

sufficient number nominate for each meeting to enable at least seven races to be run each Saturday, and possibly eight on some Saturdays. As I have said, I am not sure whether the running of an additional race over and above six would mean a gain or a loss to the club; but I think it would mean a gain. There are possibly other ways whereby more people might be attracted to the racecourses.

As I said, when introducing this measure, there could be a good deal of argument for and against the value of racing to the community. I think we would be foolish to take it for granted that racing is beneficial to the community; and if the whole of the pros and cons be sorted out, racing might be found to be more detrimental than beneficial. However, we gain nothing by searching into that question. Racing and trotting exist, and a considerable number of people in the community are interested in them from one angle or another, and therefore we accept the situation, to that extent, as we find it.

I quite agree that the racing and trotting clubs provide the basis upon which off-course bookmakers operate, at least to the extent of the money which they handle on races carried out in this State. There is a good and logical argument to be put forward as to why the racing and trotting clubs should receive a fairly substantial share of the turnover tax obtained from off-course bookmakers on turnover which they have received from punters in respect of races decided in this State.

In conclusion, I express appreciation to all members who have spoken for their approach to the Bill. By and large I feel that the measure has been approached in a reasonable spirit. As the Leader of the Opposition said, it has been agreed to hold the Committee stage over until Thursday afternoon next so that that stage may be dealt with after the W.A.T.C. and W.A. Trotting Association representatives have put forward whatever additional information they may wish to in connection with the matter. They have waited on members of the Government on more than one occasion this year and have put forward a case, and later supplemented the case initially put forward by them. However, there is not the slightest objection to meeting them again in order that they might have an opportunity of putting forward any additional information which they might now have in their possession.

Question put and passed.

Bill read a second time.

House adjourned at 10.45 p.m.

Legislative Council

Wednesday, 17th October, 1956.

CONTENTS.

	Page
Questions: R.A.A.F. station, Pearce, extension of water main	1400
Licensing Act Amendment Bill (No. 2), "cremation" ceremony	1400
Standing Orders Committee, consideration of report	1405
Bills: Health Act Amendment, 3r., passed	1400
Corneal and Tissue Grafting, 3r.	1400
Geraldton Sailors and Soldiers' Memorial Institute Act Amendment, 2r., Com., report	1401
Profiteering and Unfair Trading Prevention, 2r.	1401
Adjournment, special	1408

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

QUESTIONS.

R.A.A.F. STATION, PEARCE.

Extension of Water Main.

Hon. N. E. BAXTER asked the Chief Secretary:

Will he lay on the Table of the House the file of correspondence with the Commonwealth Minister for Air, concerning an extension of the metropolitan water main system to the R.A.A.F. station at Pearce?

The CHIEF SECRETARY replied:

Yes, for one week.

LICENSING ACT AMENDMENT BILL (No. 2).

"Cremation" Ceremony.

Hon. N. E. BAXTER (without notice) asked the Chief Secretary:

In view of the fact that the Licensing Act Amendment Bill (No. 2) became deceased last night, would it not have been a nice gesture on his part if he had allowed me, as father of the measure, to officiate at the cremation ceremony of the Bill?

The CHIEF SECRETARY replied:

I did not know that the hon. member was prepared to officiate, and I did not want a position to arise where the Bill would go to another place with a title only. I consequently took the action which I thought necessary in the circumstances.

BILLS (2)—THIRD READING.

1, Health Act Amendment.

Passed.

2, Corneal and Tissue Grafting.

Returned to the Assembly with amendments.

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

Second Reading.

Debate resumed from the previous day.

HON. C. H. SIMPSON (Midland) [4.40]: This is a very small Bill. In essence, it creates this particular memorial institute a corporate body which can sue and be sued. The other amendments are incidental to that main purpose of the Bill. It is a necessary measure and one which can be approved by members as being desirable. Birdwood House at Geraldton is a building that has been in existence for from 15 to 20 years. It is a substantial building. It was built as a result of the efforts of returned soldiers from World War I, who ran a picture show of their own to raise funds and, with assistance from other quarters, erected this building.

I remember that on the day of the opening of the building the members of the institute persuaded Field Marshal Birdwood to attend. Members will recall that at one stage Field Marshal Birdwood was in charge of the Australian Army for a time during World War I, and his daughter married Mr. Colin Craig of this State. The field marshal was asked to make a visit to one of his relatives in Western Australia to coincide with the opening of the building in Geraldton. I was present on that occasion and a very enjoyable day it was. The hall adds to the architectural beauty of Geraldton and is a monument to returned soldiers of that town who worked so hard to bring the building to reality. I commend the Bill to the House for its acceptance.

Question put and passed.

Bill read a second time.

In Committee.

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

BILL—PROFITTEERING AND UNFAIR TRADING PREVENTION.

Second Reading.

THE CHIEF SECRETARY (Hon. G. Fraser—West) [4.45] in moving the second reading said: A glance at the long title will amply indicate to members the purpose of this Bill. It is an attempt to provide protection for the public and for traders from those who indulge in the deplorable practices of undue profit taking, unfair methods of trading, and unfair trade competition. The Bill deals also with other matters incidental and contributory to those I have mentioned.

In bringing down this Bill the Government is actuated solely and wholly by a desire to protect public interest. We are firmly of the opinion

that the interests of the public far outweigh those of any particular company or individual operating in trade, or industry, or commerce. In the problems that beset Australia today the welfare of the public is at stake with the interests and welfare of trade, industry and commerce. I do not think that any member of this Chamber will dispute the fact that we in Australia are facing severe economic problems. Steadily, year by year, we have experienced a continued rise in costs, prices, rents, interest rates, wages and salaries, etc.

There are several fields of thought as to how this relentless upward surge might be halted, but most of these place the blame on other sections of the community and little or no restriction on their own activities. Wages and salaries have often been indicated as the main source of inflation. It has been contended that wage and salary rises have been the principal cause of increasing production costs and have thereby caused the cost of commodities to rise. The supporters of this theory, however, should remember that when wages and salaries were pegged, the cost of living continued to increase.

Hon. H. K. Watson: What is the principal cause of the £6,000,000 deficit on the railways?

THE CHIEF SECRETARY: No isolated method of control can beat inflation. If wages and salaries are to be controlled strictly, then so should everything else that is a factor in the costs of living and production. We all know the parlous plight of those unfortunates who, today, are living on small fixed incomes, and who watch their means of living becoming less valuable year by year.

One substantial reason for the increase in the cost of living is said to be the excess profits that are being taken by a section of the business world, not only from the ordinary consumer, but also from smaller firms.

Hon. G. C. MacKinnon: Said by whom?

THE CHIEF SECRETARY: The wage and salary earner of today does not hail basic wage increases with delight—far from it—for he knows that his living costs will increase to a corresponding or a greater degree. What is the good of extra money when it buys no more, or even less? This Bill has been introduced in an effort to curb the activities of these excess-profit takers and thereby to halt the effect that their greediness has on the cost of living. The Bill does not in any manner seek to generally control private enterprise. Anyone trading in a fair and reasonable manner will not come within the ambit of the Bill's provisions.

I do not think it can be gainsaid that no person or firm should receive more than a fair profit from his or its efforts.

Anyone who attempts to obtain more is a traitor to his country and to his fellow citizens.

The Bill authorises the appointment of a commissioner for the prevention of profiteering and unfair trading who will be subject to general ministerial control. Power is given for the appointment of a person with experience in commercial, business and trading life. The Bill enables the commissioner, with the approval of the Minister, to obtain the advisory services of any person during any investigation or inquiry. Such a person or persons, of course, would have expert knowledge in the type of business that the inquiry was being made into. These advisers would be remunerated and receive travelling allowance on terms agreed to by the Minister. It is provided that all persons employed under the Bill shall sign declarations of secrecy in regard to their work. A copy of the proposed declaration is shown in the schedule to the Bill.

Part II of the Bill deals with the powers of investigation and inquiry conferred on the commissioner or any officer authorised by him. Under these powers, any person required to do so must furnish all information requested and answer all questions put to him in connection with an investigation or inquiry. These replies may be obtained orally under oath, or by statutory declaration, the commissioner or his officer being invested with the authority of a commissioner for declarations.

If any person in business or entering into business is in doubt as to whether any contract or agreement he has entered into or been asked to enter into might render him liable to a charge of unfair trading or unfair competition, he can obtain the advice of the commissioner. Should the commissioner consider the contract or agreement to be reasonable, he can certify so in writing, and all parties to the contract or agreement would then be absolved from the possibility of action under the Bill.

Power is given in the Bill to obtain a warrant to enter and search any premises, inspect any documents, goods or services, and take samples of any goods. Any such search may be conducted only during the business hours of the premises concerned. Any documents, books or papers may be impounded and copies or abstracts made. The owner or person in charge of any impounded documents will be entitled to certified copies which for all purposes may be accepted as would the originals. Any trader may be required in writing to produce all balance sheets, accounts, statements and documents which relate to his business. Any other person who may hold these statements, etc., on behalf of a trader, may also be required to present them.

Power is given to summon witnesses, to take evidence on oath or affirmation if a witness conscientiously refuses to take an oath, and to require the production of documents, books, papers and things. All persons giving evidence before the commissioner may be given the protection extended to witnesses by the Royal Commissioners' Powers Act.

Other information that can be requested by the commissioner or his officers includes particulars as to the quantity of goods in his possession or under his control on a specified date, the cost to him of goods, the methods and principles by which he arrived at this cost, the prices at which and the conditions on which he has sold or proposes to sell the goods, the prices at which he sold them on a particular date, and any other particulars that might be required.

Part III of the Bill provides the powers of investigation and inquiry. Members will note that the commissioner can—as a result of reports made to him, or of his own volition—exercise all or any of the powers of investigation I have described. He might act on complaints of unfair trading made to him by members of the public, other trades, business people, or as a result of his own observations or those of his officers.

If these investigations indicate that unfair trading has been in operation since the proclamation of the Act, the commissioner can decide to hold an inquiry, which must take place within 30 days from the time a written notice is served on the person concerned. All inquiries will be held in camera, and the person charged will be allowed the services of a lawyer.

The inquiry will be held before the commissioner, who, for that purpose, will have the powers of a justice of the peace. It would be manifestly unfair to admit to the inquiry members of the public or competitors of the person charged. On inquiry, the person concerned may be absolved from any anti-social practice; but if the facts of the inquiry were common knowledge, doubts might still exist in some people's minds.

In conducting an inquiry, the commissioner is not to be bound by technicalities or legal forms. The Bill charges him to act according to equity, good conscience, and the substantial merits of the case. If the commissioner considers a charge to have been proved, but that it is not of a sufficiently serious character, he may administer a caution. If the charge is substantiated by the inquiry, because the person charged was a party to a contract or an agreement which was of an unfair trading nature, the commissioner may accept an undertaking, subject to such sureties as the commissioner may require,

that the person will withdraw from the contract or agreement and not be a party to a contract or agreement of a like nature without the written consent of the commissioner.

If the offence is found to be serious enough, the commissioner may serve a notice on the person concerned announcing him as "a declared trader." Such a person may within 10 days of receiving the notice lodge an appeal to the President of the Arbitration Court. The appeal must be held in chambers, and the president's decision will be final.

If the declared person does not appeal, the commissioner may, in writing, direct him not to continue or to repeat the offence, and may fix maximum prices at which the person may operate. The commissioner may also specify the locality and manner in which the trader may operate and direct the manner in which he shall exhibit the prices of his articles.

Hon. H. K. Watson: In other words, take over his business.

The CHIEF SECRETARY: Subsequently, the commissioner on application from the declared person may, if an inquiry proves such action justifiable, rescind the declaration. Part V of the Bill requires all business people not only to keep proper books of account and records, but to hold them until authorised by the commissioner to dispose of them.

Hon. C. H. Simpson: There is no time limit.

The CHIEF SECRETARY: This action is most desirable in the interests of efficient administration of the Bill, as, in the event of an inquiry developing, it could be to the welfare of the public and the trader to have all records available. It would also be advisable not to give a guilty trader the opportunity to dispose of records that might prove underhanded practices.

For offences against the Bill, a maximum penalty of £500 or imprisonment for six months is provided. Prosecutions may take place at any time within two years after an offence and must be heard by a magistrate. In the case of a corporate body being convicted of an offence, every director or officer shall be deemed guilty of the offence unless one or more can prove he or they were unaware of the offence, or did his or their utmost to prevent its occurrence.

Where the commissioner reports to the court that a convicted person has, since the coming into operation of the Act, made unfair profits as a result of unfair trading, and the amount of the unfair profit is specified, the court may fine the convicted person an amount up to twice the sum of the unfair profit.

Where a person is convicted by the court, details relating to the conviction shall be published in the "Government Gazette." If it should be apparent to the court that any witness for the prosecution was implicated in the offence, but has fully and truthfully disclosed all his knowledge of the offence, the court may protect the witness from prosecution in regard to that particular offence.

The insertion of a definition of "profiteering" or "unfair profits" was considered, but it was decided that one could not be formulated to meet all situations. As an example, one firm could sell articles at lower prices than other firms and still make greater profits than its competitors. The Bill is not aimed at business as a whole and those persons or firms that may be subject to an inquiry are protected. All inquiries and appeals are held in camera, and only those who offend against some provision of the Act would appear in open court.

I would be pleased to hear constructive criticism and certainly am prepared to give very careful consideration to any proposed amendments of a constructive nature. I have endeavoured to give to the House the main features contained in the Bill. We, as a Government, have put it forward in this manner because, having examined the situation from all angles, we consider this is in the best interests of the people of this State. I would like members, during the debate, to give attention to the contents of the Bill, to examine every phase of it, and to put forward what they conscientiously believe in connection with those various phases.

Hon. N. E. Baxter: Don't we always do that?

The CHIEF SECRETARY: I am not answering that one. What we want to know is whether what has been inserted in the Bill is, in the opinion of a member, right and proper; and, if not, why not. We want those who oppose the Bill, as I suppose some will—

Hon. G. C. MacKinnon: Surely not!

The CHIEF SECRETARY: We want them to tell us where it is wrong and where it is aimed at people at whom it should not be aimed. We want them to put forward suggestions and tell us how we can improve the measure. If members can make better suggestions, we want to hear them. I think that the measure will be a test as to whether members can stand up to what has often been said—

Hon. Sir Charles Latham: No threats now!

The CHIEF SECRETARY: —that this is a House of review. I think this is the acid test.

Hon. A. F. Griffith: Does that mean that your members are free to do what they like?

The CHIEF SECRETARY: My members will deal with the Bill in the manner they think fit, and that is what I want other members to do.

Hon. J. G. Hislop: We will do that.

The CHIEF SECRETARY: I am asking them to deal with what is in this measure, not fanatically, but seriously; not as someone else tells them to, but conscientiously. I want them to consider it and put forward what they think. That is all I am asking.

Hon. A. R. Jones: Can the Minister give us the reason why the Government introduced this Bill?

The CHIEF SECRETARY: Is the hon. member a Rip Van Winkle? Does he not know what the situation is in Australia?

Hon. G. C. MacKinnon: You tell us.

The CHIEF SECRETARY: I thought I was speaking to members of Parliament and not kindergarten children. Every adult person in Australia is worried at the spiral in prices.

Hon. A. R. Jones: I told you three years ago that it was on the way, and you would not believe me.

The CHIEF SECRETARY: The hon. member wants me to tell him why the Government introduced this Bill, and yet he told us three years ago!

Hon. A. R. Jones: I pointed out what the position would be.

The CHIEF SECRETARY: The hon. member did not offer any solution. However, we are putting forward something that we think will be a solution. If the hon. member has any better ideas let him put them forward.

Hon. C. H. Simpson: We have.

The CHIEF SECRETARY: They have not been put forward in this Chamber; and that is all I am asking members to do—to treat the Bill on its merits or, as some may think, on its demerits. But let members tell us what the demerits are. The onus is on them to show whether they are prepared to do something to try to halt this spiral fairly and squarely, and to tackle the position. That is all we ask them to do. We ask them to think for themselves and not to let someone else think for them. We ask them not to be swayed by the stupid propaganda put forward in connection with the measure.

Hon. Sir Charles Latham: You haven't put up a case for the title.

The CHIEF SECRETARY: I have told members exactly what the Bill contains.

Hon. A. R. Jones: That is all you have done.

Hon. G. C. MacKinnon: You didn't tell us why.

The CHIEF SECRETARY: Honestly, I thought I was speaking to people who know what the position in Australia is.

Hon. N. E. Baxter: You haven't told us the overall effect of the Bill.

Hon. G. C. MacKinnon: But why this Bill?

The PRESIDENT: Order!

The CHIEF SECRETARY: Is the hon. member prepared to say there is no crisis in Australia today, and we do not need legislation of this description; that we do not need to fix wages and to stop basic wage adjustments and anything of that description? Will the hon. member say anything like that?

Hon. G. C. MacKinnon: You are introducing the Bill.

The CHIEF SECRETARY: I am introducing it because of the serious position facing Australia today, and because we believe there are people in the community imposing conditions and prices more onerous than are justified.

Hon. J. G. Hislop: In other words, you have suspicions.

The CHIEF SECRETARY: We have more than suspicions. If they were only suspicions, they could not be dealt with now. Should this Bill become law, they can be dealt with. If there are suspicions, we will let the commissioner decide whether they are justified.

Hon. A. F. Griffith: What was the word you used? Was it "court"?

The CHIEF SECRETARY: Court or commissioner. We will allow someone to intervene. We are suggesting machinery to ascertain whether suspicions are correct or otherwise. This Bill has been submitted after serious consideration of every aspect of the case; and I repeat that all we ask is that there shall be conscientious approval of or objection to the proposals, as the case may be.

I do not know whether any members are prepared to debate the question when I sit down, but I would welcome any contribution members may be prepared to make. If, on the other hand, they want time to consider various aspects of the Bill, I would be quite prepared—as I never like to rush them in regard to anything that is important—to agree to an adjournment until next Tuesday. That would give members the best part of a week to consider the Bill. I move—

That the Bill be now read a second time.

Hon. C. H. SIMPSON: I move—

That the debate be adjourned till Wednesday, the 24th October.

Motion put and a division called for.

Remarks during Division.

Hon. A. F. Griffith: This is a bad start.

The Chief Secretary: You have had the Bill printed for a week, and you want another week to consider something you know everything about.

Hon. Sir Charles Latham: The Bill is totally different from the original.

The Chief Secretary: This Bill has been printed for a week.

Hon. H. K. Watson: We received it yesterday.

The Chief Secretary: You could have had it earlier.

Division Resumed.

Division taken with the following result:—

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

Ayes.

Hon. N. E. Baxter	Hon. J. Murray
Hon. J. Cunningham	Hon. C. H. Simpson
Hon. L. C. Diver	Hon. H. K. Watson
Hon. J. G. Hislop	Hon. F. D. Willmott
Hon. Sir Chas. Latham	Hon. A. F. Griffith
Hon. G. MacEleanon	(Teller.)

Noes.

Hon. E. M. Davies	Hon. H. L. Roche
Hon. G. Fraser	Hon. H. C. Strickland
Hon. E. M. Heenan	Hon. J. D. Teahan
Hon. R. F. Hutchison	Hon. W. F. Willsee
Hon. G. E. Jeffery	Hon. F. J. S. Wise
Hon. A. E. Jones	Hon. W. R. Hall
	(Teller.)

Motion thus negatived.

Hon. A. F. GRIFFITH: I move—

That the debate be adjourned till Tuesday, the 23rd October.

Motion put and passed.

STANDING ORDERS COMMITTEE.

Consideration of Report.

Report of Standing Orders Committee now considered.

In Committee.

Hon. W. R. Hall in the Chair.

The CHAIRMAN: The report of the Standing Orders Committee is as follows:—

Your Committee desires to report that meetings have been held to consider several Standing Orders.

Standing Order No. 34 has been considered and it is recommended that this Standing Order be amended.

Standing Order No. 62 was also considered and a small amendment is recommended.

Standing Order No. 394. Recommendation is made for the deletion of certain words and a new Standing Order 394a to be added thus clarifying Standing Order No. 394.

Standing Order No. 406. The deletion of certain words and figures is sought as an amendment.

Standing Orders Nos. 409 and 411 were considered and small amendments are recommended.

We shall take each proposed amendment separately. The amendments recommended, as regards Standing Order No. 34, are as follows:—

- (i) Number the first three paragraphs as follows:—“(i),” “(ii)” and “(iii).”
- (ii) Insert the following paragraphs after paragraph (iii):—
 - (iv) When the House is not in session and a vacancy occurs on a committee, the President, or, in his absence the Deputy President, may in consultation with the Leader of the House, appoint a member to fill the vacancy until an appointment can be made by the House.
 - (v) If a member fails to attend three consecutive meetings of a committee without leave of absence being granted by the committee, his seat on the committee shall be declared vacant.
- (iii) Number the final paragraph—“(vi).”

The Standing Orders Committee's reasons for the proposed amendment read as follows:—

These amendments are recommended so that vacancies on the Standing Committees can be filled when the House is not in session. It has frequently happened that a committee cannot meet because several vacancies have occurred and a quorum cannot be obtained.

Hon. E. M. DAVIES: I move—

That the recommendation be agreed to.

I think the reasons given are self-explanatory. On occasions, when the House has been in recess, it has not been

possible to hold meetings of certain committees because of the death of some members, or because for some other reason, the members of those committees have been absent. I think it is a reasonable proposition, and I ask members to agree to it.

Hon. Sir CHARLES LATHAM: I have no objection to the passing of this amendment and then reporting progress. This is the first I have seen of the amendments. The report was laid on my table only this afternoon.

The Chief Secretary: It was only printed yesterday.

Hon. Sir CHARLES LATHAM: I would like time to have a look at the implication of these amendments. The Chief Secretary has just introduced an important piece of legislation; and as that will have to be given a good deal of consideration, I suggest that a discussion on these proposals be taken at a later stage of the session.

The CHAIRMAN: In that case it will be necessary to withdraw the motion.

Hon. H. K. WATSON: If progress is to be reported, members might as well have an opportunity of considering all the recommendations. I suggest that the motion be withdrawn and that we report progress.

The CHIEF SECRETARY: I suggest that, if members wish to familiarise themselves with what is contained in the suggested alterations to the Standing Orders, we go through all of the recommendations but do not come to a decision on them until some other sitting. It is better to have the Standing Orders Committee's reasons.

Hon. Sir Charles Latham: The reasons are given.

The CHIEF SECRETARY: But it is better to have them explained by a member of the Standing Orders Committee. As regards the recommended alteration to Standing Order No. 34, the President, before making an appointment, would certainly consult with the Leader of the House.

Hon. Sir Charles Latham: What happens if the Leader of the House is away?

The CHIEF SECRETARY: If the Leader of the House did not agree with the appointment suggested by the President is it still left to the President to decide? I do not know whether the committee had in mind that the appointment was to be agreed upon by the President and the Leader of the House, or whether the President would advise the Leader that he intended to appoint someone.

Hon. Sir Charles Latham: Could it not wait until the House met?

The CHIEF SECRETARY: This is to overcome a difficulty, because it may be necessary for one of the committees to meet, and it could not do so if it did not have a quorum. I can see the committee's idea in asking for the alteration.

Hon. A. F. Griffith: Surely the word "consultation" suggests agreement.

Hon. Sir Charles Latham: It does not.

The CHIEF SECRETARY: I do not think it does, either. If the Leader of the House does not agree with the appointment suggested by the President, is it still left to the President to decide? I do not know whether that is the committee's intention or whether the idea is that the President shall make the appointment and advise the Leader of it. Personally I think it is the President's duty to make the appointments, and the matter of consultation with the Leader of the House is an act of courtesy. If that is not the intention I can see difficulties arising when there is a difference of opinion between the President and the Leader of the House.

Hon. E. M. DAVIES: In view of the discussion which has just taken place, I ask leave to withdraw the motion.

Motion, by leave, withdrawn.

Progress reported.

ADJOURNMENT—SPECIAL.

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

That the House at its rising adjourn till Tuesday, the 23rd October.

Question put and passed.

House adjourned at 5.27 p.m.