bearing on the tests carried out at that school. The school was chosen for the test because it happened to be the first large metropolitan school from which typical poliomyelitis was reported after formulation of the test plan.

(5) Yes, the co-operation of local parents was excellent.

(6) The representations were made to the Public Health Department and it was claimed that the Rockingham-Safety Bay area experienced a very great influx of visitors from all parts of the State for long periods during the summer, and that local children were unduly exposed to infection by these visitors.

(7) About six weeks ago.

(8) Organised swimming classes in non-tidal waters, (including the Swan River) were cancelled during the last poliomyelitis epidemic.

(9) If the principle of local priority is valid, in the opinion of the Public Health Department, Rockingham - Safety Bay should have precedence over South Perth-Como.

(10) The main difficulty is the limited supply of vaccine but an approach is being made to the Commonwealth in this regard.

(b) Additional Supplies of Vaccine.

Hon. A. F. GRIFFITH (without notice) asked the Chief Secretary:

Would he be good enough to advise the Minister for Health that I have received the following telegram from Canberra:—

> Have discussed Salk problem with Minister Health. Advise urgently if additional allocation supplies vaccine will enable WA department adhere to November programme South Perth and quantities required. Count on my assistance in your drive. Cleaver.

The CHIEF SECRETARY replied:

I will be pleased to do so.

BILLS—(2)—THIRD READING.

1, Evidence Act Amendment.

Returned to the Assembly with an amendment.

2, Inspection of Machinery Act Amendment.

Transmitted to the Assembly.

ADJOURNMENT—SPECIAL.

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

> That the House at its rising adjourn till Tuesday, the 16th October.

Question put and passed.

House adjourned at 4.41 p.m.

Legislative Assembly

Thursday, 4th October, 1956.

CONTENTS.

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

QUESTIONS.

TRAMS AND BUSES.

Running Costs.

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

(1) What is the consumption, per mile, of diesel fuel or electricity by—

(a) trams;

(b) trolley-buses;

(c) motor-buses?

(2) What is the cost of diesel fuel supplied to the department?

(3) What is the cost of electricity supplied to the department?

The MINISTER FOR TRANSPORT replied:

(1) For the year ended the 30th June, 1956:

(a) 3.69 units equals 9.04d. per mile.

(b) 2.46 units equals 6.01d. per mile.

(c) 9.05 miles per gal. equals 2.65d. per mile.

(2) 2.1d. per gallon.

(3) First 200 units .... 3.65d.
Next 4,800 units .... 3.15d.
Next 50,000 units .... 2.65d.
Remainder at .... 2.05d.

The average price for September, 1956, was 2½d. per unit.

MARKETING OF ONIONS ACT.

Repeal.

Mr. NORTON asked the Minister for Agriculture:

(1) Is it his intention to carry out the recommendations of the Royal Commissioner, Mr. Smith, that the Marketing of Onions Act be repealed and that the free marketing of onions be reverted to?

(2) If it is not his intention to repeal this Act, is it his intention to bring down amendments this session?

(3) If the answer to No. (2) is "Yes," will he include an amendment to exempt onion growers north of the 26th parallel from the conditions of the Act?

The MINISTER replied:

(1) The Onion Marketing Board has been granted a further pool season to cover its operations for another twelve months, during which time careful consideration will be given to the strengthening of the Act or its repeal.

(2) Answered by No. (1).

(3) This will be given consideration.

HEALTH.

(a) Deferment of South Perth-Como Poliomyelitis Immunisation.

Mr. GRAYDEN asked the Minister for Health:

(1) How does the Government reconcile the decision to defer immunisation of children in the South Perth-Como zone because of a belief that the claims of the beaches south of Fremantle were more pressing than those of South Perth and Como, with the fact that during the poliomyelitis epidemics of the past two years children have been encouraged to use the ocean beaches in preference to the still water beaches?

(2) If it has been found necessary to encourage children to use the ocean beaches rather than the still water beaches during the past two years as a precaution against poliomyelitis, why is it now necessary to give children in the beach areas beween South Fremantle and Safety Bay immunisation priority, particularly in view of the fact that the Government has stated that the recent poliomyelitis epidemics and the high proportion of children who will be immunised by Christmas make another epidemic unlikely?

(3) Does the Government intend during the forthcoming swimming season, to again warn children against swimming at the still water beaches?

The MINISTER replied:

(1) and (2). The decision had no direct relationship to beaches or swimming. Group swimming is only one of many factors which are taken into consideration in assessing the risk of spread of poliomyelitis. The decision in this instance was taken mainly on the ground of the greater degree of intermingling, for longer periods, of more persons from more widely scattered parts of the State.

(3) This question will be considered only in the unlikely event of another serious summer epidemic.

(b) Priority of Immunisation.

Mr. GRAYDEN asked the Minister for Health:

(1) When the original programme for the polio Salk vaccine immunisation was formulated, were various areas throughout the State mapped out on a priority basis?

(2) Is it not a fact that the South Perth areas were originally regarded as having a high priority?

(3) Is it not undeniable that seriological tests were carried out on children from the Como school suggesting that the density of child population in that area made the area a suitable one for carrying out such tests?

(4) If there is no basis for this suggestion, why was Como school chosen?

(5) Is it not also undeniable that the parents of children in this area co-operated to the fullest extent in the carrying out of such tests ?

(6) Exactly what claims were put forward by local bodies and to whom were such claims represented that they resulted in the change of programme from South Perth to the Rockingham-Safety Bay area?

(7) When was it decided that the claims of the beaches south of Fremantle were more pressing than this of South Perth and Como?

(8) Is it not a fact that school swimming classes at Como beach were cancelled last year because of the poliomyelitis epidemic?

The MINISTER replied:

(1) No. For the purpose of mass immunisation against poliomyelitis, the metropolitan area was divided into 12 zones, each containing between six and seven thousand school children. Two mobile immunisation units were allotted to the metropolitan area. One was to operate north of the river, commencing at North Fremantle and work eastwards towards Bassendean. The other was to operate south of the river, commencing at Midland and work westwards towards South Fremantle. The programme therefore envisaged immunisation in progressive geographical sequence.

(2) No.

(3) and (4) Neither the location of the Como school nor the particular density of the child population in the area had any bearing on the tests carried out at that school. The school was chosen for the tests because it happened to be the first large metropolitan school from which typical poliomyelitis was reported after formulation of the test plan.

(5) Yes, the co-operation of local parents was excellent.

(6) In the representations made to the Public Health Department, it was claimed that the Rockingham-Safety Bay area experienced a very great influx of visitors from all parts of the State for long periods during the summer, and that local children were unduly exposed to infection by these visitors.

(7) About six weeks ago.

(8) Organised swimming classes in non-tidal waters, including the Swan River, were cancelled during the last poliomyelitis epidemic.

LOAN FUNDS.

State Electricity Commission Allocation.

Hon. D. BRAND asked the Treasurer:

(1) What amount was approved by the Loan Council to be raised by the State Electricity Commission with respect to the present financial year?

(2) What sum has been allocated to the State Electricity Commission from loan funds?

(3) Has the Government borrowed any of the money obtained by the State Electricity Commission through its approved loan programme?

(4) If so, for what purpose, and how much?

The TREASURER replied:

(1) £2,150,000.

(2) The allocation for this year has not been finally determined.

(3) No.

(4) Answered by No. (3).

PETROL TAX FUNDS.

Receipts and Allocations.

Hon. D. BRAND asked the Minister for Works:

(1) What is the total money available to the Main Roads Department from petrol tax funds?

(2) What funds have been expended on works, excluding the sum mentioned in No. 3, in the metropolitan area?

(3) What sum was set aside for the Narrows bridge?

The MINISTER replied:

(1) During 1955-56, petrol fund receipts were £5,089,383.

(2) £306,688 was spent in the metropolitan area on works other than the Narrows bridge.

(3) £432,000.

WATER SUPPLIES.

Position in Country Towns.

Hon. D. BRAND asked the Minister for Water Supplies:

(1) In the event of no further worthwhile rains falling this year, what towns and districts, if any, will be on water restrictions?

(2) When will the railway dams on the Wongan line be passed over for use as town supplies?

(3) What work is being done at Wellington Dam, and what money has been allocated this financial year for this project?

The MINISTER replied:

(1) Of those supplies directly dependent on rainfall, care will be necessary at Morawa, Carnamah, Kulin and Kojonup.

(2) All supplies are now being maintained by Public Works Department pending finalisation of transfer.

(3) Plant erection, excavation and clearing are in course. Loan allocation is not yet finalised.

NEWSPAPER COMPETITIONS.

Government Supervision and Charges Made.

Mr. COURT asked the Minister representing the Chief Secretary:

With reference to my question yesterday regarding the "Find the Ball" competitions, will he supply answers to similar questions in respect of other newspaper competitions conducted by metropolitan papers?

The MINISTER FOR WORKS replied:

The only other newspaper competition is known as "Timeswords." The replies to questions similar to those the hon. member asked on Wednesday are—

(1) Yes.

(2) £56,530.

(3) These figures will be supplied with those relating to "Find the Ball" competition next Tuesday.

(4) There is no direct charge, but American copyrights, advertising, etc., have to be paid for by the charity concerned.

RAILWAYS.

Reorganisation of Refreshment Rooms, etc.

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

(1) When is the Government decision on the examination and reorganisation of the railway refreshment organisation to be expected?

(2) (a) What metropolitan installations are there?

(b) Are these being considered simultaneously with country trading points?

(c) Are these metropolitan installations likely to be thrown open to public tender?

The MINISTER FOR TRANSPORT replied:

(1) Following present investigations.

(2) (a) Dining cars; Welshpool depot and cafe; Perth refreshment rooms; Perth bookstall; Perth kiosk; Fremantle refreshment rooms; Fremantle bookstall.

(b) Yes.

(c) This depends upon the result of the investigations.

LAND TAX VALUES.

Revision.

Mr. COURT asked the Treasurer:

(1) Has any specific or general revision of land tax values resulted, or is likely to result, from the reported Fremantle case of a warehouse land and buildings sale for about £3,000 less than the department's value on the land alone?

(2) If so, what is the nature of the revision and will it be made retrospective?

(3) Are there any reported cases of a like nature from other districts?

The TREASURER replied:

(1) A revision of values is now in progress covering the warehouse area immediately south of High-st. and west of Market-st.

While the sale referred to was known by the department, it forms only portion of the evidence being examined.

(2) The work amounts to a revaluation of the area defined above for the 1956-57 year.

Regarding earlier assessments, these will be dealt with according to the provisions of the Land and Income Tax Assessment Act.

(3) No other specific areas of a like nature can be cited.

EDUCATION.

Improvements to Kelmscott School.

Mr. WILD asked the Minister for Education:

(1) What arrangements have been made for improvements to the school accommodation at Kelmscott?

(2) When is this work likely to commence?

The MINISTER replied:

(1) Kelmscott is listed for one additional room on this year's list of building requirements.

(2) This work is entirely dependent on the availability of funds.

HOUSING.

Turnover of Maniana Tenants.

Mr. WILD asked the Minister for Housing:

(1) Of the 91 tenants who have vacated Maniana since its inception, how many have moved to—

(a) private accommodation;

(b) the country;

(c) the Eastern States; or have

(d) purchased a war service home, or State Housing Act home?

(2) Have any of the tenants been evicted for arears of rent?

(3) If so, how many?

(4) What is the total amount of overdue rents outstanding at Maniana?

The MINISTER replied:

(1) (a) 29.

(b) 8.

(c) 4.

(d) 25.

Remaining 25, unknown.

(2) Yes.

(3) Two.

(4) £653 19s. involving 29 cases of which five are unemployed.

ANGLO-IRANIAN OIL COMPANY.

Premier's Statement re Expansion of Industry.

Hon. D. BRAND (without notice) asked the Premier:

During his speech on the Profiteering and Unfair Trading Prevention Bill the Premier mentioned three firms which intended expanding. Did he include the announced extensions of the Anglo-Iranian Oil Company?

The PREMIER replied:

No, not specifically.

BILL—VERMIN ACT AMENDMENT.

Introduced by the Minister for Agriculture and read a first time.

BILL—GERALDTON SAILORS AND SOLDIERS' MEMORIAL INSTITUTE ACT AMENDMENT.

Read a third time and transmitted to the Council.

BILL—PROFITEERING AND UNFAIR TRADING PREVENTION.

In Committee.

Resumed from the 2nd October. Mr. Moir in the Chair; the Minister for Labour in charge of the Bill.

Clause 30—Exercise of power of inquiry:

The CHAIRMAN: Progress was reported on the clause after the Minister for Labour had moved to strike out the word "shall"

in line 1 of the amendment moved by Hon. A. F. Watts to insert a new paragraph (b) in Subclause (3), as follows:—

> (b) shall permit the person charged with unfair trading to have the assistance during the inquiry of counsel or a solicitor.

and to insert the word "may" in lieu.

Hon. A. F. WATTS: This is an extraordinary proposition put forward by the Minister. Surely it should not be within the discretion of the commissioner to allow a trader to be represented by counsel after he has been charged with what is virtually an offence! Seeing that in these cases some other type of professional man such as an accountant might be more suitable than a solicitor or counsel to represent the accused, I did suggest to the Minister that I would have no objection to such a proposal. However, the only amendment before us is the proposal to strike out the word "shall" and to insert the word "may" in lieu. I oppose the amendment on the amendment.

The MINISTER FOR LABOUR: The deletion of paragraph (b) which appeared in the Bill, has already been agreed to, and in respect of the amendment to insert a new paragraph in lieu, I have moved to strike out the word "shall" and to insert "may" in lieu. I would point out that the commissioner will not refuse permission to anyone who is charged with unfair trading to be represented by counsel, if the circumstances warrant it. The commissioner will not be bound by the ordinary rules of evidence and he will have to determine each case in accordance with equity and good conscience, and without regard to technicalities, just the same as the procedure followed by the Arbitration Court. To expedite the inquiry the commissioner should have some little discretion as to whether counsel may appear on behalf of any party. If the commissioner feels that the interests of a trader may be jeopardised without legal representation, surely there will be no question of permission being refused!

Mr. COURT: I made myself quite clear in regard to this matter before progress was reported. I consider that the proposition of the Minister is most unrealistic. Under this clause there is the onus of proof on the trader and it should be left to his discretion as to whether he should have legal representation, and for this reason the provision should be left mandatory on the part of the commissioner to allow legal representation. If it were a minor case, the accused would not require the assistance of counsel, and only in a more important case would he go to the extent of engaging counsel..

Amendment on amendment put and negatived.

Amendment put and passed.

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

> That the word "may" in line 1, page 16, be struck out and the word "shall" inserted in lieu.

In the course of considering the amendments which have been put before members and the preliminary proceedings, the Committee has expressed the view that the public shall be excluded from hearing any inquiry, wholly or in part.

The MINISTER FOR LABOUR: I have no objection to the amendment.

Amendment put and passed.

Mr. COURT: This clause has been amended in certain particulars. I still propose to oppose the clause as amended. I invite the attention of members to what this clause does and particularly to Subclause (2) (c) which says that the commissioner shall cause to be served on the person notice in writing, calling on him to show cause why he should not, in the conduct of his trading, be declared a declared trader. That is bad enough, but the rules of this particular game are laid down by the commissioner under the terms of this Bill, and he can use such rules of evidence as he feels inclined to suit each particular case.

We must also remember this man has possibly, on the basis of suspicion, conducted an investigation, and from that investigation he has formed an opinion, otherwise he would not go on with the inquiry provided by this Bill. He then holds what is termed an inquiry, but what is the effect? He is not bound by the rules of evidence and then, having considered the evidence, he makes a decision on a matter on which he has already formed an opinion. He would be unnatural if he did not form an opinion and it would be difficult for the trader to change the opinion that had developed in the mind of the commissioner.

In addition, I think permission has been inserted for the admission of counsel. The fact remains that under Clause 30 (3) (d) it says the commissioner—

> shall make full inquiry into all matters material and relevant to the subject matter of the charge, and shall act according to equity, good conscience, and the substantial merits of the case, without regard to technicalities or legal forms; is not bound by any laws or rules of evidence; but may inform his mind on those matters in such manner and make such decision as he thinks just.

It is impossible to consider this clause without its twin, Clause 39, which reads—

> A decision made, or direction issued by the commissioner, is final, is not subject to any appeal, and has effect

according to its tenor, but this section does not prejudice any right of appeal which any person has in respect of an offence against this Act.

Unless I am misinformed on this matter, the last line of Clause 39 does not give the accused a right of appeal from the decision of the commissioner. It only gives a right of appeal in respect of an offence against the Act. Under Clause 35 the offences are clearly defined as follows:—

> A person who contravenes, or fails to comply with any provision of this Act, or of any order, direction, notice, document, matter, or thing in force pursuant to the provisions of this Act, commits an offence against this Act.

Therefore his right of appeal is restricted to one of those offences such as disputing a direction of the commissioner, charging different prices from those ordered by the commissioner, or trading in a different manner from that ordered by the commissioner. It is only from those offences he has a right of appeal. He has no right of appeal from the decision of the commissioner that is to be made at this particular inquiry. For that reason, I oppose the clause as amended.

Hon. A. F. WATTS: My attitude in regard to this matter is slightly different from that of the member for Nedlands. I propose in a moment to move another amendment to this clause because I think it would be my duty as a member of the Assembly. While I may dislike much of what is in the Bill and much that I would like to have included is missing from it, I have to presume the Bill will be passed in some form or other and that form should be as acceptable to me as I can make it. I move amendment—

> That after the word, "forms" in line 8, page 16, the words "is not bound by any laws or rules of evidence; but may inform his mind on those matters in such manner and make such decision as he thinks just" be struck out.

The paragraph, so amended, would read—

> shall make full inquiry into all matters material and relevant to the subject matter of the charge, and shall act according to equity, good conscience, and the substantial merits of the case, without regard to technicalities or legal forms.

I have no objection in the circumstances to the commissioner acting according to the substantial merits of the case and in good conscience, nor do I particularly require him to have regard to technicalities or legal forms, but I think the rest of the paragraph is objectionable. If a man is not bound by rules of evidence and can make such decision as he thinks just, he may inform his mind in a manner based purely upon hearsay from a malicious witness, and in the net result he may do a grave injustice. Therefore, we should be satisfied that he will not be bound by technicalities or legal forms. He should not be given the right to accept any sort of say-so which, as now provided in this paragraph, will be the case.

The MINISTER FOR LABOUR: I have no strong objection to the amendment submitted by the member for Stirling, but do not consider there is anything very objectionable in the clause. This principle is embodied in the Industrial Arbitration Act.

Hon. A. F. Watts: But under different circumstances.

The MINISTER FOR LABOUR: They are not so different. The court can inform its mind as it thinks fit and is not subject to the rules of evidence. The commissioner will be a human being just as is the president of the Arbitration Court. It would not be suggested that because the president reads in "The West Australian" a report of a strike with which he will have to deal, he would be prejudiced because of what he read or by discussions he may have had with groups of persons prior to the case. However, if the member for Stirling is anxious to have those words deleted, I have no strong objection.

Amendment put and passed.

Mr. COURT: In view of the fact that there has been a further amendment added to the clause which is going to be put as further amended, I want to reaffirm what I have previously said. Even with the words just deleted, the fact remains that the decision of the commissioner is not subject to appeal. With this very serious position included, I feel that the absence of any appeal, particularly as the decision is that of one man, is a dangerous provision and I oppose the clause as amended.

Hon. A. F. WATTS: I will wait until I see what happens to my amendment with respect to the right of appeal before I decide about the clause.

Mr. Court: Does that come in a later clause?

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

Ayes	29
Noes	12
Majority for	17

Ayes.

Mr. Andrew	Mr. Norton
Mr. Brady	Mr. Nulsen
Mr. Evans	Mr. O'Brien
Mr. Gaffy	Mr. Oldfield
Mr. Graham	Mr. Owen
Mr. Hall	Mr. Potter
Mr. Hawke	Mr. Rhatigan
Mr. Heal	Mr. Sewell
Mr. W. Hegney	Mr. Sleeman
Mr. Hoar	Mr. Thorn
Mr. Jamieson	Mr. Toms
Mr. Johnson	Mr. Tonkin
Mr. Lapham	Mr. Watts
Mr. Marshall	Mr. May
Mr. Nalder	*(Teller.)*

Noes.

Mr. Bovell	Mr. Mann
Mr. Brand	Sir Ross McLarty
Mr. Cornell	Mr. Perkins
Mr. Court	Mr. Roberts
Mr. Crommelin	Mr. Wild
Mr. Hutchinson	Mr. I. Manning
	(Teller.)

Pairs.

Ayes.	Noes.
Mr. Lawrence	Mr. Grayden
Mr. Kelly	Mr. Hearman

Clause, as amended, thus passed.

Clause 31—Power to declare a person to be a declared trader.

Hon. A. F. WATTS: In the unavoidable absence of the member for Narrogin, I feel impelled to move the amendment standing in his name on the notice paper. I move an amendment—

> That after the word "or" in line 21, page 16, the following be inserted to stand as paragraph (b):—
>
> > may, if the charge is deemed proved by the commissioner on account of the fact that the person is a party to a contract or agreement coming within the definition in this Act of "unfair trading methods" or "unfair methods of trade competition" accept an undertaking from the person (which undertaking may take such form and be subject to such sureties as the commissioner may reasonably require) that he will cease to be a party to such contract or agreement or any other contract or agreement of a like nature without the approval in writing of the commissioner.

The present clause provides only two alternatives for the commissioner, namely, one to caution and the other to declare. The member for Narrogin having earlier in the debate succeeded in having a definition inserted—at least to some extent—of "unfair trade methods" or "unfair methods of trade competition" considered there should be a third option given to the commissioner, and incidentally to the person concerned, of withdrawing from the agreement which would be the subject of dispute.

The MINISTER FOR LABOUR: I have had a close look at the amendment and it appears a very reasonable one. I express my appreciation to the member for Narrogin for his help. He is a little bit different from members opposite who are adopting a negative attitude all the time.

The Premier: "Slaughter," not "alter"!

Amendment put and passed.

Hon. A. F. WATTS: The Bill contains no provision for an advisory committee. This is a serious matter to me. Consequently, I must leave out portion of the amendment, which appears on the notice paper, that I had intended to move. I move an amendment—

> That after the word "Act" in line 23, page 16, the following be inserted to stand as subclause (3):—
>
> > A person aggrieved by the decision of the commissioner under this section may within ten days after service on him of notice of such decision appeal in manner prescribed by regulation to a judge of the Supreme Court against the decision which appeal shall be heard in chambers and the judge's decision on such appeal shall be final and binding on all parties thereto.

At this stage I have no need to elaborate on the reasons for the amendment, as they would be clearly and readily understood by all members in view of what transpired in earlier parts of the debate.

The MINISTER FOR LABOUR: During the debate in regard to the appointment of an advisory council, it was clearly pointed out that the Bill already, to my mind, made ample provision for the calling in of expert advisers whenever that should be necessary. That was why I opposed the set-up of the advisory council. The member for Katanning suggested that there should be six members of the advisory council, together with the chairman, and I could see objections to that. The present amendment seeks to provide an appeal from the decision of the commissioner.

It has been said over the air and in the Press that the commissioner is to be all-powerful and can, without redress, impose any penalty on a trader. But in fact, the commissioner in this case, after exhaustive inquiry and investigation, would have power to declare a trader under the Act—

Mr. Court: Without right of appeal.

The MINISTER FOR LABOUR: There is no appeal from a decision of the Arbitration Court.

Mr. Court: You cannot compare the two.

The MINISTER FOR LABOUR: Since the member for Stirling has suggested that there should be a right of appeal to a judge of the Supreme Court, I reiterate that if there is to be any other tribunal to which the trader should have right of appeal, I think it should be the Arbitration Court.

Mr. Roberts: Why?

The MINISTER FOR LABOUR: The Industrial Arbitration Act provides certain powers for the Arbitration Court as to the calling of evidence, and the informing of its mind. A person cannot be appointed president of that court unless he is competent to become a Supreme Court judge. The president of the Arbitration Court can take his place, as an equal, among the other Supreme Court judges. Together with the president of the Arbitration

Court there are two lay members, who represent the two parties concerned. The only objection I raised to the proposition put forward by the member for Leederville was that if the business of the court were congested, the court could not cope with the appeals, and that would apply equally to a judge of the Supreme Court. As there is a conciliation commissioner appointed under the Arbitration Act, it is likely that delays would be less before the Arbitration Court.

I am not enthusiastic about any appeal in this instance as I would have confidence that the commissioner would not make a declaration unless he was absolutely satisfied that such a course was warranted. The members of the Arbitration Court, I might add, study all the factors taken into account in the compilation of the basic wage and I believe that court would be far more effective as an appeal court than would the proposed advisory council. I oppose the amendment.

Hon. A. F. WATTS: Once upon a time there was a member for Mt. Hawthorn who sat on this side of the House and in his approach to legislation and questions which came before this Chamber in those days I always found him reasonably logical. I do not know why he has changed so much since he has occupied his present position. The Minister started off by indicating that the activities of the commissioner would resemble those of the Industrial Arbitration Court.

Quite apart from the fact that the Industrial Arbitration Court bench consists of representatives of both parties, and an independent president in the shape of a judge of the Supreme Court—which is a fundamental difference—there is also the considerable difference that the Industrial Arbitration Court—and particularly the lay members thereof—could hardly be expected to have any knowledge whatever of what I will call the intricacies of trade and commerce.

I therefore do not think the Minister's argument has any logic in it and particularly the first part of it, where he suggested that the activities of the commissioner would resemble those of the Industrial Arbitration Court bench. If there were to be a representative of the trader and one of the Government, with an independent judge as chairman, to decide these matters, in all probability there would not be the argument which is taking place this afternoon, because the two positions would be as different as chalk is from cheese.

Now I come to the real bone of contention in the matter. Is the Minister, the Government or the Committee going to agree to a right of appeal and, if not, is that refusal justified and, particularly, is it justified on the part of the Minister himself? I would say definitely that it is not. For years it has been almost the invariable custom to give a further opportunity to anybody charged or placed in an individious position on account of some activity of his, to have the position examined before he finally suffers the ultimate penalty. I do not think members on either side of the House have ever refused to give favourable consideration to any sensible proposition which was likely to give that further opportunity.

This amendment, which seeks to provide for an appeal to a judge of the Supreme Court, has not been drawn lightly. I think it is absolutely essential that an opportunity should be given to the person about to be declared to take his case to a judge of the Supreme Court and have it examined. I have not suggested a public hearing. It is a well known fact that hearings in Chambers are conducted differently from those in public court sessions and, in consequence, the inquiry to be made by the judge would be of a somewhat different character from that which would take place in ordinary court proceedings and that, I think, in the circumstances, is desirable. I sincerely hope that the Committee will not disagree to this amendment, particularly to the principle involved of granting a right of appeal.

The PREMIER: The Prices Control Act gave the commissioner considerable authority. For instance, it gave him power to declare maximum prices and there was no appeal of any kind provided for in that Act against any such decision made by the commissioner. I should think it would be reasonable to say that some of the firms against which orders were made by the commissioner were dissatisfied and doubtless they felt that they had been unjustly treated.

Hon. D. Brand: It would have been possible for the decision to be an unjust one.

The PREMIER: Exactly. However, the commissioner made his decisions and they were final and binding. Under this proposed law the commissioner will make decisions against which no appeal is at present provided for in the Bill but in line with those which were made by the prices commissioner. The decisions which would be made by him would be based very largely on fact and not upon legalisms. It is true that the element of justice or fair play would enter into it just the same as it entered into the decisions made when the Prices Control Act was in operation. Therefore, up to this stage, the position in regard to this Bill is not very much different, if any different at all, from the position which existed, in fact, under the price control legislation.

Taking now a separate angle I would say that for quite a long while I have been of opinion that the Arbitration Court, wherever prices control or profiteering legislation operates, should be the tribunal to handle wages and salaries and working conditions, control over prices or prevention of profiteering. We all know that the cost of living is a very vital

factor so far as wages and salaries and costs of production are concerned. Therefore, I think there would be considerable logic in any suggestion put forward that control over prices or prevention of profiteering could well be the responsibility of the tribunal which deals with wages and salaries and working conditions.

I have been convinced in my own mind for some time now that had the Commonwealth Court of Arbitration had responsibility over prices and the cost of living in the same way as it had, and still has, control over wages and salaries and working conditions we would not have seen prices increase to the same extent as we have since September, 1953.

Mr. Court: Have you ever put forward any suggested machinery to make that practicable?

The PREMIER: No; but I argued the point quite solidly at the last Premiers' Conference when Australia's economic problems were being debated.

Mr. Court: I read your propositions and I was rather interested to ascertain how you proposed to achieve it through the Arbitration Court.

The PREMIER: It would not be impossible to amend the Industrial Arbitration Court law, or even to pass a separate law altogether, if it were thought desirable to clothe the Court of Arbitration with the additional power and authority to investigate and control that side of the economy. Clearly there is some logic in the contentions that a tribunal that is set up by Parliament, and authorised by Parliament to manage wages and salaries and working conditions could, or should, be the tribunal to exercise some legal control over the more important units which go to make up the cost of living. I am inclined to think that had this sort of system been operating in Australia since the war, or even since the middle of 1953, our economy today would be ever so much sounder and safer than it is.

Obviously, the industrial tribunals are only partly complete and effective if they are legally authorised to control only wages and salaries and working conditions, and neither they nor anyone else have legal authority to exercise some reasonably effective control over the cost of living. The cost of living, as we all know, has a severe effect not only upon people in receipt of wages and salaries as declared by the industrial tribunals but also upon every other person in the community, particularly those whose incomes are fixed at low levels. I would submit also that it has a severe effect upon the general cost of production. However, I am not going to take up the time of the Committee arguing as to which came first, the hen or the egg as it were—in other words, as to whether rising wages and salaries were first of all responsible for starting the upward move in the cost of living or whether rising prices were responsible. An argument along those lines would be interesting, but it is doubtful whether it would be effective. It certainly would not be effective in the situation with which we are faced.

In dealing with the other angle, the decision which the commissioner would make would be based largely on accountancy facts and partly on his sense of what was fair, reasonable and just in a particular situation. Therefore, there does not seem to me to be any necessity to grant an appeal to the Supreme Court. If an appeal is to be given—and I am prepared to say that one could be justified even although an appeal under somewhat similar circumstances did not lie under the prices control legislation—it could more appropriately be given to the legal tribunal in the State which does not deal with legal issues, but with facts, the equity and the justice of the situation.

So I make two main points. The first is that in a somewhat similar situation—certainly not exactly the same—there was no appeal against the commissioner of prices, and the second is that, if we think there should be some appeal, made possibly because of mistakes in regard to facts and of miscalculations of what is fair and just in a particular situation, the appeal might more properly lie with the Court of Arbitration which already deals with the particular question of the total situation with which this proposes to deal although it is a different element from that dealt with by the Court of Arbitration.

If an appeal were to be granted and the Court of Arbitration was the court of appeal, the appeals would be more likely to be consistent. It would be quite easy to imagine that were the appeals to be made to the Supreme Court there could be substantial variation in the judgments given because one judge might have quite a different approach and point of view on an appeal compared to another judge. I should think that there would be consistency of judgments in the Arbitration Court and, in a court of appeal, this would be important. If the judgements were not reasonably consistent, there could develop in the business community a feeling that one trader was being dealt with better than another. There could be arguments aganst the desirability of developing a situation such as that. I offer those views because it seems to me that they are to some considerable extent appropriate to the situation which we are now facing.

Mr. WILD: I must support the Leader of the Country Party in his move to have a right of appeal under this clause. Before passing on to it, in my view this is the worst piece of legislation I have ever seen during the ten years I have been a member of this Chamber and this particular clause is the most diabolical one in the Bill. Under it a man can be made a declared

trader purely at the whim of one individual. The Premier tried to justify the clause by saying that the prices commissioner could declare a maximum price for an article during the war and after without any right of appeal.

Is there any comparison between a commissioner of prices saying that the maximum price of an article shall be 3s. 6d. and a commissioner under this legislation being able to declare a man as an unfair trader? The clause also provides that the trader's documents, invoices and other papers can be stamped and a notice posted up in his business establishment and so on to the effect that he has been declared. During the last war, one member of this Parliament lost his life fighting against a man known as Hitler who provided that when a man was declared a Jew, he had to run around with a yellow star on his back.

The Premier: The hon. member is dealing with a different clause altogether.

Mr. WILD: What I am driving at is the principle underlying this provision. There is every justification in having the right of appeal against any decision made by the commissioner.

The PREMIER: I would just like to say one thing to the member for Dale, although usually saying nothing is an effective answer to what he says. He asserts—and he is the most assertive individual in the Chamber—that there is a tremendous difference between the commissioner of prices under the old legislation declaring a maximum price and the commissioner, under this proposed new law, declaring a trader. In principle, the question is the same in both instances.

Mr. Wild: If you were a trader, which would you prefer? Would you rather have the commissioner tell you the maximum price for an article that you were selling or have him declare you an unfair trader?

The PREMIER: If I were a trader and had the reactionary tendencies that the member for Dale posseses. I would prefer him not to exist at all, either as a commissioner of prices or as a commissioner against profiteering. If there is abundant justification for grantnig an appeal aganst the decision which this commissioner will make, there was at least adequate justification for an appeal against the commissioner of prices under the old prices control legislation.

Mr. COURT: I differ very strongly with the argument put forward by the Premier. The cases quoted by him are not comparable. The Prices Control Act was wartime emergency legislation and the commissioner of prices was given sweeping powers. The people accepted that position because of a national emergency. There was a great deal of friction and argument, and I want to make this point with the Premier and his Minister: Only one Minister during the whole history of price control—in the Commonwealth sphere as well as State—was ever prepared to challenge the decisions of the commissioner. He was a Labour Minister in the Commonwealth Government at the time—fairly early in the history of price control—and he lived to regret his challenge. He endeavoured to suspend the decision of the prices commissioner, if I remember rightly. If the Premier will think back he will recall that his Minister for Labour said that if he were administering price control, he would accept full responsibility and not shield behind the commissioner of prices. That was an important talking point by the Minister for Labour.

Hon. Sir Ross McLarty: And by the Premier.

The Minister for Labour: That has been taken out of the Bill by agreement.

Mr. COURT: The commissioner under this measure will not only give decisions on matters of straight out prices and direct what prices will be charged, but he will also make decisions that are far reaching. He has the power to direct a person's method of trading and tell him what he shall and shall not sell.

The Premier: So could the commissioner of prices.

Mr. COURT: He fixed the maximum price.

The Premier. He said greater powers than that, and you know it.

Mr. COURT: Only in certain circumstances could he influence supply. There is a great difference between peacetime legislation and wartime legislation. Under the wartime legislation the commissioner's finding depended on matters of fact in most cases. But with this legislation, his decisions will, in the majority of cases, be a matter of opinion rather than straight-out fact. There will be wide differences of opinion with the trader at one extreme end and the commissioner at the other. The Leader of the Country Party in his amendment wants to leave it to the judge to decide which is the correct view. The Premier on occasions has brought forward the proposition of vesting certain power over prices and costs in the Arbitration Court. I hope one day he might advance the machinery to be used to achieve that objective because I find it difficult to conceive any machinery that would be effective. It may be that the Premier has something in his proposition if it could be developed, but there could be conflict of objectives. The Arbitration Court has a duty and I think in the main it tries to be fair. It has adopted the method of fixing wages within the capacity of industry to pay, and that is quite fair. But with the conflict of interests in trying to keep prices and wages down the decisions that the

Arbitration Court makes can be influenced; it could be to the advantage of the trader or to the advantage of the worker.

The Minister for Works: It is not the job of the Arbitration Court to keep wages down.

Mr. COURT: I am not suggesting that. They are there to give what the Minister has so often referred to as wage justice and they take into account all economic considerations. The employers, the unions and the court have agreed that henceforth wages shall be assessed on the capacity of industry to pay, and not tied to needs. The Premier wants to superimpose on that structure power to regulate costs and prices, and there could be a conflict of opinion. I am not sure whether the Government is opposing the amendment or not. I support the amendment moved by the member for Stirling.

Mr. I. W. MANNING: I support the amendment and disagree with the Premier that the duties and functions of the commissioner under this measure are comparable with those of the prices commissioner. The latter certainly fixed prices and there was no appeal against his decision.

Mr. Heal: Did you agree with that system?

Mr. I. W. MANNING: An appeal could be made to the prices commissioner, however, for an increase in prices where a group of persons were not satisfied with those fixed. If the trader was guilty of over-charging an action was brought against him by the prices commissioner, but the trader had the facilities available at law—and there lies the right of appeal. If the trader were charged and found guilty and believed himself innocent he could appeal to a higher court. The member for Stirling is concerned about a person who is aggrieved at the decision of the commissioner under this Bill and who, though believing himself innocent, has no right of appeal. What would the Premier do with a person found guilty who yet was innocent? He must be given the right of appeal.

The Minister for Labour: How could he be guilty if he were innocent?

Mr. I. W. MANNING: The commissioner might think him guilty, but the trader himself might consider himself innocent, and he should have the right of appeal to a higher authority. So I appeal to the Premier not to write into this legislation a provision which gives no right of appeal.

Mr. JOHNSON: I move—

> That the amendment be amended by inserting after the word "Commissioner" in line 2 of proposed Subclause (3) the words "to declare such person a declared trader."

If that is successful, later on I shall move to insert after the words "Supreme Court" in line 6, the words "who is the president of the Arbitration Court." The idea of this proposition is that it confines the right of appeal to one portion of the legislation; that is the provision giving the right to declare a person as a declared trader. It appears to me that this is the fundamental point in the legislation, but it is purely one of opinion.

Nearly all of the offences mentioned in the Bill relate to persons who offend subsequent to being declared, but there is no offence which is punishable in the case of a person who has not been declared. Knowing something of trade, I suggest that if a right of appeal is given in respect of every decision of the commissioner there will surely be an appeal in every case, because no trader will agree that anything he has done is wrong. If the legislation is to function effectively, it is essential that the right of appeal should be kept down to the single point I mentioned, that is, the right to declare.

Once a trader is declared he will come under the commissioner in much the same form as traders who came before the prices commissioner in the days of price control. Until a trader is declared, he is completely free of all control. Whilst I believe that there should be a right of appeal on this point of declaration, I consider that that right of appeal should be to the Arbitration Court, or a judge of the Supreme Court who is president of the Arbitration Court. I contend there is no necessity for the right of appeal on every point.

Sitting suspended from 3.45 to 4.3 p.m.

The MINISTER FOR LABOUR: While substantially agreeing with the member for Leederville, I am inclined to think that the appeal should be to the full Arbitration Court. If the member for Stirling were to agree that the Arbitration Court should be the body to deal with appeals, I think that would meet the wishes of the Committee. The president of the Arbitration Court has the status of a Supreme Court judge, and the two lay members, it can be said, represent the consumers the trade union movement and the employing section of the community. If there is to be any appeal from the decision of the commissioner, it should be to the court.

Mention has been made of the difference between the proposed powers of the commissioner and those of the prices commissioner. This commissioner will certainly determine matters which the prices commissioner did not determine, but, as the Premier said earlier, there was no appeal from the decision of the prices commissioner. His findings were arrived at after exhaustive consideration, and the prices were fixed.

In a measure of this character there has to be a great amount of expedition. The safeguard would be that once the commissioner determined the prices and issued a direction to the trader that those prices were not to be exceeded, and then the trader decided to appeal, the prices fixed by the commissioner would operate until such time as the appeal against them was successful. In this case I think the Arbitration Court would be the appropriate body. It is true that under the Bill the commissioner would determine whether any trader or group of traders were engaging or indulging in unfair trade practices, but I suggest that would be more a question of fact than of law.

Mr. Court: It would be a matter of opinion.

The MINISTER FOR LABOUR: I think the appeals should go to the Arbitration Court. I would be quite prepared to accept an amendment on the amendment moved by the member for Stirling, and I hope that the member for Leederville will not raise any strong objection if the Court of Arbitration, instead of the president of the Court of Arbitration, were to hear the appeals.

Hon. A. F. WATTS: As far as I can ascertain, we are not discussing the question of the Arbitration Court. That is a subsequent amendment.

The CHAIRMAN: That is so.

Hon. A. F. WATTS: We are discussing whether the right of appeal proposed by the member for Leederville shall be confined to a decision of the commissioner declaring a trader to be a declared trader. At first sight that might appear to be all right, but I point out that we recently inserted a third paragraph—it appeared on the notice paper in the name of the member for Narrogin—in connection with the powers of the commissioner, and that deals with another aspect.

I do not think it is a satisfactory right of appeal, without entering into the question of to whom the appeal is to be made because it relates only to one of the three powers now vested in the commissioner as the Bill at present stands. I could leave out the cautionary powers because as there is no declaration or penalty there, I do not think a trader would wish to appeal to anybody in that regard, because it is not to be made public, but I assume he could wish to appeal against either of the other two.

No matter to whom the appeal is to be taken, I do not think we should limit the right of that judicial person to have authority to hear appeals against either of those aspects. I regard the proposal which I put before the Committee for the right of appeal as being the correct one in the circumstances, and I will deal with the question of the authority to whom the appeal is to be made when that question is considered.

In regard to the present amendment, I think I put before the Committee a satisfactory appeal which could do injustice to no one—and that includes the commissioner—and, to my mind, it would go far to remove—and I feel sure in the minds of many others who are dubious about the clause—those doubts which beset so many people at present. Therefore I will oppose the amendment on the amendment as moved by the member for Leederville.

Mr. JOHNSON: While agreeing, largely, with the arguments put forward by the member for Stirling in relation to new paragraph (b), which we have just inserted, and the effect of the proposals contained in my amendment to give the right of appeal in regard to a declaration, it would appear to me that the person who is aggrieved, because he feels that the commissioner should not cause him to withdraw from a contract, has what is, in effect, a right of appeal by refraining from doing it, which then has the effect of an appeal. I have not been able to follow all the implications of the new paragraph but that is the way this point strikes me.

Hon. A. F. WATTS: I think you are right, except for the objection that you are making a man make himself guilty in order to secure the right of appeal.

Mr. JOHNSON: That is a nice theoretical argument, but nobody, in fact, appeals until somebody has found him to be wrong. One must be found to be wrong before there is need for a right of appeal. I think it would be of assistance if the right of appeal were confined to a limited number of types of cases. I would agree with some amendment which would include the agreement that appears under this new provision. While I agree with the principle, I feel that if the machinery which we set up is to be workable, we must prevent the appeal authority being cluttered up with matters designed purely to cause delay.

It is regrettable that the Committee agreed to permit legal representation at appeals as legal men are experts in delaying tactics and an appeal could be delayed by different methods for months, during which period the unfair trading complained of could be completed and wound up and the responsible parties could take themselves physically to some other place. I am not particularly wedded to the present wording and, if a preferable method can be suggested I will not press my amendment on the amendment.

Mr. POTTER: Technically, this is a complicated question. I am inclined to support the member for Leederville because there will be a divergence of opinion

regarding a number of things which the Bill seeks to do. I feel that the Arbitration Court is the logical place to which to take the appeal as it deals with the awards, wages and conditions of workers and must therefore have some knowledge of the economy of various industries. Its judgments would therefore have more consistency than those of some other court of appeal. If there are any legal technicalities that court will be able to deal with them. But in a measure of this nature, the fewer legal technicalities there are, the better it will be because a man of commerce wants to be able to put his case and get some satisfaction as quickly as possible.

Two members of the Arbitration Court are only laymen, it is true, but the employer's representative is a representative of commerce and industry and the employee's representative would have a sound knowledge of the working of the various industries and of workers' conditions generally. The Commonwealth basic wage has been pegged on the assumption that industry has the ability to pay it and this piece of legislation, too, has a lot to do with the economy of the country, particularly in relation to prices.

I thought the Bill was quite all right because it gave the commissioner the right to do certain things, but I am inclined to support the suggestion of the member for Leederville. It seems rather strange that an appeal will have to be made before there is any conviction, but in cases such as those likely to arise under this legislation, there will naturally be a divergence of opinion and so such a method would probably be quite all right.

The MINISTER FOR LABOUR: I think the wording of the amendment moved by the member for Stirling will achieve what the member for Leederville was trying to cover and I must indicate opposition to the proposal of the member for Leederville at this stage.

Amendment on amendment put and negatived.

The MINISTER FOR LABOUR: I move—

> That the amendment be amended by striking out the words "a Judge of the Supreme Court" after the word "to" in line 6, with a view to inserting other words.

Hon. A. F. Watts: What are the other words?

The MINISTER FOR LABOUR: "The Court of Industrial Arbitration."

Hon. A. F. WATTS: I do not propose to support the amendment nor do I propose to take up much time in covering ground which I have already covered. But there is one other point that I want to raise. Is the Minister satisfied that under the present industrial arbitration law the Arbitration Court has jurisdiction to deal with matters such as these; because if it has not, this amendment, even if it is carried, will not be sufficient and the Minister will have to insert either here or in the Industrial Arbitration Act, or in both—and that is a matter upon which he would have to get advice—additional provisions which would confer on the Arbitration Court the necessary jurisdiction to deal with matters of this kind. By no stretch of the imagination could it be said that what will be the subject of appeal in these instances, would come within the ambit of the Arbitration Court as I understand it under the present statute.

Mr. JOHNSON: The Minister's amendment achieves the objective which I had in mind.

Hon. A. F. Watts: Your amendment would not be open to objection in my view.

Mr. JOHNSON: I am not certain that the court as at present constituted can accept the responsibility. However, if the amendment which I mentioned previously were included, I feel there could be no legal objection to it. Even if it were not agreed to, the Government of the day could achieve that objective under the regulations, which it has power to make, by stating that the judge of the Supreme Court to whom the appeal should go would be the one who was for the time being the president of the Arbitration Court.

The one objection I have to including such a provision is that a future Government might place the right of appeal in this matter in the hands of a different judge from the one in the Arbitration Court, with the result that the form, style and content of administration could be at complete variance with that applying in the Arbitration Court. As the Premier indicated, it is important that decisions relative to wages, prices and other economic decisions should have a great degree of consistency. I am quite happy to accept the Minister's amendment if it can legally achieve what I have set out to do.

The MINISTER FOR LABOUR: I appreciate the point raised by the member for Stirling, although since the right of appeal has been agreed to it was thought that even if the Act required amendment, the full Arbitration Court should be the body to whom an appeal should lie. In the circumstances, I would suggest that I withdraw my amendment.

The CHAIRMAN: The words proposed to be struck out have not yet been struck out.

Mr. COURT: Could we be informed of the exact position, Mr. Chairman?

The CHAIRMAN: The Minister has moved to strike out the words "a judge of the Supreme Court" contained in the amendment moved by the member for Stirling.

Mr. COURT: I feel the amendment moved by the member for Stirling should be adhered to in its entirety. I remember that the Government of the day appointed a president of the Court of Arbitration while at the same time making him a puisne judge. There was publicity at the time given to the fact that he would have the right to sit on the Supreme Court bench when so desired by his brother judges, particularly in connection with appeals, so that it would not be necessary for one of the judges who heard an original case to also sit on appeal.

There was an outcry from the trade union movement. It felt that the president of the Arbitration Court should concentrate all his time and energy on that job and unless there has been some change of attitude by the A.L.P. and the Government, the position is no different today. It would not be practical for the Chief Justice to allocate duties arising from an appeal to other judges. It could be that the Arbitration Court was very busy at the time while some other judges were not quite so busy. The amendment moved by the member for Stirling would enable duties to be allocated according to the pressure of the work at the time.

I do not think we can take exception to any one of the judges being used, but it is premature to pursue the proposition put forward by the Premier that the Arbitration Court should be entrusted with the job of fixing prices and controlling costs outside its ordinary duties. If the amendment moved by the Minister is passed, it will go a long way to placing the responsibility on the president of the court, if not on the court itself.

Hon. A. F. WATTS: The matter seems to have become involved. The Minister desires that the judge who is going to do this job should be the judge who is president of the Arbitration Court. To the individual I have not the slightest objection. He is a judge of the Supreme Court, as well as president of the Arbitration Court, so from the point of view of the Supreme Court judgeship, he is in the same position as the other judges of that tribunal, and if he had time, as such would be entitled to hear these appeals without any amendment to the paragraph I propose.

My amendment does not state any particular judge of the Supreme Court; it merely says a judge, and as Mr. Justice Nevile is also a judge of the Supreme Court he would be entitled to hear appeals. I see no advantage in providing that it must be Mr. Justice Nevile or Mr. President Nevile who should hear the appeals, because there is nothing in the amendment that will stop him if he has time.

As the Press has indicated now and again, there are times when the bench of the Arbitration Court is extremely busy considering logs of claims placed before it by industrial trade unions. The suggestion under discussion might come up against that state of affairs. But, on the other hand, I say in all good faith that if at the time a particular appeal was to go before the court and it was desired to have it heard before the judge of the Supreme Court who is president of the Arbitration Court, the fact that he is a judge of the Supreme Court would mean that I would have no objection. I did not want to see the proposal confined to one man.

Hon. L. THORN: What is exercising my mind is that this amendment provides for an appeal to a judge of the Supreme Court. The Minister in charge of the Bill is very keen on having the president of the Arbitration Court as the judge to hear an appeal, and the way he put his case would indicate that this judge would have special qualifications. If that is the point worrying the Minister, I would point out that there is an ex-president of the Arbitration Court and judge of the Supreme Court who has all the experience of the present president of the Arbitration Court and who could easily hear the appeals in the Supreme Court. Therefore, why does the Minister particularly want the president of the Arbitration Court? If the Minister is going to agree to this proposal, why not allow appeals to be heard by a judge of the Supreme Court? Delays have been mentioned in regard to the hearing of appeals, and if the Minister wants to cause delays, he should insist on the president of the Arbitration Court.

The MINISTER FOR LABOUR: The member for Toodyay did not raise anything of a substantial nature.

Hon. L. Thorn: That is your weak defence.

The MINISTER FOR LABOUR: I did not say the president of the Arbitration Court had special qualifications from the personal point of view.

Hon. L. Thorn: You said a lot, but did not say what you were talking about.

The MINISTER FOR LABOUR: I did not express enthusiasm for the suggestion that the president of the Arbitration Court should hear these cases. I indicated that I thought the full Arbitration Court bench should be the authority to which an appeal should be made. However, the Leader of the Country Party mentioned a weakness. He indicated that the president of the Arbitration Court, who is a qualified legal practitioner, would hear the appeal. There is nothing inconsistent in that and it answers the member for Toodyay. The member for Nedlands—we have to discount anything he says to a certain degree on account of his attitude earlier on behalf of the Liberal Party—claimed that there was nothing to prevent the Committee from providing for appeals to be made to

the president of the Arbitration Court. The president deals with industrial relations and human relationships daily and also with the matter of wages and margins year in and year out. I suggest that appeals such as would arise under this measure and could be referred to him, relate at least indirectly to the duties he is performing and in many cases will relate directly to his duties as president of the Arbitration Court.

Hon. L. Thorn: Has not Mr. Justice Jackson the same qualifications?

The MINISTER FOR LABOUR: I do not intend to mention any judge of the Supreme Court. I suggest that if appeals are heard by the president of the Arbitration Court, there would be a strong tendency to secure uniformity and consistency in decisions.

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

Ayes	25
Noes	16
Majority for	9

Ayes.	
Mr. Andrew	Mr. Marshall
Mr. Brady	Mr. Norton
Mr. Evans	Mr. Nulsen
Mr. Gaffy	Mr. O'Brien
Mr. Graham	Mr. Potter
Mr. Hall	Mr. Rhatigan
Mr. Hawke	Mr. Rodoreda
Mr. Heal	Mr. Sewell
Mr. W. Hegney	Mr. Sleeman
Mr. Hoar	Mr. Toms
Mr. Jamieson	Mr. Tonkin
Mr. Johnson	Mr. May
Mr. Lapham	*(Teller.)*

Noes.	
Mr. Ackland	Mr. Oldfield
Mr. Bovell	Mr. Owen
Mr. Brand	Mr. Perkins
Mr. Court	Mr. Roberts
Mr. Crommelin	Mr. Thorn
Mr. Grayden	Mr. Watts
Sir Ross McLarty	Mr. Wild
Mr. Nalder	Mr. I. Manning
	(Teller.)

Pairs.	
Ayes.	Noes.
Mr. Lawrence	Mr. Hutchinson
Mr. Kelly	Mr. Hearman

Amendment on amendment thus passed.

The MINISTER FOR LABOUR: I move—

> That the amendment be further amended by inserting after the word "to" in line 5, the words "the president of the Court of Arbitration."

Hon. A. F. WATTS: I would like to know if that is the right title of the gentleman in question. I understood his title was, "President of the Court of Industrial Arbitration."

The MINISTER FOR LABOUR: I will check on that, but, speaking from memory, I am pretty sure it is the Court of Arbitration set up under the Industrial Arbitration Act.

Mr. Johnson: I have the Act here and on page 3 the heading is, "The Court of Arbitration."

Amendment on amendment put and passed.

The MINISTER FOR LABOUR: I move—

> That the amendment be further amended by striking out the word "judge's" and inserting in lieu the word, "president's."

Amendment on amendment put and passed.

Amendment, as amended, agreed to.

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

> That paragraph (c) in lines 24 to 29, page 17, be struck out and the following, to stand as paragraph (c), inserted in lieu:—
>
> > shall, by the decision, direct that the decision be treated as confidential and not published, and any such direction has effect according to its tenor.

The Bill already provides that the commissioner shall promulgate any decisions signed by him, etc., and it later provides that that shall be done in the "Government Gazette" and that he shall cause a copy to be lodged with the Minister. I want to provide that his decisions shall be treated as confidential and not published.

The MINISTER FOR LABOUR: I do not know that the Committee should agree to this. Members will note that the commissioner must act in the public interest, and I do not think he would worry about publishing a decision concerning something that is not a major offence. The discretion would be with him.

Mr. Court: It is a dangerous discretion.

The MINISTER FOR LABOUR: I know what the hon. member would say; I know his attitude; I know for whom he is speaking.

Mr. Roberts: We are speaking for the people of Western Australia.

The MINISTER FOR LABOUR: There is no doubt about that. The discretion now rests with the commissioner and I suggest that he would not publish any and every determination if the circumstances did not warrant it. On the other hand, it may be advisable, in the public interest, for the commissioner to publish a decision. The honest person has nothing to worry about, but if the attitude of a trader or group of traders has been flagrant, do not members think that the public should know about it? We should leave this discretion with the commissioner. I oppose the amendment.

Mr. COURT: I support the amendment because it tidies up a state of thinking, as it were, in respect of traders dealt with under the Bill. If the Government would agree to this amendment that would foreshadow a reasonable attitude towards later clauses with regard to the fixing of notices—

The Premier: I can tell you now that we will agree to those amendments.

Mr. COURT: Regardless of the Government's attitude to the subsequent amendments, this one is most desirable as it would be too dangerous to leave this publicity in the hands of the commissioner. It could be disastrous for a firm or trader although subsequent events might well prove the commissioner to have been completely wrong in his finding.

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

Ayes	15
Noes	22
Majority against	7

Ayes.	
Mr. Ackland	Mr. Oldfield
Mr. Bovell	Mr. Owen
Mr. Brand	Mr. Roberts
Mr. Court	Mr. Thorn
Mr. Crommelin	Mr. Watts
Mr. Grayden	Mr. Wild
Sir Ross McLarty	Mr. I. Manning
Mr. Nalder	*(Teller.)*

Noes.	
Mr. Brady	Mr. Moir
Mr. Evans	Mr. Norton
Mr. Gaffy	Mr. Nulsen
Mr. Hall	Mr. O'Brien
Mr. Hawke	Mr. Potter
Mr. Heal	Mr. Rhatigan
Mr. W. Hegney	Mr. Rodoreda
Mr. Hoar	Mr. Sleeman
Mr. Jamieson	Mr. Toms
Mr. Johnson	Mr. Tonkin
Mr. Marshall	Mr. May
	(Teller.)

Pairs.	
Ayes.	Noes.
Mr. Hutchinson	Mr. Lawrence
Mr. Hearman	Mr. Kelly
Mr. Perkins	Mr. Lapham
Mr. Mann	Mr. Andrew
Mr. Cornell	Mr. Graham

Amendment thus negatived.

Clause, as previously amended, agreed to.

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

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

> That after the word "then" in line 33, page 17, the words "after the expiration of ten days from the date of the declaration, if the person has not appealed, and" be inserted.

This is a consequential amendment.

The MINISTER FOR LABOUR: That is so, and I have no objection to it.

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

Clause 33—Directions:

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

> That paragraph (d), lines 28 to 31, page 18, be struck out.

I do not think it is a reasonable proposition to tell a man that he shall not keep goods but must sell them whether he wishes to or not, and that is what this paragraph would mean. I have many things which I would not like to be told I could not refuse to sell.

The MINISTER FOR LABOUR: The member for Stirling mentioned that he has some things that he would not like to be forced to sell. Under this measure, he would not be expected to do so.

Hon. A. F. Watts: I would not be allowed to refuse.

The MINISTER FOR LABOUR: The hon. member would not be a declared trader; nor is he likely to be. This paragraph, to which the hon. member referred, would apply only to a declared trader.

Hon. A. F. Watts: I know that.

The MINISTER FOR LABOUR: The commissioner would not declare a trader unless he had done something objectionable, unfair or unethical in his activities as a trader.

Mr. Court: Do you believe in the direction of labour, because that is what this amounts to?

The MINISTER FOR LABOUR: I know what the member for Nedlands believes in! This clause was an important one in the days of price control, especially when there was a shortage of goods. While the British Commonwealth of Nations was fighting with its back to the wall, there were some people who were robbing their own countrymen right and left. That is why such stringent provisions were placed in the Prices Control Act; and if it is necessary for the Government of the day to protect people from dishonest and unfair traders in times of war, it is equally desirable and necessary to do it in times of peace. If a trader were declared, and this clause were not in the legislation, he could say, "I am not going to dispose of my goods," and that could conceivably cause a shortage.

Mr. Roberts: Isn't a man to have the right to close down his business if he so desires?

The MINISTER FOR LABOUR: He may be in a position to withhold certain goods, and that could cause a shortage; so I cannot see anything wrong with the clause as it stands.

Mr. WILD: Does not the Minister think that even a declared trader should have the right to say whether or not he wishes to carry on his business? A man might have been declared and might say, "I have been shown up, and I have had all these rotten things done to me. My name has been in the paper, and if I carry on business I will have to stick up a big notice to show that I have been convicted. I am not going to go on trading." The Minister denies such a person the right to close up his business if he so desires, and by this clause such a trader will be forced to sell his goods.

I know that this is not a parallel case, because the Marketing of Eggs Act has not been included in the provisions of the Bill; but I want to tell members about

poultry farmers who are having pullets coming into the lay. When they sell the pullet eggs to the board, they get 1s. a dozen for them; and after the extraction, which amounts to 11d., the producers get 1d. a dozen. It costs them more than 1d. to cart the eggs to the board, and so it is better for them to dig a hole in the ground and bury them—that is, those that cannot be eaten at home—than to take them to the board to be sold.

As I said, that is not exactly a parallel case; but surely, as in that instance, a trader should have the right to withhold his goods from sale if he so desires. Surely that is the right of every individual in this country. So I suggest that the Minister have another look at this.

Mr. POTTER: This provision was in the Prices Control Act, and I can see no harm in its being continued in this legislation, because it applies only to a trader who has been declared. The member for Dale was beating the gun when he talked about a trader having to display notices and so on. I can see no harm at all in this clause. The hon. member frequently refers to the law of supply and demand. I will admit that a restricted supply creates a demand; but it also creates a price, and it is to obviate a restricted supply that this Bill has been introduced. That is one of its objects. I can see no harm at all in this paragraph.

Mr. COURT: The Minister's attitude is unreasonable. He keeps harking back to wartime legislation, and uses that to justify his attitude towards this legislation. I suggest to the Minister that the directions contained in paragraphs (a), (b) and (c) are fairly sweeping in the hands of the commissioner. If the trader fails to obey those directions, he can be proceeded against and convicted, with serious consequences to himself. This other provision savours of the "big brother" tactics. It is one of the most vicious directions that the commissioner could have power to give.

If the commissioner has powers to direct as to price and the trader has been directed that he shall not continue any unfair trading in regard to which he has been declared, surely that is sufficient in itself—in view of the conviction provisions in the Bill—should a man commit an offence. It will be simple to prove that a man has committed an offence simply by the fact that he has disobeyed a direction.

The Minister for Works: That is nothing new. Under the old prices control legislation, if a man was found to have made too much profit he was obliged to mark down the price of his goods in order to disgorge his excess profits.

Mr. Roberts: He was not forced to sell the goods.

The Minister for Works: He was.

Mr. COURT: In view of the emergency conditions and the shortages applying in wartime there was some justification for the legislation that operated then.

The Minister for Works: Where do you get the idea that the prices legislation was a wartime measure? It was not entirely a wartime measure, because it operated after the war was over.

The Premier: When was the State prices control legislation introduced?

Mr. COURT: The State Act was introduced in time of emergency because the then Prime Minister, in a fit of pique, dropped the Commonwealth control.

The Premier: When?

Mr. COURT: I think it was in 1948 that legislation had to be introduced in this State. The Prime Minister would not give the States the opportunity to reorganise. He said to them, "The people have made a mistake and you can have the lot," and immediately he started to destroy the subsidy system. As a result, the States had to take urgent action until they had time to survey the scene. However, that emergency legislation has been off the statute book for three years.

The Premier: The wartime legislation that you speak of operated from 1948 to 1953, and by then hostilities had ceased.

Mr. COURT: And that legislation has been off the statute book for three years.

The Premier: But your argument was that it was wartime legislation.

Hon. A. F. Watts: There were certain shortages that existed in the period of 1948 to 1949 which do not exist now.

The Premier: What about 1953?

Hon. A. F. Watts: I could not say.

The Premier: I know the hon. member could not.

Mr. COURT: From 1948 onwards there was a systematic easing of control. Whether the law remained the same was another matter. Most States worked on the principle that as an item came into free supply, price control was relaxed, until in 1953 this State dropped the legislation and progressively other States followed suit. This clause is obnoxious, and the powers of the commissioner are far too sweeping, particularly in view of the provision contained in Clause 35.

Mr. JOHNSON: I support the retention of this clause very largely because of the reasons set out by the member for Nedlands. The powers contained in paragraphs (a), (b) and (c) are negative, but the power contained in paragraph (d) is positive. South Australia is controlled by a Government of the same party as that of

which the hon. member is a member; and in that State, legislation which is now operating contains the following section:—

> 29. (1) A person who has in custody or under his control any declared goods for sale in respect of which a maximum price has been fixed under this Act, shall not refuse or fail on—
>
> (a) demand of any quantity of the declared goods; and
>
> (b) tender of payment at the price so fixed for the quantity demanded, to supply any such declared goods in the quantity demanded.

That is current legislation in a little-controlled State which has found no difficulty in implementing it. To cite an illustration, I will refer to the supply and sale of petrol.

The Premier: It could even be beer.

Hon. D. Brand: It looks as if petrol will be the means of providing employment for 300 or 400 men in the near future.

Mr. JOHNSON: A position could arise whereby the only supplier of petrol was found guilty of selling it at an unfair price, or was found guilty of creating a monopoly. After being declared, this single supplier refuses to sell petrol until the declared price is changed. In such circumstances, if the commissioner did not have this power, this single trader who had committed an unfair act would be in a position to blackmail himself out of being convicted under the legislation. That is, of course, a purely hypothetical illustration; but if the clause does not remain in the Bill, such a situation could arise.

Mr. Court: Give us a hypothetical case in regard to services, because this clause could apply to services also.

Mr. JOHNSON: Very well. Let us take plaster fixing as an example. The price for the services of plaster fixing is controlled by an organisation that could be declared under this clause but which, if it refused to supply labour to perform the plaster fixing, could defeat the whole objective of this legislation. As an example we might take an extreme and hypothetical case of the Institute of Accountants which is capable of being declared under this provision if its members were formed into a union and decided to strike.

Mr. Court: How would the wool boys get on in Queensland at the moment?

Mr. JOHNSON: I cannot answer that, because I have not the details of both sides of the case before me. All I know is what is contained in the potato wrapper that arrives in the morning.

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

Ayes	15
Noes	22
Majority against	7

Ayes.

Mr. Ackland	Mr. Oldfield
Mr. Bovell	Mr. Owen
Mr. Brand	Mr. Roberts
Mr. Court	Mr. Thorn
Mr. Crommelin	Mr. Watts
Mr. Grayden	Mr. Wild
Sir Ross McLarty	Mr. I. Manning
Mr. Nalder	*(Teller.)*

Noes.

Mr. Brady	Mr. Norton
Mr. Evans	Mr. Nulsen
Mr. Gaffy	Mr. O'Brien
Mr. Hall	Mr. Potter
Mr. Hawke	Mr. Rhatigan
Mr. Heal	Mr. Rodoreda
Mr. W. Hegney	Mr. Sewell
Mr. Hoar	Mr. Sleeman
Mr. Jamieson	Mr. Toms
Mr. Johnson	Mr. Tonkin
Mr. Marshall	Mr. May
	(Teller.)

Pairs.

Ayes.	Noes.
Mr. Hutchinson	Mr. Lawrence
Mr. Hearman	Mr. Kelly
Mr. Perkins	Mr. Lapham
Mr. Mann	Mr. Andrew
Mr. Cornell	Mr. Graham

Amendment thus negatived.

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

> That paragraph (e) lines 32 to 39, page 18, be struck out.

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

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

Mr. COURT: I would like to make an observation, particularly in view of the emphasis by the Minister on the fact that Clause 33 applied only to a declared trader. This clause applies to any trader, whether declared or not, and it could impose unfair burdens on traders whether they are selling goods or services. Not only does it give the commissioner power to direct the manner in which those records should be kept, but it also means that no trader, be he declared or not, can destroy any records—and that includes correspondence, ordinary costing records and the like—until their destruction is authorised by the commissioner. It is another irksome clause.

I know that under price control it was necessary to obtain the permission of the commissioner of prices to destroy records, and he was generally quite reasonable about it. These days, however—with accommodation difficulties that may arise, and expanding business—it would prove to be a most onerous provision. There is no statutory limit on the time for which records should be maintained; and as I have pointed out, the clause applies to all traders, whether they are declared or not. Its provisions could have very far-reaching effects, because whether a trader is declared or not, if he does not obey the direction he is subject to the provisions of Clause 35.

The MINISTER FOR LABOUR: The Committee should not view very seriously the misgivings of the member for Nedlands. The same provision obtained under price control when it was necessary for books to be kept. I think the commissioner would exercise his discretion and use his commonsense in such matters.

Clause put and passed.

Clause 35—Trial of offences:

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

That after the word "Act" in line 5, page 20, the words "but notwithstanding the provisions of that Act or of any other Act all charges under this Act shall be heard before a court composed of a resident or stipendiary magistrate and not justices only." Be added.

The reasons are obvious.

The MINISTER FOR LABOUR: I am quite happy to agree to the amendment. If anything, it will improve the position.

Amendment put and passed.

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

That the following be added to stand as Subclause (3):—

An offence against this Act shall not be prosecuted without the consent in writing of the Attorney General.

Where there is no Attorney General, provision is made for that consent to be given by the Minister for Justice. A similar provision was in the prices legislation of 1948.

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

Clause 36—Punishment for offences:

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

That Subclause (3), lines 19 to 31, page 20, be struck out.

As I pointed out before, this contains three penalties; and the one relating to the forfeiture of goods ought to be deleted. I am prepared to agree to the monetary penalty remaining in the clause, and I am agreeable to adoption of the Taxation Department's practice of imposing an amount equal to twice the amount of the unfair profits, as contained in Subclause (6). I consider Subclause (3) to be undesirable and objectionable.

The MINISTER FOR LABOUR: After close examination of this amendment and the others following, I intend to agree.

Amendment put and passed.

The PREMIER: I move an amendment—

That the word "person" in line 35, page 20, be struck out and the word "officer" inserted in lieu.

This arose through a mistake in drafting, and I have since been advised by the draftsman of the error.

Hon. A. F. WATTS: I would like your ruling, Mr. Chairman. I have an amendment to delete this subclause; and if the Committee first considers the amendment of the Premier to delete the word "person" and decides not to agree to it, I shall be in trouble, because that word must remain and I cannot remove the rest. On the other hand, if the Committee decides to delete the word "person" and insert the word "officer" in lieu, I shall be in the same position.

The PREMIER: To meet that position, I could withdraw my amendment to allow a test to be made as to whether this clause is to remain. However, on discussing this with the Minister for Labour regarding the attitude to be adopted to the amendment of the member for Stirling, the intention is to agree to his amendment and therefore my amendment will be unnecessary. I ask leave to withdraw it.

Amendment, by leave, withdrawn.

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

That Subclause (4), line 32, page 20, to line 9, page 21, be struck out.

In view of the previous amendment which has been passed, it will be necessary to strike out this subclause as well.

Amendment put and passed.

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

That Subclause (5), lines 10 to 13, page 21, be struck out.

This is also related to Subclause (3) and should be deleted.

Amendment put and passed.

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

That Subclause (7), lines 25 to 37, page 21, be struck out.

The reason is the same.

Amendment put and passed.

The MINISTER FOR LABOUR: I am quite agreeable to the further amendments to this clause as proposed by the Leader of the Country Party.

On motions by Hon. A. F. Watts, Subclauses (8) to (11), line 38, page 21 to line 37, page 22, struck out.

Clause, as amended, agreed to.

Clauses 37 and 38—agreed to.

Clause 39—Decisions made and directions issued have effect according to tenor:

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

That after the word "appeal" in line 2, page 24, the words "save as provided in Subsection (3) of Section 31 of this Act" be inserted.

. This is a corollary to the Committee's agreement to have a right of appeal, and these words must follow in this clause because without it the clause would state "the decision of the commissioner is not subject to an appeal".

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

Clause 40—Power to make regulations:

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

That all the words after the word "fit" in line 17, page 24, down to the end of the clause be struck out.

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

New clause:

Hon. A. F. WATTS: I move—

That the following be added to stand as Clause 41:

This Act shall remain in force for a period of twelve months after its commencement and no longer.

It has been stated on both sides of the House that this Act will be of an experimental nature, and I do not think it will be very long before it will require amending, either as the result of further information that is obtained or, alternatively, because some parts are found to be unsatisfactory. For those reasons I move the amendment.

The MINISTER FOR LABOUR: I cannot agree to this proposal, as it is not desirable to have a time limit placed on a measure of this character. If this Bill is passed by both Houses of Parliament, it will be proclaimed before the end of this year, but we must visualise that certain administrative machinery will have to be established and certain appointments made. I suggest that if we are going to have effective administration we must have some guarantee for those people who accept the positions under the Act. There should be no time limit, but it is for the Government of the day to decide whether the measure should be repealed or should be continued. At the most conservative estimate we should not agree to anything less than the end of 1958. If it expired on the 31st December, 1957, it would not be fair to anybody. I cannot agree to the new clause, but would agree to 1958 in lieu of 1957.

The PREMIER: In addition to what the Minister has said, there is another good argument against making the measure apply for only one year. If it is limited to one year, obviously the Government will be compelled, no matter what it may think, to appoint as commissioner, someone from within the Government service. On the basis of a 12 months' appointment we would not have one hope in the world of getting a qualified person from outside the Government service to consider applying. If the period were made to the 31st December, 1958, we would have some chance of getting a suitably qualified person from outside the Government service.

Hon. A. F. WATTS: During this debate the terms and provisions of various legislation in regard to prices, which has been on our statute book, have been quoted with approval. Also the prices law of South Australia has been quoted with approval. The first prices law in Western Australia came into operation in 1919 and it was to last to the end of 1920. It was renewed by a continuance measure for one year, to the end of 1921, and it then expired. Our next prices legislation was renewed from year to year. The South Australian legislation was renewed from year to year because it was designed to last for one year from the commencement, if I understand it aright.

While I do see some difficulty regarding the appointment, the measure is of an experimental nature and it is breaking new ground. I certainly think, therefore, that we should stipulate a period, in order that it will have to come before Parliament for rediscussion and not be left to the discretion of the Government of the day. That is the reason why periods are placed in legislation, as far as I am aware. So I feel disposed to ask strongly for a period to be placed on the measure, and I think the one I have suggested is not unreasonable.

Mr. COURT: I support the proposed new clause, in spite of the argument put forward by the Premier that it might restrict applicants to the Public Service. I do not think that should be the determining factor. If I had to choose between an applicant from outside the Public Service and having the 12 months' clause, I would certainly choose the latter. If the measure goes on the statute book, it will be subject to a considerable amount of shaking down until people get to understand the full import of it; and it is necessary that Parliament should have the chance to review it, in the light of experience, at the earliest possible date.

The Minister for Health: The period of 12 months will not give it much time in which to shake down.

Mr. COURT: Of course it will! The initial period is when we will find that all the cranks and other people with malicious ideas will be rushing in to see the commissioner. He will have time to settle down in the first six months.

The Premier: Not if that happens.

Mr. COURT: At the end of the first six months he should be able to give the Government a decent report on the effect of

the legislation. I think that 12 months is the maximum period the legislation should be on the statute book without parliamentary review.

The MINISTER FOR WORKS: I cannot understand the member for Nedlands. At the commencement of the debate he said he would not have the Bill at all. Subsequently he said, "You could not shake hands with a cobra." Now he is going to shake hands with the cobra for 12 months.

Mr. Court: No. Don't come at the rough stuff.

The MINISTER FOR WORKS: To be consistent, he has to oppose both periods that have been suggested. In the first instance, he said there was nothing good in the Bill, and he would do all he could to have it defeated. That being so, it is an extraordinary attitude to take a stand to have it in operation for 12 months.

Hon. Sir Ross McLarty: There is the third reading.

The MINISTER FOR WORKS: I only rise to point that out, and in order that the member for Nedlands might have an opportunity of explaining his attitude, because one will then know how much reliance is to be placed on initial statements made by him.

Mr. COURT: I cannot allow this opportunity to go without replying to the Minister for Works. If he recalls what I said at the beginning of the debate—

The Minister for Works: I do very clearly.

Mr. COURT: —he will know that I made it very clear that I would oppose the Bill. We said it was a bad thing and that we would not move any amendments. I made that clear for the reason that I did not want people to come along at a later date and say that we had fiddled with the Bill, having said that we were opposed to it; because once we start moving amendments, we are inclined to be caught up in the web and accused of supporting the Bill. It was for that reason that I made our attitude clear.

I did at the same time say that we would join in the debate and express our views, and ask for clarification of certain points; and I feel we have done that with a degree of fairness. We have not attempted to be obstructive. I have vivid recollections of reading, a few days ago, the report of the debate on a Bill dealing with the Arbitration Act in 1952 when, if ever there was an instance of repitition, that was it. It went on night after night.

Members, I think, will agree that we have been reasonably co-operative on this occasion whilst, at the same time, expressing our displeasure at the legislation. I make it clear that where an amendment was moved that modified the effect of the Bill we, as a matter of commonsense, would have to support the modification on the assumption that the Bill would eventually become law. I think that is sufficient justification for us to support the 12 months' provision.

New clause put and a division taken with the following result: —

Ayes	15
Noes	22
Majority against	7

Ayes.	
Mr. Ackland	Mr. Oldfield
Mr. Bovell	Mr. Owen
Mr. Brand	Mr. Roberts
Mr. Court	Mr. Thorn
Mr. Crommelin	Mr. Watts
Mr. Grayden	Mr. Wild
Sir Ross McLarty	Mr. I. Manning
Mr. Nalder	*(Teller.)*

Noes.	
Mr. Brady	Mr. Norton
Mr. Evans	Mr. Nulsen
Mr. Gaffy	Mr. O'Brien
Mr. Hall	Mr. Potter
Mr. Hawke	Mr. Rhatigan
Mr. Heal	Mr. Rodoreda
Mr. W. Hegney	Mr. Sewell
Mr. Hoar	Mr. Sleeman
Mr. Jamieson	Mr. Toms
Mr. Johnson	Mr. Tonkin
Mr. Marshall	Mr. May
	(Teller.)

Pairs.	
Ayes.	Noes.
Mr. Hutchinson	Mr. Lawrence
Mr. Hearman	Mr. Kelly
Mr. Perkins	Mr. Lapham
Mr. Mann	Mr. Andrew
Mr. Cornell	Mr. Graham

New clause thus negatived.

Schedule, Title—agreed to.

Bill reported with amendments.

ASSENT TO BILLS.

Message from the Lieut.-Governor and Administrator received and read notifying assent to the following Bills:—

1, Plant Diseases Act Amendment.

2, Albany Lot 184 (Validation of Title).

BILL—EVIDENCE ACT AMENDMENT.

Returned from the Council with an amendment.

BILL—INSPECTION OF MACHINERY ACT AMENDMENT.

Received from the Council and read a first time.

House adjourned at 6.15 p.m.