of the Opposition's amendments and particularly this one. I have in mind other interests that the Bill as a whole may impinge on.

The CHAIRMAN: Order! The hon. member cannot speak on the Bill as a whole. We are dealing with an amendment to insert certain words.

Mr. POTTER: Yes. While I am supporting the insertion of these words, I am not at all happy about some of the other amendments.

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

Sitting suspended from 6.15 to 7.30 p.m.

Clause 14—Appropriation of payments under hire-purchase agreements:

Mr. COURT: The effect of my amendment on the notice paper would be to delete the clause and perhaps it would be better if I did that. The clause deals with appropriation of payments under hire-purchase agreements. It provides that where a purchaser is liable to make payments in respect of two or more hire-purchase agreements held by the same vendor then, notwithstanding any agreement to the contrary, the purchaser is entitled, when making payments in respect of the agreements, to appropriate those payments to whatever account he nominates.

At the moment, the situation at common law is that the payer has the right to appropriate payments. It is a well understood principle that if one has several accounts with another person, one can nominate the account to which the payments should go. It is not uncommon for people to have several accounts and it is not uncommon for them to nominate the order in which accounts shall be liquidated. If, however, the payer does not nominate the account to which he or she desires the amounts to be appropriated, it is left to the other party to nominate the accounts as he thinks fit. Therefore, we should let the matter rest there and I hope the Committee will vote against this clause.

Mr. JOHNSON: The member for Nedlands has given a good reason why the clause should be retained. What he has overlooked are the words in the clause, "notwithstanding any agreement to the contrary." On his own admission there is a good argument for the retention of this clause. The hon. member's argument is that it would simplify the Bill if the clause were deleted because common law already covers the situation. However, common law does not cover agreements in writing which would be covered by this clause. Therefore, I feel sure that the hon. member will not press his opposition to this clause because it is obvious that both of us are anxious to achieve the same objective. This provision has prevailed in New South Wales for several years.

Mr. COURT: The member for Leederville is approaching the whole problem on a very narrow front. He is adopting the attitude that we are dealing with a bunch of crooks all the time. The clause cuts across contract law. If a person, in writing, contracts to do something, then surely, if that contract is a normal one within the ambit of normal commercial transactions, we should allow him to continue in that way! If I enter into an agreement to allow the appropriation of amounts to be in the hands of a certain person, that is my business. It is my own fault if I enter into a foolish agreement.

I have not yet seen a hire-purchase agreement that provides for the appropriation of payments, but there could be one. There are mortgages and bills of sale which provide that payment, under several different heads of liability, may be appropriated by the recipient of the money. However, it is a contract entered into by all parties concerned. We seem to be anxious to interfere with a person's private affairs. The fact that this position has prevailed in New South Wales for several years does not impress me.

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

Ayes	23
Noes	17
Majority for	6

Ayes.

Mr. Brady	Mr. Lapham
Mr. Evans	Mr. Lawrence
Mr. Gaffy	Mr. Marshall
Mr. Graham	Mr. Norton
Mr. Hall	Mr. O'Brien
Mr. Hawke	Mr. Potter
Mr. Heal	Mr. Rhatigan
Mr. W. Hegney	Mr. Rodoreda
Mr. Hoar	Mr. Sewell
Mr. Jamieson	Mr. Toms
Mr. Johnson	Mr. May
Mr. Kelly	*(Teller.)*

Noes.

Mr. Ackland	Mr. Nalder
Mr. Bovell	Mr. Oldfield
Mr. Cornell	Mr. Owen
Mr. Court	Mr. Perkins
Mr. Crommelin	Mr. Roberts
Mr. Grayden	Mr. Watts
Mr. Hearman	Mr. Wild
Mr. Mann	Mr. I. Manning
Mr. W. Manning	*(Teller.)*

Clause thus passed.

Clause 15—Lien on goods under hire-purchase agreement:

Mr. COURT: Again, the effect of my amendment on the notice paper would be to delete the clause. Therefore, I will vote against the clause which deals with liens on goods under hire-purchase agreements. However, the member for Leederville has an amendment on the notice paper and perhaps he would like to move his amendment first.

Mr. JOHNSON: I move an amendment—

> That after the word "provision" in line 22, page 16, the words "and in any case such lien shall not exceed the sum of twenty-five pounds in the case of a motor-vehicle or industrial machine nor the sum of ten pounds in any other case" be added.

I trust that this amendment will forestall the proposed objection to the clause. Under this clause a person who bona fide performs work on goods which are the subject of a hire-purchase agreement, will be entitled to a workman's lien. The object of the amendment is to ensure that those who do work on articles under hire purchase will have some protection, whether or not they have received notification that the article is under hire-purchase, otherwise it will impose on the person doing such work the necessity to find out if the article is subject to a lien. The amendment limits the amount to £25 on repairs to motor-vehicles and industrial machinery, and £10 on articles like radios, refrigerators and washing machines. That would overcome the difficulty contained in the clause.

Mr. COURT: I oppose the amendment, just as I oppose the clause, even if the amendment is agreed to. We have to acknowledge certain well-established laws as part of our form of society. One is the hire-purchase law, and another the bills of sale law. If we tinker around with those laws, much confusion and uncertainty will be caused. The question of lien is covered by well-established laws. If the Committee intrudes this provision into that law, a great disservice will be done.

Mr. Lawrence: What do you mean by "well-established laws"?

Mr. COURT: At the moment if someone performs work on the property of another person without the proper authority, he has no lien on the article.

Mr. Lawrence: That is an established law, not a well-established law.

Mr. COURT: It is well established. It has been going on long before the hon. member and I were born. Whether the limit is fixed at £10, £25 or £100, is unimportant. The fact is that the clause violates a principle. If a person does work on a motor-car without inquiring about the credit worthiness of his client, or into the ownership of the vehicle, surely it is a risk taken by that person! Vehicles, radios, and washing machines are being taken in for repairs every day. Some of these articles need registered hire-purchase agreements and some do not. Some do not require registration because it would be administratively impossible to register every hire-purchase sale. It is the duty of a person doing the work on these implements to make inquiries. If they are prepared to do that work without inquiry and thereby lose their account, I have no sympathy for them. They know the existence of these laws.

Mr. W. A. MANNING: I oppose the amendment and the clause itself. Under a hire-purchase agreement, the property in the goods remains with the vendor. Under this clause it appears that when the hirer takes an article in for repair, the person doing the work will have a lien on it up to a certain amount, without having to make any inquiries as to the ownership of the article. The amendment limits the liability, but unless the person doing the work has actual notice of a provision prohibiting the creation of a lien, he shall have a lien on the article. The difficulty is to decide who shall tell the person doing the work that there is in existence a prohibition provision. The hirer certainy will not give that notice, and certainly the owner cannot take that action because he will not know that the article is being taken in for repair. The principle is entirely wrong. It means that if the hirer who creates the lien does not pay for the work, the owner will have to pay. The hirer may have damaged the article through carelessness and, in the circumstances, the owner should not be compelled to foot the bill.

Progress reported.

BILL—ASSOCIATIONS INCORPORATION ACT AMENDMENT.

Second Reading.

Debate resumed from the 25th September.

HON. A. F. WATTS (Stirling) [7.54]: I have had an opportunity to examine this Bill which I did not have when it was introduced by the member for Bunbury. I have no objection to it whatsoever; on the contrary, I believe that its provisions are such as to afford a convenience and a more satisfactory way to deal with advertisements in connection with the preliminaries for the incorporation of associations than exist under the present law. The hon. member has improved the provisions for advertisements and other requisites in a way that is completely satisfactory. I have no hesitation in supporting the second reading.

Question put and passed.

Bill read a second time.

In Committee.

Mr. Sewell in the Chair; Mr. Roberts in charge of the Bill.

Clause 1—agreed to.

Clause 2—Section 3 amended:

Mr. ROBERTS: I move an amendment—

> That after the word "newspaper" in line 12, page 2, the words "approved by the registrar and" be inserted.

The purpose of the amendment is to give the registrar the opportunity to approve of the publication in which the advertisements are to be inserted. There are many publications registered as newspapers which circulate in a district in which an association desires to notify its change of name, or advertise its memorandum of association. I do not think it is right that such advertisements should be inserted in a publication not approved by the registrar. These words were deleted from the clause in another place, but I consider they should be reinserted. The same words "approved by the registrar and" already appear in the principal Act.

The PREMIER: I understand that the words referred to in the amendment were removed from the Bill when it was dealt with in Committee in another place. The appropriate Hansard does not indicate the reasons which caused the Legislative Council to delete the words from the Bill, because the necessary amendments were moved without any reasons being given in support of the move. The Committee in another place unanimously agreed to the deletion of them. That seems to be a remarkably streamlined way of doing business in a House of review.

From inquiries which I have made, I understand those words were removed from the Bill in another place because it was thought by the member who moved the amendment that it would be quite unreasonable to impose this duty upon the registrar. I understand they contended this was not a very important kind of work and that it would be unreasonable under the circumstances to impose that work upon the registrar. However, according to the information I have from the Minister for Justice, neither he nor his appropriate officers have any objection to the reinsertion of the words, and I therefore offer no objection.

Amendment put and passed.

The PREMIER: The Minister for Justice is anxious that a further amendment be made to this clause. He wishes to have the word "fourteen" in line 16 deleted and the words "twenty-eight" inserted in lieu. He has asked me to put forward the view that a period of 14 days as provided for in the Bill would be too short. He says that his appropriate officer has requested that an amendment be moved in this Committee along the lines I have suggested.

This request is based upon actual experience in the office, and it would therefore appear that the suggested amendment is desirable. The period of 14 days is the time within which the first of the two necessary publications has to be made following the filing of the memorial and the rules of the association which is seeking registration. Therefore, from the point of view of any such proposed association, the amendment proposed by the Minister for Justice and his officers would not create any difficulty or hardship for them; but it would ensure that this amendment to the law, when it became effective, would operate successfully and would not create difficulties that might be worse than those the Bill seeks to overcome. I move an amendment—

> That the word "fourteen" in line 16, page 2, be struck out and the word "twenty-eight" inserted in lieu.

Mr. ROBERTS: Although I had no previous notification of this proposed amendment, I agree with the Premier that the word "fourteen" should be struck out and the word "twenty-eight" inserted in lieu.

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

Clause 3—Section 7 amended:

Mr. ROBERTS: As I indicated in my second reading speech, this clause is purely consequential on an amendment passed in 1955. The words "approved by registrar and" were struck out in another place and the amendment on the notice paper is consequential. I move an amendment—

> That after the word "words" in line 27, page 2, the words "approved by the registrar and" be inserted.

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

Title—agreed to.

Bill reported with amendments.

BILL—NEWSPAPER LIBEL AND REGISTRATION ACT AMENDMENT.

Second Reading.

Debate resumed from the 25th September.

THE PREMIER (Hon. A. R. G. Hawke—Northam) [8.8]: This Bill deals with three sections of the principal Act. One amendment proposes to delete a section which at present makes it obligatory for the plaintiff in a libel action against a newspaper to be non-suited unless he gives evidence at the trial as a witness on his own behalf.

I understand that when this law was originally before Parliament, there was a great deal of argument for and against the placing of this section in the Act; and, finally, by a not very big majority, the section was so included. The argument put forward now for its deletion appears to be based largely upon the desirability of giving to some particular types of plaintiffs the opportunity of not appearing in an action if they feel that circumstances are such as to justify their not making an appearance.

A second amendment proposes to extend the time from the publication of an alleged libel when action would be capable of being instituted against a newspaper for the libel which the newspaper was alleged to have published. The present law provides that the maximum period within which an action must be commenced from the date on which the alleged libel was published is four months. The amendment in the Bill proposes to extend the period for four months to 12 months. It seems to me that this amendment is one which can be justified without very great difficulty.

Hon. Sir Ross McLarty: Twelve months is a long time.

The PREMIER: It might appear on the surface to be quite a long time, but I think it is not too long a period. I should think that most actions of this kind, which would be taken in the event of the period being extended to 12 months, would be commenced well within that period. Most of them, I should say, would be commenced probably before six months had expired after the matter complained about had been first published. However, we know that matters of this kind cannot always be dealt with quickly. There could be cases and circumstances which would cause a person who felt aggrieved not to take action within the three months now stipulated, or even within six months, or nine months. I think 12 months is not an excessively long period.

We know that in these days there is, or appears to be, an increasing degree of irresponsibility on the part of some newspapers; or, if one likes to put it the other way, a reducing amount of responsibility on their part. This could easily arise from the constant urge or desire to increase circulation. I think we would all agree that newspaper standards all over the world, in a great majority of instances, have fallen in regard to the degree of responsibility shown as compared with the situation that existed 25 years ago, 50 years ago, or even further back than that. However, the main point which arises, I think, is that a person who has been libelled by a newspaper, or considers he has been libelled, is entiltled to a reasonable period of time in which to initiate action against the newspaper responsible for publishing the alleged libellous matter.

The third part of the Bill proposes to include in the principal Act provision for the Master of the Supreme Court, in connection with certain plaintiffs, to ask for security up to a maximum of £100 from a plaintiff when this particular type of plaintiff proposes to institute action for libel against a newspaper.

The particular type of plaintiff referred to in this part of the Act is one who is an uncertified bankrupt; or who has within 12 months of the issue of the writ or summons in any action liquidated or compounded with his creditors; or is a person within a fixed domicile; or is, to the belief of the defendant, a person without visible means of paying the cost of the action in the event of the action when held and finalised, being declared against the plaintiff.

Obviously the principle of giving this power to the appropriate authority is a wise one. However, in this instance, the amendment proposes to set a maximum in the Act with regard to the amount of security which any such plaintiff might be called upon to lodge, and I think that is an amendment which the House will approve.

Question put and passed.

Bill read a second time.

In Committee.

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

BILL—CONSTITUTION ACTS AMENDMENT.

Second Reading.

MR. JAMIESON (Beeloo) [8.18] in moving the second reading said: This Bill has for its purpose the amendment of the Constitution Acts Amendment Act and it has two main objectives. The first is to change the qualification for members of both Houses of Parliament. The other is the widening of the franchise of the Legislative Council to cover qualified ex-service personnel and to give people who have had five years' residence in their present domiciles and have been on the Legislative Assembly roll for that period, an opportunity to be enrolled for the Legislative Council.

I will deal first with the qualification of members of both Houses of Parliament, and here it is the intention of the Bill to obtain uniformity of qualification. As members are no doubt aware, Section 7 of the Constitution Acts Amendment Act sets out the qualification for members of the Legislative Council as follows:—

> Subject as hereinafter provided, any person who has resided in Western Australia for two years shall be qualified to be elected a member of the Legislative Council, if such person is of the full age of 30 years, and not subject to any legal incapacity, and is a natural born subject of Her Majesty the Queen, or if not a natural born subject of the Queen, shall have been naturalised for five years previously to such election, and have resided in Western Australia during that period.

While that has been considered a sufficient qualification over the years, if it is examined closely it leaves quite a lot to be desired, in that there is only a two years' qualifying period and it does not say that the person concerned must spend any particular two years of his life in Western Australia.

Under the wording as it stands, I believe that a person could have spent the first two years of his life in this State and then, having gone to some other part of the world—providing he did not lose his citizenship of this country—he could return to this State and immediately be entitled to nominate as a member of Parliament. It is true that he would not be allowed to be on the roll, in view of the qualifications necessary for electors, but he would be entitled to become a member of the Legislative Council.

Section 20 of the Act gives the qualification of members of the Legislative Assembly and states—

> Subject as hereinafter provided, any person who has resided in Western Australia for twelve months—

That is where a difference arises, as the period in this instance is only 12 months—

> —shall be qualified to be elected a member of the Legislative Assembly, if such person is of the full age of 21 years and not subject to any legal incapacity and is a natural born subject of Her Majesty the Queen, or if not a natural born subject of the Queen shall have been naturalised for five years and shall have resided in Western Australia for two years previously to such election.

Virtually that means that a person does not necessarily have to reside in this State, under our present law, to be a member of Parliament here and that seems absurd. I believe the main reason why no action has been taken in this matter over the years since the Act came into force is the fact that Western Australia is remote from the other States.

In the Eastern States, I believe, on one occasion a person was at the same time a member of the Parliaments of both New South Wales and Victoria, and that caused those States to amend their Acts so that such a position could not arise again. In an endeavour to clear up the position, I have sought, by means of this Bill, to rectify that anomaly. In the first place the measure seeks to alter the age limit in the Legislative Council qualification from 30 years to 21 years, and also to amend the qualifying period to bring it into line, so that the conditions of qualification for members of both Houses would then read—

> Subject as hereinafter provided, a person who is of the full age of 21 years and is not subject to any legal incapacity shall be qualified to be elected a member of the Legislative Council—

It would apply to the Legislative Assembly also—

> —if that person
>
> (a) is a natural born subject of Her Majesty the Queen or if not such a natural born subject has been naturalised for not less than five years; and
>
> (b) has since attaining the age of 21 years resided in Western Australia for not less than two years during the period of five years immediately prior to such an election; and

(c) is a resident of Western Australia at the time of such election and has been a resident for a continuous period of not less than six months immediately prior to such an election.

If members examine those conditions it will be seen that they clarify the situation with regard to those who wish to stand for election to Parliament in this State. The second amendment contained in the measure seeks to widen the Legislative Council franchise. I feel that it is time that at least the qualification of an ex-serviceman was recognised in our Act. In the majority of the other States, most of the qualifications have gone by the board as regards the Legislative Council franchise—

Mr. Bovell: You should qualify that statement. It is not so in New South Wales.

Mr. JAMIESON: There they have not an elected House. The hon. member will know that in New South Wales there is a nominee House to which persons are elected by a joint meeting of members of both Houses.

Mr. Bovell: The only other State you can refer to is Victoria, and you said "a majority of the States". There is only one other such State.

Mr. JAMIESON: New South Wales, Victoria and Queensland, and that comes close to being a majority and even Tasmania has a considerably wider franchise than I envisage under this Bill —

Mr. Bovell: There is no franchise for a Legislative Council in Queensland.

Mr. JAMIESON: I appreciate that. The hon. member is not helping the debate at all.

Mr. Bovell: You made a statement which was not correct.

Mr. JAMIESON: With the exception of South Australia, which has a very similar qualification—and even there the provision for the ex-servicemen's vote in the Legislative Council has been on the statute book since after the 1914-18 war, as it has in the case of the Tasmanian Legislative Council also—I think that might clarify the question the hon. member has raised. That provision has been in the Acts of those States since after the first World War. For the purposes of this Bill, I have taken the provisions of the South Australian Act, the franchise conditions in which are the nearest to those which obtain in this State.

On viewing this measure it will be seen that it covers a fairly wide range and the conditions of enrolment are made explicit so that members of the Electoral Department, in enrolling people under the section, will have no doubt as to what constitutes an ex-serviceman for the purposes of this Act. As well as a widening of the franchise for the Legislative Council in that regard, I think it should be widened still further by allowing those who have resided in a Legislative Assembly district for five years to have their names placed on the rolls for the Legislative Council.

Although there has been a constant objection in another place to the widening of the franchise for that House, I believe that those who have resided for such a considerable time in a district must have subscribed something to its well being, or have been interested in it in some way, and should be entitled to vote at Council elections. In my opinion there is just as much justification for their being enrolled as there is for a person who owns a mediocre block of land—at least as far as its value is concerned—in a particular province.

I believe that this is a step in the direction of widening the franchise. It is a desirable step and one which should encourage the people of this State to take a more active interest in the elections for members of the other Chamber of this Parliament, and it could be a move that would prove that the people desired an additional widening of the franchise, despite what we have heard on a number of occasions when such a matter has been before both Houses of this Parliament. I recommend the Bill to members and I move—

That the Bill be now read a second time.

On motion by Mr. Court, debate adjourned.

BILL—ELECTORAL DISTRICTS ACT AMENDMENT.

Second Reading.

HON. A. F. WATTS (Stirling) [8.35] in moving the second reading said: This is a very little Bill, like some of those introduced by my friend, the Minister for Justice, and it is designed to amend three sections of the Electoral Districts Act which, as everyone knows, was passed in 1947 and has been subjected to only very slight amendment in the meantime.

It proposes, first of all, to amend Section 5 of the principal Act, and Section 5 governs the question of making recommendations so far as the Electoral Commissioners are concerned in relation to the metropolitan and the agricultural, mining and pastoral areas and it provides a system of calculation whereby the quotient of electors is to be established. In paragraph (c), which this Bill proposes to amend, it provides—

If each quotient should include a fraction of a whole number, the commissioners shall increase the fraction in the quotient for the metropolitan area to the next whole number and shall disregard the fraction in the quotient for the other area.

I am given to understand that on each of the two occasions when there has been a redistribution since the passage of the parent Act, a little under 10 years ago, there has been such a fraction, and, in consequence, that fraction has been taken to the next whole number and devoted to the metropolitan area, with the result that the metropolitan area has received the benefit of an additional member of this House.

The proposal in this Bill is to reverse the position in the event of there being such a fraction on the next occasion, by deleting from the parent Act the words, "metropolitan area" and inserting in lieu the words, "agricultural, mining and pastoral area" so that the benefit of any such practice, and therefore the retention of an electorate in that area, will benefit the mining, agricultural and pastoral area in lieu of the metropolitan area.

The next proposal is to amend Section 7 of the parent Act which provides—

> In making the division of the metropolitan area and the agricultural, mining and pastoral area into electoral districts the quota of electors in each such area as aforesaid shall be taken as the basis for such division:
>
> Provided that the commissioners may adopt a margin of allowance to be used whenever necessary, but not in any case to a greater extent than 10 per centum more or less.

In places where the population is declining, the effect of that has been—and it has always been in the agricultural, mining and pastoral area—to make it the more difficult to retain a seat in that area; and it has frequently been suggested that a return should be made to what I understand was the margin prior to the passage of this Act, namely, 20 per cent. more or less. Thus, instead of it being within the powers of the commission to determine a seat where the numbers available are 10 per cent. or less, the commissioners will have the right, if this Bill passes, to retain that seat if there is a margin of up to 20 per cent.

The third proposal is to amend Section 12 of the principal Act and Section 12, among other things, is the one which provides that the Governor or the Legislative Assembly may, in certain circumstances which I will mention in a moment, decide to have another division or, as we call it, redistribution. As far as one can see from the present position, it will not be very long before the requisite number of seats in the various divisions in the State will be, as we call it, out of balance—that is to say, more than 20 per cent. over or under the ascertained quota.

In that case it would appear that the prospects of another redistribution of seats in not more than three years from now, and possibly less, is by no means remote. Since the passage of the principal Act we have already had two, and when it was passed in 1947 I do not think anybody believed that there would be such considerable changes in the set-up and population distribution in Western Australia as would involve two re-divisions in a period of approximately eight years. Yet that is what actually took place.

I feel certain that neither the electors nor members desire such frequent redistributions of seats, or the possibility of the same to continue. Therefore this third amendment in the Bill proposes that a redistribution shall not take place at intervals of less than 10 years. I am advised that that 10 years would apply from the date of the last one, which was 1955; but I have also been advised that it is desirable to insert a proviso that after the coming into operation of this Act, if it becomes an Act, no re-division under this subsection shall be carried out until after the holding of the general election as defined in the Electoral Act, 1907, for the Legislative Assembly, held during the year 1962, if such a general election is held during that year, or otherwise after the holding of the first general election after that year.

The intention is that a redistribution can be held after the general election which normally would take place in 1962, and thereafter at intervals of not less than 10 years. Those are the three provisions in the Bill and I am of the opinion that in the circumstances, as they are known to everyone, and the policy of representation which has been pursued by all political parties over the last half century, the proposals in the Bill are reasonable and justified. Therefore I move—

> That the Bill be now read a second time.

On motion by the Premier, debate adjourned.

BILL—CHURCH OF ENGLAND SCHOOL LANDS ACT AMENDMENT.

Second Reading.

THE MINISTER FOR LANDS (Hon. E. K. Hoar—Warren) [8.45] in moving the second reading said: Although a casual glance at the Bill might indicate that there is quite a good deal in it, its purpose actually is a very simple one indeed, namely, to endeavour to help the Perth diocese to overcome a difficulty which exists owing to the fact that some land it holds in trust at the present time is completely outmoded so far as the reasons for its dedication are concerned.

The purpose behind the Bill is to alter, if possible, the terms of the trust so that the Church of England diocese can use the money received from either the sale, mortgage, rental or leasehold of this land for other purposes. The property involved is Perth Lots H1 and H7. It is bounded by St. George's Terrace on the south side, and by Hay-st. on the north side. Several buildings are erected on the area and those best known to members are the Cloisters, the Tivoli building and Cumberland House.

Looking back through the history of this land, it is most interesting to see how often it has changed hands over the years. Its purpose has also changed to some extent. The land in question was first acquired in 1840 by a Mr. T. R. C. Walters who was a merchant of Perth. In 1858 Lot H7 was transferred to the Bishop of Perth for £900, and Lot H1 was also transferred to him in 1861 for £200. In 1865 both Lots H1 and H7 were acquired by the Governors of the Perth Church of England Collegiate School for £1,650 for the purpose of establishing a school. That is where the difficulty arises; and that is the difficulty that faces the Perth diocese inasmuch as this area of land has long been considered as unsuitable for the purpose for which the trust was created.

The intention behind the Bill is to endeavour to alter that trust to enable the Church of England diocese and trustees to utilise the money not for the building of a school, but for other purposes associated with existing schools. The Perth Church of England Collegiate School was a corporate body which failed and was dissolved by legislation in 1885. It also vested both lots in the standing committee of the Synod of the Western Australian branch of the Church of England for such educational purposes as such committee considered to be most nearly in accordance with the object for which the school was originally established.

In 1888, however, the Church of England School Lands Act was assented to, and this Act empowered the Diocesan Trustees of the Church of England in Western Australia to sell, mortgage and extend the term for which the land could be leased subject to the present trust which, as I have already said, was for the purpose of building a school.

In 1918 the trustees' name was changed by Act No. 34 to the Perth Diocesan Trustees under which name they now operate. Since 1865 portions of the lands comprised in Lots H1 and H7 have been mortgaged and leased and hence the Synod's resolution that the terms of the trust on which they hold the land and which were formulated years ago, be varied. In general terms, the resolution approved the retention of the property by the Diocesan Trustees with power to sell, lease or mortgage the property or any part thereof, the income derived therefrom, after paying interest, rates, etc., to be paid to the Guildford Grammar School, and Christ Church School in various proportions, and for such educational purposes from time to time as they thought fit.

That is all that is contained in the Bill. The land itself is no longer useful for school purposes—not for the purpose of building a school, at any rate—and yet as the Act now stands, the Perth diocese is denied the right of spending the money received from the land on something which they most desire, namely, in respect to the two schools I have mentioned. In other words, the money so raised either by sale, mortgage or leasehold will, in fact, be used for school purposes, but not for the building of a school as laid down in the present terms of the trust. I think it is a reasonable proposition and I have much pleasure in moving—

> That the Bill be now read a second time.

On motion by Mr. Crommelin. debate adjourned.

BILL—JUNIOR FARMERS' MOVEMENT ACT AMENDMENT.

Message.

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

Second Reading.

THE MINISTER FOR LABOUR (Hon. W. Hegney—Mt. Hawthorn) [8.53] in moving the second reading said: This Bill is brief in character and it can be said with all truth that there is nothing of a contentious nature in it, to borrow a phrase of the Minister for Justice. Without going to a great amount of detail, I might say that the Junior Farmers' Movement desires a slight alteration in regard to the personnel of its committee. It will be seen in the Bill that it is proposed to amend the principal Act by substituting for the words "Institute of Agricultural Science" which is an Australian organisation, the words "University of Western Australia, Institute of Agriculture."

In actual practice the University of Western Australia, Institute of Agriculture, has its representatives on the Junior Farmers' Movement council and it is desired to tidy up that clause. The second provision is merely a move to protect the present occupant, and possible future occupants, of the position of chief executive officer of the Junior Farmers' Movement. For some years a school teacher by the name of Mr. Young was seconded to the position, and some time ago a Mr. Giles, a young man attached to the Department of Agriculture, was appointed to the position of chief executive officer. The officer appointed under the Junior Farmers' Movement is not necessarily a member of the Public Service. and this clause provides that where a member of the Public Service is appointed to the position of chief executive officer of the Junior Farmers' Movement, his rights under the Public Service Act shall not be affected. In other words, this measure will protect his rights under that Act. I invite members to compare those two amendments with the original Act and I think it will be found that there is nothing contentious in the measure. I move—

> That the Bill be now read a second time.

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

BILL—MARKETING OF POTATOES ACT AMENDMENT.

In Committee.

Mr. Norton in the Chair; the Minister for Agriculture in charge of the Bill.

Clauses 1 and 2—agreed to.

Clause 3—Section 22 amended:

Mr. ROBERTS: I move an amendment—

> That the words "whether it did or" in line 25, page 3, be struck out and the words "if it" inserted in lieu.

I queried this clause during the second reading because I considered if a person who deals in potatoes had the sale docket or delivery note he could be charged if on his premises he had potatoes that were not in the correct bags or other containers. I pointed out at the time that a retailer who makes a perfectly legitimate sale may have to re-sort the potatoes because they were not up to quality. In so doing some of the original bags of the consignment may be damaged or in a rotten condition and the retailer has to use other bags that are not branded according to the original sales docket or delivery note. At the time the inspector calls the retailer may even have some of the potatoes spread out on his floor. He would then be liable to be charged.

Quite frankly, I do not think that where a person has purchased potatoes quite legitimately, there should be any possibility of his being charged under this legislation. As I said initially, my interpretation of this particular clause is that he could be charged. I want to emphasise the fact that the retailer concerned has made a legitimate purchase and it is not my intention to try to protect the blackmarketeer in potatoes. I think my amendment is quite reasonable, and trust the Minister will agree to it.

The MINISTER FOR AGRICULTURE: I appreciate the fact that it is the desire of the hon. member to protect the innocent party and to do nothing which would prevent the punishment of a guilty person. Whilst I appreciate that, the hon. member's own argument has raised weaknesses in the case of unscrupulous persons and showed them up more clearly than before. It is true that a retailer—and after all, this clause deals with the delivery of potatoes and acceptance of them—can purchase potatoes and be a bona fide tradesman and then, due to circumstances, be placed in an unfortunate position. His would then only be considered to be a prima facie case and it would not be his duty to prove that he was innocent; it would be the duty of the board to prove that he was guilty.

If he had in his possession a document which proved he had bought the potatoes, or bought a similar quantity—even though they were not in containers—I have no doubt at all that the magistrate concerned would accept the position as it was. However, on the other side of the picture, an unscrupulous man could have a document in his possession purporting to show that he had bought a certain tonnage of potatoes and at the same time he could be dealing on the blackmarket. He could have a ton of potatoes he bought against the law, strewn over the floor and yet have a document in his possession in regard to some other potatoes which would clear his name. In other words, the blackmarket would still continue.

I have had a good look at this amendment and I think the danger of placing an innocent person in an unenviable position is far greater than would be the case of finding unscrupulous people operating. Therefore, I have no objection to the proposal. While I am on my feet, I would advise the hon. member that I have no objection to his second amendment, as it deals with practically the same thing.

Amendment put and passed.

Mr. ROBERTS: I move an amendment—

> That the words "or was" first appearing in line 26, page 3, be struck out.

Amendment put and passed.

Mr. HEARMAN: I move an amendment—

> That after the word "section" in line 41, page 3, the following proviso be inserted:—"Provided that it shall be a defence if it can be shown that the potatoes are the property of a grower and are being held for seed purposes."

My reason for adding this proviso to the clause is that there are literally many hundreds of occasions on which growers hold seed potatoes in unstencilled bags. They might be small potatoes which are regarded as unmarketable for commercial purposes or they might be the best of No. 1 grade. It seems to me that it was not the intention, at the time this Bill was drafted, that growers would commit an offence by holding in unstencilled bags potatoes which were intended for seed purposes.

I realise that in adding provisos to a Bill of this nature in an endeavour to protect an innocent person, there is always the danger that it might be made easier for a person who is not so innocent to escape punishment. However, unless we make some provision in respect of seed potatoes, we could end up with a somewhat chaotic position because such potatoes are, at times, carted from one property to another and it would be asking a lot of inspectors if we put the onus on them as to whom they were going to charge.

If this amendment is agreed to and an inspector charges a grower, that grower will be able to put forward in his defence that the potatoes were for seed purposes. In the event of a man being charged under Section 22 of the principal Act, and his being able to convince the court that the potatoes were for seed purposes, there would be no further prosecution. It may well be that the court would accept such an explanation regardless of whether this proviso were included. In that case there would be no harm in accepting the proviso; on the other hand, if there were any doubt about the court's accepting that explanation, the proviso would make the matter clear.

The MINISTER FOR AGRICULTURE: I refer the hon. member to Section 22 of the original Act. He will find that his proposal is superfluous. I suggest he withdraw his amendment because the grower is already amply covered.

Mr. HEARMAN: I think the Minister has quoted the original and not the amended Act. I refer the Minister to amendment in the 1949 Act which strikes out the reference to certified seed potatoes. My proviso refers to potatoes that are held. A grower might be holding potatoes or carting them about for his own use, but he is not excluded by the section that the Minister has mentioned. Some growers have more than one property and might cart potatoes from one to another.

The MINISTER FOR AGRICULTURE: I am still of the opinion that somewhere there is protection for the grower who grows potatoes for seed purposes. As the section has been altered by the amendment of 1949, I have no objection to this proposal.

Amendment put and passed.

Hon. A. F. WATTS: I move an amendment—

> That all words in lines 27 to 34, page 4, be struck out with a view to substituting the following:—
>
> (a) An inspector wearing on his person in the manner prescribed a disc or badge as prescribed by regulation under this Act and issued by the board, if he has reasonable grounds for believing that upon any vehicle there are potatoes being carried in contravention of this Act, may—
>
> (i) require the driver or person who is apparently in charge of such vehicle, if in motion, to stop the vehicle.
>
> (ii) inspect the vehicle and anything on the vehicle.

My intention is not to weaken the legislation. On the contrary, I think it is likely to assist in the effective carrying out of its provisions. In these days many people stand on the highways and make signs to motorists and others to stop. Many of these people are undesirable to such an extent that a great number of vehicle drivers go straight on. If an inspector, without any means of identification, suddenly appears before a vehicle driver handling potatoes, and, by making signs, demands that he stop, the chances of the driver stopping are pretty remote. Therefore the Act should prescribe some form of identification disc to be worn by the inspectors so that they might be identified within reason.

Mr. Lawrence: What is the postion with a traffic constable?

Hon. A. F. WATTS: He ought to be in uniform. Great difficulties have arisen over one or two plainclothes officers. It is highly desirable that there should be some evidence of the inspector's identity because, while the majority of police constables are in uniform, the potato inspectors have no uniform to wear.

The MINISTER FOR AGRICULTURE: The amendment contains two proposals, one that the inspector shall have some disc or badge to denote that he is officially on the job; and the other that he must have reasonable grounds for believing that a vehicle contains illegally obtained potatoes. In regard to the first point, I do not think what is suggested is necessary. Whenever an inspector of the Potato Marketing Board goes about his duties, he always carries an identification badge which he shows.

Mr. Roberts: That is not much good if the vehicle is in motion.

The MINISTER FOR AGRICULTURE: What if it is in motion? He could catch up with it if he so desired. At the bottom of this identification card appear the words—

> Has been appointed by the board to carry out the powers of inspection and other powers conferred by Regulation 28 of the regulations made under the Marketing of Potatoes Act.

I do not think it is necessary to have people running around the country with armbands in order to identify themselves as inspectors employed by the Potato Marketing Board. There is another difficulty. How could an inspector prove that a moving vehicle was carrying illegal potatoes? The intention behind the amendment is good, but I am informed by the board that very often illegal potatoes are conveyed by utilities, which, of course, do not look like potato trucks.

These utilities can carry from half a ton up to one ton of potatoes. Unless an inspector had some prior knowledge about a vehicle that was carrying illegal potatoes or of the person driving it, how could he know that the vehicle was carrying illegal potatoes? Also, if we agree to the amendment, what is the inspector's position if he stops a vehicle that is not carrying illegal potatoes? The inspector would only be exercising the duties conferred on him by the Act. Unless he is a clairvoyant, we cannot place him in such an impossible position by asking him to be sure that every vehicle he stops is carrying illegal potatoes.

An inspector of the Potato Marketing Board is appointed to look after the interests of the board and the growers. He does not assume the role of a little Hitler. It would be far better for him to stop a vehicle that is not carrying illegal potatoes than to let pass several that were carrying such potatoes. In my opinion, there is sufficient identification of inspectors already provided for in the clause and I oppose the amendment.

Mr. ROBERTS: The identification card which the Minister held up before this Committee is one used by inspectors when inspecting stationary vehicles, potatoes on the property of a grower, in a retail store or in a wholesaler's store. However, such an identification card would not be of much use in stopping a vehicle in motion.

Mr. Lawrence: What if we made every member of the Police Force an inspector under the Marketing of Potatoes Act?

Mr. ROBERTS: That is an excellent idea and I hope the member for South Fremantle will support any move made along those lines. On the second point contained in the amendment, it is only fair that an inspector should have reason to believe that any vehicle stopped by him is carrying illegal potatoes. I support the amendment.

Mr. I. W. MANNING: I doubt whether we need Subclause (7) at all. In introducing the Bill the Minister stated that, in a large number of cases, although inspectors find illegal potatoes in a retail store and other places, often they are unable to obtain a conviction because of the difficulty in being able to identify the grower. Frequently, the Potato Marketing Board knows where potatoes have been going, but the difficulty is to secure a conviction. However, what the stopping and the searching of a vehicle has to do with that point, I do not know. I do not think such a practice is necessary to curb blackmarketing. A great deal of trouble could occur if inspectors with such powers were appointed to patrol the highways.

A person who was going about his legitimate business would have no redress under this legislation if his vehicle were stopped unnecessarily. If this legislation is passed, I shall not be surprised if there are a few blood noses in the future, because an inspector will find it necessary to stop every vehicle that appears to be carrying potatoes if he is to make sure that a vehicle is not carrying illegal potatoes. The part of Clause 3 with which we have already dealt, gives the board power to convict a buyer of illegal potatoes, but, in my opinion, the appointment of inspectors with powers to stop vehicles on highways is not a wise move. At this stage I support the amendment, but think it would be better to strike out the whole subclause. In any case, if it is agreed that vehicles are to be stopped by inspectors, it would be better if they were accompanied by a policeman in uniform.

Mr. HEARMAN: Members of the Committee should be realistic on this matter. The amendment does not seek to detract from the powers that would be given to an inspector. The Leader of the Country Party merely seeks to make the task of the inspector easier. As he has pointed out, it is quite possible that many people would drive straight on if they were given a signal to stop by a person in civilian clothes. Even if we provided that an inspector must wear an armband, it would still be very difficult, especially at night, for a driver to identify an inspector. The member for South Fremantle suggested that the police should carry out this duty and I am completely in accord with him. Law enforcement is the task that should be performed by members of the Police Force.

The stage has been reached where blackmarketing is no longer carried out by individuals alone. Blackmarketing of potatoes is highly organised, and steps should be taken to counteract it. It is far better for the police to deal with it. Even so, I believe that difficulties will arise if the Police Department is to be charged with that duty. We have not had time to ascertain the willingness or the ability of the Police Department to carry that out.

I agree with the proposition put forward by the Leader of the Country Party. We should examine the possibility of the police making the necessary investigation, and for that reason I have placed an amendment on the notice paper. Here is a difficult situation which has to be faced. If powers are to be delegated, then the amendment in my name will remove the fear of giving too much power to these inspectors. They should be clothed with sufficient power to enable them to carry out their duty. It is necessary to counteract the activities of the blackmarketers and to give the inspectors power to stop and inspect vehicles on the road.

Mr. RODOREDA: I can quite understand the motive of the Leader of the Country Party in moving this amendment.

He is attempting to make it easier for people travelling in motor-vehicles to identify inspectors of the Potato Marketing Board. I do not think he has gone far enough. It is very difficult for the travelling public to identify the disc worn by an inspector. The amendment should have provided for the inspectors to be clothed in scarlet or for them to carry a red flag. If that was done there would be no question of failure to identify them.

It is astonishing to see this amendment coming from the Leader of the Country Party. I thought that both the Country Party and the Liberal Party would be violently opposed to the provision contained in this clause. It is amazing how circumstances alter the views of members. In attempting to assist a small body of potato growers, they are prepared to agree to a provision, against which they fought very strenuously in connection with the State Transport Co-ordination Act which sought to increase the finances of an almost bankrupt State.

Let us examine some of the statements made. The member for Stirling said—

> At present the transport authorities have ample opportunity to stop vehicles. This provision, however, is to give them power to stop any vehicle.—

These are the exact terms of his amendment—

> —and, having stopped it, to search it. I expressed the opinion during the second reading debate that the objection to the clause was that if any vehicle was found carrying unexempted goods, no matter how small the quantity, it could be classed as a public vehicle.

The member for Greenough had this to say—

> If the clause is passed, practically every vehicle could be stopped. Inspectors could be standing behind trees or sitting up in motorcars, and one would be almost afraid to go down a highway.

That very position would eventuate if the amendment were agreed to. In one case those members violently opposed a provision for the benefit of the whole State, and in the other, they are in favour of it for the benefit of a few potato growers. The member for Vasse had this to say—

> Let the Police Department take the initiative in policing the State. Do not let us have an army of officers acting as a police force for their various departments. If this clause is passed, we will be moving towards a police State.

But he is now prepared to support the amendment!

Mr. Bovell: I have not said a word about it.

Mr. RODOREDA: I know how he will vote. The member for Katanning had this to say—

> I believe that the power under the present Act is quite sufficient and that this clause should not be included.

I guarantee that he will support the amendment, if not the clause itself. The member for Stirling had this to say further—

> I see no reason to alter the opinion I have already expressed. It has been supported by information given by members.

We now find that the same arguments were used to oppose one provision, and to support a similar provision in this Bill. Those members do not seem to be consistent in their expressions of opinion within the space of a fortnight.

Mr. Roberts: Are you in favour of the clause?

Mr. RODOREDA: Yes, and I was in favour of a similar provision in the State Transport Co-ordination Act. In that respect I am at least consistent.

Hon. A. F. WATTS: The tirade from the member for Pilbara seems to be quite unnecessary and completely unjustified. As a matter of fact, there is as much difference betweeen the amendment that I am moving and the provision in the State Transport Co-ordination Act, as between chalk and cheese. I am perfectly consistent in moving this amendment in trying to modify a provision which I do not like, any more than I like the other provision referred to.

The difference is that, firstly, I want the inspector to be identified so that the public will have some chance of knowing who he is, and, secondly, that the inspector should have reasonable grounds for believing that an offence is likely to be committed. Neither of those aspects were in the State Transport Co-ordination Act. They are both reasonable propositions. Do not imagine that I cannot see both sides of the case. It is a difference of opinion as to how this provision should be operated.

Surely there should be no difficulty in having an inspector equipped with some form of identification, so that the public will know who is stopping them on the highways, when there is reasonable ground for believing that the blackmarketing of potatoes is taking place! I am informed that in 99 cases out of 100, the inspectors know where this blackmarketing takes place. It is only a question of stopping the persons carrying it on. Therefore, the inspectors would have the strongest grounds for believing that blackmarketing was taking place when they hold up a motor-vehicle.

I do not suggest that the inspectors will hold up every vehicle. They will hold up vehicles only when they believe that an offence is being committed. This provision will enable the inspectors to be identified when vehicles are stopped on the road, otherwise when a person is charged for failing to stop he can say, "I did not know who that person was. He might have been a drunkard waving his arms on the road. There was no means of identification." This amendment will provide the opportunity for inspectors to be identified.

Mr. LAWRENCE: Is it suggested by the member for Stirling that the inspectors will not be mobile? When he suggested that the inspectors would stand along a road and wave their arms, perhaps he was exaggerating. I believe that the inspectors will be very mobile and they will be capable of overtaking a vehicle which they desire to stop.

Mr. Roberts: By running the vehicle off the road?

Mr. LAWRENCE: In the same way as a constable charged with controlling traffic stops a vehicle.

Hon. A. F. Watts: The constable has certain rights under the Traffic Act; the Potato Marketing Board inspector has none. That is the difference.

Mr. LAWRENCE: If the hon. member had prefaced his statement with that remark, then consideration could be given to extending the same rights to these inspectors. The member for Bunbury suggested it would be a good idea to give the inspectors the same rights as are given to police officers.

Mr. Roberts: I said let a policeman accompany the inspector.

Mr. LAWRENCE: In those circumstances, there is nothing to worry about. If the driver of a vehicle has nothing to fear he will permit it to be examined by the inspector and he will stop. Vehicles are being stopped every day of the week when the police are searching for stolen vehicles or trucks, stolen merchandise or produce. Why have we to worry about that angle? Do not think that inspectors will stand out all day and night just to catch these fellows! But if people are breaking the law, they are entitled to be caught; and we should catch them. If members opposite do not desire the board, let us get rid of it. What is the response to that? I know what the response is from the Country Party and from the Liberal Party. It is this: "Don't get rid of it, because it has done a mighty good job!"

Hon. D. Brand: Do you think we should get rid of it?

Mr. LAWRENCE: No, not for one moment. Does the hon, member? Answer that one?

Hon. D. Brand: You have answered it for me.

Mr. LAWRENCE: Does the member for Harvey want to get rid of it?

Mr. I. W. Manning: I have made that clear.

Mr. LAWRENCE: Never in your life! As long as you sit in your seat, my friend —I say this through you, Mr. Chairman —you will not say it! I know you do not want to get rid of it, because it would be political suicide for you.

The Minister for Agriculture: He wants two bob each way.

Mr. LAWRENCE: He wants a little odds—probably 2s. to 1s. 6d. The clause, as printed, should be agreed to.

Mr. HEARMAN: I would not have risen but for the tirade from the member for Pilbara. I would quote from the Liberal Party platform as follows:—

> To provide for orderly marketing of primary products when the majority of growers in any industry request it.

I think that sets out the position concisely. The majority of growers have asked for this board. The present situation requires that these powers be given. None of us likes the giving of additional powers to authorities; but I think the amendment envisaged by the Leader of the Country Party is an improvement on the Bill and I do not think that any speaker who has opposed it has explained how it would detract from the powers the inspectors would have.

The MINISTER FOR AGRICLUTURE: I cannot understand why members are not satisfied with the clause. It is clear enough and gives sufficient power to the inspectors to endeavour to stamp out blackmarketing. The only point on which we seem to differ is whether it should be amended in some respect without detracting from the powers given. I contend that all the power needed for inspection is in the clause. Although I can appreciate what the member for Stirling has in mind, I think that the card of authority should be sufficient identification—particularly when, as the hon. member said, the inspectors know now where 90 per cent. of the blackmarket potatoes are coming from. That being so, there is no need for an armband.

In so far as the second point is concerned, I cannot see how it will be practicable. I do not perceive how we could expect any inspector to know or believe that a certain vehicle illegally contains potatoes. It is asking too much of an inspector. I oppose the amendment.

Hon. D. BRAND: I imagine that powers of this sort will be necessary wherever a board is constituted to provide for orderly marketing, because it is necessary to enforce the law.

Mr. Nalder drew attention to the state of the Committte.

Bells rung and a quorum forced.

Hon. D. BRAND: I should think that we have only just about got a quorum now. I was saying that where boards are set up it is necessary to have means of enforcing the law. At present we are dealing with a crisis in the blackmarketing of potatoes. It is found that the legitimate grower with a licence, who wishes to support the board and the principle of orderly marketing, is being undermined by those outside who are taking advantage of certain loopholes and indulging in blackmarketing. If we allow that to continue, the orderly marketing system must go out.

However, I believe that we should allow only a minimum of extra power by way of authority to inspect vehicles and premises, because this crisis could easily end within a year or two. I can appreciate something of what the member for Pilbara said. I do not like this clause at all. I do not like the idea of approving of more and more inspectors and giving more authority for people to stop vehicles. For that reason, I support the object of the Leader of the Country Party in endeavouring to break down this principle, inasmuch as the inspector should be identifiable.

In the latter part of his amendment, he provides that the inspector must have good reason to believe a vehicle is carrying potatoes. While it is carrying it a bit too far to expect an inspector to reasonably anticipate that a vehicle is carrying potatoes, on the other hand the provision is a safeguard against all and sundry being stopped when the inspector would know that there was only a very slight chance that blackmarket potatoes were being carried. Therefore I support the amendment.

Mr. NALDER: The Committee should agree to the amendment. Only today I had an illustration given to me by a farmer from an area near Collie. He was going home from the Royal Show at about 8 o'clock at night in a little panel van. About half a mile past Harvey he noticed a car behind him, with the driver tooting the horn. Eventually the driver forced him to the side of the road and told him he wanted to have a look in his van. Had this farmer not known the individual who stopped him, he would have had no idea of the nature of his authority to take the action he did. It so happened that the farmer had only a small carton of groceries and a spare part for a machine; and the inspector said, "That's all right; on you go."

Where are we going to end with this sort of legislation? We will have more people on the road inspecting than travelling. Surely the Minister should be prepared to regard this amendment as a reasonable one! Where will things end if we do not provide some means of identification of people having this authority? In the case to which I referred, the inspector pulled up a small panel van—only a 5 cwt. job. If this sort of legislation is persisted with, we will have inspectors for every department.

Mr. BOVELL: The amendment is designed to facilitate the operation of the provisions in this Bill. The member for Pilbara entered the debate and raised questions concerning the opinions expressed by members on this side on the transport coordination Bill that was discussed here a few weeks ago.

I want to make it clear that I have not changed my opinion one iota since that time. I believe that the only persons who should be allowed to stop vehicles on highways are uniformed policemen. I do not believe that plainclothes police should be entitled to do so, or that officers of the transport board should have that power; and I do not believe that inspectors of the potato board should be able to do so unless accompanied by a police officer. We should have one police force only.

The Minister for Labour: Do you think taxation inspectors should be in police uniform?

Mr. BOVELL: That Act has nothing to do with this. Here we are dealing with the question of intercepting vehicles on main highways and British Commonwealth countries pride themselves that their highways are free. We now have an army of both uniformed and plainclothes police, traffic inspectors employed by local authorities, transport board officers and potato board officers, and no doubt in time other departments will desire the same authority for their officers. I repeat that the only person empowered to intercept vehicles on highways should be a uniformed policeman.

[*Mr. Moir took the Chair.*]

Mr. ACKLAND: I am very much in favour of orderly marketing where a majority of the producers favour it, but I agree with the member for Vasse that we are getting a multitude of inspectors for various purposes, and they do not need the specialised training required by Taxation Department inspectors. I think the interception of vehicles should be in the hands of the police and in any case for their own protection these inspectors should wear some easily recognised means of identification.

The member for Katanning related one instance and I know of another where a man's life might easily have been lost on the Geraldton-rd. a few months ago. He was incensed at repeated attempts by inspectors to stop him on the road and when another inspector pulled ahead of him and pulled across the bridge at Bindoon, this man drove his heavily loaded truck straight at that vehicle, with his horn blowing and he could not have avoided a collision had this high official of the Transport Board—I believe it was the secretary—not got his vehicle out of the road very quickly and let the other go by. That man had no justification for driving with intent to hurt anybody, but he had some justification for feeling incensed at being so frequently interfered with while following his lawful pursuits. I think these people should be given means of easy identification by drivers of vehicles. I support the amendment.

The MINISTER FOR AGRICULTURE: I have some sympathy with the desire of the member for Stirling and others but we cannot expect an inspector to give his reasons for believing there might be potatoes in a vehicle. Everyone makes mistakes occasionally but I do not think there could be objection to inspectors wearing armbands. To provide that by regulation would mean too long a delay. The board wants us to get moving before the new season's potatoes are planted in early December and the amendment would mean too much delay. I oppose the amendment but if it is defeated, I will guarantee to have a provision dealing with arm bands for identification placed in the Bill in another place. I do not want it done by regulation, owing to the delay that would be incurred, but if the type of armband, the colouring and so on are laid down in the Act that will save a great deal of time. I hope, on that basis, that the amendment will be defeated.

Amendment put and negatived.

Mr. ROBERTS: I move an amendment—

> That after the word "inspector" in line 27, page 4, —

Point of Order.

Mr. Hearman: On a point of order, was not the amendment of the Leader of the Country Party to strike out these words?

The Chairman: Yes, and the Committee decided that they should stand.

Mr. Hearman: With all due respect, surely the Committee can now strike out some of those words and substitute others!

The Chairman: No, the Committee has decided that those words should remain.

Committee Resumed.

Mr. ROBERTS: I move an amendment —

> That after the word "inspector" in line 39, page 4, the words "when accompanied by a police officer" be inserted.

The MINISTER FOR AGRICULTURE: The inspectors of the board must have full authority to operate on its behalf. How many policemen would be required for this purpose during an outbreak of blackmarketing? I think the board's inspectors, present or future, will be ample to carry out these duties under the Act because the Bill, if agreed to, will give them the necessary powers of search of premises or vehicles. I oppose the amendment.

Mr. ROBERTS: I think the only persons that should have the right to search premises or impound articles are the police.

The Minister for Agriculture: The amendment would alter the purpose of the Bill and I will not agree with it.

Mr. ROBERTS: The amendment would mean that an inspector would have to be accompanied by a police officer in order to stop a vehicle on the highway. I feel that the powers given to inspectors under the Bill should be given to no one but police officers. The board's inspectors should have the right to carry out those duties only if accompanied by police officers.

Mr. BOVELL: I support the amendment because it is entirely in conformity with my principles in regard to the apprehending of vehicles on public highways. I made my position in regard to this matter quite clear a few moments ago. The only authority to apprehend vehicles on main highways should be uniformed police.

Mr. Ackland: They would want hundreds of policemen because there must be hundreds of inspectors.

Mr. BOVELL: A few moments ago the Minister asked "How many police officers would you require?" I would like to ask him how many inspectors of the potato board does he intend to employ on this work.

The Minister for Agriculture: I won't employ any; the Potato Marketing Board will employ them.

Mr. BOVELL: The Minister will employ them indirectly, and I think he should indicate the number of inspectors he intends to employ.

The Minister for Agriculture: It won't make any difference to the argument, because I think it is silly.

Mr. BOVELL: It is not silly; it is a logical argument and I support the amendment.

Mr. I. W. MANNING: I think my views on this matter are well known and I strongly object to an inspector taking over the duties that one would normally expect a police officer to carry out. In an attempt to check blackmarketing, does the Minister place more emphasis on sheeting home prosecutions to buyers of potatoes or the interception of vehicles on the highway? I support the amendment.

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

Ayes	14
Noes	19
Majority against	5

Ayes.

Mr. Ackland	Mr. Oldfield
Mr. Bovell	Mr. Owen
Mr. Court	Mr. Perkins
Mr. Crommelin	Mr. Roberts
Mr. Hearman	Mr. Watts
Mr. W. Manning	Mr. Wild
Mr. Nalder	Mr. I. Manning
	(Teller.)

Noes.

Mr. Brady	Mr. Lawrence
Mr. Evans	Mr. Marshall
Mr. Gaffy	Mr. Norton
Mr. Graham	Mr. O'Brien
Mr. Hall	Mr. Potter
Mr. Hawke	Mr. Rhatigan
Mr. W. Hegney	Mr. Rodoreda
Mr. Hoar	Mr. Toms
Mr. Jamieson	Mr. Sewell
Mr. Johnson	*(Teller.)*

Pairs.

Ayes.	Noes.
Mr. Brand	Mr. Tonkin
Mr. Hutchinson	Mr. Sleeman
Sir Ross McLarty	Mr. Andrew
Mr. Thorn	Mr. Nulsen
Mr. Grayden	Mr. Lapham
Mr. Mann	Mr. Heal
Mr. Cornell	Mr. Kelly

Amendment thus negatived.

Mr. ROBERTS: I move an amendment—

> That after the word "may" in line 18, page 5, the words "provided that he first gives the person a written receipt which receipt shall clearly identify the docket, delivery note or document" be inserted.

It is only reasonable that if an inspector impounds these sales dockets, delivery notes, or any other documents, he should issue a receipt for them; otherwise the person charged has no evidence subsequently that he had such documents in his possession.

Amendment put and passed.

Mr. ROBERTS: I move an amendment—

> That after the word "may" in line 24, page 5, the words "provided that he first gives the person a written receipt for the same" be inserted.

This has reference to a bag or container and I think it is only reasonable that a written receipt should be issued when one is impounded.

Mr. I. W. MANNING: I would like the Minister to tell us what he hopes to achieve by this subparagraph.

The MINISTER FOR AGRICULTURE: It is easy enough for the hon. member to read it and he should not need any further explanation. The idea is that branded bags or containers are used in the cartage of clean or legitimate potatoes and one would hardly expect blackmarket potatoes to be found in branded bags or containers. That is the reason behind the subparagraph. I have no objection to the amendment which has been moved.

Amendment put and passed.

Mr. HEARMAN: I move an amendment—

> That after the word "container" in line 31 on page 5 the following proviso be added:—
>
> > Provided that the powers conferred on inspectors by this subsection shall continue in operation until the thirty-first day of December, one thousand nine hundred and fifty-nine and no longer.

There is a good deal in this portion of the Bill that members on this side are finding not easy to accept. In view of the fact that the measure will have to go to another place, I think my proviso will ensure a speedier passage when one considers the repugnance that is felt concerning the provision of inspectors on the road, etc. We should permit the law to be enforced by the police and not by small Government instrumentalities. It is far easier for the police to do this enforcing. Such a proposition would not cost more money because the inspectors have to be paid anyhow.

If the proviso is accepted it will not hinder the working of the Potato Marketing Board or the powers that this legislation proposes to give it. If the blackmarket is to be dealt with, it must be dealt with long before the two years are up, otherwise we would probably have no potato board. My proviso will make the legislation more acceptable in another place and give us time to view the whole question of law enforcement, not only in respect of the Potato Marketing Board, but in respect of other authorities which appear to be doing their own law enforcement work.

The MINISTER FOR AGRICULTURE: If the member for Blackwood thinks that we will dispense entirely with blackmarketing in two years' time, I am afraid I cannot agree with him.

Mr. Hearman: I did not say that.

The MINISTER FOR AGRICULTURE: It is possible that we may, and I hope we do. We know that certain potato growers were prepared to break the existing laws; they did not mind leaving the State without potatoes; they were always on the lookout for a sly way of making an extra penny. Because prices were high in the Eastern States, a lot of growers without any licence decided to gamble on the market in the hope that those prices would be maintained. The moment they were not attractive, they immediately began flooding the market with illegally grown potatoes.

Mr. Roberts: That is not likely to happen again.

The MINISTER FOR AGRICULTURE: Now that the potato growers know that it is not an offence to transfer their potatoes to the Eastern States under Section 92 of the Constitution, it is likely to happen again any time. The prices in the Eastern States vary as they do in other parts of the world. When they are attractive over East, the growers will grow potatoes without a licence in the hope of selling them in those States. In some years this condition will be worse than in others, but it is always likely to occur. There are quite a number of these growers in the member for Harvey's district and that is why he wants two bob each way.

Mr. I. W. Manning: That is not fair, and I think the Minister should withdraw his statement.

The MINISTER FOR AGRICULTURE: It will not do any harm to keep this legislation on the statute book for all time because that type of grower wants to take advantage of a situation that might arise in his favour. It will provide some protection against that type of grower.

Mr. I. W. Manning: Would I be in order, Mr. Chairman, in asking that the Minister withdraw the remark I found offensive.

The CHAIRMAN: I did not find the remark offensive, and I do not propose to ask the Minister to withdraw.

Mr. HEARMAN: The Minister has missed the point. Nothing I said suggested that we were not going to have any more blackmarketing after this crisis. This two-year period will give us time to think of law enforcement generally. The remarks the Minister made about potatoes going to the Eastern States do not apply because we cannot stop them under Section 92, and this legislation will certainly not stop them. It can only apply to marketing in this State. My proviso will make the legislation more acceptable in another place and will not interfere with the board. Besides, it will give Parliament an opportunity to go into the question of law enforcement. The amendment only applies to inspectors on the road and not to the entire legislation.

Mr. COURT: Some of us on this side find the provisions of the Bill hard to accept. We have gone a long way to meet the Minister. This amendment would remove some of our objections. It is true, in the meantime, the principle will have been violated by giving these extraordinary powers. If there is a time limit, it will mean that after the period of experimentation has passed the matter can be reviewed by Parliament if the Government wants this power to continue. We were told that last year there was a potato crisis due to marketing in the Eastern States, and it was represented that the Potato Marketing Board had not been as quick off the mark as it might have in combating that situation. Because of the experience of last year the board will be able to anticipate such situations, and I have no doubt it has learned ways and means of appeasing the producers and preserving a better state of affairs.

History has shown that the demand is fairly erratic and not one on which a long-term plan can be based. There is no doubt that some producers had a gamble on the Eastern States market and the figure given by the Minister is that roughly 1lb. in 5lb. is still being blackmarketed. The Minister is being given until December, 1959, to deal with the situation and surely that is ample time for him and his board to put the position right! If at the end of that time the Minister can convince Parliament that the power should be made permanent, then let us consider it again. The situation last year was abnormal, and the situation this year again is abnormal so why put something on the statute book which is repugnant to the State generally?

Mr. BOVELL: I support the amendment moved by the member for Blackwood. During the years I have been a member of this Parliament the supply and distribution of potatoes has been continually before us. This is an emergency, as was the position that arose last year, and I think that two years is sufficient time to allow so that the position may be reviewed. I have no doubt that legislation will be introduced before the expiration of two years, because some other emergency will arise. The production, distribution and supply of a perishable commodity like potatoes need constant attention and I agree that the producers as well as the consumers have to be protected.

The amendment is reasonable and I cannot understand why the Minister will not accept it. When he was a member of the Opposition he voiced different opinions in connection with the potato board from those he has expressed since he became a Minister. In 1948 I was a member of a select committee, appointed by this Chamber, to inquire into the functions of the Potato Marketing Board. I had to submit a minority report to this House, which was accepted at that time. The findings of the select committee, of which the present Deputy Premier was chairman, were submitted and not accepted. On that occasion the present Minister for Lands and Agriculture supported the report as submitted by the chairman of that select committee.

In view of the many times, since I have been a member of this Parliament, that the question of the supply and distribution of potatoes has been discussed, two years is a reasonable period for this legislation to operate. Accordingly, I ask the Minister to review his decision and agree to this amendment.

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

Ayes	14
Noes	19
Majority against	5

Ayes.

Mr. Ackland	Mr. Oldfield
Mr. Bovell	Mr. Owen
Mr. Court	Mr. Perkins
Mr. Crommelin	Mr. Roberts
Mr. Hearman	Mr. Watts
Mr. W. Manning	Mr. Wild
Mr. Nalder	Mr. I. Manning (Teller.)

Noes.

Mr. Brady	Mr. Lawrence
Mr. Evans	Mr. Marshall
Mr. Gaffy	Mr. Norton
Mr. Graham	Mr. O'Brien
Mr. Hall	Mr. Potter
Mr. Hawke	Mr. Rhatigan
Mr. W. Hegney	Mr. Rodoreda
Mr. Hoar	Mr. Toms
Mr. Jamieson	Mr. Sewell
Mr. Johnson	(Teller.)

Amendment thus negatived.

Clause, as amended, agreed to.

Clause 4—Section 41 amended:

The MINISTER FOR AGRICULTURE: During the second reading debate, the member for Stirling pointed out in regard to the provision covering an irreducible penalty of £20 that unless it was amended, it could be applied to any trivial offence throughout the Act. He placed an amendment on the notice paper to strike out the words "irreducible in mitigation notwithstanding any other provision of any other Act," but in my view it did not do the job it set out to do as effectively as it should. There is nothing which would deny a magistrate the power of being able to reduce that £20 penalty, and that would defeat the purpose of the amendment regarding a minimum penalty against black-marketers of potatoes. So that the penalty for an offence against this particular section of the Act which governs the marketing of potatoes shall not be less, I have a proposed amendment which might meet with the approval of the member for Stirling. This will apply to Sections 22 and 26 of the Act, which deal with the marketing of potatoes and not to the other provisions in the Act with a maximum penalty of £100. I move an amendment—

> That all words after the word "word" in line 6, page 9, be struck out, and the following words inserted in lieu:—
>
> > "Act" in Subsection (2), the passage "other than Section 22 and Section 26," and adding after the word "pounds," being the last word in Subsection (2), the passage, "and for offences against Section 22 and/or Section 26 of this Act, to a minimum penalty irreducible in mitigation notwithstanding any provision of any other Act, of twenty pounds."

Hon. A. F. WATTS: I have recently had an opportunity of seeing an exact copy of the wording of the Minister's amendment and, in all the circumstances, I think it is satisfactory. Therefore, I do not propose to object to it and shall not proceed with my amendment.

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

New clause:

Mr. ROBERTS: I propose to insert a a new clause which is consequential on the repeal of Subsection (1) of Section 22. Section 25 (3) refers to the notice mentioned in Section 22. As that notice has been deleted, a consequential amendment is necessary. It is not my intention to move the amendment I have on the notice paper. I have discussed this matter with the Minister and the amendment which I now propose, although it will produce the same result is, I feel, a better one, I move—

> That the following be inserted to stand as Clause 4:—
>
> > Section 25 of the principal Act is amended—
> >
> > (a) by substituting for the words "to which the notice referred to" in line 2 of Subsection (3), the passage "on or after the day mentioned," and
> >
> > (b) by adding after the word "or" in line 3 of Subsection (3) the passage "potatoes to which."

The MINISTER FOR AGRICULTURE: I have no objection. As the hon. member has said, this is merely a matter of tidying up the Act as a result of previous amendments in the Bill.

New clause put and passed.

Title—agreed to.

Bill reported with amendments.

House adjourned at 11.22 p.m.