

Bank having to register the first mortgage and then the former first mortgage of the associated bank being registered as a second mortgage, the position will be, to facilitate the making of these advances and to save expenditure and inconvenience to the settler as well as to the institutions, that the Rural & Industries Bank will register a second mortgage but by certain writings the advances made under that second mortgage will take priority over the first mortgage already in existence.

I do not know that at this late hour I can say anything further on the Bill. I have foreshadowed some amendments to which I hope members will agree and, as already indicated, notice of them has been handed to the Clerk of the House and they should appear on Thursday's notice paper. I support the second reading.

On motion by Mr. Court, debate adjourned.

*House adjourned at 12.51 a.m.  
(Wednesday.)*

## Legislative Council

Wednesday, 7th November, 1956.

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

### AUDITOR GENERAL'S REPORT.

The PRESIDENT: I have received from the Auditor General a copy of his report on the Treasurer's statement of the Public Accounts for the financial year ended the 30th June, 1956. It will be laid on the Table of the House.

### QUESTIONS.

#### HEALTH.

*X-ray Clinic Visit to South-West Province.*

Hon. G. C. MacKINNON asked the Chief Secretary:

What towns or districts ultimately to be visited in the South-West Province by the mobile chest x-ray clinic, have not yet been visited, or completed?

The CHIEF SECRETARY replied:

Serpentine-Jarrahdale.  
Murray.  
Drakesbrook.  
Dardanup.  
Preston.  
Augusta-Margaret River.  
Nannup.  
Balingup.  
Upper Blackwood.

### "ROCK AROUND THE CLOCK."

#### *Behaviour of Teenagers.*

Hon. C. H. SIMPSON (for Hon. J. M. A. Cunningham) asked the Chief Secretary:

Considering the reports of riotous behaviour of teenagers in other States and countries, following the screening of the film "Rock Around the Clock," and the orderly behaviour of our own teenagers in Western Australia, can the Minister advise the House if the one isolated incident of exhibitionism in Perth was a spontaneous and uninspired outburst, or is there reason to believe that it was the result of deliberate incitement by commercial agents to create the scene?

The CHIEF SECRETARY replied:

There is no information that this incident was anything but a spontaneous outburst.

### BETTING.

#### *Bookmakers' Fees.*

Hon. L. C. DIVER asked the Chief Secretary:

Having regard to the Treasurer's statements of Tuesday the 9th, and Thursday, the 18th October, as to bookmakers' licence fees—

- (1) Has the Betting Control Board decided what scale of fees will in future be charged off-course bookmakers?
- (2) If the answer is in the affirmative, what is the proposed scale of fees?

- (3) What additional revenue to the Government would this give, as opposed to the fees suggested by the Premier when he introduced the Bookmakers Betting Tax Act Amendment Bill?

The CHIEF SECRETARY replied:

(1) No, but the Lieut.-Governor in Executive Council has approved of a new scale of fees to be charged to off-course bookmakers. These are awaiting publication in the "Government Gazette."

- (2) The scale of fees is as follows:—

	Fee £
Where amount of turnover does not exceed £50,000 .....	50
Where amount of turnover exceeds £50,000 but does not exceed £100,000 .....	100
Where amount of turnover exceeds £100,000 but does not exceed £150,000 .....	150
Where amount of turnover exceeds £150,000 but does not exceed £200,000 .....	200
Where amount of turnover exceeds £200,000 but does not exceed £250,000 .....	250
Where amount of turnover exceeds £250,000 but does not exceed £300,000 .....	300
Where amount of turnover exceeds £300,000 but does not exceed £400,000 .....	400
Where amount of turnover exceeds £400,000 .....	500

(3) Approximately £7,500. Revenue from fees suggested by the Treasurer, namely, £50 country and £100 metropolitan would equal £15,700 compared with new scale of fees—£23,200.

## HOSPITALS.

### *Albany Buildings.*

Hon. J. McI. THOMSON asked the Chief Secretary:

Will he have laid on the Table of the House a copy of the plans of the Albany regional hospital, and a copy of the plans of the new pavilion type hospital now proposed for Albany?

The CHIEF SECRETARY replied:  
Yes.

## REST CENTRES FOR THE AGED.

### *Government Grants.*

Hon. J. D. TEAHAN asked the Chief Secretary:

(1) Is it the intention of the Government to make grants to rest centres for the aged?

(2) If so, what are the conditions under which these grants will be made?

The CHIEF SECRETARY replied:

- (1) Yes.

(2) The Government will subsidise local authorities and other approved organisations in assisting to establish social centres for old age pensioners and for elderly people who are not pensioners.

The Government subsidy will be one-third of the total cost of establishing such a centre, with a maximum contribution by the Government of £3,000. Subsidies will also be made available for extensions to existing centres.

Costs to be taken into consideration in establishing a centre would include cost of land and any buildings on the land, cost of new building construction work, cost of converting old buildings, and cost of approved furnishings and equipment.

The Government will assist by providing half the net cost of maintaining such centres, with a maximum contribution by the Government of £500 per annum for any one centre.

To become eligible for Government subsidies—

- the site of each centre, together with any building plans involved would require to be approved by the Health Department;
- the land in each instance is to be vested in a local authority or in the name of an approved organisation;
- the committee to manage each centre would require to be formed with local authority representation to administer and manage each centre.

Rented premises are to be eligible for approval under the scheme. Each centre will be expected to provide a social club for old-age pensioners and other elderly people. Rules and regulations are to be drawn up by the committee for the running of the centre and will require to be approved by the Health Department. Each local committee will be required to make every endeavour to raise funds to assist in maintaining the stability of the centres.

## RAILWAYS.

### *Standardisation of Gauges.*

Hon. G. BENNETTS asked the Minister for Railways:

(1) In view of the fact that the Victorian Government has announced its willingness to standardise railways in that State, will the Minister inform the House whether any consideration has yet been given to standardising them in this State?

(2) If not, is it the intention of the Government to give early consideration to this matter?

The MINISTER replied:

Discussions were recently held between a Federal parliamentary committee and the Railways Commission. No approach has yet been made to the State Government as a result of the conference.

### EDUCATION.

#### *Free School Books.*

Hon. N. E. BAXTER asked the Chief Secretary:

(1) What is the estimated cost of free school books to be issued to school children during 1957?

(2) What is the estimated cost of free school books per child?

(3) Has this allocation any bearing on the education grant for—

(a) new classrooms;

(b) school bus services

(c) contraction of some school bus services?

The CHIEF SECRETARY replied:

(1) Approximately £100,000.

(2) Approximately 17s. 6d.

(3) No.

### PHOSPHATIC ROCK.

#### *Deposits.*

Hon. A. R. JONES asked the Chief Secretary:

Will he inform the House—

(1) Are there any known deposits of phosphatic rock west of the Midland Railway?

(2) If the answer is "Yes"—

(a) what estimated tonnage exists;

(b) what analyses have been made?

(3) Is a report available?

The CHIEF SECRETARY replied:

(1) Yes.

(2) (a) 180,500 tons.

(b) Numerous analyses have been made, averaging about 14 per cent. phosphorous pentoxide ( $P_2O_5$ ).

(3) Yes. Report entitled—"Mineral Resources of Western Australia" Bulletin No. 4 The Dandaragan Phosphate Deposits. (Obtainable from the Mines Department.)

**BILL—SUPPLY (No. 2), £18,500,000.**

#### *Second Reading.*

Debate resumed from the previous day.

**HON. J. MURRAY** (South-West) [4.41]: In asking for the adjournment of this debate, I realise I took a most unusual course. But we are living in very unusual

times; and while living in those unusual times the Government, all along the line, appears to have taken most unusual action; it has acted in a most unusual manner. So, in taking this unusual course I did so in an endeavour to stress my disapproval, as strongly as possible, against the action taken by the Government.

Undoubtedly at the last election the Government received a mandate from the people to govern. That cannot be denied. However, there were many items that the Government failed to put before the electors at the time; but because it was given a mandate to govern, those items were brought before both Houses of Parliament for decision. In my view the right course would have been to allow the people to prejudice some of those issues. No matter where we look, and particularly on our notice paper, we find that taxing measures have been introduced one after the other; they have been introduced without either the members of this House, or those in another place having an opportunity to view the Budget, and consider the legislation brought down in relation to the Budget proposals.

I feel very strongly on this matter. In my opinion, we, as a House of review, should be able to discuss any taxing measures that are introduced and fully relate them to Government needs and future Government expenditure. Up to the moment, however, we have unfortunately been denied that right. In view of the large income the Government is deriving from Commonwealth sources, I feel that many of these measures should not be considered in any other light, and until we see the departmental estimates, which we do not discuss here at all—though we certainly view them—I do not think it is our duty to consider such legislation.

This House has a duty to keep a watchful eye on Government expenditure, and expenditure generally. That aspect, however, is accentuated when this House in its wisdom considers that some of the expenditure is wasteful. Having established my very strong protest against the manner in which the Government is introducing legislation, and fully recognising the fact that there is some reason for the delay in introducing the Estimates elsewhere, I would suggest to the House that Commonwealth-State relationships on financial matters are heading us very closely towards unification.

Accordingly it is the duty of this Chamber, as well as that of another place, to make sure that when the Government receives amounts of money, it is not wastefully distributed on those things that are definitely of very little productive value to the State. I cannot go any further than hope that, before the Bill receives the approval of this House, members will at least be given a brief opportunity to study the

estimates. At the moment, I reserve the right to vote on this question as my conscience guides me.

**HON. J. G. HISLOP** (Metropolitan) 14.47[: Like all other members, I must be worried at the increasing rate of taxation that is being placed upon citizens. I wonder whether we cannot, as a Parliament, look into this matter very seriously and ask ourselves whether it cannot cease; because it appears to me that, in the last few months, the State has taken on itself a new sphere of inflation. Quite apart from what might be happening in the Commonwealth financial field, we seem to be looking for increased Government spending such as we have never contemplated before.

Not only have we received an extra amount from the Commonwealth to help us with the unemployment problem that existed as a result of the cessation of activities at Kwinana and elsewhere, but day after day we seem to be introducing new taxes under many headings. If we make a list of increases that have been introduced, we must find that the increased taxation on the individual is considerably more than the increase in the basic wage. If we are to permit an increase in the basic wage and then an increase of Government taxation—thus depriving the individual of the benefit of the increased basic wage—we must encourage inflation.

Secondly, it looks as though the taxation is being introduced for sectional interests. It is not general, overall taxation of income but a sectional taxation, and that must affect living within the community. Accordingly I view this with very great concern: I would view it with great concern no matter which party was in power. I believe that so far as this State is concerned taxation generally must have reached an all-time high, and be very nearly at saturation point.

We are going to destroy incentive altogether. I know, Mr. President, that I may not discuss measures which are coming before the House; but we are getting to a very sorry state when the finances of the country make it almost impossible for an individual to save anything in life; and, when he does manage to set aside something, a major part is taken away after his death. No young country can exist while these conditions remain, and a definite step must be taken to see that these taxation processes are halted.

I do not know whether this is a fact, because no one has had a chance of seeing the proposed figures for the year, but I understand that the King Edward Memorial Hospital will receive a lesser allowance than last year. I do not know what this is going to mean if it be true, but I did get it from what could be considered an authentic source. At the present moment the staff at K.E.M.H. must be working to capacity and patients are

occupying sites never intended for patients. On top of that comes the action of the disbanding of the board of management. This has some very serious aspects in relation to the State and the future of hospitals.

When the previous administrator died, the board was left with a vacant position which was of growing importance to the hospital; because as the medical school functions, it is more than likely that the K.E.M.H. will have to expand considerably with regard to its obstetrical beds, and probably a gynaecological or surgical section will have to be erected to make it a complete women's hospital. I understand the board had plans to do that and had already discussed them with the Minister in order to raise a sum of money from the public; a sum of the magnitude of £500,000 had been discussed as its aim. It was intended to get some of this money from Government sources, but a very considerable sum was to be obtained from the public.

No action that has been taken recently could give the public any degree of security so far as the administration of the hospital is concerned. I understand that the board was permitted to advertise this post throughout Australia and throughout England. At no time, apparently, was any objection raised by the Minister or the department to the advertising of this vacancy in the United Kingdom. Apparently no objection was raised, either to the formation of a committee consisting of Hon. James Dimmitt, the Agent General, as chairman, and two well-known and very respected hospital administrators in London, as well as two medical men who had assisted in the formation of our medical school.

The committee went into the applications and marked one applicant as "one plus", so impressed was it by his qualifications. The local committee was faced with some Australian applications, but the only applications worth investigating were those from Western Australia. Finally, after long consideration, the board of management of the hospital decided that no Western Australian candidate came up to the required standard.

It is interesting to realise that when this decision was reached, the Minister had his representative at the meeting. In addition, there was also a representative of the department at the meeting which decided there was no candidate from Australia capable of filling this high administrative post at the hospital. When the committee received from England the opinion of the adjudicating committee that there was one man of outstanding qualifications, it had no hesitation in appointing him.

Very soon after the committee had told this man that he had gained the post, notification was received from the Minister asking it to rescind the appointment,

because apparently it was considered there was a local applicant of suitable attainments and because there was unemployment. There was no unemployment amongst that group of people, because it is a small group which has experience in hospital administration. Even when the sum of money allocated by the Federal Government reached this State, there was no move to cancel that instruction and say that, in view of the altered situation, the board could now appoint this English applicant.

The board was definitely told by the Minister to rescind the appointment of the English candidate, and apparently it told the Minister that it would not do so. The next thing that occurred was that, when the chairman of the board was speaking to the Under Secretary by telephone, he learned that his board no longer existed; because, despite the fact that the Minister had told the chairman he would reappoint the board, he had not signed the papers; and therefore, at that particular moment, it did not exist. The chairman of the board, who had put in multitudinous hours of work and had the welfare of this hospital deep in his heart, was told by telephone that the board did not exist.

Hon. G. C. MacKinnon: Over the telephone!

Hon. J. G. HISLOP: Yes. And yet we are told there was no discourtesy whatever in disbanding this board. What concerns me is this: If this hospital is to be administered efficiently in conjunction with the medical school, we should have a man of the highest qualifications. The only qualifications that the Australian appointee has is that he was the secretary of the Dental Hospital and, on the file, there is a personal reference from a member of the department.

When we compare that with the qualifications of the English appointee which I outlined to the House previously—he is a man who had the daily care of a hospital of 700 beds, which was recognised as a hospital or post-graduate medical training school in the fields of medicine and surgery, and he administered a total of 1,375 beds, and his recommendation from the committee was “one plus”—we must be surprised when we find the Minister saying that there is a suitable Australian candidate.

So suitable is this Australian candidate that he has been taken into the Royal Perth Hospital as an assistant, in order to gain experience. He has never been in a medical hospital before, but only in a dental hospital. This man has only been in a dental hospital, where there are a few dental students; and the other man had the experience of administering a post-graduate medical training school, with a

total of 1,375 beds. There can be no question about the qualifications of the Englishman. If we are to do this sort of thing in the future, why allow the board to apply in the United Kingdom? The board says that there is not a suitable applicant in Australia, and it has had every applicant before it; yet the Minister and the department say there is a man capable of filling the position.

Hon. J. M. A. Cunningham: And then start training him.

Hon. J. G. HISLOP: Yes. A committee of such status that it was comprised of Hon. J. A. Dimmitt, as chairman, and hospital managers, and the greatest medical men in London, chose this candidate, and now we are told that we do not want him. What chance will we have in the future, if the necessity arises, of obtaining a man from England under these conditions? Do not members think that this sort of action will reflect very badly on our honesty of purpose? Do they think that in the future, hospital administrators are going to give up their positions and tell the hospitals that they administer that they are going to leave for Australia?

Hon. A. F. Griffith: Have you any information as to what happened to the English appointee?

Hon. J. G. HISLOP: I have no knowledge of what happened to him. The only thing I know that is causing some concern is that had he, on receipt of the notification, written and accepted the post, then the action of the Government could have been libellous; he could have taken action against the Government. I hope this sort of thing will not occur again. It will not enhance our good name.

It distresses me to feel that this situation arose, because it is possible that in the future we may need someone of this character. The King Edward Memorial Hospital Board was satisfied that there was not an Australian capable of administering that hospital. We may need a man from England for the chest hospital; but in view of what has occurred, what chance will we have of getting one? If honorary boards are to be treated with this degree of discourtesy who, as a citizen, is going to give his time to such boards? Is this part of a scheme whereby boards are to be disbanded and the department is to run the institutions? Are they to be purely Governmental affairs controlled by the department? If so, I think it is most unwise that we should lose public interest in our hospitals.

There was a time when people subscribed to hospitals, and when the citizens said they were prepared to go on hospital boards and take an active interest in the institutions. If, however, they are to be treated like this, and then be told that this method of disbandment of a board has no discourtesy attached to it, what can those who offer their services expect in the future?

After a board has been given authority to conduct a hospital, surely the Minister can give the board power to appoint officers as it thinks fit; and surely a board that was constituted, as the King Edward Memorial Hospital Board was, of such men as S. W. Perry, who was chairman, members of the honorary staff, Matron Walsh—who had given a life of expert service to the department—and representatives of the Labour movement, should be a responsible body! Do not members think that the board was capable of making a decision without suddenly being told by the department, "You are wrong. You have made a move which we do not like and therefore you are disbanded."?

I just cannot imagine that a Government is entitled to act like this, and I feel that the House should be given an explanation as to why such drastic action took place, especially when there can be no comparison between the individuals. The only fear that everyone has is that, apparently, we do not want the really trained men, but that we desire to have these hospitals under the control of the Minister, through the department. I can quite understand the department wanting to expand; but it is not wise to take such action as will antagonise those people in the community who are prepared to give their services, voluntarily, and spend long hours in the interests of hospitals.

Hon. G. Bennetts: Was that board working in harmony?

Hon. J. G. HISLOP: It was in perfect harmony as far as I know. I believe it was a unanimous decision that the overseas candidate should be appointed. But it is interesting to realise that at the next meeting, all those who were of the Government's political colour, did exactly as the Minister wanted them to, and rescinded their vote. But they were still just not enough and the situation was saved, to some extent, by a motion postponing the appointment for three months until Professor King, who will take over the King Edward Memorial Hospital, arrives in the State.

I do not know what good that is going to do because Professor King was on the committee in London which decided that the overseas candidate was a really suitable man. When he gets here, he will be told that a board of local people has gone into the question of the Australian and Western Australian candidates and has said that there is not one with the qualifications necessary to fill the position.

I raise a protest at treatment of this sort: firstly, in the interests of the efficiency of the hospital; and, secondly, on account of the discourteous action in respect of those people who were prepared to give honorary service to the State.

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

## BILL—STATE TRADING CONCERNS ACT AMENDMENT.

### *Second Reading.*

THE CHIEF SECRETARY (Hon. G.

Fraser—West) [5.7] in moving the second reading said: The purpose of this Bill is the amalgamation of the State Saw Mills and State Brick Works into one trading concern with the title of State Building Supplies. It is proposed that the amalgamation will take place on a date to be proclaimed which will coincide with the annual accounts. The Bill does not in any way vary the permissible scope of activities set out in the original schedule to the Trading Concerns Act, 1917, and there is no intention to extend the sphere of activities beyond those which can now be undertaken by the separate trading concerns.

The reason for the amalgamation is to facilitate administration of the combined organisation and effect economies in administration. For 19 years the two concerns have been under the one general management and the proposal will effect economies by a more complete integration of activities.

At present separate accounts must be kept for clients of each trading concern although the majority of the clients of the State Brick Works are also clients of the State Saw Mills. This involves extra clerical work in the issue and collection of accounts and the two sets of accounts introduce some difficulties in credit control. Economies will also be effected in keeping staff records and making payments to employees.

While there is little likelihood of movement by wages employees between the two concerns, amalgamation will facilitate the interchange of clerical staff. It will also overcome the need for producing two annual reports and so will simplify the work in that connection. Although there are two separate concerns they are at present controlled by one general manager, one assistant general manager, one finance manager, one credit control section and one industrial officer.

The engineering section of the State Saw Mills is also used on specific projects for the State Brick Works. It will be seen, therefore, that the additional step to place amalgamation on a legal basis as envisaged by this measure, is not a very great one.

As a separate concern, the State Brick Works are not on a very different scale from operations at each of the major timber producing centres such as Pemberton, Deanmill and Shannon River or at the major distributing centre of Carlisle. Both Pemberton (357) and Carlisle (299) employ more men than the brickworks which had 227 employees, including head office staff at the 30th June, 1956.

The passage of this Bill will therefore enable the State Brick Works to readily fall into a pattern as a major unit of a combined organisation under the one general administration. Internal accounting will continue to show the financial results of the brickworks as a major division of State building supplies, but there would be a number of economies in a less rigid division than is necessary with operation as two distinct trading concerns.

Members may be interested in a few details of these important concerns which play such a large part in the State's building industry. For the year 1954-55 the total State production of timber was 227 million super feet of which the State Saw Mills produced 35.9 million super feet or 15.8 per cent. For 1955-56 total production was 230 million super feet of which State Saw Mills produced 35.6 million super feet or 15.5 per cent. The State concern has therefore maintained its position as one of the three major sawmilling and timber merchandising concerns. Through an easing in demand for timber, it is expected that the overall production figure will be lower for the current year.

As with timber, there has been some recession in the demand for bricks; but to show the relative importance of the State Brick Works the following production figures are quoted:—

	1954-55	1955-56
State Brick Works ....	35,285,549	35,090,503
Other Manufacturers	115,400,000	102,000,000
	(estimated)	

The State Brick Works therefore produce about one third of the total production and "State" pressed have always been considered to set the standard of quality in this State.

This measure therefore deals with two of the State's major and highly important trading concerns, the unification—I do not like that word—of which will further facilitate their efficient operation and management. I move—

That the Bill be now read a second time.

On motion by Hon. J. Murray, debate adjourned.

## BILLS (2)—FIRST READING.

1. Land Act Amendment (No. 1).
2. Metropolitan Water Supply, Sewerage and Drainage Act Amendment.

Received from the Assembly.

## BILL—FACTORIES AND SHOPS ACT AMENDMENT (No. 1).

*Second Reading.*

**THE CHIEF SECRETARY** (Hon. G. Fraser—West) [5.15] in moving the second reading said: I would first like to mention that by regulation the provisions of the parent Act apply only to that part of the

State south of the 26th parallel of latitude. The Bill has two main objectives. One is to place the working conditions provided for in the principal Act on a par with those prescribed in Arbitration Court awards and agreements. The other is to provide that all shops, with certain exceptions, shall close on Saturday afternoons.

Many of the industrial provisions of the Act have not been altered for up to 36 years and therefore vary considerably from those provided by the court. While the majority of the employees are covered by court decisions there are some, particularly in country areas, that are not, and it would only be necessary for employers in these cases to abide by those provisions in the principal Act. This is manifestly unfair, and the Act should be amended to ensure that all employees are entitled to equal treatment. At this juncture I should explain that Arbitration Court determinations override dissimilar provisions in the principal Act. This, of course, does not apply to those persons who are not covered by court determinations.

Turning to the Bill, it is proposed to amend the definition of "shop" so as to include hairdressing establishments, whether these establishments cater for hairdressing only or also sell goods. At Merredin recently the Resident Magistrate dismissed a case brought by the department for not keeping records required by the Act in regard to wages, etc. The magistrate stated he could find nothing in the Act to provide that a hairdressing saloon was a shop. The amendment will remove any doubt in this connection. Hairdressing establishments, including those conducted in private homes, have been registered as shops for many years, and Section 107 of the Act specifies the hours during which hairdressing shops may open. The amendment will not affect the existing position in any way.

The next amendment is one of those designed to bring the Act into line with modern conditions. Section 28 provides, among other things, that no woman or boy may be employed in a factory for more than 44 hours a week or work more than 8½ hours a day. As all factory employees covered by court determinations, irrespective of sex or age, now work for a maximum of 40 hours a week and 8 hours a day, the Bill proposes to amend the Act in this manner. Another amendment deals with payments for overtime. At present Section 31 provides for time and a quarter to be paid for the first two hours of overtime and time and a half thereafter. As the standard overtime provision in awards and agreements is time and a half for the first four hours and double time thereafter, the Bill seeks to have the Act amended accordingly. Similarly, work done on other than a working day is now paid at double rates. As the Act provides only for time and a half the necessary amendment is in the Bill.

In the case of continuous process work on other than a working day, double rates are not paid. The Bill therefore provides for time and a half in this connection. The Act defines "continuous process" as a trade or process which is carried on for at least sixteen hours continuously in one day, and at which two or more shifts are worked during 24 hours. At present the Act provides that if a woman or boy works extended hours they shall be provided with a meal or a meal allowance of 1s. 6d. No provision is made for a meal allowance for males of over 16 years of age. The Bill therefore proposes that all employees shall receive a meal allowance of 3s.

Section 39 of the Act gives the right to employees of a half holiday on Saturdays or whatever day the employer and his employees agree to. As most factories now work a five-day week the Bill includes a provision for work from Monday to Friday only with the exception of persons doing continuous process work. This will give the five-day week to those factory workers not covered by an award or agreement. Section 60 of the Act is designed to prevent overcrowding in factories. One provision is that there shall be at least 350 cubic feet of space for each employee. The Health Act and the model by-laws adopted by health authorities throughout the State require 400 cubic feet for each employee and the Bill seeks to amend the Act accordingly.

Premises in which sawmilling takes place do not come within the scope of the Act. As a result there are a number of sub-standard premises of this nature in close proximity to the metropolitan area. In order that control may be effected over the working conditions in these establishments the Bill seeks to bring those within 15 miles of the General Post Office under the control of certain sections of the Act. This will ensure that these establishments comply with the Act in regard to such matters as sufficient space for employees, ventilation, light, appliances to carry away dust, impurities, etc., meal amenities, lavatories, etc.

The Act requires factory owners to provide lavatories for their employees but does not impose any conditions in regard to keeping the lavatories in good order. The Bill therefore seeks to rectify this omission and to provide that washing facilities are installed in factories. A number of requests have been received from country areas for the provision of Saturday afternoon closing of shops. Out of 123 shop districts, 107 observe Saturday closing, 14 close on Wednesday and two on Thursday. Some of the representations for Saturday closing have come from church authorities on the grounds that with week day closing organised sport is played on Sundays instead of a Saturday.

Hon. J. M. A. Cunningham: That's a joke!

Hon. Sir Charles Latham: A real joke—that one!

Provision is also made for the closing of all shops at 5.30 p.m. on Mondays to Fridays and at noon on Saturdays, with the exception of those shops described in the Fourth Schedule to the Act. These closing times are specified for shops generally, such as grocery, clothing, hardware, ironmongery, etc., by awards prescribed by the Arbitration Court. This applies to the whole of the metropolitan area and all large towns within the area of the State to which the Act applies. The amendment is designed to bring the shopkeeper who does not employ labour into line with the employer of labour.

This amendment will not affect the availability to the public of commodities such as cooked meats, fish, snacks, meals, bread, milk, cheese, biscuits, butter, bacon, eggs, fruit, greengroceries, confectionery, breakfast foods and non-alcoholic drinks which are available from 17 to 18 hours a day for 7 days a week. Petrol too, can be obtained at all hours; garage proprietors desire to give service on the mere signing of an emergency book. The present provision in the Act applying to chemists is not altered. Chemists will still be able to open from 6.30 p.m. to 8 p.m. on Sundays and public holidays and on Saturdays from 6 p.m. to 8 p.m., as well as being able to dispense prescriptions and supply medicines and surgical appliances at any time after closing hours.

Section 101 of the Act provides that small shops not mentioned in the Fourth Schedule shall be allowed to remain open until 8 p.m. on five days a week and 1 p.m. on another day. "Small shops" are defined as those which have only one assistant and which are registered annually as "small shops." In view of the fact that no such "small shop" has been registered since 1940 and that the hours provided conflict with hours for existing shops, it is considered desirable that Section 101 and Sections 102 and 103 that also apply to "small shops," be deleted. If need be, Section 166 could be used for any small shop that might come into existence. This section enables the Governor by proclamation to suspend the closing hour provision so far as any shop or group of shops is concerned.

Section 104 provides for a poll of persons on a Legislative Assembly district roll as to the day on which the weekly half holiday shall be observed. As the Bill seeks to make Saturday afternoon closing uniform, the Bill proposes to delete this section. The Bruce Rock Chamber of Commerce has urged that the issue of uniform Saturday trading be brought to a head, and in Merredin, it is rather confusing that shops close on a week afternoon then public servants and others have Saturday afternoon off. Section 107 of the Act provides for special closing hours for



hairdressers' shops. These provisions have not been used for many years and therefore there is no need for them to remain in the Act.

Section 115 details the standard holidays which shall be observed by shops, exclusive of those shops mentioned in the Fourth Schedule. Boxing Day, Australia Day, Easter Saturday, Labour Day, Foundation Day, which are holidays under court awards, are not included and therefore are provided for by the Bill. The opportunity is taken in the Bill to rectify the misplacement of a bracket in line seven of Section 115 (1). This misplacement would make it appear that warehouses are not required to observe the prescribed holidays. The amendment also provides that keepers of shops referred to in the Fourth Schedule shall pay double time to any assistants required to work on standard holidays. In conclusion, I would like to reiterate that, apart from the uniform Saturday afternoon closing proposal, the Bill does not alter existing circumstances so far as any shop, factory or warehouse is concerned whose employees are covered by a court award. The Bill, if agreed to, will bring the principal Act into uniformity with court determinations and will give those employees who are not covered by any such determination the same conditions as those enjoyed by their more fortunate fellow workers.

I do not think that anyone could disagree with this principle. Apart from this it seems foolish that the working conditions prescribed by the principal Act should compare unfavourably with those provided by court decisions. It must be remembered also that at all times conditions decided on by the court override those specified by the principal Act. Another fact to recollect is that the Act only refers to that part of the State south of the 26th parallel of latitude. Due to weather and other conditions, closing hours, etc. that can be applied uniformly in other areas of the State are not suitable in most localities north of the 26th parallel. I move—

That the Bill be now read a second time.

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

## **BILL—LICENSING ACT AMENDMENT (No. 3).**

### *Second Reading.*

Debate resumed from the 31st October.

**HON. J. McI. THOMSON** (South) [5.27]: When one considers the heavy increase in taxation that has been made by the Commonwealth Government upon those engaged in the sale of liquor in recent times and compares these heavy imposts with the mere pittance contributed by s.p. bookmakers in this State towards our own revenue, one feels that there is

a great deal of inconsistency by Governments. One can only judge these comparisons fairly upon the capacity of those who are called upon to meet this taxation; and I feel that the people in the liquor trade are unable, to a great extent, to meet these recent heavy demands that have been made upon them by the last Commonwealth Budget.

We see the apathy on the part of the Government in this respect. Although there is a desperate need to obtain more finances for the State, the Government lacks the courage to tackle a sphere which is capable of bearing far higher taxation than are the hotels. It is high time that the Government realised the service rendered by those who sell liquor. Hotels do provide accommodation throughout the State, although criticism of the standard of accommodation has been made. With increasing costs and taxation, what in previous years appeared to be a lucrative business has today appeared in a different light. The Government seems to be killing the goose which lays the golden egg.

The other aspect of the Bill which is objectionable to me is that it provides for retrospective taxation. I consider that retrospectivity of any sort is most unfair and should be opposed. The Bill seeks to make the tax on licensed premises retrospective to the 1st July, 1956. If this Bill is passed it will not become law before the end of November; yet the licences are to be taxed as from the 1st July. Taxation should operate from the time it is agreed to by Parliament.

I am not a patron of hotels; and if they were to rely on me for a living they would soon go out of business. But I do see the necessity for giving fair treatment to hotelkeepers. It seems that they are to be taxed heavier, whereas other sections of the community, more able to stand an increase, have been neglected. I quote from a reliable source when I say that the 6 per cent. increase in the liquor licence fee involved one particular hotel—and this can be applied to most hotels throughout the State—in the payment of £2,000.

The extra impost of 2½ per cent. will add a further £800 to that tax. An increase of £2,800 in such a short period is very severe indeed. It is too great an amount to drain from a hotelkeeper in this State. The impact of the last increase was very marked in the returns; this was brought about by the tightening of money and by the contraction of spending power.

If we are to continue imposing taxation on hotels, an adverse situation will result. Not only the hotels, but also the clubs, will suffer through lack of patronage. The standard of hotels will deteriorate. The person who will feel the impact of this tax will be the working man because doubtless the added taxation will be passed

on to him. The working man considers that today he is already paying too much for his liquor. I trust we shall not see too much taxing legislation introduced.

In today's newspaper there is a statement that death duties are to be increased. There is every indication that the land tax will also be increased. The Government is rushing headlong into increasing these taxes; yet we know of no statement or indication on the part of the Government that it desires to effect economies in view of the very stringent economic position of this country. There is to be increased taxation, but there is no sign that the Government is making a genuine attempt to curb expenditure in Government departments.

The Minister for Railways: You have not read the notice paper.

Hon. J. McI. THOMSON: The Minister appears to be referring to something which is of much interest to him.

The Minister for Railways: There is a motion on the notice paper.

Hon. J. McI. THOMSON: I oppose the Bill.

On motion by Hon. L. A. Logan, debate adjourned.

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

Received from the Assembly and read a first time.

#### **BILL—OIL REFINERY INDUSTRY (ANGLO-IRANIAN OIL COMPANY LIMITED) ACT AMENDMENT.**

##### *Second Reading.*

**THE CHIEF SECRETARY** (Hon. G. Fraser—West) [5.40] in moving the second reading said: The object of this Bill is to authorise the making of agreements for the establishment in the Kwinana district of what has been termed a "wet canteen." The first agreement was entered into on the 23rd November, 1953, by the Government, the Anglo-Iranian Oil Co. Ltd. and Australasian Petroleum Refinery Ltd.

For some months previously the latter firm, which was the company constructing the refinery, had been concerned at the effect that shortage of amenities in the district was having on its construction staff. One of these was the lack of facilities locally for the purchase of alcoholic liquor.

With the advent of summer, the company could visualise greater difficulty in retaining employees, and as a result the building programme could be slowed up. With this in view the company asked the Government if it would be prepared to establish temporary facilities in the Kwinana area for the purchase of liquor

by local residents generally, particularly so far as the company was concerned, by its own employees.

The company had ascertained there was no likelihood for a considerable period, of the provision of a hotel by private enterprise. The Government agreed that until such time as a building suitable for a publican's general licence could be erected, a wet canteen should be provided.

No statutory provision, however, existed for the granting of a licence for a wet canteen and it became necessary therefore either to introduce a special Act or to take advantage of clause (5) (c) of the agreement entered into between the State and the Anglo-Iranian Oil Co. for the construction of the refinery which is contained in the schedule to the principal Act. Clause 5 (c) sets out: "Any application under or provision of this agreement may from time to time be cancelled, added to or varied by an agreement in writing to that effect signed by or on behalf of the parties hereto."

Section 2 of the parent Act defines the agreement in the schedule to be such as it exists from time to time. Section 3 provides that any variations of the agreement have the same effect as if enacted by Parliament. As the provision of the wet canteen was urged by the company as essential to the establishment of the refinery it appeared that the agreement to this effect would not have to be referred to Parliament.

However, it was represented to Parliament by the Minister introducing the Bill that clause 5 (c) was inserted in the agreement so that provision could be made for matters not foreseen by the parties at the time of the making of that agreement.

While it is true that the need for a wet canteen was not considered by the parties when making the agreement the provision of these facilities could quite easily have been foreseen. For this reason the Government was a little doubtful as to whether a further agreement should be made under clause 5 (c) without reference to Parliament. It was decided, therefore, not to finalise the matter until the feeling of both Houses of Parliament had been obtained. As the provision of a wet canteen was considered to be of a temporary nature only, being for the purpose of providing the amenity until such time as a proper hotel was erected, it was not considered necessary to authorise it by a special Act of Parliament.

The agreement provided for a substantial timber framed building of 76 feet by 40 feet, containing a double-sided bar, lounge, office, staff change room and toilet facilities. The manager was to be appointed by the Government and the canteen administered by the State Hotels Department. No accommodation or meals were to be provided.

Copies of the agreement were tabled in both Houses of Parliament which early in December, 1953, approved of the agreement. The agreement provided that the canteen should operate until the 1st June, 1956, or until one week after a hotel was established in the Kwinana district, whichever date was the earlier.

Parliament was told that as the canteen would be established at the direct wish of the oil company, it had agreed to bear any loss up to a maximum of £7,000. It was estimated that if a hotel had been erected within 15 months of the commencement of the canteen the Government would have incurred a loss of approximately this figure.

The canteen is situated in the town of Medina and has served a very useful function to residents as the nearest licensed premises is a considerable distance away. So far there has been no application for a publican's general licence in the district and as a result it became necessary to extend the life of the canteen. Members will appreciate the storm of protest that would have arisen had the premises been closed when the agreement lapsed on the 1st June this year.

The company operating the refinery, which is now known as B.P. Refinery (Kwinana) Ltd., was anxious in the interests of retaining its employees, for the continuance of the canteen. The company also intimated it would interest itself in the possibility of a publican's general licence being obtained in the district.

A further agreement was therefore signed extending the operations of the canteen until the 1st June, 1959, or until one week after a hotel licence is granted, whichever may be the earlier. The Crown Law Department has advised the Government that the subsidiary agreement dated the 23rd November, 1953, was made specifically to assist the company to retain in employment persons engaged on the construction and establishment of the refinery.

The company had an obligation under the 1952 agreement to erect and establish the refinery, and it was considered that the subsidiary agreement for the wet canteen could validly be made under clause 5 (c) of the main agreement as the provision of the canteen would assist the company to retain the necessary labour and facilitate the carrying out of its obligation. Now that the refinery has been established, it is considered doubtful whether an extension of the subsidiary agreement could be made under clause 5 (c).

The Government and the company agree that in the interests of retaining employment at the refinery the canteen should continue; and to dispose of any legal doubt, it is proposed in this Bill to amend the principal Act to provide that agreements can be made for the provision of facilities

at Kwinana for the sale and consumption of liquor until such time as a hotel is operating in the district. I move—

That the Bill be now read a second time.

On motion by Hon. N. E. Baxter, debate adjourned.

## BILL—FRIENDLY SOCIETIES ACT AMENDMENT.

### *Second Reading.*

Debate resumed from the 31st October.

**HON. G. C. MacKINNON** (South-West) [5.47]: In an endeavour to assess this Bill and to understand it a little more clearly, I took the opportunity last week of visiting a friendly society chemist shop in a suburb of Perth, and would like to tell the House what I found there. It is a shop very much like any other chemist shop, and stocks very much the same kinds of goods, with articles varying from cordials for the making of fruit drinks, to a full range of soaps, tooth powders, toilet requisites, medical supplies and beauty aids.

All these things, to the best of my observation, were sold to the general public. There were no checks or tests to indicate whether a purchaser was entitled to shop there or not. The place operated in much the same way as any other. On the dispensing side the shop dispensed to lodge members and prescriptions were issued under the national health scheme and to pensioners and repatriation cases. It would appear that the only restriction was in relation to the dispensing of private prescriptions which did not come under the national health scheme.

The basis for approval of a Bill like this, and it is one that has not been established by those who have spoken in favour of the measure, would be that the members of the friendly societies were suffering a disability due to the legal restriction at present imposed on these shops. Furthermore, there does not seem to be any hint or suggestion that the general public would derive any advantage from an extension of trading on the part of the establishments.

At present there is a scheme operating in this State whereby the chemists do extend to lodge members a discount on their prescriptions—and, indeed, on anything purchased therein. The discount was originally given on prescriptions; but there was an extension, and I believe that the figure is 15 per cent. discount to all lodge members. In the Eastern States there is a scheme which goes even further. It is known as the pool system; but, to the best of my knowledge, it is not operating in this State.

**Hon. L. A. Logan:** The 15 per cent. operates in this State in a very limited form.

**Hon. G. C. MacKINNON:** There are still quite a few places where it is done. It could be that under the free medical

scheme the whole idea of free prescriptions has fallen into the discard to a certain extent. But there are still quite a number of chemists who give that 15 per cent. deduction.

There is another aspect of the case, which was mentioned by Mr. Watson, namely, that the basis of this legislation is the Pharmacy and Poisons Act. I remember someone interjecting and saying we were not dealing with the Pharmacy and Poisons Act but with the Friendly Societies Act. But the whole basis of the operations of dispensing chemists in this State is the Pharmacy and Poisons Act, and the whole spirit of this amending Bill cuts across the design of that Act.

Members are aware that the purpose of the Pharmacy and Poisons Act was to make sure that chain chemist shops did not become part and parcel of the commercial life of this State; in other words, that a dispensing chemist's shop should be under the direct supervision of a qualified pharmacist, who would be allowed one branch. In effect, there is no difference between 10 men banding together and opening a chain of chemist shops and 10 men banding together in the form of a friendly society and opening a chain of such shops. There is still a chain of shops not under the direct personal supervision of the owner.

So Mr. Watson's statement regarding the way this Bill cuts across the design of the Pharmacy and Poisons Act was very true; and it means that we should amend that entire Act if we feel that this widening of the franchise of the friendly societies should be allowed.

Hon. F. R. H. Lavery: You will not deny that this Bill only provides for an amendment of the Friendly Societies Act?

Hon. G. C. MacKINNON: Obviously. It is written into the Bill.

Hon. F. R. H. Lavery: There are other obvious things, too.

Hon. G. C. MacKINNON: The fact is that the set-up of chemist shops rests on the Pharmacy and Poisons Act, and that must be reasonably obvious. There are probably many parallel cases in legislation.

Hon. F. R. H. Lavery: I am a very ignorant person, so I would not know.

Hon. G. C. MacKINNON: In this State we have been extremely fortunate in the standard of our pharmacies; and, indeed, that has been the case throughout Australia. One of the reasons is that the dispensing chemists are subject to the Pharmaceutical Guild and the Commonwealth Government has given that guild authority to deal with its members. For instance, it has statutory power to fine its members up to a maximum of £100, and the punishment meted out to and the disciplinary action taken against any chemist by the guild has the force of law. Indeed, not very long ago such action did

take place in Western Australia. It is as well to remember that the chemist dispensing under the Friendly Societies Act does not come within the authority of the guild.

Hon. E. M. Davies: Are you sure of that?

Hon. G. C. MacKINNON: Yes. He is not subject to the control of that guild. So it would be necessary to set up machinery for watching the things that the guild watches. As at present constituted, the guild would not have power to deal with a chemist operating under the Friendly Societies Act.

Hon. L. A. Logan: He would still be subject to the Pharmacy and Poisons Act.

Hon. G. C. MacKINNON: Agreed. But because this authority has been given to the guild, the policing and disciplining of chemists has been left to that body. In this State it has not been necessary to do anything about friendly societies, because there have not been very many shops.

That brings me to the point that it was mentioned that there was no possibility of any rapid expansion of friendly society shops in this State under this franchise. I have heard it said that where there is legislation here which is similar to that which has been introduced in other States and countries, we should look to those places with a view to gaining from their experience. There is no doubt that, with very little research, one would find that where friendly societies have been granted general trading with the public their expansion has been extremely rapid.

Hon. L. A. Logan: Where?

Hon. G. C. MacKINNON: In the Eastern States. In New South Wales, Victoria and South Australia the expansion was almost at bushfire rate. In New South Wales shops were pegged in 1939.

Hon. L. A. Logan: It was not brought in until 1947.

Hon. G. C. MacKINNON: It was in 1939; and in 1949 a further 20 shops were established. Permission to open them was applied for and granted. The tendency in the Eastern States has been towards a rapid spread of these shops. It is a fair while since I was over there; but I am told that what is worrying the medical and pharmaceutical people there is the tendency for these shops to be open under the support of the friendly societies and to become just what the Pharmacy and Poisons Act was designed to prevent their becoming—what virtually amounts to general retail stores which take in prescriptions that are sent to a central depot for filling. That is one thing which the Act to which I have referred was meant to prevent. These are tendencies which deserve a great deal of thought and consideration by members of this House.

In 1945 they allowed a further 20 of these shops in New South Wales, but the original pegging there was in 1939. Between 1939 and 1945, a period of six years, 20 more closed shops were opened. They applied to the Government for open trading rights, which were granted. An unfortunate aspect of the spread is that in this State we have constantly the problem of decentralisation. There are many towns and districts in Western Australia which could do with capable and well-set-up pharmaceutical chemists, but the tendency of the friendly societies is to open their chemist shops only where there is a density of population. There is little likelihood of their going to outlying areas and doing what might be termed pioneering work in the pharmaceutical dispensing business.

Hon. G. Bennetts: Half of them do not like to go out into remote areas.

Hon. G. C. MacKINNON: Many chemists do go to such places, and I do not think the case for the improvement of the lot of the general public has been proved by anyone speaking in favour of the measure. From the tone of some interjections, I seem to be singled out as an enemy of the friendly societies; but I think I, and most of the members of this Chamber, have at some time or other belonged to one of the friendly societies, and we therefore realise the good work they have done. Be that as it may, there are still many chemists who have put a lot of money into a lot of shops, and if the friendly society shops are given open trading it will be to the disadvantage of the private individual.

Hon. L. A. Logan: Give us the figures for Queensland and South Australia.

Hon. G. C. MacKINNON: South Australia was pegged in 1947.

Hon. L. A. Logan: But give us the number of new dispensaries.

The PRESIDENT: Order, please!

Hon. G. C. MacKINNON: One matter which was raised was the tendency of many chemist shops to sell a wide variety of articles. While that has nothing to do with the Bill in some respects, the measure would give any chemist shop under the pharmaceutical prescription label the right to sell a wide variety of goods. The chemists have been criticised for that extension of their trading; but to some extent they have been forced to do it. Nowadays, a large number of specifics are made up by the major drug-houses; and with the exception of the making up of prescriptions, the chemists have had very little protection. I think Tasmania is the only State where they have had protection for their trading, with the result that elsewhere practically any class of shop sells a wide variety of products normally considered to be chemists' lines.

One can go into any grocer's shop and buy toothpaste, toilet requisites, and so on which used to be considered chemists' lines. In that way the chemists have been forced into widening their franchise; and as that has become accepted practice, we can take it for granted that the friendly societies will follow the same course as there is nothing in the Bill to prevent them doing so.

Mention was made of taxation, and Mr. Watson said it had probably been worked out by the office boy. Certainly there was some exaggeration there, as the first lot of taxation returns on which they are likely to be asked to pay are just being lodged; and unless they have been dealt with extremely rapidly, I do not see how these people could have received their assessments yet or how they could have any exact knowledge of the tax they would be called upon to pay.

The figures must therefore be hypothetical to a certain extent. The society chemists have been subject to taxation for some years and lodged returns, but did not have to pay. However, the Commonwealth has stated that it will henceforth collect this taxation, but cannot yet state accurately what it will amount to. Mr. Lavery said the other night that the Fremantle chemist shops were all closed at night. He said he drove around Fremantle at night—

Hon. F. R. H. Lavery: I did not. I said I have lived there for 30 years.

Hon. G. C. MacKINNON: The Chemists' Guild arranges a roster of the shops that stay open late—

Hon. F. R. H. Lavery: You are lucky if you can get medicine there in a hurry at night.

Hon. G. C. MacKINNON: They have arranged that all chemist shops in the district shall display in their windows a notice showing where after-hours medicine can be obtained, and every chemist shop in Fremantle displays that notice.

Hon. F. R. H. Lavery: That is not correct.

Hon. G. C. MacKINNON: I did not visit every chemist shop in that area, but I called on two, and they both had it.

Hon. G. Bennetts: They must have done it since the Bill was introduced.

Hon. G. C. MacKINNON: There is some basis for believing that there is a danger in this, because when the shops in the Eastern States were given open trading without pegging they tended to develop into a chain of shops. Where a matter of six shops are concerned there is no difference whether they are run by a friendly society or by a company. If that practice has been considered undesirable as a form of merchandising in regard to pharmaceutical dispensing in the past, I think that before passing this measure we should

decide whether conditions have changed in that regard. If not, I see no reason why we should extend the right of one organisation without granting it to any others concerned and I would deplore a happening of that kind. As so many chemists have invested a great deal of money in their shops, I feel there should be some pegging to prevent the tendency I have mentioned.

Hon. G. E. Jeffery: Do you still believe in free enterprise?

Hon. G. C. MacKINNON: Yes; and that is why I would like to see the pegging. I am thinking of individual chemists who have put capital into their shops, and that is free enterprise in the accepted sense of the word. It is with that in mind that I would like members to give serious consideration to the points I have raised.

HON. J. McI. THOMSON (South) [6.10]: I have listened attentively to contributions so far made to the debate; and at first I was impressed with the necessity to defeat the Bill, because I do not want to support legislation which would make it difficult in future to have chemists trained. We know the need that exists to properly train chemists in our country areas, particularly; and I would not like to see any legislation which would detrimentally affect the number of young men entering that profession pass through this House.

Hon. G. Bennetts: There is a surplus of them now.

Hon. J. McI. THOMSON: I have given the matter a lot of consideration, and I do not think we need worry about what has happened in the Eastern States; because, as I read it, the legislation here protects the position to a far greater extent than is the case elsewhere. After reading our Pharmacy and Poisons Act, I do not think we need worry that the passing of this measure would mean that these shops would spring up throughout the country areas. Subsection (1) of Section 44 of that Act reads—

No person other than—

- (a) A pharmaceutical chemist; or
- (b) A company or a friendly society registered under the Friendly Societies Act, 1894-1923, and respectively engaged in carrying on the business of a chemist and druggist or of a pharmaceutical chemist by and under the immediate supervision of a licensed pharmaceutical chemist, providing that such company or friendly society does not employ in the dispensing of medicines more than three persons who are not pharmaceutical chemists to every pharmaceutical chemist who is so employed; or

(c) A legally qualified medical practitioner, shall carry on the business of a chemist and druggist, or pharmaceutical chemist. Provided that—

- (i) Nothing in this section contained shall extend to or be deemed to give any right to a company to carry on such business other than a company now registered and carrying on such business under the immediate personal supervision of a pharmaceutical chemist, and, save as aforesaid, it shall not be lawful for any company, or association of persons, not being licensed pharmaceutical chemists, to carry on or assist in the carrying on of such business aforesaid, or to assume or use or exhibit . . .

and so on. That wording convinces me that the Act at present provides that there shall be no extension of the six businesses now operating under the Friendly Societies Act, in either the metropolitan or country areas. Without the protection of the Act these people might go into the larger country towns and neglect the smaller country centres.

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

Hon. J. McI. THOMSON: Prior to the tea suspension, I was pointing out that after reading the Pharmacy and Poisons Act I can see that there is a safeguard against any of the chain stores setting up in the pharmacy business if this Bill becomes law. As far as I can see, there is nothing in the Bill which will enable the standard of chemist shops in the future to be lowered, as one or two speakers have said. We place a high value on the integrity and standard of our chemists; and as far as I can see, there is nothing in this Bill that will allow that position to be altered.

The other purpose of the Bill is to give the six friendly society dispensaries operating in Western Australia—there are four in the metropolitan area and two on the Goldfields—the right to trade in the same goods as are carried by other chemist shops operating in this State. I think that is only fair, as these dispensaries are being called upon to pay taxation on a certain percentage of their turnover. Mention was also made of the night service given by the ordinary chemists. There is one pharmaceutical chemist in Perth—the Ambassadors Pharmacy—which gives an all-night service seven nights a week. That service is very much appreciated by the public. But I find on

inquiry that the next best service given in Perth is that given by the friendly society dispensary in Barrack-st.

It is wrong for some members to try to mislead this Chamber by saying that these dispensaries do not give a service when, in actual fact, they do. I understand that on four or five nights of the week the qualified person who is resident on the premises is on duty. Apparently in the hope that the Bill will be defeated, members have said that these dispensaries do not give a service. But that is misleading and we should stick to the truth on all matters. I see nothing wrong with the Bill; although, when I listened to the first few speakers who spoke against it, I was inclined to vote against it. Upon investigation I found there was no justification for their statements, and I propose to support the measure.

**THE CHIEF SECRETARY** (Hon. G. Fraser—West—in reply) [7.35]: This debate, like so many other debates, has had so many foreign matters introduced into it that the main objective seems to have been lost sight of. As I said when introducing the Bill, the main objective is to allow the friendly society dispensaries to trade with the general public. That is the main idea of the Bill, and I can see nothing wrong with it.

Why should members drag into the debate side issues which have nothing to do with the question? One member talked about dispensaries springing up in the metropolitan area. I will tell members how much they have sprung up in the past. As regards the four metropolitan dispensaries, the Perth shop was opened 57 years ago; the Fremantle, Subiaco and Leederville branches, at least 30 years ago; and the Victoria Park dispensary 25 years ago. Would members say that was "springing up"?

Hon. G. Bennetts: The two on the Goldfields have been there for 50 years.

**THE CHIEF SECRETARY:** Friendly society dispensaries could not possibly spring up all over the metropolitan area because no amendment is being made to the Pharmacy and Poisons Act. All we are dealing with is an amendment to the Friendly Societies Act and these dispensaries could not spring up all over the metropolitan area unless the Pharmacy and Poisons Act were amended.

Hon. G. C. MacKinnon: I think the position would be open to variation.

**THE CHIEF SECRETARY:** The hon. member said that they had sprung up all over the Eastern States; but I have already indicated that that could not be the position here unless the Pharmacy and Poisons Act were amended. Because of all these side issues we lose sight of the real purpose of the Bill. I could not understand the

logic in the speech made by Mr. Watson. I think it was one of the most astounding speeches made here; and I was surprised at the attitude of so many members who repeatedly talk about free enterprise.

Hon. H. K. Watson: What was the astounding part of my speech?

**THE CHIEF SECRETARY:** The hon. member has to be a little patient. These dispensaries are not State instrumentalities; members cannot use that argument against them. These dispensaries are co-operative organisations and they should be encouraged instead of discouraged. Is it not only right and proper that if an organisation has been operating under certain conditions for so many years, and it is suddenly faced with the payment of extra taxation, and appeals for relief, Parliament should grant it some relief to meet those extra payments? These dispensaries will still give a service at a reasonable cost. I have never heard Mr. Watson more inconsistent than he was when he spoke to the second reading of this measure.

Hon. Sir Charles Latham: This is the second occasion.

**THE CHIEF SECRETARY:** No; it was the most inconsistent speech I have heard him make.

Hon. Sir Charles Latham: But last night you said you had heard him make the most inconsistent speech.

**THE CHIEF SECRETARY:** But this was an astounding one. He put up a case for the chemists. Everybody realises their value. We all want to help them as much as possible, but we do not want to help them at the expense of everybody else. He said all the good things he could say about them; and later on he told us that chemists are selling photographic supplies, ice creams, cool drinks, lottery tickets, and almost everything.

Hon. G. Bennetts: And toys.

**THE CHIEF SECRETARY:** He wants to preserve a certain trade to the chemists and deny the friendly societies that right. He had no complaint to make about chemists branching out into the fruitery business, the cool drink business or any other type of business.

Hon. H. K. Watson: No.

**THE CHIEF SECRETARY:** Apparently it is all right to preserve the right to the chemist to trade in any type of business; but it is not right to grant some relief to the dispensaries. He did not want to protect all the other people against whom the chemists are competing with their trading.

Hon. H. K. Watson: But friendly societies have a fundamental principle. They are not general traders.

**THE CHIEF SECRETARY:** The fundamental principle is to supply medicines at the cheapest possible rate.

Hon. H. K. Watson: But not to go in for general trading.

The CHIEF SECRETARY: Chemists have a fundamental principle to serve medicines to the public, and fruiterers have a fundamental right to serve fruit to the public. But the point is the inconsistency of the hon. member. It is all right for the chemist to sell fruit, but it is not all right for the fruiterer to sell chemists' lines.

Hon. G. C. MacKinnon: He knows they sell Aspros.

The CHIEF SECRETARY: That is about all they can sell. When we are dealing with matters of this description, we should be a little consistent in our attitude. I am not objecting to the chemists doing these things but at the same time I want to be consistent and allow these other people to trade in the same way. I consider this relief that we can grant them to be quite legitimate and I cannot see why these dispensaries should not be permitted to trade with the public.

At present they are allowed to dispense to people under the national health scheme; but if eye drops are prescribed, they can supply the drops but not the eye-dropper. What a ridiculous position that is! The hon. member wants to confine them to operating under conditions such as that! As I said, I can see nothing wrong with the Bill, and I feel confident that the House will agree with me.

Question put and passed.

Bill read a second time.

#### *In Committee.*

Hon. W. R. Hall in the Chair; the Chief Secretary in charge of the Bill.

Clause 1—agreed to.

Clause 2—Section 7A. added:

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

That all the words after the word "Act" in line 18, page 2, be struck out and the following inserted in lieu:— shall be deemed to preclude a registered society which, at the thirty-first day of October, one thousand nine hundred and fifty-six, was carrying on a dispensary for the purposes of dispensing medicines in accordance with the provisions of paragraph (2) of section seven of this Act, from dispensing medicines to any member of the general public at its then existing dispensary.

The position is that Section 7 (2) of the Act provides that a friendly society shall be entitled to dispense medicines to its members. As I understand their request, the friendly societies desire to carry on the powers they have under the Act, not only with their members but also with

the general public. There is nothing in my amendment that precludes that objective. In addition to giving them the power they seek, my amendment preserves and ensures that they shall not go, or be invited to go, beyond their legitimate functions under the Act.

We are assured that the six or seven existing friendly societies have no intention of branching out into chain stores; and that being so, I suggest that no valid objection could be taken to making the enabling Act expressly say so; particularly in the light of experience in the Eastern States, where it was proved necessary and desirable to state in the amending Act that the power is granted to existing dispensaries. That is the purpose of my amendment.

The CHIEF SECRETARY: I hope the Committee will not agree to the amendment. We should not hamstring the dispensaries but let them deal with the public as they think necessary to fulfil the requirements of their customers. I cannot see these people launching out to any great extent, except as it might assist them in the provision of goods allied to medicine. There is nothing wrong with that.

Hon. C. H. SIMPSON: Some of the aspects in the amendment are worth while. The present system has worked well and has produced an ample supply of chemists.

The Chief Secretary: This won't stop that.

Hon. C. H. SIMPSON: It might have some effect. The pharmacy business more than any other provides openings for young men who wish to make careers for themselves. There has been no conflict or ill-feeling between the pharmacies and the private shops, but there could be other aspects which might develop to upset that desirable state of affairs.

I agree with those members who have recited the benefits provided by friendly societies. If Mr. Logan looks back in the records of the society of which he is Grand Master he will find my name as one of the directors of the consolidated society. At that time, when pharmacy facilities were first provided, certain benefits were conferred on members; and over the years, they have served a useful purpose. This amendment enables them to trade with the public.

In some States—and in South Australia particularly—where a similar Bill was passed it had the effect of creating a number of shops. When the attention of the Premier was drawn to the growth of the extra chemist shops in a short time he took the same step that had already been taken in New South Wales and pegged the number of the shops as at that time. That position has not arisen in Queensland. The amendment would stabilise the position and give a status to the chemist shops in existence. It will give those who have started in business a sense of stability.



Hon. G. BENNETTS: Mr. Simpson said that the amendment would help young people who wished to become chemists. There is a surplus of chemists at present, and some of them cannot get relief work to keep them going full time. If the Bill is carried as the Chief Secretary desires, and if the friendly societies open up certain shops, it may help these young fellows, who have passed their examinations and are qualified chemists, to obtain employment. If the amendment is defeated, it will be a step in the right direction. I do not think the societies will extend their facilities.

Hon. G. C. MacKINNON: If Mr. Bennetts can give me the names of the chemists who cannot get relief work. I will have them placed twice over. There is a great shortage of locums, and it takes anything up to three or four months to obtain one. The amendment allows the societies to trade with the public, as requested, and it is in accord with the Friendly Societies Act. I support the amendment.

The CHIEF SECRETARY: I would like to ask Mr. Watson what objection he has to allowing a dispensary to carry on with any member of the general public at that dispensary the business and trade ordinarily carried on by a pharmaceutical and dispensing chemist and druggist.

Hon. L. A. LOGAN: The amendment attempts to bring the position back to the conditions that apply today. The intention of the measure is to allow friendly society chemists to trade with the public, but the amendment brings it back to the dispensing side of the business, and that cuts across the purpose of the Bill.

In regard to the shortage of locums, surely we cannot blame the friendly societies for that. It has been said that this would have the effect of young fellows starting out to train as pharmaceutical chemists. If this has not been done for 25 years we can hardly blame the friendly societies.

Hon. H. K. WATSON: In reply to the Chief Secretary I would point out that under Subsection (2) of Section 7 of the principal Act, friendly societies are given power to dispense medicines to their members. This Bill, as I understand it, is to give friendly societies the power to do business with the general public, and there is nothing in my amendment which precludes that. Their power at the moment is to dispense medicines only, but I understand they do carry on a business.

The terms of Subsection (2) are wide enough to enable them to carry on as they do today with their own members, and my amendment is simply an orderly development of that subsection. It will enable them to carry on the same business. My concern about the Bill is that it gives an open go to friendly societies, whether they are registered now or hereafter, to open general chemist shops. I suggest the

enabling power should be confined to the dispensaries at present in existence. The Bill goes this far and says—

No provision of this Act or of the rules of any society shall be deemed to preclude a registered society, whether registered under this Act before or after the coming into operation of the Friendly Societies Act Amendment Act, 1956, which is carrying on a dispensary for the purpose of dispensing medicines in accordance with the provisions of paragraph (2) of section seven of this Act, from carrying on with any member of the general public at that dispensary the business and trade ordinarily carried on by a pharmaceutical and dispensing chemist and druggist.

I submit that a friendly society, no less than any other organised body, should be bound by its rules. If the Act gives this power to do certain things, it should be within the discretion of the members to alter their rules if they so desire. This is a negation of the whole principle of a set of rules for any institution. Parliament should not override the rules.

Hon. N. E. BAXTER: My conception is that if we accept the amendment it will mean that a chemist in a friendly society's premises can dispense medicines for the general public, but cannot sell proprietary lines to the general public as under the Act. If the amendment goes through, they will be limited to selling medicines dispensed to the general public and proprietary lines to members.

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

Ayes	....	....	....	11
Noes	....	....	....	14
Majority against				3

Ayes.	
Hon. L. C. Diver	Hon. H. L. Roche
Hon. A. F. Griffith	Hon. C. H. Simpson
Hon. Sir Chas. Latham	Hon. H. K. Watson
Hon. G. MacKinnon	Hon. F. D. Willmott
Hon. R. C. Mattiske	Hon. J. Cunningham
Hon. J. Murray	(Teller.)
Noes.	
Hon. N. E. Baxter	Hon. L. A. Logan
Hon. G. Bennetts	Hon. H. C. Strickland
Hon. E. M. Davies	Hon. J. D. Teahan
Hon. G. Fraser	Hon. J. McI. Thomson
Hon. J. J. Garrigan	Hon. W. F. Willesee
Hon. R. F. Hutchison	Hon. F. J. S. Wise
Hon. G. E. Jeffery	Hon. F. R. H. Lavery
	(Teller.)

Pair.	
Hon. J. G. Hislop	Hon. E. M. Heenan

Amendment thus negatived.

Hon. N. E. BAXTER: I move an amendment—

That the word "whether" in line 20, page 2, be struck out.

I propose this amendment because I believe the words "or after" in line 21 are redundant. According to the Pharmacy

and Poisons Act, no society can conduct a business in two premises; and as this clause reads at the present time, it states that no society registered under this Act before or after the coming into operation of the Friendly Societies Act Amendment Act can trade with the public. It is not possible for them to be registered to trade with the public, and the words are redundant. I appeal to the Committee to take them out to make sure that no other societies can operate with the general public.

Hon. H. K. WATSON: I would invite the consideration of the Committee to the question of not merely deleting the word "whether" but deleting the words "whether registered under this Act before or after the coming into operation of the Friendly Societies Act Amendment Act, 1956", and then after the word "which" in line 23, adding the words "at the 31st day of October, 1956." The amendment I have suggested would not in any way prevent a society from carrying on a general business, but it would limit those societies to those in existence at this date.

Hon. N. E. BAXTER: The Bill will not be in operation for some time, yet Mr. Watson would go back to the 31st October, 1956.

Hon. H. K. WATSON: If the date were "the coming into operation of the Act" it would be possible during the current week to open branches and circumvent the Act. That is the reason for my suggested amendment. I cannot see the force of Mr. Baxter's amendment. It leaves the gate wide open, and members are not anxious to do that. The intention is that this should be confined to the existing dispensaries.

The CHIEF SECRETARY: For once Mr. Watson and I agree.

Hon. H. K. Watson: That must be the most extraordinary speech I ever made.

The CHIEF SECRETARY: I cannot see any purpose being served by the suggested amendment. This would not permit of other branches opening up. That requires the amendment of another Act.

Hon. H. K. Watson: I question that.

The CHIEF SECRETARY: That is the information supplied to me by the experts.

Hon. H. K. Watson: By the Crown Law Department?

The CHIEF SECRETARY: By the experts handling the Bill. The definite opinion is that we must amend the Pharmacy and Poisons Act to permit of any further dispensaries being established. If the Act remains as it is, and it is thought by Parliament in future years that the Pharmacy and Poisons Act should be amended, this will fit in; but if this is not done, it will mean the amendment of two Acts. While it is only in this Act,

no damage can be done to anyone. I am not prepared to say what can happen in 20 years' time. I ask the Committee to leave the Bill as it is.

Hon. F. R. H. LAVERY: I have an assurance from the friendly societies that their funds will not permit them to open even one more dispensary in this State. I suggest that proposed Section 7A be left as it is.

Hon. H. K. WATSON: The Chief Secretary has said that under the Pharmacy and Poisons Act it is not possible for a friendly society to open a fresh pharmacy. I cannot see anything in the Pharmacy and Poisons Act which does not prevent a friendly society from opening chemist shops ad lib. If the Chief Secretary assures me that he has a Crown Law ruling to that effect, I will be prepared to reconsider my view. I refer members to Section 44 of the Pharmacy and Poisons Act. The proviso refers to a company. If the view expressed by the Chief Secretary is correct, I concede that the point I am making is not quite as serious as I suggest, but I have grave doubt whether the view he has put forward is correct.

Hon. N. E. BAXTER: I seek to take out these words so as to get into the minds of the chemists and the people concerned the point that this amending legislation will mean that only the friendly societies at present registered can trade with the general public.

The CHIEF SECRETARY: Here is a notation from the Crown Law Department—

Such an amendment, while removing the trading restrictions implied in the Friendly Societies Act, does not affect the Pharmacy and Poisons Act, 1910-1954.

Hon. H. K. Watson: That still does not answer my question.

Amendment put and negatived.

Clause put and passed.

Title—agreed to.

Bill reported without amendment.

#### *Recommittal.*

On motion by Hon. H. K. Watson, Bill recommitted for the further consideration of Clause 2.

#### *In Committee.*

Hon. W. R. Hall in the Chair; the Chief Secretary in charge of the Bill.

Clause 2—Section 7A added.

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

That after the word "society" in line 20, page 2, the words "whether registered under this Act before or after the coming into operation of the Friendly Societies Act Amendment Act, 1956" be struck out.

If I am successful in this amendment I shall move to insert after the word "which" in line 23 the following:—"at the 31st day of October, 1956."

In view of the assurances I have received, I am not greatly concerned whether the 31st day of October is altered to read "the 7th day of November" or whatever day members may suggest. The normal method is to nominate a date a day or two before the Act is passed. The sole purpose of the amendment is to confine this right to those dispensaries which are at present in operation.

The CHIEF SECRETARY: I ask the Committee to leave well alone.

Hon. L. A. LOGAN: I have been associated with friendly societies for the past 31 or 32 years, and I have been given an assurance by their members that they have no intention of starting any new dispensaries in Western Australia. I am prepared to accept their assurance, and therefore there is no need for this amendment, in my opinion.

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

Ayes	....	....	....	....	11
Noes	....	....	....	....	14
Majority against					3

#### Ayes.

Hon. N. E. Baxter	Hon. J. Murray
Hon. J. Cunningham	Hon. H. L. Roche
Hon. A. F. Griffith	Hon. H. K. Watson
Hon. Sir Chas. Latham	Hon. F. D. Willmott
Hon. G. MacKinnon	Hon. C. H. Simpson
Hon. R. C. Mattlake	(Teller.)

#### Noes.

Hon. G. Bennetts	Hon. F. R. H. Lavery
Hon. E. M. Davies	Hon. L. A. Logan
Hon. L. C. Diver	Hon. H. C. Strickland
Hon. G. Fraser	Hon. J. McI. Thomson
Hon. J. J. Garrigan	Hon. W. F. Willesee
Hon. R. F. Hutchison	Hon. F. J. S. Wise
Hon. G. E. Jeffery	Hon. J. D. Teahan
	(Teller.)

#### Pair.

Aye.	No.
Hon. J. G. Hislop	Hon. E. M. Heenan

Amendment thus negatived.

Clause put and passed.

Bill again reported without amendment and the reports adopted.

## BILL—PROFITEERING AND UNFAIR TRADING PREVENTION.

### Recommendation.

On motion by the Chief Secretary, Bill recommitted for the further consideration of Clauses 9, 12, 15, 32, 34, new Clause 38 and the Schedule.

### In Committee.

Hon. W. R. Hall in the Chair; the Chief Secretary in charge of the Bill.

### Clause 9—Administration:

The CHIEF SECRETARY: I propose to move the amendment which appears in my name on the notice paper, but I understand that the amendment before the Chair is that moved by Sir Charles Latham, is it not, Mr. Chairman?

The CHAIRMAN: Yes. The amendment by Sir Charles, as previously amended, is as follows:—

That after the word "Minister" in line 10, page 7, the words "and subject also to the provisions of subsection (2) of this section" be inserted; and the following be added to stand as Subclause (2):—

(2) For the purposes of this Act the Governor shall appoint to advise the commissioner an Advisory Council of the four persons comprising—

- (a) a representative of the Chamber of Manufacturers;
- (b) a representative of the Chamber of Commerce;
- (c) a representative of the Retail Grocers' Association;
- (d) a representative of the industrial trade unions;
- (e) a representative of the Farmers' Union; and
- (f) a person nominated by the Minister to represent the general public.

Each member of the council other than the person nominated by the Minister, shall be selected by the Governor from a panel of three names submitted by each of the organisations referred to in the last preceding subsection.

Each member of the council shall hold office during the Governor's pleasure.

The council shall meet whenever summoned by the commissioner but not more than one month shall elapse between each meeting.

The number of members necessary to constitute a quorum shall be five and the commissioner shall be the chairman of and preside at each meeting of the council but shall have a deliberative vote only.

The Chief Secretary will have to move an amendment on the amendment.

The CHIEF SECRETARY: Yes, that is correct. I move—

That the amendment be amended by striking out all words in proposed new Subclause (2) after the word "comprising" in line 4 and substituting the following:—

- (a) Two representatives representing the organisations known as the Chamber of Manufactures, the Chamber of Commerce and the Retail Grocers' Association.
- (b) One representative nominated by the Minister to represent the general public.
- (c) One representative representing primary producers.

(3) Each member of the Council representing the organisation mentioned in paragraph (a) of the last preceding subsection shall be selected by the Governor from a panel of six names submitted conjointly by those organisations, and the member representing primary producers shall be selected from a panel of two names submitted by the Farmers' Union of Western Australia (Inc.), to the Governor in either case within such time as the Governor appoints, or if in either case no such panel is submitted each member of the Council other than the member nominated by the Minister shall be such person as the Governor thinks fit.

(4) Each member of the Council shall hold office during the Governor's pleasure.

(5) The Council shall meet whenever summoned by the Commissioner but not more than one month shall elapse between each meeting.

(6) The number of members necessary to constitute a quorum shall be three and the Commissioner shall be Chairman of and preside at each meeting.

Hon. R. C. MATTISKE: I repeat what I said previously, namely, that I think this Committee is getting out of its depth on this subject. There is nothing laid down in regard to the functions of this proposed council except that it shall meet at certain intervals. In no other part of the Bill is it provided how it shall advise the commissioner. Is this body to be charged with the responsibility of advising the commissioner that he shall "go" for a certain section of the public because in the opinion of the council that section may be exploiting other members of the community? Or is it the intention of the Committee that these people shall consider the merits or demerits of any particular case that comes before the commissioner?

If the latter is the case, in my opinion this council would not be competent to sit as a tribunal on any particular case. If that is what is intended, we should appoint a number of different councils comprising experts from various sections of industry; so that, in the event of a persons from a section of industry being charged, he will have the opportunity of appearing before a tribunal the members of which are fully aware of the conditions affecting that section of industry and therefore quite competent to judge whether that person is guilty of profiteering or unfair trading. Until we can decide what this council is going to do, I think we are merely beating the air.

Hon. A. F. GRIFFITH: This is an appealing clause; it is nothing more nor less. As Mr. Mattiske has said, it is not worth the paper it is written on.

Hon. Sir CHARLES LATHAM: I would draw attention to the amendment to Clause 31 which has already been agreed to, and which provides that the commissioner shall not declare a person until the advisory council has been called upon to advise him.

Hon. A. F. GRIFFITH: I move—

That the amendment on the amendment be amended by striking out the word "six" in line 5 of Subclause (3) and inserting the word "four" in lieu.

The number of nominees from the Chamber of Manufactures, the Chamber of Commerce and the Retail Grocers' Association is twice as great as that of the other nominees. In all they will be three times as great as the nominees of the Minister and the primary producers combined. The number of nominees should be reduced from six to four to bring the number into proportion with the nominee of the Minister and that of the primary producers.

The CHIEF SECRETARY: I accept the amendment on the amendment. I desired to increase the panel of names; but if it is the wish of the Committee to reduce the number, I have no objection.

Hon. L. A. LOGAN: I cannot understand the reason for the amendment on the amendment. If four nominees are to be chosen from the three organisations, which organisation will nominate two members?

Hon. H. K. WATSON: Subclause (3) presupposes that the Chamber of Commerce, the Chamber of Manufactures and the Retail Grocers' Association will get together as one body to appoint the four nominees. They will meet conjointly to make the nominations.

Amendment on the Chief Secretary's amendment on Sir Charles Latham's amendment put and passed; the amendment on the amendment, as amended, agreed to.

Amendment, as amended, put and passed.

Hon. N. E. BAXTER: I wish to move an amendment.

The CHAIRMAN: The amendment has already been passed.

Hon. N. E. BAXTER: You have only dealt with the amendment on the amendment.

The CHAIRMAN: I also dealt with the amendment by the Chief Secretary, and that has been agreed to. I am now putting the motion that Clause 9, as amended, be agreed to.

Clause, as amended, put and passed.

Clause 12—Appointment of staff:

Hon. A. F. GRIFFITH: I have successfully moved an amendment in the appropriate clause to set out the qualifications of the commissioner to the effect that he shall be a person possessing retail or wholesale business experience, or has been a practising accountant for five years. It now becomes necessary to deal with the qualifications of the acting commissioner. I therefore move —

That after the word "person" in line 2, page 8, the words "with the same qualifications as those required for the commissioner" be inserted.

The CHIEF SECRETARY: I hope the Committee will not agree to the amendment. The amendment relating to the qualifications of the commissioner has already been passed, but now the hon. member desires to incorporate the same qualifications for the acting commissioner. Perhaps he intends to move for the same qualifications for officers below the acting commissioner. I would ask the hon. member to be reasonable in this matter; because, on occasions when the commissioner is away, the acting commissioner will have to act for him, and if the amendment is agreed to he will have to possess the same qualifications as the commissioner.

Hon. A. F. GRIFFITH: Does the Chief Secretary think that the commissioner will agree to an acting commissioner without any qualification being appointed? The commissioner might be indisposed through illness for some indefinite time, or he might be away in the country districts on various occasions. When that happens, the acting commissioner will take his place. It has already been agreed that the commissioner shall have the qualifications referred to. But when he is away, and the acting commissioner takes his place, the public will have to deal with a person with no defined qualifications at all.

The Chief Secretary: I did not say that.

Hon. A. F. GRIFFITH: That was implied. It is not unreasonable to ask that the acting commissioner should possess

the same qualifications as the commissioner, because on various occasions he will have to take over the duties of the commissioner.

Hon. F. R. H. LAVERY: I think we have the answer to this question in this Chamber. When the President is not in the Chair the Chairman of Committees takes his place. Can it be recognised that the Chairman has the same qualifications as the President?

Hon. Sir Charles Latham: He might easily have higher qualifications.

Hon. F. R. H. LAVERY: It may be so; it could be so. But who has the higher office in this Chamber? Who has the higher office in a business firm—the accountant or the sub-accountant? Mr. Griffith said he was amazed at what the Chief Secretary had done. But I am surprised—

Hon. Sir Charles Latham: So am I.

Hon. F. R. H. LAVERY: Sir Charles has been surprised so many times during the last fortnight that he must be getting used to it. Members have said that we would not be able to find a man with the qualifications required of the commissioner. In that case, how are we going to find two so-called almost impeccable men? If we can find them, certainly let us have them, but it is not right to set out in this Bill that the acting commissioner must have the same qualifications as the commissioner. That is not the practice in any organisation—in a fire brigade, or a football team, or even in this Chamber.

Hon. N. E. BAXTER: I trust the Committee will agree to the amendment. It is reasonable to provide that whoever is appointed deputy shall be qualified so that we shall know that he is as familiar with the subject with which he is dealing as the commissioner is. I would ask Mr. Lavery: If he were under a brain specialist and that brain specialist recommended a deputy to take his place in the event of his absence, would the hon. member like a general practitioner to be appointed?

Hon. F. R. H. LAVERY: I don't have any brains, or I would not be in this Chamber.

Hon. A. F. GRIFFITH: Would the hon. member like to have the place of a man licensed to drive a motorcar taken by a man with no licence?

Hon. A. R. JONES: This is a reasonable amendment. It is no good saying that the Minister would not do this or that. Have we not had an instance of what some of us consider to be bungling in the matter of the appointment of a man to a certain hospital? The sort of thing that occurred in that case could occur in this one. This amendment is necessary to protect business people and the general public at such times as the commissioner is absent through sickness or for some other reason.

Amendment put and a division called for.

The CHAIRMAN: Before the tellers tell, I give my vote with the noes.

Division taken with the following result:—

Ayes	....	....	....	....	13
Noes	....	....	....	....	14

Majority against 1

Ayes.

Hon. N. E. Baxter	Hon. J. Murray
Hon. J. Cunningham	Hon. C. H. Simpson
Hon. A. R. Jones	Hon. J. McI. Thomson
Hon. Sir Chas. Latham	Hon. H. K. Watson
Hon. L. A. Logan	Hon. F. D. Willmott
Hon. G. MacKinnon	Hon. A. F. Griffith
Hon. R. C. Mattlake	(Teller.)

Noes.

Hon. G. Bennetts	Hon. G. E. Jeffery
Hon. E. M. Davies	Hon. H. L. Roche
Hon. L. C. Diver	Hon. H. C. Strickland
Hon. G. Fraser	Hon. J. D. Teahan
Hon. J. J. Garrigan	Hon. W. F. Willesee
Hon. W. R. Hall	Hon. F. J. S. Wise
Hon. R. P. Hutchison	Hon. F. R. H. Lavery
	(Teller.)

Pair.

Aye.	No.
Hon. J. G. Hislop	Hon. E. M. Heenan

Amendment thus negatived.

Hon. A. F. GRIFFITH: I want to make one last protest. I realise that the Committee has passed a clause containing—

The CHAIRMAN: Is the hon. member going to move an amendment?

Hon. A. F. GRIFFITH: I don't know. I am trying to work it out.

The CHAIRMAN: In fact, the clause stands as printed.

Hon. A. F. GRIFFITH: I thought you were putting the question.

The CHAIRMAN: The hon. member may proceed.

Hon. A. F. GRIFFITH: No; I will sit down. It is impossible to get any sense.

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

Ayes	....	....	....	....	14
Noes	....	....	....	....	9

Majority for 5

Ayes.

Hon. G. Bennetts	Hon. Sir Chas. Latham
Hon. E. M. Davies	Hon. F. R. H. Lavery
Hon. L. C. Diver	Hon. H. L. Roche
Hon. G. Fraser	Hon. H. C. Strickland
Hon. J. J. Garrigan	Hon. W. F. Willesee
Hon. R. P. Hutchison	Hon. F. J. S. Wise
Hon. G. E. Jeffery	Hon. J. D. Teahan
	(Teller.)

Noes.

Hon. J. Cunningham	Hon. C. H. Simpson
Hon. A. F. Griffith	Hon. H. K. Watson
Hon. G. MacKinnon	Hon. F. D. Willmott
Hon. R. C. Mattlake	Hon. A. R. Jones
Hon. J. Murray	(Teller.)

Clause thus passed.

Clause 15—Secrecy:

Hon. C. H. SIMPSON: I move an amendment—

That all words after the word "Act" in line 13, page 9, be struck out and the following inserted in lieu:—"having for its object the investigation of unfair trading methods."

The measure lays down that a person shall not, except in the course of his duty, divulge any information, and so on, which is quite right and proper. Subparagraph (ii) of paragraph (a) widens the scope and extends the meaning of "course of his duty." To my mind it makes it too wide and the amendment will take some of the unnecessary sting out of the paragraph.

The CHIEF SECRETARY: Mr. Simpson said he originally set out to destroy the clause; but now, having failed in that objective, he wants to take a lot of the sting out of it.

Hon. C. H. Simpson: Some of the sting.

The CHIEF SECRETARY: The amendment would take all the sting out of it, and would confine the measure entirely to this State, and not allow these people to have dealings with any other State where similar legislation existed. I oppose the amendment.

Amendment put and a division called for.

The CHAIRMAN: Before the tellers tell, I give my vote with the noes.

Ayes	....	....	....	....	13
Noes	....	....	....	....	14

Majority against 1

Ayes.

Hon. N. E. Baxter	Hon. R. C. Mattlake
Hon. J. Cunningham	Hon. J. Murray
Hon. A. F. Griffith	Hon. C. H. Simpson
Hon. A. R. Jones	Hon. J. McI. Thomson
Hon. Sir Chas. Latham	Hon. H. K. Watson
Hon. L. A. Logan	Hon. F. D. Willmott
Hon. G. MacKinnon	(Teller.)

Noes.

Hon. G. Bennetts	Hon. F. R. H. Lavery
Hon. E. M. Davies	Hon. H. L. Roche
Hon. L. C. Diver	Hon. H. C. Strickland
Hon. G. Fraser	Hon. J. D. Teahan
Hon. W. R. Hall	Hon. W. F. Willesee
Hon. R. P. Hutchison	Hon. F. J. S. Wise
Hon. G. E. Jeffery	Hon. J. J. Garrigan
	(Teller.)

Pair.

Aye.	No.
Hon. J. G. Hislop	Hon. E. M. Heenan

Amendment thus negatived.

Clause put and passed.

Clause 32—Effect of declaring a person to be a declared trader:

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

That the word "ten" in line 5, page 20, be struck out and the word "thirty" inserted in lieu.

This is consequential, following an earlier amendment.

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

Clause 34—Books of accounts and records to be kept and preserved:

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

That the words "who, whether" in line 3, page 21, be struck out.

The substance of the amendment is to confine the clause to persons who are declared under the Act. At the moment it applies to all persons whether they are declared or not.

Hon. A. R. Jones: The whole clause is redundant.

The CHAIRMAN: I think the hon. member has moved this amendment previously, and I do not think I should accept it. It was not agreed to on that occasion.

Hon. C. H. Simpson: This is a recommendation.

The CHAIRMAN: Very well, I will accept the amendment.

The CHIEF SECRETARY: We had a full-dress debate on this the other evening and the Committee arrived at a decision on it. I do not intend to waste any more time in speaking to it, because nothing new has been submitted by the mover.

Hon. H. K. WATSON: If the clause as it stands is agreed to, every businessman, farmer and professional man, whether or not he is declared under the Act, will have to keep his books, accounts, stock and costing records, telegrams, invoices, and every other document until such time as their destruction is authorised by the commissioner. If he fails to do that he is liable to a fine or imprisonment.

Hon. R. C. MATTISKE: I strongly support the amendment, because it is impracticable to keep ad infinitum the documents listed in the clause. If the period were limited to two, three or even five years there might be some sense in it. As it stands it will cause considerable confusion and every public accountant in town will be leaving himself open to a penalty because books and documents such as are listed are destroyed every day when it is considered that they are no longer required.

Hon. Sir CHARLES LATHAM: I think the Minister might give a little thought to this. It will apply to every person and will make everybody keep his books of accounts and so on, until such time as the commissioner says that they can be destroyed. I think it is going to the extreme.

Hon. G. C. MacKINNON: I support Sir Charles Latham. During the week-end I mentioned this clause to three people in Bunbury. These men run branches of businesses and they showed me how embarrassed they were because of the records they had to keep for the Taxation Department. With that Act they have a limit of seven years, but there is no time specified under this legislation. Business

people are embarrassed by having to keep records for so long and if they have to keep every slip, voucher and everything else they will have considerable difficulty in stopping the rats and silverfish from destroying them. The books required by the Taxation Department are an embarrassment because most business people have insufficient space to store them and under this legislation that position could be aggravated.

Hon. L. A. LOGAN: I, too, support the amendment. Even a freelance traveller will have to keep his books of accounts and all his papers until such time as the commissioner says he can destroy them. Why should a person, even if he is declared under the Act, have to keep all these slips, telegrams and so on?

Hon. Sir Charles Latham: Whether he is a trader or not he will still have to keep them.

Hon. L. A. LOGAN: Surely it is not necessary for people to have to keep all their books, etc., for 10 or 15 years, if the Act is in operation for that long.

Hon. G. C. MacKINNON: Imagine a dry-cleaning establishment with all the little documents they have to keep!

Hon. L. A. LOGAN: This is one of the worst clauses in the Bill and should be thrown out in its entirety. The big businessman might have sufficient room to keep all these documents but it would be very hard on a small businessman.

Hon. A. F. GRIFFITH: I, too, appeal to the Chief Secretary. If he were a businessman would he like to have an imposition of this nature placed upon him? The clause as it stands covers all sorts of documents and vouchers. Take the case of a butcher who places the price of his meat on little slips of paper and during the course of the day some of the writing on the slips becomes disfigured. How could he keep those documents? Surely commonsense will prevail and the Chief Secretary will agree to the amendment.

The CHIEF SECRETARY: I would like to quote the last words of the hon. member; surely members will have a little commonsense. This Act will be in operation only until December, 1957. So what is all the row about?

Hon. R. C. MATTISKE: If the Bill, in its present form, becomes an Act it will be a great source of revenue to the Government because, under another clause, any person can contact the commissioner and say that he suspects someone of unfair trading or of not keeping proper records. The commissioner could contact the businessman concerned, and if he had not kept records from the time the Act became operative action could be taken against him. One of the worst jobs an accountant has is to get primary records from farmers without worrying about vouchers, telegrams, etc. So this clause could cause a considerable amount of difficulty.

Amendment put and a division called for

The CHAIRMAN: Before the tellers tell, I give my vote with the noes.

Division taken with the following result:—

Ayes	13
Noes	14

Majority against 1

Ayes.

Hon. N. E. Baxter	Hon. J. Murray
Hon. J. Cunningham	Hon. C. H. Simpson
Hon. A. F. Griffith	Hon. J. McI. Thomson
Hon. Sir Chas. Latham	Hon. H. K. Watson
Hon. L. A. Logan	Hon. F. D. Willmott
Hon. G. MacKinnon	Hon. A. R. Jones
Hon. R. C. Mattiske	(Teller.)

Noes.

Hon. G. Bennetts	Hon. F. R. H. Lavery
Hon. E. M. Davies	Hon. H. L. Roche
Hon. L. C. Diver	Hon. H. C. Strickland
Hon. G. Fraser	Hon. J. D. Teahan
Hon. W. R. Hall	Hon. W. F. Willesee
Hon. R. F. Hutchison	Hon. F. J. S. Wise
Hon. G. E. Jeffery	Hon. J. J. Garrigan
	(Teller.)

Pair.

Aye.	No.
Hon. J. G. Hislop	Hon. E. M. Heenan

Amendment thus negatived.

Clause put and passed.

New Clause 38:

Hon. L. C. DIVER: I move an amendment—

That the following words be added:—

“or if at that time Parliament is not in session then within fourteen days of the commencement of the next session of Parliament.”

The Chief Secretary said that the clause needed a little tidying up and that is the reason for my amendment.

Hon. N. E. BAXTER: We are wasting our time. If the commissioner does not wish to submit evidence in his report it will not be laid on the Table of either House. We have enough laid on the Table of the House already without adding to it.

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

Ayes	17
Noes	8

Majority for 9

Ayes.

Hon. E. M. Davies	Hon. R. C. Mattiske
Hon. L. C. Diver	Hon. H. L. Roche
Hon. G. Fraser	Hon. H. C. Strickland
Hon. J. J. Garrigan	Hon. J. D. Teahan
Hon. R. F. Hutchison	Hon. J. McI. Thomson
Hon. G. E. Jeffery	Hon. W. F. Willesee
Hon. A. R. Jones	Hon. F. J. S. Wise
Hon. F. R. H. Lavery	Hon. G. Bennetts
Hon. L. A. Logan	(Teller.)

Noes.

Hon. N. E. Baxter	Hon. J. Murray
Hon. A. F. Griffith	Hon. C. H. Simpson
Hon. Sir Chas. Latham	Hon. F. D. Willmott
Hon. G. MacKinnon	Hon. J. Cunningham
	(Teller.)

Pair.

Aye.	No.
Hon. E. M. Heenan	Hon. J. G. Hislop

Amendment thus passed.

Hon. A. F. GRIFFITH: I move—

That the Chairman do now leave the Chair.

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

Ayes	12
Noes	14

Majority against 2

Ayes.

Hon. N. E. Baxter	Hon. R. C. Mattiske
Hon. J. Cunningham	Hon. C. H. Simpson
Hon. A. F. Griffith	Hon. J. McI. Thomson
Hon. A. R. Jones	Hon. H. K. Watson
Hon. L. A. Logan	Hon. F. D. Willmott
Hon. G. MacKinnon	Hon. J. Murray
	(Teller.)

Noes.

Hon. G. Bennetts	Hon. Sir Chas. Latham
Hon. E. M. Davies	Hon. F. R. H. Lavery
Hon. L. C. Diver	Hon. H. L. Roche
Hon. G. Fraser	Hon. H. C. Strickland
Hon. J. J. Garrigan	Hon. J. D. Teahan
Hon. R. F. Hutchison	Hon. F. J. S. Wise
Hon. G. E. Jeffery	Hon. W. F. Willesee
	(Teller.)

Pair.

Aye.	No.
Hon. J. G. Hislop	Hon. E. M. Heenan

Motion thus negatived.

Schedule:

Hon. L. C. DIVER: I move an amendment—

That the words “Profiteering and Unfair Trading Prevention” be struck out and the words “Unfair Trading and Profit Control” inserted in lieu.

Amendment put and a division taken.

Remarks during Division.

Hon. L. A. Logan: Mr. Chairman, you did not say the words “Ring the bells.” You simply rang the bells and did not give any instructions for their ringing.

The Chairman: I can ring the bells myself, and there was a call for a division.

Division Resumed.

Division resulted as follows:—

Ayes	20
Noes	6

Majority for 14



# Legislative Assembly

Wednesday, 7th November, 1956.

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### Ayes.

Hon. G. Bennetts	Hon. Sir Chas. Latham
Hon. J. Cunningham	Hon. F. R. H. Lavery
Hon. E. M. Davies	Hon. J. Murray
Hon. L. C. Diver	Hon. H. L. Roche
Hon. G. Fraser	Hon. H. C. Strickland
Hon. J. J. Garrigan	Hon. J. D. Teahan
Hon. A. F. Griffith	Hon. J. McL. Thomson
Hon. R. F. Hutchison	Hon. W. F. Willesee
Hon. G. E. Jeffery	Hon. F. J. S. Wise
Hon. A. R. Jones	Hon. C. H. Simpson

(Teller.)

### Noes.

Hon. N. E. Baxter	Hon. R. C. Mattiske
Hon. L. A. Logan	Hon. F. D. Willmott
Hon. G. MacKinnon	Hon. H. K. Watson

(Teller.)

Amendment thus passed; the Schedule, as amended, agreed to.

### New Clause 38:

The CHAIRMAN: I want members to turn back to Clause 38 because there was a division on the clause and I did not observe the formality of putting the question "That Clause 38 be agreed to."

New Clause 38, as amended, put and passed.

Bill again reported with further amendments.

## ADJOURNMENT—SPECIAL.

THE CHIEF SECRETARY (Hon. G. Fraser—West): I move—

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

Question put and passed.

*House adjourned at 10.6 p.m.*

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