

These figures represent an estimated increase of £191,000 over collections in 1958-59, and would provide an additional £180,000 to Consolidated Revenue and £11,000 to clubs. The figures I have quoted assume of course that there will be no falling off in the 1958-59 level of off-course betting. Those are the only figures on which we can make any assessment. I move—

That the Bill be now read a second time.

On motion by Mr. Tonkin, debate adjourned.

## BETTING INVESTMENT TAX BILL

### *Second Reading*

MR. BRAND (Greenough—Treasurer) [11.2] in moving the second reading said: This is a further Bill which deals specifically with the new tax proposed. In my speech on the proposed amendments to the Betting Control Act, I made reference to the introduction of a new tax—the betting investment tax. The Bill now before members aims to impose a tax payable under the Betting Control Act at the rate of threepence on bets not exceeding £1 and sixpence on bets of more than £1. The estimated return on this tax for a full year is £264,000, of which the sum of approximately £199,000 would be payable to clubs and the balance of £65,000 to Consolidated Revenue.

I have already outlined the benefits which would accrue to clubs under the proposed method of distribution and have given reasons why it is considered that a tax of this nature is justified. As this is purely a machinery measure, I move—

That the Bill be now read a second time.

On motion by Mr. Tonkin, debate adjourned.

## STAMP ACT AMENDMENT BILL (No. 2)

### *Second Reading*

MR. BRAND (Greenough—Treasurer) [11.5] in moving the second reading said: The purpose of this amending Bill is to increase the present rate of duty on betting tickets so as to require off-course bookmakers to pay duty of 1½d. where the consideration for the bet does not exceed £1; and 3d. where that consideration exceeds £1. The present duty is 1d. on all bets irrespective of the amount of the bet.

An alternative to the proposed increase in stamp duty would be the imposition of a more severe scale of tax on bookmakers' off-course turnover than is now contemplated. After giving the matter a great deal of consideration, the Government came to the conclusion that the best course would be to limit the turnover tax to the rates set out in the Bookmakers

Betting Tax Act Amendment Bill and to increase the present duty payable on betting tickets. Additional revenue for a full year of operation is estimated at £54,000, which will be paid to Consolidated Revenue.

That is the total of these associated new measures. We are hopeful that in the event of their becoming law, not only will the Treasury benefit but also the racing and trotting clubs in the metropolitan area, and throughout the State will fare as they have in other States where they receive their fair share of the taxes imposed on the industry; and that they will be able to maintain their attractiveness and secure the patronage of the people who in the past have supported them. I move—

That the Bill be now read a second time.

On motion by Mr. Tonkin, debate adjourned.

*House adjourned at 11.7 p.m.*

## Legislative Council

Tuesday, the 10th November, 1959

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

**QUESTION WITHOUT NOTICE****NARROWS BRIDGE OPENING***Invitations to Members of the Legislative Council*

The Hon. F. R. H. LAVERY asked the Minister for Mines:

In view of the fact that I have received an invitation to the opening of the Narrows Bridge next Friday, when can it be expected that all other members of the Legislative Council will receive their invitations?

The Hon. A. F. GRIFFITH replied:

Until this moment I was unaware that the honourable member had received an invitation. I understand that the arrangements for despatching invitations under the name of the Minister for Works were made by Mr. Digby Leach, the Commissioner of Main Roads. A limited amount of space was available; and at the request of Mr. Wild, the Commissioner of Main Roads obtained more seats. In order that members of Parliament should have an opportunity to attend, if they wanted to, I believe it was arranged that they should place their names on a list which was attached to the notice board outside the door of each House. By the obtaining of more seats, I believe there will be accommodation for at least 40 members and their wives.

**QUESTION ON NOTICE****CHILDREN ALONE IN CARS***Action to Prevent*

The Hon. E. M. DAVIES asked the Minister for Local Government:

In view of the report in today's *The West Australian* of two children sleeping in a car stolen from Carnamah, and the frequency of reports of children being left in cars unattended in streets adjacent to places of amusement, hotels, and beer gardens, exposing them to risk of injury or death by collision and fire, will the Minister examine the law with a view to having this practice stopped?

The Hon. L. A. LOGAN replied:

Apart from the provisions of the Child Welfare Act relating to neglected children, the practice complained of is not prohibited under existing law. It would be a difficult matter to legislate for, and even more difficult still to substantiate that in many of such circumstances children are in fact being

neglected or are exposed to the risks referred to. This matter will be further investigated. If any bad cases are brought before the notice of the authorities it is possible to charge the children as being neglected; and if the case is proved, the parents are liable to prosecution under section 137 of the Child Welfare Act. So there is some safeguard to ensure that parents do, to a certain extent, make sure that they do not neglect their children.

**LICENSING ACT AMENDMENT  
BILL***First Reading*

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

**TRAFFIC ACT AMENDMENT  
BILL (No. 3)***Recommittal*

On motion by the Hon. R. Thompson, Bill recommitted for the further consideration of clause 8.

*In Committee*

The Chairman of Committees (the Hon. W. R. Hall) in the Chair; the Hon. L. A. Logan (Minister for Local Government) in charge of the Bill.

**Clause 8—Third Schedule amended:**

The Hon. R. THOMPSON: I move an amendment—

Page 9—Add a new subclause to stand as subclause (2) as follows:—

(2) The above increases in paragraphs (a) and (b) shall not be operative against persons on fixed incomes of less than seventy-five per centum of the basic wage.

My purpose in moving the amendment is to help those people who are on fixed incomes. Members throughout the debate have expressed concern at the plight these people will be in if the Bill is passed. Mr. Lavery has said that there are 16,000 such persons who would suffer from the imposition of increased license fees; and I hope members will be sincere in regard to this matter, because they have already expressed their concern.

*Point of Order*

The Hon. L. A. LOGAN: I ask whether this amendment is in order, Mr. Chairman. When the Bill becomes an Act the clause will have the effect of altering the figures six and five in relation to the power-weight rating of motor cars and utilities. There is no reference to persons on fixed incomes, and I think the amendment would make the whole thing out of order.

The Hon. H. K. Watson: It would be unintelligible.

The Hon. G. C. MacKinnon: That is a different matter to its being out of order.

The CHAIRMAN: The honourable member will have to give effect to his desires by the introduction of another Bill to amend the Act. It does not appear to me that his amendment is in order in this instance.

The Hon. R. THOMPSON: I cannot see how you can rule it out of order, Mr. Chairman; because we are dealing with increases to license fees. All this amendment does is to give protection to a certain section of the community. On your ruling it would mean that another amending Bill could not be brought forward this session; and it would seem that a red herring is being dragged purposely across the trail to stop the amendment I have moved becoming a part of the Act.

The CHAIRMAN: The honourable member is at liberty to take action to disagree with my ruling if he desires.

The Hon. F. J. S. WISE: I would just like to ask a question, Mr. Chairman. Would this amendment be in order if it were submitted as a new clause rather than as a subclause to this clause?

The CHAIRMAN: The Bill cannot be recommitted without notice.

The Hon. F. J. S. WISE: My question really is whether the effect or essence of the proposed subclause as moved would be in order if it were submitted as a new clause. If it would, the Bill could be moved to be recommitted with a view to moving a new clause.

The CHAIRMAN: I cannot accept the new clause unless I am given an opportunity to see it.

The Hon. J. M. A. Cunningham: Mr. Thompson took this action on the advice of the Committee.

#### *Dissent from Chairman's Ruling*

The Hon. R. THOMPSON: I must dissent from your ruling.

#### *[The President resumed the Chair.]*

The CHAIRMAN OF COMMITTEES: Mr. Thompson has, Mr. President, disagreed with my ruling that his amendment is out of order.

The Hon. R. THOMPSON: I submitted my amendment last Thursday, admittedly in a hasty fashion, and I then acted on a direction given me by the Chairman of Committees as to the correct line that I should adopt in this matter.

The Hon. G. C. MacKINNON: Mr. President, Standing Order No. 255 says that the objection must be stated in writing, and I do not think that has been done.

The PRESIDENT: The Clerk informs me it has been done.

The Hon. R. THOMPSON: I am acting on the direction given me by the Chairman of Committees at a previous stage of this Bill. I have fulfilled the course of action he suggested and now I find that it is ruled out of order.

#### *President's Ruling*

The PRESIDENT: I must agree with the ruling given by the Chairman of Committees. I refer members to paragraphs (a) and (b) of clause 8 and point out that the amendment moved by Mr. Thompson states that the increases in paragraphs (a) and (b) shall not be operative against persons on fixed income of less than 75 per cent. of the basic wage. I cannot see how that will apply. The honourable member will have to draft an amendment to the principal Act.

#### *Debate Resumed*

The Hon. A. F. GRIFFITH: I suggest, Mr. President, that if you have given a ruling there can be no further debate on your ruling.

The PRESIDENT: Clause 8 of the Bill has no reference to this amendment. I would be very pleased if Mr. Thompson could connect it.

The Hon. R. THOMPSON: It is quite obvious what is meant by the amendment, and I cannot see why exception should be taken to it.

The Hon. A. F. GRIFFITH: Mr. President, would you be good enough to let me know what the House is dealing with? I understand the Chairman of Committees has ruled the amendment out of order, and that you have upheld his ruling. If that is so, there should be no more debate on your ruling.

The PRESIDENT: For the information of members I will quote Standing Order No. 405 which states—

If any objection be taken to the ruling or decision of the President, such objection shall be taken at once, and in writing, and Motion made, which, if seconded, shall be proposed to the Council, and Debate thereon forthwith adjourned to the next sitting day, unless the matter requires immediate determination.

The Hon. R. THOMPSON: With your permission, Mr. President, I will withdraw my amendment as it appears on the notice paper with a view to redrafting it and presenting it at the next sitting of the House. That will mean an adjournment of the debate for the purpose of redrafting the clause.

The PRESIDENT: If the Minister is agreeable, I will put it to the House.

The Hon. L. A. LOGAN: I have not gone into the ramifications of this amendment. I asked for a ruling and the Chairman ruled it out of order. You, Sir, upheld that ruling.

The PRESIDENT: If Mr. Thompson wishes to give effect to his amendment he had better introduce a new Bill. The question is that the Bill be now read a third time. Mr. Strickland may proceed.

#### *Point of Order*

The Hon. H. K. WATSON: It is clear that Standing Order No. 255 has no bearing on your last action, Sir, in calling on the Leader of the Opposition. The Standing Order contains this provision—

The matter having been reported to the President, and Members having addressed themselves thereto the President shall give his ruling or decision, and, if the President's ruling or decision be not challenged, the proceedings in Committee shall be resumed where they were interrupted.

The PRESIDENT: We have reached the third reading of the Bill.

The Hon. H. K. WATSON: We came out of Committee for a point of order. I raise the point of order as to whether we should go back to the Committee again.

The PRESIDENT: I do not know whether Mr. Watson understands the position from my angle. When this Bill was referred to me by the Chairman of Committees I gave a ruling that I upheld his decision. Mr. Watson wants the Bill to go back into Committee.

The Hon. H. K. WATSON: The House resolved that the Bill be referred to the Committee for further consideration of clause 8.

The PRESIDENT: I have ruled that out of order.

The Hon. H. K. WATSON: The question of order arose in connection with one aspect of clause 8. It may well be that there are some other aspects of clause 8 which need consideration. I feel that unless the Chairman of Committees finally puts the question that clause 8 stand as printed, clause 8 will be in a state of abeyance. I submit that opinion with respect.

The PRESIDENT: We will resume again in Committee.

#### *Committee Resumed*

[*The Chairman of Committees (the Hon. W. R. Hall) in the Chair.*]

The Hon. H. C. STRICKLAND: It is quite obvious that Mr. Thompson evidently did not consult the Parliamentary Draftsman in connection with his amendment. As he is a new member, I suggest that because he is trying to do something

for a worthy cause, the Minister should report progress until tomorrow to enable a suitable amendment to be drafted.

The Hon. A. F. GRIFFITH: I remind members of what really happened last Thursday afternoon in connection with this matter. Mr. Thompson wrote on a piece of paper an amendment in regard to clause 8.

The CHAIRMAN: There is no motion before the Chair. However, the Minister may proceed.

The Hon. A. F. GRIFFITH: There were rumblings amongst members who said, "Why not give us notice that you are going to move this amendment?" You, Mr. Chairman, told the honourable member at the time that you could not accept the piece of paper containing those words as an amendment to clause 8; and that you thought the amendment should be submitted as a new clause. Today we find the honourable member attempting to move an amendment to clause 8. It is quite unnecessary to ask for consideration to be given, because the amendment is not submitted as a new clause. I repeat that you, Mr. Chairman, advised the honourable member that the amendment should be in the form of a new clause and not an addition to clause 8.

The Hon. R. THOMPSON: The Minister could not have been further away from the truth.

The Hon. A. F. Griffith: I beg your pardon.

The Hon. R. THOMPSON: I did make a mistake, and I admit to it.

The Hon. H. K. Watson: Two mistakes.

The Hon. R. THOMPSON: Your ruling, Mr. Chairman, was that this Bill should be recommitted, and that I could not at the previous stage move an amendment to clause 8. Your ruling was that clause 8 could be recommitted.

The CHAIRMAN: For the information of the honourable member I might say that whilst the amendment was not acceptable to me on Thursday evening, that does not mean that when an amendment comes along today I have to say it is in order. I am guided by Standing Orders. I considered that the honourable member's amendment was not quite in order. I think the amendment could go into the clause, but not in the way the honourable member desires it.

**Clause put and a division called for.**

#### *Point of Order*

The CHAIRMAN: A division is not in order. We have already had a division on clause 8. There was a division on Thursday night.

The Hon. H. C. Strickland: The clause has been recommitted.

The CHAIRMAN: Yes; but the question has already been decided.

*Committee Resumed*

The Hon. H. C. STRICKLAND: I must repeat my request to the Minister as the Committee seems to be confused on this issue. I ask the Minister to report progress to see whether it is possible for the honourable member to frame an amendment within clause 8.

The Hon. L. A. LOGAN: This amendment is impracticable from the point of view of any local authority.

The CHAIRMAN: I am afraid I cannot allow any further discussion.

The Hon. L. A. LOGAN: I am trying to give the reason why it is not worth while carrying on with the debate.

The CHAIRMAN: As the Committee proceedings are practically finalised, the Bill can be debated on the third reading.

**Clause put and passed.**

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

*Third Reading*

**THE HON. L. A. LOGAN** (Midland-Minister for Local Government) [5.10]: I move—

That the Bill be now read a third time.

**THE HON. F. R. H. LAVERY** (West) [5.11]: I am surprised, having been in this House for eight years, that a Bill to increase motorcar licenses and individual drivers' license fees should be agreed to without some comment, either for or against, by all members of this Chamber. As a final protest, I intend to speak on that point.

I protest against the passing of this Bill because the imposition of an increased fee for a driver's license will be placed on people at the same time as the imposition of increased motor-vehicle license fees. I am very upset that the Minister did not report progress after being respectfully requested to do so to enable an inexperienced member to correct a mistake. As far as I am concerned, I will talk for the next hour, should I so desire, in order to criticise the Government in no uncertain manner.

It is not necessary to have this increase in fees this year, as was so ably pointed out by Mr. Wise when, on Thursday last, he referred to the report of the Grants Commission. This increase will hit the pockets of people who are on pensions, and of others on fixed incomes. Many times in this House we have attempted to relieve the disabilities experienced by the fixed-income group of people who are drawing superannuation allowances. However, because we have not been successful, there is no reason why we should

take 10s. away from them. It is not the 10s. that matters so much; it is the principle.

I refuse to allow this Bill to pass the third reading without making a final protest for and on behalf of those people, who put me here. Over the weekend, and since I last spoke on this Bill, people have not only phoned and talked about this matter, but have called at my home; and I would be lacking in my duty if I did not raise a final protest. I challenge the members on the opposite side of the House, who blithely voted for this measure without having anything to say about it! I appreciated the speech of Mr. Jones in which he stated why he intended to vote for the measure while, at the same time, he gave reasons why he did not consider these taxes should be imposed at the present time. I appreciate that; but when members on the Government side will not say anything, either for or against the measure, I think it is about time that people outside Parliament should know the position. I therefore register my protest.

**THE HON. R. F. HUTCHISON** (Suburban) [5.16]: I wish to add my protest, Mr. President, in view of what is being done; because anyone listening to the debate would know that an honest mistake was made by a member of this Chamber. This increase in the license fee is an imposition. To my personal knowledge, the protest about the raising of the driver's license fee is very real. It is bad enough to have motor-vehicle license fees raised considerably, without this added impost which will cause hardship to many small businessmen, as well as to pensioners and others.

If there are three drivers in the one family—as is often the case—it will now cost them £3 to renew their drivers' licenses. The Government is not even being honest with the people. It is pretending, having been written up in the Press, that it is affording the people relief on the one hand, while it is savagely imposing taxes on the other. It is not many years ago that the license fees were raised for a specific purpose, and the people accepted the increase, believing that they would not be further imposed on. To double the existing fee for these licenses is a shameful thing.

It is about time that the present Government stopped this kind of heavy-handed business; because there is a real protest by the rank and file of the ordinary people who are struggling to keep their cars on the road so that the breadwinners may get to and from work. Transport in the metropolitan area is a real problem for many people; especially since the Government has caused so much unemployment. Many people have been sacked from Government jobs and now have to go considerable distances, either to other jobs or in an endeavour to find employment. For these reasons I wish to add my protest against what has

been done; and especially in view of the way in which this matter has been handled this afternoon. It would not have hurt the Minister at all to report progress, so as to give an opportunity to see whether the right thing could be done.

**THE HON. A. R. JONES** (Midland) [5.20]: I take this opportunity of speaking in an endeavour to see whether the two Ministers in this Chamber can work out some means whereby Mr. Thompson can give effect to his honest intention of having an amendment debated. He was wrongly informed the other evening; and I feel that another opportunity should be given him at least to place his amendment before members. I do not say that I would favour that amendment; but I think the opportunity should be given him of moving it.

I will not at this stage say anything further than I said previously with regard to this legislation; namely, that I disagree with it in principle and disagree with the reasons for its coming here. Again I suggest that the honourable member should be given an opportunity of having the Bill recommitted for the purpose of moving that a new clause be added to attain his objective.

On motion by the Hon. F. J. S. Wise, debate adjourned.

## HOUSING LOAN GUARANTEE ACT AMENDMENT BILL

### *Second Reading*

Debate resumed from the 5th November.

**THE HON. W. F. WILLESEE** (North) [5.22]: As explained by the Minister, Mr. President, this is a brief Bill the purpose of which is to remove any possible doubts that might exist in regard to the intention of the previous Minister when the Act was amended in 1958. It merely ensures that where a lending organisation is guaranteed by the Government, there will be an additional charge of one-quarter per cent., and not one-half per cent. as would be a possibility under a decision of the Crown Law Department. I support the Bill.

Question put and passed.

Bill read a second time.

### *In Committee*

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

## METROPOLITAN REGION TOWN PLANNING SCHEME BILL

### *Second Reading*

Debate resumed from the 4th November.

**THE HON. R. C. MATTISKE** (Metropolitan) [5.25]: I rise to support the Bill, Mr. President, and in doing so would like to express my appreciation of the fact that at last some action is being taken so that those persons who had blocks of land frozen, as it were, for quite a long time, can now see daylight as to some possible improvement in the position. In the past, as we know, in many instances people purchased land on which to build residences; but because of the town planning scheme they were debarred from either building or selling the land, with the result that their money has been tied up and they have not been able either to build or sell.

There are two or three matters upon which I wish to comment, and the first concerns the authority which is to control the planning. I notice that included in the authority, there is to be a chairman, appointed by the Governor, and five members, appointed by the Governor, as well as four members representing local government. It is with the local government representatives that I wish now to deal. Dr. Hislop, when speaking to the debate, said he was in favour of a representative of the Perth Road Board being included in the authority as a direct representative.

While I agree that the Perth Road Board is a large authority, and one that is vitally concerned with this measure, I cannot see eye to eye with Dr. Hislop, who feels that it should have direct representation. Under the Bill as it stands there will be four members, each representing one of the groups of local authorities set out in the schedule to the Bill. In that schedule it states that group B includes the council of the municipalities of Claremont, Cottesloe, Nedlands, and Subiaco, and the boards of the road districts of Mosman Park, Perth, Peppermint Grove, and Wanneroo.

The Perth Road Board is vitally concerned in this matter, and as it is included in group B, from which a panel of three names will be submitted to the Minister in accordance with subclause (3) of clause 23, I feel that those boards, when submitting that panel of three names, will surely include the name of a representative of the Perth Road Board. Having that panel of three names, including that of a representative of the Perth Road Board, it is quite competent for the Minister to appoint that representative to represent the whole of group B.

If, as has been stated, the Perth Road Board is of such importance, I think every consideration will be given by the other authorities in group B and by the Minister to having the Perth road district represented through this channel. I feel, therefore, that there is ample opportunity for them in that regard and that, by including another representative of the local authorities, we would be starting to make the whole authority far too unwieldy.

Representations have already been made to me by other organisations, asking me to submit their claims for inclusion on the authority; but I feel that the cases they have put forward do not warrant such representation.

Every time a measure which seeks to appoint a composite body is brought before this House, there are numerous requests from interested parties seeking representation upon it; and, in most instances, it is impossible for us to accede to them. In this instance I believe that although the Perth Road Board has strong claims, there are other provisions in the Bill which will enable it to be represented.

Mr. Watson said that he felt there should be appointed to this authority representatives of industry and commerce. I agree with his thoughts, and suggest that the appropriate body that should be represented is the Real Estate Institute, the members of which are qualified in real estate work and are thoroughly conversant with the whole of the Stephenson Plan. Further, they are independent, as it were, in their reasoning on whether certain individuals should have rights under the plan.

By this means we could get an independent and competent authority which might well represent the interests referred to by Mr. Watson. Here again, however, I think there are ways and means by which those interests could be represented on the authority without increasing its size. The five members—each one of whom is to be appointed by the Governor—do not have their specific offices mentioned. For example, the Bill does not state that there shall be appointed to the authority the Surveyor-General, or any other person holding high office in the civil service. Here is an opportunity for the Minister to nominate a member to represent the interests of the industrial world. I offer to the Minister for serious consideration the suggestion that among the five persons to be appointed to the authority, there shall be someone of the type I have suggested.

I thoroughly agree with the provision which is designed to control the expenditure to be made by the authority. It is a wise move to ensure that all payments exceeding £5,000 shall be made only with the approval of the Minister. The Minister, by means of this provision, will be able to keep a close watch on the authority's expenditure; and as the State will be involved in a great deal of expense by virtue of this legislation—if it is proclaimed—it is essential that the Minister should have his finger on the pulse so far as finance is concerned.

In mentioning finance, I do not agree with the proposal to tax ratepayers in the metropolitan area. The principle is entirely wrong. In this regard I have had

many representations made to me, one of which was from the Tuart Hill Ratepayers' Protection Association (Incorporated). The letter from this association is typical of the many I have received, and it reads as follows:—

The Committee of this Association have asked me to write informing you of the contents of a resolution passed at their meeting on 1st November. It reads as follows:—

The Ratepayers' Protection Association request the support of all members of the Metropolitan Province of the Legislative Council in making known our grave concern regarding the effect of levying proposed additional land tax on the ratepayers of the metropolitan area, as their rating already embraces the cost of extensive town planning schemes. In view of this we consider this tax unreasonable and unjust because it falls on one section, and feel if rating is necessary for the Regional Town Planning Board it should be State-wide.

During his second reading speech, the Minister—in answer to an interjection—said that he did not know what this scheme was going to cost. This means that if the Bill, as printed, is agreed to, in effect we will be signing a blank cheque. Although the limit of the tax is fixed at one halfpenny in the £ by another Bill which is to follow this one, under this measure there is no limit. It would be quite competent, therefore, for Parliament next year, or at some other time in the future, to amend the taxing measure, and so the tax could creep up and up.

The Hon. L. A. Logan: Only by the approval of Parliament.

The Hon. R. C. MATTISKE: Yes; but we have seen that happen with the land tax and with many other taxes. The pattern has been that once a tax is introduced it continues to be increased so that it becomes a considerable burden on the individuals who have to shoulder it. Therefore, if we permit to remain in this legislation a provision that the scheme be funded from a tax to be levied on the ratepayers of the metropolitan area, we will, in effect, be asking them to sign a blank cheque for the imposition of increased amounts in the future because, as the Minister has said, the cost of the scheme cannot be determined. Of course, we fully realise that. There are all sorts of difficulties that may arise in the future which cannot be determined at present.

The Minister has told us that in Sydney the Cumberland County Council already has compensation claims for £400,000,000 as a result of implementing its town planning scheme. Although the land to be resumed under the Stephenson Plan is not

expected to involve Western Australia in compensation of that order, at the same time the figure will be fairly considerable. For example, I point to the rail loop that is proposed from West Subiaco to North Beach, then travelling east to return to the city. That scheme alone would involve large-scale resumption and could be a costly business. Other resumptions necessary to implement the plan could also run into a considerable amount of money.

I appreciate, therefore, the Minister's admission that he cannot tell us what the scheme is going to cost; but, at the same time, we must realise that it will be an extremely sizable sum. It is extremely unjust, to say the least of it, to expect the ratepayers of the metropolitan area to bear the whole of this cost. It might be said that those residing in the metropolitan area will enjoy the advantages resulting from the implementation of the scheme. But will they? Of course they will not! A least 90 per cent. of the people will not have any improvements made to their properties, either directly or indirectly, and many will not even know that there is a town planning scheme in progress. Despite this they will be taxed for many years to come; and I venture to say that the rate of tax will increase as the years go by.

If this scheme is to be put in train—and I think it should, as quickly as possible—the cost should be shared by all the people in the State. Recently, we have had many instances of the people who live in the metropolitan area being asked to pay more than their just share of the State's administration. Even a measure to make uniform payments for water outside the metropolitan area was turned down. Recently, the Country Areas Water Supply Act Amendment Bill was rejected although the measure was designed to equalise the water rates paid by those people who are consumers of water in the country districts; and it was a Bill which was designed to produce about £36,000 a year in revenue.

It is interesting to note what the country water supplies are costing us. In 1954-55, they cost the State, as a whole, £555,000. That figure crept up to £1,327,000 in 1958-59. It is a colossal burden on the people as a whole; and yet certain country members are not prepared to agree to the equalising of the rates paid by those receiving the water, although the adjustment would mean a total increase of only £36,000.

On the other hand, the metropolitan water supply, sewerage and drainage scheme showed a profit of £86,000 in 1954-55; £100,000 in 1955-56; £44,000 in 1956-57; £45,000 in 1957-58, and a loss of £23,000 in 1958-59.

The Hon. G. Bennetts: Are we discussing the water Bill now?

The Hon. R. C. MATTISKE: Too much accent is being placed on the need for the person living in the metropolitan area to pay certain charges to cover the great expenditure that is made by the State in country areas and then, in this measure, to bear the whole burden of the cost of financing the capital city's town planning scheme. In fact, the person residing in the metropolitan area is paying more than his just share of what should be over-all State expenditure in many other avenues. I will quote figures showing how the losses on our railway system have continued to mount.

The loss of £3,800,000 in 1954-55 crept up to £5,000,000 in 1958-59. I fully realise that there are heavy losses on the metropolitan railway system, but by far the bulk of the total loss is incurred on the country lines.

The Hon. G. E. Jeffery: At least 80 per cent.

The Hon. R. C. MATTISKE: That is another avenue in which the metropolitan dweller is heavily subsidising the country dweller. I can quote also the irrigation schemes that have been implemented in the country areas of this State. They have been financed by funds made available by the State, and the capital and the interest charges are borne by all the people. The net result of the land being irrigated is that whereas previously it was worth only shillings an acre, it is now worth many pounds an acre. There are other instances of rates being struck to be borne by all residents of Western Australia.

Throughout the State we have a very good road system whereby, because of the use of motorised transport, distances are considerably reduced. As a result properties have gone up very much in value. The burden of paying for the construction of those roads has been borne by the State as a whole.

Once it was said that certain concessions were due to the people living in the country because of the hardships with which they had to contend. I am not denying that. You, Mr. President, have said during my short time in this House that you went out into the country and worked the hard way in developing land many miles from Perth. I do appreciate the efforts that were put in by you and by many other pioneers. I realise it is not easy to go out into some of the outback areas and live under primitive conditions, with no such amenities as roads, fast transport, refrigeration, or radios, such as we have today. I fully appreciate that point of view. The assistance which has been given in the past to encourage people, to go out into the country was very well deserved; I do agree that the people who went into the country were deserving of every assistance.

Today, however, conditions are changing somewhat. I venture to say that a person living in a country district now is better off than a person living in the metropolitan area.

The Hon. G. Bennetts: Why?

The Hon. R. C. MATTISKE: The people in the country are provided with very good amenities. They have refrigeration; in many cases they have television; and they certainly have radios. In the very outback areas they have pedal radios with which to maintain contact with the outside world; and they have the Flying Doctor Service and many other amenities to make life in the country more bearable. I am not denying that they should be given those amenities. I say they are entitled to all they can get in this direction. But let them not say that they are now suffering far greater hardships than anyone living in the metropolitan area.

Recently in the Press, a report appeared relating to a fortunate individual in poor circumstances who won a large prize in a sweep. He could not afford to live in the metropolitan area, and he shifted out to the country because living was cheaper there. The fact is that living in the metropolitan area today is expensive. Many of the people who live in country districts have a distinct advantage in that regard.

The Hon. L. A. Logan: Yet people will not leave the metropolitan area to go out into the country.

The Hon. R. C. MATTISKE: In that regard, I must point out that many persons who own large properties in country districts live in the metropolitan area.

The Hon. L. A. Logan: Why?

The PRESIDENT: The honourable member should be permitted to make his speech without interruption.

The Hon. G. Bennetts: The honourable member should take a trip to Marble Bar and see the conditions there.

The Hon. R. C. MATTISKE: I am not blaming the people in the country areas for having received such advantages. I am in favour of their having them, but I do say that we should examine the burden that has to be borne by the metropolitan dweller. Of all the rates and taxes which have a State-wide application, the metropolitan area, which embraces by far the bulk of the population of the State, has to bear more than its just share. Therefore, the cost of financing the proposal in a measure of this nature, which is designed to improve the capital area of the State, should also be borne by the State as a whole. I certainly will oppose that provision.

The Minister, when he was speaking, in reply to an interjection as to where the State Government would get the finance if it did not receive it through the raising of this tax, asked where it would get the money from. I can suggest one very good

source. I notice from the 1958 report of the State Housing Commission that on the 30th June, 1957, the Commission owned vacant land and had made payments on land development totalling £1,154,186; and on the 30th June, 1958, the figure had risen to £1,428,582, or an increase of £274,396 over the 12 months. That is double the annual amount which the Government expects to derive from the tax of one halfpenny in the £ from city dwellers under this Bill.

The land valued at £1,428,000 at the 30th June, 1958, is based on the cost. I have plenty of knowledge of the prices at which the previous Government resumed land from people in the metropolitan area. It is staggering to note that much of that land was resumed for as low as £10 to £20 for a quarter-acre block. It may also interest members to know that in certain cases land resumed at those low figures has been sold for thousands of pounds for a quarter-acre block. Therefore the figure of £1,428,000, representing vacant land held by the Commission at the present time, may well be multiplied many times to obtain the true position.

It was stated freely in the past, particularly by Mr. Graham as Minister for Housing, that the housing problem in this State had been solved. I agree with that statement. One need only to look at the newspaper from day to day to see the number of houses advertised for sale at reasonable prices. Is there any need, therefore, to retain this large amount of land? Could not the Government divest itself of a considerable amount of this land, which was acquired for the purpose of developing the metropolitan area? To what better use could it be put than to develop the whole metropolitan area, as is provided in this Bill?

I strongly urge the Minister to examine this aspect, because I feel sure that the amount of land held by the State Housing Commission at present is many times in excess of what might be necessary for the building of war service homes, or for other urgent home-building requirements. Other than those few aspects, I agree with the Bill as a whole. I hope the Minister will give careful consideration to the points I have raised, so that he may give me some information when he replies to the debate.

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

## METROPOLITAN REGION IMPROVEMENT TAX BILL

### *Second Reading*

Debate resumed from the 4th November.

**THE HON. R. C. MATTISKE** (Metropolitan) [5.54]: I think I have given, in sufficient and full detail, my reasons for

opposing this measure. I feel it is quite unjust to burden the ratepayers of the metropolitan area in the manner proposed. I therefore am going to oppose the second reading of the Bill.

**THE HON. L. C. DIVER** (Central) [5.55]: In addressing myself to the Metropolitan Region Improvement Tax Bill, I shall couple my remarks with the previous measure appearing on the notice paper, in order to save time, if I have your consent, Sir. I notice that you, Mr. President, have been tolerant in allowing the amalgamation of both measures during the second reading debate.

In order to obtain a dispassionate approach to certain aspects of this tax, and to obtain the reasons behind the suggestion that a regional tax be struck, it may enlighten members if I read extracts from the Plan for the Metropolitan Region Perth and Fremantle, 1955, Report. As members are aware the author of this report was Professor Stephenson. On page 245, under Compensation and Betterment, he said—

It is now well known that the potential payment of compensation has been one of the major obstacles to constructive planning.

Planning authorities have undoubtedly been intimidated in the past by the prospect of having to pay large sums of money to implement proposals which appear relatively simple in the scheme, and the difficulty is magnified when the proposals concern an already highly developed area such as a large city. As a result plans have tended to be negative in character.

It is not the purpose of this Chapter to discuss at length the very important question of compensation and betterment. It was thoroughly examined by an expert committee in England in 1942 and, as a result of its recommendations, the Town and Country Planning Act, 1947, produced a most revolutionary answer to the problem, involving the acquisition by the State of development values in land.

This involved a very large capital outlay at the beginning, but removed the difficulty of potentially large compensation payments in the future, and freed the planning authorities from their biggest deterrent to constructive planning. In effect the scheme proved unacceptable, the general acquisition of development rights did not take place, and the Act has now been modified to provide very generally for proven compensation claims on the basis of the original claim on the capital sum.

Compensation falls broadly into two categories:—

- (a) Payment for complete surrender of land (including buildings if any) to a planning authority.
- (b) Payment where the land is not surrendered but remains the property of the owner but where limitation is imposed on the rights of use of the land. This is often known as compensation for injurious affection.

Compensation under category (a) is relatively straightforward and while the basis on which compensation is finally paid may provoke argument, this is a matter for decision by the legislature.

Compensation under category (b) is much more complex and involves consideration of how far a public authority is entitled to restrict the rights of the individual in the public interest, without compensation.

The Uthwatt Committee examined this point and stated:—

"For the last hundred years owners of property have been compelled to an increasing extent, without compensation, to comply with certain requirements regarding their property such, for example, as maintaining or improving its sanitary equipment, observing certain standards of construction, providing adequate air space around buildings and streets of sufficient width. The underlying reason for such provision is, obviously, that compliance with certain requirements is essential to the interests of the community and that accordingly the private owner should be compelled to comply with them even at cost to himself. All the restrictions, whether carrying a right to compensation or not, are imposed in the public interest, and the essence of the compensation problem as regards the imposition of restrictions appears to be this— at what point does the public interest become such that a private individual ought to be called on to comply, at his own cost, with a restriction or requirements designed to secure that public interest? The history of the imposition of obligations without compensation has been to push that point progressively further on and to add the list of requirements considered to be essential to the well-being of the community. It is unnecessary to trace this progress in detail; it may, however, be remarked that the view of the

Legislature on these essential requirements for the well-being of the community has passed beyond the field of safety to that of convenience and amenity . . . ."

Following this the Committee proposed five points:

- (1) Ownership of land does not carry with it an unqualified right of user.
- (2) Therefore restrictions based on the duties of neighbourliness may be imposed without involving the conception that the landowner is being deprived of any property or interest.
- (3) Therefore such restrictions can be imposed without liability to pay compensation.
- (4) But the point may be reached when the restrictions imposed extend beyond the obligations of neighbourliness.
- (5) At this stage the restrictions become equivalent to an expropriation of a property right or interest and therefore (it will be claimed) should carry a right of compensation as such.

Betterment is the enhancing of the value of land or property occasioned by local improvements for which the owner of the land or property was not responsible. In theory, if the enhanced value due to improvements from a planning scheme is paid to a planning authority, this should balance the compensation paid by the authority for the decrease in value of other lands due to the limitations of use imposed by a planning scheme.

In practice, betterment, although provided for in most planning legislation is difficult to assess and collect, and no really effective scheme has been devised for doing so.

The Uthwatt Committee, while unhesitatingly accepting the principle of betterment as being a fair one, were convinced that it was impracticable to segregate betterment particularly ascribable to planning from that which was not, and that an alternative solution must be found. The Committee pointed to the three ways by which betterment could be recovered.

- (a) By a direct charge on the owner of the property bettered. The amount of the charge may not be the whole of the increase in value but may be 75 per cent. of it (or 50 per cent., as in the Town Planning and Development Act in Western Australia) in order to leave some incentive to the developer.

The PRESIDENT: I think the honourable member should confine his remarks to this Bill, which deals with the tax.

The Hon. L. C. DIVER: What I am saying is a preamble to the tax angle. My remarks are essential because they lead up to the taxing Bill. However, if it is your ruling, Sir, that I cannot continue, it makes no difference to me.

The PRESIDENT: If the honourable member is not going to repeat all this later, I will allow him to proceed.

The Hon. L. C. DIVER: I can assure you, Sir, that I will be glad to get through with these extracts. Have I your permission to proceed?

The PRESIDENT: Yes; if the honourable member is going to connect his remarks up with the Bill.

The Hon. L. C. DIVER: That is my intention, Sir. To continue—

- (b) By set-off of betterment against compensation payable to an owner in respect of other of his lands acquired or injuriously affected.
- (c) By recoupment, e.g., by the purchase of land by the authority and its resale at the enhanced value.

In practice methods (b) and (c) can be adopted with varying success but there seem very few cases of method (a) having been successful. The difficulty here appears to be in defining the extent to which property has in fact been enhanced in value, and to what factor the enhancement can be attributed. In any case, there are a number of other intangible factors such as expenditure by owners of adjoining lands, general growth of the city in terms of population, roads and service, improved transport facilities, which cannot be assessed under any set of rules, but which nevertheless have their effect on values.

The Town and Country Planning Act, 1947, in the United Kingdom provided a much more tangible arrangement whereby an owner, who developed or improved his property, paid to the State a development charge, representing the increase in value due to the development. This was claimed by many to be a deterrent to property development and improvement and, as has already been mentioned, the Act has been amended in this respect.

The Uthwatt Committee finally reached the conclusion that:—

"no *ad hoc* search for 'betterment' in its present strict sense can ever succeed, and that the only way of solving the problem is to cut the Gordian knot by taking for the community some fixed

proportion of the whole of any increase in site values without any attempt at precise analysis of the causes to which it may be due."

(ii) Compensation and Betterment in Western Australia.

The present Town Planning and Development Act provides very generally for the payment of compensation to the owners of land or property which is injuriously affected by the making of a town planning scheme. This is very wide in scope and could presumably cover any of the provisions of a town planning scheme from zoning to street widening.

However, the Act also goes on to provide, again in a very general sense, that compensation shall not be payable in respect of a number of detailed provisions of a scheme which relate to defining the space about a building.

I do not want to weary the House by continuing to read from this report, but I would like to conclude by quoting the following passage:—

As mentioned in Section C (ii) of this Part, the betterment of land resulting from development proposals in the Plan, and indeed from the general growth of the City, and which is automatically reflected in any increased values, results in the payment of a higher rate or tax.

It is unlikely that the annual revenue raised by this method will provide an adequate capital sum to meet early requirements. Accordingly, it would be necessary to have the power to borrow money, using the tax revenue for repayment of capital and interest.

Additional tax proposals are always received with disfavour, but it should be remembered that any moneys obtained by this method, and used for the purchase and reservation of land for future requirements, will in fact save the State, and indirectly the public, very much greater expenditure at a later stage.

In that report we have an independent opinion divorced from our local politics. The writer states that it is necessary to charge this tax. In another part of this report he also says that the tax should be raised in respect to the land within the planned region because that is the area that is going to benefit from such development.

It has been said that this tax should be State-wide. I am surprised at the sources from which this statement has come. Why should the outer areas be taxed for the development of the metropolitan area? Why should the people on the Goldfields have to pay for the development of the metropolitan area? After all, if the Goldfields had been allowed to develop their

own port, Esperance would have been chosen. Is it fair that people far removed from the metropolitan area should make a contribution towards the metropolitan region plan? I say it is not fair.

The Hon. R. C. Mattiske: Can you tell me how the metropolitan dwellers will benefit?

The Hon. L. C. DIVER: I was coming to that. The metropolitan dwellers will benefit considerably; and especially those with big city interests, as was indicated in the report, part of which I just quoted. Many of these locations and properties will have a substantial betterment that will accrue to them; and some members would like that to be brought about by contributions from people in far-flung areas.

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

The Hon. L. C. DIVER: Before tea I was dealing with the question of how the metropolitan regional valuations would, in many instances, be improved at the expense of taxpayers in other parts of the State because those taxpayers would receive no benefit whatsoever. What benefit, for instance, would this regional tax confer on the people of Albany? Why should the people of Bunbury pay a tax to improve the valuations in the metropolitan area? Why should the people of Geraldton pay it; or, for that matter, why should those in Wyndham be subject to it?

I think I have shown, without any doubt, the inequalities that would arise from these people having to pay a tax for the benefit of one little spot in the scheme of things in Western Australia, and for the benefit of certain individuals.

Before tea I missed reading a quotation at page 250 of the Stephenson report. It states—

There are various ways in which additional moneys can be raised. They must, however, clearly be related directly to the land in the planning area, and as such might be either a rate or a tax on the land based on an assessment of its value.

The application of an additional local authority rate would not be advisable in connection with regional proposals particularly as the local authorities will themselves have their own additional commitments in the future.

Because finance under the Plan relates only to regional requirements, the payment of a tax in the form of additional land tax and assessed on the same basis, is considered most suitable.

That statement was made by an independent authority. This tax should just be imposed within the region to which the plan refers. To those who would have this tax imposed on a State-wide basis, I would say, "Let us have a look at the position

as it exists today." Any local authority or township can have a planning scheme. Does a local authority, with its own town planning scheme, come cap in hand to the metropolitan area and request that a tax be put on the people in the metropolitan area in order that its scheme may be implemented?

The Hon. G. C. MacKinnon: That is a very good point.

The Hon. L. C. DIVER: The cost of the scheme is paid for by the people concerned in the locality affected. I know of a country town that was affected by flooding. A group of town planners, associated at the time with the University, were invited to go to the locality and re-plan the town. After a great deal of trouble, out came a scale model showing the town transferred to another spot altogether—the main street and the buildings were removed to a site half a mile away. Who would pay for that? Should the people concerned have come to Perth and asked the residents of Perth to pay for it?

The Hon. L. A. Logan: The town at Hall's Creek was shifted.

The Hon. G. C. MacKinnon: About two tin sheds.

The Hon. L. C. DIVER: What I have said shows that the suggestion that the tax be assessed on a State-wide basis is very dangerous; and I ask members to treat that suggestion as dangerous and to stick to the Bill as printed in this respect.

I do not know whether you, Sir, will allow me to touch on other aspects of town planning, but I suggest that I be given that liberty because several speakers, when dealing with the Bill that was previously on the notice paper, made a comprehensive approach to both the town planning and the taxation measures. You, Sir, in your wisdom, allowed them to do that, so I trust you will allow me to develop my theme.

Talking of town planning, I would like to know what has happened to the Stephenson Plan in regard to the south-of-the-river railway and the Welshpool marshalling yards. I understand that a good many resummptions have taken place for the chord line and the south-of-the-river railway.

The PRESIDENT: The honourable member will have an opportunity at a later stage to deal with those matters as there is before us at the moment a Bill dealing with those questions.

The Hon. L. C. DIVER: Very well, Sir; I will not make the position difficult. On the taxing angle, I have pointed out substantially that, first of all, to overcome the position of making any charge for betterment in regard to the town plan, the cost of betterment should be paid out of this tax. The increases in land values that will take place within the region will

be in such proportions as to ensure that a real benefit will occur through the operations of the regional plan. Therefore, the taxes will be assessed from time to time. Right into the distant future—we do not know how far, but I would say for almost ever and a day—the properties that increase in value will pay a yearly contribution; and from time to time, as new valuations are imposed because of continuing improvements, the charge will remain on those properties.

The Hon. H. K. Watson: They will automatically pay increased municipal rates, water rates, and land tax.

The Hon. L. C. DIVER: The owner will pay them, but in many instances—speaking of businesses—they will be passed on. As a matter of fact, the higher those charges become the higher will be the return to the owners of the properties because, as a rule, properties are looked on as a form of investment, and the owners always see to it that they receive a flat per centage rate after all commitments are met. Consequently, the increased costs will be diffused amongst the public of Western Australia. In that manner, the outside people—the country people—will pay something towards these costs.

The people who will meet with a reduction in the value of their properties, through injurious affection, will have a lesser value placed on their properties so that over the years they will pay less. The owners of properties that become seriously affected will be able to claim for compensation, which will be paid out of the money provided by this tax, because the tax will meet the interest payments and sinking fund from time to time on the moneys that will have to be found for compensation.

I do not think I need to say any more on this taxing Bill. I have made it quite apparent that I am not agreeable to any amendment that seeks to make the tax State-wide; but that it should apply only within the limits of the region being town-planned, and not be applicable to agricultural lands. I support the Bill.

On motion by the Hon. G. E. Jeffery, debate adjourned.

## HIRE-PURCHASE BILL

### *In Committee*

The Chairman of Committees (the Hon. W. R. Hall) in the Chair; the Hon. A. F. Griffith (Minister for Mines) in charge of the Bill.

Clauses 1 to 24 put and passed.

Clause 25—Power of court to restrain re-possession of certain goods from farmer:

The Hon. A. L. LOTON: Do the words "motor truck" include a jeep or a land-rover, or do they simply mean a four or six-wheel motor truck?

The Hon. A. F. GRIFFITH: I think we would have to look at the definition of "motor truck" under the Traffic Act. Maybe the word "vehicle" would be more appropriate.

The Hon. A. L. Loton: I think the words "motor truck" are too definite in their meaning in this case. If they were "motor vehicle" they would cover all the vehicles that I think should be covered.

The Hon. H. K. Watson: They would cover a motorcar, and that should not be encouraged.

The Hon. A. F. GRIFFITH: That is so. I suggest that the honourable member leave the matter at this stage. I can give him an explanation of it later; and, if it is desirable, he can move to have the Bill recommitted.

The Hon. H. K. WATSON: This clause is an innovation in hire-purchase legislation. Briefly it provides that in respect to the goods listed in paragraph (a), and purchased by a farmer under hire-purchase, the farmer may at any time during the currency of the agreement apply to the court for prohibition against repossession, and for an extension for a period of up to 12 months for the payment of the hiring arrangements.

The definition of "farmer" as it appears in the clause is as wide as the ocean, and could include anyone who was not a farmer in the accepted sense of the word, but who might have a dude ranch, a weekend cottage, a few fowls, or something like that. It seems to me that if this clause is to become law, some reasonable effort should be made to ensure that its provisions are limited to *bona fide* primary producers—to men who are solely or principally engaged in primary production.

I understand the underlying reason behind the clause is that a farmer is somewhat different from the rest of the community inasmuch as he may suffer misfortune through adverse seasonal conditions. A crop may go bad on him, or there might be a drought. But there is nothing in the clause which gives effect to that principle; it simply says that a farmer may apply for an extension. If it is to be kept as wide as that, one wonders why it is confined to the farming community. In order to make it clear that the basic reason for granting the extension is because of hazards inseparable from the farming industry, the clause should say so.

In my opinion the clause removes a basic principle of hire-purchase in that the right of the owner to repossess is being denied him. In that respect, whilst it may assist the farmer in-so-far as the hire-purchase owner is concerned, it could well mean that it will give to other creditors—the bank, a stock firm, or some other finance organisation—who have a mortgage or a bill of sale over the property an unfair

advantage over the hire-purchase company. We had a good illustration of that during the operation of the Farmers' Debts Adjustment Act when it was found that some companies, which had machinery out on hire-purchase, were at a disadvantage because the machinery was being used for no other purpose than to reduce the bank's overdraft—the machinery was being used to crop the property for the sole and exclusive benefit of the bank.

When we provide an opportunity for circumstances like that to arise, there is room for objection; and it is worthwhile remembering that at the moment, in respect to much farming machinery, the hire-purchase companies sell for as low as 20 per cent. deposit and three annual payments. This clause will inflict an injustice on hire-purchase companies if they are to be denied for 12 months the opportunity to obtain payments.

There is also this angle: The ultimate loss to the farmer could well be greater than it would otherwise be, because the loss would be governed by the re-sale value and, in 12 months' time, that value could well be considerably less than at the normal date of repossession.

If the clause were not modified we could find that the hire-purchase facilities that are extended pretty liberally to farmers would tend to dry up; or, alternatively, the hire-purchase companies would seek security not so much by way of hire-purchase but by way of bill of sale. The farmer whose security is by way of bill of sale is worse off than the farmer who buys on hire-purchase; because in the latter case the only security the owner has is repossession of the particular piece of machinery. Under a bill of sale, the creditor has the right to possess not only the machinery covered by the bill of sale but all machinery acquired afterwards. So the clause should make it clear that its provisions are confined to the *bona fide* farmer; and its operations ought to be restricted to circumstances where the farmer has suffered loss or misfortune through unfortunate seasonal conditions. I move an amendment—

Page 30, line 8—Insert after the word "that" the words "the farmer is in arrears with his instalments by reason solely of adverse seasonal conditions or disaster and that."

The Hon. A. F. GRIFFITH: This is not entirely an innovation in respect of hire-purchase agreements, because the provision is similar to one which has been on the South Australian statute book for the last 28 years, and which, I understand, has operated with no detrimental effect. In addition, the clause as printed was agreed to by all the Ministers at the conference to which I referred when introducing the second reading. It was also inserted at the request of the Hon. Gordon Freeth on behalf of the Commonwealth, where similar conditions exist in the territorial ordinances.

Members should read the clause, together with the amendment, to see its full effect. The word "solely" could restrict the court in granting relief for one sole purpose, namely, seasonal conditions or disasters. It would be difficult for the court to decide what would be a seasonal condition or a disaster. Would a disastrous condition mean a severe accident to the farmer in which he was run over by his tractor? Would it mean an accident in which he was ploughed into the ground by his plough—something over which he had no control? This would be outside the use of the word "solely." The Bill provides that the court must consist of a stipendiary magistrate; and it is reasonable to leave such decisions to the court, bearing in mind it is the intention of the legislation to give relief to the farmer when the court thinks fit. This must be done on application by the person. It would be hard for the court to define the phrase contained in the honourable member's amendment. I oppose the amendment.

#### Amendment put and negatived.

The Hon. H. K. WATSON: My next amendment deals with the definition of "farmer." I think it should be restricted. Upon further consideration I think my proposal in relation to "solely engaged" would create the other extreme; there might be a farmer who is a *bona fide* farmer but also a member of Parliament. Instead of my amendment on the notice paper I move—

Page 30, line 20—Insert before the word "engaged" the word "principally."

The Hon. A. F. GRIFFITH: I accept the amendment. It will fit the Bill better than the amendment the honourable member has on the notice paper. When talking to Mr. Watson privately, I felt that one of these days he might buy a farm or a big cattle station, and I would be distressed to see him not come under the provisions of the Bill if he were a member of Parliament as well as a station-owner.

The Hon. L. C. DIVER: What happens to the man who has just bought a property? Is he to be defined principally as a farmer? He puts his money into the land, and when he approaches the hire-purchase company he might find it is not prepared to accommodate him; particularly if there is any doubt about his *bona fides*. The Bill should be left as it is.

The Hon. A. F. GRIFFITH: I point out to Mr. Diver that by Mr. Watson's original amendment, the clause would read "'Farmer' means solely engaged in agriculture." Let us take the honourable member's case. He may not be solely engaged in agriculture; but it would be unfair to say that because he is not, he should not be entitled to relief under this clause. He would not need it. If a man

had taken up a farm recently and was in receipt of other income, the court would surely say to him, "You can afford to pay because you have an income from other sources."

The Hon. L. C. DIVER: His other income might be committed.

The Hon. A. F. GRIFFITH: This must stop somewhere. Is it reasonable to assume that I, a Minister of the Crown receiving a statutory salary, should be able to put all my salary into buying and establishing a property and incurring so much debt that I could say to the court, "I am up to my eyes in debt, despite my Parliamentary salary; so please give me some relief?"

The Hon. L. C. DIVER: Would not the court be in the best position to determine the question?

The Hon. A. F. GRIFFITH: That is the point. The word "principally" is used. It is not intended that the fellow with 26 fowls or five fruit trees should get the benefit. It is intended to give relief to the *bona fide* man who deserves it; and it will be left to the court to decide, when a person makes application, whether or not he is principally engaged in agriculture, etc.

The Hon. A. R. JONES: This amendment is a matter of principle. We can have a man of principle and a man of no principle; and the words in the amendment are a wise addition to the Bill. As a farmer, I could also be a butcher and could have a lot of plant, in my butchery which could also be applied to the farming business. I might not be stable in my butchering business, and because someone wanted to repossess something for which I could not pay, I could transfer it to the farm and say, "You cannot touch it for 12 months."

The court has to be satisfied that the application is reasonable; and it is only intended to cover people who through hardship or disaster are up against it to the extent that they would like 12 months in order to get out of a difficult position and be able to meet their obligations. I support the amendment.

#### Amendment put and passed.

The Hon. H. K. WATSON: I move an amendment—

Page 30, line 24—Add after the word "livestock" the words "and whose income is received on an annual basis."

This amendment is in regard to a farmer—a wheatgrower or other producer—who gets his income on an annual basis. I take it that the handling of the scheme with respect to 12 months' exemption is to give a man, who is up against it in one season, 12 months' grace in which to pick up by the next season. We are dealing with hire-purchase and I cannot see how the grazier who is buying and selling cattle all the time, and who has a tractor to do some clearing on the property, should be

entitled to more consideration than the man who is buying and selling gravel or any other commodity. However, there is logic in granting the extension to a farmer who has to sow his crop and wait for the season to conclude, because if he misses out he has to wait until next season before he can sow another crop.

The Hon. A. F. GRIFFITH: If this amendment is accepted one of the things the court will be obliged to say to a farmer making application for relief is this, "Is your income received on an annual basis"? What would a wheat farmer say? What would a grazier, as distinct from an orchardist or butterfat producer, say? The wheat farmer would probably say, "In January, I got a payment on my wheat crop; in February I sold 50 or 150 surplus sheep; in September I received a final payment for my oats; in October there was another payment for wheat; and during five or six periods throughout the year I took some pigs to the market and received so many pounds for them." Did that farmer receive his income on an annual basis? The answer is obviously "No." Unless a farmer can prove that he receives his income in one annual payment, I suggest he cannot ask the court for relief under this amendment; and I hope the Committee will not accept it.

The Hon. A. R. JONES: I support the Minister in what he says because I feel he is right. We know today a farmer's income is spread over the year. He may have six or seven sources of income at different months of the year. The court would take into consideration all aspects of a farmer's position; and, based on past experience, would say, "It is reasonable to expect you will sell your wool clip in July, and you should be able to make a contribution or payment." The court should have regard for the persons to whom money is owed, and take all aspects into consideration. I oppose the amendment.

The Hon. G. C. MacKINNON: When analysed, the remarks of the Minister are amazing. He suggested that a person should be allowed to obtain payment for wheat in February, sell sheep in March, and take pigs to the market three or four times in the ensuing few months, yet make no payments on legitimate hire-purchase commodities. The person in the hire-purchase business has commitments to meet; has to employ staff to keep his accounts; and probably has to pay the manufacturer of goods on sight draft. Therefore, surely the principle as enunciated by Mr. Watson is sound.

If a farmer receives payment once a year or has his main income once a year, it is fair enough that he should get relief; but the very instance stated by the Minister would indicate a man who could easily make some payment on his hire purchase, which is a legitimate contract undertaken by him with his eyes open.

The Hon. L. C. DIVER: The farmer who has a good regular income and who is really a master at disposing of that income will not be any worry to the hire-purchase company. It is the individual who is struggling along for various reasons who will get into this plight. When people of that sort get into such a position, are they sufficiently responsible to say just how the money will be spent?

We know of cases where people, in good faith, have entered into contracts with hire-purchase companies. They are quite willing and prepared to honour their obligations to the hire-purchase company, but the institution says, "No," because there will be insufficient funds for operating costs next year. To that extent, I think this might be a good piece of legislation because the court might direct that these moneys be paid. The point I am trying to make is this: That farmer's credits are going into an account over the whole of the year—an account on which he cannot operate freely. Is his income received once a year, or over the year?

The Hon. A. F. GRIFFITH: In reply to Mr. MacKinnon, I am quite content to leave it to the Committee to decide whether my arguments are sound or unsound. If a farmer received an income for this, that and the other thing, as stated by the honourable member, this clause would not apply because the court would not give him relief.

The Hon. H. K. Watson: You have no authority to suggest that.

The Hon. A. F. GRIFFITH: The Bill says that a farmer may apply; and if this amendment goes into the Bill, the only farmer who can apply will be one who receives his income on an annual basis. I venture to suggest that no wheat farmer obtains his income on an annual basis; he collects it when the wheat pool is prepared to pay out.

He gets his wool cheque in the same way, according to the time his wool is sold and when the amount becomes available. It is not right to say that the argument I put forward is unsoundly based. We all know of farmers putting in crops and not getting sufficient return to pay for the super. Such men would be entitled to apply to the court for relief.

The Hon. C. R. ABBEY: I think the Minister is on safe ground, and I disagree with the amendment.

The Hon. A. F. Griffith: Don't be afraid.

The Hon. C. R. ABBEY: I am not. Few farmers receive a purely annual income; and so the amendment would preclude possibly 70 or 80 per cent. of them from obtaining relief under the Bill. Let us take, for example, the farmers at Goomalling and Moora who were burnt out the other day; they are mixed farmers depending largely on their

crops and sheep, but with sidelines such as pigs and so on. Some of them are in a serious position and might wish to apply for relief under this provision.

The Hon. H. K. WATSON: Their hire-purchase people would meet them automatically.

The Hon. C. R. ABBEY: I think the amendment would defeat the purpose of the provision.

The Hon. A. R. JONES: I think we should concern ourselves solely with the machinery, and let the court decide whether applicants for relief merit assistance. Reference has been made to the farmers at Moora who were recently burnt out, suffering severe losses. They are good farmers and there would be no doubt about their receiving the benefits of the measure. Persons such as Mr. Watson mentioned would be taken care of by the court, which would make a proper investigation. I oppose the amendment.

The Hon. H. K. WATSON: The debate seems to have developed on the basis that in the past when a man has suffered misfortune he has had no relief from the hire-purchase companies; but in fact it is a daily occurrence in both city and country that if a person puts his cards on the table, the hire-purchase company will give him prompt relief; and satisfactory arrangements can be made.

The Hon. L. C. DIVER: All the reputable companies do that.

The Hon. H. K. WATSON: That is so; and it must be remembered in regard to this question. I think the amendment merits acceptance because, as Mr. MacKinnon said, if the farmer receives income on a weekly or monthly basis, there is no reason why he should not meet his instalments. Mr. Diver said we should make the hire-purchase man stand aside for his just dues, while the farmer pays someone else such as a stock firm; but after all we are dealing with contracts. I hope the Committee will agree to the amendment.

**Amendment put and negatived.**

**Clause, as amended, put and passed.**

**Clauses 26 to 40, First to Fourth Schedules, and Title put and passed.**

**Bill reported with an amendment.**

## ART GALLERY BILL

### *Assembly's Request for Conference*

Message from the Assembly requesting a conference on the amendments insisted on by the Council, and notifying that at such conference the Assembly would be represented by three managers, now considered.

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

That the Assembly's request for a conference be agreed to, that the managers for the Council be the Hon.

J. G. Hislop, the Hon. W. F. Willesee and the mover, and that the conference be held in the Minister for Mines' room at 6.45 p.m. on Wednesday the 11th November, 1959.

**Question put and passed, and a message accordingly returned to the Assembly.**

## ADOPTION OF CHILDREN ACT AMENDMENT BILL

### *Assembly's Amendments*

Schedule of amendments made by the Assembly now considered.

### *In Committee*

The Chairman of Committees (the Hon. W. R. Hall) in the Chair; the Hon. L. A. Logan (Minister for Child Welfare) in charge of the Bill.

The **CHAIRMAN:** The Assembly's amendments are as follows:—

No. 1.

Clause 2, line 19—Add after the word "chest" the following:—"and any other bacteriological examination that the medical practitioner deems advisable".

No. 2.

Clause 2, line 21—Add after the word "examination" the words "or examinations".

Clause 2.

(1) Add after the word "chest" in line 19 the following:—"and any other bacteriological examination that the medical practitioner deems advisable".

(2) Add after the word "examination" in line 21 the words "or examinations".

The Hon. L. A. LOGAN: I move—

That the amendments be agreed to.

The Hon. J. G. HISLOP: I will not oppose the amendments, but I think it is obvious that what is required is that the word "infectious" should be deleted and the word "communicable" substituted. The words suggested by the Legislative Assembly will not make any difference except that, in the future, they may lead to legal quibbles.

The Hon. L. A. LOGAN: I suggested to the Minister in another place the exact wording that this Chamber considered should be inserted. Unfortunately, he did not accept that advice. These words have been suggested instead, and I have decided to accept them.

**Question put and passed; the Assembly's amendments agreed to.**

**Resolution reported, the report adopted, and a message accordingly returned to the Assembly.**

*House adjourned at 8.47 p.m.*