had connections in the Far East and in Sydney, and I realise that the markets are there.

Mr. I. W. Manning: Does the hon. member for Subiaco realise that he is putting his case to the Opposition?

Mr. POTTER: I am not putting a case to the Opposition at all.

Mr. I. W. Manning: You had better get the Whip to bring the Labour Party in to listen to you.

Mr. POTTER: I am still a Socialist so far as that is concerned. As the hon. member for Pilbara has so frequently pointed out, we cannot have a Conservative Government. If the Liberals were in office they would make the British Conservatives weep. Unfortunately, they are even trying to annihilate the most progressive wing of their party—the Country Party—and I think they are succeeding. They have been sacrificing the Country Party to satisfy the needs of the right wing. I dealt with this matter when speaking on the wool marketing debate. I point out the potential of the North-West, and I deplore that the Commonwealth Government cannot give ten times £5,000,000 to assist in the development of that part of our State.

We need population in Western Australia, and we can only have increased population if we encourage trade to come here. The Deputy Leader of our party has gone a long way, in this respect. We should, I suppose, refer to the psychology of fear such as we had a week or two ago in the political sphere.

Mr. Roberts: Who is frightened?

Mr. POTTER: I do not think that psychology will get us very far in regard to trade promotion. I do, however, point out to the members of all political parties, and the members of all sections of commerce, that it is as well that we should get together to promote trade. For too long has this State looked, firstly, to England for the goods it needs; and, secondly, to the Eastern States. Western Australia now has a market—somewhat belatedly—so that we should be able to make people realise that we can produce certain goods in our own State. I commend the Government for what it has done in this regard.

If we look back over some of our more recent history, we find that British capital was invested in the Near East and the Far East. Had it been invested in this country, although the profits would not have been so high, the returns would have been more reliable and stable, and we could have exported quite a number of goods. Another feature is that the Commonwealth Trade Commissioners are not, I consider, exactly doing their job in relation to Western Australia. I believe they look to the Eastern States, and not to this State.

I thank the Government for the way it has dealt with the urgent local matters I have placed before it. It has at least endeavoured to co-operate, although in some respects it has not been able to meet all my requirements. However, taking into account the estimated Budget and the vital needs of the State, I feel the Government is doing an excellent job. I realise that money does not go as far as it used to do five or ten years ago.

I often feel that there is a tendency to make invidious comparisons between the Estimates of this year and those for the period 10 or 20 years ago. People are apt to compare the Budgets of 1949 and those of today without taking cognisance of the increased costs of wages and services. If the Government continues to pursue its present course of action, it will put the State on the map. I can visualise that trade will be promoted. I trust that the Deputy Premier, and his colleagues who went overseas with him, will have their efforts crowned with success, and that many new industries will come to Western Australia.

Progress reported.

House adjourned at 5.58 p.m.

Legislative Council

Tuesday, the 2nd December, 1958.

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CONTENTS—*continued.*

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

QUESTIONS ON NOTICE.

STATE HOUSING COMMISSION.

Transport of Imported Galvanised Piping.

1. The Hon. L. C. DIVER asked the Minister for Railways:

(1) Were contracts for the cartage of galvanised iron piping by road from the Eastern States let by the State Housing Commission during the period 1947-1953?

(2) If so, who was the contractor, or contractors?

(3) Were tenders called for such contract, or contracts?

(4) What was the contract price per ton; the number of tons so carted; and the total contract price?

(5) At the same period, what was the cost of freight per ton by rail and by sea?

(6) Was shipping or rail space available during that period?

(7) Who was the Minister for Housing during the period, and if no tenders were called, is any reason available for such departure from normal business practice?

The Hon. H. C. STRICKLAND replied:

(1) Yes. In March, 1951.

(2) R. O. Williams, Armadale.

(3) No.

(4) 4d. per ton mile; 219 tons; £10,430 8s. 11d.

(5) Rail—£33 3s. 11d. per ton plus 6s. 3d. per ton unloading. Total—£7,338 6s. 6d.

Sea—127s. to 135s. 6d. per ton. Total—£1,390 13s. to £1,483 14s. 6d. plus cartage from wharf.

(6) Shipping and railway transport difficult.

(7) Mr. G. P. Wild. Stocks in Western Australia of ½ inch and ¾ inch water piping were low.

TAXI-DRIVERS' LICENCES.

Number in Existence.

2. The Hon. H. K. WATSON (for the Hon. A. F. Griffith) asked the Minister for Railways:

(1) How many taxi-drivers' licences are there in existence?

(2) How many of such licences were issued in the years 1956-57-58?

The Hon. H. C. STRICKLAND replied:

(1) 2,080.

(2) 1956—1,790.
1957—1,901.
1958—2,080.

It is pointed out that those figures given for each year disclose the total number of persons who hold a current taxi-driver's licence during some portion of the year shown. The issue of licences is, however, staggered and it is possible that many of the licences expired early in the year and may not have been renewed by the holders.

METAL BALLAST.

Tabling of Railway Part File No. 1369/58.

3. The Hon. A. F. GRIFFITH asked the Minister for Railways:

Will the Minister lay upon the Table of the House the following file, which has reference to the question asked by me on the 25th November, 1958, pertaining to metal ballast, Railway part file No. 1369/58.

The Hon. H. C. STRICKLAND replied:

The hon. member is requesting that a highly "confidential file" be tabled. Agreement with his request would result in the contents of the file being made available to the general public. Because such action could unduly embarrass officers concerned, it is considered to be in the best interests of the Western Australian Government Railways to decline the request.

MINE WORKERS' RELIEF ACT AMENDMENT BILL.

Second Reading.

THE HON. H. C. STRICKLAND (Minister for Railways—North) [4.38] in moving the second reading said: The Act sets up a fund into which a fortnightly payment—a pay-period payment—of 1s. 6d. is made by the employee; 1s. 6d. by the employer; and 1s. 6d. by the Government. These contributions are made to cover miners who become affected by silicosis and other diseases which they contract in the mines.

A few cases—three, I think—of miners working in the blue asbestos mines at Wittenoom Gorge becoming affected with fibre dust, have come under notice. It is considered that these men should also be covered by this fund. As the Act stands

at present, such miners are not covered, although they pay into the fund on the same basis as miners working in the goldmines. Therefore it is desired that the Act be amended to cover miners who become affected with asbestosis, which is an industrial disease contracted by people working underground, or perhaps in the factory of the asbestos mines at Wittenoom Gorge.

The state of the fund at present is very healthy. I have been looking through the figures and I notice that the accumulated funds total £280,000 and, although there are certain liabilities, they do not amount to a great deal. There is little more that can be said about the Bill. It is a simple one which is desired by the mineowners, mine workers, the Government and everybody concerned with asbestos mining. They have all been notified and the position has been discussed with all parties concerned. I move—

That the Bill be now read a second time.

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

UNFAIR TRADING AND PROFIT CONTROL ACT AMENDMENT BILL.

Second Reading.

Debate resumed from the 28th November.

THE HON. A. F. GRIFFITH (Suburban) [4.42]: In the year 1956, Parliament decided to place upon the statute book the Bill which we now know as the Unfair Trading and Profit Control Act of 1956-57. This Bill, even with the amendments that have been agreed to since it started its course through both Houses of Parliament, will only serve in my opinion to give another twist to the dagger which the original Act of 1956 thrust into the back of competitive enterprise in this State, with the consequential retarding of industrial and economic development in Western Australia.

The 1956 legislation did not reach the statute book with any assistance from me. As is well known, I have in previous years expressed my unqualified opposition to it, and to the operations of the commission, which operations over the past 12 months have only confirmed the views I previously expressed—that this legislation is not in the best interests of the public of Western Australia. The Act has proved to be nothing but a political wailing wall created by a socialistic Government. I think that is best illustrated by the way in which the Government seeks to change the Title of the Act to the Monopolies and Restrictive Trade Practices Control Act.

The Minister for Works in this Government has endeavoured to justify the amendments that are at present before Parliament. He is reported to have endeavoured to convince the people of Western Australia, quite outside the sphere of Parliament, that the unfair trading Act is comparable with the English Restrictive Practices Act of 1956. I understand that the Minister for Works reported upon his examination of the English Monopolies and Restrictive Practices Inquiry, such examination having taken place while he was overseas, and the drastic provisions which he said are contained in that legislation. The Minister stated that the provisions of the English legislation are far more formidable than those which are at present in the Western Australian Act.

We have never been told of the fundamental differences between the two Acts and I would like to point out shortly exactly what those differences are. The English Act has two separate and distinct functions; firstly, the registration and judicial investigation of trade agreements by a restrictive practices court composed of five judges and 10 other members appointed on the recommendation of the Lord Chancellor as appearing to be qualified by virtue of their knowledge of industry, commerce and public affairs; secondly, a monopolies commission composed of 10 members appointed by the Board of Trade. This commission acts on reference from the Board of Trade. Under those circumstances the monopoly must involve the control of at least one-third of the available supply of a commodity.

All the reports of the commission are laid before Parliament and the commission has power to take any action upon its own report. If Parliament decides that the public interest is involved, the Board of Trade, or any of the several Ministers named in the Act, may take action on a form of statutory order declaring such practice unlawful.

That, briefly, gives a summary of the British legislation, and I think it is only fair to point that out in view of the allegations that are made about that legislation. I think it demonstrates clearly how dissimilar is its judicial nature as compared with our Act which, I submit, is an entirely political one. The Unfair Trading Commissioner in Western Australia is directly responsible to the Minister of the Crown who is in charge of the department. I submit that the Western Australian legislation is a hybrid Act and is not drafted to encompass the pattern of the Western Australian economy.

I suggest that it is based in the main on the Commonwealth Industries Preservation Act of 1912, and it is wrapped up with additional sections culled from overseas legislation. I had the privilege of listening to one of the few public utterances that the Commissioner for Unfair Trading has made in respect to this legislation; and he gave a most interesting adddress on that occasion, taking us right around the

world and telling us of the legislation that existed to attack this particular problem in various other countries.

An example of the 1957 amendment relating to preferential discounts and rebates was taken in toto from the Canadian criminal legislation, and an examination of the two bears this out. It is extremely interesting that in the course of his recent judgment on the Cockburn cement case the Chamber judge made certain observations in connection with the Western Australian Act. Before I quote these observations I am sure that the hon. members who have interested themselves in the question before the Court cannot help but be struck by the manner in which His Honour delivered the judgment, and the forthright way in which he referred to the legislation in Western Australia. He had the following to say:—

> But while the powers of the Act are necessary they need to be exercised with the greatest caution. The legislation poses some extremely interesting and difficult problems, many of which have been considered in the more highly developed economy of the United States of America.

I think this extract proves the claim that I have made previously, that we in Western Australia have on our statute book an Act that the highly industrialised parts of the world would not contemplate.

The Hon. L. C. Diver: Why not read the earlier part of his quotation?

The Hon. A. F. GRIFFITH: I would suggest that the hon. member, who has apparently read this, could read to us any extract he wishes when I sit down. If I have left anything out he can put me right on it.

The Hon. F. J. S. Wise: Read the first part again.

The Hon. A. F. GRIFFITH: It reads, "But while the powers of the Act are necessary they need to be exercised with the greatest caution."

The Hon. F. J. S. Wise: Stop there.

The Hon. A. F. GRIFFITH: I do not wish to stop there.

The Hon. F. J. S. Wise: I could read you a very old statement which says that you can quote anything for your own purpose.

The Hon. A. F. GRIFFITH: I will let that go, because it might get us all into hot water. I suggest that much capital has been made out of this; I refer again to the fact that a good deal has been said about the other countries of the world—I think 60 other countries were mentioned—which have similar legislation to that which we have in Western Australia. At least it is alleged that the legislation is similar.

But the champions of the Act in this State seem to forget that legislation which is on the statute books of various countries overseas is national in character. For example, the Sherman Act of the United States is not confined to a State like Western Australia. I think I can justifiably ask that if any objectionable trading practices exist in Western Australia, is it not logical to assume that they exist to a much greater degree in the more developed States of Victoria and New South Wales?

The Hon. R. F. Hutchison: You are reading somebody else's notes.

The Hon. A. F. GRIFFITH: In that connection I would point out that I have seen the hon. member who interjected, while introducing a Bill in this House, untrammelled as she was by any knowledge of the subject, read from notes that had been provided for her. I am sure that the Minister being a fair-minded man would appreciate the necessity to read from notes on a difficult subject such as this.

The PRESIDENT: The hon. member is quite in order in referring to his notes.

The Hon. A. F. GRIFFITH: Thank you, Mr. President. I suggest the reasons why this is not the case seem quite obvious to me. The Governments of those States, irrespective of their political creeds, are anxious to encourage overseas capital. They are anxious to do whatever they can to further the interests of the States they represent, and they do not seek to place on their statute books restrictive legislation such as that which we have in Western Australia and which, I submit, has without question retarded development since it has been passed.

Notwithstanding the opinions of eminent counsel that the parent Act introduced in 1956 already gives the Unfair Trading Commissioner—and his director the power to deal with collusive tendering and, in fact, under these powers the director has already been setting himself upon a certain course of investigation—the Government has seen fit to make political capital out of this Bill with which we are dealing at present, and which I regard as a needless and useless amendment to the principal Act. An attempt is made to justify the Bill that we have before us at the moment. I am of the opinion that the amendment is purely and simply a further nail in the coffin of free enterprise in Western Australia.

There has been quite a deal of talk about tenders, and I think the words used were "tendering to the exact penny." They have been used in connection with tendering generally. There are many factors, which I am sure that Ministers of the Crown appreciate, relating to the facts of tendering by industry and commerce. There are standards of quality, and the Minister for Industrial Development, when he was introducing the Bill, read us a long list of various items to which he wanted to draw the attention of the House. But there are standards of quality in commerce,

industry and trade; and standard specifications are required by the Standards Association of Australia. For many of the articles mentioned by the Minister, those which he claims are non-competitive in regard to price, and for which tenders are called by the Comptroller of Stores, and other departments, there exist rigid specifications in regard to minimum standards of quality.

Where any such standard specifications exist, most manufacturers who are zealous of the standard of their produce have, of course, comparable basic costs, and the Government is surely aware that under our industrial arbitration system, wages in the various industries are uniform, pursuant to the appropriate award under which the men concerned work, which results in the prime basic cost factor of labour being common to comparable manufacturers. In regard to other basic costs, I point out that materials are invariably purchased by manufacturers at into-stores costs and iron and steel products are purchased at capital cost throughout Australia. Surely it must be accepted that the overheads of trades and manufacturers of equal sizes are constant.

Any fair minded person, in assessing these factors, will readily admit that any discrepancy in prices submitted by a number of tenderers in regard to their specified commodities could only be attributed to an unethical approach by such tenderers in a deliberate lowering of standards in order to get such tender.

It has been demonstrated from time to time, that certain tenderers will tender at a lesser price in order to obtain such contracts, with the result that, in many cases, they are unable to compete or are unable to complete the contract; and the Government is put to much added expense in obtaining another supplier to fulfil the contract.

There comes a point in this debate at which I think some mention should be made of a certain matter. I have gone to quite an amount of trouble to investigate the charges that have been made in respect of the allegation that in the initial stages there were two different prices for cement charged by the Cockburn Cement Co.

In view of the judgment delivered in our court, I think it is competent at this stage to give the House some idea of what these charges were on various dates in order to refute the allegations made in that direction. The cement industry in Western Australia is naturally very disturbed at these serious allegations, particularly, I repeat, in view of the fact that the Supreme Court upheld an appeal against the Commissioner of Unfair Trading in Western Australia.

The following is a comparison of the prices. In July, 1955, prior to the Cockburn Cement Co's production, the price of cement delivered to builders in the metropolitan area was £13 9s. 3d. per ton. On the 15th August, 1955, the price of Cockburn cement was £12 10s. per ton. The day after, the 16th of August, the price of Swan cement was £12 10s. per ton. This amounted to a substantial reduction, which was brought about by the competition introduced into the market by the Cockburn Cement Co., which was able to operate a factory at much reduced overheads and lower manufacturing costs than the previous company.

On the 1st of February, 1956, the date of the agreement made between the cement companies—the Cockburn Cement Co. and the Swan Portland Cement Co.—which was apparently declared to be valid, the price was £10. But on the 1st January, 1957, the price lifted to £12 17s.; and on the 1st December, 1958, it was reduced by 2s. The intermediate rise and fall was caused by basic wage fluctuations at the time as they were reflected in the cost of production.

I think it is worthy of comment to point out that cement in New South Wales today costs £12 18s. 6d. per ton. So that state of affairs is one which, I think, I should mention when speaking on this Bill.

The Hon. F. J. S. Wise: Have you any figures in regard to super?

The Hon. A. F. GRIFFITH: No, but the Minister can give me figures in regard to super if he so desires. I merely quoted the figures in regard to cement because of the allegations that were made in respect to the companies manufacturing cement. However, my colleague (the hon Mr. Watson) has pointed out to me that the Minister could have mentioned those figures when introducing the Bill.

The Hon. F. J. S. Wise: I thought there was no need, but I will reply to you.

The Hon. A. F. GRIFFITH: I have no fear of that whatever. I do not intend to vote for the second reading of this Bill. I do not think that the principal Act or the Bill before us will bring about any improvement so far as our circumstances in Western Australia are concerned. The Act has been of no benefit to the people of this State. On the contrary, I consider it has had a most damaging effect on our economy and on the industrial progress of Western Australia.

Finally, I want to say that there is a State election in the offing—it will be held next year—and I wish to make it quite clear, that if the party of which I am a member is in a position where it can assist in the formation of a Government, it will take steps immediately to bring about the repeal of the existing legislation on our statute book.

THE HON. L. C. DIVER (Central) [5.7]: I rise to support this legislation. In doing so, I would like to quote a little further from the comments made by the

judge when the Cockburn Cement Co. was successful in its appeal against an allegation of unfair trading. The judge had this to say:—

> The unfair trading and profit control legislation did serve a useful purpose in curbing undesirable practices in commerce and industry. It has been in vogue in some of the States of the United States for almost a century. There was similar legislation in different form in England and Canada. But while the powers are necessary, he said they need to be exercised with the greatest caution. Ample authority exists in the Act to enable the commissioner to keep an eye on the business of any trader.

That is the quotation.

The Hon. A. F. Griffith: From the Press!

The Hon. L. C. DIVER: Yes.

The Hon. A. F. Griffith: I was quoting from the judgment.

The Hon. L. C. DIVER: I have quoted from the Press. If the hon. member will lend me the judgment, I will doubtless find that it is the same as the Press. I have gone a little further than the hon. member; that is all.

I would say the critics of this Bill are those who evidently believe in unfair trading. So far as I am concerned, I am no more afraid of this legislation than I am of the Criminal Code. Not one bit.

The Hon. F. J. S. Wise: That is a fair analogy.

The Hon. L. C. DIVER: The Criminal Code is harsher than this legislation.

The Hon. J. Murray: What have you done about that?

The Hon. L. C. DIVER: The hon. member has had ample opportunities here.

The Hon. G. C. MacKinnon: On your reasoning one should not criticise the Criminal Code. I have yet to know it to be made an issue in this Chamber.

The PRESIDENT: The hon. member will be allowed to proceed, or I may have to stop interjections.

The Hon. L. C. DIVER: I wish to draw the attention of hon. members to the fact that when this legislation was originally introduced I moved an amendment allowing an appeal to a judge, whose decision was to be final. This was to the advantage of the cement company.

Seeing that another court had come to a conclusion the reverse of that of the appeal judge, is it not reasonable to assume that, in the absence of the facility to go to a higher court, the judgment could have been reversed if the Act had allowed it? Mention has been made of similar legislation which exists in America and elsewhere; and the hon. Mr. Griffith would have us believe it is of a national character. I would point out that there are several States in America that have their own individual Acts dealing with those who transgress.

From the correspondence I have received in recent months, it appears to me that this legislation does not go far enough. I have had a number of letters from branches of the Farmers' Union, complaining about the extortionate prices charged for insecticides for the treatment of crops when the red mite and other pests were making their presence felt. It appears that the commissioner could not intervene to the extent to which many of my supporters would have liked him to intervene. Only the other day a man who holds a very responsible position in the wheat belt handed me a piece of machinery, consisting of a bit of piping, worth about 7s. for the material, which cost him £6 12s. 6d.

The Hon. F. D. Willmott: Where was it manufactured?

The Hon. L. C. DIVER: It could have been manufactured on the moon, judging by the price. It is obvious that some people have no interest in the welfare of the farmer in regard to matters of this nature. If a farmer knew that a part such as this was going to cost him so much, he could have it manufactured by any engineering firm or garage at a cost of no more than £3—

The Hon. G. Bennetts: There may be a patent on it.

The Hon. L. C. DIVER: That could be overcome by slightly altering the shape of it. From time to time I am asked whether I can bring the provisions of this legislation to bear on offenders, and it is a matter of great concern to farmers when they learn that we can do nothing about it, because in that respect the Act falls far short of what is desired. I do not think any monetary value could be placed on personal freedom, and I would be the last to sacrifice it, but if industry has no more conscience than to make some of the charges which it now imposes, is that not an invitation to the representatives of the people to give support to legislation which certain sections of industry deem to be harsh?

Representations have also been made to me by people other than farmers—members of the Retail Traders' Association—in regard to preferential discounts. I would like the Minister to tell us why, in view of the fact that last year we passed a provision making it an offence to give preferential discounts, the practice persists. I am informed that such discounts are still being given, and I have yet to learn of any action being taken against the offenders by the commissioner. If there is any reason for the absence of such action, I would like the Minister to inform us of it when replying to the debate, in order

that those concerned may know whether this legislation does not go far enough, or what the trouble is.

I believe in free enterprise, but the trouble with many who oppose this legislation—the informed section of those who oppose it—is that they believe in free enterprise only as far as it suits them to do so, and having passed a certain datum peg they want to exercise all their rights and privileges in regard to level tendering for the commodities that they wish to supply. In spite of that, they would still have us believe that that is free enterprise. I submit that people who indulge in such practices have no right to attack the representatives of the people in this Chamber, who endeavour to ensure that those whom they represent receive a little protection.

The main aims of this Bill are to prevent collusive tendering and to alter the Title of the Act. I am not at all happy with the state of affairs that exists in Western Australia today in regard to prices. To those who assert that this legislation is scaring away private enterprise, I would say that it is they who are placing a dagger in the back of this State. They talk about making political capital out of this question but I say, without fear of substantiated contradiction, that this legislation will not frighten away any worthwhile company operating in Great Britain, Europe or America, because those firms are well aware of similar legislation operating in the countries where they now are. The wording of the legislation may not be the same, but the effects of it are the same on anyone who transgresses the law.

The Hon. G. Bennetts: It is a protection for honest business people.

The Hon. L. C. DIVER: I do not propose to speak at great length on the Bill. It is one which, in time to come, some people will look back upon and feel sorry for the part they played in maligning Western Australia. I support the second reading.

THE HON. G. C. MacKINNON (South-West) [5.21]: It must be obvious by now to anyone who has examined this legislation that—to put it mildly—it has been made a mess of from the time it was first introduced. Before it reached the statute book we had the name of the Act changed once and, each year since, we have had some amendments to it brought down in a vain endeavour to make the Act do what sincere, but misguided supporters—like the hon. Mr. Diver—hope it will do.

Even at this stage the hon. Mr. Diver—it is quite beyond my ability to understand why—for some reason is trying to justify the changing of the name of this legislation from the Unfair Trading and Profit Control Act to the Monopolies and Restrictive Trade Practices Control Act. Probably the reason for this proposed amendment to add the words "Restrictive Trade Practices" is to lend some semblance of truth to the claim that this legislation is similar to that which operates in England. If the Act—and this Bill—is a good as we have been led to believe it is, why cannot we have people tell us the direct truth about it? Why cannot they say, "There is identical legislation in such-and-such a State and it has worked very well"? Why do they add these half-truths? They are even spread by departmental officers. I heard Mr. Telfer, the Under Secretary for Mines, at a public meeting say that, after all is said and done, there was similar legislation on the statute book in England.

The Hon. F. R. H. Lavery: That is not a half-truth.

The Hon. G. C. MacKINNON: It is a half-truth, because I have read the English Act and so, probably has Mr. Telfer. The Act in England is directed against the agreement and not against the person. If the agreement is found to be in the best interests of the community it is given the force of law, but if it is found not to be in the best interests of the community it is declared null and void, and those persons who have lodged the agreement for examination or have signed it are not automatically classed as criminals.

In fact, the Restrictive Trade Practices Agreement Act of 1956, passed in England, is designed, in its application, against agreements and not people. If we go back to the original of this legislation and consider the vicious way its provisions were framed directly against the people, we get a true picture of the thought that prompted the placing of the legislation upon the statute book. Surely all members here have sufficiently long memories to recall the suggested placard in the window; the notice on the bill head which, fortunately, was not permitted to see the light of day.

The Hon. A. F. Griffith: Yes, and the way evidence is obtained; the right of entry.

The Hon. G. C. MacKINNON: One could go on referring to such items ad infinitum. It is all very well for the Minister for Industrial Development to stand up in this House and tell us there is similar legislation in operation here and similar legislation in operation there. Let him tell us where there is in operation legislation which is exactly the same as this.

The Hon. F. J. S. Wise: I will say what I wish to say in my own way.

The Hon. G. C. MacKINNON: Let the Minister tell us where legislation exactly the same as this has operated to the advantage of business. It is well past the time when some voice should have been raised in protest about people speaking at public meetings and saying airily that there is similar legislation to this in England and it is working very well. Let us take a case

where there may even be identical legislation to this in force. I still maintain, however, that this does not automatically prove that it is ideal for this State.

The type of legislation required in those very highly industrialised parts of the world such as Chicago or Detroit would surely be very different from that required in a developing and expanding country—indeed, a pioneering country—such as Western Australia.

The Hon. H. L. Roche: They have had their legislation since 1893, of course.

The Hon. G. C. MacKINNON: Yes, and since 1893 those parts of America have been more highly industrialised than Western Australia is today.

The Hon. H. L. Roche: Some of them.

The Hon. G. C. MacKINNON: Yes, some of them. It may be that some form of the Restrictive Trade Practices Agreement Act could be desirable in this State, but let us have a look at the legislation. I point out to the hon. member that, to say airily that other places have similar legislation, is not good enough. The mere fact that it has a name which sounds something like the title given to this legislation in no way proves that the Act, in its operation, is in any way similar. If any hon. member thinks that that is so, let him bear in mind the Restrictive Trade Practices Agreement Act in England; and, in fact, I advise him to get it out of the library, read it carefully, and compare it with this legislation.

The Hon. F. R. H. Lavery: Have you done that yourself?

The Hon. G. C. MacKINNON: Yes.

The Hon. F. R. H. Lavery: That is all right; I am only asking.

The Hon. G. C. MacKINNON: I remember quite distinctly—so must other hon. members—being told how the Bill was going to solve our problems and how good the legislation would be. Each year, however, we have had an amendment to the Act brought down. Last year there was one to deal with discounts, against which I spoke at some length. The hon. Mr. Diver complains, quite sorrowfully, that nothing has been done about that. Why, the people administering this legislation have rushed in and out of offices as they told one fellow in my electorate! They wanted to ask this man some questions and they started off on a particular line of activity. They have been going on with that sort of thing ever since the legislation was enacted. However, they have found that there were quite a few matters that were beyond them.

I suggest to the hon. Mr. Diver that he read the speeches of last year and he may find out something regarding the handling of these matters and that it is only to our detriment to deal with these Eastern States firms. The hon. member's statement that it is not this legislation that constitutes the dagger that is turning in the back of progress in this State—that is something like the term the hon. member used—but it is people like myself who continue to speak about the dangers of this legislation who constitute the dagger in the back of Western Australia, does not need any examination whatsoever. When one travels in the Eastern States two Acts are thrown at one's face; this is one and the State Transport Co-ordination Act in the other. Anybody who is in business—

The Hon. R. F. Hutchison: Will you tell me—

The PRESIDENT: The hon. member should stick to his speech and not answer interjections.

The Hon. A. F. Griffith: You should stick to the circles in which you move.

The Hon. G. C. MacKINNON: As suggested, I shall stick to the circles in which I move and the Hon. Mrs. Hutchison can stick to the circle in which she moves. They are the two Acts. It does not need me to tell business people about that legislation. Probably they do not read Hansard. It does not need the hon. Mr. Griffith to stand up and tell them about it, because they have representatives here whose duty it is to send them reports. Every company has its representative here who sends back reports. Prior to entering Parliament I worked for a time for a company which sent reports all the way back to the U.S.A. Then there are the State managers who give them reports. There are many other companies which do this, such as the International Harvester Co. Plenty of these people send reports back. They have people at all levels. They know what is going on and they examine what is going on. They know that legislation. I shall not go into it in full detail. The Restrictive Trade Practices Agreement Act has been quoted as being very similar to this. We know how that works and how greatly it differs from the way in which this works.

Business people know they could have a person walk in carrying a brief case, as happened to a business in my electorate which should have been encouraged because it is helping decentralisation. This person will say, "I want to look at your books and records. We are trying to have a file established for this line of business." He may be asked, "Where are you from?" He may tell him, "I am from the Unfair Profit Control office." There is nothing to stop him. He could look at the books and start his file. That went on for a while and it was dropped. That is happening all the time. A few of the things which they have investigated and have done something about have kicked back, such as the Bayer A.P.C. and the Unilever agreements.

Some indication of the type of thing that goes on was given to us in a very direct manner today when an hon. member in this Chamber stood up, picked up a piece of bent piping and waved it around. He said, "What do you think of it? It cost £6."

The Hon. F. R. H. Lavery: What did you think of it?

The Hon. G. C. MacKINNON: I do not think that because he waved it we need this Bill. After all, it has its worth. Had he told us the material was worth 7d. or 8d. only; it only requires three bends and an automatic machine can do that; it has a screwed nipple; it is not the subject of any patent right fees; it is made in the State; then that would be different. Had he presented such a case it might have been the subject of some investigation. I quote that as an example of the type of thinking in regard to this Bill—a man can wave something in the air and ask "What do you think of it? It cost £6." He does not give us the set price from the price list. He merely says it cost £6 and we are to agree that is a terrible thing.

There are plenty of pieces of mechanism which to look at will make one die of fright when the price is given. On making inquiries, one may find that very solid patent rights, and so on, are involved; but that is a matter for investigation.

The Hon. F. D. Willmott: That article is subject to many duties.

The Hon. G. C. MacKINNON: That is so. There is also the fact that one does not have to buy that make of tractor. The tractor might have come from Afghanistan where they make one a year by hand. That is the type of case given to us in support of this piece of legislation.

The Hon. J. Murray: Which this Bill does not affect one iota.

The Hon. G. C. MacKINNON: Which this Bill does not affect one iota, as the hon. member so sagaciously pointed out. I wanted to bring that out for the purpose of showing the type of argument we are getting in favour of the Bill. It displays the same type of thinking when hon. members say there is similar legislation in Saskatchewan and we need it here. They do not tell us it is similar only in name. To bear out the argument the Government brings down a profound amendment to alter the name of the Act to Monopolies and Restrictive Trade Practices Control Act, so that it can say that at least the name is something like the English Act.

Clause 7 states that the director may institute proceedings for an injunction restraining a person during any investigation by the director from doing or continuing to do anything which appears to the director to be unfair trading.

Over the page one would expect to find a limit to the time which he can spend on his investigation, so that the person running a business and employing people will not be held up unfairly. Of course, one would be wasting his time to expect that. There is no time limit. This person used to be known as the commissioner but the name has been changed two or three times and now he is to be known as the director.

I notice that another amendment in the Bill deals with the right of appeal. The hon. Mr. Watson will be highly delighted to know that the time has been reached when the Government desires to insert something which he so valiantly fought to include in the original Act. It took the Government three years to catch up with the thinking of the hon. Mr. Watson. But we have got to it. We have the right of appeal which the hon. member tried to put into the Bill three years ago. The Government has found it has to have this right, but it would not listen at the time.

The PRESIDENT: I hope the hon. member will not go through the whole Bill clause by clause.

The Hon. G. C. MacKINNON: I shall not, Mr. President. The hon. Mr. Diver mentioned that the most important thing from his point of view was collusive tendering. I suppose that was the reason why the Bill was brought down. He said that if we criticised this Bill we were frightened of unfair trading. I took the liberty the other day to criticise the Child Welfare Bill, but I am not frightened of the Child Welfare Department and I am not opposed to it. There are certain things written into the Criminal Code with which I do not agree. I would criticise it if I had the opportunity to do so, but I still think tht we need a Criminal Code. I am not frightened of the Police Force. I am quite entitled to criticise this Bill. The mere fact that I criticise it does not mean that I am in favour of unfair trading or illegal practices of any kind. That is the type of upside-down argument we have heard in connection with this Bill. It goes back to the argument of similar legislation and the waving of a bent piece of pipe.

There is one other clause that deals with collusive tendering. Under certain circumstances collusive tendering can be a thing which nobody in his right mind will support, or have anything to do with, from a moral point of view. I notice one clause contains the term "contrary to the public interest." That will be difficult to prove. One of the investigations was started on just this, with regard to some rubber firm.

Let us take, for example, the retreading of tyres, where the rubber is at a standard price, the machine is at a standard price and the labour is at award rates. The firms might all tender the same. That does not necessarily mean that the full and

comprehensive tender is the same, because there is the service of delivering the tyres; there is the claim for faulty retreads; there is the type of work the people do in inspecting the old tyre cases, the care with which they strip them and examine them before deciding on those which they agree to retread and those they advise should not be retreaded; there is the adjustment of claims. A tender of that type cannot be judged until the full run of 12 months has elapsed, and then it can only be judged in comparison with the services given by another firm.

There are so many points in relation to this legislation that one could go on for a great length of time in speaking against it. I hope I have made my position quite clear that I intend to oppose the second reading of the Bill.

THE HON. J. MURRAY (South-West) [5.43]: I do not want to take up too much of the time of the House in dealing with the Bill. I wish to make it clear that I am not against the farming community or the primary producers who have looked for some protection from the parent Act. If I were to buy an American or, in particular, an English make of car I know that I would have to pay between 50 and 75 per cent. more on any spare parts, as compared with parts for a Holden. The Bill does not help in that respect, because those items cannot be dealt with under the unfair trading legislation. A price is set in the price list of the parts.

If I were to take my car to a blacksmith to effect repairs I could get the work done at a much cheaper price—work equal to that done with the English spares. Let no hon. member think I am against anyone who needs the protection of this legislation. I do not think the Act gives protection at all. It is aggravating legislation brought in to annoy a lot of people.

The amending Bill further aggravates the position, and gets us nowhere. The Title of the principle Act is to be amended; and the Bill states that the legislation is to be known as Monopolies and Restrictive Trade Practices Control Act.

This amendment has been introduced into the Act purely and simply because of a report from the Royal Commissioner on railway matters. That is the reason for it. The Royal Commissioner, whilst he had files and figures to guide him, took a shot in the dark on this matter. I thought that by some questions I asked in Parliament, I would guide the Government to examine certain things before it accepted the Royal Commissioner's report as absolutely sound on this matter. Because some hon. members may not have read the Royal Commissioner's report, I have it before me. It is the interim report No. 6. On page 4 is mention of the sleeper supply which is what this report and the Bill before us aim at.

The Royal Commissioner has this to say—

> Short History of Sleeper Supply and Price Mechanism:
>
> It is apparent that in the early post war years, some form of co-ordination in the timber industry was necessary, firstly to cope with the very serious housing position and secondly to provide the railways with what is, virtually, their life blood, an adequate supply of sleepers.
>
> Up till 3rd March, 1952, sleeper prices were controlled by the Prices Control Commissioner. Sleepers were then released from control on a "gentlemen's agreement" being entered into between the association and the W.A.G.R. with the full knowledge of the Conservator of Forests.
>
> Under the agreement, which was not to be of permanent duration, but, which was extended from time to time until December, 1953, additional supplies of sleepers were to be forthcoming.
>
> All sleepers up to 1,125 loads per month were to be paid for at the rate of £17 5s. 6d. per load, at rail. This was an increase of £1 over the existing rate. All above 1,125, which were estimated to be in the vicinity of 580 loads per month, were to receive an "incentive" price, in addition, of £2 7s. 6d. per load, making a total of £19 13s. per load on rail. This was an increase of £3 7s. 6d. over the existing rate.

That was in 1953. Further down in the report, the commissioner said—

> As previously stated, the above arrangement continued until 8th December, 1953, when the association wrote to the Secretary of Railways agreeing to provide a basic quantity of 518,000 sleepers per year.
>
> The association stated, that, it recognised there were certain objections to the incentive price, as it had served its purpose and that, accordingly, it was prepared to quote a uniform price of £19 15s. per load for all its sleepers, subject to Crown and royalties, basic wage and other adjustments and subject to the W.A.G.R. undertaking to purchase all its supplies from the association and not to call tenders.

And they were supplied! Nothing in the report of the Royal Commissioner until the 30th June, 1954, says they were not supplied at that rate. In fact it was extended from time to time, subject to price variation, until the 30th June, 1958, when "at last" says the Royal Commissioner, the railways decided to call for tenders and the ruling price then became £22 18s. 3d. per load. It sounds as though this figure was arrived at because of the fact that the

associated sawmillers, which includes the State sawmills, had a standard price list from which no-one deviated, not even the State sawmills. On the 30th June, 1958, they considered it was a fair price. I would not like to say whether, in my opinion, it was a fair price or not because I know several things that go on in the industry.

I asked the Minister a question which I considered would indicate to the Government that it should have another look at this position. I asked—

> Will the Minister inform the House the cost of production of sawn jarrah—
>
> (a) at the Railway mill, Banksiadale;
>
> (b) at the State Building Supplies mill, Holyoake?

I asked the question with regard to Banksiadale because that is a mill operated by the Railway Department itself. It has also the outstanding privilege of cutting three grades of sleepers without forestry inspection. The first grade goes into the main line; the second grade is for sleepers for country lines, and the third grade is for lines at sidings and the like. Any mill that is allowed that class of production can get above the average production of sleepers; and that was evident in the reply the Minister gave me which was—

> (a) The average cost of production per load of sawn timber at Banksiadale during the year ended the 30th June, 1958, was £20 17s. 6d. exclusive of interest and royalty, on a recovery of 47.92 per cent.

A recovery of 47.92 per cent! If there is a mill in this State cutting ordinary timber that gets above that, I would be pleased to hear of it. There is not much difference between £20 17s. 6d. and £22 18s. 3d. It can be seen how the Government became cagey when answering the second part of my question. I asked the question with regard to Holyoake because this is the only other State mill that cuts exclusively jarrah timber. Other mills cut karri and the figures would not show a true picture so, as I said, I chose the Holyoake mill to ensure that we could reasonably rely on comparable prices. This is what the Minister says—

> (b) With respect to (b) The Minister Controlling State Building Supplies is not prepared to disclose information of this nature which would be of vital interest to competitors.

There are no competitors! That is all I want to say in relation to this matter. This Bill is brought down purely and simply on the report of the Royal Commissioner to catch up with restrictive trade practices and mainly in relation to this particular line which is costing the Railway Department plenty. But this is not going to be the answer, unless the Government is prepared to prosecute the State Building Supplies which have been in this business right from the inception. At this stage, I would like to pose a question and it is this: If the amending Bill goes through this House, will the Government be prepared to prosecute the State Building Supplies if on the recent contract it has with the Commonwealth for 250,000 karri crossarms, and for which they are installing, at Pemberton, at a cost to the public of £25,000, a powellising plant; and contract may put out of business the private sawmillers who are already tendering. As I say, will the Government, if this be proved, prosecute the State Building Supplies for unfair trading? I will be interested to hear the remarks in reply. That is what we are facing today with regard to certain problems that are confronting the State Building Supplies, and there is no real answer to these problems other than sustenance for a lot of workers. The State Building Supplies are supplying karri timber to South Australia and other States at a cut price to get rid of it because they cannot hold it. I realise that they cannot hold it but does that justify the public having to pay £15,000?

The Hon. H. C. Strickland: It showed a profit last year.

The Hon. J. MURRAY: It did not. The State Building Supplies did but not the sawmills section of the department. I warned the Minister against this when the co-operative effort was introduced to save expense. I said that we might see the profits of one show set off against the losses of the other. It is not true to say that the sawmills showed a profit. They are selling at a loss at the present time and £15,000 is going down the drain in order to unload the stocks. Is that unfair trading? That is not competition with free enterprise. I oppose the measure.

THE HON. H. K. WATSON (Metropolitan) [5.59]: I do not intend to delay the House very long, but I do think there is one aspect of this Bill which ought to be borne in mind. This point, which was drawn to the attention of the House by the hon. Mr. MacKinnon, is, that the legislation is, in conception and practice, dissimilar to legislation in other countries, which relates to monopolies and restrictive practices. In other countries, as the hon. Mr. MacKinnon mentioned, it is the agreement which is attacked, which has to be registered and which has to be examined; and it is dealt with in a court of law. But under the Act, and the administration of the Act, what do we find? We find that the administration is not greatly concerned with agreements. Virtually we have a set of circumstances under which any disgruntled customer on the one hand, or any smart Alec on the other, can take advantage of the invitation in the Act to

go to the Unfair Trading Commissioner and start a hare running with the result that in, I would say, literally hundreds of cases, businessmen are, in the ordinary course of their business, being harassed by interrogations and investigations from the Unfair Trading Commissioner and his staff.

Even when they arrive at decisions, it would appear that the decisions are not arrived at by judicial methods. If members will read the judgment in the cement case, they will find that the learned judge who heard the appeal pointed out rather critically and adversely that the Unfair Trading Commissioner had arrived at certain definite conclusions without hearing any evidence pro or con on the questions.

I should think that in any judicial or quasi-judicial approach to the determination of any subject, the only thing the tribunal can act on is evidence. Yet, in the cement case, the commissioner—his decision was certainly over-ruled by the Supreme Court—arrived at conclusions without any evidence one way or the other.

One has only to read the commissioner's report for the year ended the 31st December, 1957, to see the extent of his present operations and the extent to which he apparently hopes to build up his office so that it will become another huge department in Western Australia. In his report, at page 7, I find this interesting reference—

> Tyres, tubes and batteries trade: An investigation was commenced into the activities of wholesalers following complaints that, by means of wholly owned subsidiaries, competition from independent traders was being restricted. Subsequently evidence was received indicating collusive tendering for Government orders on the part of some firms in the trade. . . . The investigation was extended to cover the matter of collusive tendering and the firms concerned have been requested to submit details of their transactions for examination.

The Bill proves one of two things: Either the activities of the commissioner were unlawful when he proceeded upon them, or the Bill before us is unnecessary. I mention this fact to show the apparently irresponsible and relentless manner in which the zealots of this department go about their business. We find that apparently they are prepared to lend a receptive ear to anyone who comes along with a complaint about a business transaction which, in the ordinary course, ought to be settled according to the usual processes of law.

I do not think there is anything I can usefully add to what the hon. Mr. Griffith, in his comprehensive speech had to say, and to what the hon. Mr. MacKinnon had to contribute, except that I agree with them that the Act of 1956 ought to be repealed. Holding that view, I see no good reason why the amendments proposed here should be made; particularly as one of them is to enable the commissioner to harass industry still further by allowing him to take out an injunction against any industry while he lackadaisically proceeds with his investigation. Just imagine him dealing with a newspaper because he thinks it is making high profits. I notice from the report that he has a newspaper on his list. I think it was Mr. Chamberlain who started that hare running, because—

The Hon. F. R. H. Lavery: No, it was the trade union movement which started it.

The Hon. H. K. WATSON: The commissioner mentions this in his report—

> Newspaper industry: A complaint against firms publishing newspapers in the State was received and is still under investigation. A conclusion in an industry of this nature cannot be reached without a complete investigation.

He might say, "This will take three years to investigate. In the meantime I will get an injunction against the newspaper company." This would create an impossible position. I certainly intend to vote against the second reading of the Bill.

THE HON. H. L. ROCHE (South) [6.6]: Those hon. members who think the legislation should be repealed or abandoned have not indicated the type of legislation they would be prepared to support. If legislation such as was recommended by the Honorary Royal Commission was introduced and given some teeth, in the legal sense, I wonder whether some hon. members would find as much fault with it as they do with the present Act.

Whilst a comparison was made between the shortcomings of this legislation and the apparent virtues—at a distance—of the English Act, I have not heard any hon. member, who condemned the unfair trading legislation in this State, say he would be prepared to support anything of that kind. Neither have I been able to gather from the remarks made this afternoon, just who, in Western Australia, is being prejudiced by this legislation. Who is being restrained? Judging from the commissioner's report, the Act is being applied only to restrain or regulate practices which are not in the best interests of the people.

If the commissioner is exceeding his authority, then representation should be made to the Minister controlling the legislation—even if the cases are not submitted to open discussion in this House—so that some action may be taken to correct any abuses. To me it is fairly obvious that much of the criticism of the

legislation stems from a fear of what it might do rather than from a fear of what it is actually doing.

On previous occasions I have made it plain that I believe in private enterprise, but I think that private enterprise—the same as with most private activities in connection with the welfare of the public —requires some supervision. The term "free enterprise" is, I think, a misnomer. Within the Australian economy, with its various controls and restrictive legislation of one sort and another, there is no free enterprise in the true sense of the term; unless it be that enterprise which, admittedly, is very free and which is practised by the gentlemen who finish up in Fremantle gaol through being convicted of burglary.

Today we have such restraints in Australia as tariff and import control; exchange control; Arbitration Court control; shop and factories control; and many more which, at the moment do not come readily to mind.

The Hon. G. C. MacKinnon: It sounds as though we have enough without this one.

The Hon. H. L. ROCHE: It seems to me that some people construe the term, "free enterprise" to mean freedom to do as they like provided there is control on other people. I would ask those who condemn this legislation, and those who go a little further and instance some of the abuses—possibly they are abuses—that are taking place in respect of State trading, whether they are prepared to dispose of all our State trading instrumentalities. Are they prepared, if there is a change of Government, to say they will insist on disposing of the State Building Supplies and the State Government Insurance Office?

The Hon. F. J. S. Wise: We have already had the answer to that question.

The Hon. H. L. ROCHE: I have not.

The Hon. F. J. S. Wise: They have never taken any action.

The Hon. H. L. ROCHE: No. Since the unfair trading legislation was passed, perhaps they have not had the opportunity.

The Hon. G. E. Jeffery: On their present form, I do not think they ever will!

The Hon. A. F. Griffith: Don't be too sure about that!

The Hon. H. L. ROCHE: One hon. member said that some of the big overseas interests would not come to this country. To me the implication was plain, that unless they were allowed to come here and act as monopolies to do as they thought fit with the market or the public, they would not be prepared to establish themselves in Western Australia.

The Hon. F. R. H. Lavery: Well said, Sir!

The Hon. H. L. ROCHE: If those are the only sort of people who are offering, I question whether Western Australia would be much better off if we got them.

The Hon. A. F. Griffith: A long, long bow!

The Hon. H. L. ROCHE: Although some exaggerated claims have been made, the detrimental effect that some people fear from the existence of this legislation, has not been proved. The claims are made without a great deal of substance.

Since the legislation became law, one or two things have happened that have brought benefits to the farming community. Whether the whole credit for these benefits can be laid at the door of the unfair trading legislation or not, I cannot say, but it is an incontrovertible fact that superphosphate in this State has been reduced by 26s. a ton since the legislation was passed, and since some inquiries were commenced by the commissioner. It is also a fact that nowhere else in Australia, since that time, has the price of superphosphate been reduced. So I think the farmer can claim a benefit to the tune of over £500,000 a year as a result of the operations of this legislation.

Sitting suspended from 6.15 to 7.30 p.m.

The Hon. H. L. ROCHE: I think that the imaginary or manufactured fears that have been publicised in respect to this legislation would do the only harm that has been done in Western Australia as a result of the Government introducing the Act. Up to date, none of the terrible things that were foreseen have occurred and, while some hon. members seem to expect that this legislation should be a replica of legislation in other parts of the world, having regard to the different circumstances that exist. I would say that that would be well nigh impossible. There is no denying the fact that legislation designed to achieve a similar purpose to this legislation is in existence in most, if not all of the industrial nations of the western world.

Much of the adverse publicity given to this legislation seems to be the result of the activities of the West Australian Newspapers Ltd., which is either not well informed on the scope of the legislation, not interested over much in its application, or possibly it is influenced by the fact that there appears in the commissioner's report for 1957 the following statement:—

> A complaint against firms publishing newspapers in the State was received and is still under investigation. A conclusion in an industry of this nature cannot be reached without a complete investigation.

It is possible that the West Australian Newspapers Ltd. still cherishes the hope that the legislation will be discontinued before that investigation is completed. Despite all the criticism, much of which to my mind is misleading, I am firmly of the opinion that legislation in this form is utterly essential for the welfare of industry in this State. In fact I think that

those who honestly believe in private enterprise, and who wish to protect it and see it develop and flourish in this community should be prepared to welcome legislation which is designed to safeguard the interests of the community, and to justify the activities of private enterprise.

Rather than condemn it off hand for this reason, that reason, or some other reason, it would be better for people who are against it to try to lend a hand and knock it into shape, and make it more suitable from their point of view, while at the same time preserving its fundamental usefulness. I support the second reading.

THE HON. L. A. LOGAN (Midland) [7.35]: When this measure was introduced in 1956 I was one who opposed it from start to finish. My first reason for opposing it was, as I stated at that time, that the Government was not sincere in its attempts to introduce the legislation, because just prior to that a free enterprise Bill had been introduced in another place by the hon. Mr. Watts, and the Government, by making so many amendments to it made it such a farce that it was not possible to put it on the statute book. That is still my attitude.

I also stated, when the original legislation was introduced, that no information had been given to us as to why it was needed. I asked whom the Government intended to catch, and what evidence was there to prove that the Bill at that time was necessary. I do not think that either the commissioner or the Government has given us any reason as to why this Bill should have been introduced. As a matter of fact the instances quoted tonight prove what I said previously—that the Bill would not accomplish what it set out to do. The hon. Mr. Roche spoke of the West Australian Newspapers Ltd. and said that that firm's activities were under review. The very fact that the investigation started 18 months ago, and is not yet completed, is proof that the legislation cannot overcome those things.

The hon. Mr. Diver held up a part in this House and told members that it cost £6 10s., but he had to admit that nothing could be done about it under the legislation. So what is the use of having legislation when it cannot overcome such practices. The commissioner tried to do something about the cement companies and missed out; he could not do anything about them.

The Hon. L. C. Diver: Do you want price control?

The Hon. L. A. LOGAN: I do not want price control or this legislation. In the first place I said it would not accomplish what it set out to do; and that has been proved in four instances that were quoted.

The Hon. A. F. Griffith: Yet they still persist with it.

The Hon. L. A. LOGAN: That is one of the reasons why I opposed the original Bill when it was introduced; and why I opposed the measure introduced last year which had the effect of making the legislation permanent. I opposed that part of the Bill, and I am still opposed to it. As regards trade discounts, I have already stated that the legislation would have no effect on them and the hon. Mr. Diver has already said tonight that the legislation does not deal with it.

The Hon. L. C. Diver: I did not say that it could not.

The Hon. L. A. LOGAN: It does not deal with it. Therefore, what is the good of the legislation if it cannot accomplish what it set out to do in the first place? I am not one of those who oppose the measure simply with the idea of opposing it without any rhyme or reason for doing so. This legislation by the grace of this and the other House has been placed permanently on our statute book, and to oppose the second reading of this measure will not do any good at all. I see no alternative but to support the second reading so that we can amend it in the Committee stage in order to make it better than it is at present. I shall support the second reading because there is no alternative; but if it were a Bill to continue the operations of the act I would certainly oppose it. As I see no alternative but to support the second and third reading I intend, at this stage to support the measure.

THE HON. A. R. JONES (Midland) [7.40]: I find myself at the cross roads in regard to this legislation. When the parent legislation came before the Chamber I thought it was a horror and opposed it from every angle. Then in its amended form it became an Act, but to my mind it was still a horror. Now we have before us a Bill which, in essence, is to change the name of the parent legislation. Apparently the Government realises the mistake it made some years ago and gradually, by piecemeal methods is trying to make the legislation less obnoxious.

There is one part of the Bill which I can vote for and that is the clause which will give people access to the courts. That is something which we fought very hard for in the initial stages, but which was denied to us.

The Bill also seeks to enable the commissioner to issue an injunction against any person or persons, or business or businesses which he might be investigating. I think that is a horrible power to give to the commissioner, and I would like to see it removed from the Bill. I think on that ground I should oppose it. But, as the hon. Mr. Logan said we cannot get rid of the legislation altogether, and so we have to accept, with the best grace possible, something that we believe is not

good. I shall not oppose the second reading but I shall oppose the clause giving the commissioner power to issue an injunction. It is terrible to think that the commissioner could inflict an injunction on somebody merely on hearsay evidence, or the information of one man. While I support the second reading I reserve the right to oppose that clause.

THE HON. R. F. HUTCHISON (Suburban) [7.42]: I should like to have a few words to say on this Bill. The fact that it is being so violently opposed by members of the Liberal Party convinces me that this legislation is worthwhile.

The Hon. G. C. MacKinnon: You have a suspicious mind.

The Hon. R. F. HUTCHISON: I am not suspicious, I have got that idea from long training.

The Hon. G. C. MacKinnon: In the wrong school.

The Hon. R. F. HUTCHISON: Apparently members of the Liberal Party think it is wrong to have legislation which prevents certain practices; and certain practices are taking place now upon which action should be taken. I refer firstly to the question of granting discounts to certain people, apparently because they are privileged customers, or for some reason such as that. That is one example of unfair trading. It means that small storekeepers are being put out of business. The bigger firms choose their customers and grant them special discounts and, as a result, it is not possible for those who do not receive the discounts to sell their goods at a competitive price. Of course, the public is always looking for the lowest prices, and that makes the position worse for these smaller traders who are not giving discounts.

If discounts can be given to one person they can be given to everybody; if that were done the cost of living could be made cheaper. That is one particular item of unfair trading. Also, what the Minister had to say in the House about the cement industry was quite correct. There were two prices for cement. All my boys are in the building trade and I know exactly what went on. It was disgraceful, and to my mind this is a very useful piece of legislation because it keeps some balance in trading. It is a piece of legislation that this State cannot afford to be without because it is a young State, and it needs protection. Legislation comparable to this is in existence in other countries and, in many cases, it is far more restrictive. So, far from disagreeing with the measure, I wholeheartedly support it.

I think it was an act of courage on the part of the Government to bring in legislation of this nature knowing the impact it was likely to meet from the pressure exerted by big business and finance. Collusion is practised in all walks of trade and commerce. If one goes to buy an electrical appliance, one finds that the maximum price is fixed, and the unfortunate public must pay that price. If it is a matter of extracting whatever can be extracted—whether it be fair or otherwise—from the general public, then this Bill is worthy of support.

The Hon. G. C. MacKinnon: Would you argue along those lines in regard to wages?

The Hon. R. F. HUTCHISON: No, because wages have never been comparable with the standard of living which Australia is capable of giving.

The PRESIDENT: The hon. member is out of order in discussing wages.

The Hon. R. F. HUTCHISON: I was asked a question about wages, Mr. President, and I am answering it.

The PRESIDENT: The hon. member is out of order.

The Hon. R. F. HUTCHISON: We do not want anything like the policy of laissez faire that ruined England, raising its ugly head here. We have a fair State, and a young country, which can offer a high standard of living to every person in it, and we do not want snatch and grab methods of business introduced into Western Australia. I did not wish to cast a silent vote on this measure. I support it wholeheartedly, and leave the other questions that need to be answered in the capable hands of the Minister.

THE HON. C. R. ABBEY (Central) [7.48]: In rising to disagree with some of the previous speakers, I must say, firstly, that I believe it is not in the nature of Australians generally, and particularly Western Australians, to accept the restrictions that this measure places upon them. As a farmer, and a country resident, I know that many people—in fact almost without exception—agree that this measure should not have been placed upon the statute book.

The Hon. G. Bennetts: We should allow the people to be exploited.

The Hon. C. R. ABBEY: The people are apparently willing to be exploited.

The Hon. R. F. Hutchison: Oh no, they are not!

The Hon. C. R. ABBEY: There may be a few who think that this measure might have some application, but I am quite sure that if we had a referendum on this subject we would find, particularly in the country—though I am quite sure the same would be the case in the city—that it would be overwhelmingly defeated. I am certain from the many people who have commented on this measure, that if a referendum were held they would, almost without exception, vote against the measure. Condemnation of that nature has not been brought about by any other measure.

During my election tour which was made not so long ago, I found, right throughout the province, that that was the case. I had to back it up because the people there feel that a measure of this kind can do no good at all; in fact, most of them feel it could do a great deal of harm. Many speakers have asked what this legislation has done, and what it has achieved. It has achieved nothing, and is not likely to achieve anything. Why should we add to an abnoxious measure with which all sections of the community disagree?

The Hon. A. R. Jones: Do you know what it costs the Government?

The Hon. C. R. ABBEY: I do not know exactly, but I should think it would be costing the Government a great deal. I can see that this department which is to deal with all the unnecessary investigations that are carried out into all types of business could expand and become part of our lives. It could be extended to the farmer in relation to his making an undue profit from his sheep.

The Hon. L. C. Diver: You do not understand the Act.

The Hon. C. R. ABBEY: I think I do. While the provisions are only meant to cover certain aspects of business, it is surprising how they extend and eventually become part of our lives. A restriction on the Australian way of life is something that we do not wish to perpetuate, and we should not add something to a measure that should be wiped off the statute book. If is of no use having a measure that is not acceptable to all sections of the community. If those who agree with it took the trouble to find out from those they represent what their views were on the matter, they would discover that their support for the measure is completely unwarranted; that they are supporting something with which most people disagree. Accordingly I would like to take this opportunity to make my position quite clear. I am opposed to the measure and feel it ought to be withdrawn.

THE HON. J. G. HISLOP (Metropolitan) [7.52]: I cannot imagine any people choosing this State for the purpose of establishing a business when this measure is on our statute book. They would not choose this State against any other. We have enough trouble as it is to induce people to come to this State, and to meet difficulties that are created by the distance which we live from the markets, without having legislation of this nature being introduced.

I say that, because I cannot imagine anybody desirous of commencing business here doing so when he knows full well that some person would be able to lay a complaint against him; and from that point onwards his busines could be inquired into by the commissioner. His books could be examined, and his business held up; and he could be ordered not to carry out certain practices until the commissioner was satisfied with his investigations. That is what would happen if this Bill were passed. I cannot imagine anybody wanting to establish industry in this State under such conditions.

I would be far happier if certain practices were investigated, rather than provide that a particular business be put up as an Aunt Sally for the purposes of investigation. Certain trade practices ought to be investigated, but individuals ought not to be held up to shame and ridicule, because they happen to be indulging in practices which have become recognised through long usage. I think our approach to the Bill could be altered for the good of the State generally.

Only last evening I passed along a street and saw a radiogram offered at a certain price with an allowance of £10 for any old radio. That means that if I could dig up an old radio I would get that radiogram for £10 less; otherwise I would have to pay £10 more. That is the type of practice that needs investigation, rather than pillorying some person for a practice which is carried on all around us. We know that some people who have engaged in certain trades have broken the code of ethics and are indulging in practices not recognised by the rest of the association. I believe there is scope for investigation in such cases.

For instance, one trade practice that I do not like is the placing of a human being in a window to demonstrate an article. This leads to congestion on the footpath. I do not think any one should be permitted to cause an obstruction of the traffic by blaring forth sounds from an open door of his store. These are trade practices which could well be investigated, because they could bring our State into disrepute. One of the most informative articles I have read referred to the position in State-st., Chicago, where a code of morals and ethics in relation to business was formed. Anybody who broke that code did not last long in State-st. In fact, they invited the most reputable people in Chicago to start business in that street. Now it has become one of the most famous streets in the world. It has its own lighting plant and is most outstanding in its business transactions. All these things must be brought into line without attacking the individual.

I believe the provisions of this Bill will attack the individual. Let us change this Bill over to agreements, as is the case in England, and to trade practices that we consider unsound, and I will be prepared to vote for the measure.

THE HON. F. J. S. WISE (Minister for Industrial Development—North—in reply) [7.57]: It is very interesting to hear the excuses that have been made as to what sort of Bill would be supported in certain

circumstances. That has been the theme of more than one speaker who has spoken this evening in opposition to the measure. When outlining his objections to the Bill, the hon. Mr. Griffith said that it would give another twist to the dagger thrust into the trade of the State. Speeches made by the hon. Mr. Griffith—speeches of that kind anyway—insert daggers directly into the well-being of the State, by the conclusions he is able to draw from a fertile imagination when describing a Bill of this kind.

He described the measure as a public wailing wall. It is most interesting to see from whence the wailing comes. It comes from those who fear that in consequence of its fair and proper application they will find themselves prejudiced only in the sort of practices in which they indulge in their methods of trading. I have no idea who put forward the contention that the legislation was similar to that passed in other countries.

My attitude is that there are principles in this law similar—and certainly not dissimilar—to laws in many other countries of the world. There is nothing unusual in that. Every country in the world has in some of its statutes taken from the laws of other countries something to improve its own laws. As for the puerile argument put forward by the hon. Mr. MacKinnon that this must be a wonderful law when it is always before the House for amendment, I would point out that if he went to the trouble to analyse the legislative programme of every session of Parliament that I have experienced in Western Australia, going back 25 years and more, he would find that more than 90 per cent. of the legislation placed on the statute book in the session comprised amendments to some existing statutes. It is quite proper that this is so. There is even a Bill to amend the Superannuation Act for members of Parliament. Let the hon. member have a look, for example, in the schedule in last year's Hansard and he will find that every Bill which became an Act—there are pages of them—constituted a Bill to amend the law already existing, and therefore to improve the law in the opinion of Parliament and in the opinion of persons, in many instances, outside of Parliament. So, the suggestion will not bear any examination whatever that this Bill has a weakness because it must, in its two years of life, come before Parliament for amendment.

If this Bill is, in the words of the hon. Mr. Griffith, a hybrid law, I would say most of our laws are hybrid laws and are based on judicial decisions of the Commonwealth and of New South Wales and, indeed, of India, Canada and many other countries. In the statutes of this State one will find in many of the marginal notes that they have had as their source some portion of an Act from some country in the world. Therefore, in this case, the Bill, when first introduced and before it became law, was developed to take action which revolved about unfair trading methods or unfair methods in trade competition, and the definition of those terms has been shown to be similar to the provisions—not identical—in the legislation now in operation—as the hon. Mr. Griffith said—in over 60 countries of the world.

The Hon. A. F. Griffith: I did not say that.

The Hon. F. J. S. WISE: The hon. member said it and I repeat it, that from the evidence that has been taken in the examination of statutes of over 60 other countries, the best method and the best circumstances to apply to Western Australian circumstances have been taken.

The hon. Dr. Hislop says, "Introduce the measure England has—the one that pertains to agreements—and I will support it." That is a very deep hypothesis and I have no faith in it at all.

The Hon. J. G. Hislop: I haven't much faith either.

The Hon. F. J. S. WISE: I did not expect the hon. gentleman to have faith, because it touches upon those sort of things which a group of people or section of the community objects to. But by the same rule, very many people in this community, in business, support this legislation. So, what if it is a hybrid Act based upon the usages and customs for controlling malpractice in business in other parts of the world? Certainly many activities of other countries and nations are not appropriate or applicable, but it was thought, when this Bill was originally introduced, that it did cover the very important need of Western Australia.

The hon. Mr. Griffith said that it was a needless and useless Act. I would point out that this Bill is the result of a recommendation of an Honorary Royal Commission and, far from being the nail in the coffin of private enterprise, it is something which gives to private individuals the opportunity for fair dealing. What do his words mean when he says, "The nail in the coffin of private enterprise?" Those were the exact words.

The Hon. A. F. Griffith: We have seen it in practice over the past three years.

The Hon. F. J. S. WISE: What is free enterprise? I suggest it is very private enterprise.

The Hon. R. F. Hutchison: And not free!

The Hon. F. J. S. WISE: This Bill is designed to use the word in another sense, to free enterprise from many of the trammels that now exist. That is the situation.

The Hon. J. M. A. Cunningham: Has it accomplished that?

The Hon. F. J. S. WISE: It has certainly accomplished many things to bring about fairness in trading. I will quote shortly

from some comment from the commissioner's office on that point. The hon. Mr. Griffith dealt, for a long time, with the subject of cement. I asked him, "What of superphosphate?" The hon. Mr. Roche touched on the point, and I think his statement was absolutely in line with fact in Western Australia.

From the 18th January, 1957, to the present time, superphosphate has gone down from £14 to £12 14s. per ton. If one looks at the prices for that commodity in all States, one will notice the wide margin that has occurred in the State of Western Australia, as compared with the other States, where the same commodity has been, to a small degree, reduced. I suggest that to continue to harp upon what this Act has done and give no substantial case, no substantial illustration and no direct instance of where this law has had prejudicial result, has a very damaging effect upon the Western Australian economy.

The Hon. A. R. Jones: Can you substantiate what you said in regard to superphosphate prices in connection with the commission?

The Hon. F. J. S. WISE: I can say it was well known that there was to be an inquiry into that particular commodity—very well known. Is it not significant that the price variation in Western Australia, where the commodity was at the highest price for all Australia, was by far the greatest reduction that took place during the last two years?

The Hon. J. M. A. Cunningham: That is an admission of guilt. Why not go ahead with the proposed charges?

The Hon. F. J. S. WISE: They are going ahead and the matter is under consideration.

The Hon. W. F. Willesee: You want it both ways.

The Hon. F. J. S. WISE: And in the middle. The Commonwealth All-party Constitutional Review Committee has recommended additional powers for the Commonwealth to control restrictive trade practices considered contrary to the public interest; and, after five years of work and more than 20,000 pages of testimony covering the interrogation of 550 persons, the American Industry Committee of the Senate of U.S.A. has recommended the strengthening of legislative powers controlling restrictive trade practices. The hon. Mr. Diver mentioned that he did not think this legislation went far enough.

The Hon. G. Bennetts: He is right there.

The Hon. F. J. S. WISE: I think, in one or two of the instances illustrated by the hon. Dr. Hislop, there is call for action, and I will certainly have the matters mentioned to the commissioner in regard to the things that are obnoxious to people trading in Western Australia. Some of these things may be minor, but they are the entering of the wedge; and the prejudicial effect that such entering of the wedge gives to the purchasing public of Western Australia.

The hon. Mr. Diver illustrated that the scaring away of private enterprise under this Bill was nonsense; and I entirely support his contention that it will not frighten and has not frightened away any worthwhile industry.

I would point out, with confidence, that the situation with worthwhile companies interested in establishing themselves in Western Australia is that their reason for coming here is because they have some advantage somewhere; but the reason they are not afraid of this sort of law is because in the countries from whence they come, much more rigid laws operate. They have no fear in this case, for the simple reason that their own countries make sure that no unfair practices obtain.

I have mentioned the fact that the hon. Mr. MacKinnon said that amendments brought down each year show how weak must have been the parent Act. There is no substance to that statement whatever. This particular amendment is based on two or three principles. The hon. Mr. Griffith referred to one of them—the changing of the name. The changing of the name has been deliberately decided on, because it brings the Act more into uniformity with similar sorts of provisions in other places.

The Hon. H. K. Watson: I thought you were going to say "camouflage."

The Hon. F. J. S. WISE: No, I was not going to say camouflage. A rose by that name to the hon. member would be just as sweet as this would not be sweet in any circumstances to him.

The Hon. H. K. Watson: Is it sweet?

The Hon. F. J. S. WISE: We cannot have roses without thorns, and we cannot have thorns without roses. We are going in the opposite direction.

The Hon. F. D. Willmott: You cannot have a cactus without prickles.

The Hon. F. J. S. WISE: The hon. member has been discreetly silent as regards this Bill and has not joined in any discussion. He has shown no indication of his thoughts by talking about a cactus bush, but I am sure that in his public and private life many of his people have not been exploited because of the existence of this Bill.

The Hon. A. F. Griffith: Does the Minister speak on every Bill?

The PRESIDENT: Order!

The Hon. F. J. S. WISE: No, but on all of those which are important. I am not as verbose as the hon. member, but he has an official position, which encourages that attribute.

The Hon. A. F. Griffith: You were blaming the hon. Mr. Willmott for not speaking.

The Hon. F. J. S. WISE: To return to the titles of the Bills. In Great Britain the law is known as the Monopolies and Restrictive Trade Practices Act; in Denmark the Monopolies and Restrictive Practices Act; in Germany, it is the law against Restraints of Trade. In Ireland it is the Restrictive Trade Practices Act.

The Hon. A. R. Jones: Hurray for Ireland!

The Hon. F. J. S. WISE: In Canada it is the Combines Investigation Act. That is one of the matters which this Bill covers; the change of Title of the parent Act. Another point is the question of dealing with collusive tendering, and a third deals with a matter which was raised by the hon. Mr. Logan.

The Hon. G. C. MacKinnon: And raised three years ago by the hon. Mr. Watson.

The Hon. F. J. S. WISE: The hon. Mr. Logan has forecast certain amendments which he intends to propose, and while I have no information from him direct on this matter, I think he intends to oppose two whole clauses. If it will give him some easement of mind any earlier than when the Committee stage is reached, I will advise him now that I will accept both his amendments. The hon. Mr. Murray wanted to know whether this Bill was introduced with the intention of aggravating a lot of people. I say it was introduced with the intention of preventing some people from aggravating a lot of others.

In addition, the hon. Mr. Murray asked whether, if the Bill was passed, the Government would be prepared to prosecute the State Building Supplies in regard to certain contracts. The fact is that State Building Supplies, having a vast accumulation of timber which was hard to sell in this State or out of the State, entered into serious competition with other millers, in other States, and with tenderers from abroad who were making inroads into the markets in other States of the State Building Supplies. The first move was made by some private millers who offered to the other States certain types of karri at heavily reduced rates, and State Building Supplies, with the greatest accumulation of any timber merchant in regard to this type of timber, bid for a contract for powellised telegraph crossarms and got the contract and are going on with it and have sold a terrific quantity of that timber at a price which gives a return, and not a loss, in fair competition with all comers within and outside of Australia. The State Building Supplies have secured the order, as I have related, and so there is no need to suggest that the Government should launch any action against the State Building Supplies.

The hon. Mr. Watson mentioned the relentless and somewhat irresponsible manner with which officers of the department go about their business. I would be surprised to hear that that could be a valid assessment of their approach because I have from the commissioner himself and from officers subordinate to him, the information that every consideration is given to ensure fair and reasonable arrangements with private interests and private enterprise; and I am assured that that has been their objective and that an attack on their conduct and method of approach is unwarranted. I would like to have cases cited in writing to me, the Minister for the time being, illustrating the reason for that sort of criticism. I would like to receive it and I can assure hon. members that it will be dealt with confidentially and on such a basis that any member can rest assured that no confidence of his will be mishandled or misplaced; so that we can have opportunity of lining up the officer or officers who use authority not vested in them, or use the Act in a manner not intended for them to use. In that way we will clarify issues which at the moment are absolutely clouded by the lack of information associated with them.

This Act, as introduced by the Government, had as its intention the ability to restrict unfair trading practices and its effect has been to make a lot of people mend their ways; because without prosecution and without action many people, have not only reconciled themselves to the proper use of the statute, but have also reconciled themselves to better and fairer trading methods than were formerly their practices. I hope the Bill will pass; and I will be quite prepared to entertain amendments, when in Committee, provided it can be shown—from wherever they come—that they will improve the Bill and its use when it becomes law.

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

Ayes—19

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

Noes—9

Hon. C. R. Abbey	Hon. R. C. Mattiske
Hon. J. Cunningham	Hon. H. K. Watson
Hon. A. F. Griffith	Hon. F. D. Willmott
Hon. J. G. Hislop	Hon. J. Murray
Hon. G. C. MacKinnon	*(Teller.)*

Majority for—10.

Question thus passed.

Bill read a second time.

In Committee.

The Hon. W. R. Hall in the Chair; the Hon. F. J. S. Wise (Minister for Industrial Development) in charge of the Bill:

Clauses 1 to 3—put and passed.

Clause 4—Section 8 amended:

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

Page 3, line 5—Add after paragraph (b) new paragraphs to stand as paragraphs (c) and (d) as follows:—

(c) by inserting after the word "sale" wherever appearing in subparagraph (ii) of paragraph (d) of the interpretation of "unfair trading methods" or "unfair methods of trade competition", the words "or agreement to sell";

(d) by adding after the word "quality" at the end of subparagraph (ii) of paragraph (d) of the interpretation of "unfair trading methods" or "unfair methods of trade competition", the words "and with like conditions regarding delivery".

The amendment seeks to tidy up a drafting error in the Act of last year in regard to discriminatory discounts. At that stage it was made clear in debate and we thought it was clear in the Act, that it contained nothing that would prevent a manufacturer or merchant giving a discount for quantity, so long as the same discount was offered to any buyer prepared to buy the same quantity. The Act at present refers only to sales and prohibits the granting of any discount, rebate, allowance, price concession or other advantage available at the time of the sale to the competitors in respect of the sale of goods of like quantity and quality.

Both we and the draftsman overlooked an important matter that is provided for in the Sale of Goods Act, which has not been altered since 1895 and apparently does not need altering now.

The Hon. H. C. Strickland: Nor does the law of gravity!

The Hon. H. K. WATSON: That Act points out that in connection with mercantile transactions there are two distinct classes; a sale, which is defined as where property passes from the seller to the buyer, while a contract relates to goods which have yet to be manufactured, and in that case even though it is a firm contract it is not a sale, but an agreement to sell, and does not become a sale until the goods are delivered. It is the practice in this State for the majority of manufacturers not to manufacture most of their requirements until an order is secured. They may manufacture small quantities for stock, but generally they cannot afford to carry large stocks. Usually they get the order before manufacturing the goods—

The Hon. F. J. S. Wise: Do you mean they might have to set up patterns and so on?

The Hon. H. K. WATSON: Yes, or tool up or change to dies. A shirt manufacturer, for instance, with competition from the Eastern States, might not find it practicable to make 100,000 shirts and leave them on his shelves in the hope of a sale; but if he could get an order for 3,000 shirts with delivery at 100 per day, that would be attractive. He might say to the buyer, "Give me an order for 3,000 shirts and spread delivery at 100 per day and I will give a discount of 5 per cent". There is no discrimination there. He will give to any prospective buyer, on an agreement to sell, as distinct from a sale, a discount of 5 per cent.

The Hon. G. C. MacKinnon: That applies particularly to manufacturers of plastic containers.

The Hon. H. K. WATSON: Yes. A man who gives a single order for 100 shirts and then gives no more orders claims that under the Act as it stands at the moment he is entitled to the same discount as the man who gives a firm order for 3,000 shirts. This is simply because the Act refers to "sale" instead of following the wording in the Sale of Goods Act, namely, "sale and agreement to sell". A sale should be compared with a sale and an agreement to sell compared with an agreement to sell.

So long as a manufacturer is prepared to give the same discount to a buyer on that basis, or a person agreeing to buy on that basis, it is obvious that there would be no discriminatory discount. It is simply a discount governed by goods of like quantity and quality. Provision for this is already contained in the Act at the moment. That is why I am moving this amendment and I hope the Committee will agree to it because it seeks to do nothing more than to tidy up a drafting omission.

The Hon. F. J. S. WISE: The amendment sets out a form of discount policy which is not unacceptable to the commissioner. In discussion with the office of the Unfair Trading Commissioner, it has been pointed out that although it has taken certain action and had a discount system varied because of threatened action in its activities in the grocery trade this year, it has had only one case where it has had to make an example of the person concerned so that unfair trading would be eliminated as far as discounts on grocery lines were concerned.

During the discussion, those who are qualified to know something about the administration of this law, gave an illustration which indicated that with an order of, say, 1,000 articles a month, spread over 10 months—which could be the basis of

keeping an industry going—the commissioner thought it was not unfair to the public for the manufacturer to give a slightly larger discount as against a person who bought, say, 50 articles only and no more.

In putting the question to the department, I was told that it had no objection to the insertion of this provision in this form because it still retains the authority and power in regard to unfair discounts. In the opinion of the department this is not unfair discrimination to the purchaser and it certainly may give some advantage to the small manufacturer. For those reasons I do not oppose the amendment.

The Hon. H. K. WATSON: I thank the Minister for the trouble he has taken to consider my amendments and for the remarks he has just made.

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

Clause 5—put and passed.

Clause 6—Section 28 amended:

The Hon. L. A. LOGAN: I am sorry that I interjected on the hon. Mr. Wise previously, Mr. Chairman, because I thought he was dealing with Clauses 6 and 7. I ask the Committee to vote against this clause.

The Hon. F. J. S. WISE: When the Bill was in another place a great deal of debate ensued on both this clause and the following one, and the Minister who introduced the measure stated at the conclusion of the debate that he would have no objection if amendments were made in this Chamber. Therefore, I intend to agree to the deletion of these two clauses.

Clause put and negatived.

Clause 7—put and negatived.

Clause 8—Section 30 amended:

The Hon. G. C. MacKINNON: I merely wish to point out that, in the main, it is not the practice to have a Bill introduced one year and then amended in each successive year, and find that in each year the amendments are fought tooth and nail. With this legislation this happened last year; and again this year we find the same thing happening. The amendments which were fought tooth and nail last year by hon. members in this Chamber have again been written into this measure. However, I am glad that we are now all in accord in our intention to vote against these clauses.

Clause put and passed.

Clause 9—Section 39A added:

The Hon. L. A. LOGAN: I ask the Minister to give an interpretation of the words, "in any other manner," in line 4, page 5.

The Hon. F. J. S. WISE: This clause is considered to be a protection against detrimental treatment. It is considered to be necessary for persons invoking the aid of the Act.

The Hon. L. A. Logan: What is the value of the words, "in any other manner"?

The Hon. F. J. S. WISE: It could be that certain information has come from a third party and although it is not exploited or dealt with in a manner to persuade another person, it could be that pressure is brought to bear upon another person. Whilst the words may be hard to define, it is thought by the Crown Law Department that they cover points that may occur in certain circumstances.

Clause put and passed.

Clause 10—put and passed.

Title—put and passed.

Bill reported with amendments and the report adopted.

Third Reading.

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

RENTS AND TENANCIES EMERGENCY PROVISIONS ACT CONTINUANCE BILL.

Second Reading.

Debate resumed from the 28th November.

THE HON. H. K. WATSON (Metropolitan) [8.47]: It is ten years since I first raised my voice against this piece of legislation, which was first introduced, in 1948, as a purely temporary measure to run for one year. Each year since 1948, Parliament has passed continuance Bills, but certainly not with my concurrence.

It is true that this legislation at present is very different, and not nearly so onerous as the legislation in 1948, in 1950 and 1954. It was in 1954 that Parliament upon the initiative of this House drastically amended the law, with the result that during the last four years the Act has really fallen into desuetude.

Under the Act at present there is a Fair Rents Court which does practically no business, except to present a quarterly report to Parliament. It is interesting to read the last four quarterly reports and study their contents. For example, during the quarter ended the 31st December, 1957, the court did not deal with nor finalise any case. It dealt with one case for the quarter ended March, 1958, and with two cases for the quarter ended June, 1958. During the quarter ended the 30th September, the court found itself completely without any business. It dealt with no applications and it received no applications; in other words, it had run itself to a standstill.

As the Minister said when introducing the Bill, the officer of the Fair Rents Court, if not wholly, then in the main, has been found other employment. In those circumstances—and I would like to hear other hon. members on this subject—I feel the time has come when this House should do one of two things. Either decide that this legislation has outlived its usefulness and refuse to extend its life any longer, although it was introduced as an Act to run for one year but which has, in fact, run for 10 years by a continuance Bill every year; or alternatively decide that the Act should be continued permanently. If it is to be continued, we should place it on the statute book permanently and abolish the farce of renewing the legislation annually. It is silly to deal with it in the way it has been dealt with in the last three years.

My view is that the Act has outlived its usefulness. The figures I have given to the House support my contention. I oppose the second reading.

THE HON. F. R. H. LAVERY (West) [8.53]: In my short time in this House I have had plenty to say about this piece of legislation. Contrary to the intention of the hon. Mr. Watson, I intend to support the second reading. I agree with him that there is little left in the Bill. There is only the protection from the establishment of the Fair Rents Court. This is protection not only for the tenant but also for the landlord. The Act should become a permanent measure, on the lines of the barley board legislation.

The main provision in the Act is the protection given in regard to notice to quit. I dealt with one case recently in which the owner required the home for his own use. He gave the tenant 28 days' notice to quit. The tenant made no attempt to find other accommodation, and when a court order of eviction was taken out against her she approached me and other people to obtain assistance. She did not deserve that assistance.

The protection of 28 days' notice is about all that is left in the Bill. I also believe the time is ripe when we should decide whether or not this Act is to be a permanent piece of legislation. I believe it should be permanent. I support the Bill. If it comes before the House again I hope it will be made a permanent measure.

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

Ayes—19

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

Noes—9

Hon. C. R. Abbey	Hon. R. C. Mattiske
Hon. J. Cunningham	Hon. H. K. Watson
Hon. A. F. Griffith	Hon. F D. Willmott
Hon. J. G. Hislop	Hon. J. Murray
Hon. G. C. MacKinnon	*(Teller.)*

Majority for—10.

Question thus passed.

Bill read a second time.

In Committee.

Bill passed through Committee without debate, reported without amendment, and the report adopted.

Third Reading.

Bill read a third time and passed.

CITY OF PERTH SCHEME FOR SUPERANNUATION (AMENDMENTS AUTHORISATION) BILL.

Second Reading.

THE HON. G. E. JEFFERY (Suburban) [9.1] in moving the second reading said: This Bill envisages three small amendments to the City of Perth superannuation fund for members of the council's staff. The first amendments are to make conditions a little easier for the female members. At the present moment members must work until they are 65 years of age to receive the benefits that are applicable. The amendments propose that any female member of the staff who has served 10 years with the City Council can on the grounds of permanent ill-health or infirmity, retire and receive the benefit in retiring, say, at 55 years of age, by paying eight per cent. of her annual salary into the fund by way of contribution; or she may retire at 60 by paying six per cent. of her annual salary into the fund; or she may continue to work and retire at 65 years of age by paying four per cent. of her annual salary.

Certain male members of the staff fail to realise that by taking out extra units in respect of widows' benefits, extra benefits are to be gained. The City Council is prepared to allow them to participate in the benefits by paying an increased contribution which would be necessary to bring them in line with fellow officers and also pay an aggregate sum—the amount of arrears they have not paid by non-participation in the scheme. I believe these amendments are fair and reasonable.

The other provides that in 1964, and every 10 years thereafter, the board within the City Council which administers the superannuation fund, shall report to the City Council, and its report will be passed on to those individuals on the wages staff who have not taken out the full number of units. It has been realised, of course, that under the present set-up

by taking out the full number of units, the staff, in some instances, would not gain anything but would be paying extra. This is because the provisions of social service would apply. So by being careful, a man can take a certain number of units out and still accept the appropriate pension on retirement and receive the superannuation money that would give him the maximum permissible income.

As I say, I think the amendments are agreeable. They have the blessing of the City Council itself. The council has rather a good scheme; and it is a particularly good atmosphere that exists between the City Council and the people who perform the various services necessary. It is appropriate that the council should show its appreciation in a tangible form by these amendments. I move—

That the Bill be now read a second time.

THE HON. H. K. WATSON (Metropolitan) [9.5]: I support the second reading of this Bill which has been adequately explained by the hon. Mr. Jeffery. I think it is unnecessary for me to repeat what he has already said. I am rather curious to know how the hon. Mrs. Hutchison will react to this Bill because I see in it an undermining of the principle of the equality of the sexes. Hitherto the scheme has provided that both female and male members shall retire at 65. It is now proposed that the weaker sex may have the opportunity of determining whether they shall retire at 55, 60 or 65 years. Notwithstanding that, I support the second reading of the Bill.

THE HON. R. F. HUTCHISON (Suburban) [9.7]: Firstly, I would not agree with the hon. Mr. Watson that we are the weaker sex. The time has come when we can prove we can take our place in society without referring to the age-old camouflage of weakness. If it is a privilege that women are being offered, then I am very glad about it. It shows we are becoming a little more civilized than has been the case in the past. I do not fully know what is in the Bill because I have not gone into it, but I would not like to be silent on it if I thought there was any doubt as to what women can do. We get such a hard time mostly that it would be very nice to at least be recognised, and perhaps receive a privilege. If, upon examination, I hear women are pleased, I will be grateful to the hon. Mr. Watson for having seconded the motion for the second reading.

Question put and passed.

Bill read a second time.

In Committee.

Bill passed through Committee without debate, reported without amendment and the report adopted.

Third Reading.

Bill read a third time and passed.

CHILD WELFARE ACT AMENDMENT BILL.

Second Reading.

Debate resumed from the 27th November.

THE HON. H. C. STRICKLAND (Minister for Railways—North—in reply) [9.11]: I am pleased with the reception that this Bill has received. The hon. Mr. Cunningham analysed it very closely and gave a good description of its intentions.

The hon. Mr. MacKinnon raised a point. He said he was disappointed that the Bill took no notice of the Law Society's recommendation in relation to offences against children.

The Hon. G. C. MacKinnon: It was the Law Reform Committee.

The Hon. H. C. STRICKLAND: That is right. This recommendation was that children's cases should be heard before a jury. It seems to me that the hon. member was a little confused with the Bill. The relevant section was amended last year to provide that in cases where an adult is charged with an offence against a minor, the magistrate must explain to the accused that he has the right to be heard by a judge and jury if he so desires. That is the only point that has been raised in regard to the measure.

Question put and passed.

Bill read a second time.

In Committee.

Bill passed through Committee without debate, reported without amendment and the report adopted.

Third Reading.

Bill read a third time and passed.

TRAFFIC ACT AMENDMENT BILL.

Assembly's Amendment.

Amendment made by the Assembly now considered.

In Committee.

The Hon. W. R. Hall in the Chair; the Hon. L. C. Diver in charge of the Bill.

Clause 2.

Delete all words after the figure "(1)" in line 3, page 2, to the end of the clause, and insert in lieu—

In this section, "prescribed area" means—

(a) any parking region constituted and defined pursuant to subsection (2) of section three of the City of Perth Parking Facilities Act, 1956; and

(b) any area defined for the purposes of this section by the Governor by notice published in the Gazette.

No person shall, within a prescribed area, park a vehicle on land which is not a road, unless he has been authorised to do so by the owner, or person in possession of that land.

Penalty: For a first offence, a fine not exceeding five pounds; for any subsequent offence, a fine not exceeding ten pounds.

(3) (a) Where a person parks a motor vehicle on land contrary to the provisions of subsection (2) of this section, and where the vehicle causes or is likely to cause an obstruction, or danger to traffic, a member of the Police Force, traffic inspector, the owner, or the person in possession of the land, or an employee of the owner, or person in possession of the land, may

(i) direct the driver or person in charge of the vehicle to remove the vehicle from the place where it is parked; and

(ii) where no person appears to be in immediate charge of the vehicle, himself remove the vehicle from the place where it is parked and may move the vehicle either to a place where parking of vehicles is permitted, or the police station nearest to the land.

(b) Where a person in exercise of the power conferred on him by paragraph (a) of this subsection removes and parks a vehicle, he shall forthwith give particulars to a member of the Police Force at the police station nearest to the place where he has parked the vehicle, of his name and address, the registered number of the vehicle, the place where the vehicle was parked, and the time that he removed the vehicle.

(4) A person who disobeys or fails to comply with a direction made pursuant to subsection (3) of this section commits an offence.
Penalty: A fine of ten pounds.

(5) Where a person in exercise of the power conferred by paragraph (a) of subsection (3) of this section incurs costs in removing a vehicle that person may recover those costs on complaint made in a Court of Petty Sessions.

(6) In any proceedings for a penalty under this section, the Court, in addition to imposing a penalty, may award to a person any costs incurred by that person in the exercise of a power conferred on him by this section.

(7) The provisions of this section do not apply to "parking facilities," or a "parking station" constituted under the provisions of the City of Perth Parking Facilities Act, 1956.

The Hon. L. C. DIVER: I ask the committee to agree to the Assembly's amendment. Quite a deal of consultation has taken place with the Minister in another place regarding this redraft which, with the exception of one or two small items, is not dissimilar to the Bill as we passed it. For instance, we previously eliminated the words "where the vehicle causes or is likely to cause an obstruction or danger to traffic. Apart from that, the tow-away provision, which was inserted by Mr. Watson, does not appear in this amendment. The penalties in the amendment are the same as they were originally. I feel the owners and the occupiers of private parking lots will be well catered for by the Bill as it has been amended by another place. I move—

That the amendment be agreed to.

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

Resolution reported, the report adopted and a message accordingly returned to the Assembly.

TRAFFIC ACT AMENDMENT BILL (No. 2).

Second Reading.

Debate resumed from the 28th November.

THE HON. G. C. MacKINNON (South-West) [9.24]: The Bill deals with a variety of items which were discussed in some detail by the Minister when he introduced the measure. The Bill contains provisions to enable licenses to be cancelled, and it mentions other items in respect to traffic and licensing, which one would expect to find in a Traffic Bill. It is interesting to compare the Bill with the main Act. It was also interesting to see in the Press this morning the suggestion that the States of Australia might consider the establishment of a uniform traffic code. The Minister in another place also suggested that consideration should be given to redrafting the Act. The Act could certainly do with being redrafted because quite a few sections have two or three provisos attached to them in an endeavour to cover various points.

Most of the clauses in the Bill have been designed to deal with anomalies which have crept into the legislation that was brought down at a late period last

session. The main objections to the Bill have a direct bearing on the time when the original measure, dealing with second-hand car dealers, was introduced into the House last year. Hon. members will recall that it was dealt with very hurriedly indeed in the closing hours of the session. I had a small part to play in the matter, and I well recall how confused one became. Indeed, it was not until sometime afterwards that the reason for that confusion became, to some extent apparent.

In this State there are three bodies which are concerned with second-hand cars. There is the Automotive Chamber of Industries, the members of which deal with new cars, as distributors, and they have as well second-hand car outlets. They deal with second-hand motor vehicles although their main business is the State-wide distribution of particular lines of new vehicles.

Then we have the W.A. Automotive Chamber of Commerce. This is an Association of service station and garage proprietors who deal in vehicles mainly in the country areas where they act as agents for certain lines of new cars and have, in many instances, second-hand car outlets. So they become interested in second-hand cars.

Then we have the W.A. Used Car Dealers' Association whose members are straight out dealers in used vehicles and probably handle the bulk of the used cars in the State. So we have the three bodies, and I suppose that the one dealing with the greatest number of used cars would be the W.A. Used Car Dealers' Association.

Unfortunately most of the Bill which was brought down last year was prepared in conjunction with Mr. Kendall, the representative of the Automotive Chamber of Industries. The further amendments which have been brought down this year have again been subject to check by Mr. Kendall, and in the final draft they were, unfortunately, not seen by the Used Car Dealers' Association which has very little interest in new cars.

I have here a letter from the Used Car Dealers' Association. The letter was written on the 10th November, and the answer which is dated the 14th November, states—

> I acknowledge receipt of your letter of the 10th November and regret to learn that the amendments to the Traffic Act as agreed upon at a meeting between Mr. C. A. Kendall, a representative of the Insurance Underwriters' Association, and the acting Parliamentary Draftsman, are not acceptable to your association.

That makes it quite clear that this particular body did not have prior knowledge of the amendments which are in the Bill —that is the amendments in Clause 6 on page 9. My objection is that this body of men, dealing in used cars, asked for legislation in order to have some control of their activities; and it was at their request that the legislation was originally framed. It was also their suggestion that they be placed on a bond, and they have been put to some expense to carry out the provisions of that legislation. There is the registration of their deals, their records for the Traffic Department, and so on. They have to pay £1 per vehicle registration fee if the vehicle is moved from one area to another, and also the policeman in charge of these matters can walk into their buildings at any time. They feel that the transfer fee of £1 is a little bit solid and in many ways their clerical work could be cut down. But they have borne all these things because they believed that in the main the legislation was in the best interests of the industry. However, they can see no reason why, and neither can I, the question of their surety bond of £3,000 should be placed completely outside the normal ambit of the law.

As the Bill is drafted, the final arbiter in the legal application of whether or not a bond shall be termed defeasible, is the Treasurer. We have our law courts, and a wealth of case law on which to establish decisions. Therefore, surely it is only reasonable that if a purchaser has a grievance against a car dealer he should go through the normal channels of the law! Evidence should be heard in court as is the normal procedure. I have a legal opinion on this particular measure and I do not want hon. members to think that I am speaking without some authority to back up my arguments. Part of this legal opinion reads—

> It should be noted however, that the damages are in effect awarded by the Treasurer and not, following due process of law, by the ordinary courts. The Treasurer can apparently accept any evidence he sees fit to take and is not bound by the ordinary rules of evidence enforced by the courts. Furthermore, there is no appeal from his decision.

Obviously, nobody would say that the Treasurer would not accept evidence. Maybe he will, but he is not bound to accept it, as a court is bound to accept it. As we have courts established, and we say with great pride that we abide by the rule of law, there is no reason why we should depart from it. The men in the trade believe that it would be infinitely preferable to use the normal courts of law for such cases.

The Hon. H. C. Strickland: Did not they request this?

The Hon. G. C. MacKINNON: No; I thought I made that quite clear when I read out the letter which was written by the Minister for Transport on the 14th November, 1958. He said—

> I acknowledge receipt of your letter of the 10th November and regret to learn that the Traffic Act as agreed upon at a meeting between Mr. C. A. Kendall, a representative of the Insurance Underwriters' Association, and the acting Parliamentary Draftsman, are not acceptable to your association.

Mr. Kendall is the representative of the Automotive Chamber of Industries, and the members of that body are the State-wide distributors of new vehicles who must have outlets for the secondhand vehicles they trade in on new cars. But the people who are handling the bulk of the secondhand cars in this State were not contacted, and do not agree with some of the amendments in this Bill.

There is one other point I would like to mention. If the bond becomes subject to the control of the Treasurer, or his representative, obviously the normal channel of approach will be through the local member of Parliament. If a man feels aggrieved, instead of going to his local solicitor he will go to his local member of Parliament; and we will have the situation of members putting cases to the Treasurer. That is bad. The present situation is that a man taking action through the ordinary course of law would consult his solicitor who has a wealth of case history at his fingertips, and he would be able to give a ruling almost immediately. I submit that such a line of action is infinitely preferable to that of a man having to contact his member of Parliament to ask him to approach the Treasurer or the Minister to see what can be done about getting a few pounds from some car dealer's bond.

The Hon. L. A. Logan: They are trying to make you earn your living.

The Hon. G. C. MacKINNON: I think the hon. member earns his living; I know he does from the way he travels around the country. The same applies to most of us, and we could well be without this type of thing. Unfortunately, although I have handed in certain amendments, I was too late to have them placed on the notice paper. I feel that they will correct the position and will have the further advantage of giving the general public a wider protection than is the case under the Bill. I ask the Minister to have a careful look at these amendments from that point of view. However, the matter can be further debated in the Committee stage.

There is one other point I would like to mention and that deals with engine numbers on vehicles. I think we all take it for granted that every engine has a number; but ever since it has been possible to get short motors, those motors have not been numbered. When people can get a reasonably good quality vehicle many of them run the vehicle for a number of miles and instead of getting the original engine reconditioned they purchase a short motor and change it for the old one. The bulk of these short motors are not numbered, and the Bill sets out to make sure that all motors are numbered. This will be done by regulation.

I feel that this matter could well be made the subject of an amendment so that we would know whether each manufacturer was to be allotted a block of numbers for the short motors he issues, or what particular method the police had in mind for the numbering of these motors, whether it be in Perth, Geraldton, Albany or somewhere else. There is no need for regulations to be made in that regard.

The other amendments in the Bill, from what I can see of them from an examination I made over the week-end, are satisfactory. A number of points have been cleaned up regarding the revocation of licences; the reduction of fees, the use of yellow plates, and so on, and they are amendments which should be agreed to. The more serious amendments are a direct result of the rushed way in which the legislation was dealt with last year, and because of the short time we had to study the measure on that occasion. I notice that because of errors that were allowed to creep in last year the legislation has not been used to its fullest extent.

The Hon. L. A. Logan: It was about 2 a.m. when we dealt with it at the last sitting of the session.

The Hon. G. C. MacKINNON: And we are within about three days of the end of the session on this occasion. The bonds have not been used, because of mistakes which were made in the Bill last year, and I cannot understand why the Government has left it so late in the session to introduce this legislation. However, I support the second reading in the hope that we can rectify the mistakes which have been made.

THE HON. A. L. LOTON (South) [9.42]: I notice that in the re-enactment of Section 11 there is one big alteration as compared with the legislation which was introduced in 1955. At that stage, as hon. members will recall, the amendment was introduced to enable farmers to move tractors from one portion of their properties to another. In re-writing the section mention was made of a farmer or grazier crossing the road from one portion of his property to another. I would like to mention the original wording in the Traffic Act in this regard, because I have on the notice paper some amendments to Section 11. The section read—

> Provided that any vehicle licence required for any vehicle belonging to the Crown or to any local authority, or belonging to any fire brigades board or used exclusively for purposes connected

with protection against fire or ambulance work, or for any vehicle used solely on a farm or pastoral holding and not on any road otherwise—

And that is where the variation has come in from the Traffic Act Amendment Act of 1955 and the Bill before us. The section goes on to state—

—than in passing from one portion of the farm or holding to another portion thereon, such portions being separated only by a road

I hope that when we do get to the Committee stage the House will agree to place in the Bill the portion that was so stubbornly defended by the Chief Secretary but which, because of the will of a majority of the House, was inserted in the measure before us at the time, and which later became an Act. That is all I have to say.

THE HON. H. C. STRICKLAND (Minister for Railways—North—in reply) [9.46]: The comments in connection with this Bill have not been of very great importance. The hon. Mr. MacKinnon has raised an objection to the Treasurer being an arbiter in certain cases where disputes occur. My information is that that is nothing new. There is similar provision in the Land Agents Act, and also in legislation dealing with insurance. There is nothing novel in the provision in this Bill. The provision was placed in the measure at the request of some of the car dealers, and the motor car trade generally.

The hon. Mr. MacKinnon also complained that the Bill this year, like last year, has again been brought down late. He considers it may not be quite fair to car dealers. The Act itself is not satisfactory in relation to bonds, and it is necessary to amend the Act before the bonds are really put into effect but I am sure nobody has suffered as a result. The industry certainly has not suffered at all. There has been no inconvenience caused to dealers, or to purchasers, or to anybody connected with the unfortunate amendment placed in the Act last year. Once again it would seem that this House of review has over-reviewed. I do not propose to proceed with the Committee stage tonight, and that will enable me to obtain the necessary information from the Minister who controls the department.

Question put and passed.

Bill read a second time.

HIRE-PURCHASE BILL.

Second Reading.

THE HON. F. J. S. WISE (Minister for Industrial Development—North) [9.48] in moving the second reading said: This Bill is introduced to fill what the Government considers a much needed want in this State. Negotiations have proceeded with the other States for the purpose of securing uniform legislation but have not prospered so far, although a meeting of Ministers from all States has been proposed.

The Bill is comparable to one being considered by the Victorian Parliament. I have deliberately avoided the use of the words "directly similar."

The Hon. H. K. Watson: It was directly similar when promulgated.

The Hon. F. J. S. WISE: With one notable exception, that no attempt is made to set a maximum interest rate. It is considered advisable to see the result of this particular proposal in Victoria, and perhaps to seek to achieve a uniform maximum throughout Australia. If that can be achieved there may be an interrelation between the State's dealings which could be beneficial. That is inconclusive at the moment but is something to be dealt with by Ministers when they meet on this subject. The purpose of the Bill is to protect the public by ensuring that people are aware fully of the extent of their commitments under hire purchase. It would provide people with precise information of their obligations and rights in regard to repossession, or termination of contract.

The Bill provides that when the Act is proclaimed it shall apply to those hire-purchase agreements, policies and contracts entered into after the commencement of the Act. The Act will not be proclaimed until the middle of 1959. This will enable the hire-purchase companies to make all arrangements necessary to comply with the Act. Although the Hire-Purchase Agreements Act of 1931-1937 is repealed by this measure, the Bill provides that that Act shall continue in force in relation to hire-purchase agreements entered into before the coming into operation of the proposed measure.

Hon. members will notice that the interpretation clause is more extensive in the Bill. This is necessary on account of the additional matter covered by the Bill. Incidentally, because of its wider application, the Bill is designated "Hire-Purchase" instead of "Hire-Purchase Agreements," as obtaining in the existing legislation. A hire-purchase agreement must be in writing and properly signed, and the owner is required to send to the hirer, within fourteen days of the agreement being entered into, a copy of the agreement, together with a copy of the document detailed in the First Schedule to the Bill. This specifies the main rights conferred on hirers by the Act.

An important factor is the requirement that every hire-purchase agreement shall set out in tabular form the cash price and deposit, the difference between these amounts, any amount for insurance and maintenance, etc., terms charges, and the gross purchase price. This will show the

total amount to be paid under the agreement. In addition a description of the goods must also be given. Failure to comply with this provision will not invalidate the contract, but will make the owner guilty of an offence.

If a hirer wishes to obtain a copy of the agreement and a statement of his present position, he must make the request in writing, and the owner will be obliged to show in the statement the amount that has been paid, the amount which is due but unpaid, and the amount which is yet payable. A hirer is not entitled to this information more often than once a month. If the owner does not comply with such a request, he cannot enforce his rights in respect of the agreement and he will be liable to a penalty not exceeding £20.

As it sometimes occurs that a hirer has several agreements with an owner, the Bill provides that when he makes a payment he can stipulate how the money is to be apportioned among the agreements. In the absence of any specific direction from the hirer, the owner shall apply the payment to the accounts in the order in which they were established.

Another provision makes a hirer's right under an agreement assignable with the consent of the owner, but the owner is not permitted unreasonably to withhold his consent. Neither is he allowed to charge any fee for giving his consent. The rights of personal representatives, assignees in bankruptcy, and liquidators in the winding up of companies under hire-purchase agreements are established by the Bill.

Provision is made that in every hire-purchase agreement there shall be an implied condition that the goods are of merchantable quality and, if the purpose for which they are required is made known, that they are reasonably fit for that purpose. However, the condition of merchantable quality will not apply with respect to defects of which the owner could not have been aware, or defects which, if the hirer had examined the goods, he should have discovered.

In regard to second-hand goods, the conditions may be excluded by a statement setting out that the goods are second-hand and that all conditions and warranties of quality are expressly negatived. In this event, the agreement must contain a provision that the statement was specifically brought to the notice of the hirer. The condition as to reasonable fitness may also be excluded in the case of second-hand goods in a similar way.

A hirer is given the same rights of rescinding a hire-purchase agreement whether the representations on which his case is based are made by a servant of the owner or by some other person. He is also allowed the same right of action in damages as he would have had if he had purchased the goods from the person making the representation. An owner is provided with a statutory right of action of indemnity against the person making the representation for any damage that he suffers from the operation of the section.

Another proposal in the Bill renders illegal and void any provision in an agreement which—

(1) Excludes the right of a hirer to determine the agreement

(2) Requires the hirer to pay interest exceeding 8 per cent. simple interest calculated on a daily basis on overdue instalments;

(3) Relieves the owner from liability for the acts or defaults of any person acting in connection with negotiations leading to the entering into the agreement; and

(4) Affects the operation of the Act.

The Bill allows a hirer to terminate the hiring at any time by voluntarily returning the goods. If he returns the goods he will at the most be liable to the amount that he would have had to pay if the goods had been repossessed at that time.

A hirer has the right to pay off his agreement at any time, and, if he does so, to be entitled to a rebate of hiring charges, calculated on a formula which will preserve for the owner the same effective rate of interest as if the agreement had run its normal course. If hon. members examine this Bill they will find that the formula is not as easy as 2-and-2 make four. The hirer will also be entitled to a rebate of amounts charged for insurance and maintenance if he chooses to cancel those contracts. The right to pay off under this section may be exercised after the goods have been repossessed.

The Bill further requires an owner within 14 days of exercising his right to repossess the goods to serve on the hirer a copy of the advice contained in the second schedule to the Bill. This schedule sets out the rights which a hirer may have in these circumstances, and which he should know. If the copy is not served, the owner loses his rights under the agreement.

Another provision in the Bill entitles a hirer to recover from an owner any amount by which the value of the goods recovered exceeds the amount due under the agreement at the time of repossession. In determining the amount due under the agreement the owner has to allow rebates in respect of terms charges, insurance and maintenance. The hirer may take action in any court of competent jurisdiction to recover the amount due to him.

The Bill, further provides that an owner, on repossessing goods, can only recover from the hirer an amount which, together with the value of the goods recovered, will cover the amount payable under the agreement plus the costs of the repossession.

In this calculation the owner has to allow a rebate of the terms charges, insurance and maintenance relative to that portion of the agreement which has not expired.

Provision is also made for a court to vary any prior court orders which would have the effect of increasing the hirer's liability. The Bill also provides that a hirer has a right to recover possession within 14 days of receiving advice of his rights when goods are repossessed, if he pays what is due and adjusts all his breaches under the agreement. In such a case the hirer is bound to pay the costs associated with the repossession.

Another clause in the Bill covers the rights of guarantors. A further clause is designed to preclude people from entering into transactions which actually are hire purchase transactions, but are disguised as agreements for the disposal or acquisition of goods in a form designed to endeavour to evade the provisions of the Act.

The Bill prohibits the payment by financiers of commission to dealers. An exemption is allowed in respect of one-tenth of the terms charges to a dealer who guarantees the due performance of the hirer's contract.

The Bill authorises an owner to require a hirer to keep the goods insured. It prevents an owner from requiring a hirer to insure with any particular insurer and from refusing to enter into a hire-purchase agreement with a person who has arranged satisfactory insurance with a reputable insurer.

Where an owner is entitled to take possession of goods, and the hirer has been served with a notice in writing to the effect that the owner requires the goods to be delivered to him, it is an offence for the hirer to fail to surrender the goods.

This Bill has been copied substantially from a proposed law in another State; and that proposed law in Victoria, introduced by a Liberal Government, has passed almost all of the stages in Parliament; and I am given to understand that today it has reached a crucial stage of its consideration. The Government presents this Bill, not in a form as introduced in another place, but having incorporated in it substantial amendments which the Government accepted in the belief that it would, when in practice, make the operation of the Act easier, more understandable and more workable. I, therefore, commend the Bill to the House and move—

That the Bill be now read a second time.

THE HON. G. C. MacKINNON (South-West) [10.4]: I am surprised that the Minister did not take advantage of the position to really stress the fact that this Bill had been copied. It is not similar; in actual fact it is a copy.

Sitting suspended from 10.5 to 10.27 p.m.

The Hon. G. C. MacKINNON: A pleasing feature about this Bill is not that it is copied from the Victorian Act, but that it contains all those things which the better established companies have in fact been doing. It sets out the details that have to be established in a hire-purchase agreement, and if one picks up the hire purchase agreement of virtually any of the major companies, it will be found to set out the details which the Bill stipulates.

I have here a copy of one such agreement, which sets out the cash price, the amount that the purchaser has paid on account and for which a receipt has been issued. It shows so much for the trade-in and so on, which adds up to the total first payment, and shows the unpaid balance of the cash price which, together with the hiring charge, makes the balance owing. It is from this type of agreement that the Bill has been copied. In its original form this Bill was a good measure and it has been improved considerably by amendments agreed to in another place. Some hon. members who may have examined the Bill earlier will notice that it is not to be brought into operation for some time.

The fact that the Bill will not commence to operate for a while means that the people concerned will have time to print the necessary forms and there will be time for the measure, when it becomes an Act, to be circulated throughout the legal offices in this State and the courts, so that they will have copies of the legislation when it comes into force. That is a point very often overlooked in the promulgation of Acts; that it takes times to distribute copies of an Act and very often lawyers are asked for advice on legislation of which they have not yet received their copies.

I notice also that the floor plan system is now being covered by an amendment which is very satisfactory. There is one general criticism I would like to make which has direct application to Clause 8 on page 9 of the Bill. Very often we find, in measures such as this, that the main concept of a clause is copied from other Acts or from one particular Act. In this case, the provision in Clause 8 was originally copied, in the main, from Section 14 of the Sale of Goods Act.

Any Act which has been in force for some time must, of course, have had legal decisions passed on certain sections of it. The Sale of Goods Act is a codification of common law which has been in practice over a number of years. I feel that in the drafting of Clause 8, it would have been quite simple to have taken Section 14 of the Sale of Goods Act in its entirety for incorporation in this Bill, because it would have carried with it the full weight of the case law which applies to that section. If

this were done, and this clause were contested in a court of law in the future, it would make the decision much easier.

The Hon. W. F. Willesee: A very good reason.

The Hon. G. C. MacKINNON: Thank you. I cannot find the relevant paragraph in the Bill but there is one other aspect contained in Section 14 of the Sale of Goods Act which reads as follows:—

> (1) Where the buyer, expressly or by implication, makes known to the seller the particular purpose for which the goods are required, so as to show that the buyer relies on the seller's skill or judgment, and the goods are of a description which it is in the course of the seller's business to supply . . .

It goes on to say that the buyer knows his specific requirements and relies on the expert knowledge of a particular salesman. The Minister, with his infinitely better knowledge of this Bill, may be able to tell us if that point is covered. A great deal of hire purchase buying is done on that basis; in country areas particularly. Very often a salesman visits a farm and makes himself known to the farmer as an expert. His qualifications are such that the prospective buyer feels safe in placing himself in the hands of the salesman and so he states his requirements and relies on the expert knowledge of the seller.

I feel that Section 14 of that Act could be made to apply in this legislation, and there could be almost the force of guarantee in that type of expressed request.

The Hon. F. J. S. Wise: That provision appears in Clause 8.

The Hon. G. C. MacKINNON: I am sorry, Mr. President. I notice now that it has been inserted. I have read the Bill, but it is very difficult to obtain the amended copy and deal with it in detail. So, reverting to my previous criticism that if one studies Section 14 of the Sale of Goods Act, one will find that Clause 8 includes those matters which are in that section. Therefore, this clause could have been drafted more effectively if Section 14 of the Sale of Goods Act had been taken as a whole.

Where it is possible to lift a section from an Act—I feel it is always an advantage to do so—and insert it in a Bill, it must carry with it all the case law that has been applied to it in the past. When the Minister replies I would like him to tell the House why there is the need for two systems of repayment; why, if an article is sent back, there should be one system of repayment, but where it is brought back compulsorily, there should be another. The clause contains the words "whichever is the less. A very good case could be submitted for the deletion of Subclause (1) of Clause 11 from the Bill, because if that were done I think it would eliminate the type of buying which, unfortunately, creeps in where—especially in weather such as this—a person will buy a refrigerator on a very low deposit or even no deposit at all, keep it for a month, and then send it back.

That is the only type of sale, so far as I can judge, where in Subclause (1) the repayment could turn out to be the less; and, in my opinion, this subclause could be deleted in everybody's interests.

A great deal of time has been spent on the Bill in order to deal with the matter of repossession of various goods. Naturally enough, the sympathy, in the main, tends to lie with the buyer who has goods repossessed. However, I feel that, in considering this legislation, we should always remember that no firm really wants to repossess the goods it has sold to the buyer. In loose talk many people tend to give the impression that several firms get rich quick by selling articles to various customers and then repossessing them. With the expenses involved, these firms can purchase articles at wholesale rates, as cheaply, or at a better price than the cost to them of repossessed articles. The object of the firm is to sell an article and keep it sold.

No matter how we endeavour to legislate to cover it up, in the ultimate, 99 per cent of the troubles in that regard lie with the man who makes the sale. It has been my experience that two men can be sent to any given area and one will have a 1 to 2 per cent. delinquency rate—that is the person who does not pay his commitments on the due date—and the other man will have a 10 per cent. delinquency rate. One man is explicit in informing the buyer that the payments must be met and the other man tends to force a sale. Any collection of overdue accounts is always very expensive and always hard to execute. I have yet to meet a man who likes to collect overdue accounts. Yet, strangely enough, the man who is better to his customers in the long run is the man who always has the worst name among them. If a person owes £15 or £20 at the end of the month and the moment it is overdue the responsible salesman is on his doorstep to say "Pay up", the buyer will make every endeavour to pay. As a result his debt is met and everyone is happy.

However, the salesman who is lax in collecting the payments from his clients and who gives them another week or so to pay, often finds that the debt is not paid by that time. As a result, the payments double up and eventually the buyer cannot meet his commitments at all. Therefore, the man who gets the worst name among his customers is, eventually, their best friend. Modern sales methods have made it difficult to handle the repossession problem as some people consider it ought to be handled and in the way that many people think it is handled.

There are three methods of handling finance; non-recourse, full recourse and part recourse. The bulk of car dealing today is handled on a non-recourse basis. A firm sells a vehicle on the understanding that the finance is handled by some other company which virtually has no interest in the motor vehicle. What generally happens is that a firm makes the sale of a vehicle and the buyer decides to take out the balance of the purchase price on hire purchase. Actually, at that stage, one contract is concluded and another is entered into.

The hire-purchase agreement which the buyer enters into may be for, say, £600, being the balance of the purchase price. Therefore, he enters into another contract with the finance house and, in fact, he borrows £600. The finance company then assumes responsibility for collecting the debt. If the buyer defaults in his payments and the car has to be repossessed, the repossession is done by a firm that has no interest in motor vehicles as such. Therefore, those people who suggest that many companies make money by repossessing goods can be laughed at. Any firm that repossesses a vehicle has only one object in view; namely, to get rid of it as quickly as possible. Generally, it is sold by tender and we come back to the question of what is value; which we debated at some length on a Bill which has already been dealt with in this House.

That is where we meet with difficulty, but I will leave that point to be discussed by the hon. Mr. Watson at the opportune time. Nevertheless, we must keep this problem in mind. Such problems are more acute with household goods, because, arising from the debate that took place here some months ago, I was speaking only the other day to a man who had to repossess a well-known type of automatic washing machine worth £200, and which was only a few months old. He put it up for sale under the hammer expecting it to realise approximately £80 to offset the indebtedness, but it brought only £12 10s.

The reason was that it was a fully automatic machine which uses a lot of water. It is generally used in a specially constructed kitchen and not in a laundry. The number of people who buy that type of machine is very small, the ratio being about one in every 300 washing machine purchasers. So it was sold for £12 10s.. It is extremely difficult to assess what is the value of used goods. Coming to household goods such as refrigerators and washing machines, there is such a wide choice that the establishment of a value is most difficult.

The most contentious clause in the Bill, and one which will possibly afford the greatest relief is that allowing for a free choice of insurance. We have heard a great deal of criticism about the interest rates under hire purchase. The criticism is generally made without a great deal of thought being given to the work involved. We hear it is six per cent. on cars and 10 per cent. on household goods. Some people do not consider the fact that there is exactly the same amount of work involved, whether the instalment be 5s. a month or £25 a month. There is the same posting of entries, advice when instalments fall due, chasing late payers, etc., and of course it is a risk investment.

The biggest item, particularly in regard to motor vehicles, is the insurance and the need to take it out for three years or the maximum term of the agreement. Over and above that interest is added. The clause dealing with this aspect will afford a great deal of relief to some buyers.

The Hon. H. K. Watson: That provision is not an unmixed blessing.

The Hon. G. C. MacKINNON: That is so, for there is not a large number of buyers who can afford to pay the insurance on top of the deposit. I would be surprised if the hire-purchase holders will allow insurance to be taken out annually. I do not see how that could be done. The clause I am referring to can have very serious repercussions.

The tariff companies cannot, and do not under any circumstances revoke an entire insurance policy. If the purchaser of a motor vehicle is charged with drunken driving the insurance company may, if that person is the owner, revoke the insurance. If he has the car under hire purchase the company can revoke his equity in the insurance, but it must indemnify the hire-purchase holder to the extent of the hire purchase outstanding. If every insurance company agrees to indemnify the owner for any reason whatever, then there will be no bar to insure where one likes. At present all insurance companies do not do that.

There is the instance which occurred 11 days ago when a person purchased a car with £400 outstanding. He set off for the northern part of the State, and half way along he met with an accident and the car was burnt. He had an appointment up north and continued on his way. The holder of the hire-purchase agreement wrote to the insurance company, one of two fairly widely used, although it is not a tariff company. That company said the driver must make a claim, but the company could not find him. In the happy event of the driver turning up the hire purchase holder might receive the £400. That cost has to be borne by somebody.

The point to be borne in mind is that every company works on a fairly definite margin. If it loses money on deals like that the amount must be recouped. It is the general practice of many companies to allow a discretion in their insurance, and to make a small charge of an extra one per cent. for the risk is real if the insurance

is placed with a company which is not a tariff company, and which will not cover the hire purchase holder's indemnity.

I suggest that hon. members examine this clause closely. I hope the Minister will solve our worries. He might have all the answers, particularly in regard to insurance. I sound a note of warning that this freedom to insure is not an unmixed blessing, unless it is restricted to within the tariff companies. If it is not, I am sure that in common justice next year we will have to introduce some amendment.

The Hon. F. J. S. Wise: My reaction to your comments on Clause 20 is that unless it remains in the Bill there will be no Bill.

The Hon. G. C. MacKINNON: I said it was a very mixed blessing. On the face of it it is probably a provision which will give a lot of relief.

There is only one other query I wish to raise. I notice that one section of the Hire-Purchase Agreements Act mentions that it is the duty of every vendor under a hire-purchase agreement to have the agreement forthwith reduced in writing, and a copy of such in type no smaller than eight point face be submitted. I cannot find any reference to type size in the Bill. I feel that legal phraseology is difficult for the layman to follow.

The PRESIDENT: If the hon. member will address the Chair, Hansard will be be able to hear him.

The Hon. G. C. MacKINNON: I hope the Minister will explain those points in reply. I support the second reading.

THE HON. J. MURRAY (South-West) [10.54]: I only want to address the House shortly. At the outset I give qualified support to this Bill, but in doing so I deplore the necessity for the Government to bring in legislation governing hire purchase, because no matter how perfect the legislation is, it still falls short of what any Government and what people outside this House hope to achieve.

Hire purchase is a mode of business which has come to stay. In my view, and in the view of many other people, hire purchase cannot be dealt with by legislation. In the main it can only be dealt with in one way and that is in educating the parties concerned—firstly the hirer, secondly the salesman selling the goods, and thirdly the people who verify that the hirer is all right. That is the fundamental principle tied up with hire purchase.

I have said in this House when discussing other measures that today our economy is in danger, because hire purchase has opened a field of investment of a very lucrative form. Money that was channelled to other sources, such as into bricks and mortar, has gone into this channel of hire purchase. Hire purchase has opened up a new field. We now find the banks also providing large sums of money for hire purchase.

The Hon. F. J. S. Wise: I am sure you do not support that principle.

The Hon. J. MURRAY: I do not support the principle of an unbalanced economic outlook on the part of the people involved in hire purchase, because big cities and countries have crashed over much lesser causes. I said this matter has become one of education. We cannot deprive people of their freedom to buy; and if hire purchase is their means of obtaining household goods such as refrigerators, they are entitled to use it. What we have to do is to educate the hirer as to the extent he can afford these goods, without cutting down on his ordinary way of life and living conditions. Once these two matters come into conflict, there is need to step in and repossess the goods. That is no good to the hirer or to the seller.

The second party to be educated is the salesman. It is not untrue to say that many of the salesmen in the shops or travelling about are interested in selling the housewife something. Usually the salesman opens up by asking the housewife, "Have you a washing machine?" If the answer is in the affirmative he asks if she has a new electric stove, and if the answer is in the affirmative he goes through the whole range of goods. He is interested in selling something. Up to that stage he is not concerned if the goods already purchased have been paid for. He next asks, "What about a refrigerator?" If she has not the salesman says, "I can supply one. It will only cost you a few shillings a week." That is bad business, because that salesman—in order to make a sale—has not inquired whether all the goods that are in the house have been paid for or not. He is not interested in that aspect. Because the lady owns certain appliances, he will not endeavour to sell her the same thing, but will sell her a refrigerator or something she does not have. This item, of course, could be the straw that breaks the camel's back.

The hon. member who has just resumed his seat and with whom I am not in agreement, says the biggest responsibility is on the hirer, when these goods are repossessed, but I say the biggest responsibility is on the salesman who did not check up to see whether the person had over-committed herself.

The Hon. G. C. MacKinnon: We are in complete agreement there, although you may not realise it.

The Hon. G. Bennetts: These salesmen always go to the womenfolk to sell their goods.

The PRESIDENT: Order!

The Hon. J. MURRAY: To continue with the third person whom we have to educate about hire purchase: If a firm

is dealing with a person who is not known to it, it should ask for some reference. Without checking up on the point, I would say that 70 per cent. of the people who are buying these goods, would not give a hire-purchase firm as a referee. They would give the storekeeper who is dealing with them purely and simply with household requirements for which cash is paid or the account is paid weekly or monthly as the case may be. This should not be sufficient information for the firm requiring the references. To buy these extra appliances, the family budget is often over-strained.

I really rose to speak on this Bill because I do not think any legislation really covers the fundamental weakness with which we are faced in connection with hire purchase. I do not think anyone could envisage good legislation on this matter because, in my view, education on the subject is the main essential.

In conclusion, I would like to put on permanent record in Hansard a statement made by the editor (Mr. D. C. Heenan, B.A. LL.B., Barrister-at-Law) of J.P.," which is the official organ of the Justices' Association (Inc.) of Western Australia. I do this, because I think the hon. members in this House and in another place, and the people of Western Australia, should read it. It is only a short article, so I will quote the lot. It is as follows—

> It is now commonly prophesied that in a few years' time most of us will own very few belongings but will enjoy them in a perpetual state of hiring. We often hear of the average American couple who are buying their home, their television set, their refrigerator and their car on the instalment plan and who never succeed in paying them off because year after year they trade in each one on a new model. To most of us this way of life would provide little satisfaction because we have a strong desire, eventually at least, to be in a position to call these things our own.
>
> Even though people generally might be able to meet their commitments many persons are guilty of either unfounded optimism or gross foolishness when they take on heavy financial obligations of this nature. Lord Greene M. R. once referred to a county court judge who said that a great part of his time on the bench was concerned "with people who are persuaded by persons whom they do not know to enter into contracts that they do not understand to purchase goods that they do not want with money that they have not got."
>
> We are told that hire-purchase has come to stay. Let us hope that Australians will learn to use the system wisely and will retain the desire to "own" things. To us this desire appears to be a means whereby man can retain both his grip on life and his own dignity.

The last paragraph is in keeping with my own views on the subject. Unless we can educate the people about hire-purchase agreements, they will enter into contracts with the idea that they have rented the item for six months and when they cannot continue paying for it, they will hand it back. I qualify my support of the Bill in this matter.

On motion by the Hon. H. C. Strickland (Minister for Railways), debate adjourned.

LOCAL COURTS ACT AMENDMENT BILL.

Assembly's Amendments.

Schedule of two amendments made by the Assembly now considered.

In Committee.

The Hon. L. A. Logan in the chair; the Hon. E. M. Heenan in charge of the Bill.

No. 1.

New Clause, page 2—Add the following clause to stand as Clause 2:—

> 2. Section sixty-four of the principal Act is amended by substituting for the word, "Act" in line six of subsection (2), the word, "section".

The Hon. E. M. HEENAN: Hon. members will recall that the Bill left this House containing an amendment to Section 126 of the Local Courts Act. It will be remembered that the value of household furniture and effects was increased to £150. The amendment proposed by the Legislative Assembly is the correction of a typographical error in Section 64. The Crown Law Department has taken this opportunity of correcting this anomaly. I move—

That the amendment be agreed to.

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

No. 2.

New Clause, page 2—Add the following clause to stand as Clause 3:—

> 3. Section ninety-one of the principal Act is amended by substituting for the word, "twenty" in line two, the word, "fifty".

The Hon. E. M. HEENAN: This amendment is also proposed at the request of the Crown Law Department. It is an amendment to Section 91 of the Act, and it means in effect, that when a judgment is obtained for any amount not exceeding £20, the magistrate can be generous and order that it be paid by instalments. That provision was made in 1904, and the proposal in the Assembly's amendment is to

increase the £20 to £50 which, considering the present-day value of money, is a worthy amendment. I move—

That the amendment be agreed to.

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

Resolutions reported, the report adopted and a message accordingly returned to the Assembly.

NOXIOUS WEEDS ACT AMENDMENT BILL (No. 3).

Second Reading.

Debate resumed from the 28th November.

THE HON. A. R. JONES (Midland) [11.18]: I wish to support the Bill, because it has been proved that something should be done to protect people who have suffered as a result of aerial spraying. I do not know whether spraying by any other methods has caused damage to crops, but spraying from aircraft has caused damage in certain areas. We know that a person who suffers such damages can seek justice through the court; but no doubt the Government's idea in introducing legislation of this kind is to obviate that process. The hon. Mr. Logan will probably have a few words to say on this measure because of litigation which resulted from damage caused to tomato crops in the Geraldton district through aerial spraying.

As the development of Western Australia proceeds, and we find market gardens being established next to grazing properties, more and more of this trouble is likely to develop unless something is done about it. We have only to travel past places like Wanneroo to see the development that is taking place. Aerial spraying could be a nuisance in places like that. While I believe that the amendment is a good one, I think some further amendment should be made. If we look at Section 49 of the Act, which is the one affected, we see that it reads as follows:—

> The Governor may make regulations prescribing forms and fees and all matters which by this Act are required or permitted to be prescribed, for carrying this Act into effect, and, in particular and without prejudice to the generality of the foregoing power, may make regulations with respect to—

And then follows a list. Paragraph (q) is to be added to that list and it will read as follows:—

> Prohibiting or regulating the use of any particular chemicals or spray in or for the control or destruction of noxious or other weeds whether by means of aircraft or otherwise, at any time, or during particular periods.

It is at that stage that I feel we should add something so that the area can be defined, and so that persons, who are not within an area where they could damage other crops, would not be hindered. It has been suggested that possibly we could finish up that paragraph by using these words, "or in relation to specified areas or boundaries." That would give the officer of the Department of Agriculture in any particular area authority to say that certain market gardens or orchards or other properties which might be deemed to be in jeopardy because of aerial spraying are within a specified boundary. I do not wish to labour the matter, but I think that something else is necessary to cover the point I mentioned. I hope the Minister will do something in this connection, because I feel it is warranted.

THE HON. L. A. LOGAN (Midland) [11.22]: I mentioned, when speaking to another Bill earlier in the session, that we were endeavouring to amend the Act in some way so that there would be control over aerial spraying. Hon. members who move around the country will appreciate that in the last five years aerial spraying has been used more and more and farmers are taking advantage of this method of controlling pests. This work involves many hours of flying and it has become an important industry. Selected weedicides of the hormone type are used, and if they come into contact with certain plants or grasses they cause considerable damage. So it is necessary that some control should be exercised over the areas which can be sprayed; or at least over the time when the spraying can be done. If the weather conditions are unsuitable there should be someone in authority to say that spraying cannot be carried out.

It has been brought to my notice on more than one occasion that tomato growers in the Geraldton district have suffered as a result of aerial spraying on a windy day. So surely it is not too much to ask the person who is having aerial spraying done to ascertain whether the weather conditions are such that the spray will cause damage to neighbouring properties! Tomato growers in the Geraldton district are working on about only one acre of ground and it does not need very much hormone spray to damage tomatoes severely; they are most susceptible to that type of spray. Tomato growers have enough troubles these days, and if their production is handicapped in any way they are affected severely.

I feel sure that people engaged in aerial spraying would appreciate that some control was necessary over their activities. I know that when damage has been caused it has not been done intentionally. There has been a certain amount of thoughtlessness on occasions, particularly when weather conditions have not been good. The pilots get behind in their work and

they have to make the best use they can of every bit of daylight and, in doing that, they sometimes overstep the mark and damage is caused to other properties.

I have not had an opportunity to look at the amendments suggested by the hon. Mr. Jones, but if they are worth-while I will be only too happy to assist in getting them passed through the Committee stage. The Bill was recommended by the tomato growers in Geraldton, passed on to Mr. Sewell, who in turn recommended it to the Government, and it has now been brought to this House. I support the second reading.

Question put and passed.

Bill read a second time.

House adjourned at 11.27 p.m.

Legislative Assembly

Tuesday, the 2nd December, 1958.

CONTENTS

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

QUESTIONS ON NOTICE.

NORTH-WEST.

Details of Commonwealth Grant.

1. Mr. BRAND asked the Premier:

(1) On what date was the State Government officially advised of the decision of the Commonwealth Government to make a special grant of £2,500,000 available for development of the North-West?