

# Legislative Council

Thursday, 22nd November, 1956.

## CONTENTS.

	Page
Questions : Native welfare, departmental reports .....	2503
Country swimming pools, Government policy .....	2503
Assent to Bills .....	2507
Motion : Licensing Act, to inquire by select committee .....	2521
Bills : Betting Control Act Amendment, 3r. ....	2503
Licensing Act Amendment (No. 4), 1r. ....	2505
Nurses Registration Act Amendment, 3r. ....	2505
Land Act Amendment (No. 1), report .....	2505
City of Perth Act Amendment, 2r. ....	2505
Medical Act Amendment, 2r. ....	2505
Rural and Industries Bank Act Amendment (No. 2), 2r., Com. ....	2506
Profiteering and Unfair Trading Prevention, Assembly's message .....	2507
State Housing Act Amendment, 2r. ....	2521
Workers' Compensation Act Amendment, 2r. ....	2521

The PRESIDENT took the Chair at 3.30 p.m., and read prayers.

## QUESTIONS.

### NATIVE WELFARE.

#### Departmental Reports.

Hon. N. E. BAXTER (for Hon. H. L. Roche) asked the Minister for Railways:

(1) Is he aware that the last annual report of the Commissioner of Native Welfare available to members is dated 1955?

(2) Before members have to consider any Native Welfare Department legislation this session, will he ensure that copies of the 1956 annual report of this department are available in ample time?

The MINISTER replied:

(1) Yes.

(2) Yes.

### COUNTRY SWIMMING POOLS.

#### Government Policy.

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

(1) Is it the policy of the Government to subsidise community swimming pools in country centres?

(2) If so, what are the conditions under which these subsidies are granted?

The CHIEF SECRETARY replied:

(1) Yes.

(2) The proposed swimming pool must first be approved by the Government. The Government will contribute one-third of the cost, with maximum assistance limited to £10,000. No assistance is given for pools within 35 miles of the coast, except in the North-West.

## BILL—BETTING CONTROL ACT AMENDMENT.

### Third Reading.

THE CHIEF SECRETARY (Hon. G. Fraser—West) [3.34]: I move—

That the Bill be now read a third time.

HON. J. MURRAY (South-West) [3.35]: Originally I had no intention of speaking to the third reading of this Bill; but, because of certain publicity given to the action of this Chamber, it might be as well to inform the public generally—if we get the same publicity—of the actual position of the Bill at the moment.

I agree entirely with what was printed this morning. If the Bill goes to another place in its present form—as it will do—and if the Government accepts our amendment, the position will be as stated in this morning's paper; and on a proclaimed day, s.p. bookmakers will be relieved completely of their responsibility.

When I moved the amendment, I thought I made it perfectly clear exactly what we in this Chamber were endeavouring to do. It has been suggested outside that because the Government had rushed into bringing this Bill down, it had not really considered the matter of the s.p. bookmakers' responsibility—

The Chief Secretary: Who told you that fairy tale?

Hon. J. MURRAY: —and the Government's responsibility so far as the clubs were concerned; and if the Government had a second look at it, it might do something different. That, in effect, is the position of the Bill as it now stands. The members of this Chamber have given the Government an opportunity of having a second look at the Bill when it considers the amendment moved and carried in this House. The responsibility now, of course, rests with the Government as to whether it will still say that the most the s.p. bookmakers can pay is 2 per cent., or whether it will take a reasonable view. I object to the word "reasonable," because what I consider to be reasonable might not agree with other people's version of it; in other words, their definition of "reasonable" might not coincide with mine.

Hon. A. F. Griffith: It depends on what Bill you are discussing.

Hon. J. MURRAY: At the moment the Bill is in suspension. The Government can disagree with our amendment and send the Bill back to us. If that is done, we might have some further responsibility; but at the moment, the Government has to make a decision as to whether its first thoughts were wrong and its second thoughts might be a little better. I support the third reading.

**THE CHIEF SECRETARY** (Hon. G. Fraser—West) [3.38]: I would like to say just a few words in reply—

Hon. N. E. Baxter: Are you concluding the debate?

**The CHIEF SECRETARY**: Yes.

Hon. N. E. Baxter: I want to say a few words.

**The CHIEF SECRETARY**: Very well.

**HON. N. E. BAXTER** (Central) [3.39]: Before the Bill leaves this House, I feel that I should join with Mr. Murray and others in protesting against the action the Government is taking on this legislation, and particularly as regards the stand that is apparently to be taken, if what we have seen in recent publications is true. I think it is a threat pointed at the heads of members of the Legislative Council; and I believe that, in making the threat, the Government is not only telling the Legislative Council that it has very little say in matters of this kind in Western Australia, but it is also telling the public of Western Australia that they shall be ridden over rough-shod willy-nilly. I say this because of what has happened throughout the entire discussion on this Bill; and also because of the action of the Government and its supporters.

In addition, I would like to say that, in spite of the assurance which the Chief Secretary gave us during the debate to the effect that a very close investigation had been made to prove that the starting-price bookmaker could not afford to pay more than 2 per cent., it is very hard to believe, when one reads the report of the Betting Control Board of South Australia for the year ended June, 1955.

When we compare the report of that board with the report submitted to this House of Parliament by the Betting Control Board of Western Australia for the year ended July, 1956, we find that the comparison is not altogether favourable from the point of view of the last-mentioned report. In the South Australian report we have very comprehensive details, showing the entire financial dealings of that Betting Control Board; the allocation of taxation, and the disbursement of money to clubs and the money used for the administrative expenses of the board of that State.

In addition there is a schedule to the report which indicates the percentages of the results of the bookmakers on the racing, trotting and coursing in South Australia. It also shows the total on all courses and local meetings in that State, interstate percentages, and off-course operations, showing interstate racing, the total operations and total percentages of profit except for a deduction which is made for salaries and other expenses. Even if we took these figures into consideration,

we could well believe that the off-course bookmaker in this State could certainly pay more than 2 per cent.

I mention the South Australian report because of the fact that the report put out by the board in this State shows up in such an ill light by comparison. As I mentioned earlier, the report submitted in this State is very sketchy; it provides no detail which would enable members to discuss this very important matter in the manner in which it should be discussed. If the subject had been of minor importance, it would have been a different matter but in a major issue of this type, which involves so much finance, and which affects racing and trotting clubs and the finance of the Government—which after all is money belonging to the public—one must stress that the information should have been available in the report presented by the Betting Control Board of this State; and the report should certainly have been as comprehensive as that published by the Betting Control Board in South Australia.

In its attitude on this matter, the Government is not being in the least fair to members of this House. We have scratched around and have been obliged to obtain information from whatever source has been available. Before speaking to this Bill, I went to a number of different sources to obtain the information I required in an endeavour to sum up the situation, and to see if starting-price bookmakers could or could not, pay more than 2 per cent.

It was a very unsatisfactory method; because, while the figures submitted in some cases were from sources that would generally be regarded as reliable, when those figures are compared one with the other they must be regarded as being unreliable. The Government should give due consideration to the action taken by members of this House in their protest against this amending Bill; it should also give to the people of Western Australia, and the racing and trotting clubs the rights which I believe they should have under this legislation. I leave that thought with the Government because in this matter it is as responsible to the people of this State as are the members of this Chamber, if not more so.

Hon. J. Murray: It is entirely responsible.

Hon. N. E. BAXTER: What we have done we have endeavoured to do not from a personal point of view, but from the angle of what we consider to be the difference between right and wrong.

Hon. R. F. Hutchison: You have made an awful mess of it.

Hon. N. E. BAXTER: Then the hon. member who has just interjected has contributed very largely through her support to the mess that has been made. I trust the Chief Secretary, and the Minister for

Railways, when this matter goes before Cabinet for discussion—if it has not already been fully discussed—will consider what is right and wrong in this matter, and treat the subject as one that has been thoroughly investigated in this Chamber with a view to doing what is right for the people of this State.

Question put and passed.

Bill read a third time and returned to the Assembly, with amendments.

#### **BILL—LICENSING ACT AMENDMENT (No. 4).**

Received from the Assembly and read a first time.

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

Read a third time and returned to the Assembly with amendments.

#### **BILL—LAND ACT AMENDMENT (No. 1).**

Report of Committee adopted.

#### **BILL—CITY OF PERTH ACT AMENDMENT.**

*Second Reading.*

**THE CHIEF SECRETARY** (Hon. G. Fraser—West) [3.50] in moving the second reading said: This Bill has been submitted at the request of the Perth City Council for the purpose of rectifying two anomalous provisions in the principal Act. The Act gives the City Council powers in regard to opening, diverting, altering or increasing the width of streets. Paragraph (b) of Section 4 authorises the Council, where a street is being widened, to purchase or resume land in order to provide footways. Paragraph (c) of the same Section commences by stating—

Such purchase or resumption may be carried out on conditions reserving to the owners of the land resumed any of the following rights—

Members will note that the words “the owners of the land resumed” should read “the owners of the land purchased or resumed.” As it is now, owners of land resumed for footways would be entitled to the rights conferred by paragraph (c) but owners of land purchased would not be. The Bill seeks to rectify this obviously unintentional omission.

Hon. Sir Charles Latham: The one introduced this session?

**THE CHIEF SECRETARY:** No. The rights referred to include the continued possession, use and occupation of any existing cellars or rooms below the level of the new footways, and of existing buildings above the footways, the right of erecting, possessing, using and occupying buildings above the footways and the rights of supports for buildings.

The other amendment refers to Section 5 of the principal Act which gives the City Council power to prescribe a new building line for any street or part of a street. Paragraph (3) of this section states that where a new building line is prescribed no owner of any land or building or work affected by the new line shall undertake any building activities upon the land between the new and the old alignments, except for the purpose of completing a building in course of erection at the time the new alignment was prescribed. The Council, however, may permit minor alterations needed for the preservation of any existing structure.

The provision places this restriction only on the owner of the land, building or work. The Council's solicitors have pointed out that the Council would have no control if the work was carried out by the tenant or lessee of the land, building or work thereby defeating the purpose of the new building line. To overcome this anomaly the Bill seeks to place the restriction not on the owner but on any person. Those are the only two points covered by the Bill and I move—

That the Bill be now read a second time.

On motion by Hon. H. K. Watson, debate adjourned.

#### **BILL—MEDICAL ACT AMENDMENT.**

*Second Reading.*

**THE CHIEF SECRETARY** (Hon. G. Fraser—West) [3.53] in moving the second reading said: This Bill is necessary in connection with the establishment of the medical school. It seeks to give effect to requests by the Medical Board of Western Australia with regard to future registrations of medical practitioners in this State; the recognition in this State of certain primary qualifications granted by the licensing bodies in the United Kingdom and the Republic of Eire without which the General Medical Council in London will not recognise the medical degrees which will be conferred by the University of Western Australia; and with regard to the inclusion of a provision requiring applicants for registration to have sufficient hospital experience prior to registration.

As the negotiations and procedure—both legal and academic—for establishing reciprocity with the General Medical Council, London, will take several months, it is proposed the Bill shall come into operation on a date to be fixed by proclamation. The University Senate has asked the Medical Board to conduct these negotiations with the General Medical Council.

On his return recently from the United Kingdom the Vice Chancellor of the University (Mr. Prescott) advised that under the present circumstances the Privy Council would not approve of reciprocity

as the principal Act does not provide for the registration of all medical qualifications registrable by the General Medical Council, London, the particular exclusion from direct registration being degrees granted in the Republic of Eire.

These degrees of Eire are at present accepted in Western Australia, but only because reciprocity exists between the Republic of Eire and New South Wales. Under the principal Act the Medical Board is in the rather difficult position of being compelled to register medical degrees for which statutory reciprocity has been arranged by another Australian State. This may have been all right prior to the provision of our medical school, but now that the school is to become an established fact it is most advisable that the State be autonomous in this regard.

The Bill, therefore, requires that any person applying for registration as a medical practitioner in this State must prove he is a graduate in medicine and surgery of a recognised Australian or New Zealand university, or that he has qualifications granted by one of the licensing bodies of the United Kingdom or Eire specified in Schedule II of the Bill, or that after passing a regular course of medical study abroad he was qualified at an establishment which the Medical Board considers not lower in standard than our own medical school.

Another amendment, which also has been asked for by the Medical Board, as it is a requirement of the General Medical Council, London, is that all graduates in medicine shall be required to have 12 months' hospital experience in the capacity of resident medical officer before being entitled to full registration and entering into private practice. The Bill enables the board in special circumstances to reduce this period if it thinks fit, and to wholly exempt an applicant from complying with the requirement if the board considers the applicant to possess already sufficient practical experience.

Where an applicant has met all the requirements for registration excepting service as a resident medical officer, the Bill provides he may be granted a certificate of temporary registration. This is necessary to enable him to practise medicine and surgery as a resident medical officer. Section 18 of the principal Act precludes a person from holding certain hospital and other appointments unless he is registered under the Act, and some form of registration is therefore necessary to enable him to hold the position of resident medical officer.

Those are the only points in the Bill. I noticed that in one part of the notes I mentioned something about Schedule eleven of the Bill. That could be Schedule Two; I do not know whether it is Two or Eleven.

Hon. Sir Charles Latham: We will clean that up in Committee.

The CHIEF SECRETARY: I mention it so that the position will be covered. I move—

That the Bill be now read a second time.

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

# **BILL—RURAL AND INDUSTRIES BANK ACT AMENDMENT (No. 2).**

## *Second Reading.*

Order of the Day read for the resumption of the debate from the previous day.

Question put and passed.

Bill read a second time.

## *In Committee.*

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

Clauses 1 to 10—agreed to.

Clause 11—Division 2A added:

Hon. Sir CHARLES LATHAM: This clause embodies a new idea in the drafting of Bills because it deals with proposed new Sections 65A to 65Y extending over 11 pages of the Bill. I consider this to be a bad principle. All the clause does is to give power for the savings bank to be conducted as it is today.

Hon. G. C. MacKINNON: The Minister did not reply to the second reading debate, so no mention has been made of a promised amendment to Section 5 of the Trustees Act. Subsections (2) and (3) of proposed new Section 65E allow the Rural & Industries Bank to have an advantage over the private trading banks in the operation of trustee accounts, in that this bank can accept amounts on ordinary deposit as distinct from their being on fixed deposit.

*Sitting suspended from 4.2 to 4.15 p.m.*

Hon. G. C. MacKINNON: I was discussing Subsections (2) and (3) of proposed new Section 65E and saying that the Minister has not as yet given us the assurance that an amendment to the Trustees Act will be placed on the statute book at a later stage. If that amending Bill is brought down later in the session, those two proposed subsections could reasonably be deleted.

However, as they provide the necessary machinery for the administration of the Rural & Industries Bank, probably it would be advisable to leave them in the Bill. Before we give consideration to these proposed new subsections, however, we should have that assurance from the Minister that an amendment will be made to the Trustees Act at an early date. I would therefore like to hear the Minister's views on that point.

Progress reported.

**ASSENT TO BILLS.**

Message from the Governor received and read notifying assent to the following Bills:—

- 1, Supply (No. 2), £18,500,000.
- 2, Licensing Act Amendment (No. 1).
- 3, Inspection of Machinery Act Amendment.
- 4, Oil Refinery Industry (Anglo-Iranian Oil Company Limited) Act Amendment.
- 5, Pig Industry Compensation Act Amendment.

**BILL—PROFITEERING AND UNFAIR TRADING PREVENTION.***Assembly's Message.*

Message from the Assembly received and read notifying that it had agreed to amendments Nos. 1, 3, 4, 6, 7, 9, 12 to 22, 24, 26, 30, 34, 36 and 37 made by the Council, had disagreed to Nos. 2, 5, 10 11, 23, 27, 28 and 33, and had agreed to Nos. 8, 25, 29, 31, 32 and 35 subject to further amendments now considered.

*In Committee.*

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

No. 2.

Clause 8, p. 4, lines 33—Delete the word "includes" and substitute the word "means."

The CHAIRMAN: The Assembly's reason for disagreeing is—

The word is considered too restrictive.

The CHIEF SECRETARY: I move—

That the amendment be not insisted on.

I agree with the reason, given by the Legislative Assembly that the word "means" is too restrictive. If that word is used, only the items mentioned in the clause will be covered. When introducing a Bill no one can foresee all the eventualities that may arise. Power should be given to the commissioner so that when circumstances such as were not envisaged in the Bill arise, he can deal with them.

Hon. C. H. SIMPSON: I ask the Committee to insist on this amendment. The items mentioned in Clause 8 cover a very comprehensive field. An attempt was made in another place to be specific rather than to be vague and intangible. I would point out that no one is more specific or restrictive than some trade unions when it comes to the work performed by their members. Not long ago I had an out-house built. When the bricklayers had finished, I asked them about the plastering. They said that was the work of the Plasterers' Union.

The Chief Secretary: You do not believe in that?

Hon. C. H. SIMPSON: Not altogether.

The Chief Secretary: You believe in restriction regarding this provision, but not regarding the work of unions.

Hon. C. H. SIMPSON: In some cases restriction should apply, but not in others. This attempt to give a definition is very comprehensive, and to use the word "includes" would be to give a very wide meaning. In the instance I was referring to, I had to engage other tradesmen to do the plastering. That is the attitude adopted by those represented by the Chief Secretary when their interests are affected. The amendment is an attempt to give the Bill some specific meaning. The use of the word "includes" would mean that anything brought to the notice of the commissioner can be dealt with by him. There would be nothing to limit his powers in any way.

Hon. L. C. DIVER: In my view, the Committee should insist on the amendment. It was made because it was thought that there should be some limitation of the powers of the commissioner. If the fears of the Chief Secretary—that peculiar circumstances will arise in the administration of this legislation—are well founded, he will not have long to wait before he can introduce amending legislation to increase the powers of the commissioner.

Hon. Sir CHARLES LATHAM: The definition of "unfair profits" contained in this clause is very wide and covers everything which the Chief Secretary wants to be included in the powers of the commissioner. To use the word "includes" would enable the commissioner to inquire into anything he wishes and that is not desirable. To my mind the word "means" is not too restrictive, because already under this clause he is given a very wide opportunity of inquiring not only into profits but unfair trading and other things also.

The CHIEF SECRETARY: The word used in this instance is not foreign in this clause, which states that "prices" includes certain things, and "combines" includes certain parties. I do not see any disadvantage in using the word "includes" instead of the word "means."

Hon. C. H. SIMPSON: This is one case where we need to be specific to give some idea of what ground is to be covered. We want some idea of the powers of the commissioner.

The CHIEF SECRETARY: The hon. member wants to restrict the powers of the commissioner so that if circumstances not covered by the clause arise the commissioner will not be able to take any action, no matter how drastic the circumstances may prove to be. It is believed that all things are covered, but it is vital that the word "includes" should be inserted.

Hon. J. MURRAY: When the word "means" is inserted, we know that we are dealing with a very definite term, and we are aware of what we are legislating to

do. If we substitute the word "includes," the scope is wide and could include the things set out and any others that the commissioner liked to add. The insertion of the word "means" is essential.

Question put and negatived; the Council's amendment insisted on.

No. 5.

Clause 8, page 6, line 2—Delete the word "include" and substitute the word "mean."

The CHAIRMAN: The Assembly's reason for disagreeing is—

The word is considered too restrictive.

The CHIEF SECRETARY: I move—

That the amendment be not insisted on.

Hon. Sir CHARLES LATHAM: I hope the amendment will be insisted on. We must instruct the commissioner as to what Parliament wants. It is no good saying that he can do as he likes as long as he satisfies the Government.

Hon. H. K. Watson: This amendment should be insisted on for the same reason that we insisted on the previous one.

Hon. Sir CHARLES LATHAM: Yes.

Question put and negatived; the Council's amendment insisted on.

No. 10.

Clause 11, page 7, lines 23 and 24—Delete the words "having experience in commercial business and trading affairs" and substitute 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."

The CHAIRMAN: The Assembly's reason for disagreeing is—

It would restrict the field too much.

The CHIEF SECRETARY: I move—

That the amendment be not insisted on.

This amendment restricts the selection of a commissioner. There may be quite a number of persons much better fitted for the job than anyone available under this heading. This will be one of the most important positions in the State, and it is necessary that the person appointed should have all that it takes from every point of view. He will have one of the worst jobs that anyone could take on, and it is necessary that an open choice should be allowed so that the best choice can be made. As the situation is, it would be a sort of Hobson's choice—we would have to engage someone in those two categories or no one at all.

Hon. C. H. Simpson: It is still a pretty wide scope.

The CHIEF SECRETARY: No; it is a very confined scope. There might be a person in the Government service.

Members: Oh!

Hon. H. K. Watson: Ah! Doubtless there is.

The CHIEF SECRETARY: I do not know. But there might be. I carefully avoided saying that in the previous debate, because I knew that members were waiting to pounce on me. I do not know that there is anybody in the Government service; but if there is one competent to do the job—whether he be a civil servant or an uncivil servant—why should he not be eligible?

Because of a lack of understanding of what the Government wants to do, this Bill has had a hostile reception from the business community, though most of what they thought was pure imagination. Under this provision all the top-notchers would have to do would be to sit tight and the Government might have to appoint a second-rater or even a fifth-rater. This is too serious an appointment to be restricted in this way. The person selected can either make or break the organisation.

There are those who would very dearly love to see the organisation broken up, and I cannot expect very much from them. But I would put it to them that, Parliament having decided that this is the type of legislation that is required, it is their bounden duty to leave the avenue of selection wide open so that the best possible person can be appointed. Members must accept the fact that this Bill has been passed by Parliament.

Hon. H. K. Watson: Who said?

The CHIEF SECRETARY: If it has not, I do not know what has been done.

Hon. H. K. Watson: What are we doing now?

The CHIEF SECRETARY: We are attempting to iron out a few phases that are a bit rough.

Hon. H. K. Watson: Of which this is an integral part.

The CHIEF SECRETARY: That is so. But both Houses have passed this Bill at the first reading, second reading, Committee and third reading stages.

Hon. J. McI. Thomson: Subject to these amendments.

The CHIEF SECRETARY: The principle has been definitely accepted.

Hon. Sir Charles Latham: You are quite right. The principle has—but nothing else.

The CHIEF SECRETARY: When Parliament agrees to the principle, it is the duty of every member to put his weight

behind the Bill and see that any restrictions that would hamper its operations are removed. This is one amendment that requires removal.

Hon. A. F. GRIFFITH: If we take the Chief Secretary's reasoning to its logical conclusion, I can imagine somebody in another place putting forward the identical reason why an amendment submitted in this House should be accepted in another place. But that is just not the case. Let us agree that this is going to be one of the most important positions in the State. The Chief Secretary also said that there was a lack of understanding on the part of the business community.

I consider there has been a lack of information given by the Government. The Chief Secretary knows only too well that, with an almost teeth-pulling attitude, we have tried to get information from the Government concerning certain phases of the Bill but have not been able to do so. I accept the principle that Parliament has passed the Bill or—more correctly—that the principle of the Bill has been accepted by Parliament. But I shall not agree that the Bill has been accepted. A few moments ago, on a division, this Committee insisted upon an amendment. If it goes to another place, that particular phase of the Bill must be the subject of a conference; and until the conference has agreed, the Bill is not acceptable to Parliament and will not go on the statute book. I hope the Committee will insist on the amendment. We heard the Chief Secretary say that the position of the commissioner would be a most important one.

The Chief Secretary: Don't you agree?

Hon. A. F. GRIFFITH: Yes. When we apply the words—having in mind the importance of the position—"having experience in commercial business and trading affairs," which was the wording before this place amended it, it shows how loose the Chief Secretary's statement was. Anybody could be chosen for the job if he had some experience in commerce, business and trading affairs, and it might be someone from a Government department who had the necessary qualifications. This Chamber's amendment defines the position much more clearly, and I think we should insist on it.

Hon. H. L. ROCHE: I agree with the Chief Secretary in regard to this amendment. The job will be a very difficult one, and the qualifications should be wide to allow the Government to find a suitable person. The amendment would be very restrictive and would limit the choice too greatly. One member said that his reason for opposing the third reading was, among other things, that in view of the provisions of the Bill it did not seem possible to him that the Government could get a man good enough for the job. I can understand that from a destructive angle; but as the Bill has been accepted in

principle, I think that in order to allow the Government to get the best man for the job, this Chamber should not insist on its amendment.

Hon. Sir CHARLES LATHAM: I think that the Auditor General's Department could readily provide a man with the necessary qualifications for this job and there are many others in the Public Service who would be qualified. It would be difficult to get an outside man with the necessary qualifications, particularly as the tenure of the job would probably be only one or two years. I do not think the right person from outside could be induced to take the job for a period of less than five years. I think we should insist on the amendment.

Hon. J. D. TEAHAN: I agree with Sir Charles Latham that it is not likely that any qualified person outside the Public Service would give up his job or business to take this position for a period of only one or two years. I do not think anyone could quarrel with what the Government did in the case of the Betting Control Board, where a man above reproach and of vast experience was required as chairman. Members should realise that before a man becomes a senior public servant he must be above reproach and have administrative ability. Assuming that the salary for the position is £2,000, and a successful accountant can earn £2,500, the only accountant who would apply would be the unsuccessful man.

Hon. A. F. Griffith: Why suggest a salary of £2,000 in that case? Why not make it £5,000?

Hon. J. D. TEAHAN: I was just taking £2,000 as an example. We should make the selection as wide as possible, because we know that the Government will want to get the very best man for the job.

Hon. H. K. WATSON: The amendment made by this Chamber does not state that the person chosen must be a practising accountant or at present a businessman, but that he shall have had five years' experience, just as was provided in the case of the Chairman of the Workers' Compensation Board, who had to be a man who had had five years' experience as a practising solicitor.

I think that Sir Charles Latham and Mr. Griffith have given adequate reasons why the amendment should remain. When introducing the measure, the Chief Secretary said we should agree to the second reading so that the Bill could be amended in the Committee stage; but now he says that as we have agreed to the second and third readings, we have no right to insist on these amendments.

The Chief Secretary: I did not question the right to move amendments.

Hon. H. K. WATSON: We accepted the principle of the Bill with certain qualifications, of which this amendment is one.

Question put and a division called for.

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

Division taken with the following result:—

Ayes	....	....	....	13
Noes	....	....	....	12

Majority for	....	1
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#### Ayes.

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

#### Noes.

Hon. N. E. Baxter	Hon. R. C. Mattiske
Hon. J. G. Hislop	Hon. J. Murray
Hon. A. R. Jones	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
	(Teller.)

#### Pairs.

<b>Ayes.</b>	<b>Noes.</b>
Hon. E. M. Heenan	Hon. F. D. Willmott
Hon. G. Bennetts	Hon. J. Cunningham

Question thus passed; the Council's amendment not insisted on.

No. 11.

Clause 14, page 8—Delete.

The CHAIRMAN: The Assembly's reason for disagreeing is—

The commissioner must have the power of delegation.

The CHIEF SECRETARY: I move—

That the amendment be not insisted on.

This is an important amendment; because, unless we go back to the original Bill, and do not insist on our amendment, we will hamstring the commissioner. It is possible that inquiries will have to be made in various parts of the State, and it is not possible for the commissioner to attend to all of them. Therefore he should have the powers of delegation; if he has not, he will be stultified.

Hon. L. C. DIVER: I hope the Committee will insist on this amendment. I agree with the Chief Secretary when he says that the commissioner will have to have exceptional knowledge; but now he wants to say that there are others who can deputise for him.

Hon. A. F. Griffith: Didn't you think differently during the Committee stage?

Hon. L. C. DIVER: I cannot understand the hon. member. I think we should insist on our amendment, because it would be difficult to find anybody to deputise for the commissioner. Furthermore, the Chief Secretary has already agreed that he does not envisage this measure having

to be applied in a wide variety of places; and therefore it should be within the realms of the commissioner, who will have these very necessary qualifications, to carry out the required duties.

Hon. N. E. Baxter: He has no qualifications under the Bill.

Hon. L. C. DIVER: As the Chief Secretary told us, the commissioner will have to have wide powers.

Hon. F. R. H. Lavery: We cannot hear over here.

Hon. N. E. Baxter: But there are no qualifications set out in the Bill.

Hon. L. C. DIVER: I will very likely be voting with those who are not agreeing with me now; so they can state their case.

Question put and negatived; the Council's amendment insisted on.

No. 23.

Clause 29, page 16—After line 33, add the following subclause to stand as Subclause (2):—

(2) Before exercising or causing to be exercised all or any of the powers of investigation conferred on him by Part II of this Act, the Commissioner shall give to the Advisory Council seven days' notice of his intention in that behalf, and in exercising or causing to be exercised all or any such powers the Commissioner shall have regard to the advice of the Advisory Council with respect thereto.

The CHAIRMAN: The Assembly's reason for disagreeing is—

The commissioner should be empowered to investigate without reference to the council.

The CHIEF SECRETARY: I move—

That the amendment be not insisted on.

It is only sensible not to insist on this amendment. Surely we are not going to say that the commissioner should have to call the committee together, after giving its members seven days' notice, every time he wants to investigate something. I could understand the commissioner discussing the matter with the committee before any definite decision was made; but it would be a waste of time and would mean protracted investigation if he had to call the committee together every time he wanted to investigate something.

As in everything else, the commissioner should have all the evidence to place before the committee before he discusses the matter with them. While the other amendment limited the commissioner to a certain extent, this one will throw the whole thing right out of gear. The commissioner should have the power to investigate before action is taken to call the committee together.



**Hon. J. G. HISLOP:** This is something we should insist upon because it will give the business community some sense of security regarding investigations. We must not forget that the commissioner can go into a business and cause a good deal of concern—and one might even use the word havoc—because he has power to call for papers and do all sorts of things. He will be able to put before the committee a case which he thinks needs investigation; and this amendment of ours will give the business community some feeling of security, and they will know that, if an investigation takes place, the committee has thought it justified. The amendment affords a good deal of protection for the business community.

**Hon. Sir CHARLES LATHAM:** The owner of a business might be away at the time an investigation was made and probably his accountant, or the man responsible, would not know as much as the owner. This legislation affects small concerns as well as big ones; and if an owner of a business is away on a buying trip in the Eastern States, a period of seven days is only reasonable. I hope the committee will insist on the amendment.

**Hon. C. H. SIMPSON:** I think one of the reasons why the amendment should be insisted on is that it will cause the commissioner to take some notice of the advisory council. He has been left with a pretty free rein in actually administering the duties that he will be called upon to undertake. He will not be bound by the advice that he may receive. But it says that he shall have regard to it; and if there is a difference of opinion, he will have to make some explanation as to why he has a different view. This will at least give the advisory council some standing, because it will call upon the commissioner to listen to whatever recommendations might be made. It is a necessary amendment.

**The CHIEF SECRETARY:** Members have been dealing with what will be done by the commissioner under other sections; but this amendment deals with investigation. Surely members do not expect the commissioner to wait for a week before being able to consult the advisory committee to tell it that he wants to investigate something. That is a ridiculous position.

**Hon. C. H. Simpson:** Not at all.

**The CHIEF SECRETARY:** If unfair trading is going on today and the commissioner has to give the advisory council a week's notice, the person carrying out the unfair trading could have skipped to Singapore or to Jerusalem in the meantime. I think the amendment is ridiculous.

**Hon. L. C. DIVER:** I thank the Chief Secretary for giving us a very good example of how this legislation can work without

the necessity for the commissioner taking action. If these culprits are trading unfairly for only such a short time, I am sure that no material damage will be done to our social structure. The men we want to prevent from carrying out unfair trading are those who have been doing it for a long time. A notice of seven days, or even a month, would be neither here nor there, because such people have been trading unfairly day in and day out, week in and week out, and year in and year out. They are the ones we want to stop.

It is obvious that a man charged with such a serious responsibility will know the type of activity he wishes to control. This would create no hardship. At the monthly meeting he would tell the council it was proposed to take steps to inquire into certain activities. He would give his reasons, and the council in turn would doubtless give him the necessary concurrence to make his investigations.

**Hon. A. R. JONES:** After listening to the argument, I do not quite know what is meant. But the Chief Secretary is right when he says that the commissioner should not have to go to the council and tell it he is going to investigate. How would it know what he was going to investigate? We must look at this sensibly; and I can see nothing sensible in the commissioner having to tell the council a week before hand that he is going to investigate something. I support the Chief Secretary.

**Hon. Sir CHARLES LATHAM:** This is not merely a set-up by the Government to interrogate people without just cause. There are combines existing in Australia, and the advisory council might know about them through connections it might have. For instance, there is a big company in Australia which has branches in Western Australia into whose activities it might be necessary to inquire. But why should not the commissioner tell the advisory council? It might be a question of firewood for the city of Perth. We know that sellers of firewood get together and refuse to sell their product for less than so much a ton.

**The Chief Secretary:** All the firewood would be burnt before action could be taken.

**Hon. Sir CHARLES LATHAM:** If this is passed he will probably be dealing with something which occurred prior to the operation of this Act.

**The Chief Secretary:** If we carry this he will not be able to.

**Hon. Sir CHARLES LATHAM:** If we read the proposed amendments we will see that notices will be sent out by post telling the committee what the commissioner proposes to do. He cannot take action on something that does not exist. With this advisory council we would have a position similar to that which obtained during the existence of the Liquid Fuel Board.

The CHIEF SECRETARY: This is even more ridiculous than I thought it was.

Hon. Sir Charles Latham: Hadn't you read it before?

The CHIEF SECRETARY: Yes; but I had not studied it. It does not say that the advisory council has to meet. How will the commissioner obtain the power without a meeting? There is no provision for it.

Hon. Sir Charles Latham: He could post them notices.

The CHIEF SECRETARY: Having done so, he will wait seven days and then go ahead. But it does not say that he must give the advisory council seven day's notice of a meeting. The information could come in a day after the monthly meeting was held. When the meeting was held, all he might have to put before the council would be wild rumours he might have heard.

Hon. J. D. Teahan: And broadcast his reasons.

The CHIEF SECRETARY: He would have to wait for the best part of a month to seek permission to investigate, and then wait another month before he could tell the council the result of his investigation.

Hon. L. C. Diver: He would be dealing with documents, not memories.

The CHIEF SECRETARY: It does not matter. The legislation would be off the statute book before he could complete his investigation.

Hon. H. K. WATSON: I am surprised at the attitude of Mr. Jones. When this clause was first considered here, he not only supported this principle but sought to put more teeth in it, and say that the commissioner should not only have regard to but should act upon the advice of the council. The hon. member's attitude on that occasion was the appropriate one.

Let us assume that someone goes to the commissioner and says, "Mr. Commissioner I paid 29s. for this little tube." The commissioner says, "I will soon fix that for you. Under the Act I have power to search this man's premises; to make him produce his books, and turn him inside out in the next two weeks." The matter will go to the advisory council, and they will say, "Although this little tube cost 29s. it is obviously worth 29s."

The CHIEF SECRETARY: From what I can see, members seem to think that Boof-head is going to be the commissioner; and that because of a little tube, he is going to turn the place upside down. That, of course, is nonsense, and the whole position could quite easily be verified. I cannot understand why the hon. member put forward such an illustration.

Hon. H. K. WATSON: I mentioned that illustration because it was one brought forward by the Chief Secretary himself.

Secondly, there is no substitute for experience. Under price-fixing legislation I have seen a shoe merchant's business turned inside out over a pair of shoelaces.

The MINISTER FOR RAILWAYS: I cannot see how the commissioner could give effect to anything if he has to consult the advisory council first. If he could not commence his investigations without consulting the advisory council, how could he convince that council that he had reasons for commencing those investigations? He could not place any evidence before the advisory committee until he had made some inquiry. What would happen when he did consult the advisory council? Would that body go off and make an investigation on its own? There is nothing in the provisions to say that it cannot make an investigation and later say that there is no necessity for action to be taken in a particular case.

Hon. A. F. Griffith: The Minister is surely not trying to tell us the advisory council has power to investigate!

The MINISTER FOR RAILWAYS: The commissioner cannot acquire a tittle of evidence from anyone unless he has first consulted the advisory council. The Bill could not work along those lines.

Hon. A. R. JONES: In discussing this matter, Mr. Watson said I tried to have words inserted appertaining to this clause; and so I did. My object was to add three words, "and act upon," in order to give the advisory council some power. I take the view it is a waste of time for the commissioner to report to the advisory council seven days before he is going to do anything. If I had had my way, and the words "and act upon" had been added, it would have been compulsory for the commissioner to go to the council and advise it of what he had it in mind to do.

Hon. G. C. MacKINNON: It is strange that Mr. Jones should say this body of men has no power. Any body of men to whom the commissioner must report must surely have power, even if it is only a moral power. The fact that he would have to put a prima facie case to this council must have some deterring effect on his actions. The Minister for Railways, in speaking on this matter, mentioned the quick actions it would be necessary to take. Surely quick action or quick roguery would almost come within the category of a confidence trick! This legislation is against tendencies in business and not individual cases.

It has been said that we would not produce a tittle of evidence to the advisory council. When a policeman sees suspicious circumstances he reports back and suggests there is ground for investigation. I submit there is some difference between a full-scale investigation and general inquiries. The commissioner and his officers could make general inquiries and submit to the

advisory council that there was a prima facie case for the investigation of a business.

It is our place to consider not only the people who might suffer under profiteering and unfair trading legislation, but also the statement of the Government that the people in this type of activity are a very marked minority. We have a right and duty, as far as we can, to protect general business. It could well be that the commissioner would have a phobia against a particular aspect of business and this could be guarded against by the fact that he had to act as determined by the amendment. I hope that the Committee will not reject this amendment.

**Hon. J. D. TEAHAN:** If this amendment were insisted upon it would be one of the greatest deterrents to the obtaining of a commissioner. Any commissioner would want to know the terms under which he was being engaged; and if he had to consult five or six persons, he would not be interested.

**Hon. R. C. MATTISKE:** I think we are all getting off the track in connection with this matter. Dr. Hislop hit on the main reason for this particular amendment, in that the legislation is not going to be at all tasteful to everyone investing money in Western Australia. We must give people confidence that the Government will ensure this legislation is administered in the best possible manner.

Under the Bill as it is a present, the commissioner can receive an anonymous telephone call, or a letter from an individual, stating something suspicious is occurring. In cases such as this, it is better for him to place the facts before the advisory council to ascertain what should be done. If, in the opinion of the council there was good reason for something to be done, he would be acting not just on his own initiative but on that of four other persons too.

Mr. Watson stated that under price control legislation persons had their premises turned upside-down. I, too, could quote instances of that. Without the braking influence of this advisory panel, that could happen, and the whole world of business could be unjustly and considerably disturbed. Mr. Diver said that we were not dealing with cases which had to be dealt with immediately and action need not be taken while the offence was red hot. The position is the same as with the Commissioner of Taxation. He can catch people five years after an offence.

**The Chief Secretary:** He gets the full books, too.

**Hon. R. C. MATTISKE:** The commissioner under this legislation has the power to demand documents going back to the date when a person was declared. Therefore everything pertaining to any business transaction must be kept. I think

it is most important that, in the interests of all, including the commissioner, we should have an advisory panel which can advise right from the outset.

**The CHIEF SECRETARY:** The position of the commissioner is different from that of the Commissioner of Taxation. If a charge investigated by the commissioner is proved and a person becomes a declared trader, the commissioner has power to stop that person from repeating the offence. If this amendment were agreed to, it would give a declared person six weeks, during which time he could go on repeating the offence. The hon. member would have the commissioner give the advisory council seven days' notice before he could get permission to investigate, and then he would have to wait for a monthly meeting before starting investigations.

**Hon. R. C. MATTISKE:** I hope the commissioner will have a far more practical and realistic approach than the Chief Secretary. I refuse to believe that if the commissioner were hot on the trail of anyone he would call a meeting only once a month. The Bill says he shall call meetings not less frequently than once a month. If he does his job properly, he can call his advisory council together every day if necessary. Therefore I cannot see how there will be six weeks' delay.

**Hon. N. E. BAXTER:** It is most unusual for me, but this time I can agree with the Chief Secretary. This amendment means that, should the commissioner desire to take action, he must give the advisory council seven days' notice before it gives him the right to take certain action. After he takes this action, if at a later stage he has to call witnesses—as provided under Clause 24 of the Bill—before he can summon the witnesses, he has got to give the advisory council seven days' notice, and then have regard to its advice in the matter.

I believe this amendment was badly framed, and it was intended that after exercising his powers under Clause 27 of the Bill and before taking action he must advise the advisory council. Now he cannot do one single thing as prescribed under Clause 2 before he gives seven days' notice. I do not think that is the intention, and I do not think the Committee thought that either. Members of the Committee, or some of them, believed that after inquiries had been instigated he would, before taking action, consult with the advisory council. I must support the Chief Secretary.

**Hon. Sir CHARLES LATHAM:** I do not think members have read Clause 29. The commissioner writes to the advisory committee and says it is his intention to take action against, say, Brown & Co., and the committee will say Yes or No to it. Under the petrol-rationing legislation no action

was taken except on the advice of the controlling committee. I do not know of any instance where there was delay. I do not think anything has occurred to make me alter my mind.

Hon. J. G. HISLOP: In the sea of confusion in which we find ourselves, I would like some clarification. What do we intend by the Bill? The Chief Secretary, in association with Mr. Jones and Mr. Baxter has one view of it and I have a totally different view of it. It appears that the Chief Secretary's point of view is that some common informer can go to the commissioner and say that a shop-keeper is charging more than another one next door. This descends to price fixing. Does the commissioner have to rush off to investigate the matter? It appears so. In this event the Bill becomes a price-fixing measure plus whatever else we intend it to be.

On the other hand, if the commissioner is only to investigate and take action against those who are actually engaging in unfair trading and making unfair profits, then the idea of the seven days' wait until he hears from the advisory council is a wise one.

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

Ayes	13
Noes	11
Majority for	2

#### Ayes.

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

#### Noes.

Hon. L. C. Diver	Hon. J. Murray
Hon. J. G. Hislop	Hon. C. E. 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.)

#### Pairs.

Ayes.	Noes.
Hon. E. M. Heenan	Hon. F. D. Willmott
Hon. G. Bennetts	Hon. J. Cunningham

Question thus passed; the Council's amendment not insisted on.

#### No. 27.

Clause 31, page 19, line 2—Delete the words "president of the Court of Arbitration." and substitute the words "judge of the Supreme Court."

The CHAIRMAN: The Assembly's reason for disagreeing is—

The president of the Arbitration Court is the appropriate judge.

The CHIEF SECRETARY: I move—

That the amendment be not insisted on.

I dealt with this phase when we were in Committee previously and I suggested why the President of the Arbitration Court was the most appropriate one to hear appeals of this description. The president is dealing with cases concerning prices and everything in that line.

Hon. A. F. Griffith: You have told us that this is not a prices instrument.

The CHIEF SECRETARY: Prices are not the begin-all and end-all of it, but they are involved in it. The investigations carried out by the president of the Arbitration Court make him an expert in matters of this description. A Supreme Court judge, on the other hand, may deal with divorce cases today, murder cases tomorrow, assault cases the next day and, perhaps, stealing—but a different type from this. The variety of cases that he deals with are far removed from those dealt with by the president of the Arbitration Court.

Hon. J. Murray: Surely the cases have to be dealt with on evidence.

The CHIEF SECRETARY: Yes, and is not the president of the Arbitration Court a Supreme Court judge?

Hon. J. Murray: How overworked is the President of the Arbitration Court now?

The CHIEF SECRETARY: I do not know. I do not know anything about him except that he is a Supreme Court judge. Supreme Court judges deal with matters entirely foreign to this type of investigation. If we have to deal with a Supreme Court judge it may be any one of five or six. Until the people represented by members opposite appointed a special advocate—the Employers' Federation—to handle their cases before the Arbitration Court, they did not do so well. After that appointment they did much better.

We can go to the court at Fremantle and hear a case dealt with by a magistrate who will arrive at a certain decision. A similar case can be dealt with by a magistrate at Midland Junction and an entirely different decision arrived at. That can happen here. Wherever law is concerned, there can be various versions of it.

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

The CHIEF SECRETARY: I was speaking on the question of the appeal being heard before a judge of the Supreme Court. It would be more suitable to have a man who is dealing with this type of problem all the time, such as the president of the Arbitration Court, rather than a judge of the Supreme Court who is handling a variety of cases from day to day. If these appeals were heard before the president of the Arbitration Court, everyone would know where he stood. In my opinion, we should not insist on the amendment.

**Hon. A. F. GRIFFITH:** The Chief Secretary is completely inconsistent. A judge of the Supreme Court hears all the cases imaginable, but when it is a question of hearing an appeal under this legislation, the Chief Secretary says that the president of the Arbitration Court is more competent to hear it. The appeal will not even be one based on law, but on fact. The judge will have to assess only the facts put before him. If we are to measure the competency of a judge of the Supreme Court as against the competency of the president of the Arbitration Court as far as experience is concerned, I would suggest that a judge of the Supreme Court would be more competent.

The Chief Secretary: The president of the Arbitration Court is a Supreme Court judge.

**Hon. A. F. GRIFFITH:** I know he is, and therefore there is no weight in the Chief Secretary's argument. On his argument, it would mean that the president of the Arbitration Court is competent to hear these appeals and his fellow judge, sitting on the Supreme Court, is not.

The Chief Secretary: I did not say that. I was referring to consistency in this particular case.

**Hon. A. F. GRIFFITH:** In my opinion, the Committee will agree that a Supreme Court judge would be the more competent man to hear any appeal made under this legislation.

**Hon. Sir CHARLES LATHAM:** I hope the Chief Secretary will not force his ideas on the Committee.

The Chief Secretary: That will be the day when I can do that!

**Hon. Sir CHARLES LATHAM:** A judge of the Supreme Court is hearing appeals continually; and if a further appeal is made against his decision, it can be taken to the High Court. The president of the Arbitration Court is very often a busy man, but now that we have four Supreme Court judges, appeals heard under this legislation should be dealt with fairly promptly, especially when it is considered that the judge will be basing his decision on facts alone. I hope, therefore, that the person to whom the appeal will be made will be a judge of the Supreme Court.

Question put and negatived; the Council's amendment insisted on.

No. 28.

Clause 31, page 19, line 4—Delete the word "president's" and substitute the word "judge's."

The **CHAIRMAN:** The Assembly's reason for disagreeing to the amendment is—

The president of the Arbitration Court is the appropriate judge.

The **CHIEF SECRETARY:** I move—

That the amendment be insisted on.  
Question put and a division called for.  
Bells rung.

#### *Remarks During Division.*

**Hon. L. C. Diver:** I think there has been a misunderstanding in regard to the way the question was put.

Division called off.

#### *Committee Resumed.*

The **CHAIRMAN:** If there is some misunderstanding in the minds of members I will put the question again. Before putting it, I ask the Chief Secretary: Is it not a fact that he has moved that the amendment be not insisted on?

The **CHIEF SECRETARY:** No, Mr. Chairman, I moved that the amendment be insisted on.

The **CHAIRMAN:** The question is—

That the amendment be insisted on.

**Hon. A. F. GRIFFITH:** The question you put to the Committee was that the amendment be not insisted on.

The **CHAIRMAN:** That is true.

**Hon. A. F. GRIFFITH:** Well, why change it at this stage?

The **CHAIRMAN:** I quite agree with the hon. member. This amendment is consequential.

The **CHIEF SECRETARY:** I am sorry, Mr. Chairman, but I am being consistent. I move—

That the amendment be not insisted on.

**Hon. A. F. Griffith:** You moved previously that the amendment be insisted on.

The **CHIEF SECRETARY:** I am sorry; I made a mistake.

The **CHAIRMAN:** The Chief Secretary has now moved that the amendment be insisted on?

The **CHIEF SECRETARY:** I am sorry for causing this tangle. I have moved that the amendment be not insisted on.

The **CHAIRMAN:** Up to the present time, and including this particular amendment, the Chief Secretary, on every occasion, has moved that the amendment be not insisted on.

The Chief Secretary: I strayed off the path this time, Mr. Chairman.

The **CHAIRMAN:** That is quite all right. All I am concerned about is that members shall be clear as to how they are voting.

**Hon. L. A. LOGAN:** It should have been obvious as to what we are voting for. This is a consequential amendment, and the Chief Secretary should have moved that the amendment be not insisted on.

Hon. H. K. WATSON: I understand that the technical question before the Committee is that the amendment be not insisted on.

The CHAIRMAN: That is what I would say.

Hon. H. K. WATSON: Therefore, in order to be consistent, the Committee will vote against the motion moved by the Chief Secretary.

The CHAIRMAN: That is right. That is how I put the question in the first place. If members would take notice of the amendment the position would be quite clear. Is it the wish of the Committee that I put the question again?

Members: Yes.

The CHAIRMAN: It has been moved by the Chief Secretary—

That the amendment be not insisted on.

Question put and negatived; the Council's amendment insisted on.

No. 33.

Clause 33, page 20, lines 39-42—Delete paragraph (d).

The CHAIRMAN: The Assembly's reason for disagreeing is—

It is considered the power to direct the sale of goods and services should be included.

The CHIEF SECRETARY: I move—

That the amendment be not insisted on.

The reason given by the Assembly is a very good one. I would refer to the wording of the paragraph in this clause that was deleted. It is necessary for the commissioner to have the power to prevent any trader from refusing to sell any goods or to refuse to hire any service. After a trader has been declared, he might be able to create a shortage of the goods concerned by withdrawing them from sale, and those goods might be urgently needed by the community.

Hon. Sir CHARLES LATHAM: An anomaly could arise in cases where all the goods of a declared trader have been sold. There is every justification for deleting that paragraph and for insisting on the amendment.

Question put and negatived; the Council's amendment insisted on.

No. 8.

Clause 9, page 7—Add the following sub-clauses:—

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

(a) Two representatives representing the organisations known as the Chamber of

Manufactures, the Chamber of Commerce and the Retail Grocers' Association.

(b) One representative nominated by the Minister to represent the general public.

(c) One representative representing primary producers.

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

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

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

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

The CHAIRMAN: The Assembly has submitted the following amendment to the Council's amendment:—

Delete the whole of the amendment and insert in lieu the following:—

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

(a) two representatives representing the organisations known as the Chamber of Manufactures, the Chamber of Commerce and the Retail Grocers' Association;

(b) two persons, one of whom shall be a farmer, nominated by the Minister, to represent consumers.

(3) Each member of the Council representing the organisations mentioned in paragraph (a) of the last preceding subsection shall be selected by the Governor from a panel of four names, submitted conjointly by those organisations within such time as the Governor appoints, or if no such panel is submitted, the Governor shall appoint such members of Council, other than those nominated by the Minister, as he thinks fit.

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

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

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

**The CHIEF SECRETARY:** I move—

That the Assembly's amendment to the Council's amendment be agreed to.

The only difference between the two is in the appointment of the two representatives of the consumers. In the case of the appointment of the consumers' representative from the farmers, the right of selection will rest on the Minister. In every case the representatives of consumers are appointed by the Minister.

Hon. Sir Charles Latham: He should represent the public.

**The CHIEF SECRETARY:** So does the consumers' representative who is a farmer represent the public. It was decided to have two different types of consumers' representative, one from the general public and one from the farmers. The farming community is a section that is involved to a great extent. The amendment made by the Legislative Assembly provides that these two appointments shall be made by the Minister.

Hon. Sir Charles Latham: Previously the Minister had the choice from the nominees of the Farmers' Union; but under the Assembly's amendment, he will have a free choice.

**The CHIEF SECRETARY:** That is so; but that person must still be a farmer.

Hon. G. C. MacKINNON: The Chief Secretary has not given us any reason why the Assembly's amendment should be agreed to. He has merely told us what is set out therein. After a lengthy debate, this House reached a decision in regard to the election of the advisory council, and it was decided to have a farmers' representative on it. It was then proposed that the Farmers' Union should submit the nominees from which the Minister would make a selection. There is no reason for the Committee to change its mind in this regard.

**The CHIEF SECRETARY:** It is obvious that the consumers are the public, and the Minister represents the public. It might be suggested that nominees for the two consumers' representatives should be proposed by various organisations—for instance, the A.L.P. or the Farmers' Union—but no member would like that procedure

to be adopted. In all legislation in this State, the nomination of the consumers' representative has always been made by the Minister; that practice has not, to my knowledge, been departed from in any legislation.

The Assembly's amendment seeks to bring the method of appointing the consumers' representative back to the usual one adopted; the only aspect that is new is for one of the consumers' representatives to be a farmer. How can it be said that the Farmers' Union should make the nomination in the case of one of the consumers' representatives, when the A.L.P. has no say in the nomination of the other?

Hon. Sir CHARLES LATHAM: There are various sections of farming—dairying in the South-West, cattle-raising in the North, cereal-growing and sheep-raising in the central portion of the State.

**The Chief Secretary:** Yet they are all farmers.

Hon. Sir CHARLES LATHAM: That is so. They are all interested in superphosphate works, firms dealing in petroleum goods and other types of commerce. They are interested to a greater extent than the city folk. If the railway lines are to be continued, some of those farmers will have to find their own means of transport. The carriers may fix their own prices, which are beyond reason. I would like to see the amendment made by the Council insisted on. The Farmers' Union represents most of the farmers.

**The Chief Secretary:** There is not only one farmers' organisation.

Hon. Sir CHARLES LATHAM: Isn't there? I do not know of any others.

**The Chief Secretary:** Is there not a primary producers' association?

Hon. Sir CHARLES LATHAM: No. The Minister is not up to date. There is only the Farmers' Union now, and it said, "We will not have any politics."

**The Chief Secretary:** That is what we are trying to get away from.

Hon. Sir CHARLES LATHAM: It is a non-political organisation. Let me tell the Chief Secretary that it is not friendly to us. If we want a paragraph of any sort in its newspaper we have to pay the usual rates.

**The Chief Secretary:** Bring me further up to date! Is there not still a wheat-growers' union?

Hon. Sir CHARLES LATHAM: No; it is the Farmers' Union.

**The Chief Secretary:** The others have all gone out of existence, too?

Hon. Sir CHARLES LATHAM: Yes. The primary producers' association and the wheatgrowers' union have gone out of existence, and the Farmers' Union replaced them. The Minister will get a fair deal

from that organisation. In fact, I think it is more inclined to Labour than to the other party.

The Chief Secretary: If so, it is showing good sense.

Hon. Sir CHARLES LATHAM: I hope the Minister will show good sense and accept my suggestion to leave the matter as it was sent to another place.

Hon. G. C. MacKINNON: The Minister seems to be confusing the issue. He keeps referring to these two people as consumers' representatives. If he examines the amendment accepted here after considerable discussion, he will find that one representative was to represent the primary producers, but he was not specifically referred to as a representative of the consumers. The Council's amendment provided for two representatives of the Chamber of Manufactures, the Chamber of Commerce and the Retail Grocers' Association. Those three bodies were to provide a panel of four from whom two were to be chosen.

Then there was to be one representative nominated by the Minister to represent the general public; and finally there were the farmers, who are in quite a different classification inasmuch as while they may be compared to the Chamber of Manufactures, since they produce articles which they sell on the open market, at the same time, they are a large body of consumers, buying machinery and that type of thing. It would appear to be customary to give farmers some extra representation on this kind of organisation because of their peculiar circumstances. So the Council decided that the Farmers' Union, representing the farmers, should submit two names from which an individual representative of the primary producers should be chosen. To say that there are two members of the proposed council to represent the consumers is misleading.

The CHIEF SECRETARY: If the hon. member casts his mind back, he will remember that the original proposal was that there should be two consumers' representatives, one of whom was to be a farmer. That was always the Government's intention—that there should be two consumers' representatives; but it was stipulated that one was to be a farmer. The decision that was finally reached originally developed from the idea of two consumers' representatives, one of whom was to be a farmer.

Hon. H. K. Watson: Where was that?

The CHIEF SECRETARY: In the original Bill.

Hon. H. K. Watson: As it came here?

The CHIEF SECRETARY: I could not swear where it was—whether it was here or in another place. But those were the terms of the first suggestion.

Hon. H. K. Watson: There was nothing about an advisory council at the beginning. That was Sir Charles Latham's idea.

The CHIEF SECRETARY: Well, it was the first suggestion put in here, then. I think it was the one I put up.

Hon. Sir Charles Latham: No.

The CHIEF SECRETARY: The hon. member put up the suggestion, and I proposed an amendment on his amendment. My proposal was on the lines of two consumers' representatives, one of whom should be a farmer. I later altered that to one representing the Farmers' Union. The amendment was moved by me on the basis now suggested by another place. The stipulation that one is to be a farmer is one which gives the farming community something which is not very often provided in the appointment of consumers' representatives.

Hon. A. F. Griffith: Is there any guarantee under paragraph (c) that the representative will be from the Farmers' Union?

The CHIEF SECRETARY: No; I would not guarantee that he will be from the Farmers' Union. Would there be any guarantee that the person nominated by the union would be a farmer?

Hon. E. M. Davies: He might be a St. George's Terrace farmer!

The CHIEF SECRETARY: Yes; we have heard about the St. George's Terrace farmers.

Hon. Sir Charles Latham: You don't know the Farmers' Union as it is today.

The CHIEF SECRETARY: I do not know the personnel of the union officials, or whether they are or were farmers. If a man was a farmer 10 years ago, does that make him a farmer now?

Hon. Sir Charles Latham: No; he would be retired.

The CHIEF SECRETARY: The Assembly's amendment provides that one of the representatives nominated by the Minister should be a farmer. It could be that a person nominated by the Farmers' Union would not be a farmer in the true sense of the word.

Hon. Sir Charles Latham: We wanted a representative of the industrial trades unions and a representative of the Farmers' Union.

The CHIEF SECRETARY: We did not want a man specially to represent the trade unions. We wanted him to represent the consumers as a whole, because there are other consumers besides those in the trade unions. But in order to get the angle of the farming community, we stipulated that one of the consumers' representatives should be a farmer.

Hon. C. H. SIMPSON: We are getting away from the spirit and intention of the amendment that was made here. The



matter is not quite as simple as the Chief Secretary would have us believe. Our amendment provided for an advisory council consisting of two representatives from the three organisations named; one nominated by the Minister to represent the general public; and a third to represent the primary producers. It was provided that the one representing the primary producers should be selected from a panel of two names submitted by the Farmers' Union. I can see nothing wrong with that. If he represented the producers, of whom I should say the Farmers' Union was the accepted representative body, surely we would have in him a man who could be said to express their wishes. His might or might not be the same angle as that of the other members of the council. But under the Assembly's amendment, with the two consumers' representatives nominated by the Minister, the fact that one was a farmer does not mean anything. I see no reason why there should be any deviation from our original amendment.

Question put and negatived; the Assembly's amendment to the Council's amendment disagreed to.

No. 25.

Clause 31, page 18, line 40—Delete the word "ten" and substitute the word "thirty."

The CHAIRMAN: The Assembly agrees to the Council's amendment subject to the Council's making a further amendment to strike out the word "thirty" and insert the word "twenty-one" in lieu. The Assembly's reason for the amendment is—

Twenty-one days is a more appropriate period.

The CHIEF SECRETARY: I move—

That the Assembly's amendment be agreed to.

This is a reasonable compromise.

Hon. H. L. ROCHE: On a point of information, Mr. Chairman, did we deal with the amendment No. 8 that came back from the Assembly and which is on page 3 of the notice paper?

The CHAIRMAN: That was already passed before we sent it to the Assembly.

Hon. H. L. ROCHE: Have we voted on it?

The CHAIRMAN: Yes, it was agreed to when we sent it to the Assembly.

Hon. H. L. ROCHE: If you are happy about it, Mr. Chairman, so am I.

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

No. 29.

Clause 31, page 19, line 5—Add after the word "thereto" the following:—", and may confirm, reverse, or alter the decision appealed against and may include such order as to the costs of, and incidental to, the appeal as the Judge thinks just."

The CHAIRMAN: The Assembly agrees to the Council's amendment subject to the Council's making a further amendment to strike out the word "judge" and insert the word "president" in lieu. The Assembly's reason is—

The president of the Arbitration Court is the appropriate judge.

The CHIEF SECRETARY: I move—

That the Assembly's amendment be not agreed to.

Hon. H. K. WATSON: I take it, Mr Chairman, that this would imply not only that we do not agree to this amendment, but also that we insist on our original amendment as set forth on page 3?

The CHAIRMAN: Yes.

Question put and passed; the Assembly's amendment disagreed to, and the Council's amendment insisted on.

No. 31.

Clause 31, page 19—After Subclause (5) insert a new subclause to stand as Subclause (6):—

(6) The commissioner shall not declare a person to be a declared trader under this Act unless and until the advisory council has first determined the circumstances and conditions in and under which it appears right and proper in the cause of justice to so declare a person and the commissioner shall have due regard to such determination.

The CHAIRMAN: The Assembly agrees to the Council's amendment subject to the Council's making a further amendment to insert after the word "person" in line 7 the words, "provided such determination is made within twenty-one days after the commissioner has informed the council of his intention to make such declaration."

The CHAIRMAN: The Assembly's reason is—

The commissioner should not be delayed more than 21 days.

The CHIEF SECRETARY: I move—

That the Assembly's amendment be agreed to.

The Assembly's further amendment will give a time limit, which another place considers necessary.

Hon. H. K. WATSON: I cannot understand the desire of the Government to do everything within 21 days, particularly as a lot of investigation may be involved in this instance. What constitutes informing the council? Does he call it together at seven or 14 days' notice, and does the time commence from then?

Hon. C. H. Simpson: They must meet once a month in any case.

Question put and passed; the Assembly's amendment to the Council's amendment agreed to.

No. 32.

Clause 32, page 20, line 5—Delete the word "ten" and substitute the word "thirty."

The CHAIRMAN: The Assembly agrees to the Council's amendment subject to the Council's making a further amendment to delete the word "thirty" and insert the word "twenty-one" in lieu. The Assembly's reason is—

Twenty-one days is a more appropriate period.

The CHIEF SECRETARY: I move—

That the Assembly's amendment be agreed to.

Question put and passed; the Assembly's amendment to the Council's amendment agreed to.

No. 35.

New clause—Add a new clause to stand as Clause 41, as follows:—

41. This Act shall continue in operation until the thirty-first day of December, one thousand nine hundred and fifty-seven, and no longer.

The CHAIRMAN: The Assembly agrees to the Council's amendment subject to the Council's making a further amendment to strike out the word "fifty-seven" and insert the word "fifty-eight" in lieu. The Assembly's reason is—

One year is too short a period to try out the Act.

The CHIEF SECRETARY: I move—

That the Assembly's amendment be agreed to.

I think this is only a reasonable request as by the time the legislation is promulgated and all the machinery is set up and a commissioner appointed a considerable part of the first 12 months will have gone and there will not be much time left in which to gain experience of the working of the measure.

Hon. A. F. Griffith: You said Parliament had accepted the measure, so why seek to amend it now?

The CHIEF SECRETARY: The legislation is practically an accomplished fact so is it not only right to give a reasonable time in which to see how it works? The Government will get a suitable man as soon as possible.

Hon. Sir Charles Latham: It already has a man in mind.

The CHIEF SECRETARY: I do not know anything of that, but it would be ridiculous to offer such a man the job for less than 12 months.

Hon. H. K. Watson: What about a public servant?

The CHIEF SECRETARY: In that case there would not be the same difficulties involved.

Hon. Sir Charles Latham: I thought of Mr. Mathea.

The CHIEF SECRETARY: It might be hard to release him from his present job.

Hon. A. F. Griffith: Does the Government intend to advertise the position?

The CHIEF SECRETARY: I could not say, but it will adopt the best possible means of getting the right man.

Hon. A. R. JONES: The Chief Secretary asks us to accept a two-year period but I see many reasons why we should not experiment for that length of time. Surely by the end of 12 months we should know whether we had the right man as commissioner, whether we had given him sufficient power and whether questions should be referred to the Supreme Court or not! All that will be known within 12 months and then Parliament can make whatever adjustments to the legislation are necessary. I think we should not agree to the Assembly's further amendment.

Hon. L. C. DIVER: I, too, would like to see our amendment left as it was forwarded to another place. If, after experience of this legislation, the scope is not wide enough when the Bill comes before us next year the Chief Secretary will have the opportunity of amending it and, at the same time, renewing it for another year. If, on the other hand, Parliament considers that some parts of it are too harsh we will have an opportunity of rectifying them. Therefore I trust that the Committee will insist on its amendment.

Question put and negatived; the Assembly's amendment to the Council's amendment disagreed to and the Council's amendment insisted on.

The CHAIRMAN: With reference to amendment No. 8, due to the Chief Secretary's amendment on Sir Charles Latham's original amendment to Clause 9 being agreed to, it is necessary to make a minor drafting correction to this clause. This correction merely deletes reference to Subclause (2). This is necessary as the clause now has Subclauses (1) and (6) instead of only (1) and (2). I therefore propose to authorise the Clerk to make the following correction in the reprinted Bill:—

In Subclause (1) of Clause 9, as amended, delete the words "of Subsection (2)."

Resolutions reported and the report adopted.

A committee consisting of Hon. H. K. Watson, Hon. L. C. Diver and the Chief Secretary drew up reasons for not agreeing to certain of the Assembly's amendments to the Council's amendments.

Reasons adopted and a message accordingly returned to the Assembly.

# **BILL—STATE HOUSING ACT AMENDMENT.**

## *Second Reading.*

Debate resumed from the previous day.

**HON. A. F. GRIFFITH** (Suburban) [8.58]: This Bill, the second reading of which I support, does two particular things: It grants a concession to those who are purchasing homes under the State Housing Act, and seeks to clarify the position in regard to the payment of rates by the State Housing Commission to local authorities. The measure will extend the purchasing period from 40 to 45 years; and by doing this, it will bring into line the two other Acts under which the State Housing Commission operates—namely, the War Service Homes Act and the Commonwealth-State Housing Act.

Purchasers will be given the opportunity to change over from leasehold to mortgage conditions; and at the same time, a purchaser will be given the opportunity to purchase the land at the cost at which it was originally appraised, provided there shall be a reappraisal of land values every 20 years.

A situation can arise where a man can buy a house for £2,500, for example, have the land appraised at a value of £100; and, upon the expiration of 19 or 20 years, if he desires to complete the payment of the house, he will find himself subject to a reappraisal of the land, which might be valued at £500 or £600. As members know, the increase in land values in recent years can very easily bring about a situation such as that.

The Bill also provides, as I previously mentioned, for the payment of rates by the State Housing Commission to local authorities. Where it was previously thought that the State Housing Commission was not liable to pay these rates, one particular local authority challenged the commission in the Supreme Court, which ruled in favour of the local authority; and this Bill will have the effect of validating that particular matter so far as the operation of the Act is concerned.

One of the things about this Bill which concerns me is the question of reappraisalment and the period of time or date of the reappraisalment. When introducing the Bill, the Minister said there would be no retrospectivity in connection with leasehold and the consequent reappraisalment of the land, but I am envisaging that a situation might arise where a leaseholder might be transferred. If he has power to sell under the existing Act, I would like to know from the Minister what the situation would be in regard to reappraisalment if he did sell.

I see nothing else in the Bill which I would like to query, and I support the second reading. However, when the Minister replies, or we go into Committee, perhaps he could clear up that particular matter.

On motion by the Minister for Railways, debate adjourned.

# **BILL—WORKERS' COMPENSATION ACT AMENDMENT.**

## *Second Reading.*

Debate resumed from the previous day.

**HON. J. J. GARRIGAN** (South-East) [9.3]: I feel I should say a few words in support of this Bill. In 1954 I was a member of a select committee which went into workers' compensation. This select committee comprised the late Mr. Harry Hearn, Hon. E. M. Davies, Hon. L. A. Logan, Hon. J. Murray and myself. At that time Mr. Davies and I submitted a minority report; and I cannot see why my opinion today should be any different from what it was when I submitted that minority report.

At that time we did a good job. We got compensation up to a certain amount; but we maintained then that the full amount of £2,400 for the widow of a worker was not sufficient compensation, and I maintain that today. In the mining industry it is mostly the younger workers who work in the most dangerous places. These are young chaps of 34 to 45 years of age; and, naturally, the younger the man is, the younger is his family: If that man's wife is left with three or four young children, how can she purchase food and rear her family on such a small amount as £2,400? An amount of £5,000 would not be a penny too much.

I worked underground for something like 25 years. Coming to the "to and from" clause, I would emphasise that a miner has no protection when going to and coming from work unless he is on the staff. I do not see any difference between a staff man and an ordinary worker. I maintain this Bill should be given a certain amount of consideration in the Committee stage, and I support the second reading.

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

# **MOTION—LICENSING ACT.**

## *To Inquire by Select Committee.*

Debate resumed from the 20th November on the following motion by Hon. N. E. Baxter:

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.

**HON. A. F. GRIFFITH** (Suburban) [9.7]: I am at a disadvantage tonight as I have not got very much voice; but I feel I cannot let this motion pass without expressing a few of the opinions I have pointed out in the past, when Bills to amend the Licensing Act have come before this House. I have mentioned that I think it is about time that the Government of the day, whatever its political colour may happen to be, should appoint some committee to inquire into all the phases of the Licensing Act, and not only one or two particular phases. In moving this motion, Mr. Baxter seeks to have a select committee of this House appointed to inquire into all the phases of the Act.

As desirable as I think his intention is, and with every respect to the hon. member, I would venture to suggest that if this motion were agreed to, he would take upon himself a job of very great magnitude. It would be such a task that he and his fellow committee-men would not be able to report back to this House before the close of this session. It would be a job that would occupy a great deal of his time and the time of his colleagues going into all sorts of facets of the industry; and I suggest—with respect to Mr. Baxter—that the person to carry out an inquiry of this nature should be a Royal Commissioner.

Whilst I admire the efforts the hon. member has put forward to have this inquiry undertaken—and in principle I support the motion—I would like to see the Government appoint a royal commissioner so that he could take his time making the necessary inquiries into the Licensing Act and return a report to the Government for its consideration in order that it could subsequently bring a Bill before Parliament which would give Parliament an opportunity of deciding whether the recommendation made could be included in a Bill that would be satisfactory to the legislature of this State.

When we have a look at some of the conditions under which liquor is consumed in Western Australia there is no question that they are unsatisfactory in many respects, and it is time that somebody had a look into the Act to see if improvements can be made. I support Mr. Baxter's move—I feel I must do so to be consistent in my expressions of opinion in this House in regard to licensing matters in previous years—but I do repeat, with respect to him, that I hope the Government will see fit to appoint a Royal Commission to inquire into this matter, rather than place the responsibility on the shoulders of a select committee.

**HON. F. R. H. LAVERY** (West) [9.12]: Like Mr. Griffith I offer respects to the hon. member for bringing this motion before the House, and I rise to speak to the

point raised by Mr. Griffith in regard to a Royal Commission. Having had the experience, with four other members of this House, of a Royal Commission into the petrol industry, I feel that this matter of inquiring into the the Licensing Act is of very great magnitude; and do not consider as Mr. Griffith said, that there are members sufficiently competent to draw out the necessary evidence required.

**Hon. L. A. Logan:** That is a shocking statement.

**Hon. A. F. Griffith:** I did not say that at all.

**Hon. F. R. H. LAVERY:** If members will wait until I have finished, and listen to what I have to say, they will see that no disrespect is intended towards any member. It is a funny thing that, every time I support a measure in this House, I always seem to be offending somebody. I would like to say I claim the same right as any other member in this House to express my opinions; and when I get up to speak, I have not the slightest intention of offending any individual.

I shall repeat what I said: there is no member in this Chamber who has sufficient knowledge or sufficient legal drawing power to elucidate the many ramifications of the licensing laws in this State. I say this because of the experience I, with four other members, had with the petrol Royal Commission, on which some of the best legal brains were engaged.

I would say without fear of contradiction that the local members of the legal profession who represented the oil companies in this State would hold their own anywhere in the Commonwealth. We received evidence on oath, in this Chamber, and we also had documentary evidence put before us. We were assisted by a Crown Law officer in Mr. Dodd who gave valuable service. In spite of all this, I still feel that there was a lot which the Royal Commission never learned about the petrol industry, and is never likely to learn.

**Hon. L. C. Diver:** In what respect?

**Hon. F. R. H. LAVERY:** In this respect, that whatever the oil companies—I mean no disrespect to them—wanted to tell the Royal Commission, they put forward, but what they did not want to tell, they did not put forward; and the same thing will apply in the liquor industry.

**Hon. L. C. Diver:** You have already said we had very good legal advice on both sides.

**Hon. F. R. H. LAVERY:** Yes, but we were not able to draw all the information that we desired.

**Hon. L. C. Diver:** We got all we wanted.

**Hon. F. R. H. LAVERY:** The motion before the House for a select committee is a commendable one; but during the period

I have been a member here, so many attempts have been made to amend the Licensing Act that I think it would require a Philadelphia lawyer to deal with it. Whilst I support the motion, I really feel it is the duty of the Government to appoint a Royal Commission, be it an honorary one or a commission for outside, to inquire into the ramifications of the Licensing Act and the liquor industry in this State.

**HON. L. C. DIVER** (Central) [9.18]: I had not intended to join in this debate, but after hearing Mr. Lavery's statement regarding the recent Royal Commission, of which I was chairman, I think I should have a word or two to say. Mr. Lavery said, in effect, that certain witnesses gave the Royal Commission only the evidence that they wanted us to have. So that no misapprehension might be created by the hon. member's statement, I want to say that—as far as I am concerned, and I think, the other commissioners too—all the evidence that was required, not only by the Royal Commission but by the various interested parties, through their counsel, was drawn out.

When Mr. Lavery made his statement he may, perhaps, have been alluding to the cost of fuel before it came into this country—a question that we did not go into because it was not within our province.

One has only to read the report that we furnished to find that we acknowledged the co-operation that we received from all parties. The job was not an easy one, but what evidence was not given in public session on the floor of this Chamber was given confidentially; and in every instance the witnesses were reminded that they were still on their former oath, and they continued to give evidence. They gave information that was enlightening to the commission. Consequently I think I would be failing in my duty, as chairman of the honorary Royal Commission, if I did not immediately clear up this point.

On speaking to Mr. Baxter's motion, I feel that a Royal Commission is very necessary to deal with this subject—and I do not mean a Royal Commission sponsored by a private member, but one that is the responsibility of the Government. It would be a nice gesture on the part of the Government now—I think it is admitted that it is very necessary for a Royal Commission to inquire into licensing in Western Australia; it has been admitted in Government circles, I might say—to have the debate adjourned and then to make some pronouncement as to its intentions to institute a high-level inquiry into the whole question in this State. I trust that we will not be called upon to declare ourselves on the motion, but that something along the lines I have suggested will be taken up by the Minister.

**HON. J. G. HISLOP** (Metropolitan) [9.22]: I think all members feel it is necessary for licensing in this State to be completely investigated. Mr. Baxter deserves, as he has deserved in the past for his continued efforts in this direction, the thanks of the House for bringing forward the motion. It is clear from the expressions on all sides that this is regarded as a most formidable task for members to undertake as a select committee.

I feel that a request for a Royal Commission would be acceptable to all parties here and for that reason I move the following amendment to Mr. Baxter's motion:—

That after the word "that" in line 1 the words "a select committee be appointed" be struck out and the words "the Government be requested to appoint a Royal Commissioner" inserted in lieu.

This means that we would officially request the Government to appoint a Royal Commission to inquire into the matter. One could speak for hours on this question. Only last night I spoke on certain aspects; and Mr. Baxter had referred to others. I believe that a request from this House to the Government, in view of the statements that have already come from the Government side, would meet with generous consideration and, in fact, might receive a prompt reply.

I trust that Mr. Baxter will not be offended at me for suggesting that the select committee be changed to a Royal Commission, but when one realises the immensity of the work that was done by Judge Maxwell in New South Wales and the immensity of the report that he presented afterwards and the ramifications of the whole industry, which became clear during his investigation, one knows that for us to carry out the same type of investigation—as a select committee—might prove to be most difficult.

A Royal Commissioner with Government backing should be able to present to the Council a report which would allow us, and the Government, to formulate legislation which will bring our Licensing Act into line with modern requirements.

**HON. L. A. LOGAN** (Midland—on amendment) [9.26]: Mr. President—

*Point of Order.*

Hon. Sir Charles Latham: Has the hon. member spoken to the motion?

Hon. L. A. Logan: I am speaking to the amendment.

Hon. Sir Charles Latham: The hon. member, Mr. President, has no power to do so if he has already spoken to the motion.

The President: The question is—

That the words proposed to be left out be left out.

That is the motion before the Chair. The hon. member cannot speak again until we come to the main question.

Hon. L. A. Logan: I understand that the motion before the House is—

That the words be left out.

The President: The question now before the House is—

That the words proposed to be left out be left out.

Hon. L. A. Logan: That is what I am speaking to.

Hon. Sir Charles Latham: Might I ask you, Sir, to read Standing Order No. 386 so that the House will understand it?

The President: Standing Order 386 provides—

A member who has spoken to a question may not speak to any amendment thereon until such amendment has become the main question.

Hon. L. A. Logan: It is the main question.

The President: No.

*Debate resumed.*

Hon. E. M. DAVIES: I move—

That the debate be adjourned.

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

Ayes	17
Noes	6
Majority for	11

*Ayes.*

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

*Noes.*

Hon. N. E. Baxter	Hon. R. C. Mattiske
Hon. A. R. Jones	Hon. J. Murray
Hon. L. A. Logan	Hon. A. F. Griffith
	(Teller.)

Motion thus passed.

*House adjourned at 9.32 p.m.*

# Legislative Assembly

Thursday, 22nd November, 1956.

## CONTENTS.

	Page
Ministerial statement, close of session	2524
Questions : Railways, comparison of fares, W.A. and Eastern States	2525
Education, Rocky Gully school bus service	2525
Sewerage, Bunbury scheme	2526
Electricity supplies, Bunbury power station	2526
Housing, position at Mt. Magnet	2526
Traffic, printing of regulations	2526
Water supplies, (a) Barbalin, Waddourling and Khungagin reservoirs	2526
(b) position at Albany	2526
Hospitals, Pinjarra bed average	2526
Rural & Industries Bank, number of employees	2527
Land, class "A" and "R" reserves	2527
Drainage, work to be undertaken	2527
Assent to Bills	2545
Bills : Licensing Act Amendment (No. 4), 3r.	2527
Criminal Code Amendment (No. 2), report	2527
Factories and Shops Act Amendment (No. 2), report	2527
Loan, Message, £15,915,000, 2r.	2527
Administration Act Amendment, 2r., Com.	2528
Betting Control Act Amendment, Council's amendments	2545
Nurses Registration Act Amendment, Council's amendments	2545
Death Duties (Taxing) Act Amendment, 2r., Com., report	2545
Land Act Amendment (No. 3), Com.	2546
Land and Income Tax Assessment Act Amendment, 2r.	2550
Land Tax Act Amendment, 2r.	2554
Vermis Act Amendment (No. 2), 2r.	2556
Traffic Act Amendment (No. 3), Com.	2556
Profiteering and Unfair Trading Prevention, Council's message	2566
Industrial Arbitration Act Amendment, 2r.	2566

The SPEAKER took the Chair at 2.15 p.m., and read prayers.

## MINISTERIAL STATEMENT.

### *Close of Session.*

The PREMIER: With your permission, Mr. Speaker, I would like to say that it is the desire of the Government to complete