

# Legislative Council

Wednesday, 31st October, 1956.

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

## QUESTIONS.

### WAR SERVICE LAND SETTLEMENT.

#### *Salt on Blocks, Denbarker Area.*

Hon. J. McI. THOMSON asked the Minister for Railways:

(1) Is there any evidence of salt appearing on any of the blocks in the Denbarker war service land settlement area?

(2) If the answer is in the affirmative—

(a) How many blocks are affected?

(b) How much development work has been carried out on these blocks?

(c) What distance would they be situated from the Narrikup town-site?

The MINISTER replied:

(1) No.

(2) Answered by No. (1).

## NORTH-WEST.

### *Financial Stress of Gascoyne River Settlers.*

Hon. F. J. S. WISE asked the Minister for Railways:

(1) Is he aware that many banana growers and planters generally on the Gascoyne River are experiencing financial worries?

(2) Does he agree that a considerable part of the contributory causes to the financial stress of settlers is the fact that far too many holdings have been made available for settlement on the Gascoyne River, and consequently have exercised an unreasonable draw on river water available?

(3) As the industry on the Gascoyne River is very important as an economic part of our North-West and of great value to the State, will he consider having a full inquiry made into methods required to revitalise the industry, and in particular consider using the agency section of the Rural & Industries Bank to help in this restoration?

The MINISTER replied:

(1) Yes.

(2) This could be a contributory cause; but it should be borne in mind that the position generally on the delta has been brought about by the deterioration of the water supply due to drought and through the river not running since the 20th February, 1955. However, overall improvement in supply is anticipated owing to the installation of a baffle plate.

(3) Two senior officers of the Rural & Industries Bank of W.A. have just completed a comprehensive on-the-spot survey of the delta's problems and the bank's report and recommendations are awaited.

## WATER SUPPLIES.

### *(a) Calingiri and Milling Schemes.*

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

In view of the Commonwealth having made extra moneys available to the State Government to assist in the problem of unemployment—with a bias that country water supplies be given consideration—will he ascertain from the Minister in charge of country water supply if—

(1) The Calingiri water supply will be commenced this financial year?

(2) A favourable report is obtained with regard to quality and quantity of water available west of Milling will—

(a) a water supply be made available in the township of Milling?

(b) If the answer to (a) is "Yes" when will a commencement of a scheme be likely?

The CHIEF SECRETARY replied:

(1) The Calingiri water supply will not be commenced this financial year.

(2) (a) Yes.

(b) Many water supply works with a higher priority have still to be completed and availability of loan funds will eventually determine the date of commencement.

(b) *Availability to Midland Province.*

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

In October last year the Minister for Works and Water Supplies met a deputation known as the Midland Province Water Supply Committee, and promised that investigations for a source of supply of water for a comprehensive scheme for the area would be made.

In view of such—

(1) Will he ascertain from the department what progress has been made in fulfilment of the above?

(2) If a report of work done to date has been prepared?

(3) If a report has been prepared could it be made available to interested parties?

The CHIEF SECRETARY replied:

(1) Investigations indicate that the main source of supply would need to be from the Gingen Brook. The stream flows are being gauged, possible dam sites have been selected and test boring of foundations will commence in a few weeks. Possible provision of individual dams and catchment areas on farms is being considered.

(2) A progress report is being prepared.

(3) Answered by No. (2).

## EDUCATION.

### *Retrenchment of Teachers on Supply.*

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

(1) How many teachers "on supply" have been retrenched since the 1st July of this year—

(a) in the metropolitan area;

(b) in the country areas?

(2) For what reasons were they retrenched?

(3) Have these retrenchments increased the size of the classes?

(4) Will this retard the proposed extension of the school-leaving age?

(5) Has any of these teachers been re-appointed; if so, how many, and at what schools?

The CHIEF SECRETARY replied:

None. There are 886 supply teachers at present employed, compared with 862 on the 1st July this year.

## RAILWAYS.

### *Rent Increase on Workers, Kalgoorlie Line.*

Hon. J. M. A. CUNNINGHAM asked the Minister for Railways:

(1) Will he advise the House of the actual increase in rent paid by railway workers on the Kalgoorlie lines?

(2) What opportunity was given to workers to object?

(3) Does he consider that the present disparity in rents between Railways and Water Supply Department workers in the same area is fair to the railway employees?

The MINISTER replied:

(1) The increases range from 1s. to 20s. per week.

(2) The unions concerned have been well informed regarding the increases in rentals.

(3) When compared with rents charged by private owners and under the Commonwealth-State Housing Agreement, the W.A.G.R. rents are fair and reasonable.

## BRIDGETOWN SCHOOL.

### *Installation of Septic Tanks.*

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

In view of the concern expressed with regard to poliomyelitis in unsewered areas such as Rockingham and Safety Bay, will the Government reconsider its decision regarding the installation of septic tank systems at the old Bridgetown State school?

The CHIEF SECRETARY replied:

Owing to available finance being required for the construction of urgently needed classrooms, the installation referred to cannot be carried out at present.

## BILL—FISHERIES ACT AMENDMENT.

Introduced by Hon. E. M. Davies and read a first time.

## MOTION—LICENSING ACT.

### *To Inquire by Select Committee.*

HON. N. E. BAXTER (Central) [4.45]: I move—

That a select committee be appointed to inquire into and report upon the Licensing Act, 1911-1956, and to recommend such amendments as may be considered necessary or desirable in the light of present-day conditions and requirements.

I move this motion because of the dissatisfaction amongst the public in regard to licensing and because of the condition of hotels, particularly in the country, and some in the city. In addition, over the years—I should say since about 1922—the amendments to the Act have only been of a very minor nature; and it is felt, not only by a number of people in the State, but also by all politicians in this Chamber and another place that it is high

time the whole Act was overhauled. I believe these reasons are sufficient to warrant a select committee to inquire into this Act, and also into the general conduct of people who are responsible for its administration.

I do not think anybody can say there is any doubt that there is room for a big improvement. However that big improvement cannot be brought about unless we have some amendment of the Act to straighten the position out. The licensing laws of Australia are far behind those of other countries, where they appear to be much more elastic in some ways; much more modified, and much more capable of coping with the times. For these reasons I feel it is most necessary that a committee be appointed to inquire into this legislation to attempt to bring the Act to what might be called an "up-to-date" condition in order to cope with modern times, modern transport, modern roads, and everything concerning licensing.

During last year and this year, several minor Bills have been introduced in an attempt to try to do something with the Act. Some have gone through and others, which sought to improve accommodation, have met with rather a sticky fate. I was the father of one of the Bills which was introduced into this Chamber, and the majority of members who spoke on that Bill commended me on its introduction, but agreed that something larger should be done to amend this Act. For those reasons I move the motion standing in my name.

On motion by the Chief Secretary, debate adjourned.

#### **BILL—POLICE ACT AMENDMENT**

(No. 1).

Read a third time and *passed*.

#### **BILL—LICENSING ACT AMENDMENT**

(No. 5).

*Second Reading.*

**HON. N. E. BAXTER** (Central) [450] in moving the second reading said: When, during the 1953 session, an amendment was made to the Act to legalise Sunday trading, the reasons for its introduction were that right throughout the country areas, what were known as unofficial sessions were taking place. These sessions created a problem for the department and, to some extent, the public. The basis of the old bona fide clause was used in defining the distance from the metropolitan area where Sunday trading could operate, but at the time no consideration was given to the fact that certain licensed premises which were in the country came within the orbit of the 20 miles radius from the Town Hall, Perth.

It has since come to light that within that radius there are three small hotels that are in similar circumstances to other

hotels just outside the radius. They are, by road, just as far distant from the Perth Town Hall, as other hotels which are outside the present radius and are allowed to trade on Sundays. I do not mind naming the three hotels. They are the Parkerville hotel, the Mundaring hotel and the Mundaring Weir hotel.

The Parkerville hotel is a small one with a small local trade. The Mundaring hotel is in a similar position; and a nicer type of hotel and a better conducted one, I do not know of. The Mundaring Weir hotel consists of large premises with quite a number of bedrooms. In the early days it was used as a holiday resort. In times of bad roads and indifferent motorcars, people would go there and stay for the week-end or for a week; but now, with the modern motorcar and present-day roads, the public travel further distances. If they want to go for a week-end or a week's holiday, they go 300 or 400 miles away. The result is that the trade at that hotel has fallen off considerably.

In addition, with the installation of electric pumps at the pumping station in that area, quite a number of the water supply employees have been dispensed with, so that their patronage cannot now be relied on. All that the hotel exists on are a few forestry workers and one or two employees of the Water Supply Department who look after the weir and the electric pumps. There is also the casual trade brought about by the visitors to Mundaring Weir. Members can imagine that the licensee of that hotel is having rather a hard struggle.

Mundaring Weir is a tourist resort; and as a result, I believe the hotel should be given the right to trade on Sunday. Not only would Sunday trading help the licensee, but it would encourage tourists to make the trip to Mundaring to have a look at the weir, and their day would be made the more enjoyable by having a few drinks during the session.

The Bill would also bring within the Sunday trading provisions of the Act the hotel at Rottnest Island. As members know, Rottnest Island is a tourist resort; and at present the hotel there is, unofficially, taking advantage of the hours on Sunday. I understand that those who control the hotel feel that the right to trade during the official hours on Sunday should apply to their hotel, and this would assist the tourist facilities on the island.

To my knowledge these are the only premises which would be covered by this amendment, which provides for a distance of 20 miles by the nearest road or sea route. These hotels would come within the ambit of Sunday trading. Another feature regarding the three small hotels in the hills area which is causing concern to the police is that one of the hotels near to them, which conducts Sunday trading, is

the Sawyers Valley hotel on the Great Eastern Highway. I expect quite a number of members have passed that hotel on Sunday afternoons. The parking problem there is a worry to the police. It is getting to the stage where it is a hazard. There are no parking facilities for the cars that go there on Sunday afternoons.

Hon. G. Bennetts: You want a policeman to park the traffic.

Hon. N. E. BAXTER: Even with a policeman parking traffic, the situation would still be hazardous on Sunday afternoons. I know that the Police Department is very concerned about the position, and so am I. It has become a death trap as far as the motoring public are concerned. When a person is driving through Sawyers Valley he does not know when someone is going to dive out of the huge number of cars there. A man might be driving along at 30 miles an hour and run right into it. If this amending Bill were passed, it would split up the big congregation at Sawyers Valley. In addition, I do not see any reason why these three small hotels should not have the same facility for trading on Sunday as one so adjacent.

What happens in these areas is that the people from Parkerville, Mundaring and Mundaring Weir like to have a drink on Sunday just the same as do the people at Sawyers Valley. So they gather together and go to Sawyers Valley, where they do their Sunday drinking. Some of them get very annoyed if the hotelkeepers in these places will not give them a drink on Sunday, which they cannot do legally and which they are not game to do because they are pretty well policed.

If people are refused a drink at these three hotels, they feel they have been treated rather unfairly, so they go down to Sawyers Valley for some of their mid-week and Saturday-afternoon drinking, and these hotels lose that trade. It is rather strange that each of the hotels is being run by a widow. I myself call them the three merry widows. They are very good types of ladies and are doing a good job.

Parliament would be doing the proper thing by giving them the right to trade on Sundays. This would alleviate the traffic position at Sawyers Valley, and it would assist the people who run these small hostleries to get a living and keep their premises in good condition. The Bill is only a small one, and does not involve a huge argument—it is only a matter of fairness. I trust the House will pass the measure without too much opposition. I move—

That the Bill be now read a second time.

On motion by the Chief Secretary, debate adjourned.

## BILL—FRIENDLY SOCIETIES ACT AMENDMENT.

### *Second Reading.*

Debate resumed from the previous day.

HON. J. G. HISLOP (Metropolitan) [5.0]: Mr. Watson put up a very good case for the pharmacists in their opposition to this measure. There is a standard to be maintained and a principle on which pharmacies have been conducted for many years within the State. There has always been an attempt throughout Australia to maintain the same principle, and that is that only a qualified pharmacist shall own and conduct the business of a pharmacy.

Hon. Sir Charles Latham: Doesn't that apply to a friendly society dispensary?

Hon. J. G. HISLOP: No; and it cannot apply, because even if shops, such as emporiums, desire to have a pharmacy within their areas they must lease the land to the pharmacist and not employ him. Those pharmacies which do exist within emporiums throughout the Commonwealth are leased as shop areas to a trained and fully qualified pharmacist to conduct. That has been the position throughout Australia for as long as I can remember, and I have been closely associated with the pharmaceutical trade, because my father was a pharmacist for many years in Victoria.

Like pharmacists, I deplore the fact that the march of medicine has taken away from them so much of the old skilled dispensing until today a good deal of the work is only handing out already made-up drugs which are prepared by large companies. But it is only a natural course of events because of the complex drugs which are being used in the care of the sick. Nevertheless the principle is still maintained that pharmacists shall own and conduct their businesses.

Let me put forward what I think is one of the most important reasons for maintaining that principle: A pharmacist is and must always be a man who stands between the medical profession and the patient. No matter how careful one may be there is always the possibility of some written error occurring in a prescription.

Hon. Sir Charles Latham: It is difficult to understand the writing of many doctors.

Hon. J. G. HISLOP: That may be another reason why the pharmacists are there; they are trained to understand the writing of doctors.

The Chief Secretary: They would need to be trained to do that.

Hon. J. G. HISLOP: It is essential that there should always be a second look at a prescription because no matter how good one is there is always the possibility of error. In these days it would make all the difference—when we are dealing with points of a milligramme or a number of milligrammes—if the point were left out or put in the wrong place, particularly

when handling tablets. We have always felt safe because between us and the patient there is the trained pharmacist to have a second look at the prescription.

Hon. E. M. Davies: The pharmacists in the friendly society dispensaries are trained and registered, too.

Hon. J. G. HISLOP: Let me go further and give a second reason why I think the principle should be maintained: In addition to what I have already described as one of their main services to the community, there is always in the mind of the pharmacist who owns his business the knowledge that he is performing an individual and personal service to those who deal from him. There are many pharmacists who are open in the evenings—particularly in the country districts and the outer suburban area—and they go to no end of trouble to see that the needs of their public are met. They will come back to their premises at night or on a week-end to supply whatever drugs may be necessary for those who are sick.

Under the friendly societies' arrangement, the pharmacist does not own or control the business; he is a paid servant of the societies, with the result that if the dispensary is situated in a country district, or in an outer suburban area, the societies would find themselves liable for a good deal of overtime if their pharmacists were to adopt the same attitude as those who own their businesses. If the public realised that they could obtain medicines after hours from the friendly society dispensaries the societies would not remain long in business because the overtime payments would be too heavy.

Hon. E. M. Davies: There are only six in the State.

Hon. J. G. HISLOP: The friendly societies have always established their dispensaries in the more populous areas, and what I have said about their inability to serve after hours was brought very forcibly before the notice of members when Mr. Teahan applauded them for closing earlier than other pharmacies.

Hon. J. D. Teahan: For obeying the law, I said.

Hon. J. G. HISLOP: No pharmacist breaks the law. We must realise that it is essential that an individual receives the drugs he requires, because illness is no respecter of time. So I could never see the friendly society dispensaries being on the same basis as the registered pharmacists' because the friendly society pharmacists are paid servants.

Hon. H. K. Watson: They are nine to five men.

Hon. J. G. HISLOP: Yes. If the friendly societies were to expand their business throughout the State, to the detriment of the registered pharmacists, we might reach the stage of not being able to obtain necessary medical supplies

once the dispensaries were shut; that might extend over the whole week-end. The fact that the friendly societies claim that now they are taxed they should be given the same rights to trade with the public does not carry much weight with me.

Hon. F. R. H. Lavery: Why?

Hon. J. G. HISLOP: Because the friendly societies, since the establishment of the national health service, have had a great expansion in their business; and they are not taxed heavily on it. An agreement has been reached between the friendly societies, the pharmacists and the Commonwealth Government, and the tax is not a heavy one and, even when they are taxed, it is as a non-profit organisation. So they are not competing in the same way as they would be if they were registered as pharmacists.

Hon. Sir Charles Latham: Of course they will pay additional tax if the business is thrown open.

Hon. J. G. HISLOP: Only on their additional business and not on the business they do with their members. Even then the amount they would pay would not be the same as that of the registered pharmacist. Apart from that aspect, I think we are getting away from the principle—that we should always see that the registered pharmacy is a business owned and conducted by a registered pharmacist—and we must at all costs endeavour to maintain that principle regarding the supply of drugs and medicines to the public.

Let us say that we did agree to this Bill and we allowed the friendly societies to open up in opposition to chemists. That would destroy the principle at once. The moment we destroy it, there is no reason at all why emporiums should not be given the same rights as the friendly societies—a small number of people who have banded together to form themselves into a society. The emporiums could say, "You have given this right to the friendly societies, so why cannot we have chemist shops within our own premises and be able to engage a chemist as a paid servant?" Before long we would find that most of the stores would be asking for the same thing.

Years ago we made quite certain that no more pharmacies were to be opened in stores with the pharmacist being a paid servant of the store. They have got over that law to a certain extent by leasing certain areas of land within the store to pharmacists to conduct pharmacies within the buildings. But those pharmacists are directly responsible to the trading public, whereas, if they were paid servants of the stores, they would treat it as a purely impersonal business rather than an intimate and personal one. Pharmacists in this community have diligently given

personal attention to the sick and we should always endeavour to maintain that principle in this State.

**HON. L. A. LOGAN (Midland) [5.11]:** One would almost think that this was an attempt to amend the Pharmacy and Poisons Act rather than the Friendly Societies Act.

**Hon. F. R. H. Lavery:** That is what everybody is talking about.

**Hon. L. A. LOGAN:** The object of the Bill is to allow the friendly society dispensaries to supply and sell medicines and appliances to persons other than members, and the reason for the amendment is the changed conditions, in that dispensaries now have to pay tax. Friendly societies have always endeavoured to provide assistance for their members by a spirit of self-help and co-operation.

**Hon. H. L. Roche:** Do they make much money out of it?

**Hon. L. A. LOGAN:** No; it is a co-operative effort purely for the benefit of members.

**Hon. H. K. Watson:** That is the point I made.

**Hon. L. A. LOGAN:** They are controlled by Section 7 of the Friendly Societies Act and that section states—

Societies may be registered under this Act to provide by voluntary subscriptions of or levies upon members thereof, with or without the aid of donations:—

- (1) For the relief or maintenance of members, their husbands, wives, parents, step-parents, children step-children, adopted children, or kindred, in infancy, over the age of sixty years, in widowhood, sickness, or other infirmity, bodily or mental, or any natural state of which the probability may be calculated by way of average.
- (2) For providing medical attendance for, and for dispensing medicines to, any persons mentioned in the last preceding subsection.

The principal Act is controlled by a registrar and the friendly societies are not permitted to do anything unless the registrar has given his authority.

This matter of taxation was the subject of inquiry by a committee whose findings were published in 1952 and were then presented to the Commonwealth Government; and I intend to read a portion of that report. The members of the committee were Mr. S. B. Holder, acting as chairman, Mr. J. A. L. Gunn, a recognised authority on taxation, Mr. J. W. Hughes, Mr. R. S. Turner and Mr. Gordon Wallace, Q.C. This report was submitted to the

Federal Parliament on the 22nd July, 1952. The following is a summary of the recommendations made in this report:—

That the taxable income of a friendly society dispensary should be deemed to be 10 per cent. of—

- (1) amounts received from the Commonwealth under the Pharmaceutical Benefits Act and special charges prescribed by that Act, in respect of the supply of pharmaceutical benefits;
- (2) amounts received from the Commonwealth under the National Health Services Act in respect of the supply of medicines, etc., to pensioners;
- (3) proceeds of sale or supply of medicines or other goods to persons who are not members of the friendly society.

That report was presented in 1952, and it has only now been put into effect. The friendly society dispensaries in Western Australia are the only ones in Australia that are being taxed under the old conditions; that is, they are not allowed to trade freely with the public, but yet come under the taxation laws covering the dispensaries in the other States which are allowed to supply goods to members of the public.

If we in this Chamber deny the friendly societies the right to trade freely, we shall be doing them a great disservice. It seems strange that members would like to see such dispensaries in this State—the only ones in Australia in that category—trying to work under those conditions.

**Hon. H. K. Watson:** If they do not trade with the public they do not pay any tax.

**Hon. L. A. LOGAN:** They do pay tax, and that is just the point.

**Hon. H. K. Watson:** If they do not trade with the public they do not pay tax.

**Hon. L. A. LOGAN:** The point is they are paying tax, and that is why this Bill is before the House.

**The Chief Secretary:** The hon. member apparently does not know the position.

**Hon. L. A. LOGAN:** I am afraid so. I can tell the hon. member what they are paying in taxation.

**Hon. J. M. A. Cunningham:** They do not pay tax on all lines.

**Hon. L. A. LOGAN:** I have read the recommendations and they are being carried out. Before making this request the friendly societies wrote to the Federal Treasurer asking him to relieve them from taxation. I have here a copy of the letter which was sent and the reply which was received. A memorandum containing some

of the points at issue was enclosed in the letter to the Federal Treasurer, and it was sent on the 16th February, 1956.

In effect, it said that these dispensaries are affected by Division 9 (A) of the Friendly Societies Dispensaries 1955 amendment of the Income Tax Act, in common with all other friendly societies' dispensaries in Australia with which, however, as will be seen, they have nothing in common. The material part of Division 9 (A) is as follows:—

Where a friendly society dispensary, as defined by Section 91 of the National Health Act, 1953, is an approved pharmaceutical chemist for the purposes of that Act, 10 per centum of the aggregate of the following amounts shall be deemed to be taxable income derived by that friendly society dispensary—

- (a) amounts received by the friendly society dispensary from the Commonwealth under the National Health Act, 1953, in respect of pharmaceutical benefits; and
- (b) gross proceeds received by the friendly society dispensary from the sale or supply of medicines and other goods sold or supplied in the ordinary course of business, not including amounts received from a friendly society for the supply of benefits to members of that society.

The difference is that in Western Australia the friendly society dispensaries have been dealing exclusively with their members and dependants, and they cannot deal with the general public. They have no right of open trading. There has been no change in the status since the first friendly society dispensary was established in Western Australia prior to the turn of the century. The letter went on to say—

It is contended that friendly societies' dispensaries in Western Australia should not have been included in Division 9 (A) of the 1955 amending Act, unless and until they had the right to trade with the general public.

If the position of the friendly societies in Western Australia had been known they would have been excluded by a suitable amendment to the Act.

Having read the debates which took place in the Victorian and New South Wales Parliaments I feel that those in authority in the Eastern States were very lacking in their knowledge of the position in this State, because when a similar Bill to this was before the Victorian House of Parliament, it was stated that there were only two such dispensaries in Western Australia and they were both trading

freely with the public. Because of such lack of information, it is quite easy to understand that even the Federal Treasurer was not aware of the true facts in this State, and he did not exclude the friendly society dispensaries in this State when an amendment was made to the taxing Act. To say that the friendly society dispensaries do not pay any tax is entirely wrong. The fact is that they are paying tax, and that is the reason why they have asked for the introduction of this Bill.

It may be recalled that over many years such dispensaries in Queensland and South Australia have had open trading; in New South Wales, since 1945; in Victoria, from last year; and in Tasmania, over the last two or three years. It was contended that if this Bill is passed, friendly society dispensaries will be established all over the place and will put existing chemist shops out of business, or ruin them to a great degree; and, further, that young chemists will be prevented from starting their own businesses.

Those two arguments are piffle; because in the first place, there is no amendment being made to the Pharmacy and Poisons Act which controls the employment of chemists. If Dr. Hislop and Mr. Watson were to read the Act they would find out what it contains, and that the friendly societies cannot start new dispensaries. The Act applies to the friendly society dispensaries just the same as to anybody else.

The standard of skill of pharmaceutical employees is also covered by that Act, which applies to the friendly society dispensaries in the same way as it applies to the ordinary chemist shop, where one recognised pharmaceutical chemist must be employed for every three persons engaged in the business. Where does the lowering of standard come in? It is just piffle to talk like that!

The Chief Secretary: We have heard a lot of that lately.

Hon. H. K. Watson: Can you refer me to any section of the Act to stop the dispensaries from extending?

Hon. L. A. LOGAN: Yes, under Part VI.

Hon. H. K. Watson: That refers to a company.

Hon. L. A. LOGAN: It is the same thing, a company or a friendly society. It is all one.

Hon. H. K. Watson: It is not.

Hon. L. A. LOGAN: I say it applies to friendly societies as well. I might ask: Where are the friendly societies going to get the money to start up new dispensaries? The only possible way would be from the management fund of those societies. Let me inform members that the management fund of every friendly society in this State is empty. The societies have to rely upon the profits of other portions of their business. They have to wait five years before they can apply to the Registrar of

Friendly Societies to use the credit in the funeral benefits and similar funds to pay the debit in the working expenses account. Another method would be for 1,000 persons in the area concerned to buy debentures and start a new dispensary; but that is most unlikely.

What is more, quite a number of the chemists who today own their businesses were, at some time or other, employees of friendly societies' dispensaries. They were excellent training grounds for the chemists and gave them a far better experience as pharmaceutical chemists than they could get in an ordinary chemist shop; because the ordinary chemist might cater for three or four doctors practising nearby, whereas the chemist in a friendly society dispensary serves many other doctors as well as doing its ordinary business. The chemists in those dispensaries are given an opportunity to learn the profession better, and they are more fitted to start their own business.

Hon. J. G. Hislop: That is piffle.

Hon. L. A. LOGAN: It is not. It is a fact. Some of the chemists in the city today started their businesses after obtaining their diplomas in friendly society dispensaries. Is there any piffle about the fact that there must be one registered employee to every three others? That is in the Act. In all, there are only six friendly society dispensaries in this State. It was said by Mr. Watson that there were 248 chemist shops here.

Hon. J. G. Hislop: The friendly society dispensaries are supplying only a small percentage of the public's needs.

Hon. L. A. LOGAN: Quite a fair percentage.

Hon. J. G. Hislop: What percentage would they supply?

Hon. L. A. LOGAN: It was felt by Mr. Watson that these six dispensaries could wipe out the 248 chemists in business in this State, and he is worried that they should be given the right to trade with the general public in other lines.

Hon. H. K. Watson: That they might affect the other 174 in the metropolitan area.

Hon. L. A. LOGAN: Fancy saying that six dispensaries could affect the business of the other 174!

The Chief Secretary: There are fewer than six in the metropolitan area.

Hon. L. A. LOGAN: There is one of the six in Kalgoorlie.

Hon. J. M. A. Cunningham: He is a chemist in Boulder, and a special Act of Parliament was passed to enable him to start up.

Hon. L. A. LOGAN: It was deemed necessary for the Federal President of the Pharmaceutical Guild of Australia and another member of that guild to come to this

State to lobby the members of this Parliament with a view to defeating this measure. It is difficult to understand the reason for that, when it is sought to enable six friendly society dispensaries to trade with the public. What are the chemist shops afraid of?

Hon. C. H. Simpson: Socialisation.

Hon. L. A. LOGAN: How would socialisation come about with the giving of this right to six friendly society dispensaries? That is piffle again.

Hon. Sir Charles Latham: We do not like that word.

Hon. L. A. LOGAN: Rather than oppose this measure, members should be doing everything they can to assist the friendly societies as a whole. I think we can be proud of the part they are playing in the social service life of our community.

Hon. H. K. Watson: Hear, hear!

Hon. L. A. LOGAN: Not only in Western Australia, but throughout the world. I agree with Mr. Watson that this is probably the best form of social service we can have, because it is one in which the well person pays for the sick person. That was the original intention of the scheme; and had all social services been introduced on the same lines, this country would be better off.

Hon. H. K. Watson: I agree entirely.

Hon. L. A. LOGAN: So while I disagree with members on some matters, I agree with them on others. An attempt has been made to bring clubs dispensing liquor into the same category as dispensaries serving the general public.

The PRESIDENT: Order! This measure deals with friendly society dispensaries.

Hon. L. A. LOGAN: I am making reference to part of a speech made by a member last night, and I think I have the right to reply to what he said.

The PRESIDENT: We are dealing with friendly societies.

Hon. L. A. LOGAN: Last night that member made a comparison between clubs and friendly societies, and surely I am entitled to reply to what he said! He claimed that if we were going to allow friendly society dispensaries to trade with the general public that would, in effect, be the same as giving a club which has a liquor licence the right to serve the general public. As a matter of fact, clubs do serve visitors.

Hon. N. E. Baxter: Not openly.

Hon. L. A. LOGAN: Of course it is done openly!

Hon. H. K. Watson: Could you clear up a point for me? I understood you to say that friendly societies, even under the



National Health Act, only serve their own members in Western Australia. Is that the position?

Hon. L. A. LOGAN: Yes. Under the Act they are not allowed to serve anybody else. It was also stated by Mr. Watson that we might as well allow the grocery businesses to come into the picture and start up in competition with chemists. Those are strange words when it is realised that if any body of men has entered into competition with other businesses it is the chemists! Just walk through a chemist shop and have a look at the different lines that chemists are carrying today; and all in opposition to other businesses in the area that have been established for a good many years.

The Chief Secretary: They want an open go to infringe on other businesses.

Hon. L. A. LOGAN: I do not blame them one iota. But if they want that right, why should they deny it to somebody else?

Hon. Sir Charles Latham: Some of them sell fancy goods and crockery.

Hon. L. A. LOGAN: Crockery, cutlery and many other goods. They have become Johnny Allsorts. I am not denying them this right, but they should not deny others the opportunity to trade in competition.

The Chief Secretary: They should be consistent.

Hon. L. A. LOGAN: I said that I would give some figures in regard to taxation paid by dispensaries. I have here a trading account of a dispensary covering the three months period from June to September, 1956. The figures appear in a letter from the Fremantle United Friendly Societies Council to the United Friendly Societies Council of W.A. in which the latter was asked to do something about the matter. The letter contained a statement of accounts, including the dispensary trading account and profit and loss account, and the council's income and expenditure account. The letter contains the following:—

Bearing in mind that the amendment to the Income Tax Act passed by the Commonwealth Government in November, 1955, imposes income tax on friendly society dispensaries in the manner of 10 per cent. of gross income at the rate of 6s. in the £, but specifically excludes from taxation members' contributions, it is desired to draw your attention to the following from our accounts enclosed:—

1. The dispensary trading account shows for the period 1/7/56 to 30/9/56 gross sales to the value of £3,209 8s. 6d., and a gross profit of approx. £895.
2. The dispensary profit and loss account, however, shows a very different picture, and results in the dispensary showing a net loss of nearly £301, yet in spite

of this loss on trading this council must pay taxation on behalf of its dispensary of £96 6s. for the period under review.

3. If we now examine the income and expenditure account for the above council, excluding all trading from the dispensary, but of course including the loss sustained by the dispensary, then the overall picture results in an excess income over expenditure of some £203. Note, however, that this £203 is obtained from members' contributions. Taxation allocation for the quarter is 10 per cent. of £3,209 at 6s. in the £ and amounts to £96 6s., and thus leaves this council a working income over expenditure of only £107 approx. for the three months.

Fancy any dispensary getting down to such figures as that! The hon. member said these dispensaries were not paying taxation.

Hon. H. L. Roche: How many thousands of people would they be prescribing for?

Hon. L. A. LOGAN: I do not know the exact figure, but I do not think it is necessary to know.

Hon. H. K. Watson: Does that £3,000 represent total sales to members or to persons other than members?

Hon. L. A. LOGAN: They are only supplying members.

Hon. H. K. Watson: The Act says that goods supplied to members are to be excluded.

Hon. L. A. LOGAN: They are paying 10 per cent. overall taxation and the dispensaries here are the only ones paying that tax. In the other States the dispensaries have been allowed to trade freely.

Hon. H. K. Watson: I think the office boy wrote that letter.

Hon. L. A. LOGAN: No.

Hon. H. K. Watson: They have not had a demand for the tax.

Hon. L. A. LOGAN: They have.

The PRESIDENT: Order, please!

Hon. L. A. LOGAN: As I said earlier, they wrote to the Commonwealth Treasurer and asked to be relieved of this taxation before seeking this amendment. Sir Arthur Fadden replied that in view of the fact that the effect of taxation on dispensaries was yet unknown, he was not prepared at that stage to initiate any action to amend the Income Tax Assessment Act. Is that not sufficient proof that they are paying taxation? The Federal Treasurer himself admits they are doing so.

Hon. C. H. Simpson: When was that?

Hon. L. A. LOGAN: In February of this year.

Hon. A. F. Griffith: What is the amount of member's contributions?

Hon. L. A. LOGAN: It is 4s. per quarter.

Hon. A. F. Griffith: What is it in this case?

Hon. L. A. LOGAN: I think it was £613 odd. There is a necessity for this Act to be amended.

Hon. A. F. Griffith: What were the wages?

The PRESIDENT: Order!

Hon. L. A. LOGAN: When I had a look at the report of the debate which took place in the other States I found that the only objection to the amendment of the Act was that dispensaries were not paying taxation. That was the only reason offered for opposing the measure; but now that opposition has gone, because they are paying taxation. Surely the six dispensaries in this State are not going to be the only ones left paying this taxation!

The Chief Secretary: That is the reason the measure was defeated previously.

Hon. L. A. LOGAN: It is unthinkable that these six dispensaries should be the only ones paying taxation under these conditions.

Hon. H. L. Roche: What do they pay? Is it £96?

Hon. L. A. LOGAN: That is only the figure relating to one of them for one quarter. These dispensaries are not working at a profit; they exist for the benefit of the members.

Hon. A. F. Griffith: Tell us what the wages are.

Hon. L. A. LOGAN: I may even be able to tell the hon. member that.

Hon. A. F. Griffith: It should be in the profit and loss account.

Hon. L. A. LOGAN: It was £943 3s. 4d. for the quarter. That figure relates to salaries in the dispensary itself. In addition, there are expenses for cleaning, lighting and the rest of it. These dispensaries exist for the benefit of their members and are non-profit-making organisations. If the Bill is not agreed to it means that one of two things will have to happen.

Hon. J. M. A. Cunningham: Are they taxed as a non-profit organisation?

Hon. L. A. LOGAN: I have given that information twice. If this measure is not agreed to, the friendly societies must either increase members' contributions—which are already high enough, by the time they pay not only for medicines but for other health services as well—or else increase the cost of medicines. Surely none of us want that. I support the Bill.

HON. H. L. ROCHE (South) [5.43]: After listening to Mr. Logan, it would appear to me that the friendly societies

in Western Australia must be pretty well bankrupt, and the way to get them out of their difficulties is to allow them to trade as ordinary chemists. Apparently the volume of business for the six societies will then be so great that they will be again on the high road to prosperity.

In what I assume to be a circular letter which was sent to me, and which purports to come from the friendly societies, it is claimed that—

The dispensaries represent, on a basis of four persons to a family, no less than 10 per cent. of the entire population.

If six dispensaries, with that field to trade in, are in the condition Mr. Logan would have us believe they are, it looks to me as though there is a pretty poor management of their business affairs as distinct from their pharmaceutical work.

Legislation in connection with the health of the people in this State has always been designed to preserve and improve the standard and I cannot see that if we are to develop the idea of multiple stores—whether it is Boots Limited, which is prevented under the Act, or the friendly societies—we can fail gradually to reach the stage where everything will be dished up out of a stock-pot of some kind of mixture. I understand there are only eight qualified chemists employed by the six friendly societies in this State; and if the figures are correct—they may be gilding the lily a bit—those eight persons are trying to provide for the needs of 10 per cent. of the population, or over 60,000 people, and it just cannot be done if they are to give to the work the care and attention which we believe those dealing with the health of the public should give to their work.

If this measure were passed, I do not think it would be long before we were asked to give these organisations greater latitude in respect of their trading, and then we could look forward to the eventual elimination of the private chemist. The private chemists will be placed at a still greater disadvantage; and in the end there will be no scope for the qualified young man who does not want to work either for the Government or for a friendly society as an employee, except in the smaller country towns. How many young people will be attracted to the profession by a prospect such as that?

Hon. L. A. Logan interjected.

Hon. H. L. ROCHE: Our supersonic friend here, who can see a socialist or communist under every bush, should give further thought to some of the ideas he has expressed here today. I understand that per capita there are fewer people per pharmacy in this State than in the Eastern States, and I believe the difference is considerable, which must have

a big effect on the position of the private chemist here as compared with his counterpart in the more populous States.

While Mr. Logan gave us some information about the effects of taxation on one friendly society, it seems to me that if the tax was imposed on these organisations as the result of an agreement between them and the Federal Treasurer, they have little justification for using that as an argument why this House should agree to extend their trading in this State. I oppose the second reading.

**HON. F. R. H. LAVERY (West) [5.50]:** I did not intend to take part in the debate until Mr. Watson spoke in opposition to the measure last night. I feel that his advisers were parochial and advised him only on their side of the case. I was surprised to hear Mr. Simpson say, a few minutes ago, that the chemists were frightened of socialisation because, of all the people in this State, no one should know better than he that the members of the friendly societies are members not only of the Labour Party but of the community as a whole and probably just as many of them oppose Labour as support it. Socialism does not come into the matter at all.

The friendly societies in this State were forced into seeking this amendment because the Federal Treasurer told them to approach Parliament and have the requested amendments made to the Act so that they could trade with the public and no one knows, better than does the Federal Treasurer, what he is talking about in this regard. Dr. Hislop said that the services of the private chemist to the public were excellence personified. I agree, but the same applies to the friendly societies. The dispenser in a friendly society is a paid servant of the organisation, but so are many chemists in chemist shops paid servants of the owners of those shops.

A lot of the dispensary service under the national health service is through the friendly societies because the Federal Act in licensing those societies specifies that they shall dispense to the public. It is said that the private chemists are frightened of the opposition by the friendly societies. Mr. Roche was outspoken in his castigation of the management of the friendly societies but, if he looks at the chemist shops he will see that apparently they are in a bad way because they are entering into opposition with fancy goods and other classes of business. As Mr. Logan said, it has been necessary for members of the Chemists' Guild of Australia to come to this State and assist the local chemists in their endeavours to prevent the Bill becoming law.

It has been said that if the Bill is passed there will be friendly society dispensaries all over the State. That is not possible; but even if they opened another three or

four in the major country towns, the effect on the 238 private chemists in the State would be infinitesimal.

**Hon. H. K. Watson:** The private chemists have not behind them the vast funds of the friendly societies.

**Hon. F. R. H. LAVERY:** I agree that this is the type of legislation which should be on a national basis under the national social services legislation. In the City of Fremantle there are a number of chemists, but at night it is often difficult to get an urgent prescription made up.

**Hon. A. F. Griffith:** How would the friendly societies improve that situation?

**Hon. F. R. H. LAVERY:** I am only saying that Dr. Hislop's remark in this regard is open to correction and that plenty of chemists are not available when required. In the country towns the position is different—

**Hon. A. F. Griffith:** How would the friendly societies improve the position?

**Hon. F. R. H. LAVERY:** That is not intended. We simply ask that they be allowed to trade with the public so as to increase their turnover and make a profit to assist them to pay the tax which was not previously imposed on them. This 6s. in the £—

**Hon. J. G. Hislop:** That is only on 10 per cent. of the turnover.

**Hon. F. R. H. LAVERY:** It is 6s. in the £ on 10 per cent. of the turnover, but not on the profit, and that must be taken into consideration. I repeat that the private chemists compete with many other types of business now.

**Hon. J. G. Hislop:** As the dispensaries will if they are given this right.

**Hon. F. R. H. LAVERY:** They already dispense baby foods and so on and would continue to do so as regards the general public instead of supplying only their own members. The Federal Act compels them to dispense to the public. Opposition to this measure is unwarranted because the members of the friendly societies are of all political creeds and religious beliefs, and they are people who have banded together in a common cause to keep down the cost of medical social services to the lowest possible level. The friendly societies, for that reason, are doing a man-sized job as far as this State is concerned. However, they have now had this extra taxation impost placed upon them; and all that they request is that the State Parliament should place this amendment on the statute book.

**Hon. G. C. MacKINNON:** I move—

That the debate be adjourned.

**The Chief Secretary:** Let the debate go on! You want to finish by Christmas-time, don't you?

Motion put and passed.

# **BILL—STATE GOVERNMENT INSURANCE OFFICE ACT AMENDMENT.**

## *Second Reading.*

**THE CHIEF SECRETARY** (Hon. G. Fraser—West) [6.3] in moving the second reading said: This is far from the first time on which a Bill to enable the State Insurance Office to conduct all forms of insurance, other than life assurance, has been presented to the House, and I make no apology for again introducing such a measure. At the last election the policy of the Government was most definitely endorsed by the people and the Government was returned with an increased and very substantial majority. It is the belief of the Government that the people would benefit by this extension of the State Insurance Office activities.

On each occasion that Bills similar to this have been introduced, mis-statements have been made by those who have opposed the proposals. It is so easy for the true position to be ascertained that there is no excuse whatsoever for such statements. The position in regard to the local authorities pool controlled by the State Insurance Office has been misrepresented verbally, and in the country Press.

One recent statement that was very far from the truth was that the insurance pool run by the State Insurance Office for local authorities was a self-insurance scheme that superficially looked attractive because of low premiums and rebates, but that it was unsound from the viewpoint of sound insurance practice. The statement went on to say that no private company would conduct this sort of business, that the rates charged did not allow adequate reinsurance, and that a major disaster could easily find the pool unable to meet its commitments.

A statement such as this could have serious repercussions. It may have been designed to mislead the 131 local authorities that now insure with the State Insurance Office, so that the business would be transferred and a substantial loss of income and profit caused to the office. Any person making such a damaging and foolish public statement must accept full responsibility for it. In reply to this product of misrepresentation—and I hope lack of knowledge of the position—I am going to endeavour to make the position clear.

When the State Government Insurance Office Act was amended in 1945 the definition of "insurance business" was extended to enable the State office to accept all classes of insurable risks in respect of which local authorities and friendly societies ordinarily require and obtain insurance. A provision was included that such insurance would have to be arranged by way of a pool or some other scheme agreed to between the State Insurance Office and friendly societies or local government authorities. Mr. J. L. Walker, Q.C.—who

at that time was the Solicitor General—advised the manager of the office that the pool was part of the ordinary business of the office and could be backed by the general reserves of the office.

On the 20th March, 1946, the then Solicitor General expressed the following opinions in reply to questions raised by the manager:—

I consider that the new pool business authorised by Act No. 23 of 1945 is part of the ordinary business of your office.

The local authorities will be the insured under the pool scheme and not the insurers. I do not consider that the local authorities will be carrying on insurance business—they will merely be entering into an agreement with a view to limiting their liability and to save expense. In the event of claims in any one year exceeding the total of net revenue received by your office, you intend to make good the deficiency from your own reserves in the ordinary course of your business.

These opinions, expressed by two Queen's Counsel, give the lie to the statement that the pool is a self-insurance scheme and that the members of the pool may be called upon at any time to meet a substantial deficiency in the event of a catastrophe. The risks accepted by the office through the pool are reinsured in exactly the same manner as any other risks undertaken by that office, so that the position is never likely to arise where even the general reserves of the office will be called upon to meet claims. The office retains only such portion of the risk as can be met from its funds in the ordinary course of trading.

The outstanding feature of the pool is that an amount of £23,000 has been rebated to contributing members since its inception and to that extent the rate-payers of the respective districts have materially benefited. It was recently alleged that while another argument used was that there should be no objection to free competition from the State Insurance Office the Bill gave the lie to this by providing that all Government business must go through the State Insurance Office. It was then said there can be thus no chance of underquoting the State office in this large field. That, again, is a gross mis-statement of fact as no such provision is contained in the Bill.

There is a provision that the office shall administer, as agent for the Treasurer, the State Government Fire, Marine and General Insurance Fund, but that is only in respect of any business which would be placed through that fund and does not necessarily apply to all Government property. As a matter of fact, had the Bill been passed in 1953, the reinsurance of Government property valued at some millions of pounds would have been placed with

the tariff companies at tariff rates, and I feel justified in saying that that would still be the position if this Bill is passed. Until such time as the State office has the right to enter into business with other insurers on a proper reciprocal basis, the present position must continue.

Reference has been made to the very small profits, when related to shareholders' funds, made by a number of companies which have been operating for many years. During the last Parliamentary session I gave sufficient information to the House of the colossal profits which have been made in the past and which are still being made by insurance companies. It is not necessary for me to repeat those cases, but I have picked one at random and the published statement in regard to it reads as follows:—

Effect is given in the accounts to the capitalisation of £750,000 of undivided profits applied in discharge of the uncalled liability of 15s. a share, the paid-up capital being raised from £250,000 to £1,000,000 while the reserve fund is shown reduced from £1,250,000 to £500,000. The dividend is raised by 2s. to 10s. a share, less tax, following an increase of 1s. 3d. a share a year ago.

The position is that £1 shares paid only to 5s. enjoyed a dividend of 10s. per share, but part of the shareholders' funds is represented by an undivided profit reserve of £750,000. Had the dividend been related to shareholders' funds it would, on paper, have been considerably lower than 10s. per share. Nevertheless, that was the amount distributed. The £750,000 has been used as a bonus share distribution to the extent of 15s. per share, making the shares fully paid to £1. Had the undivided profits reserve not been created, it is obvious that the dividends over the years on the shares paid up to only 5s. would have been substantially greater.

I hope I may be pardoned for referring to the position which arose in this House when a similar Bill was introduced in 1953. It will be remembered that in their wisdom members passed the Bill at the second reading stage by 16 votes to 9 and it also passed the Committee stage. I have it on very good authority that the Employers' Federation and the Chamber of Commerce then got moving and engineered the defeat of the Bill at the third reading.

Hon. Sir Charles Latham: That is casting a slur on the members of this House, you know.

The CHIEF SECRETARY: Members are aware that there has been pressure placed on members not once but on many occasions when Bills have been introduced in this Chamber. History has proved that no greater disservice was rendered to the members of any organisation than that

then rendered to its members by the Employers' Federation. Immediately the bank credit squeeze commenced, members of that body approached the State Government Insurance office for loans to enable them to comply with the demand of the banks for a reduction in overdrafts.

Hon. C. H. Simpson: I do not think that is fair!

The CHIEF SECRETARY: I am merely telling the hon. member what has happened.

Hon. C. H. Simpson: It is the private business of the concern.

The CHIEF SECRETARY: I have not mentioned any names.

Hon. C. H. Simpson: You said, "Members of that body."

The PRESIDENT: Order, please!

The CHIEF SECRETARY: Yes, I said "Members of that body." That could be anyone. The same principle applies when an hon. member wins an election by only one vote. It could be the vote of anyone. That is what the hon. member is objecting to, is it? Unfortunately the office had insufficient uninvested funds available to meet all the requests received, but it was in a position to advance £110,000 to applicants. Further amounts totalling £60,000 had to be refused.

Had the Bill been passed in 1953 there is no doubt whatever that the office would have had sufficient funds to satisfy the requirements of the other applicants. It is rather strange that so much opposition should be raised to the passage of this Bill when, apart altogether from the State itself, all sections of the community are receiving such material advantage by the operations of the State office.

I say, without fear of justifiable contradiction, that the general accident offices operating in Western Australia make little, if any, contribution to the development of the State by direct investments outside of the cost of their own buildings and I give Opposition members an opportunity to produce definite evidence of the extent to which such companies have funds invested in Western Australia.

At the present time the State Office has invested the following amounts:—

	£
Semi-governmental loans, including investments in State Electricity Commission loans	840,000
Loans to local authorities	36,422
Loans to private industry	110,000
Contributions to Revenue, including taxation	778,000

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

The CHIEF SECRETARY: Before tea, I had given figures for the amounts invested by the State Office. In addition, it has erected a building without any charge to loan or revenue funds, the approximate cost of which will be £500,000.

Hon. L. A. Logan: It must be profiteering.

The CHIEF SECRETARY: If it is, I do not know what I would like to say about others in the same line of business. The office pays to the State Treasurer an amount of tax which would be paid to the Commonwealth Government if it were a taxable company and for the year ended the 30th June last approximately £49,000 was paid under that heading.

I have already referred to the material advantage the office has been to local government authorities through the operations of the pool. One of the main reasons why the Government is so persistent in introducing this measure is the continuing demand by members of the public for the office to handle all types of general accident business. Direct representations have been made by the Civil Service Association and it must be conceded that the Public Service represents a fair proportion of the community. If the number of teachers and other Government employees was added to the public servants, the figure would be quite substantial.

The State office is, of course, authorised to handle motor vehicle comprehensive insurance for the public generally and the volume of that business being placed with the office is astonishing. During the last financial year, motor-vehicle comprehensive premiums exceeded £120,000 and the new policies being issued, after allowing for policies lapsed, now average about 200 per month.

No doubt members have noticed that in the past a good deal of opposition has been raised by the insurance companies, both by issue of pamphlets and by use of the broadcasting stations, when a Bill has been before the House. In 1953, when the Bill was defeated at the third reading stage, there was no opposition from the insurance companies.

The manager of the State office discussed the matter with a number of members of the Underwriters' Council in Melbourne—who are, of course, the general managers controlling the various offices in Australia—and it was confidently expected that the Bill would be accepted by this House and that the State office would be in the same position as those of New South Wales, Queensland and Tasmania. In 1954 pamphlets were issued, but I think that was largely due to pressure in 1953 by the organisations already referred to.

During the current session of Parliament the companies have been silent. It is noticed, too, that the local Press has been particularly reticent in furnishing information regarding the debates on this measure. As a matter of fact, it has hardly

been referred to and one is naturally justified in wondering whether the silence of the Press and perhaps the silence of the insurers, is with a view to keeping from the public the fact that this measure is before the House. In the interests of the State, the insuring public and the tariff companies, this Bill should become law.

Figures have been quoted to indicate that the State Government Insurance Office has not been able to maintain its position in regard to workers' compensation business. This is largely due to firstly, the fact that employers obtain from the State office quotes for their business and immediately go back to the private companies who accept the business at State office rates.

Secondly, in many cases large firms operating in Western Australia are controlled from the Eastern States. On several occasions the local branch, which has been insured with the State office for some considerable time, has been instructed by its Eastern States head office to transfer its insurance to a nominated tariff company.

It would appear, therefore, that the tariff companies are not satisfied with fair competition within the State, but use their influence through their head offices in the Eastern States, the result being a loss of business to the State office.

On one occasion, the manager of a very substantial business expressed his extreme regret at being compelled to transfer his business from the State office to one of the tariff companies, but he had no alternative as he was acting under his head office instructions.

Thirdly, a big disadvantage under which the State office is working is that it is unable to accept the fire, public risk and other insurance risks from employers. Many firms prefer to have the whole of their business with the one office and that has been stated by some employers as the reason for transferring their business.

There is one class of insurance in respect of which the public are free to decide where their insurance will be placed, and that is the motor-vehicle comprehensive insurance, but it is most noticeable that very little is said about that. Notwithstanding the competition by approximately 70 tariff companies, non-tariff offices and the R.A.C., the state office received premiums totalling over £120,000 during the last financial year, and at the present time, after allowing for lapses, the net number of new policies issued is approximately 200 per month. That, I think, is a complete answer as to whether or not the public are seeking the services of the State office.

Reference that has been made to the New South Wales State Government Insurance Office is most unfair. The loss

of £771,695, as disclosed in the August 1955 issue of the "Insurance and Banking Record" was solely in respect of the Motor Vehicle (Third Party) Insurance. In every other branch of its activities the New South Wales State Insurance Office showed substantial profits. Members may not know that all insurers in the Eastern States have shown tremendous losses on their third party business.

Might I say that the same position has operated in this State for many years—ever since the inception of the motor vehicle insurance trust. I have not seen the figures for the last year, but we gave substantial rises approximately 12 months or two years ago to increase the premiums on motor-vehicle insurance. I have not been able to examine the position and see whether they were successful in balancing the ledger, but the losses sustained in the first five years were tremendous.

I have not got the figures with me but members can take it from me that they were substantial, so much so that a number of these companies that were part and parcel of motor-vehicle insurance pulled out; and it was apparent that unless increased premiums were granted, the remainder would also pull out, which would mean the State office having to carry the losses. So it was not quite fair to refer to New South Wales in this connection because every other department has shown a considerable profit.

Fortunately that position has not occurred in Western Australia, largely due to the foresight of the manager of the State office. It was on his recommendation and due to his persistence that the Motor Vehicle Insurance Trust was established, notwithstanding strong opposition from the Underwriters' Council in Melbourne. As the result of the operations of the trust in this State, no call has been made on any one of the companies which are participating approved insurers under the Motor Vehicle (Third Party Insurance) Act and are liable to make good the losses incurred by the trust.

Furthermore, the premium on a private car in Western Australia is now £3 10s. compared with £7 and £8 in New South Wales and Victoria respectively. That, surely, is another very good service which has been rendered to the public through the influence of the State office. I move—

That the Bill be now read a second time.

On motion by Hon. C. H. Simpson, debate adjourned.

#### **BILL—STATE TRADING CONCERNS ACT AMENDMENT.**

Received from the Assembly and read a first time.

#### **BILL—NURSES REGISTRATION ACT AMENDMENT.**

##### *Second Reading.*

**THE CHIEF SECRETARY** (Hon. G. Fraser—West) [7.41] in moving the second reading said: This Bill is the result of a resolution passed by the Nurses' Registration Board on the 26th May last that general, children's, mental and tuberculosis nursing trainees who have undergone the specified periods of training and have passed their examinations should be able to register with the board before they reach the age of 21 years, which is the age laid down in the principal Act.

For the information of members I would advise them that the Nurses' Registration Board comprises the Commissioner of Public Health who is chairman; the Inspector General of the Insane; two medical practitioners nominated by the B.M.A., one of whom must be an obstetrician; two senior registered nurses on the staff of a nursing training school or hospital, one of whom must be trained and experienced in midwifery nursing and infant welfare nursing; a general trained nurse, a mental nurse; and a midwifery nurse.

At present, the principal Act provides that persons may be registered as general, children's or mental nurses if they have attained the age of 21 years, have passed the prescribed examination and have had at least three years' training. The only difference with tuberculosis nurses is that they must have had two years' training.

The regulations made under the Act enable girls to start general, children's and mental training at the age of 17½ years. Many of these girls complete their three years of training and pass their examination before they are 21 years of age. Under the Act girls can commence the two years of tuberculosis nursing training when they are 18.

A period of up to 12 months could elapse before successful trainees could register as tuberculosis nurses. This hiatus of several months causes salary and seniority losses to these girls and has, I am told, caused girls unhappiness and unrest. In regard to the age at which training can commence it has been found that many girls who would have made good nurses have been lost to the profession because they would have to wait too long to start training. These girls have taken up other avocations which they have become interested in and do not persevere with their nursing intentions.

To overcome these difficulties the Bill proposes that the three years of general, children's and mental training may be commenced at the age of 17 years and that on completing the course and passing the examination a trainee may immediately be

registered as a nurse. This means that successful trainees could be registered prior to attaining their 21st birthday.

It is considered advisable to retain the minimum age of 18 years for tuberculosis trainees and to permit them to be registered when they successfully pass their two-year course. Some years ago the Tuberculosis Committee of the National Health and Medical Research Council unanimously decided that girls should commence training in tuberculosis hospitals at the age of 18.

In regard to midwifery training the Nurses' Registration Board considers that any person under 19 years is too immature to start training in this branch of nursing. The Bill, therefore, seeks to include a provision specifying 19 as the minimum age. In view of this the provision is deleted which enables the registration of midwifery trainees who have reached 21 years of age and have passed their examinations.

By the time these girls had finished their two-year course and passed their examination they would be over 21. As with the other courses of training, the Bill proposes that registration can be achieved when the examination is passed.

In Victoria the age for registration of nurses has been reduced to 20 years, and in Queensland nurses are registered subsequent to completing satisfactorily the prescribed period of training and passing their examinations.

The Nurses' Registration Board considers the proposals in the Bill could be a means of obtaining more girls for the nursing profession and assist in relieving the shortage in Western Australia of trained nursing staff.

Hon. H. K. Watson: The Nurses' Federation do not agree with that view.

The CHIEF SECRETARY: I do not know about that, but we know at least in regard to those that I have stated that the Nurses' Registration Board does. I move—

That the Bill be now read a second time.

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

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

##### *Second Reading.*

Debate resumed from the previous day.

HON. J. M. A. CUNNINGHAM (South-East) [7.46]: I am not going to have very much to say on this Bill, but I have some remarks which I would like to put before the House. It is a Bill that has evoked quite a lot of criticism in this House and, so far as I can see, not very much support. I think that is understandable.

My attitude may be open to criticism by some members, but I would have them keep in mind that I am speaking as a

teetotaler. I am going to oppose this measure, and I believe I am justified if for no other reason than that this section of the community has suffered sufficiently. It is only a short time since the Government and the Press were attacking the Federal Government for taking action to reduce the consumption of liquor by an increase in taxes in the so-called Little Budget. It also had in view the intention of obtaining increased moneys to try to meet payments to the State Governments for the coming year.

As everybody knows, election propaganda spread like wildfire throughout the State, and that fire—or the flames from that fire—were added to by what appeared in the Press and what was said on every election platform from which members were speaking. From start to finish we heard the Government branded as "grabbers," and that they were penalising the working man, the wage-earner. The Federal Government was berated because of its action in seeking to penalise the working man. As a matter of fact the term B.C. was no longer laid down as a Biblical measurement of time; it was used as a humorous term "such and such happened before B.C.—before beer and cigarettes."

Today we have the State Government, after having obtained some fair share of the money that was gained and contributed to by the liquor trade, now proposing to impose a further measure of taxation on the liquor trade which I believe is unfair. I cannot look at it in any other way. The arguments advanced at that time—admittedly it was just prior to an election—against the Federal measure, could be applied word for word against this measure put forward today by the State Government. It is imposing a further tax on the same group of people, and it is going to be just as much an imposition on the working man's pot of beer as was the original tax, the difference being that the original tax was intended to find money for the States. This State has already had some of that money, and now it seeks to take another bit from the same people who have already contributed.

Many members will remember a clever and humorous cartoon at that time called the "Tax-us raiders". It would appear that the "Tax-us raiders" now have a new leader, El Falcon, which anyone who reads Wild West novels will know is the Mexican term for "The hawk." It seems the "Tax-us raiders" are raiding again. At that time it was accepted as a very clever play on words, which it was. But surely there is no one that could be more aptly described as "Tax-us raiders" than the present Government! We know there are other measures and forms of taxation which we have not yet heard of.



I feel most reluctant to support any future Bills which will increase public charges, until I have seen what the Premier does intend to do with his financial position so far as the Budget is concerned. Early in the session we heard preliminary statements; but, up to date, there has only been a series of Bills to raise money one way or another. This House has recognised the right of the Government to raise money, and has put very little opposition in the way, but this has to come to an end somewhere.

Every section of the community, one by one, is being taxed. I will not say "shot at" which is an unfair term; but I have some interesting figures here which show that already some £12,000,000 has been contributed to the finances of the country by excise, over half of which has come from beer alone. We know that the sale of beer has increased very nearly 300 per cent. in the last 10 or 15 years. On the other hand, the population has increased considerably and no doubt that accounts for a great portion of that increase in consumption. However the population increase would not have anything to do with the 1,000 per cent. increase in excise duties which is what the increase has been.

I just do not know how the Government can justify this legislation in face of all that was said some few months ago when almost identical measures were taken by another Government. Furthermore, the retrospective payment of this taxation is to me a most unfair thing—unfair and unreasonable.

Another point which concerns me is in regard to the gambling machines in clubs, which have been operating for many years. Admittedly these are illegal; but the Government contemplates enforcing a measure which will preclude their use completely, and the clubs are going to suffer considerably. The pros and cons have not been discussed publicly or in this House; and I hope they will be, as the clubs are going to suffer a financial setback as the result of the withdrawing of these poker machines.

I consider this Bill is going to slug them again; their taxation will be increased and it could be a very grave thing so far as the established clubs in this country are concerned. The clubs as we know them today are a form of entertainment and relaxation. They are not only for the wealthy section of the community, which was the case many years ago, but some of the best run and best organised clubs today are working men's clubs catering for the wage-earner.

The Chief Secretary: Do you favour the poker machines in clubs?

Hon. J. M. A. CUNNINGHAM: I do not favour or oppose them, but I would give consideration to legislation for orderly supervision of the machines.

Hon. Sir Charles Latham: Legalising them.

Hon. J. M. A. CUNNINGHAM: I am quite reasonable about it. I have put a shilling in once or twice, but I have not been dragged to the poker machines when I did not want to be. If a man does not want to use them he does not have to. I have made my attitude quite clear in this respect and would support a measure if introduced.

The Chief Secretary: A good political announcement.

Hon. J. M. A. CUNNINGHAM: I would recall the Minister to the occasion when "two-up" schools were closed. Only two members had anything to say, and I was one of them. I know how far I am prepared to go. With these remarks I oppose the measure.

HON. A. R. JONES (Midland) [7.57]: I am not going to let this opportunity slip by without making a comment on this Bill. I am not so concerned with the increase in the rate which this Bill proposes as I am with the way the Bill proposes to grab money over a period dating back to last September, particularly in the instance of clubs. I feel it is a real imposition; and in this House, or any other place, we should oppose a Bill which will take money dating back 12 months. If passed, this legislation will result in an additional 3½ per cent. being collected from clubs retrospectively to the 30th September, 1955. In the case of breweries it is a little lighter, and even in the case of hotels it will go back to the 30th June this year.

I cannot see any good reason for this type of legislation and I feel we should not allow this Government, or any other Government, to get away with it. In these times businessmen have to prepare a budget. It is prepared on certain lines with the knowledge that they will have certain commitments, such as an allowance for an increase in the basic wage or in costs. But surely nobody would budget for an increase in tax—in the case of hotels 2½ per cent., and in that of clubs, 3½ per cent. I would like the Minister to give us his explanation as to why it is being done. I have thought seriously enough about it to consider requesting an amendment to cover the situation, and I am certainly not going to vote for this type of legislation.

HON. A. F. GRIFFITH (Suburban) [8.0]: It is a pity in a way that members of the Legislative Council do not get the opportunity to look at the Budget. It is also distressing to me to ascertain that up to date the Treasurer of the State has not produced a Budget, but we are asked to pass taxing Bills continuing further imposts on our people without our having any idea as to how the money is to be spent. We know how it is going to be raised.

In the Bill we see a tax being placed on a certain section of the community. Then in other legislation before the House we see further taxation on another section of the community, and this taxation is so low that it can scarcely be called an impost; nevertheless, there it is. I do not feel at all happy about this state of affairs. Members of this Chamber before they pass these Bills are quite entitled to say that it is competent for Parliament to have a look at the Budget to see how the Treasurer is going to spend the money.

I do not propose to go into the pros and cons of the legislation at the moment, but just to take the opportunity of protesting to the Chief Secretary, as the representative of the Government in the House, that legislation such as this, on a section of the community, does not meet with my approval. It is extremely interesting to note that, about six months ago, on the very issue of beer, the Government rode to success in an election campaign, calling the Prime Minister of this country all that they could lay their tongues to because he imposed an impost which increased the price of beer by 2d. a schooner. Now, within a very short space of time, we find the same people who decried that action, imposing a tax to raise the sum of £120,000 from the liquor trade. This strikes me as being most inconsistent; but of course we are getting accustomed to inconsistencies. At this stage I reserve my attitude on the Bill and wait for further developments.

**HON. R. C. MATTISKE (Metropolitan)** [8.4]: I strongly oppose the measure. At the present time we have before us two Bills, one dealing with betting and the other with licensing. On the one hand we find the Government is championing the cause of the betting community—the s.p. bookmakers—and saying that they cannot afford to pay more than a certain rate of tax on their turnover. On the other hand the Government is imposing a further penalty on those persons who dispense liquor throughout the State.

I feel that the bookmakers provide no more service to the community than do the one-armed bandits. On the other hand, the people who conduct hotels do provide other services which are well-known to us all. It is a case of niggling all the time at the poor old hotelkeeper, and at the same time driving him into the position where he finds he must pass these impositions on to the public and thereby create an additional burden on the consuming public. I feel it is quite unjust and that there is no necessity for this. If the amount of income to be produced from that tax were considerable and could have definite benefits to the State, there might be some reason for considering this seriously, but the amount of income that it is expected to raise—£120,000 per annum—is so small that there must be

means of effecting this addition to the income of the State through other channels in the Budget, of which we have heard nothing at present.

I strongly feel that something should be done in the Committee stage, and I was pleased to hear Mr. Jones say that if the measure passes the second reading he proposes to move an amendment. I sincerely hope that members will give it careful consideration.

**HON. SIR CHARLES LATHAM (Central)** [8.6]: I have always objected to this class of legislation. We raise money for the benefit of all the people, and no contribution should be made by any one section of the community. That applies more particularly here because this money will be collected from what I term a vice. While I have no objection to someone else paying taxes for me, I point out that the unfortunate people who drink beer are making the contribution, and they are making it for a class of people who could well make the contribution themselves. The Government should have the Estimates before us. When there is any deficiency between the budgeted expenditure for the year and the amount of income that can be obtained, the Government could bring down a taxing measure and let us all make our contribution to it on a fair basis.

I have always pleaded this, in another place as well as here. I do not like to see the people who unfortunately have to pay a terrific amount of money on beer, having to pay taxes for the education of my children, or whatever cause the money is used for. The principle is wrong. I know the Government must have money, and I know the cry that was uttered against the Federal Government, just before the election. The action of that Government probably changed the Government in this State, because the Federal Government had brought down what it called the Little Budget. I was just as much against that as I am against this, because under that Budget it was the people who smoked cigarettes and those who drank beer who had to pay. Those who did not pay got all the benefit of the expenditure without making any contribution.

**Hon. F. J. S. Wise:** You are not saying that all revenue should be raised from income tax.

**Hon. Sir CHARLES LATHAM:** I have not suggested that. We sell land. The hon. member, having once been Treasurer of the State, will know that we would not expect it all to come from income tax. There are many other sources. Are there any means of raising further tax from other sources?

**The Chief Secretary:** Any amount.

**Hon. Sir CHARLES LATHAM:** I suppose that is so, and they will be equally as unfair as this tax is.

The Chief Secretary: That is neither a threat nor a promise.

Hon. SIR CHARLES LATHAM: I am not making a contribution to the taxation that I should make in this State.

The Chief Secretary: You are the first man I have heard say that he was not paying enough taxation.

Hon. Sir CHARLES LATHAM: I say I am not making a fair contribution, and it is from that angle that I say this class of legislation is wrong. The people have elected a Government and have given it powers to tax and provide services. I think we provide a lot more services than we are justified in providing. In many ways the public can provide their own. Let us not forget, too, that the Government cannot make services available as cheaply as the people themselves can. We have built up a terrific public service in the State, and it is still going on. It will be added to, and those officers have to be paid. Every basic wage adjustment brings about a further rise.

It is about time we really made a thorough investigation of the finances of the State. I admit that I am probably not qualified to make such an investigation, but there may be other members here who are. This is a young country and has terrific problems ahead, yet in the future we are not going to have the amount of money that the recent successful years have provided for us. Even now there is a tightening up.

I regret that this class of Bill is not left until after the introduction of the Budget in another place. The Budget is submitted to this House. I admit we have very little power in regard to it, but at least it would enlighten us and enable us to speak authoritatively on whether the Government is entitled to ask for this additional tax. It is a very poor form of taxation. Some members think it is retrospective; that it is to date from the beginning of the year—from the 1st January. My reading of the Bill is that it commences from the 1st July. The Minister might let the House know exactly what the Bill does provide in that direction.

Hon. H. K. Watson: It is still retrospective.

Hon. Sir CHARLES LATHAM: I am referring to the 8½ per cent. Section 73 of the Act provides for this. The Bill deals with the sending in of returns on the 31st December and the 30th June, respectively. The first amendment is to Section 73 which states that every licensee shall furnish a return, and the amendment provides that the return shall be—

to and including the return for the six months ended on the thirtieth day of June, one thousand nine hundred and fifty-six.

The next amendment deals with the imposition of the tax and provides—

and with the return furnished for the six months ending on the thirty-first day of December, one thousand nine hundred and fifty-six, and with the return for each six months thereafter, shall so pay as such moiety a sum equal to eight and one-third pounds per centum instead of six pounds per centum, . . . . .

This conveys to me that the tax will be imposed from the 1st July of this year. If the Minister does not know whether that is so, I hope he will get the information from the Premier so we will know whether I read the Bill correctly. I do not think even the Government would desire that there be a misunderstanding as to when the tax commences. I believe it is to start on the 1st July.

The Chief Secretary: I think so.

Hon. Sir CHARLES LATHAM: The Minister might find out and let us know when he replies.

Hon. N. E. Baxter: Why the necessity for retrospective dates at all?

Hon. Sir CHARLES LATHAM: To find out what the purchases, on which the tax will be imposed, were during the period. The tax will apply from that date and an adjustment will be made, of course, when the next half-yearly return goes in. That is quite usual. I think I am right in that respect.

The Chief Secretary: I think you are.

Hon. Sir CHARLES LATHAM: Had it been otherwise, I think the Minister would have told us. It is just as well to be honest and say when the tax will be imposed. If it is to be imposed from the 1st January of this year it will be unfair because there is no chance of recovering it. The Bill ought to be passed as soon as possible so that these people may collect this amount from those to whom they sell the beer. I do not think the hotelkeepers or the clubs or others who sell beer make such a huge profit that they can afford to lose 2½ per cent. of their income.

I notice, too, that it is proposed, by this legislation, that clubs, instead of paying 5 per cent., will be brought into line with the hotels and will have to pay 8½ per cent. I have no objection to that. However, I do not like this form of taxation, because I think it is unfair. Mr. Wise asked me whether I thought that all our taxation could be obtained by income tax. The Commonwealth Government has the responsibility of collecting the money, and I suppose it could have a bachelor tax and an old maid tax.

Hon. H. K. Watson: Or a window tax.

Hon. Sir CHARLES LATHAM: In the old days there was a window tax, and I suppose we could even go to that extent. But

let us examine the expenditure side of government. I have been associated with Governments for years; and I know that, in a household, the whole idea is to make ends meet, because people cannot pull pounds from the air as Governments can. People have to cut their suit according to their cloth; and I think the Government should endeavour to curb its expenditure, instead of coming to this House year after year and asking us to agree to increased taxation.

I know that as the cost of living increases it costs more to run our Government services; but I am afraid that soon 50 per cent. of the people will be the workers who will be paying for the other 50 per cent. who will be public servants. We are very close to that socialist state; and I should imagine that soon 50 per cent. of the people will be paying for the other 50 per cent. who will belong to the Labour Party, and then we will get a wonderful form of government! What a wonderful place this would be to live in if that came about! All I hope is that I am not here to see it.

The Chief Secretary: I like to hear you let your imagination run riot.

Hon. Sir CHARLES LATHAM: When the Chief Secretary is as old as I am, and he looks back at bygone days, he will think of the times when so little income tax was paid. I can remember the time when there was no income taxation.

The Chief Secretary: They would be happy days.

Hon. Sir CHARLES LATHAM: Slowly but surely taxation has been increased. At present a worker gets £15 or £20 a week; but before he knows where he is, more than half of it is gone in some form of taxation. The worst form is indirect taxation. In the future the poor unfortunate person who drinks a few pots of beer will pay some of this increased taxation that we are discussing this evening. I think that where taxation is concerned, we should all share the burden.

Hon. J. M. A. Cunningham: Drink more beer.

Hon. Sir CHARLES LATHAM: I would like the Bill to be held up until the Estimates are introduced so that we can see what expenditure the Government proposes for the year and to whether it is justified in asking one section of the community to make a further contribution. If we do not think it necessary, after the Estimates have been introduced, we can throw the Bill out. I hope those who say they represent the hard-working people will stand up and have something to say against this class of legislation. We should get down to bedrock and see what we can do to save money for the taxpayers of this country instead of agreeing meekly to every move for increased taxation that is submitted to us, especially

when we can see the State being run in such a bad way and the Government asking us all the time for more money to carry on.

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

## **BILL—PROFITEERING AND UNFAIR TRADING PREVENTION.**

*In Committee.*

Resumed from the previous day. Hon. W. R. Hall in the Chair; the Chief Secretary in charge of the Bill.

Clause 8—Interpretation (partly considered).

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

That in the definition of "combine" all words after the word "public" in line 4, on page 4, be struck out.

This is the amendment I moved last night and which I withdrew in order to give the Chief Secretary time to look at it. It is designed to remove from the Bill the words which exclude "boards" from the definition of "combines," and therefore from the operations of the Bill. The price of potatoes, onions and eggs has a material bearing on the cost of living; and the production of those commodities also provides a livelihood for many producers. For those reasons boards should come within the jurisdiction of this legislation, particularly as it applies to the Crown, as well as other people. There is no reason at all why it should not apply to all organisations within the State.

The CHIEF SECRETARY: The hon. member has told us exactly what he wants to do, and all I wish to say is that I am opposed to the amendment.

Hon. H. L. ROCHE: Naturally I am opposed to the amendment; but Mr. Watson is being consistent, because the other evening he said that he could see no reason why the farmer should be left outside the provisions of the Bill. The farmer has been left outside its provisions because almost the whole of the farming production in this State is sold by the auction system or through organised marketing systems which have been set up as a result of legislation.

Amendment put and negatived.

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

That in the definition of "unfair profit" the word "includes" in line 33, page 4, be struck out and the word "means" inserted in lieu.

The word "means" was in the original wording of the amendment when it was submitted to another place, but the word "includes" was substituted by a vote taken in that Chamber. We contend that the

word "means" is more precise, because there is no doubt as to its intention. There has been a tendency to make this Bill vague so that people could be easily misled and so that the commissioner's powers would be almost unlimited. We believe that the word "means" is better in this instance.

The CHIEF SECRETARY: I hope that the Committee will not agree to this amendment. If the word "means" is used, it will make the definition very limited.

Hon. A. F. GRIFFITH: You want it to be looser than it is.

The CHIEF SECRETARY: We want it so that it will cover all angles of unfair profit. The definition has been submitted to the draftsman and he has informed us that the word "includes" is the best word to have in this place. There was a full-dress debate on it in another place; and as a result, the word "includes" was used. I hope the Committee will not agree to the amendment.

Hon. H. K. WATSON: I ask the Committee to agree to the amendment. The term, "unfair profit" should be specifically defined. If it is intended to mean something more than has been included in the present definition, then the Chief Secretary should amend the definition to include everything that is intended. This should be done in fairness to any member of the public who wants to find out whether or not he is making a fair profit. The Chief Secretary said that the draftsman considered that the word "includes" was more suitable than the word "means." That may be the case from the draftsman's point of view because he will not have to worry about defining "unfair profit."

Hon. A. F. GRIFFITH: The Chief Secretary has given us every reason to agree to the amendment. He said that if the word "means" was inserted the rest of the definition would be very clear; but that if the word "includes" was retained, much would be left to the imagination.

Hon. Sir CHARLES LATHAM: The present wording of the definition is uncertain. The danger is what might be implied as being within the definition, and that is not a good method of legislating. The public should know clearly what is meant by unfair profits.

Hon. J. G. HISLOP: It is perfectly obvious that the intention to alter the word "includes" to the word "means" is a desire to clarify the definition. With the present wording one has no idea of the boundaries of the definition. The desire behind the move to retain the word "includes" is to leave the definition wide open so that the Government can act without any restraint.

Amendment put and passed.

Hon. J. McI. THOMSON: I move an amendment—

That after the word "goods" in line 34, page 4, the words "or services" be inserted.

I gave an instance where tradesmen, who shouldered no responsibility other than the ability to carry out a job, were charging £12 10s. per day, plus travelling expenses and keep, and without taxation deduction. They asked for that amount in cash for their daily services. In view of such instances, I consider it is necessary to insert those words.

Hon. H. K. WATSON: I suggest that the mover seek leave to withdraw the amendment with a view to giving it further consideration. By inserting those words, we will get away from the intention of the definition, which seeks to cover goods only, as will be seen from the wording. The definition deals with trading as distinct from services. Speaking for myself, I would like to give the amendment more thought before agreeing to it.

Hon. N. E. BAXTER: I support the amendment. As the term "trading" means trading in goods or services, then the definition of "unfair profit" should also relate to goods and services. One instance of an unfair profit has been given, but I myself have seen other instances where that has occurred. I have seen garage proprietors charging for tradesmen's rates when they have put apprentices on to jobs. I say most definitely those are cases where unfair profits were being made.

Amendment put and passed.

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

That the word "concerned" in line 34, page 4, be struck out and the words "prescribed by the regulations" inserted in lieu.

The purpose of this amendment is to maintain consistency with the policy presented by the Government at the last elections in April of this year. To refresh memories, I would quote from "The West Australian" of the 29th March, 1956, in which the forum run by the newspaper was put to the leaders of the political parties. That related to controls. In its election policy, neither side had made any references to price control and rents and tenancy restrictions. They were asked—

- (a) Does this mean you do not wish to introduce them?
- (b) In what circumstances other than war would you regard their use justifiable?
- (c) Would you then apply them with, or without, a popular vote on the question?

The Premier's reply was this—

Legislation to prevent profiteering and to prevent rack-renting would be introduced if circumstances justified such action.

The legislation should provide that before any particular commodity or service were brought under control a regulation would require to be issued and each year could be debated and decided in Parliament.

The Chief Secretary: What did Sir Ross McLarty say?

Hon. A. F. GRIFFITH: Does the Chief Secretary want me to go through it again?

The Chief Secretary: I would like to have both opinions.

Hon. A. F. GRIFFITH: Very well! The Minister for Railways asked me that question the other night and he was satisfied when I gave him the answer. Sir Ross McLarty said—

The Liberal and Country League is opposed generally to imposing controls other than those essential for requirements of defence and economic stability.

The Chief Secretary: He would not oppose this then. It is to provide for economic stability.

Hon. A. F. GRIFFITH: Sir Ross McLarty continued—

There is no possible justification for the reintroduction of price control or rent and tenancy restrictions.

These controls are only warranted in times of national emergency when the power to impose them is normally assumed by the Commonwealth Government.

In postwar years price control became increasingly ineffective. The Prices Branch did not control prices. It merely recorded price increases. Statistics show that prices rose far less after price controls were lifted.

Price control encouraged shortages, dishonesty and black market. It discouraged production. It built up large and expensive bureaucratic departments.

Price control defends the least efficient in industry. It inhibits management from cutting costs and encourages the shoddy manufacturer to reduce quality.

The lifting of rents and tenancies restrictions halted the rot in rented property. Fifteen years of inadequate rentals meant a prolonged neglect of repair work and painting which was promoting slum conditions in many cases.

Improved housing standards and increased accommodation are two of the immediate benefits which have resulted.

In the present circumstances the operation of a Fair Rents Court is adequate protection against excessive rentals being charged.

Despite the gloomy prediction of the Minister for Housing that "hundreds and perhaps thousands" of cases would appear before this court, very few cases indeed have been submitted.

As I said to the Minister for Railways the other night, I think that that quotation strengthens my case. If the Committee agrees to my amendment it will be putting into the Bill something which was the Government's policy prior to the time that it went to the election, and the policy on which the Government was elected.

The Minister for Railways: That was price control.

Hon. A. F. GRIFFITH: Don't sidetrack me!

The Minister for Railways: What was the question?

Hon. A. F. GRIFFITH: The question was controls.

The Minister for Railways: Price control.

Hon. A. F. GRIFFITH: The question was—

In its election policy neither side has made any reference to price control and rent and tenancy restrictions.

The Minister for Railways: It took a lot to get it out of you!

Hon. A. F. GRIFFITH: Let me read again the Premier's answer.

The Minister for Railways: No; we have heard it.

Hon. A. F. GRIFFITH: What is this Bill to deal with?

The Chief Secretary: Profiteering.

Hon. A. F. GRIFFITH: Last night the Chief Secretary objected because we wanted to change the title. Now he is trying to crawl out from under the Premier's statement. The Premier said that—

The legislation should provide that before any particular commodity or service were brought under control a regulation would be required to be issued and each year could be debated and decided in Parliament.

All I am asking is that any goods or services that are to come under control should be made the subject of regulation so that Parliament would be able to discuss them. That is in keeping with the Government's policy before the election, and I take it that the Government has not changed its mind.

The CHIEF SECRETARY: This is one of the most stupid amendments I have seen put before this Chamber. The hon. member need not have any fear about regulations not being provided. There will be

plenty of regulations under this Act, but to include regulations in a definition of unfair profit is to suggest something which is really too stupid to discuss.

Hon. H. K. WATSON: As I understand it, Mr. Griffith desires that the goods concerned should be specified by regulation. There is nothing unusual in that. We have a precedent for it, and it has a lot to commend it. If so many things are going to be left out, why not leave everything out and then prescribe what is to be brought in? It might be decided to include steel or oats or petrol. In that case a regulation could be brought down so that Parliament would know what goods it was dealing with. There is a precedent for that because, in the last prices Bill, which was brought down a year or two ago, it was provided that the measure should apply to goods which were specified in the schedule or which would be prescribed by regulation. Three goods were mentioned in the schedule, and the intention was that if any further goods were to be dealt with they were to be prescribed by regulation. I understand that is all the amendment proposes shall be done.

Hon. Sir CHARLES LATHAM: I urge the Committee to exercise caution. If there is provision for regulations, then immediately Parliament goes into recess this genius of a commissioner will come along with a series of them and they will remain in force until Parliament meets and for six sitting days thereafter. I have not forgotten those that we accepted from the Commonwealth when it transferred its powers to this State. I could never understand what some of them meant. Mr. Watson will remember that we took over a small piece of legislation but sheets and sheets of regulations.

I believe that Mr. Griffith has the best of intentions, but I would rather have this simple word left in the clause than have provision made for regulations. We may import the man who put up the previous regulations! I guarantee that there could have been a first-class argument between two of the best Queen's Counsel in Australia over those regulations. I would like to hear Mr. Watson again on this matter.

Hon. H. K. WATSON: I agree with Sir Charles that the last thing we want to do is to import the gentleman who provided the original national security regulations. However, the point is that at the moment all goods are covered by the measure except those controlled by the boards. Mr. Griffith proposes that the measure should apply only to goods prescribed by regulation. The idea is to issue a regulation simply declaring potatoes or onions or whatever goods it is required to bring under the Act. It says "goods which are specified." They must be specified in the regulations.

Hon. Sir Charles Latham: There would be unlimited specifications.

Hon. H. K. WATSON: No matter how unlimited they were, the Act as it stands automatically applies to the thousand and one things dealt with in the ordinary course of trade.

Hon. C. H. SIMPSON: I agree with Mr. Griffith and Mr. Watson. The wording specifies for once what the offences shall be, what shall be included, so that people will know where they stand. We have a Bill which in many ways is vague and does not explain what it means. A trader has no clue as to the ways in which he may offend. It is the essence of British law that a man shall have some foreknowledge of how he may offend so that he may avoid giving offence. If this control is exercised by regulation, everybody will know what the offence is and the regulations can be vetted in Parliament, which will afford some check on the commissioner who, under the Bill, appears to have unlimited power.

Hon. A. F. GRIFFITH: Under this legislation the commissioner has the power to do practically anything he wishes to do. My amendment simply provides that goods and services he aims to declare shall be prescribed by regulation. I know that regulations are made when Parliament is not sitting; but at least Parliament will have a chance to look at them, and at the goods or services prescribed when Parliament is in session. As the wording is at present, Parliament will have no power or jurisdiction whatever. Since the Chief Secretary thinks fit to call this amendment stupid, I venture to suggest he must be sitting behind a stupid Premier, because I have copied into the amendment what the Premier said he would do.

The Chief Secretary: Tell us what "The West Australian" said the Liberal Party would do when this Bill was before another Chamber.

Hon. A. F. GRIFFITH: What has the Liberal Party or "The West Australian" to do with this amendment?

The Chief Secretary: Just as much as the Premier's statement.

Hon. A. F. GRIFFITH: That is an attempt to sidetrack the issue.

The Chief Secretary: You are attempting to double-somersault as you always do.

Hon. A. F. GRIFFITH: The Chief Secretary can go on like that if he wishes. He is a good judge of double-somersaulters.

The Chief Secretary: I am; I see so many of them in front of me.

Hon. A. F. GRIFFITH: Will the Chief Secretary tell me what the Treasurer meant when he said, "Legislation to prevent profiteering will be introduced if circumstances permit"?

The Chief Secretary: I have the answer.

Hon. A. F. GRIFFITH: He said, "The legislation could provide that before any commodity or service was brought under control a regulation would require to be issued and each year could be debated and decided in Parliament." If what the Treasurer said made sense, this amendment makes sense.

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

Ayes	11
Noes	15
Majority against	4

Ayes.	
Hon. J. Cunningham	Hon. G. MacKinnon
Hon. A. F. Griffith	Hon. R. C. Mattiske
Hon. J. G. Hislop	Hon. J. Murray
Hon. A. R. Jones	Hon. C. H. Simpson
Hon. Sir Chas. Latham	Hon. H. K. Watson
Hon. L. A. Logan	(Teller.)

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

Aye.	No.
Hon. F. D. Willmott	Hon. R. F. Hutchison
Amendment thus negated.	

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

That the words "in the opinion of the commissioner" in lines 38 and 39, page 4, be struck out.

There is a sound reason for the amendment. The commissioner already has dictatorial powers and we should bring them within reason where possible. Subclause (3) of Clause 31 provides the right of appeal and so these words are not consistent. I can envisage a case which rested not on whether something was right or wrong but on whether the commissioner thought it was right or wrong, and protection should be given to possibly innocent offending parties.

The CHIEF SECRETARY: I can only say, as I said in relation to the earlier amendment, that this would make the clause a stupid one and remove the whole of its substance, because someone must say what is an unfair profit.

Hon. H. K. WATSON: The Chief Secretary has not given any reason why the amendment should not be agreed to but has exposed the futility of the Bill and the difficulty of defining "unfair profits." Unless the amendment is agreed to an appeal to the court from the decision of the commissioner is worth nothing.

Amendment 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. J. Murray
Hon. J. G. Hislop	Hon. C. H. Simpson
Hon. A. R. Jones	Hon. J. M. Thomson
Hon. Sir Chas. Latham	Hon. H. K. Watson
Hon. G. MacKinnon	Hon. A. F. Griffith
(Teller.)	

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

Aye.	No.
Hon. F. D. Willmott	Hon. R. F. Hutchison
Amendment thus negated.	

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

That after the word "goods" in line 40, page 4, the words "or services" be added.

Amendment put and passed.

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

That after the word "distribution" in line 1, page 5, the words "overhead charges" be inserted.

I cannot contemplate the Chief Secretary objecting to an amendment of this nature. The inclusion of the words "overhead charges" is merely conforming to normal business practice.

The CHIEF SECRETARY: I thought the hon. member knew me better than that, because I definitely oppose this amendment. Overhead charges!

Hon. H. L. Roche: What are they?

The CHIEF SECRETARY: Exactly! Those words, if inserted, would render the Bill absolutely useless. The hon. member need not be afraid, because he read only part of the clause. He should read on a little further.

Hon. A. F. Griffith: Who would say whether it was reasonable or not?

The CHIEF SECRETARY: It would be in the opinion of the commissioner.

Hon. A. F. Griffith: Yes, it is always in the opinion of this big shot!

The CHIEF SECRETARY: These words, if inserted, would be dynamite.

Hon. A. F. GRIFFITH: I cannot see how these words would be dynamite at all. The Chief Secretary would have the Committee agree to a Bill that would give unlimited powers to this man who will be appointed as commissioner. I do not think the amendment will do any harm whatsoever.

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

Ayes	9
Noes	17
Majority against	8



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

Pair.	
Hon. F. D. Willmott	Hon. R. F. Hutchison

Amendment thus negatived.

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

That after the word "should" in line 3, page 5, the word "reasonably" be struck out and the words "having regard to customary business practice" inserted.

That is a reasonable request to make if this commissioner is to have the power to decide what shall be a fair profit. The Chief Secretary has told us that this man is going to be well versed in business practice. Therefore, if he is such a man he will take into consideration customary business practice in deciding what is a fair profit.

The CHIEF SECRETARY: I am going to be reasonable and ask the Committee to leave the word "reasonably" in the clause. What do the words in the amendment mean? Having regard to what business practices?

Hon. A. F. Griffith: Do you stipulate what is an unfair profit?

The CHIEF SECRETARY: Yes.

Hon. A. F. Griffith: You tell me where!

The CHIEF SECRETARY: It is in the opinion of the commissioner. If this amendment were agreed to, it would leave the door wide open. Taking into account some of the tales we hear about used car sales, I wonder what would be the customary practice in regard to that trade?

Amendment put and negatived.

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

That all words after the word "meanings" in line 26, page 5, be struck out.

I move this amendment for the same reasons I advanced when I put forward the first amendment we considered this evening. I propose that the operation of these boards shall come under the purview of the commissioner. We are simply making them liable to be investigated. We are not upsetting the administration of the boards, but we are making their activities liable to investigation by the commissioner. If the Chief Secretary is really concerned about the price of necessities he should support

my amendment, but if he is not in favour of it, he should stand on his feet and say so.

The CHIEF SECRETARY: It is not often the hon. member invites me to stand on my feet; he generally makes a request to the contrary. I am not going to waste words on this amendment. Members can really appreciate what the hon. member is seeking. However, there is no necessity for these boards to come under the jurisdiction of the commissioner.

Hon. H. K. Watson: You are not concerned about the high price of foodstuffs?

The CHIEF SECRETARY: I am; but I am certain that the people on these boards—

Hon. Sir Charles Latham: Are experts!

The CHIEF SECRETARY: Yes. These people are not concerned with excess profits. They are mostly interested in a reasonable return to the producer. They are men appointed by primary producers' associations and those appointed by the Government. Therefore there is no necessity for the commissioner to be given power over these boards.

Hon. L. C. DIVER: I oppose the amendment. Why was it necessary for these boards to be constituted for the protection of agriculture? It was simply because of the unfair trading methods of a number of people. We now want them to trade fairly. They are under the protection of capable officers and they are a product of Parliament.

Hon. A. R. JONES: Does Mr. Watson mean to delete all the words on page 5 or all the words in the rest of the clause because the clause goes over to pages 6 and 7?

Hon. H. K. WATSON: I only propose to delete all the words after the word "meanings" in line 26 on page 5 in the definition of "unfair trading" and down to the end of that page.

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

Ayes	....	....	....	....	7
Noes	....	....	....	....	19
Majority against					12

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

Pair.	
Hon. F. D. Willmott	Hon. R. F. Hutchison

Amendment thus negatived.

**Hon. Sir CHARLES LATHAM:** I move an amendment—

That the word "include" in line 2, page 6, be struck out and the word "mean" inserted in lieu.

I have spoken to the Chief Secretary and he has agreed to accept the amendment.

Amendment put and passed.

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

That after the word "restrain" in line 9, page 6, the letter "t" be added.

I am advised by the Clerk that for the addition of this letter, which changes one word into another, means a motion is necessary.

**Hon. Sir CHARLES LATHAM:** I am not sure that the word "restrain" is not right. It means to hold back, to check, to withhold.

**Hon. C. H. SIMPSON:** A preposition governs the noun and not the verb; so it would be bad grammar if we left this as it is. The word "restrain" in the next line is quite right. Although it is preceded by a word which is sometimes a preposition, in this case, it happens to be part of the infinitive.

Amendment put and passed.

**Hon. H. K. WATSON:** I am not without hope that my amendment will be accepted. Paragraph (a) refers to trade and commerce within the State as does paragraph (c). There is no reason why paragraph (b) should not be confined to trade and commerce within the State.

The **CHAIRMAN:** I would like members to read their amendments out in order to give Hansard a chance of recording them. If this is not done, there is always the possibility of an error creeping in.

**Hon. H. K. WATSON:** Very well. I move an amendment—

That after the word "agreement" in line 20, page 6, the words "in relation to trade or commerce within the State" be inserted.

The **CHIEF SECRETARY:** This has been purposely left out in my opinion because paragraph (b) has a different meaning to paragraph (c). Accordingly I am not prepared to accept the amendment. Agreements or contracts could be made outside the State.

**Hon. H. K. Watson:** I am not referring to where an agreement is made. This relates to trade and commerce within the State.

The **CHIEF SECRETARY:** It says "making of or entering into any contract" and I think that is quite clear.

Amendment put and negatived.

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

That after the word "competition" in line 6, page 7, the words "except in so far as customary trade practice applies in relation to purchases in bulk" be added.

I think it is accepted practice that there is a concession to those who buy in bulk as compared with those who buy in small lots, for which there is a lot of extra trouble in handling and extra accounting to be done. So those who buy in large quantities expect some reduction. It is in practice in Government circles, which usually call tenders; but sometimes they buy on the cheapest possible market in a quantity that will be available at a reasonable rate. Perhaps I can give an illustration. Some years ago a friend of mine was dealing in groceries; and when he was buying some sweets, a traveller told him that where they would cost him 9½d. they would only cost a large firm like Woolworths 8½d. That concession is made because it saves a lot of money in the way of handling. I hope the Committee will accept the word I propose to include.

The **CHIEF SECRETARY:** Again I intend to play safe, as I think the clause covers the position fully.

**Hon. C. H. SIMPSON:** As this provision stands, a local manufacturer could be at a distinct disadvantage with a competitor from the Eastern States. As I explained in my second reading speech, the manufacturer in the Eastern States increases his manufacturing capacity in order to have a surplus which he can dump in Western Australia. Under Section 92 of the Constitution nothing can be done about it. With the assurance of good business in bulk the local manufacturer who sells here could carry on with a small profit on small lines. I would ask the Committee to give these people some consideration. They are not departing from normal trade practice. They are only doing what is done in the ordinary way, and I see no reason whatever to exclude this amendment from the Bill.

**Hon. R. C. MATTISKE:** I am astounded at the Chief Secretary, because the whole essence of this legislation is to try to get prices down to the very minimum. If by virtue of bulk dealings we are going to permit certain of the purchasing public to get goods cheaper, is not that the aim of the legislation?

The **Chief Secretary:** Tell me how this amendment would stop it!

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

Ayes	....	....	....	12
Noes	....	....	....	14
Majority against				2

## Ayes.

Hon. N. E. Baxter	Hon. G. MacKinnon
Hon. J. Cunningham	Hon. R. C. Mattiske
Hon. A. F. Griffith	Hon. J. Murray
Hon. J. G. Hislop	Hon. C. H. Simpson
Hon. Sir Chas. Latham	Hon. H. K. Watson
Hon. L. A. Logan	Hon. J. M. Thomson

(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. J. J. Garrigan	Hon. W. F. Willesee
Hon. G. E. Jeffery	Hon. F. J. S. Wise
Hon. A. R. Jones	Hon. E. M. Heenan

(Teller.)

## Pair.

Aye.	No.
Hon. F. D. Willmott	Hon. R. F. Hutchison

Amendment thus negated.

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

That after the word "auction" in line 8, page 7, the following words be added:—"and no trading practice common in a majority of States of the Commonwealth other than Western Australia shall if practised in Western Australia be deemed to be an unfair trading method or an unfair method of trade competition."

It must be agreed that trade practices which are customary in the other States should be accepted as fair methods of trading in Western Australia. This Bill is vague as to what it means; but presumably it will apply to certain people of whom we have no knowledge, and who may transgress quite innocently because they are doing something which is done in the Eastern States. They may have to appear before the commissioner because in their innocence they were guilty of unfair trading. There must be some means by which people can understand what their limits are, and I suggest that an easy way which would be fair is to allow in this State what is a regular practice in, say, Melbourne or Sydney. That should be sufficient defence.

The CHIEF SECRETARY: I did not think there were any trade practices in the other States that were not in existence in Western Australia. If there are any in the other States, they must be pretty new. If there are a lot of new trading practices in the Eastern States, we do not want them here.

Hon. Sir Charles Latham: They have Labour Governments over there.

The CHIEF SECRETARY: There is a Liberal Government, too. However, Governments do not come into this, as I am talking about trading methods. I refuse to believe that traders in this State are far behind in ordinary trading methods. I do not feel the Committee should agree to this amendment and I am going to ask that it be not passed.

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

Ayes	10
Noes	16
Majority against	6

## Ayes.

Hon. J. Cunningham	Hon. G. MacKinnon
Hon. A. F. Griffith	Hon. R. C. Mattiske
Hon. J. G. Hislop	Hon. C. H. Simpson
Hon. Sir Chas. Latham	Hon. H. K. Watson
Hon. L. A. Logan	Hon. J. Murray

(Teller.)

## Noes.

Hon. N. E. Baxter	Hon. F. R. H. Lavery
Hon. G. Bennetts	Hon. H. L. Roche
Hon. E. M. Davies	Hon. H. C. Strickland
Hon. L. C. Diver	Hon. J. D. Teahan
Hon. G. Fraser	Hon. J. M. Thomson
Hon. E. M. Heenan	Hon. W. F. Willesee
Hon. G. E. Jeffery	Hon. F. J. S. Wise
Hon. A. R. Jones	Hon. J. J. Garrigan

(Teller.)

## Pair.

Aye.	No.
Hon. F. D. Willmott	Hon. R. F. Hutchison

Amendment thus negated.

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

That after line 8, page 7, the following proviso be added:—

Provided further the term "services" does not include professional services.

I feel that in a measure of this nature it would be impossible to determine a reasonable remuneration in many of the different professions, especially the medical profession. We have experienced and inexperienced men, and we have our likes and dislikes. We might dislike paying five guineas to one man, but would not hesitate to pay 100 guineas to another.

Hon. A. F. GRIFFITH: I would like Mr. Diver to tell me where in the Bill the interpretation of the word "services" appears, and what the word means within the meaning of his amendment.

Hon. L. C. DIVER: I am afraid the word is not provided for, and if the Bill is carried it will need to be recommitted for this purpose. Professional services are those rendered by such people as accountants, medical practitioners and land agents. They have a set scale of fees.

Hon. A. R. JONES: I am not inclined to vote this into the Bill. Professional services could be rendered by almost anyone. A man could be a professional plumber, a professional fisherman or just about anything at all.

Hon. L. C. Diver: Would not those occupations come under the heading of trades?

Hon. A. R. JONES: I do not know.

Hon. H. K. Watson: You could have a professional fisherman.

Hon. A. R. JONES: I saw a licence granted to a fisherman and it was a professional fisherman's licence. If Mr. Diver

likes to define the one or two professions he would like to exclude, I could possibly support him, but not as the amendment is at present.

Hon. L. A. LOGAN: I disagree with the amendment in its present terms. In another way I would like to see it carried, because the more people we can take outside the Bill, the better. Professional services could mean those of a plumber or a garage man.

Hon. Sir Charles Latham: They are trades.

Hon. L. A. LOGAN: An electrician could be a professional man.

Hon. Sir Charles Latham: That is a trade.

Hon. L. A. LOGAN: If a doctor is going to charge beyond what is a fair amount, why should he not come under the Bill?

Hon. F. R. H. Lavery: We know one undertaker who did.

Hon. G. C. MacKINNON: The Oxford dictionary in the library upstairs, by the meaning it gives of "professional," fully bears out the view just expressed by Mr. Logan, that the term "professional services" is just about as wide as we can imagine. It is an antonym of "amateur." So we have an amateur cyclist and a professional cyclist; an amateur plumber and a professional plumber. If we could prevail upon the Chief Secretary to let us pass this amendment, we would be happy.

Hon. Sir CHARLES LATHAM: We have already added the word "services" in the definition of unfair profits, after the word "goods," but the amendment here refers to "professional" services. Differential charges are made by highly qualified legal practitioners. A highly qualified legal man from the East appeared before the Royal Commission which inquired into liquid fuel. I dare say his fees were double those charged by anyone in this State. The same thing applies to surgeons. It even applies to undertakers, although I do not know whether their occupation is a profession.

There is a vast distinction between trades and professions. Trades are clearly defined in an ordinary dictionary. The trades include carpenters, blacksmiths and so on. I do not think the commissioner would be likely to question a highly skilled man who might be brought here for the purpose of performing an operation that is undertaken by only very few surgeons in the world. We might include the amendment to give safety to these people as we might otherwise prevent them from coming here to exercise their professional skill.

Hon. L. A. LOGAN: What is the difference between a highly qualified legal practitioner making an exorbitant charge

and a highly qualified professional businessman making a little bit more profit under exactly the same conditions?

Hon. Sir Charles Latham: He is not a professional business man.

Hon. L. A. LOGAN: Why not? He goes through 10 or 15 years' training and studies business law. A businessman is just as entitled to make such a charge as is a medical man or a barrister.

Hon. A. F. GRIFFITH: I would like to hear from the Minister. I do not want to vote against the amendment if it can be explained that it will be of benefit to the Bill.

Hon. Sir Charles Latham: Are you going to accept the Minister's explanation?

Hon. A. F. GRIFFITH: I am trying to encourage him to make one. The word "service" means "for work and labour done." What people does the Minister consider come within this category, and how would the commissioner interpret the words "professional services"?

The CHIEF SECRETARY: I suggest to the hon. member that he ask the mover of the amendment what he means by it. The only advice I can give is to suggest to Mr. Diver that he not persevere with his amendment because he is on dangerous ground. I have heard members of the Committee express doubt as to the meaning of the word. Mr. MacKinnon gave a dictionary definition and I suppose someone else will give us a definition out of some other book. I think it is better to leave it out altogether.

Hon. A. F. GRIFFITH: Does the Minister think there is a danger attached to this amendment which the commissioner may not be able to overcome?

The Chief Secretary: No.

Hon. A. F. GRIFFITH: What is the danger to which the Chief Secretary is referring?

The Chief Secretary: The danger of the interpretation—as to what it means.

Hon. A. F. GRIFFITH: By whom; the commissioner?

The Chief Secretary: By anybody.

Hon. A. F. GRIFFITH: But the commissioner would be the only man who would have to interpret it. I can see the situation in which the Chief Secretary is placed and that has persuaded me to support the amendment.

*Sitting suspended from 10.15 to 10.44 p.m.*

Amendment put and negatived.

Clause, as previously amended, put and passed.

Clause 9—Administration:

Hon. Sir CHARLES LATHAM: I move an amendment—

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 six persons comprising—

- (a) a representative of the Chamber of Manufactures;
- (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 organisation 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.

There has been a great deal of doubt as to the wisdom of throwing such a great responsibility on the shoulders of one man. That is why this advisory council is proposed representing the workers, manufacturers, distributors, and the small people. In fact, it is representative of all sections. It is no good having a commissioner if the public have not any confidence in him. The public will have confidence if they know there is an advisory council to give him advice on such important matters.

The CHIEF SECRETARY: I doubt whether this is being inserted in the correct place. It is a matter of administration. Would the "Administration" division be the right place for a reference to an advisory council?

Hon. Sir Charles Latham: Yes.

The CHIEF SECRETARY: I do not know.

Hon. Sir Charles Latham: I do. There is no doubt about that.

Hon. N. E. Baxter: It is a good job somebody knows something!

The CHIEF SECRETARY: He might know something and he might not. This is the only thing about which I have some doubt; but the hon. member must not take it that I am agreeing to everything that he has suggested. I am prepared to go a fair way to meeting him, but I think the proposed council is too large, too unwieldy. I would be prepared to agree to a council of four, two representing the Chamber of Manufactures, the Chamber of Commerce and the Retail Grocers' Association; and two representing the consumers, one of whom shall be a farmer, with the commissioner as chairman. That would cut out the representative of the industrial unions and the Farmers' Union. I think a council of that size would be able to do the job properly. The quorum of course, would have to be reduced to three.

Hon. Sir Charles Latham: Are you going to move that as an amendment? I could not think of suggesting an alteration to something which is perfect!

The CHIEF SECRETARY: If the hon. member will not accept my suggestion, I will have to move an amendment.

Hon. J. G. HISLOP: I would like to ask whether the services of these people would be honorary.

The CHAIRMAN: If they were not, I would say the amendment would be out of order.

Hon. Sir CHARLES LATHAM: I am sure the men appointed would be prepared to give their services in an honorary capacity. They would not be asked to meet very often—about once a month, I should think. I believe we can say that this would not impose any additional charge on the Crown.

The CHIEF SECRETARY: As the hon. member has not accepted my suggestion and altered his amendment, I move—

That the amendment be amended by striking out the word "six" in line 4 of proposed new Subclause (2) and the word "four" inserted in lieu.

Hon. H. K. WATSON: If this is to be an honorary committee, I think that should be stated. I mention the fact because the word "honorary" would have to be inserted somewhere before the word "six."

The CHAIRMAN: The amendment does not mention anything about "honorary."

The CHIEF SECRETARY: If this were made a charge upon the Crown, the amendment could not be carried. All I have in mind is the alteration of the number of members of the council from six to four along the lines I have suggested.

Hon. A. F. GRIFFITH: Recently when a member wanted to move a simple amendment the Chief Secretary objected and said the Committee had not had a chance to consider it and moved to report progress. Having had this notice paper before him for a week he now moves

his amendment and I protest that he should give members opportunity to consider it.

**The CHIEF SECRETARY:** The amendment Mr. Griffith referred to was one of five sheets, covering more than 20 amendments. I have moved merely to amend an amendment moved by Sir Charles Latham.

**Hon. Sir CHARLES LATHAM:** I would accept the amendment on my amendment rather than lose the proposed new sub-clause.

**Hon. H. K. WATSON:** As this Committee has decided that the opinion of the commissioner is to be the determining factor, unless the measure is recommitted and amended to say, "in the opinion of the commissioner and the committee" the proposed committee will be entirely useless.

**Hon. Sir CHARLES LATHAM:** I take it the Minister will make the necessary adjustment in view of that part of the amendment which appears on page 2 of the notice paper.

**The Chief Secretary:** Yes.

**Hon. R. C. MATTISKE:** We are asked to provide for an honorary advisory committee and presuppose that they will give their time voluntarily, although they will be wasting their time if the commissioner can ignore their advice. Without complementary amendments the committee will have no value.

**The CHIEF SECRETARY:** It is remarkable that Mr. Mattiske was sitting yesterday on an advisory committee appointed by me at the suggestion of his organisation. An advisory committee in one case is beautiful, according to him, but in another case it is useless.

**Hon. Sir CHARLES LATHAM:** Even if the advisory committee was not of the same opinion as the commissioner, it could tell the people what was in his mind and the minds of the committee, because there is nothing to say it shall be secret.

**Hon. A. F. GRIFFITH:** In view of the wording of Sir Charles' amendment, can he tell me on what the committee will deliberate and vote? Will it vote to decide whether a man is to be declared?

**The Chief Secretary:** That is something I left out. My amendment would remove the deliberate vote, because we could not have a vote on an advisory committee.

**Hon. A. F. GRIFFITH:** If the committee were an advisory one only, the commissioner could flick his fingers at it.

**The Chief Secretary:** What advisory committee has any powers?

**Hon. G. E. JEFFERY:** It has been said that the commissioner would need to be a genius, but I think he would be a man of sound commonsense; and if the entire committee differed from him in opinion, I think commonsense would prevail and that a sound decision would be made.

**Hon. R. C. MATTISKE:** The committee on which I sat and which was referred to by the Chief Secretary is composed of three individuals appointed to advise the Minister on particular cases coming before him. Will the proposed advisory committee advise the commissioner in every individual case with which he deals, or what is it to do? If it is to advise on each case the members of the committee should be adequately paid. Another point is that included in the advisory panel is a representative of the farmers. As the farmers are not affected by the measure, why should one of them devote time to this sort of thing?

**Hon. Sir CHARLES LATHAM:** A farmer is a member of the public, and this is a question of what he has to pay. The measure sets out what the commissioner is expected to do and the committee is to advise him. It might be a situation that arises only once a year. This council could serve a useful purpose. I am sure that when Mr. Mattiske attended that meeting his advice was valued. I am certain that the names of the three men which are submitted to the Governor will be those of men who are highly qualified. Men are performing such voluntary services daily. This provision does not relate to the supply of goods.

Although I am putting up an argument in favour of this amendment on the amendment I still say that this State is properly treated by men in industry, by men in a professional capacity and in other spheres. We should try to shape this Bill and make it workable so that the business people will realise that it is not designed to irritate and to prevent folk from going about their normal avocations.

**Hon. A. F. GRIFFITH:** I am not satisfied with this amendment on the amendment. Can Sir Charles tell us what the council will do?

**Hon. Sir Charles Latham:** I suggest to the hon. member that he submit that question to Mr. Mattiske. What did he do?

**Hon. A. F. GRIFFITH:** Is the council going to advise the commissioner as to who shall be an unfair trader or in regard to someone who does something that should not be done? What shall be the deliberations of the council?

**The Chief Secretary:** I have not gazed into the crystal yet.

**The CHAIRMAN:** I suggest to the hon. member that the committee is discussing the amendment on the amendment.

**Hon. A. F. GRIFFITH:** With respect, Sir, do you suggest that I am out of order?

**The CHAIRMAN:** No, I do not; but I hope the hon. member will keep to the question before the Chair.

**The Chief Secretary:** It is only a question of six or four.

Hon. A. F. GRIFFITH: That is correct, and I am well on the amendment on the amendment. Let us assume that a committee of four has a meeting and the majority of them decide that certain action should be taken and the commissioner is advised accordingly. What happens then?

The Chief Secretary: You have a lenient chairman.

Amendment on amendment put and passed.

On motion by the Chief Secretary, further consideration of the clause postponed.

Clause 10—agreed to.

Clause 11—Appointment of Commissioner:

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

That the words "Commissioner for Prevention of Profiteering and Unfair Trading" in lines 16 to 18, page 7, be struck out and the words "Unfair Trading Control Commissioner" inserted in lieu.

Hon. R. C. MATTISKE: I think the Committee must agree whole-heartedly with this amendment, because there could not be a more fitting title for the commissioner.

Amendment put and passed.

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

That after the word "person" in line 23, page 7, the words "having experience in commercial, business, and trading affairs" be struck out and the words "who has within the State conducted his own retail or wholesale business or practised as a public accountant for a period of at least five years" inserted in lieu.

This amendment is moved for a very good reason. The man who is to be appointed as commissioner will have great responsibility and will be expected to have a fund of knowledge of business affairs and accountancy. His character is also to be beyond reproach. At the moment the words in the clause could apply to a person who might be anybody. He could work in a retail store; and I am sure that is not the intention of the Government.

The CHIEF SECRETARY: I hope the Committee will not agree to the amendment. It can be taken for granted that the Government will appoint the best man available.

Hon. A. F. Griffith: As the clause stands at present it can appoint whoever it likes.

The CHIEF SECRETARY: Yes.

Hon. A. F. Griffith: With no qualifications whatsoever.

The CHIEF SECRETARY: No; he must have experience in business and commercial affairs.

Hon. A. F. Griffith: Where does it say that he shall have accounting experience?

The CHIEF SECRETARY: I did not say that he should have experience in accountancy.

Hon. A. F. Griffith: It could be a man who could not make up a set of books.

The CHIEF SECRETARY: The Government will appoint the best man available.

Hon. C. H. SIMPSON: I am afraid I cannot agree with the Chief Secretary.

The Chief Secretary: You rarely do.

Hon. C. H. SIMPSON: That is so, and with good reason. The wording now appearing in the clause is very loose in regard to an appointment which by the very nature of the Bill is all important. Certain sections of the business community, it would appear, are to have their affairs carefully scrutinised; and at least they should know that the person who is to scrutinise them has some knowledge of their business, and also a knowledge of Western Australian conditions. A person can be obtained from overseas or from the Eastern States, but he may not necessarily be familiar with the experience and practice in common usage here.

The Chief Secretary: Do you think the Government would go to the trouble of getting a Bill like this through Parliament and then appointing a mug to run it?

Hon. C. H. SIMPSON: I have seen the Government make some appointments that I have found hard to understand. The amendment will satisfy those against whom the Bill is directed that there will be a competent person appointed to the position.

The Chief Secretary: Don't you think the Government would ensure that?

Hon. C. H. SIMPSON: The person selected may have more qualifications than those required; but, on the other hand, he may not. Let us have something definite in the Bill.

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

Ayes	....	....	....	14
Noes	....	....	....	12

Majority for 2

Ayes.

Hon. N. E. Baxter	Hon. G. MacKinnon
Hon. J. Cunningham	Hon. R. C. Mattiske
Hon. L. C. Diver	Hon. J. Murray
Hon. J. G. Hislop	Hon. C. H. Simpson
Hon. A. R. Jones	Hon. J. M. Thomson
Hon. Sir Chas. Latham	Hon. H. K. Watson
Hon. L. A. Logan	Hon. A. F. Griffith

(Teller.)

Noes.

Hon. G. Bennetts	Hon. F. R. H. Lavery
Hon. E. M. Davies	Hon. H. L. Roche
Hon. G. Fraser	Hon. H. C. Strickland
Hon. J. J. Garrigan	Hon. W. F. Willesee
Hon. E. M. Heenan	Hon. F. J. S. Wise
Hon. G. E. Jeffery	Hon. J. D. Teahan

(Teller.)

Pair.

Aye.

No.

Hon. F. D. Willmott	Hon. R. F. Hutchison
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Amendment thus passed; the clause, as amended, agreed to.

Clauses 12 and 13—agreed to.

## Clause 14—Delegation of powers:

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

That after the word "Commissioner" at the end of paragraph (a) in line 32, page 8, the following words be added—

but such delegation of powers may only be to a person who has within the State conducted his own retail or wholesale business or practised as a public accountant for a period of at least five years.

This amendment is consequential to the amendment to which the Committee has just agreed. If it is desirable to have a commissioner with experience in retail or wholesale business or a public accountant who has practised for at least five years, I think it is equally desirable that the commissioner's powers of delegation should be to a person of similar character. Otherwise a group of informers would be brought into being who would go among the community to carry out the dictates of the commissioner.

The CHIEF SECRETARY: I ask the Committee not to agree to the amendment for the reasons that the hands of the commissioner should not be tied and we should allow the best type of person to be appointed as delegate.

Hon. H. K. WATSON: I support the amendment, but I shall oppose the clause. The powers given to the commissioner are very extensive, and there is no reason why they should be delegated to an incompetent understrapper.

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

Ayes	....	....	....	14
Noes	....	....	....	10
Majority for				4

## Ayes.

Hon. N. E. Baxter	Hon. G. MacKinnon
Hon. J. Cunningham	Hon. R. C. Mattiske
Hon. L. C. Diver	Hon. J. Murray
Hon. A. F. Griffith	Hon. H. L. Roche
Hon. A. R. Jones	Hon. J. M. Thomson
Hon. Sir Chas. Latham	Hon. H. K. Watson
Hon. L. A. Logan	Hon. C. H. Simpson

(Teller.)

## Noes.

Hon. G. Bennetts	Hon. H. C. Strickland
Hon. G. Fraser	Hon. J. D. Teahan
Hon. J. J. Garrigan	Hon. W. F. Willesee
Hon. G. E. Jeffery	Hon. F. J. S. Wise
Hon. F. R. H. Lavery	Hon. E. M. Davies

(Teller.)

## Pairs.

Ayes.	Noes.
Hon. F. D. Willmott	Hon. R. F. Hutchison
Hon. J. G. Hislop	Hon. E. M. Heenan

Amendment thus passed.

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

That the following be inserted to stand as paragraph (c):—

The Commissioner may also appoint a person with the same qualifications as those required for a delegate to be an authorised officer for the purposes of this Act.

I need make no further remark because this is consequential on the amendment already agreed to.

Hon. H. L. ROCHE: Does the mover anticipate that only one officer will be appointed as a delegate?

Hon. A. F. GRIFFITH: It may happen that the commissioner is absent from his office for sickness or other reasons, and it may be the intention under Clause 14 to delegate the powers of the commissioner to an authorised person. In that case he should be possessed of the same qualifications as the delegate.

Hon. H. L. ROCHE: There is already provision in Clause 12 (b) for the appointment of an acting commissioner, and the amendment should really apply to him. The commissioner is to possess certain qualifications, but under Clause 12 (b) the acting commissioner need not possess those.

Hon. Sir CHARLES LATHAM: If the commissioner or the acting commissioner were to be called away on business to country districts, the delegate should be empowered to act for them. It is usual for those in responsible positions to be required in two places at once in which case a delegate is necessary. Sometimes it may happen that the commissioner or his deputy is absent through illness.

Hon. H. L. ROCHE: This does not say the commissioner must appoint him to take his place. He could appoint this officer, leave him in a back room, and have someone else acting when he was away. It seems to me that the words will not have the effect the mover desires.

Amendment put and passed.

Hon. L. C. DIVER: I hope the Committee will eliminate the whole of Clause 14. It has been suggested time and time again, during the debate on this measure, that it will be very difficult to get the commissioner to carry out the requirements of this legislation. If this clause is not removed from the Bill machinery will be left to enable a substantial number of officers to be appointed, and that is something which I do not want to see. On the rare occasions when an inquiry arises, even though it be in Kalgoorlie, it should be the commissioner's job to handle it. We do not want deputies unless the commissioner is ill. As Mr. Roche pointed out, Clause 12 (b) will cover that position. I hope that Clause 14, as amended, will be eliminated in its entirety.

Amendment put and passed.



Clause, as previously amended, put and negatived.

Clause 15—Secrecy:

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

That Subparagraph (ii) in lines 7 to 15, page 9, be struck out.

There should be no obligation on the part of any officer to communicate any information, which he may come by in the course of his duties, to the officers of another State or to a Commonwealth officer, as they have nothing to do with the administrative affairs of this State. It should be obligatory on the individual to take an oath of secrecy. Why should it be necessary for an official to reveal secret information outside?

The CHIEF SECRETARY: I hope the Committee will not agree to this deletion, as it may be found necessary to have an exchange of confidences between the persons employed by this commission and persons occupying somewhat similar positions in other States.

Hon. C. H. Simpson: Why?

The CHIEF SECRETARY: Our detectives communicate with those in other States.

Hon. A. F. Griffith: You are putting the commissioner in the same class as the detectives?

The CHIEF SECRETARY: I am merely using that as an example. In some of the other States price control operates; and, although that is slightly different from what we are doing, those people might be helpful in regard to certain types of businesses. It is possible that there may be occasions when they could assist one way or another.

Amendment put and negatived.

Hon. C. H. SIMPSON: I am sorry the Committee did not agree to delete this paragraph, as I think it is out of line with similar legislation in any of the States. I am going to ask your permission, Sir, to move another amendment deleting the last two or three lines. 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."

*Point of Order.*

The Chief Secretary: We have already had a decision on this paragraph.

Hon. C. H. Simpson: Not this part.

The Chief Secretary: The Committee has decided to retain the whole of it.

Hon. C. H. Simpson: I am asking for a deletion of part of the paragraph, and I think the amendment should receive consideration by the Committee.

The Chairman: I am afraid I must rule this amendment out of order.

Hon. C. H. Simpson: Would I be in order in moving the amendment on re-committal?

The Chairman: Yes. We have already had a decision on the paragraph as a whole—down to the word "Act" in line 15.

*Committee Resumed.*

Clause put and passed.

Clause 16—Protection of Administrative Authority:

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

That after the word "thereof" in line 13, page 10, the following proviso be added:—

Provided that the doing of such matter or thing is within the powers of the Minister or other person under this Act.

At present the commissioner would be protected, not only under the wide powers given expressly to him, but in respect of anything which he does, provided he acts in good faith and purports to be exercising a legitimate power. A tyrannical commissioner would be free of all responsibility. Ministerial control would not help an individual who suffered through the actions of the commissioner. He would have no redress. Even policemen and the Commissioner of Police are liable to damages for the abuse of powers, so why should the commissioner be exempt? This is a fair amendment. The commissioner should not have any more protection than the officers I have mentioned. I hope the Committee will accept this as being something to protect the individual against the commissioner who might conceivably not give fair and just treatment.

The CHIEF SECRETARY: I hope the Committee will not agree to the amendment. The words "no matter or thing done in good faith," in the clause are sufficient reason for not agreeing to the amendment. If the commissioner does something in good faith he should not be liable.

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

Ayes	.....	11
Noes	.....	12
Majority against	.....	1

*Ayes.*

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

# Legislative Assembly

Wednesday, 31st October, 1956.

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## Pairs.

Ayes.	Noes.
Hon. F. D. Willmott	Hon. R. F. Hutchison
Hon. J. G. Hislop	Hon. E. M. Heenan

Amendment thus negatived.

Clause put and passed.

Clauses 17 to 19—agreed to.

Clause 20—Power to obtain information:

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

That the words "and at the place specified in the notice" in line 26, page 11, be struck out.

Under this clause the commissioner can demand that a man attend at a certain place and a certain time. Actually the commissioner could write to that man for the information and have it sent to him or despatch an officer to the man's place of business to obtain the information. If the amendment is agreed to the commissioner will have all the power necessary to get the information required.

Progress reported.

## BILL—CHILD WELFARE ACT AMENDMENT.

Received from the Assembly and, on motion by Hon. A. R. Jones, read a first time.

## ADJOURNMENT—SPECIAL.

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

That the House at its rising adjourn till 3.30 p.m. today.

Question put and passed.

House adjourned at 12.17 a.m. (Thursday).

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