

Legislative Assembly

Thursday, 27th September, 1951.

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

QUESTIONS.

HOUSING.

(a) *As to Commonwealth-State Rental Homes, Wyalkatchem.*

Mr. CORNELL asked the Minister for Housing:

(1) Is it a fact that work has ceased on the Commonwealth-State rental homes under construction at Wyalkatchem?

(2) If the answer is in the affirmative, what is the reason for the cessation of work?

(3) When is it expected that these homes will be completed?

The MINISTER replied:

(1) Yes.

(2) The Commission is experiencing difficulty with the contractor, who has other work in the district.

(3) The Commission is pressing for early completion.

(b) *As to Commission's Investigations of Applicants' Affairs.*

Mr. LAWRENCE asked the Minister for Housing:

(1) Is he aware that the Housing Commission make embarrassing and unnecessary investigations into the private lives of people who may be applicants for State rental homes?

(2) If so, does he condone these investigations?

(3) Is he aware that the Housing Commission advised Charles Arthur Grimes of Coogee Beach camp, an applicant for a State rental home and in constant employment in the city since demobilisation, that he should forego his present employment and return to some job in the country, namely, work at a sawmill where accommodation would be available?

(4) If so, does he not consider this matter of regimentation of labour to be outside the Commission's jurisdiction and would he inquire into the matter?

(5) If these investigations show the complaint to be founded does he not consider that the position of the housing problem is so grave that the Commission are grasping at the least excuse to delay dealing with cases that are undoubtedly urgent?

The MINISTER replied:

(1) No.

(2) Any investigations made are necessary to establish the applicant's need for accommodation and his suitability as a tenant.

(3) Charles Frank Arthur Grimes applied for accommodation in April, 1950, from Coogee Camp. Prior to this date he had been residing for nine months in a cottage at Burekup, where he was employed on a dairy.

As the Commission could not promise early accommodation for him, it was suggested that he might consider taking up employment again outside the metropolitan area, where accommodation as well as employment might be available.

(4) The helpful suggestion did not represent regimentation of labour.

(5) The housing problem is difficult and the Commission is endeavouring to assist applicants in every way possible, but as there are many applicants on the priority lists, it is felt that these must be dealt with in their turn.

EAST PERTH OLD CEMETERY.

As to Proposed Improvement Scheme.

Mr. GRAHAM asked the Premier:

(1) Has he yet finalised a scheme for dealing with the old East Perth Cemetery?

(2) If so, will be outline particulars of the proposed work to be put in hand?

(3) When does he anticipate the work will be commenced?

The PREMIER replied:

(1) Yes.

(2) The work entails renovation and repair of several hundred graves and complete restoration of seven public memorials, also repairing and painting existing fences and providing roads and footpaths, together with grading and grassing of the whole area, including provision of the necessary water supply reticulation.

(3) The work will be commenced as soon as possible, having regard to the many other most urgent works now in course with the Architectural Branch of the Public Works Department.

RAILWAYS.

As to Ore Transport, Meekatharra-Geraldton.

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

Has the Minister for Railways taken into account, in the plans for railway rehabilitation, the expected increase in the development of our mineral resources north of Meekatharra, and if so, when is it expected that the railways will be able to cope with the increased tonnages of ore needing transport between Meekatharra and Geraldton?

The MINISTER FOR EDUCATION replied:

The Meekatharra-Geraldton section is included in the general plans for rehabilitation of the system. No difficulty has been experienced to date in handling ore and other traffic offering, nor is any expected from any present foreseeable development.

HOSPITALS.

(a) As to Tabling Files re Carnarvon.

Hon. A. R. G. HAWKE asked the Minister for Health:

When will she lay on the Table of the House all files and papers dealing with the proposed new hospital for Carnarvon?

The MINISTER replied:

I now table the file. It will lay on the Table until Thursday, the 4th October, 1951.

(b) As to Minimum Ceiling Heights.

Mr. LAWRENCE asked the Minister for Health:

(1) What is the minimum height of ceilings for hospital wards and rooms?

(2) When did this regulation regarding same come into effect?

(3) Do all hospitals, both private and public, conform with the present-day regulation?

The MINISTER replied:

(1) A minimum height is not specified in the regulations, but may be implied from the requirement for 1,000 cubic feet of air space and 100 square feet of floor space for each patient.

(2) The 1st February, 1945.

(3) Not all hospitals have 10ft. ceilings.

CONDENSED AND POWDERED MILK.

As to Prices Commissioner's Information.

Hon. A. R. G. HAWKE asked the Attorney General:

Is the Commissioner of Prices in possession of information regarding the quantities of condensed and powdered milk which were stored in warehouses and factories in Western Australia as at Saturday, the 15th September, 1951; also as at Saturday, the 22nd September, 1951?

The ATTORNEY GENERAL replied:

No.

ROADS.

As to Great Eastern Highway.

Hon. A. R. G. HAWKE (without notice) asked the Minister for Works:

(1) Are any steps being taken to increase the volume of materials and labour at present available for the carrying out of urgently required repairs to the Great Eastern Highway between Perth and Merredin?

(2) How many miles of that highway have been widened to date by grading the road on each side of the bitumen surface?

(3) Is any further widening of that nature to be carried out in the near future?

(4) When is it proposed to reconstruct the worst portions of the highway, especially those between Sawyer's Valley and the Chidlow turn-off, and between the Northam military camp and the Northam municipal boundary?

(5) When is it intended to carry out further work on the highway for the purpose of widening additional portions of the bitumen surface?

The MINISTER replied:

(1) Materials are available. Manpower is being diverted to maintenance wherever possible having regard to the relative urgency of programmed works in the district.

(2) The work, extending over several miles between Chidlow and Northam, consists of normal shoulder maintenance together with clearing and grading for the improvement of visibility and drainage.

(3) This work will be progressive as conditions permit and having regard to all the other demands on the department's resources.

(4) Some sections of road between Sawyer's Valley and the Chidlow turn-off have been listed for resurfacing with bitumen and this work will be done this summer provided the department's bitumen orders are filled. There is some difficulty regarding the transport of bitumen.

The section from Northam camp to the Northam municipal boundary is being maintained until the necessary reconstruction can be undertaken. Consideration is to be given to the inclusion of this work on next year's programme of works.

(5) The bituminous surface of sections of this road near to Perth where the intensity of traffic is greater than further out will receive attention as soon as possible, having regard to the requirements and relative needs of the main arteries leading to the metropolis.

BILL—REAL PROPERTY (FOREIGN GOVERNMENTS).

Read a third time and transmitted to the Council.

BILL—HOSPITALS ACT AMENDMENT.

Third Reading.

THE MINISTER FOR HEALTH (Hon. Dame Florence Cardell-Oliver—Subiaco) [4.44]: I move—

That the Bill be now read a third time.

MR. MARSHALL (Murchison) [4.45]: I want to have a parting shot at this particular measure because, as I have often stated in this House, I will always fight to the last possible degree against any interference by executives in Perth with the people who loyally serve their districts, such as the hospital committees in the more remote parts of the State. Notwithstanding the amendment successfully moved by the member for Warren, I still do not like this measure because as it has been amended it will still demand that these committees shall confer with the Minister before they finally make appointments of matrons, medical practitioners, managers or secretaries.

I know the feeling of some of these departmental officers. For instance, if a committee situated at Wiluna or Meekatharra desired to make an appointment under any of the headings contained in this measure, and they conferred with the Minister who refused to agree to the appointment, but the Committee made such an appointment, I know full well that that committee would not be treated with the enthusiasm, courtesy and consideration that it would have received if it had not acted with hostility towards the departmental officers.

The Minister for Health: You are a most unfair man.

Mr. MARSHALL: I know all about the Minister. As a matter of fact the Minister is constructed that way. I have heard the same Minister sit here and threaten to thrash a person in this House if only she had the power to do so.

Mr. Yates: Look out you don't get thrashed.

Mr. MARSHALL: People like the Minister do not relish it when their feelings are hurt, but they do not care about people in the outback parts of the State receiving unfair treatment. The Minister need not try to put anything up like that.

The Minister for Lands: It would take more than you to make her cry.

Mr. MARSHALL: Make her what?

The Minister for Lands: It would take more than you to make her cry.

Mr. MARSHALL: I think that would be beyond the capacity of the Minister for Lands.

The Minister for Lands: I agree.

Mr. MARSHALL: But I know the Minister for Health fairly well.

The Minister for Health: You do not.

Mr. MARSHALL: Probably not in the sense in which the Minister has interjected. I do not know that the member for Fremantle should laugh so loudly, either, because I think he has accepted invitations. So that is my particular attitude in regard to this measure.

Mr. Grayden: It is a pretty poor one.

Mr. MARSHALL: I strongly resent any interference with a community, or section of a community which renders such valuable voluntary service. It is astounding to observe what the people have done in a little place like Meekatharra. That hospital has been in operation for over 50 years and during that time has not had a hot water system installed. I do not blame the Minister or the department on this occasion because of the possibility of a new building being erected in that centre. But to show the difference in the attitude of the people in these parts compared with those in the city, the residents there immediately got to work and constructed an improvised system and installed it.

Mr. Grayden: And the people in the city do just the same sort of thing when the occasion arises.

Mr. MARSHALL: I am tired of this business of frustrating people who do show some interest in and enthusiasm for the welfare of their own districts and communities.

The Premier: Surely this will not frustrate them; it will help them.

Mr. MARSHALL: Yes, in the direction that I have already indicated. If they do something that is hostile to the department or the Minister, will they get the same treatment from then on?

Mr. Grayden: They will under our Government.

Mr. Brady: Which is your Government?

Hon. J. T. Tonkin: Hope springs eternal in the human breast.

Mr. MARSHALL: Having read the Budget in this morning's paper I know all about the hon. member's Government.

Hon. A. R. G. Hawke: Our Government!

Mr. MARSHALL: The member for Nedlands ought to talk having regard to the 1949 promises made by the Rt. Hon. Robert Gordon Menzies and the Budget presented last night.

Mr. Grayden: You are merely trying to make this a political affair.

Mr. MARSHALL: The hon. member is the last one who should interject along those lines, especially as he is the one who twisted on the Party and then returned to it.

Mr. SPEAKER: Order!

Mr. MARSHALL: That is my attitude to the Bill. I hope that when it goes to another place it will meet its execution.

The Minister for Lands: We will all go there!

Mr. MARSHALL: Some of us will be a little belated in going there. That is my attitude to the Bill and I sincerely hope that another place will defeat it on the second reading or even on its introduction.

Question put and passed.

Bill read a third time and transmitted to the Council.

BILL—FEEDING STUFFS ACT AMENDMENT.

Second Reading.

THE MINISTER FOR LANDS (Hon. L. Thorn—Toodyay) [4.51] in moving the second reading said: The Bill proposes three amendments to the principal Act. Section 5 of the Act deals with the registration of any stock food and a new subsection is added to allow of a registration being amended. At present, if the ingredients are changed, the registration must be cancelled and a new registration made. The amendment will simplify administration and obviate any confusion. Owing to considerable variation in the supply and quality of ingredients, manufacturers of prepared mashes and other stock foods requested that provision be made for amending the registration on the lines provided in the Fertiliser Act. It will be possible to amend the original registration instead of cancelling it. An original application for registration is required to be approved by the Minister, and this will apply to any application for a registration to be amended.

Under the Act at present, Section 5C requires that manufactured food for stock or any by-product shall bear a label showing the name and place of business of the manufacturer and the name of the stock

food. Growers have requested that this label shall also show the chemical analysis of the product. The ingredients of a laying mash could be varied yet the name of the product remain the same, and the grower would not be aware of this change unless he read the "Government Gazette." If provision is made for the chemical analysis to be shown on the label, he will know instantly of any changes in ingredients which take place. I consider the amendment will give protection to the users of prepared stock foods.

The last amendment is simply to remove what is considered to be an anomaly in the Act. Section 5C requires a label to be provided for all packages over 28lb. in weight. However, Section 5D, which deals with invoice certificates, requires them to be given with all packages regardless of weight.

Mr. May: It does not matter much now; we will not have any money to buy them.

THE MINISTER FOR LANDS: We will still need the foods. It is not desired to continue this, and the Bill will amend the Act so that an invoice certificate will not be required for any package unless it exceeds 28lb. weight. The two sections will also be in line. I notice the member for Melville looking at me, but we are making provision now for the chemical analysis to be shown on the label so it will not be necessary to issue the invoice. Bulk supplies from which the smaller packages are drawn would have to conform in every way with the provisions of the Act. Therefore, there is no reason why they should have to apply to the smaller package.

Hon. J. T. Tonkin: Before the Minister sits down, what is the real reason for the introduction of the Bill?

THE MINISTER FOR LANDS: As I mentioned previously, both producers and manufacturers desire these amendments. In reply to the hon. member, if he is seeking any other reason, I might be able to supply him with the answer when in Committee.

Hon. J. T. Tonkin: I want the real reason. You have not given it.

THE MINISTER FOR LANDS: I would say that I have. These notes have been carefully prepared and I have given the reason. I move—

That the Bill be now read a second time.

On motion by Hon. J. T. Tonkin, debate adjourned.

BILL—POTATO GROWING INDUSTRY TRUST FUND ACT AMENDMENT.

Second Reading.

THE MINISTER FOR LANDS (Hon. L. Thorn—Toodyay) [4.56] in moving the second reading said: The Act at present provides for the election of a committee of three members to be known as the The

Potato Growing Industry Trust Fund Advisory Committee. The section of the Act dealing with the tenure of office for members of this committee provides for one member to be nominated by the Minister and hold office during the pleasure of the Governor. The other two members are elected in accordance with the Act, and one is required to retire each year.

Mr. Marshall: Are there two organisations governing potatoes in this State?

The MINISTER FOR LANDS: Not that I know of. This, of course, means an election each year. At each of the last two elections only one nomination has been received for the vacancy on this committee, and the Bill makes provision for the two elected members to hold office for a period of three years. The amendment is so framed that both the present elected members will retire in 1952. An election will then be held in accordance with Section 6, Subsection (4), of the Act and those elected will hold office for a period of three years. The term of office of the member elected in 1949 has been extended until 1952 to coincide with the retirement of the other elected member. The amendment will remove the difficulty of having to obtain a nomination each year, and will also save the cost of an annual election.

A further amendment raises the contribution to the fund. At present the rate is one penny for every hundredweight of potatoes exported or sold, and it is desired to raise this amount of contribution to twopence. Before a decision was made in this regard, the Potato Growers' Association was consulted and that organisation is in complete agreement with the levy of an additional penny per hundredweight. Money has depreciated in value and costs have increased since the original levy was struck in 1947, and the increase is necessary to ensure that the fund will be able to compensate growers in the event of losses and meet other charges which are required by the Act.

The next amendment deals with the date on which the financial year ends. Under the Act at present, the financial year ends on the 31st July, and accounts must be balanced each year on that date. The Trust Fund Committee and the Potato Growers' Association have recommended that the financial year for the Trust Fund should end on the 30th September, instead of the 31st July, and an amendment to this effect is included in the present measure. The financial year of the Potato Marketing Board and the Potato Growers' Association ends on the 30th September, and the amendment has been included simply for convenience of administration. I move—

That the Bill be now read a second time.

On motion by Mr. Hoar, debate adjourned.

BILL—PRICES CONTROL ACT AMENDMENT (CONTINUANCE).

Second Reading.

Debate resumed from the previous day.

HON. A. R. G. HAWKE (Northam) [5.0]: This Bill proposes to continue the existing legislation in connection with the control of prices in Western Australia from the 31st December, 1951, to the 31st December, 1952. There can be no doubt at all about the necessity to pass this Bill because there is every need to continue legal control over prices for at least another year. I think the views of even the Attorney General have changed considerably in recent months upon that point. I say that because a few weeks ago he, in common with the Prices Ministers from the other States, agreed to reimpose price control over a considerable number of commodities which had previously been de-controlled. In addition, too, he agreed with the Prices Ministers of the other States to establish maximum prices in relation to a large number of commodities at the figure at which those commodities were being sold in July of this year.

All the evidence accumulating from the de-control of commodities has shown very clearly that de-control is certainly not the answer under the conditions which exist in Australia at the present time. It would not be exaggerating to say that the actions of the Prices Ministers last year, and early this year, in de-controlling so many commodities were responsible for allowing many of the firms concerned to have an open go in their exploitation of the public generally. Indirectly, if not directly, the result of that must have been to force the general price levels up and thereby to add substantially to the process of inflation within the Commonwealth.

Today I asked the Attorney General a question as to whether the Commissioner of Prices was in possession of information regarding quantities of processed milk stored in factories and warehouses in this State as at certain dates. The Attorney General told us in reply that the Commissioner of Prices had no such information. I asked that question because a very serious shortage of condensed milk, powdered milk and other processed milk has developed over the last several weeks. It was also known that a price rise for these products was coming up, or was likely to be granted, within a reasonably short period. There must have been very fierce competition amongst many business firms in Australia over the last two or three years in regard to the highest percentage of profit which could be taken on invested capital, even on fictitious capital, and also in regard to the highest rate of dividend which these firms might declare.

There is little doubt that many firms practise most questionable methods in their anxiety to make as much profit as possible, and this method of holding goods and keep-

ing the public short of them until a price rise is granted is one of the most outstanding methods used by the firms in question. We had a classic example of this earlier this year when there was an acute shortage of sugar supplies in Western Australia. The shortage was not created because a refining company in this State was not making normal supplies available to the warehouses and other wholesale distributors; it was created at that time because someone between the refining company and the retailers was hanging on to large quantities of sugar, well knowing that an increase in the price of that commodity was likely to take place in a short period of time.

Because of that, and because of the present situation in regard to processed milk of various kinds, I want the Attorney General to tell us whether the existing Act, or any regulations issued under the Act, gives to the Commissioner of Prices power to ascertain at any time the quantity of goods of any particular class within a factory, within a warehouse or within the premises of any other wholesale establishment. If the Act does not give the Commissioner of Prices that power, and if no regulation can be issued under the Act to give him that power, then the time is long overdue for the law to be amended to enable the Commissioner to have such legal authority.

It is a wicked state of affairs, Mr. Speaker, when this sort of practice can be used by companies to exploit the public, and it is particularly wicked when companies manufacturing and trading in vital necessities such as foodstuffs and the like, are able to practise this kind of chicanery upon the consumers of the State. I am surprised also that the Government has made no attempt to amend the principal Act, or the sections of it that set out the penalties a court is entitled to impose upon any person found guilty of breaching its provisions. Only three or four weeks ago we read the remarks of a magistrate who, in one of the courts, declared quite strongly that the penalties provided in the Act were far from sufficient to have any effect of a deterrent nature upon profiteers and would-be profiteers. He had found a businessman guilty of having overcharged the public and expressed regret that he was not able to impose a more severe penalty. He further voiced the opinion that in addition to imposing a monetary fine by way of a penalty, the court should also have authority to issue an order against the person found guilty, to refund any overcharge ascertained by the price-fixing authorities.

The Attorney General: The price-fixing authorities have power to do that.

Hon. A. R. G. HAWKE: Have they done it?

The Attorney General: Yes, in many instances.

Hon. A. R. G. HAWKE: I have no option but to accept the assurance of the Attorney General that the authorities have done that in many instances. When the House resumes its sittings after next week I will ask the Attorney General, by way of questions on notice, to give us the exact number of instances during, say, the last 12 months, the names of the firms that have been compelled to so act and the amounts of the overcharges they have been forced to refund. I am sure we will all be very interested to know how those refunds of overcharges are enforced by the Commissioner of Prices on the firms in question.

It will be quite clear that the firms could not refund the overcharges to the customers who had actually suffered through paying prices above the maximum allowed. In any event, it seems to me that there should be some additional penalties provided. We should increase the monetary penalties; and, if there are imprisonment provisions set out in the Act, they should also be increased in severity. We should insert in the Act, too, provision for minimum penalties of a very severe type.

I look upon profiteering in this period, particularly in regard to essential requirements, as being quite as bad as the action which some people in our community take who come into the possession of building materials by dishonest methods. It seems to me, therefore, that an amending Bill should be brought in very quickly to provide for very drastically increased penalties and decidedly much higher penalties than those that are now set out in the Act. There can be no doubt at all that the Commonwealth Budget, which was introduced in Canberra yesterday, will very greatly intensify the process of inflation in all the States.

Mr. J. Hegney: They did not miss a trick.

Hon. A. R. G. HAWKE: Prices will be forced up much higher very soon and there will be at least very substantial quarterly increases in prices from now onwards. In the circumstances, control over prices will have to become much more severe if the public is to be protected against those business firms and businessmen who, no matter how desperate the situation may be, take advantage of every opportunity to profiteer against their own customers and the community generally. As I see it, if we, as a Parliament, do our duty in view of existing circumstances, we should make our price-control legislation many times more severe in its provisions than it is today. I should say that the Minister for Prices should see that the enforcement of the Act is made many times more rigid than appears to have been the case during the last three years. We had an experience recently of what some business people will do with regard to prices, when

the State Government acted precipitately in pushing up the price of butter to retailers to the extent of 1s. per lb.

The Premier: Not precipitately, but belatedly.

Hon. A. R. G. HAWKE: Blatantly?

The Premier: No, I said "belatedly."

Hon. A. R. G. HAWKE: I think "blatantly" would be the more appropriate word.

Mr. Marshall: Yes.

Hon. A. R. G. HAWKE: However, we will not argue about that at this stage. On that occasion many retail traders pushed up the price of butter to the consumers by 1s. per lb. some days before they were legally entitled to do so.

Hon. J. T. Tonkin: The Premier thinks that is all right.

Hon. A. R. G. HAWKE: Newspaper reporters were dashing around the suburbs visiting various retail shops and checking up on those retailers who were plundering the public to the extent of 1s. per lb. extra for butter. From all the information we have been able to squeeze out of the Minister for Prices in connection with that episode, not even one officer of the Prices Control Branch was out checking the price at which butter was being sold to the public on that occasion. It is true that the Minister assured us later, when questions were put to him, that his officers were investigating the matter thoroughly and that prosecutions would be launched against persons who were found to have been guilty of offending against the Act along those lines. We have had no information since as to whether his officers have found even one case of overcharging. Consequently, there is an urgent and much greater need for the policing of the Act and for its enforcement to be intensified.

It seems to me that the time is long overdue when the Minister should arrange for his officers to investigate much more deeply the costs which firms put before the Prices Commissioner as a justification for charging higher maximum prices to the public. There must be some items of cost submitted to the Commissioner which have been allowed and which, in the economic crisis in which we find ourselves, should have been disallowed in the interests of the State and of the nation as a whole. If the Governments of the several States continue along the lines they have been following during the last three years in the control of prices, the economic crisis, in which we now find ourselves and into which the recent Federal Budget has put us more deeply, will change to an economic tragedy of unprecedented proportions for the people of Australia.

I am appealing to the Minister and to the Government to wake up, if they will and can, to the extraordinary seriousness of the inflationary situation. I want the

Government, through the Prices Commissioner, to ferret out with all the power at its command, the fictitious costs put up by business companies in relation to their activities and to the maximum prices which they claim they should be permitted to charge. We know that there has been no end of commercial racketeering going on in Australia during the last three years. We know that the accounts of a number of business companies have been juggled in such a way as to load the costs of production fictitiously to a very great extent. We have only to read the financial columns of "The West Australian" from day to day to find much evidence of that. We do not need to use our imagination very much, either, to think to what lengths some firms have gone to cover up the real extent of the profits they have plundered out of the people in recent years.

We read in the newspapers of companies issuing bonus shares. Every bonus share that is issued pushes up the cost of production, because it becomes part of the capital of the company, although it is fictitious and not one penny of extra capital has been subscribed by anybody. This, in turn, gives the firm concerned justification for seeking higher prices on the basis that it is entitled to earn at least the same rate of profit on its capital as it earned in the previous year. We know that most companies have earned much higher profits in each succeeding year since 1948. The reply of the Attorney General to this is that such companies are entitled to do so because of the change in the value of money, because of the lessened purchasing power of money. His protest on that point is an amazing commentary upon the solemn undertaking of his colleague in the Commonwealth Government to put value back into the pound.

I say that in this economic crisis, which has been very greatly intensified during the last two days, the most severe control possible should be exercised over business firms and their methods, especially in regard to the creating of fictitious capital, to the building up of huge reserves, sometimes secret reserves, and to the covering up of profits to such an extent as, in many instances, to make their declared profit appear to be fair and reasonable. Therefore, the Government, and especially the Minister, should take off their kid gloves and tackle the situation in the most severe manner possible.

If the Government carries on along the same more or less go-as-you-please lines as during the last three years, the public generally in this State will suffer ever so much more severely than they have done, as a result of the unjust prices they will have to pay for many classes of commodities. I know that members of the Government have not so far realised that there is an economic crisis in Australia. They have not so far realised that there is any serious economic situation. They are a bit like the Prime Minister—they were absolutely

ignorant of the existence in Australia of any economic dangers until a few weeks ago when the Commonwealth basic wage suddenly jumped up 13s. a week.

Mr. J. Hegney: And the Commonwealth loan failed.

Hon. A. R. G. HAWKE: It is true that, after that, the Governments began to realise that everything in the garden of our economic system was not as lovely as they blissfully imagined it to be. However, since then, they seem to have fallen back into their semi-somnolent state in connection with this most outstanding and urgent problem. Consequently, today I am trying to impress upon the Government, and especially upon the Minister, the danger and urgency of the matter in the hope that the Government will give a practical demonstration of having developed a reasonably full appreciation of just what is involved. If the members of the Government are content to allow the economic system in this State to go quickly to rack and ruin, that may be all right from the point of view of individual Ministers, but it would be a dreadful situation for the people of the State as a whole. The Minister may say that Western Australia cannot do much on its own, but it could do something on its own along the lines I suggested a few moments ago. It could even take the lead with the other States in this matter.

In my judgment the time is long overdue when the State Governments as a whole should force the Commonwealth Government to take back the very great task of controlling the price level in Australia. That responsibility should never have been taken from the Commonwealth. It was taken away in May, 1948, by the people of Australia at the referendum at that time; and every day from the time the States established their control—which I think was in September of 1948—more and more people have come to realise how tragic was the mistake made at that referendum.

Today the overwhelming majority of the people of Australia would favour a return of the control of the price level to the Commonwealth authorities. That is where it rightly belongs. Why should six separate State Governments have the responsibility of trying to control the price level in an economic situation such as the one we have had during the last three years and particularly in one such as we have today, which will become worse from now onwards as a result of the operation of the proposals contained in the recent Commonwealth Budget?

I support this Bill because, as I said at the beginning, it provides only for the continuance of the legislation now in force during the year 1952. However, this Bill is woefully short of all that is required. It constitutes a very grave reflection upon the Government, because it demonstrates its absolute failure to

realise even to a small extent just how serious the situation is. Fancy any Government, State or otherwise, coming forward at this stage, in view of all the existing circumstances, with a Bill in connection with prices, the only aim of which is to continue the existing legislation and to continue it without alteration of any kind! I cannot imagine that the Government could possibly be satisfied with its action in that regard; yet the Bill speaks for itself.

I urge upon the Government the necessity to take steps immediately to expand the Act, and I have explained during my speech two very important matters in connection with which it could with advantage to the people of the State be expanded. I know the Attorney General is not authorised at this stage to give any undertaking on the part of the Government that it will bring in another Bill to amend the Act and to add to the Act, because only the Government as a whole could make that decision.

However, the Attorney General should give an undertaking to the House that he will bring before the Government at an early date, for consideration and decision, the suggestions which I have made for the amendment of the Act. Unless the Government does take practical action along the lines I have suggested, it will find the provisions of the existing Act short of requirements, more especially in the much worsened situation which the Commonwealth's Budget proposals in operation will create in the prices field. There is no option but to support the Bill and I do so reluctantly, for the reasons I have stated, being disappointed indeed to find that it is nothing more and nothing less than a mere continuance measure.

THE ATTORNEY GENERAL (Hon. A. V. R. Abbott—Mt. Lawley—in reply) [5.37]: I want to reply briefly to some of the comments made by the Leader of the Opposition. Firstly, I would like to mention bonus shares. I know that many companies have been issuing bonus shares, and more particularly in respect of written-up real estate. The value of the real estate is written up in their books and bonus shares are issued in respect of it. But I can assure the House that that is not taken into account in any way in computing the prices of any commodities. No increase has been allowed since 1942 in the book values of any of their assets.

Mr. Graham: It would make a 50 per cent. dividend look like 7 or 8 per cent.

The ATTORNEY GENERAL: Yes. But the system on which the computation of a fair price is made is based on the actual funds engaged in the industry, and the increase in the value of plant which has been held for some considerable time is not allowed for in any way. An increase

in the way of new plant is, of course, taken into account. The Act is one of the most severe measures this House has passed. Many members permitted its passage only because they realised the very great emergency which faced this country when the measure was submitted. It gives power to make regulations of an extremely severe kind.

Hon. A. R. G. Hawke: The emergency is much greater now.

The ATTORNEY GENERAL: I agree that the emergency is very great, but there are very severe powers in this Act. I would like to mention a few of them. For instance, the Commissioner or an officer authorised by him can summon any witness and examine him, and anyone who fails is subject to heavy penalties. He has power to obtain all information. He also has power of search. So, there are severe powers in the regulations. The penalties are not unsevere, because the maximum penalty for a simple offence, or in summary jurisdiction, is £100 and six months' imprisonment.

Mr. Marshall: Will you explain a simple offence compared with an indictable one?

The ATTORNEY GENERAL: Yes.

Hon. A. R. G. Hawke: A fine of £100 is very small.

The ATTORNEY GENERAL: The maximum penalty on indictment is £500 and two years' imprisonment and, in addition, the court may order the forfeiture of any money or goods in respect of the offence.

Hon. A. R. G. Hawke: The maximum monetary fine in each instance is really very small.

The ATTORNEY GENERAL: It is £100 for each offence—for each article sold.

Hon. A. R. G. Hawke: The business firm concerned would probably make ten times that amount by the overcharging.

The ATTORNEY GENERAL: In my introductory speech, I pointed out that usually there were a number of charges to each prosecution. The penalties are fairly heavy. I was asked to explain the difference between an indictable and a simple offence. A simple offence is one that can be dealt with in a court of summary jurisdiction, whereas an indictable offence is dealt with in the Supreme Court.

Mr. Marshall: Is that the only distinguishing factor?

The ATTORNEY GENERAL: Yes. The penalties imposed for an indictable offence are usually much heavier than those permitted to be imposed by courts of summary jurisdiction.

Mr. Marshall: Why are some accused people asked whether they will be dealt with summarily, or otherwise?

The ATTORNEY GENERAL: For certain offences, an accused person has the option of saying whether he will be dealt with summarily or stand his trial, upon indictment, before a judge and jury.

Hon. J. B. Sleeman: The magistrate decides that.

The ATTORNEY GENERAL: No, the accused. In all cases of stealing, other than those of a petty nature, the accused has the option of being tried by a jury, upon indictment, or dealt with summarily.

Hon. A. R. G. Hawke: Does the Minister decide which type of prosecution is to be launched under the Act?

The ATTORNEY GENERAL: Yes; after receiving appropriate advice.

Hon. A. R. G. Hawke: Have there been any prosecutions upon indictment?

The ATTORNEY GENERAL: No.

Hon. A. R. G. Hawke: I thought not.

The ATTORNEY GENERAL: I appreciate that these are times of great economic stress and difficulty, and that the Act should be enforced with the utmost strictness. Some little time ago I, and the Government, felt that the penalties being imposed were not commensurate with the offences, so under my instructions a senior law officer of the Crown specially appeared in the Police Court, in addition to the usual prosecuting officer, and placed the views of the Government before the court. I suggest that as a result much-increased penalties have been imposed. I want to make it quite clear that the Government regards breaches of the Prices Control Act as being of the utmost importance. I think I have answered most of the questions raised by the Leader of the Opposition.

Question put and passed.

Bill read a second time.

In Committee.

Mr. Perkins in the Chair; the Attorney General in charge of the Bill.

Clauses 1 and 2—agreed to.

Clause 3—Amendment of Section 18:

Hon. A. R. G. HAWKE: The Attorney General, in his concluding remarks, said that he had answered all the questions asked by me.

The Attorney General: That you asked me to answer.

Hon. A. R. G. HAWKE: An important question with which he did not deal was the one I asked in regard to his giving an undertaking to the House, if he could see his way clear to do it, to take to a Cabinet meeting in the near future the suggestion I made for amendment of the Act. My suggestion, first of all, was in regard to the holding in factories, warehouses or other wholesale establishments, essential commodities for the purpose of selling them at a higher maximum price,

when an anticipated price rise takes place; and, in the second place, that there should be a severe revision of the penalties provided in the Act. In reply to me the Attorney General said he had not authorised a single prosecution, under the provisions of the Act, for hearing and determination by the Supreme Court. Instead he authorised them all to go before magistrates, which proves my contention that this Government is administering the Act in a free and easy way instead of using it to the fullest extent to reduce profiteering in this State to a minimum. Section 16 of the Act sets out the conditions to apply to the trial of offences under its provisions and, in part, it reads—

(2) An offence against this Act may be prosecuted either summarily or upon indictment, but an offender shall not be liable to be punished more than once in respect of the same offence.

(3) The punishment for an offence against this Act shall be—

- (a) if the offence is prosecuted summarily—a fine not exceeding one hundred pounds or imprisonment for a term not exceeding six months; or
- (b) if the offence is prosecuted upon indictment—a fine not exceeding five hundred pounds or imprisonment for a term not exceeding two years.

The Attorney General, by his answer to my question, has indicated that the Government does not attach great importance to offences against the Act but looks on those who overcharge and profiteer as persons who should be treated leniently.

The Premier: He did not say that.

Hon. A. R. G. HAWKE: As I have told the Committee, the maximum fine under the Act for an offence prosecuted by indictment is five times greater than for an offence prosecuted summarily, yet the Attorney General has sent all these offences prosecuted by the Prices Control Branch before magistrates, where the maximum penalty is only £100—

The Attorney General: And six months' gaol.

Hon. A. R. G. HAWKE: —and six months' gaol, whereas if he had done his duty to the people of the State he would in most cases have seen to it that those offences were prosecuted on indictment when the maximum fine could have been £500 and the maximum term of imprisonment five years. It would appear that the Government has one set of rules for the business community and another for the rest of the people. It was a terrible confession for the Attorney General to make, even if he did not realise what it would mean.

The Attorney General: I made no confession. I fully appreciate the position.

Hon. A. R. G. HAWKE: If not a confession, it was an amazing piece of information for members and, I think, for the public generally. As I have pointed out previously, the Act contains no provision for a minimum penalty which, especially in the circumstances created by the new Commonwealth Budget, it should contain. During the last few days we have had in this House hours of discussion on the necessity for heavier maximum and minimum penalties for those who come dishonestly into possession of building materials.

The Premier: I have heard it said in this House that to take away a magistrate's discretion in regard to the amount of a fine is a bad thing.

The Attorney General: The House would not agree to indictment the other night when members spoke of making a man a criminal.

Hon. A. R. G. HAWKE: The House voted for it in one instance.

The Attorney General: Not for indictment.

Hon. A. R. G. HAWKE: Yes. The House raised no objection and certainly not to Clause 4 of that Bill which provided for prosecution by indictment.

The Attorney General: You know why that was; it slipped through.

Hon. A. R. G. HAWKE: I do not know, Mr. Chairman, whether you as Chairman of the Committee can call on the Attorney General for reflecting upon the Committee as it was constituted when that Bill was before it. In view of the Attorney General's confession and the fact that there are no minimum penalties provided for in the Act, the Government must, for the welfare of the public, bring down an amending Bill to provide minimum penalties.

Mr. Marshall: Either that or make all the offences indictable.

Hon. A. R. G. HAWKE: If the Government does not bring down such a Bill within the next two weeks I shall do so.

The Premier: You are making a lot of threats.

Hon. A. R. G. HAWKE: I am making no threat. I am convinced that such action is long overdue. In view of the new Commonwealth Budget proposals and the present prices situation, the Premier must know that further inflation will follow unless drastic steps are taken by the States of the Commonwealth more firmly to control maximum prices. I again ask the Government to bring down a Bill to amend the Act so as to make it more effective. If the Government does its duty to the people of the State it will follow the course I have outlined.

Mr. GRAYDEN: I intend to oppose this clause because I do not believe that the Government is carrying out the right policy in regard to price control.

Hon. J. B. Sleeman: Is it not severe enough?

Mr. GRAYDEN: The whole policy of the Government is directed towards keeping down the price of basic essentials. The "C" series index reflects the price of basic essentials and, if the price of those basic essentials is kept down, so the basic wage is kept down. Everyone in this Chamber knows that there are many things which the working man buys that are outside the "C" series index, and those items increase in price while others contained in the "C" series index are kept down to below normal. Because the basic wage is based on the items contained in the "C" series index, the basic wage is kept down below normal. If a man wants to buy an item which is outside the "C" series index he has to pay double, or sometimes treble, the price of comparable items in the "C" series index. That is entirely wrong. If a man does a fair day's work he is entitled to a fair day's pay.

Hon. J. B. Sleeman: You had better come over here.

Mr. GRAYDEN: But members opposite also have an entirely wrong attitude towards price control. To give the working man a fair deal we should not control the essentials, but should control luxuries.

Hon. A. R. G. Hawke: We will do that too.

Mr. GRAYDEN: I say that because luxury items are the ones that show the greatest increase in price. We have the Commonwealth Government today classing as luxuries washing machines, refrigerators,—

Mr. Graham: And ice creams and razor blades.

Mr. GRAYDEN: Yes. To my mind that is entirely wrong.

Hon. A. R. G. Hawke: Hear, hear!

Mr. GRAYDEN: Surely it is not suggested that we can do without razor blades.

Mr. Manning: Grow a beard!

Mr. GRAYDEN: Are they not part of our every-day life? Are razor blades a luxury? I do not think most men would consider them as a luxury.

Hon. A. R. G. Hawke: Whiskers Blake thought they were.

Mr. GRAYDEN: When men get up in the morning I do not think they consider it is a luxury to shave. Yet the Commonwealth Government is placing a tax upon razor blades and classing them as a luxury. It also classes as a luxury women's string shopping bags, cosmetics and various other items. That is an entirely wrong principle.

Mr. Manning: You will have to get your wife a sugar bag for shopping.

Mr. GRAYDEN: Why should the workers, who comprise the great body of this country, be penalised by a price control policy which is directed towards keeping down their incomes and putting up the incomes of other people? We have the position today where the production of essential items is being hampered and hamstrung by the policy of the Government.

Hon. J. B. Sleeman: I do not know what you follow it for.

Mr. GRAYDEN: One has to take in the large view. The production of items essential to our everyday life, such as bricks and other items, has been hamstrung by the price control policy of our Government and I have no doubt that the same policy would be continued by members opposite.

Mr. Brady: You are spoiling a good speech now.

Mr. GRAYDEN: The hon. member said that the last time I spoke. To satisfy the member for Guildford-Midland, I have to speak entirely against the Government.

Hon. A. R. G. Hawke: You would be justified.

Mr. Graham: You have plenty of material to work on.

Mr. GRAYDEN: If profit is rigidly controlled on essential items used in our everyday life, surely people will invest their money in some product which is not controlled where they have a chance of making a reasonable return. Yet we control all the essential items for industry. Do members consider that that will increase production in our primary industries? If we are to have price control, let us control luxury goods because they are not reflected in the "C" Series index.

Mr. Marshall: What would you call a luxury? I have not heard anyone define it yet.

Mr. GRAYDEN: Surely, if the hon. member is so ignorant that he does not know what a luxury means, I am hardly justified in standing up and describing it for him.

Hon. J. B. Sleeman: A motorcar would be described as a luxury.

Mr. GRAYDEN: In some cases yes; in other cases no! The State Government has little hope of controlling prices at present. By controlling, I mean keeping them down to a reasonable level, because there are other factors entering into the question of prices which are entirely beyond the control of State Ministers and which they cannot hope to overcome. In Australia today we have a great defence programme and a great developmental programme.

Mr. Graham: In Victoria, for instance.

Mr. GRAYDEN: The member for East Perth says Victoria.

Mr. Graham: We did have one there.

Mr. GRAYDEN: I think the hon. member is forgetting the changeable attitude of the Premier of Victoria. I have little sympathy for a man who believes in principles which are embodied in the policy of the parties on this side of the House and yet has opposed them, merely to continue in government. I would place little credence on the views of such a person. We have a great immigration programme in train in Australia today. I hope members realise what those three programmes mean, because every pound that is spent for defence, for development and for immigration does not give an immediate return in consumer goods. In other words, a lot of money is invested in these things; large incomes are built up; many people are working in these different spheres receiving income, yet they are not producing consumer goods, but have that money to spend. That means that the money is there to produce the goods without the relative consumer goods being produced. If that is so, it surely has a great inflationary effect on the economy of Australia. If one generates income without generating an increase in the production of goods to soak up that income, surely a severe inflationary tendency must be created. We are spending hundreds of millions of pounds.

Mr. Lawrence: How do armaments produce consumer goods?

Mr. GRAYDEN: As I have been pointing out for a long time, armaments do not produce consumer goods.

Mr. Lawrence: I must have misunderstood the hon. member.

Mr. GRAYDEN: The hon. member must have done so. I have been saying for the last five minutes that these investments do not produce consumer goods.

Mr. Lawrence: Not immediately.

Mr. GRAYDEN: No, not immediately. Development and developmental schemes such as that at the Snowy River will in time produce consumer goods as will also immigrants, although not immediately. However, as they become absorbed in industry, they will also produce consumer goods. So, as I cannot give the answer to one without giving an answer to the other, unless I generalise—

Hon. J. T. Tonkin: What is the definition of "consumer goods"?

Mr. GRAYDEN: Consumer goods are goods consumed by the public.

Hon. J. T. Tonkin: Then the hon. member must change his speech a bit.

Mr. GRAYDEN: In what way?

Hon. J. T. Tonkin: The machinery produced for the Snowy River scheme, according to that, would come within the category of consumer goods.

Mr. GRAYDEN: Oh, no!

Hon. J. T. Tonkin: Oh, yes!

Mr. GRAYDEN: That machinery is not consumed, but is used for the purpose of production, which is entirely different from immediate consumption.

Hon. J. T. Tonkin: Then you mean all consumer goods that will disappear and cease to exist.

Mr. GRAYDEN: Yes, or bear a limited life without increasing production.

Sitting suspended from 6.15 to 7.30 p.m.

Mr. Yates took the Chair.

Mr. GRAYDEN: Before the tea suspension I was dealing with the effect of immigration, development and defence upon the question of prices. I will return to that subject later, but I would like now to deal with the effect of the prices control legislation at present in existence in this State upon free enterprise. The position at present is that people in business in this State must give a large portion of their time filling in forms and gathering material for the Prices Branch, and the effect of all that work and the man-hours spent in doing it is nil.

Mr. May: You have to be paid for it.

Mr. GRAYDEN: The private business man does that work without a penny of payment.

Mr. May: I mean the company.

Mr. GRAYDEN: I fail to see how the company gets paid for doing the work of furnishing these returns and so on, because the employees spend so many hours doing it and it is not taken into account in the prices. These people are providing a service to the community enforced by the Government which is of no real value to the public at all. These man-hours have to be spent without increasing production or lowering prices in any way so that the information collected can be put on a file.

I think the Government should get away from the idea of price control legislation and allow something for the honesty of the ordinary business man; we would then be far better off. Price control should be held purely as a reserve force to be invoked if necessary where obvious exploitation of the public is taking place.

Mr. May: You are about 50 years ahead of the Liberal Party, anyhow.

Mr. GRAYDEN: That may be so or it may not. I am merely expressing my views as a private member in this House and I wish more members would do the same.

Hon. A. R. G. Hawke: Hear, hear! So does the Attorney General wish that.

Mr. GRAYDEN: If we kept price control to be invoked when the occasion arose the ordinary business man would be far better off and would be able to pass on that advantage to the public. Today we have price control on commodities on which there is no necessity for that con-

trol. If left alone business men would have no intention of building up the prices of their commodities. We have commodities in keen competition under price control, but if left to themselves they would not rise in price. On the other hand there are commodities through which the public is being exploited and they are not subject to price control. Surely we must allow the ordinary business man to make sufficient to live on. What is our prices policy doing to the butcher who is trying to be honest? If the ordinary butcher is honest he cannot live.

The Attorney General: That is not correct.

Mr. GRAYDEN: It is that close to it that he would have to live on skin and bone.

Hon. A. A. M. Coverley: So close that it does not make much difference.

Mr. GRAYDEN: We keep these people on a fixed price assuming that the wholesale price at which they purchase their goods for retailing is a certain figure. But, in fact, they cannot buy those goods at that figure which means that if they are honest and sell their goods at the retail price they cannot get that margin which the Attorney General thinks is good enough to live on. That margin to which the Attorney General refers is the very minimum. We must bring common-sense into this legislation and recognise the facts of the case, and allow these people to support themselves without having to resort to breaking the law.

By the recent Federal Budget the sales tax on cosmetics has been increased. Everyone knows that the actual production costs of cosmetics are very low and usually the costs of the advertisements far outweigh the production costs. Members will appreciate that these goods are essential to the womenfolk of this community, and I would say that today cosmetics are a necessity. No woman will appear in public without using some cosmetic as make-up, yet we class that as a luxury. There is no price control on cosmetics. Surely the right policy is to use our price control to keep the price of cosmetics down. Does the Prices Branch pay any attention to this? None at all! The members of the Opposition claim to represent the worker, and I believe that they try to do so. In the matter of price control, however, they make a very poor attempt. Surely a person in receipt of the basic wage is far worse off if he has to receive a wage based on goods the price of which is kept artificially low while the cost of everything else he buys is allowed to go sky-high.

Mr. Hoar: Mr. Menzies will alter all that.

Mr. GRAYDEN: Perhaps the hon. member knows what is in Mr. Menzies's mind and how the Commonwealth Parliament will legislate.

Hon. J. T. Tonkin: That is rather funny because it is your Government that decides which goods shall be controlled as regards price, not us.

Mr. GRAYDEN: Exactly, and I disagree with that policy. I have not heard any member of the Opposition say anything about that.

Hon. J. T. Tonkin: You must have been asleep.

Mr. GRAYDEN: To what items did members of the Opposition ever refer?

Hon. J. T. Tonkin: We have been protesting every year.

Mr. GRAYDEN: What item have they ever said should be included in the "C" index series?

Hon. J. T. Tonkin: You were here when I dealt with this subject and pointed out that the Price-fixing Commissioner had raised the price of commodities not in the "C" index series, and had reduced it on other items when he allowed the 22 per cent. profit to retailers.

Mr. GRAYDEN: Yes, but the hon. member did not suggest that those items should be decontrolled and no price fixed.

Hon. J. T. Tonkin: I suggested that all those items should be controlled.

Mr. GRAYDEN: Exactly, and I am saying just the opposite. I say the items should not be controlled which, I think the hon. member will agree, is an entirely opposite point of view. If we want a reduction in the price of basic essentials, we should allow a margin of profit sufficient to provide an incentive for people to enter into the production of those commodities. We should not say to them that they can have a profit margin equal only to that which they would derive from investments in Commonwealth bonds. Such a policy must inevitably serve to lessen the amount of money invested in the production of essential commodities. If a person can make only 4 per cent. by risking his money in some form of production, he might easily prefer to invest his money in Commonwealth bonds and make 3½ per cent. without any risk whatever. If we were to say to a man that we would give him 5 per cent. margin of profit on the production of luxury goods but in respect of essential products he could have a profit of 10 per cent., the money that would be put into the production of basic essentials would be such that there would be sufficient competition created to reduce the price of those basic essentials to something below present levels, with the goods in plentiful supply.

There is the matter of bricks. While we have the price of bricks controlled and keep those concerned in the production of that commodity down to a minimum of profit, there is no incentive whatever to expand production. Thus we shall not get any increase in the production of bricks. I feel that price-control could be used as an

instrument of Government policy, that we could allow a greater percentage of profit and a larger price for bricks and for other much-needed materials and commodities, so that there would thus be created a form of incentive payment to people for the production of those lines. Surely it is better for people to be able to get bricks at £9 or £12 a ton—

Hon. A. R. G. Hawke: What is this "per ton" business?

Mr. GRAYDEN: I should have said £9 or £12 per thousand. It would be better to do that than to allow the investment of money in other not so legitimate sections of production. I say to the Government that it is a Liberal-Country Party Government and as such should try to keep the State upon the path of free enterprise. If there is one measure directly harming free enterprise in this State, it is the price-control legislation. I claim that, given a fair go, private enterprise in this State can deliver the goods.

Mr. Totterdell: Hear, hear!

Mr. GRAYDEN: On the other hand, it is hampered and hamstrung by this class of legislation for no purpose at all. I suggest to the Government, if it is wedded to the idea of price-control, that it should at least control the price of luxury goods rather than that of basic essentials. I suggest, too, that if it really believes in the principles that are embodied in the Liberal Party's platform, it would be better to hold the price-control legislation as a reserve force for use only in obvious emergencies.

Clause put and passed.

Title—agreed to.

Bill reported without amendment and the report adopted.

BILL—FACTORIES AND SHOPS ACT AMENDMENT.

Second Reading.

THE MINISTER FOR LABOUR (Hon. L. Thorn—Toodyay) [7.48] in moving the second reading said: This is an urgent measure which will benefit all male and female shop assistants in the metropolitan area. Employers have reached an agreement with the Shop Assistants' Union to increase all rates of wage, male and female, but the increases are, for the time being, withheld from shop assistants owing to a difficulty with regard to juniors. To grant the proposed increases to juniors, as the Act now stands, would require those increases to apply throughout the State to all juniors in factories and shops who are not covered by an award or common rule agreement. Under Section 138 (a) of the parent Act, all junior male and female workers employed in a factory, shop or warehouse throughout the State, who are not covered by any award of the court, are entitled to be paid the rates prescribed from time to time by the Metropolitan Shop Assistants' Award.

Mr. May: Does this apply to the metropolitan area only?

THE MINISTER FOR LABOUR: The object is to amend the Act so that it will apply only to the metropolitan area for the time being. The Employers' Federation and the union have been able to reach an agreement but, before the consent of the court can be obtained, an amendment must be made to the Act. As a result of the recent negotiations for a new shop assistants' award in the metropolitan area, male and female rates, including juniors, will be substantially increased for reasons peculiar to the shopkeeping industry. Those reasons need not necessarily apply to any other factory or shop throughout the State, and there is no evidence in justification of substantial increases to the juniors employed in those establishments.

The agreement with the Metropolitan Shop Assistants' Union has been prepared and is ready to lodge with the court, but nothing can be done to implement this agreement until the Act is amended. To give this new rate to all juniors employed in factories, shops or warehouses, it would be necessary for the union to convince the court that the increase should apply to those not covered by awards or agreements.

Mr. May: Those outside the metropolitan area are covered by awards.

THE MINISTER FOR LABOUR: The hon. member will understand the position better if he allows me to proceed. In no circumstances will the employers agree substantially to increase the rates of junior workers outside the metropolitan area that are not covered by awards or agreements.

Mr. May: Then how will those in the country get on?

THE MINISTER FOR LABOUR: I am afraid the hon. member is taking the wrong view. The proposed amendment in this Bill stabilises the percentage for female juniors at 40, 50, 60, 70, 80, and reaching 90 per cent. between the age of 20 and 21, which it is considered is a balanced scale as female juniors will gradually work towards attaining the full rate on reaching the age of 21. The amendment will divorce junior metropolitan shop assistants from the provisions of the Shops and Factories Act, and will enable them to be covered by the new award when it is lodged with the court.

In the case of junior males, the rates contained in the amendment, except in the case of the junior between 20 and 21 years of age, where there has been no alteration, are in excess of those at present operating under the shop assistants' award. The Act as amended will apply to all junior workers throughout the State who work in shops and factories and are not covered by any court award.

There is a proviso in the proposed amendment which amply safeguards the present rates of pay which are being given to juniors, in that it states that nothing

in this amendment shall operate so as to reduce the rate of pay at present being received by any person except, of course, in the case of any basic wage adjustment. The recent increase in the basic wage adjustment from 54 per cent. to 56½ per cent. of the male basic wage has already increased the real wages of all female workers including juniors.

Further, the union is claiming a female basic wage of 75 per cent of the male basic wage, and the case at present stands adjourned before the court. It is understood that the parties are conferring in an endeavour to remove certain anomalies which would be created if the court declared a new female basic wage.

One of the reasons announced by the President as a bar to the court's making any further increase in the female basic wage was that unless certain amendments to awards, etc. were made anomalies would be created in so much as junior females would receive more in actual cash than junior males. Section 138 (a) of the Factories and Shops Act is one of the anomalies, and there is not the slightest doubt that the amendment now proposed would help to clear the way for the court to proceed in the matter of the female basic wage inquiry.

I should like to point out that, whilst the amendment to the award is to cover the metropolitan area, conferences will proceed as soon as the metropolitan area award is through the court to cover South-West employees and, include many of the workers not now covered by an award. It is considered that the percentages suggested in the Bill are fair and reasonable, and that there are ample safeguards in the provision that, where any worker is receiving beyond the proposed percentages, there shall be no reduction, and that the proposal to pay percentages of the basic wage to juniors is in accordance with the usual practice adopted by Arbitration Courts.

The Bill provides for one other amendment. As the Act now stands, a male person under the age of 14 years, and a female under the age of 15 years, may not be employed in any factory, shop or warehouse. However, there is a weakness in the Act. A male or female child under these ages could register and operate a factory, shop or warehouse, and the amendment is intended to remove this anomaly. Advice has been obtained from the Crown Law Department, that there is nothing in the Factories and Shops Act to prevent a shop from being registered, even though it is conducted by children, who, because of their age, could not be employed by the proprietor of any such shop.

Mr. Marshall: What is the definition of "child" in the parent Act?

Mr. Styants: A male under 14 and a female under 15.

The MINISTER FOR LABOUR: That is so.

Mr. Marshall: Why the discrimination between male and female?

The MINISTER FOR LABOUR: There has always been a discrimination. It is obvious from this ruling that any child could become the registered occupier of a shop, warehouse or factory. It is not very likely that a child would become the registered occupier of a warehouse or factory, but it is very probable in the case of a shop, and this could be a serious matter. The amendment will clear this up. As it is desired to make the way clear for the new award to be lodged with the court as quickly as possible, I hope that members will regard the Bill as urgent.

The measure has been introduced really to assist the union. That body has been negotiating with the employers for a long time, and the parties had reached the stage when they were prepared to approach the court for a consent award when it was discovered that, under the Factories and Shops Act, any junior working in any part of the State and not under an award would come under the award of the shop assistants.

Mr. Marshall: Would not a registered agreement exclude them from the Factories and Shops Act?

The MINISTER FOR LABOUR: Except that in the Factories and Shops Act it is provided that anyone working within the State who is not working under an award automatically comes under the shop assistants' award. This amendment is to alter the Act so that he will not come under that award. I have consulted both parties and can assure members that the Metropolitan Shop Assistants' Union is just as anxious for this amendment to be made as are the employers, and asked me to facilitate the passage of the Bill so that it could proceed to have its agreement registered at the court. I move—

That the Bill be now read a second time.

On motion by Hon. A. R. G. Hawke, debate adjourned.

BILL—BUILDING OPERATIONS AND BUILDING MATERIALS CONTROL ACT AMENDMENT AND CONTINUANCE.

In Committee.

Resumed from the previous day. Mr. Yates in the Chair; the Minister for Housing in charge of the Bill.

Clause 4—Section 31 repealed and re-enacted:

The CHAIRMAN: Progress was reported on this clause after the Bill had been recommitted for the further consideration of Clauses 4 and 5.

The MINISTER FOR HOUSING: I wish to have this clause struck out and also Clause 5, with a view to having a new

clause inserted in lieu thereof. Last night certain amendments appeared on the notice paper. When I came to the House very late in the afternoon, I was informed that the Crown Law Department had already noticed the difficulty involved in the new proposals before we had had an opportunity to discuss them. It appears that three men were each fined £100 in the court on Tuesday—the architect, the builder and the owners of the premises concerned. Under the amendments which appeared on the notice paper, all three could have been fined the minimum penalty. If a building had been legally erected at a cost of £1,000, the magistrate would have been under an obligation to fine each of the three men that amount.

In view of those circumstances, it was decided to strike out the amendments which were to have been submitted. The amendment which it is proposed to insert in lieu of Clauses 4 and 5 will provide a maximum penalty of £500 or imprisonment for two years or both, and in addition, where the offence is constituted by commencing, continuing, or carrying out a building operation or the acquisition of building material, the court shall impose on the person on whose behalf the building operation was commenced, continued or carried out a penalty equal in amount to the cost at the time of the complaint of so much of the building operation as has then been effected; and in the case of the acquisition of building material a penalty equal in amount to the market value of the building material. The amendment will also provide that a certificate signed by the chairman of the Commission as to the cost of an unlawful transaction shall be *prima facie* evidence of that cost.

The CHAIRMAN: It is unnecessary for the Minister to move that the clause be struck out. All that is necessary is to vote against it.

Clause put and negatived.

Clause 5—Section 32 repealed and re-enacted:

The MINISTER FOR HOUSING: I wish now to have this clause struck out with a view to inserting in lieu the new Clause 4 appearing on the notice paper.

Clause put and negatived.

New Clause 4:

The MINISTER FOR HOUSING: I move—

That a new clause be inserted as follows:—

4. Section thirty-two of the principal Act is repealed and re-enacted as follows:—

32. (1) (a) Punishment for an offence against this Act shall, subject to the provisions of the next succeeding paragraph, be a fine not exceeding five hundred

pounds or imprisonment for a term not exceeding two years, or both fine and imprisonment.

(b) Where the offence is constituted by—

commencing, continuing, or carrying out a building operation;

acquisition of building material, the Court, in addition to punishment, if any, imposed pursuant to the provisions of the last preceding paragraph,

shall, in the case of a building operation, impose upon the person on whose behalf the building operation is commenced, continued, or carried out, a penalty equal in amount to the cost at the time of the complaint of the offence of so much of the building operation as has then been effected;

shall, in the case of acquisition of building material, impose upon the person acquiring the building material a penalty equal in amount to the market value at the time of the complaint of the offence of the building material.

(2) A certificate signed by the chairman of the Commission as to the cost of an unlawful transaction shall be *prima facie* evidence of that cost.

Mr. J. HEGNEY: I am wondering whether the wording of paragraph (b) is correct, or whether the word "unlawfully" should not be inserted somewhere therein.

The ATTORNEY GENERAL: The amendment has been very carefully drafted and considered by the Parliamentary Draftsman. A lot of consideration has been given to this. The meaning of it is that where material is required, and its acquisition is an offence, then the value of the material must be the minimum penalty.

Hon. A. R. G. HAWKE: The Minister appears to take a considerable amount for granted in connection with the amendment. It is acceptable to me, I might say, but the Minister has not explained or justified it.

The Minister for Housing: I explained it when I first rose and said it was to be inserted.

Hon. A. R. G. HAWKE: I am afraid the Minister explained it in a very skinny way. This matter is important. The amendment differs from the original proposals in the Bill, and from two or three other amendments which the Minister has brought before us in recent days. There must be some reason which prompted him, or the Crown Law officers, to have the

amendment drafted. Some further explanation in justification of the amendment than has already been submitted by the Minister should be offered.

THE MINISTER FOR HOUSING: I can only repeat what I said earlier. It was found yesterday by the Crown Law Department, following a decision of a magistrate the previous day when he fined the architect, the builder and the owner of a certain building each £100, that the original amendment on the notice paper would have meant that each of these people would be liable for the minimum penalty. Therefore, if there were £1,000 worth of illegal building, these three people could be fined £1,000 each, which is considered to be too harsh. As a result, the amendment was withdrawn and this one substituted in lieu.

This means that only one of the three, the acquirer of the building material, would be responsible and would have to pay the minimum fine imposed by the magistrate, which would be the cost of the illegal building. It now means that the magistrate can impose a fine, under the first subclause, of £500, plus two years' imprisonment, or both, and, in addition, impose a penalty equal to the cost of the illegal building. The final part of the amendment indicates that a certificate signed by the chairman of the Housing Commission as to the cost of any illegal transaction shall be *prima facie* evidence of the cost.

MR. J. HEGNEY: When this matter was before the Committee the other evening, the opinion was expressed that an offender against the Act should be penalised to the extent of the cost of any unlawful transaction. Under the amendment now before us, however, he can be penalised twice. He can first of all be fined or imprisoned, or both, and then he can be penalised to the extent of the cost of the unlawful transaction. The maximum fine is fixed at £500 and two years' imprisonment. The other day, however, a magistrate was unwilling to impose the penalty of six months' imprisonment provided in the Act. It is now suggested that a term of imprisonment for two years should be included. The magistrate was unwilling to imprison any offenders.

HON. J. B. SLEEMAN: One was imprisoned.

MR. J. HEGNEY: Not to my knowledge. It is now proposed to impose a penalty equal to the cost of the unlawful transaction. If a person is charged with drunken driving, and is convicted, the authorities do not proceed with other similar charges which they may have laid against him. Under this amendment, however, a magistrate can fine and imprison a wrongdoer, and he is then subject to a further penalty. I do not think that is proper. A person living in substandard dwellings, who has not funds to build a decent home, and is unable to get a Commonwealth-State rental house, might get a few bags of cement, and he could be

penalised to the extent of the cost of what he got, and also be sentenced under the first part of the proposed new clause. I think this is too repressive. The proposition mooted previously was to fine such a person to the extent of the cost of the unlawful transaction. If it amounted to £400 or £500, it would be a severe penalty. A fine of £20, in the case of a small man battling to get a decent shelter for his wife, would be severe enough. I think the proposal here is going too far.

THE MINISTER FOR EDUCATION: The magistrate, under this provision, is not under any obligation to punish an offender to a greater extent than the minimum penalty. The punishment to which the member for Middle Swan has referred will remain, as at present, entirely at the discretion of the magistrate.

MR. J. HEGNEY: That is not how the Minister explained it.

THE MINISTER FOR EDUCATION: The Act at present provides for penalties far in excess of what magistrates generally impose. The amendment says that instead of having a minimum penalty of £100 it will be the value of the material used or of the building erected unlawfully. That was done because the Government agreed that it would not be equitable to inflict a minimum penalty of £100 for using 25s. worth of material. As against that, a penalty of £100 would not be a deterrent to a person who had used £1,000 worth of material.

Members know that magistrates are not prone to impose enormous penalties. There have been more complaints in this House about magistrates imposing penalties that were too small than there have about the imposition of penalties that were too heavy. This provision will merely ensure that the magistrate must impose a penalty no less than the value of the material used or of the building illegally erected.

MR. TOTTERDELL: Who will assess that value?

THE MINISTER FOR EDUCATION: The certificate of the chairman of the Housing Commission to the court would be *prima facie* evidence of the value, but if the defendant brought expert evidence in rebuttal the magistrate would take it into account just as he would any other evidence. In the absence of such evidence in rebuttal the certificate of the chairman of the Commission would stand as the value of the materials or work carried out.

I can recall a case as to what was owing to a building contractor in respect of the completion of a dwelling. The plaintiff said it would cost £120 to complete it according to plan, while the evidence of the defendant was that it would cost £40. The magistrate took the sensible course and said that in his opinion £65 would meet the case. I think that is what might happen in the event of a dispute between the Housing Commission and a defendant under this provision.

Mr. J. Hegney: The amendment uses the words "if any."

The MINISTER FOR EDUCATION: That is the point. The magistrate need not impose any penalty, but if he does there must be imposed the minimum penalty. The one course is at his discretion while the other is a compulsory provision. The magistrate would take into consideration the gravity of the offence and the surrounding circumstances. The amendment now before the Committee is an attempt to meet all the valid objections made to the original proposal.

Mr. GRIFFITH: I think the Housing Commission has kept a scoreboard with regard to these amendments, the first lot of which sought to break the offences into two categories, summary and indictable offences. The Minister then produced a further amendment, and now a third. From the amendments on the notice paper it would appear that more attention is being paid to imprisonment than to fining, as the fine now sought is $2\frac{1}{2}$ times greater than that provided by the Act and the term of imprisonment is four times that originally provided. I think the Minister should consider breaking down the somewhat harsh provisions for imprisonment.

Mr. MARSHALL: When speaking on the second reading I mentioned the policy adopted by the State Housing Commission in regard to the demolition and reconstruction of buildings, which covers secondhand materials being removed from one town to another on the Goldfields. I did not receive any guarantee from the Minister that the policy which has been adopted in the past will be continued in the future. People on the Goldfields frequently have to shift their homes from one town to another because of the discovery of minerals and so on; and the quickest means of providing homes for themselves, in view of the acute shortage of building materials, is to shift premises from one town to another. If the procedure of the State Housing Commission in regard to these cases is not continued, and people who demolish homes do not comply with the Act, they will be subject to the penalties provided under this particular clause.

Immediately after the war the Commonwealth Disposals Commission sold a large quantity of building materials, of first-class quality, and unfortunately a good deal of that material was being diverted into unnecessary channels prior to this Act coming into force. I know of one case where stables for racehorses were built, and those stables were constructed of this disposals material. While such cases were occurring it was necessary to control secondhand material under the Act. However, if I can obtain an assurance from the Minister that the policy adopted by the State Housing Commission in regard to the demolition and reconstruction of

homes will be continued, I will be quite happy to leave the Act as it stands in regard to the control of secondhand materials. But, if the people in the outback areas are to be prevented from demolishing and re-erecting their homes, and are to be forced to go to a lot of trouble to obtain permission, there will be quite a noise in this particular Chamber immediately I get the opportunity.

We are quite happy to assist the Government to prevent abuses in the use of secondhand materials, and therefore I ask the Minister to reciprocate to the extent that he will see that there is no persecution against people who are endeavouring to do a legitimate job of providing themselves with homes by removing them from one Goldfields town to another. I am sorry the Minister for Education has left his seat because I wanted him to clear up a point for me. However, probably the Attorney General can assist me in that direction.

When speaking on the second reading I made some reference to the savage nature of the punishments that were to be imposed under the Bill, but my fears in that direction were on behalf of the people who desired to shift homes. However, if these punishments provided in the measure will prevent blackmarketing and so enable people in the outback areas to get an allocation of building materials, then I will be quite happy. At the moment people in the isolated areas do not get any allocation at all. While I agree with the Minister for Education that the punishment proposed under this clause is, in the first portion, discretionary, and in the other portion compulsory, I am doubtful whether there is not some degree of dependency of one particular section upon the other because of the way the clause is worded.

It is little use our passing legislation providing for heavy penalties unless the administrator, and the magistrates or judges, impose those penalties to the fullest extent and thus provide a deterrent for people who may continue to try to break the law. Even under the Act as it stands there have been few cases of magistrates imposing the maximum penalty. So it is not much good our increasing the punishments if the magistrates are not prepared to impose the full penalties already provided.

Now I come to the point I want the Attorney General to clear up. On giving it closer attention it now appears to me that unless the magistrate imposes a penalty under the proposed new Subsection (1) (a), either by way of monetary punishment or imprisonment or both, then he cannot take action under the next paragraph by imposing a fine equal to the value of the work done and the material used. One is contingent upon the other. I first agreed with the Minister for Edu-

cation when replying to the member for Middle Swan, but I now consider that the second paragraph is contingent upon a punishment being imposed under the first. If now a fine is imposed under the one, then one cannot be imposed under the other.

THE ATTORNEY GENERAL: The first paragraph deals with the penalties that can be imposed under the proposed section. Section 13 of the Act provides a number of directions and anyone, including the architect, the builder, the contractor or an engineer employed in any capacity, or any other person employed in an advisory or supervisory capacity in connection with the building operation, who does not comply with them can be punished. The second paragraph in the amendment deals with only a specific class of offence, with persons who actually obtain benefit from a building operation or those who acquire illicit building materials. Both paragraphs apply to those persons.

As stated by the member for Middle Swan, the magistrate, if he thinks the offence sufficiently severe, can impose a penalty under paragraph (a), but he need not do so. The magistrate has discretion to impose the full penalty or any portion of it. Under the next paragraph, however, it is compulsory for him to do so, as it reads, "he shall impose," because it constitutes the minimum penalty and that is the advantage that the offender obtains. If he acquires illicit material, then the fine is the value of that material or, if he carries out an illicit building operation, the fine becomes the value of the work done.

MR. STYANTS: No member would say that the Act contains insufficient penalties to deter anyone from committing a breach of it if the magistrates were prepared to inflict only a reasonable proportion of them. Unfortunately, to date, we have found, with rare exceptions, that only minor penalties have been inflicted for what might be regarded as serious breaches of the Act. That has been my objection. Only in this morning's Press I noticed that a person who had a permit to erect a building in Oceanic Drive, for at least 15 squares, exceeded it by six squares, which would be nearly half of what would be regarded by an average working man as sufficient squareage for a cottage for himself and family. That man was fined only £100. Those are the anomalies that we should correct and I think paragraph (b) does that.

The objection I had was that the original penalties in the Bill could be too severe altogether for the person who committed a trivial offence, which might constitute the using of two or three bags of cement to build a path in order that his wife might have access to the clothes-line or the means of getting a pram out of the house. Or, he might use two or three sheets of asbestos to subdivide a verandah to provide additional sleeping accommoda-

tion for his family. Unfortunately, paragraph (a) still leaves it open for a magistrate, should he think fit, to inflict a severe penalty for a trivial offence. We will probably have to leave it to his discretion and if we find a magistrate taking an opposite view and imposing heavy penalties for minor offences, it is always possible to introduce an amendment to correct that.

I do not think a magistrate would fine a person £250 for using two or three bags of cement which had been obtained without a permit. The principle involved in paragraph (b) is good; that is, the penalty imposed will be comparable to the magnitude of the offence. Making it mandatory that the penalty shall be the amount equal to the value of the materials used or the work done, will be a severe deterrent to anyone who contemplates breaking the law to any extent.

In the case I mentioned which appears in this evening's paper the penalty would probably be in the vicinity of £1,000, taking into account the fact that the building was six squares more than it should have been, and also the material and labour involved. I believe that would be a severe deterrent to anyone who contemplated breaking the law to any great extent. On the other hand, if the State Housing Commission's inspectors took action against a person for committing a trivial offence, the amount of fine he would have to pay would then be comparable to the magnitude of the offence—probably in the vicinity of £2 or £3. I would have still liked to prevent the possibility of a magistrate being able to inflict a heavy penalty for a trivial offence, and it seems to me to be providing an excessive penalty to make provision in the Act that a person can be fined up to £500 or two years' imprisonment for the misuse of say, £2 or £3 worth of material. I am prepared to give it a trial and support the Minister's proposal.

THE MINISTER FOR HOUSING: I would like to say to the member for Murchison that I did take cognisance of his remarks the other evening. While I am not able to quote what I said, if he looks it up he will see that I acknowledged his representations regarding secondhand material in the country, and said that I would see that there would be no change in policy as outlined by my predecessor in this regard.

New clause put and passed.

Bill again reported with further amendments.

BILL—MARKETING OF EGGS ACT AMENDMENT.

Second Reading.

THE MINISTER FOR LANDS (Hon. L. Thorn—Toodyay) [8.52] in moving the second reading said: This Bill, while mak-

no major change to the parent Act, is urgent, as there will soon be a temporary vacancy on the Egg Marketing Board.

Hon. J. T. Tonkin: What sort of vacancy is that?

The MINISTER FOR LANDS: One of the members of the board is taking a trip overseas.

Mr. Graham: That is an extraordinary vacancy.

The MINISTER FOR LANDS: The hon. member can call it what he likes. I dare say that eventually we will finish up with the same meaning. When Parliament passed the parent Act, it provided for a board to be representative of both producers and consumers. This representation is important because it is the board which fixes the price of eggs. However, in the event of a temporary vacancy on the board due to illness or any other reason, there is no provision in the Act for a deputy to cover the period of absence. This is quite an important matter because it upsets the consumer-producer relationship which was desired by Parliament when the original legislation was passed. In a week or two a member of the board will be going away on leave but, as the Act now stands, the Minister will be unable to appoint a deputy to take his place during his temporary absence. For some unknown reason this is one of the very few Acts administered by the Minister for Agriculture which does not provide for the appointment of deputy members in the absence of appointed members. The following are Acts which provide for deputies:—

Agriculture Protection Board Act.

Emu and Grasshopper Advisory Committee Act.

Marketing of Barley Act.

Dairy Products Act.

Wheat Marketing Act.

Potato Industry Trust Fund Act.

Poultry Industry Trust Fund Act.

Milk Act.

Metropolitan Market Trust Fund Act.

Fruit Industry Trust Fund Act.

Wheat Industry Stabilisation Act.

All those Acts provide for the appointment of deputies.

Hon. J. T. Tonkin: On the same principle as this?

The MINISTER FOR LANDS: I take it that is so. They are quoted and listed here and I should think it is on the same principle. The Marketing of Eggs Act will merely be brought into line with those Acts I have mentioned. I hope members will pass this Bill as quickly as possible so as to enable the appointment of a deputy to be made. I move—

That the Bill be now read a second time.

On motion by Hon. J. T. Tonkin, debate adjourned.

BILL—POULTRY INDUSTRY (TRUST FUND) ACT AMENDMENT.

Second Reading.

The MINISTER FOR LANDS (Hon. L. Thorn—Toodyay) [8.56] in moving the second reading said: The principal Act requires every producer of eggs to contribute to a trust fund, and at the present time the rate of contribution is 1d. for every 30 dozen eggs sold or exported. The Bill now proposes to increase the rate of contribution from 1d. to 2d. By introducing this measure, the Government is carrying out the wishes of the Poultry Farmers' Association. The association wants the levy increased in order to build up a substantial fund which would be adequate in the event of an outbreak of disease, particularly as figures show the fund is building up too slowly. Collections under the Poultry Industry Trust Fund are as follows:—

1st September, 1949, to 31st July, 1950—
£867 7s. 10d.

1st August, 1950, to 31st July, 1951—
£1,031 6s.

Total to 31st July, 1951—£1,737 3s. 4d.

It is quite obvious that the fund would be inadequate to meet a serious disease which would require large numbers of poultry to be destroyed, and I am sure members will agree that the increased levy is very desirable. Some time ago we had a serious outbreak of disease on poultry farms, particularly in the Melville area, and a large number of poultry was destroyed. The whole idea behind the proposed amendment to the Act is to build the fund up sufficiently to meet an emergency of that description. I move—

That the Bill be now read a second time.

On motion by Hon. J. T. Tonkin, debate adjourned.

BILL—COUNTRY TOWNS SEWERAGE ACT AMENDMENT.

Second Reading.

Debate resumed from the 11th September.

MR. STYANTS (Kalgoorlie) [8.59]: This Bill proposes to amend the Country Towns Sewerage Act of 1948 and, while there appear to be a number of amendments contained in it, most of them are designed to give the Minister the right to strike a rate against what has been regarded in the parent Act, and also in the Metropolitan Water Supply, Drainage and Sewerage Department, as non-ratable property. There are actually three proposals in the Bill, the first of which provides for the levying of charges against non-ratable land. It is not clear to me what the intention of the Bill is. It appears that it might mean that once a sewerage main

is passed in the vicinity of those properties which are now regarded as non-ratable, the Bill would provide for the striking of a rate against them. Then, if it is necessary for the properties concerned to be connected with the sewer, a charge would be levied against those properties in respect of the service rendered. To the latter portion there can be no objection. I should think that once a property was connected with the sewer and service was rendered, the owner would be quite prepared to pay the charge that would be levied against him. It might be particularly hard, however, on some of those who have non-ratable land if they were required to pay a charge levied against their properties year by year, if the properties were bringing in no revenue at all. Non-ratable land is set out in the parent Act as comprising—

- (a) Land the property of the Crown and used for public purposes, or unoccupied;
- (b) Land vested in or in the use and occupation of a local authority and not held or occupied by any tenant under the local authority;
- (c) Land belonging to any religious body, and used or held exclusively as or for a place of public worship, a Sunday school, a place of residence of a minister of religion, a convent, nunnery, or monastery, or by a religious brotherhood or sisterhood;
- (d) Land used exclusively as a public hospital, benevolent asylum, orphanage, public school, private school (being the property of a religious body), public library, public museum, public art gallery, or mechanics' institute;
- (e) Land used, occupied, or held exclusively for charitable purposes;
- (f) Land vested in any board under the Parks and Reserves Act, 1895, or in trustees for agricultural or horticultural show purposes, or zoological or acclimatisation gardens or purposes, or for public resort and recreation;
- (g) Land used or held as a cemetery;
- (h) Land declared by the Governor or by any Act to be exempt from rates under this Act.

Probably when this measure is dealt with in Committee the Minister will be able to inform members exactly what is proposed, and will explain whether it is intended to have a dual charge against what is now regarded as non-ratable property. I would like him to explain whether it is intended to levy a rate against the property as soon as the sewer is put through, although the property may not be connected. If he will make an explanation on the point, I will have no objection to a charge being made when a property is connected and the Minister being given the right to compel people to connect their

properties with the sewer if, in the opinion of the Minister or his department, it is necessary that the connection be made because of the purpose for which the property is used. It would be quite debatable if the proposal were to levy a rate against those concerned immediately the sewer was put down past a property in such a locality.

The second provision in the Bill is to permit of the levying of special charges over and above normal rating when excessive sewage has to be coped with or effluents require special treatment. There can be no objection to that. It is customary in connection with practically all services that, if something over and above that usually rendered is required, an additional rate has to be paid. The third object of the Bill is to permit the limitation of fees and charges imposed under the bylaws in any particular area or district and to allow differentiation in this respect between particular areas and districts. This is something of a departure, probably occasioned by a case where a highly-placed public servant took exception to a differential rate being struck some years ago by the Mosman Park Road Board. Eventually he was able to prove that the board was not empowered to charge differential rates within its area.

The provision in the Bill will overcome that difficulty and I do not see that much objection can be raised to the proposition. I can visualise many circumstances that would warrant such a step being taken by a board. One section of an area or district might involve engineering difficulties in connection with sewerage works. It might be a rocky or hilly locality, through which the sewer had to be taken. No objection could be raised if in consequence an extra charge of 1d. or 2d. in the £ were made in such an area. I can also visualise in country towns little groups of houses scattered about with sometimes a quarter of a mile or more between them. Additional cost would be involved in running the main from one group to another. In such circumstances, I do not think any exception should be taken to payment of a slightly higher rate than would apply in more closely settled parts of the district. I hope the Minister at the Committee stage will make the position quite clear regarding the points I have raised.

The Attorney General: I will deal with those matters in due course.

Question put and passed.

Bill read a second time.

In Committee.

Mr. Yates in the Chair; the Attorney General (for the Minister for Works) in charge of the Bill.

Clauses 1 and 2—agreed to.

Clause 3—Section 35 amended:

The ATTORNEY GENERAL: The clause seeks to amend Section 35 which deals with the provision under which people may be compelled to connect up their properties with a sewer. At present the Minister cannot compel an owner of non-ratable land to connect with the sewer, but this provision will enable him to do so. Section 66 of the Act provides for the rating. No power is given by the amendment to rate non-ratable land, but, under the next clause, the Minister will be able to fix a charge for non-ratable land when it is connected with the sewer.

Clause put and passed.

Clause 4—Sections 72A and 72B added:

Mr. Styants: What is the intention under the proposed new Section 72B?

The ATTORNEY GENERAL: There is no special provision for charging a user of a sewer anything except the rate, but under this provision the Minister, as well as levying the rate, may levy charges for the admission of sewage into a sewer.

Mr. Styants: This will give the Minister power to charge a rate against a property and impose a charge for connecting with the sewer.

The ATTORNEY GENERAL: That is not the intention but, if there is any doubt, I undertake to have the clause recommitted for further consideration.

Mr. Styants: You do not propose to have a dual charge?

The ATTORNEY GENERAL: No.

Clause put and passed.

Clauses 5 to 12, Title—agreed to.

Bill reported without amendment and the report adopted.

BILL—NOXIOUS WEEDS ACT AMENDMENT.

Second Reading.

THE MINISTER FOR LANDS (Hon. L. Thorn—Toodyay) [9.17] in moving the second reading said: After the Noxious Weeds Act was passed last year, it became obvious that certain minor amendments were necessary in order to reconcile the Act with the Agriculture Protection Board Act and other Acts amended last session. The need for the majority of them is quite obvious.

Although the Bill now under consideration may appear somewhat formidable, only three principles are involved. The Bill contains an amendment to provide for the protection board to delegate powers to the Chief Weed Control Officer in the same manner as the Minister may delegate power to that officer. The principal Act provides that the Minister may delegate all or any of his powers under that Act to the Chief Weed Control Officer. The amendment is desirable in order to facilitate administration.

Provision is also made to transfer certain responsibilities from the Governor and the Minister to the protection board.

This has also been done to simplify the administrative machinery and bring the Act in line with the Agriculture Protection Board Act, where such provision already exists. Finally, it is desired to transfer the authority for making regulations under the parent Act from the Minister to the Governor to bring the Act into conformity with the relevant section of the Vermin Act.

Mr. Graham: Can you inform us what use you are making of the Noxious Weeds Act?

The MINISTER FOR LANDS: If the hon. member means what activities are taking place, I cannot inform him, though, in my travels, I see plenty of evidence of noxious weeds and I hope something is being done about them.

Mr. Graham: That is very nice.

The MINISTER FOR LANDS: The Minister for Agriculture is responsible for the administration of the Act, and I conclude that he is taking the necessary action.

Mr. Hoar: You would not let the previous Government get away with Bills like this.

The MINISTER FOR LANDS: I move—

That the Bill be now read a second time.

On motion by Mr. Hoar, debate adjourned.

BILL—PETROLEUM ACT AMENDMENT.

Second Reading—Ruled Out.

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

Mr. SPEAKER: I propose to rule this Bill out of order. Clause 3 states—

If the Minister shall at any time desire any such helium to be developed and recovered the Crown shall reimburse the licensee or lessee a reasonable amount in respect of the cost of discovery (having regard to the estimated value of the helium), etc.

In my opinion the Bill thus provides for an appropriation of revenue if and when helium is discovered and is desired by the Minister to be developed and recovered. Such a Bill cannot be introduced into the Legislative Council according to the Constitution Act Amendments Act, 1899, Section 46, Subsection (1). The Bill must therefore be withdrawn. It can be re-introduced into this House on proper notice.

Bill ruled out.

ADJOURNMENT—SPECIAL.

THE PREMIER (Hon. D. R. McLarty—Murray): I move—

That the House at its rising adjourn till Tuesday, the 9th October.

Question put and passed.

House adjourned at 9.22 p.m.