

- (v) on so much of that turnover as exceeds one hundred thousand pounds but does not exceed one hundred and twenty-five thousand pounds, at the rate of three per centum;
- (vi) on so much of that turnover as exceeds one hundred and twenty-five thousand pounds but does not exceed one hundred and fifty thousand pounds, at the rate of three and one-quarter per centum;
- (vii) on so much of that turnover as exceeds one hundred and fifty thousand pounds at the rate of three and one-half per centum;

Mr. BRAND: Now that the Committee has agreed to the new sliding scale of tax on turnover, it is necessary for the Committee to make an amendment to the percentages of tax which I outlined during the discussion on the previous measure. In view of the lateness of the hour, I ask that progress be reported.

Progress reported.

ADJOURNMENT—SPECIAL

MR. BRAND (Greenough — Premier): I move—

That the House at its rising adjourn until 11 a.m. tomorrow.

Question put and passed.

House adjourned at 6.14 p.m.

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The PRESIDENT took the Chair at 11 a.m., and read prayers.

QUESTIONS ON NOTICE

TAXES AND CHARGES

Impositions by Previous Government

- The Hon. J. M. THOMSON asked the Minister for Mines:

- (1) Will the Minister please supply detailed information regarding taxes and charges imposed by the previous Government during its 1953-59 term of office—

- (a) (i) What new taxes and charges were imposed; and

- (ii) from what date were they operative;

- (b) (i) what taxes and charges, existing at the date of assumption of office — 1953 — were increased during the period; and

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- (ii) what was the percentage increase in each case?

The Hon. A. F. GRIFFITH replied: As the answer to this question is lengthy, I move—

That the answer to this question be taken as read.

Motion put and negatived.

The Hon. A. F. GRIFFITH: The answer to the honourable member's question is:

Treasury: A turnover tax of 1½ per cent. was imposed on off-course and on-course bookmakers on the 1st August, 1955. State Entertainments Tax was imposed from the 1st October, 1953.

Mines: On the 1st July, 1958, regulations were introduced imposing royalty charges on a wide range of minerals previously exempt from royalty.

Police: On the 1st January, 1958, a new examination fee of 10s. was introduced for testing for drivers' licenses. On the 10th November, 1958, a new fee was imposed for the issue of additional loading permits at a rate of £6 per annum for each ton weight of gross load in excess of maximum weight prescribed in the tenth schedule of the Traffic Regulations. On the 10th November, 1958, a new fee was imposed for the issue of a temporary permit to move an unlicensed vehicle at a rate of 2s. 6d. per permit.

Agriculture: On the 1st January, 1959, a new charge was imposed for the supply of paspalum vaginatum at a rate of 10s. per bundle.

Fisheries: On the 1st July, 1958, a new license for aviculturists was prescribed at a rate of 10s. per license.

State Shipping Service: Darwin freight rate, excluding personal effects, household goods and foodstuffs—August, 1953, increase 10s. per ton, 4½ per cent.; May 1954, decrease 1s. 6d. per ton, 1 per cent.; May, 1956, increase 7s. 6d. per ton, 3½ per cent. Intrastate basic freight rate increased 50s. per ton on the 14th February, 1957, (approx. 60 per cent.), and intrastate passenger fares 25 per cent. Darwin fares increased 12½ per cent. on the 14th February, 1957; Darwin freight rate increased 12s. 6d. per ton on basic rate on the 19th October, 1956, and reduced 20s. per ton on the 1st November, 1957.

Mines: Survey fees—average increase of 55 per cent. from the 11th June, 1954. State Batteries—Northampton—crushing charges increased by 50 per cent. on the 14th March, 1955, £1 to £1 10s. All batteries—average increase of 33½ per cent. on crushing charges for base metals on the 11th November 1955.

Forests: Royalty charges were increased from February, 1953, from 12s. 5d. to 19s. 2d. per load—approximately 54 per cent. On the 28th August, 1957, general fees were increased approximately 200 per cent.

Crown Law: Supreme Court fees from the 16th July, 1954, were increased approximately 2 per cent. Bills of Sale Act fees increased 100 per cent. on 10th December, 1957; police court fees 100 per cent. on the 9th May, 1957; local court fees 100 per cent. on the 8th July, 1957; Titles Office fees 75 per cent. on the 15th October, 1956; liquor tax about 40 per cent. on the 1st January, 1957.

Land and Surveys: Survey fees under the Land Act increased by 33-1/3rd per cent., September, 1954. Maps and plans for sale have been increased approximately 50 per cent., 5s. to 7s. 6d. Survey fees increased 60 per cent. in November, 1957.

Agriculture: The 1st July, 1953—orchard registration 1s. to 2s.; the 1st March, 1954—grade herd testing 5s. to 7s. 6d.; the 1st August, 1955—dipping cattle 9d. to 1s.; spraying cattle 1s. to 1s. 6d. Grade herd recording fees were varied from the 1st March, 1957, the overall effect being approximately 30 per cent. increase. Butter grading charge increased from ¼d. to ½d. per box (12½ per cent.) and cheese grading from ¼d. to ½d. (25 per cent.) per 40 lb., from the 1st January, 1957. Vermin rate reimposed from the 1st July 1958, at following rates on the unimproved value—Agricultural land ¼d. in £ (6-2/3rds per cent.). Pastoral land ½d. in £ (no increase).

Kalgoorlie Abattoir: From the 14th September, 1933, slaughtering fees were increased by 33-1/3rd per cent., ½d. to 1d. per head dressed weight.

Child Welfare: Maintenance charges on account wards in the reception home increased from £1 per week to £2 10s. per week—150 per cent.

Police: In January, 1957, motor-vehicle license fees were increased substantially.

Native Welfare: Accommodation at Bennett House increased from 15s. per week to £2 16s. 8d. per week for adults, who could pay. Generally the visitors are indigent and no charge is made.

Factories: The schedule of fees was increased with parliamentary approval approximately 200 per cent.

Homes: Accommodation charges for pensioners advanced approximately 14 per cent. from £2 5s. 6d. per week to £2 12s. per week. This is in accordance with the pension increase.

Medical: Consultation charges per visit for North-West doctors increased from 10s. 6d. to 15s.—approximately 43 per cent. Hospital fees increased by approximately 70 per cent., and out patient fees from 2s. 6d. to 7s. 6d. per visit. Theatre charges increased by approximately 50 per cent. on the 1st August, 1957.

Public Health: The range of pathological fees was amended from 10s. 6d. to £1 1s. to 17s. to £6 6s. Schedule of meat inspection charges was increased 50 per cent. Fees for septic tank plans increased 100 per cent. on the 22nd February, 1957.

Mental Health: Accommodation at—Heathcote £1 7s. to £2 4s. 1d., 63 per cent.; Claremont — General, 16s. to £1 2s. 5d., 40 per cent.; service £1 4s. to £1 9s. 11d., 25 per cent.

Railways: From the 1st October, 1953, the freight rates were increased by an average of 33-1/3rd per cent. On the 1st November, 1956, intersystem fares were increased by 20 per cent. and to standardise with other systems, certain concessions for athletic, education, and scientific bodies were introduced. On the 1st May, 1957, intersystem freights were raised by varying amounts averaging about 12½ per cent.

Trams and Ferries: Increases provided for 25 per cent. on trams and 50 per cent. on ferries.

Registry: Searches 2s. 6d. to 3s., 20 per cent.; certified copies 5s. to 7s. 6d., 50 per cent.; extracts 2s. 6d. to 3s., 20 per cent.; change of name 5s. to 7s. 6d., 50 per cent. Registration of births, deaths and marriages within 14 days have been exempt from the payment of a fee. Previously it was 1s., 1s., and 2s. 6., respectively.

Fremantle Harbour Trust: The scale of charges has been increased approximately 100 per cent. since February, 1953.

Country Areas Water Supply: Rates have been increased by varying amounts, the detail of which is too voluminous to enumerate.

Public Works: Water boards—An increase of approximately 20 per cent. for the year 1956. Country lands—The rate has advanced from 4½d to 5d. an acre. Irrigation—The irrigation rate of 11s. 3d. per acre was increased to 22s. 6d. per acre, the latter providing for two free waterings, whilst previously it was one. Increase approximates 7s. 6d. per acre or 66½ per cent. Drainage—The charge has been increased by approximately 25 per cent. Sewerage rate—Northam—from the 1st January, 1959, rate decreased from 1s. 3d. to 1s. 1d. (13½ per cent decrease).

Metropolitan Water Supply: Sewerage and drainage rates—Net increase of 2d. in the £ on annual valuation. Excess water charges—Increase of 9d. per 1,000 gallons.

Treasury: On the 22nd December, 1956, turnover tax was raised from 1½ per cent. on all holdings to the following scale:—

On Course—1½ per cent. on 1st £50,000 of each bookmaker; 1½ per cent. on all over £50,000 of each bookmaker.

Off Course—2 per cent. on all holdings, which was about 50 per cent. increase. At the same time the scale of bookmakers license fees was revised, resulting in an overall decrease of 60 per cent. Probate duty scales were amended on the 1st February, 1957, and the new scale was designed to yield about 10 per cent. additional revenue. New scales of land tax were introduced from the 1st July, 1956, increasing this head of taxation by about 100 per cent. Stamp duty on cheques was increased from 2d. to 3d. (50 per cent.) on the 1st February, 1958.

Government Printer: In February, 1957, Government Gazette subscriptions increased from £1 10s. to £4 per annum (267 per cent) and advertising rates raised from 5s. to 15s. for eight lines and from 6d. to 1s. 6d. for each additional line (300 per cent.). Agricultural Journal price increased from £12 12s. to £15 per annum (18 per cent) in January, 1957.

State Hotels: House charges for State Hotels were increased 16 per cent. on the 1st July, 1957 (except Cave House). Bar charges are reviewed periodically to keep at a competitive level.

Education Department: Technical school fees raised by approximately 125 per cent. at the beginning of 1958.

Harbour and Light: Pilotage dues increased 60 per cent. on the 12th April, 1957, and Swan River Maps from 6s. to 7s. 6d. (25 per cent.).

Government Chemical Laboratory: From the 1st January, 1959, fee for a sample determination increased from 15s. to £1 1s. (60 per cent.).

POKER MACHINES

Use in Approved Clubs

2. The Hon. H. C. STRICKLAND asked the Minister for Mines:

Is it a fact that in order to acquire further revenue the Government intends to permit the use, under license, of poker machines in approved clubs?

The Hon. A. F. GRIFFITH replied:
No.

QUESTION WITHOUT NOTICE

RAIL FREIGHTS

Revision by Government in Near Future

The Hon. H. C. STRICKLAND asked the Minister for Mines:

In view of the Minister's statement that rail freights were last increased in 1953, could the Minister inform the House whether it is the intention of the Government to review the rates in the near future?

The Hon. A. F. GRIFFITH replied:

The Government has made no decision in respect to any increase in rail freights.

TRADE ASSOCIATIONS REGISTRATION BILL

Second Reading

Debate resumed from the previous day.

THE HON. F. R. H. LAVERY (West) [11.31: In opposing this Bill I would like to draw the attention of the House to some of the anomalies that are already occurring in the business world in our city today. We have had much discussion in this Chamber over the last two or three years in regard to the unfair trading legislation which is in force at the moment, and which this Bill seeks to repeal. It is strange how anything can be put over the people by ordinary propaganda.

We were told from this side of the Chamber, when the Hawke Government was in office, what dastardly legislation the Act was and what damage it would do to the State. We were threatened with all kinds of dire circumstances; but we have had no proof that this legislation has prevented any industry from establishing itself in Western Australia.

I was in South Australia last year when we were the guests of the South Australian Parliament, and we were taken to many industries over there, including Phillips Electrical Industries, which was an organisation at that time employing a little over 2,800 people. It was expected that within the next six months this number would be increased to 3,200. While speaking to the general manager, who was our host for the morning, I asked him what he thought of the price-fixing legislation which was in force in South Australia. He said, "Price fixing does not affect any honest trader." As that statement was made by the manager of a firm of such magnitude, which firm had shifted from Sydney to South Australia because of the prevailing conditions in the former State, I thought I should take some notice of it. I pointed out to him the propaganda that was being spread in Western Australia in regard to

the unfair trading legislation, and I told him that it was said to be holding back industries from Western Australia.

He said to me, "So far as I am concerned we, as a composite industry such as we have set up in South Australia, would not be interested in going to Western Australia, because we believe that here we are at the apex point for export to Western Australia, to the islands north of Western Australia such as Singapore, and to all parts of the Eastern States; and we are very close to the main centre of industry so far as the rest of Australia is concerned." I believe that sums up the situation so far as a great number of industries are concerned.

When speaking yesterday, Mr. Davies said that the distance of 1,000 miles across the Nullarbor Plain was the reason why industries did not make Western Australia their home State. In view of the cold water that has been poured on our State by those people who should be Western Australian at heart, and not political at heart, I think it would be advisable to draw attention to a few of the statements made by the Governor in his opening address at the beginning of this session.

Not long ago we were told, in the Press, and otherwise, that the trade mission which went overseas was a complete failure, because industries would not come to this State on account of the unfair trading legislation; but everyone knows that that is untrue. Western Australia is in the early stages of industrial expansion; and any industry contemplating coming here will naturally examine the position very carefully, before doing so. We were told, from the hustings, before the last Legislative Assembly election, that Western Australia was in a stagnant condition, and that if we got rid of the guilty men the State would go ahead. Only a few weeks after that His Excellency the Governor came before us and gave us the facts. He said—

Excellent growing conditions during the 1958 season resulted in record yields of wheat, oats and barley. Pasture growth throughout the agricultural areas was very satisfactory.

Meat production also reached a record level, total slaughterings being 16 per cent. higher than in the previous year. Meat exports increased by 5,500 tons.

The demand for land is being maintained and great interest is still being shown by applicants from the Eastern States who desire to settle in this State. Additional areas are being classified and designed for subdivision.

Farmers with money who wish to come to Western Australia to settle would not think of doing so if conditions in this State were as bad as the pre-election

propaganda of the Liberal Party would have us believe. His Excellency also said—

The Rural and Industries Bank of Western Australia satisfactorily continues its operations in a varied sphere of activity.

Gold production for the calendar year 1958 totalled 867,187 fine ounces valued at £13,555,000, coal production was 870,882 tons valued at £2,281,000, and other minerals showed a record output worth £4,735,000.

That was not bad for a State that was said to be stagnant and, in fact, slipping backwards. To continue—

Mining continues to be of vital importance to the State and a more virile policy of assistance to the industry will be put into effect, concentrating on geological survey and diamond drilling. It is also hoped to see established more secondary industries using local minerals and metals in their manufacturing processes.

The search for oil is being vigorously pursued and drilling is being undertaken in the Kimberleys. The entry, in co-operation, of another large oil company has given added impetus to operations.

Another big oil company has joined the search for oil in Western Australia since then. His Excellency further said—

Much interest is being shown by large exploratory companies in our mineral deposits, and active operations in the search for bauxite, copper, nickel, uranium, asbestos, gypsum, manganese, and other minerals are proceeding.

It is proposed to introduce a Bill on modern lines to replace the existing Explosives Act.

The quantity of fish produced in 1958 was 24,814,000 lbs., valued at £2,085,000. Earnings from the export of crayfish amounted to 5,000,000 dollars.

His Excellency added that legislation would be introduced to create an industrial development authority. Then he said—

The expansion programme of the Wundowie Charcoal Iron Industry was completed early this year.

All this may seem to have nothing to do with the Bill; but I think it has, because it answers the propaganda which was used during the election early this year, and which is still being used by the Liberal Party in an endeavour to persuade the people that the Act prevents industries coming to this State. His Excellency continued—

Financial allocations for the year 1958/1959 under the State Housing Act, the Commonwealth-State Housing Agreement Act and the War

Service Homes Act approximated £7,000,000, of which £905,000 was transmitted to Building Societies. There are still approximately 6,100 outstanding applications for housing.

That shows that the building industry in this State is still in a thriving condition. To continue—

The Metropolitan Passenger Transport Trust has taken over a number of privately operated services. Action has been completed for the conversion of tram routes to trolley or omnibus operations.

All this shows that the previous Government was very progressive, despite what we were told about the State being stagnant. Those who engaged in all that propaganda are neither Western Australian in outlook nor sound in mental capacity. Further—

Mains supplying water from Mundaring Weir to areas north of Cunderdin have reached Koorda, Dowerin and Wyalkatchem, whilst the supply from Wellington Dam has been extended from Pingelly to Brookton.

Crest gates have been installed on Mundaring Weir, increasing its capacity by 12½ per cent.

Construction of the Serpentine Main Dam is proceeding rapidly with a view to completion early in 1961.

The PRESIDENT: What has this to do with the Bill?

The Hon. F. R. H. LAVERY: It has a great deal to do with it, because it refutes the statements of those who have criticised the unfair trading legislation. His Excellency further said—

Provision of secondary activated sludge treatment at Subiaco Sewage Treatment Works is well advanced.

The construction of additions to Parliament House is proceeding. Consideration is being given to governmental accommodation requirements, both to meet urgent needs and to initiate a long-range programme.

Construction of the Narrows Bridge and the extensive approach treatment is nearing completion and the opening is planned for 13th November, 1959.

Work has commenced at Fremantle Harbour to provide adequate passenger facilities for passenger liners now under construction in the United Kingdom for the Australian trade.

A second unit at the Bunbury power station has been completed and is having trial runs. The work on the third and fourth units at the station is proceeding satisfactorily. Investigation work is still proceeding on the possibility of constructing a large power station on the coalfields at Collie.

Primary and secondary schools opened this year with an additional 5,000 students, the total enrolment in these two divisions being just over 117,000. Of these, 25,500 were in secondary schools. A pleasing feature is the growing tendency for students to complete the full secondary course.

There was nothing in His Excellency's speech which could tend to dampen our hopes for the progress of the State. All that His Excellency said pointed to advancement; so how can it be said that the existing Act is holding Western Australia back? I can point out to the House instances of where restrictive trade practices have been adopted and are still being adopted. I repeat, now, what I told this Chamber about 18 months ago, when I referred to an engineering firm established to the north of Perth, which was approached by a pastoralist from the North who wanted some wire fence droppers made in accordance with an idea which he had. He asked the principal of this firm if he could supply him with a sample as an indication of whether he could produce the manufactured article. It cost this engineering firm £380 to pattern a jig, and it was found that it could produce these fence droppers at a cost suitable to the pastoralist.

The pastoralist informed the firm that his order would not be for only 500 fence droppers, but nearly 3,000,000. The firm then set about trying to obtain the steel to manufacture the droppers, but when it lodged its order with Broken Hill Pty. Ltd., it was informed that that firm manufactured fence droppers itself and, therefore, the steel could not be made available to the engineering firm that had lodged the order. The principal of this firm spoke to me about the matter and told me he would try to obtain his supplies through the Eagle and Globe Steel Co. Ltd., but when that company made endeavours to get the steel for him it met with the same result. It was not permitted to supply the steel. That incident occurred the year before last, and that man was unable to carry on with production of this patent type of fence dropper. That, of course, is a definite example of restrictive trade practices.

I am unable to vouch for what I am about to say now because the information, although obtained from an authoritative source, is second-hand. This case involves a firm which carries out a great deal of construction work at Kwinana, and which at present is carrying out an extensive job laying gas mains around the city. The firm has been lodging tenders for many jobs, including construction work at the Kwinana Refinery; but it now finds that it is quoted out of each job because Stewarts & Lloyds Ltd., which supplies steel tubing, is tendering for many of these contracts and is thus

able to underquote this other firm. As a result, it is being forced out of business and when it completes the laying of gas mains it will have to cease operating. I am referring to the Kwinana Construction Co. Ltd.

If Stewarts & Lloyds Ltd. tenders for these contracts itself, and refuses to grant the Kwinana Construction Co. discounts on its steel supplies, it will, in my opinion, be doing something that constitutes a restrictive trade practice. If the Bill now before us will prevent that sort of thing happening, I shall be prepared to support it. I have studied the measure as much as I have been able to in the short time available to me, but I cannot find anything in it that will prevent that type of restrictive trade practice. Surely the Government, after all the propaganda it published at the hustings about its intention to support private enterprise, could produce a better Bill than this to protect the interests of various trading firms in this State; especially at this time when Western Australia is making every endeavour to advance.

Surely the Government is not going to adopt the American principle in its legislation by saying, "Blow you, Jack! I'm all right," so that it will be a question of only the strong surviving and the weak going to the wall. We do not want that type of legislation in Western Australia. Like other members, I protest strongly against a Bill of this nature being brought down so late in the session. The Government on the hustings last February and March announced that it intended to introduce this Bill. Therefore, it has had eight months in which to draft a measure and bring it before Parliament; but the members of this House have had only two days in which to study it.

I know that mine is a voice crying in the wilderness, but I can well remember last year the Minister for Mines sitting on this side of the Chamber complaining about legislation being brought down late in the session. Yet his Government is doing exactly the same thing to us now. Such a practice does not allow members to interview any of their electors to obtain their views on the legislation. I have spoken to many small business people in my province in the short time at my disposal, and they consider the legislation is not worth the paper it is written on; and I support their contention. I am surprised at the Government, which has at its disposal advice from some of the big business leaders in this State, bringing a Bill such as this before the House at this stage of the session.

No-one would have been harmed if the measure had been held over and introduced early next session when members would have had plenty of time to study its provisions and when, no doubt, it would have gained our support like many other Bills the Government has brought before Parliament. I oppose the Bill.

THE HON. A. F. GRIFFITH (Suburban—Minister for Mines—in reply) [1128]: I can understand fully why members of the Labor Party oppose the Bill. The reason, of course, is—as it has been correctly stated—that clause 3 seeks to repeal the Monopolies and Restrictive Trade Practices Control Act. I repeat, therefore, that I can clearly understand why members of the Labor Party would like to hang on to that piece of legislation—

The Hon. H. C. Strickland: Which protects the people.

The Hon. A. F. GRIFFITH: —which their Government introduced. I recall that you, Mr. President, when you were on the floor of the House, assisted in supporting the bitter attack that many of us made against the Bill when it was introduced. If the original legislation had gone on the statute book without any amendments being made to it, the Act of 1956, although it has been severe enough in the last two or three years, would have been a great deal more severe in its application.

Mr. Wise complained that the Government did not make available to members sufficient time to study this Bill. I appreciate that the Bill was introduced very late in the session. The honourable member moved for the adjournment of the debate to the 26th December. It was within his right to take that course of action. I made a similar move on a previous occasion, so I do not complain about his move which was designed to defeat the Bill. It is not a matter of whether the move succeeded.

When speaking to another measure earlier on in the session Mr. Wise made the statement, "Sometimes I go off half-cocked." I point out that whenever I reply to the debate on a Bill I always take good care to consider what is said in both Houses. I believe the honourable member is one of the most studious members in this House.

The PRESIDENT: I hope the Minister is not quoting from *Hansard* of this session.

The Hon. A. F. GRIFFITH: No. I remember his words. They are almost completely accurate, if not wholly accurate. When members of the Opposition objected to the debate on this Bill being resumed the day after it was introduced, they should remember what happened when the measure in respect of restrictive trade practices was introduced.

On the 17th October, 1956, the late Mr. Fraser who was in charge of this House at the time, introduced the Bill. Mr. Simpson moved for the adjournment of the debate for one week, and the House divided on that question. The motion was negatived and the debate was continued on the same day.

The Hon. F. J. S. Wise: Would you like a few more references to the objections you raised at the time?

The Hon. A. F. GRIFFITH: I can see the honourable member has been studying the debate deeply. I am sure that when this Bill is dealt with in Committee he will tell me a few more things about that debate. It is regrettable that the Bill before us has reached this House so late in the session; but we must remember that some Bill has to be the last to be introduced. However, this is not the last Bill that will be introduced this session.

I draw the attention of Mr. Wise to the fact that the Bill contains, in the main, the recommendations made by the Honorary Royal Commission into restrictive trade practices. The report of that commission was tabled in this House in 1957; that is two years ago. Perhaps a period of two years is not sufficient to enable us to realise what is taking place!

The Government made no secret of the fact, prior to the last election, that if returned to office it would seek a repeal of the existing legislation, and that it would replace that legislation with an Act which was in conformity with the recommendations of the Honorary Royal Commission. The Honorary Royal Commission consisted of members of the three political Parties represented in this Parliament.

I do not agree with the statement made by Mr. Wise in connection with the newspapers. I understood him to suggest that the newspapers were in a position to, and did, influence the thinking of some members of this House. If that is what he meant, I do not agree with his statement. It is perfectly safe to say that every member is able to think for himself and that he is not influenced by what is reported in the newspapers.

The Government desires to repeal the existing Act. Mr. Wise, who complained that he did not have sufficient time to study the measure, then conceded that he had studied it, and that it contained nothing of importance.

The Hon. F. J. S. Wise: You repeat what I actually said, and not rubbish.

The Hon. A. F. GRIFFITH: I need not repeat what the honourable member said. I am replying to this debate to the best of my ability. Speaking of the newspapers, Mr. Strickland found it convenient to agree with *The West Australian* sometimes, as he did in the debate on this Bill when that newspaper expressed a point of view which he thought was correct.

The Hon. H. C. Strickland: We have to be fair.

The Hon. A. F. GRIFFITH: Mr. Strickland said that the existing legislation did not have anything to do with profit control. I refer him to section 6 on page 3 of that Act. The following provision is contained therein:—

The objects of this Act are (a) to prevent unfair profit taking.

The title of the Act is, "An Act to control and regulate unfair trading and unfair profit."

The Hon. H. C. Strickland: If you look through the Act you will find there is no power to control profit.

The Hon. A. F. GRIFFITH: The provisions are there. It has been said that the existing legislation has not acted as a deterrent to the establishment of industries in Western Australia. I was challenged very forcibly by Mr. Wise to lay on the Table of the House the particulars of even one industry which was prevented from coming to Western Australia as a result of this legislation. I am not to be caught so easily as that. I suggest to the honourable member that the Government has exactly the same interest at heart as Mr. Tonkin who led the trade mission overseas. He came back and said with great hope and anticipation that £90,000,000 worth of industries would come to Western Australia, but that he was not in a position to mention the names of the firms which were prepared to come. He made that statement to the Press.

I can appreciate the honourable member's concern, because in the process of negotiations for attracting industries here the Government cannot tell the public that it has started negotiations with a company and give its name. I examined the itinerary of the trade mission which went overseas in 1958. I want to read out some of the companies which the mission contacted, and to ask whether any of the companies have come to this State, with the exception of the Klinger group. It is not correct to say that the previous Government was responsible for attracting the Klinger group here. The original negotiations with the Klinger group started as far back as 1948.

The Hon. F. J. S. Wise: Was your Government responsible for attracting the new tube-making company to this State?

The Hon. A. F. GRIFFITH: I am not referring to the tube company. The honourable member cannot correct a wrong by introducing something else.

The Hon. F. J. S. Wise: That is what you are doing.

The Hon. A. F. GRIFFITH: Negotiations with the Klinger group started as far back as 1948.

The Hon. H. C. Strickland: The existing legislation did not deter that group.

The Hon. A. F. GRIFFITH: As we all know, the Klinger group manufactures asbestos products. Originally a man named Hancock sold some of his interests to that group. The credit restrictions imposed in 1948 prevented that company from being established in Western Australia. Later

on, negotiations were continued and it finally came here. It was offered a fairly substantial inducement.

The Hon. H. C. Strickland: By the Hawke Government.

The Hon. A. F. GRIFFITH: I am not denying that. The inducement was quite substantial. The company was given land which cost between £15,000 and £16,000. We have to encourage industries to come here. When the trade mission went overseas, and expression was given to the expansive hopes and promises of Mr. Tonkin, members in this House asked questions about the inducements being offered to companies overseas. As the Opposition, we were saying to the Government at the time that the same inducement should be offered to the companies here, which were finding it difficult to keep their heads above water. We asked the Government to help the companies already here. The Government gave an evasive answer to our request. The inducements offered to the companies which were prepared to become established in Western Australia were magnificent.

The Hon. H. C. Strickland: Not as great as the inducement offered to the Kwinana group.

The Hon. A. F. GRIFFITH: The Kwinana group, with its £40,000,000 investment is already established here. As I said, when speaking to another measure, the Government has great hopes that the plans for the future of Kwinana will now be rejuvenated and that other industries will be established there. I am sure that Mr. Strickland will join with me in that hope. The trade mission contacted some very influential firms overseas.

The Hon. H. K. Watson: Is the Klinger group mentioned?

The Hon. A. F. GRIFFITH: I do not know at the moment. Some of the firms which the trade mission contacted were—

Jones, Lange & Wootton, investors.
Michelin Tyre Co.
La Porte Chemical Industries.

We all know the history of the La Porte Chemical Industries, and the negotiations which took place. To continue—

Lee Cooper Ltd.
Lawrence Scott & Electromotors Factory.
Thos. R. Ellen (Footprints Works) Ltd.
Denny & Bros. Ltd.
C. A. Parsons & Co. Ltd.
English Electric Works.
British Metal Corporation Ltd.
Manlove Alliott & Co. Ltd.
Crompton Parkinson.
Refractories Ltd.
Headrighton Processors Ltd.

That was Carbon Black which went to another State, as we know. To continue—

Sealocrete Products.
Bristol Chamber of Commerce.
Materials Handling Equipment (G.B.) Ltd.
Constructex Overseas Ltd.
Thomas Lockyer & Co. Ltd.
East Kent Weavers.
Dawe Instruments Ltd.
T. H. & J. Daniels Ltd.

I cannot see any mention of the Klinger group on that list. I am not saying for certain that it is not there, but I cannot see it. To the best of my knowledge, none of these firms has established itself in Western Australia.

The Hon. H. C. Strickland: They did not all intend to.

The Hon. A. F. GRIFFITH: Publicity was given to the matter at the time, because we read headlines of this nature "Mission on Trade Tells of Hope for North-West;" "U.K. Firm May Take Over Iron Industry;" and all sorts of things. Here is another, "£90,000,000 to be Invested in Western Australia."

The Hon. H. C. Strickland: Those things were not denied by the members of the trade mission—not publicly.

The Hon. A. F. GRIFFITH: The names of the firms I have read out are the ones that the trade mission saw; and the headlines I have quoted concerned the publicity that was given; but to the best of my knowledge these industries are not coming here. What does it matter what was said?

The Hon. F. J. S. Wise: If you were not so testy, you would be almost funny.

The Hon. A. F. GRIFFITH: I am not testy.

The Hon. F. J. S. Wise: You are showing lack of sleep.

The Hon. A. F. GRIFFITH: I will let that go because the remarks of the honourable member are not going to upset me.

The Hon. H. C. Strickland: The mission called on Denny & Bros. in connection with a new ship.

The Hon. A. F. GRIFFITH: I have simply given the names of the people who were seen; and the publicity. I do not know of any of these companies that have come to Western Australia. These interjections can keep me going for a long time.

The Hon. F. J. S. Wise: We are trying to be helpful.

The Hon. A. F. GRIFFITH: I doubt that the honourable member is trying to help me on this occasion. Mr. Diver has put some amendments on the notice paper, and the best thing I can do is to deal with the matters he has raised when the Bill is in Committee.

I conclude on this note that the repeal of the Unfair Trading and Profit Control Act is something to which the Government Parties subscribed prior to the last election; and I think the general public expects that that Act—

The Hon. F. J. S. Wise: One of the bargaining points after the election.

The Hon. A. F. GRIFFITH: —will be sought to be repealed by the present Government. It is easy for Mr. Wise to fill in my speech for me, whether his statements are accurate or otherwise; and that is an inaccurate one.

The Hon. H. C. Strickland: I think the Minister has named the wrong Act.

The Hon. A. F. GRIFFITH: That is what it was originally. It is more correctly referred to now, as it was by Mrs. Hutchison, as the Monopolies and Restrictive Trade Practices Control Act. It is expected that the Government will replace that Act with a measure incorporating the recommendations that were contained in the Honorary Royal Commission's report, which has been available to members for two years.

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

Ayes—14.

Hon. C. R. Abbey	Hon. G. C. MacKinnon
Hon. J. Cunningham	Hon. R. C. Mattiske
Hon. L. C. Diver	Hon. J. Murray
Hon. A. F. Griffith	Hon. C. H. Simpson
Hon. J. G. Hislop	Hon. J. M. Thomson
Hon. L. A. Logan	Hon. H. K. Watson
Hon. A. L. Loton	Hon. F. D. Willmott

(Teller.)

Noes—12.

Hon. G. Bennetts	Hon. F. R. H. Lavery
Hon. E. M. Davies	Hon. H. C. Strickland
Hon. J. J. Garrigan	Hon. J. D. Teahan
Hon. W. R. Hall	Hon. R. Thompson
Hon. E. M. Heenan	Hon. F. J. S. Wise
Hon. G. E. Jeffery	Hon. W. F. Willsee

(Teller.)

Pair.

Aye.

No.

Hon. A. R. Jones	Hon. R. F. Hutchison
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Majority for—2.

Question thus passed.

Bill read a second time.

In Committee

The Chairman of Committees (the Hon. W. R. Hall) in the Chair; the Hon. A. F. Griffith (Minister of Mines) in charge of the Bill.

Clause 1—Short title:

The Hon. F. J. S. WISE: For the Bill to become an Act it will be necessary for it to be passed, and if the amendments on the notice paper are carried, the Act will include those amendments; and it will include any other amendments that may be carried. I mentioned last evening that the only sort of amendment that would be of any value, if the Bill was not defeated, would be one to defeat clause 3.

It has been said that the proposed amendments should go in to make the Bill workable; and in order to leave something as a legacy which some other Government in the future would be able to amend. I do not for a moment agree with that idea.

The proposed amendments are suggested as being a means of putting teeth into the Bill. I admit this Chamber assisted in putting some teeth into the Act which is to be repealed, and now those teeth are going to be extracted by the votes of the members who put them there; and they will be replaced by an ill-fitting denture.

The Hon. G. E. Jeffery: False teeth!

The Hon. F. J. S. WISE: These are in very truth false teeth. The purpose of teeth, if they are not things of beauty, is to be utilitarian. But these teeth are not things of beauty or a joy for ever. I hope they will pass into nothingness. I would describe these teeth as a badly-made set of false teeth; made, indeed, for a cleft palate; ill-fitting, and with no hope of assisting in the mastication or digestion of the Bill.

The Hon. J. M. A. Cunningham: No wisdom teeth among them.

The Hon. F. J. S. WISE: There are no wisdom teeth among these teeth which could not be thought, by any stretch of imagination, to have been made by a dental mechanic, registered or unregistered, belonging to this Chamber. These dentures—these ill-fitting teeth—I suggest have been made by a clever legal engineer somewhere else. They will serve no useful purpose whatever. What is going to happen to the Bill if and when amended?

Let us have a look at the pretence and sham that I spoke of last evening. This Bill, I forecast—I am not a seer—will never be operative; particularly when the Monopolies and Restrictive Practices Control Act has passed away. The sole object of the Bill is to destroy something—the Act to which I have just referred—which, in spite of what the Minister has said, has done much for the community, and has had no ill effects whatever. The pretence will be continued once the Bill is passed. Once objectionable trade practices are allowed to have sway, the Bill, with these false teeth inserted in it, will not be able to make any worth-while attempt to deal with them. The Bill, if passed, will mean the further languishing, if not the extinction, of anything approaching the original intent of the Act which it will destroy.

The Hon. H. K. Watson: Which was to harass industry.

The Hon. F. J. S. WISE: And which did not.

The Hon. H. K. Watson: It did.

The Hon. F. J. S. WISE: It did not. When this Bill becomes law, the Minister supposed to be in charge of it will take

no notice of it. During the last 12 or 15 hours I have attempted to align the amendments with the intention of the Bill, but the contradictory character of the clauses in it will not permit any effective action. Because it is so vicious and objectionable, and so much against the public interest, if it cannot be defeated, let the Government approve of Mr. Diver's amendments; it will be interesting to see the divisions on some of them. But those amendments will not be inserted with my help; and that does not mean that I shall vote with the Government members to defeat them, because I think it is a most objectionable way of doing things. It is a subterfuge to include such padding around what should have been a single clause Bill.

There is only one purpose for which this Bill has been introduced, and that is to defeat one Act. All the rest of it is a pretence, and the amendments are a compromise. The legislation will have no effect whatever, even when these inferior masticators are put into it. It is obvious from the votes already taken that it is desired to have the Bill made law, even if it is shorn of everything except the title and clauses 1, 2 and 3. That is the wish and the objective.

I do not know whether I will be here on the last day of the session next year—none of us knows—but if I am, I am as sure as I stand here now that the Government will not be able to recite an action taken by it during the intervening period, under the extraneous clauses of this Bill. In their hearts, Government members know that it is the truth. It is a pretence and a sham, and I shall oppose every clause that is in it.

Clause put and passed.

Clause 2 put and passed.

Clause 3—Repeal:

The Hon. F. J. S. WISE: This clause is the Bill. It is to repeal a law designed to protect industry, and not to delay it; it is designed to assist industry, and not to hamper it; and to give to those who should have protection against malpractice in business the protection that is warranted and deserved. Not only are most of the clauses that follow unjustifiable, unnecessary, and contradictory, but they are also impossible of implementation. Those that could be implemented could prod and probe, and could frame things that would hamper industry.

It is not practicable to support these clauses, and there is no unanimity for their support among those who have sponsored the Bill. I should like to hear the Minister describe what is really intended by clauses 7, 8 and 9. I hope to hear him at his best in his endeavour to justify them and to align them with the intentions of clauses 16 and 17. He will need to be at his top to do that. Let

us have a full and frank discussion, because we have nothing else to do. There is no other business on the notice paper, and if we could finish this item and the next we could adjourn, except for dealing with an odd message from the Legislative Assembly. Let us deal with this matter as it should be dealt with, and as the Minister would insist upon if he were over here instead of where he is. Let us debate it all to show the unworthiness of the legislation and its ill intent.

According to our views, this is the vital clause of the Bill. There is nothing personal in my comment, but there is something intensely political about it; and this clause should be either in or out, according to our political faiths. This clause is the Bill and the rest, as I have said, does not matter at all.

Clause put and a division called for.

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

Division taken with the following result:—

Ayes—14.

Hon. C. R. Abbey	Hon. G. C. MacKinnon
Hon. J. Cunningham	Hon. E. C. Mattiske
Hon. L. C. Diver	Hon. C. H. Simpson
Hon. A. F. Griffith	Hon. J. M. Thomson
Hon. J. G. Hislop	Hon. H. K. Watson
Hon. L. A. Logan	Hon. F. D. Willmott
Hon. A. L. Loton	Hon. J. Murray

(Teller.)

Noes—12.

Hon. G. Bennetts	Hon. F. R. H. Lavery
Hon. E. M. Davies	Hon. H. C. Strickland
Hon. J. J. Garrigan	Hon. J. D. Teahan
Hon. W. R. Hall	Hon. W. F. Willesee
Hon. E. M. Heenan	Hon. F. J. S. Wise
Hon. G. E. Jeffery	Hon. R. Thompson

(Teller.)

Majority for—2.

Clause thus passed.

Clauses 4 to 6 put and passed.

Clause 7—Severability:

The Hon. F. R. H. LAVERY: I notice the Minister has nothing to worry about so far as the votes are concerned.

The Hon. F. J. S. Wise: The Minister knows that.

The Hon. F. R. H. LAVERY: I should like the Minister to explain what this clause really means, because I cannot understand it.

The Hon. A. F. GRIFFITH: I anticipated that Mr. Wise would ask me this question. The first part of the clause reads—

This Act shall be read and construed so as not to exceed the legislative power of the State . . .

I take it that means any Acts already in force.

The Hon. F. J. S. Wise: Can you explain its provisions?

The Hon. A. F. GRIFFITH: I cannot explain the legal meaning of the wording any more than it is explained in the Bill.

The Hon. F. J. S. Wise: We do not want the dictionary meaning of the word "severability"; we want you to explain the provisions.

The Hon. A. F. GRIFFITH: I have endeavoured to do so. If the honourable member would like the Crown Law Department to give him an actual interpretation of every word in the clause I will get it for him.

The Hon. F. J. S. Wise: If I put a question on the notice paper tomorrow will it be all right?

The Hon. A. F. GRIFFITH: Yes, because there will not be a notice paper tomorrow.

The Hon. H. K. WATSON: Mr. Wise knows the answer to the question he has asked. The Bill later refers to matters of an interstate character which, of course, raises the barrier of section 92 of the Constitution. The draftsman is seeking to keep the competence of this Bill without infringing section 92 of the Constitution. If a Bill such as this were adjudicated on by the High Court, that court could quite conceivably rule that some of its provisions contravened section 92, and that they were not severable from the Act; which would mean that the whole Act would be invalid. This clause will prevent such a circumstance.

The Hon. F. J. S. WISE: On my own behalf I thank Mr. Watson for his explanation; and I am sure the Minister also appreciates it very much.

Clause put and passed.

Clauses 8 to 10 put and passed.

Clause 11—Office of Registrar:

The Hon. H. C. STRICKLAND: I move an amendment—

Page 4, line 4—Delete the word "may" and substitute the word "shall."

At the moment the Bill says the Governor may appoint a person to the office of registrar. My amendment seeks to ensure that there will be an office and a registrar. Unless there is, anybody with a complaint concerning collusive tendering may find it is unlawful to make such a complaint.

The Hon. A. F. GRIFFITH: One would have thought the point raised here would have been similar to that raised in another place. The emphasis there was based on the point—

The Hon. F. J. S. Wise: Where did you see that?

The Hon. A. F. GRIFFITH: That does not matter to the point of view. The emphasis there was as to who would be the registrar. At the moment nobody knows who the registrar will be, as Mr. Diver appreciated when making his remarks.

The Hon. G. E. Jeffery: Make Sir Halford Reddish registrar.

The Hon. A. F. GRIFFITH: That is very unlikely.

The Hon. F. J. S. Wise: It is highly imaginative, however undesirable.

The Hon. A. F. GRIFFITH: Mr. Strickland's amendment indicates a distrust of the Government and the Minister, and I cannot support it.

The Hon. H. C. STRICKLAND: I am sorry the Minister is not prepared to accept my amendment, particularly in view of the fact that he said the Government sought to protect the public. Unless the registrar or his staff desires to uncover cases of collusive tendering nothing can be done. Because the Government disbanded the Monopolies and Unfair Trading and Profit Control Office, one must certainly be distrustful of its future actions in relation to legislation of this type.

This Bill is merely an excuse and a lot of padding to get around the real purpose, which is to repeal the existing legislation. It has been said there are no teeth in the Bill; that has been said by *The West Australian*. While that paper is anxious to repeal the existing legislation, it is also obviously anxious to have other workable legislation enacted in its place; and the only way to do that is for the Government to set up a registrar and his office. Unless that is done, where will complaints be made by individuals and traders? They could go to the Minister, but further it is stated that, "The Minister may authorise the registrar to look into it." The whole Bill is useless unless we put some action into it; and my amendment will do just that.

The Hon. H. K. WATSON: The Minister's objection is well taken. Mr. Strickland's suggestion would offend all the rules of parliamentary drafting. It has been customary from time immemorial to say that the Governor may do various things. Even if we said the Governor shall do certain things, there is no method of enforcement.

The Hon. F. R. H. LAVERY: It is all very well for Mr. Watson to speak like that. We represent the voice of the people, and if the Government is genuine in its desire to protect the people from unfair trading, of which there is plenty, it should accept this amendment. On behalf of the small business houses in my electorate I protest against the Bill and Mr. Watson's remarks.

The Hon. A. F. GRIFFITH: I am sure members will not blame me for not accepting Mr. Strickland's distrust of the Government. There is provision for the registration of associations. The Government's approach to this matter is straightforward. What difference does it make if the word "shall" is written into the clause? If the Government does not want to go ahead with the proposition, it will not proclaim the Act. There has not been an un-genuine approach to this Bill.

The Hon. J. G. HISLOP: Quite apart from this Bill, the amendment would be an unwise one to accept. The measure means that a Government has decided to take certain action, and it has come to Parliament for permission. In giving permission we use the word "may." When a Government came to Parliament and said "We have, as a Cabinet, decided that such action is necessary and we desire the consent of Parliament to carry it out," it would be extraordinary for Parliament to say "If you want to do it you 'shall' do it."

Quite apart from this measure, it would be a dangerous type of legislation to accept under any circumstances, no matter what Government was in power. I am sure that if those sitting on the left, were sitting on the right, they would regard this as being just as obnoxious as we do.

The Hon. H. C. STRICKLAND: The purpose of the amendment is to see that the Government "shall" set up this authority. As Mr. Watson has said, it may be rather extraordinary in relation to clauses in legislation when the Governor is required to make appointments, but I am afraid the action of the present Government has forced me to move the amendment in this manner. It would not matter how unfairly anybody could be treated at the present moment, there would be no-one to whom a complaint could be made, and no authority constituted which could take action. The Minister has given us no assurance that this Act will be smartly proclaimed.

The Hon. F. J. S. Wise: It will be proclaimed to destroy the old law.

The Hon. H. C. STRICKLAND: He has given no assurance that an office will be set up. However, there is no doubt about the proclamation.

The Hon. F. J. S. Wise: It will be one of the first.

The Hon. H. C. STRICKLAND: What is going to happen? We will have an empty office. I must insist upon my amendment.

Amendment put and a division called for.

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

Division taken with the following result:—

Ayes—12.	
Hon. G. Bennetts	Hon. H. C. Strickland
Hon. J. J. Garrigan	Hon. J. D. Teahan
Hon. W. R. Hall	Hon. R. Thompson
Hon. E. M. Heenan	Hon. W. F. Willesee
Hon. G. E. Jeffery	Hon. F. J. S. Wise
Hon. F. R. H. Lavery	Hon. E. M. Davies
Noes—14.	
Hon. C. R. Abbey	Hon. G. C. MacKinnon
Hon. J. Cunningham	Hon. R. C. Mattiske
Hon. L. C. Diver	Hon. J. Murray
Hon. A. F. Griffith	Hon. C. H. Simpson
Hon. J. G. Hislop	Hon. J. M. Thomson
Hon. L. A. Logan	Hon. H. K. Watson
Hon. A. L. Loton	Hon. F. D. Willmott

(Teller.)

(Teller.)

Majority against—2.

Amendment thus negatived.

Clause put and passed.

Clause 12—Appointment of staff:

The Hon. H. C. STRICKLAND: I move an amendment—

Page 4, line 9—Delete the word "may" and substitute the word "shall."

Realising that members of the Committee were not desirous of inserting into the Bill an instruction to the Governor, one can appreciate the result of the division just taken. In this case we will not be insulting the Governor, but will ensure that the Minister takes certain action. If he appoints a registrar, he will not have a registrar who is unable to work.

The Hon. J. G. HISLOP: I think the Committee must be grateful to Mr. Strickland for realising that we should not offend the Governor; but at the same time he tells us that he has no real hesitation about insulting the Minister. There may come a time when our positions will be reversed, and it will be useful to remember Mr. Strickland's decision.

The Hon. A. F. GRIFFITH: This amendment is pure humbug.

The Hon. F. J. S. Wise: It is in conformity with the whole Bill.

Amendment put and negatived.

Clause put and passed.

Clause 13—Secrecy:

The CHAIRMAN: The question is that the clause stand as printed.

The Hon. G. E. JEFFERY: I move—

That the Committee do now divide.

Motion put and a division called for.

The CHAIRMAN: Before the tellers are appointed I give my vote with the ayes.

Division taken with the following result:—

Ayes—12.

Hon. G. Bennetts	Hon. F. R. H. Lavery
Hon. E. M. Davies	Hon. H. C. Strickland
Hon. J. J. Garrigan	Hon. R. Thompson
Hon. W. R. Hall	Hon. W. F. Willesee
Hon. E. M. Heenan	Hon. F. J. S. Wise
Hon. G. E. Jeffery	Hon. J. D. Teahan

(Teller.)

Noes—14.

Hon. C. R. Abbey	Hon. G. C. MacKinnon
Hon. J. Cunningham	Hon. J. Murray
Hon. L. C. Diver	Hon. C. H. Simpson
Hon. A. F. Griffith	Hon. J. M. Thomson
Hon. J. G. Hislop	Hon. H. K. Watson
Hon. L. A. Logan	Hon. F. D. Willmott
Hon. A. L. Loton	Hon. R. C. Mattiske

(Teller.)

Majority against—2.

Motion thus negatived.

Clause put and passed.

Clause 14 to 16 put and passed.

Sitting suspended from 12.46 to 2.15 p.m.

Clauses 17 to 25 put and passed.

Clause 26 put and a division called for.

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

Division taken with the following result:—

Ayes—14.

Hon. J. Cunningham	Hon. R. C. Mattiske
Hon. L. C. Diver	Hon. H. L. Roche
Hon. A. F. Griffith	Hon. C. H. Simpson
Hon. J. G. Hislop	Hon. J. M. Thomson
Hon. L. A. Logan	Hon. H. K. Watson
Hon. A. L. Loton	Hon. F. D. Willmott
Hon. G. C. MacKinnon	Hon. J. Murray

(Teller.)

Noes—12.

Hon. G. Bennetts	Hon. F. R. H. Lavery
Hon. E. M. Davies	Hon. H. C. Strickland
Hon. J. J. Garrigan	Hon. J. D. Teahan
Hon. W. R. Hall	Hon. R. Thompson
Hon. E. M. Heenan	Hon. F. J. S. Wise
Hon. G. E. Jeffery	Hon. W. F. Willesee

(Teller.)

Majority for—2.

Clause thus passed.

Clause 27—Certain trade associations exempt from registration:

The Hon. L. C. DIVER: I move an amendment—

Page 13, line 19—Insert after the word "whose" the word "principal."

I move this amendment because it would be possible, as a result of the lesser objects of the association, for it to avoid registration.

The Hon. A. F. GRIFFITH: I have no objection to the amendment.

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

Clause 28—Trade associations required to be registered notwithstanding incorporation under other Act:

The Hon. L. C. DIVER: I move an amendment—

Page 13, line 28—Insert after subclause (1) a new subclause to stand as subclause (2) as follows:—

(2) A Trade Association of which registration shall be refused or cancelled shall be dissolved and wound up within ninety days of such refusal or cancellation.

There is nothing in the Bill stipulating what shall happen to an association if it is not acceptable to the registrar. An association could be refused registration by the registrar, but, without keeping any minutes, it could still continue to function under a gentlemen's agreement. I want to ensure that a trade association, the rules of which do not comply with the provisions in the Bill, may continue to function.

The Hon. A. F. GRIFFITH: I cannot understand the necessity for this amendment, because if a trade association cannot be registered it will not have any effect on industry. It will then become an ornament, without any aim or objective. The Bill provides for the compulsory registration of a trade association before it can function and achieve its objectives. The purpose of the amendment is good, but the amendment itself is unnecessary.

The Hon. L. C. DIVER: There is nothing to stop an existing trade association, the rules of which may not comply with the provisions in the Act, from continuing to function. Even if the point raised by the Minister is conceded, no harm will be done by leaving the trade association to function.

The Hon. A. F. GRIFFITH: I did not say that this would not do any harm. I said it was unnecessary to have the amendment. I refer to the wording of clause 25 which provides for the registration of trade associations, and to clause 31 which deals with the power of the registrar to refuse registration. If a trade association cannot be registered, there is no purpose in continuing its existence. If a trade association is not registered, I doubt whether it would come within the provisions of the Bill. I ask the honourable member not to proceed with the amendment.

The Hon. H. K. WATSON: The amendment is really supplementary to the proposed amendment to clause 31. In order that the amendment before us can be discussed intelligently I refer to the proposed amendment to clause 31. It should not be left to the personal opinion of a public servant to determine whether or not the rules of a trade association are in the public interest. There may be very many considerations about which the individual concerned never thought.

It could well be that, with a provision like this in the Bill, the registrar and some of his understrappers may regard themselves as men with a mission to purify the commercial life of Western Australia according to their ideas; and when I say that, I have in mind a practice which was in operation under the Act which this Bill seeks to repeal. It came to my notice that one of the commissioner's officers—not the commissioner or even his first or second officer, but only an inspector with no great qualifications—was carcering around the countryside interviewing country merchants and telling them that they ought to apply to a particular manufacturer in Perth for a discount of 10 per cent. on one of his products, because that was the discount being allowed in the metropolitan area. That story was a pack of lies from beginning to end; but I know it was actually told. If a man like that was in this position, there is no telling what damage would be occasioned to industry generally.

I suggest that if the rules are registered and it becomes apparent from those rules that there is a case, I should say that Parliament, with the facts before it, could very easily dissolve that organisation if such dissolution were in the public interest. The dissolution of any organisation should not be determined by a civil servant—not even a highly-placed civil servant with all his qualifications—but

should be determined by Parliament itself. We have the classic example of the time when an attempt was made to dissolve the Communist Party or other organisation with Communist leanings. Such Party or organisation was to be dissolved if some high executive officer, or the Minister, was of the opinion that its rules were subversive or contrary to the good interests of the public. The court held that that was not a proper decision to leave to an individual, but that it should be determined by Parliament. I suggest that Mr. Diver should consider what I have said and study his amendment again, because it seems to me to be placing undue power in the hands of a particular officer.

The Hon. A. F. GRIFFITH: I would like to draw Mr. Diver's attention to the fact that when he was speaking on the second reading he told us he thought the registrar could be anyone, and that he need not necessarily have any qualifications whatsoever. That could be so; but personally I do not think the Minister would act in such an irresponsible manner, but would obtain the best person offering. However, it could be so; and I agree with Mr. Watson that we will be giving him a very large and heavy responsibility, because the amendment is so worded that the decision is to rest on this one man's opinion.

We argued until the early hours of the morning in 1956 on a very similar provision in the legislation which is now on the statute book. It was stated that the commissioner for unfair trading was a man who was going to be the judge, jury, and prosecutor in view of the provisions in the Act. This provision does not go quite as far as that, of course. However, this Bill provides that in the absence of the registrar, there shall be some other person appointed as registrar. Again, the decision would be left in the hands of one person. I do not believe that it is right to place the responsibility upon the shoulders of the registrar.

The Hon. L. C. DIVER: I have listened very carefully to what Mr. Watson and the Minister have said, but I insist that, without these amendments being incorporated, the Bill will be almost as useless as the existing legislation, and it might as well be defeated at the third reading and thus allow the present legislation to continue to operate.

If ever it became necessary to make an appeal, surely a judge of the Supreme Court would be the person to whom the appeal should be made, because he would be the competent authority to decide what action would be in the best interests of the public. Even the British Parliament does not try to do this. Outside committees are charged with that responsibility. It would be impracticable to bring each individual

case to Parliament for decision. Consequently I hope the Committee will agree to the amendment.

The Hon. A. F. GRIFFITH: I would like to make one further comment. The rules of these associations will be registered and brought to the light of day.

The Hon. L. C. Diver: That is so.

The Hon. A. F. GRIFFITH: I think it is too much of a responsibility to ask anybody to do what is suggested in the honourable member's amendment. This is trial legislation; and in the light of how it operates in the months to come, Parliament will have an opportunity of giving further consideration to it. I suggest to the honourable member that he give it an opportunity, and we can see how it works out. If it is not working properly, amendments can be moved next session.

The Hon. H. K. WATSON: Mr. Diver referred to the position in the United Kingdom where outside bodies determine what is or is not in the public interest. But that is vastly different to the position here. We propose to leave the matter to the registrar with a right of appeal to a judge in chambers. With all due respect to a judge, who would be well skilled in matters of law, there are many other points which have to be taken into consideration—points of practical importance. That has been recognised in the United Kingdom, because it is not an outside body such as the honourable member suggested, but a court, which makes the determination.

The Hon. L. C. Diver: It is not Parliament. You suggested Parliament.

The Hon. H. K. WATSON: It is a court, established as a court; and, speaking from memory, it consists of about four judges and 11 leaders of industry—men who are experts in their own particular line. It is a miniature Parliament, and is a vastly different outside body to that which we are asked to agree to in this amendment. Let us assume that the Bill is passed and every organisation submits its rules and agreements to the court. As one member said to me yesterday, he would very much like to run through these rules and regulations, and study them. If it occurred to the registrar or anyone else that some action was warranted, it would be the easiest thing in the world to bring down a Bill to dissolve the organisation concerned.

I am reminded that in Canada every marriage that is dissolved requires an Act of Parliament. Therefore, if the Canadian Parliament can spend time each year in passing 200 or 300 Acts dissolving marriages, surely this Parliament could spend a day or two considering a Bill to dissolve any organisation which was considered to be contrary to the public interest!

The Hon. L. A. LOGAN: I would like to ask Mr. Diver to clarify one point. The amendment states that a trade association of which registration has been refused or cancelled shall be dissolved and wound up within 90 days of such refusal or cancellation. If that means a refusal or cancellation by the registrar, despite the fact that there is an appeal to the court, a man's business could be wound up before his appeal was heard.

The Hon. L. C. DIVER: How could the registrar's determination be final if there was a test case pending? If a case was pending, the dissolving of the business would have to wait. It means 90 days after the final determination has been made; and it would mean 90 days after the appeal, if one was made.

The Hon. L. A. Logan: Not the way this reads.

The Hon. L. C. DIVER: I think so.

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

Ayes—11.

Hon. E. M. Davies	Hon. H. C. Strickland
Hon. L. C. Diver	Hon. J. D. Teahan
Hon. J. J. Garrigan	Hon. R. Thompson
Hon. E. M. Heenan	Hon. J. M. Thomson
Hon. A. L. Loton	Hon. G. Bennetts
Hon. H. L. Roche	(Teller.)

Noes—13.

Hon. C. R. Abbey	Hon. R. C. Mattiske
Hon. J. Cunningham	Hon. J. Murray
Hon. A. F. Griffith	Hon. C. H. Simpson
Hon. J. G. Hlaslop	Hon. W. F. Willesee
Hon. F. R. H. Lavery	Hon. F. D. Willmott
Hon. L. A. Logan	Hon. H. K. Watson
Hon. G. C. MacKinnon	(Teller.)

Majority against—2.

Amendment thus negated.

The Hon. L. C. DIVER: I move an amendment—

Page 13, line 31—Add after the word "pounds" the following words "and in addition a daily penalty not exceeding five pounds for every day during which the offence continues."

The Hon. A. F. GRIFFITH: I understand the penalty provided in this clause is a continuing penalty. If an association does not register, it is fined £100; if it still does not register, it is fined another £100, and so on until it registers. The amendment means that if there were 200 people in an association they would each be fined £5, which would cost the association £1,000 a day for each day it did not register. That seems extremely harsh.

The Hon. L. C. Diver: If you are sure that the £100 is a continuing penalty I will be satisfied.

The Hon. A. F. GRIFFITH: I am assured it is. My colleague, the Minister for Labour, told the other House he was of the opinion that it was a continuing penalty and that the association could be fined £100 for each day it did not register.

The Hon. L. C. DIVER: If that is the position I am quite happy.

The Hon. F. J. S. Wise: I do not think it is.

The Hon. L. C. DIVER: But I would like the Minister's complete assurance on the point.

The Hon. H. K. WATSON: I think the Committee may take it as fairly certain that the Minister's explanation is correct. Until the association rectifies its breach of the Act, the prosecution will be liable to continue.

The Hon. A. F. Griffith: It does say that every member of the association commits an offence.

Amendment put and negatived.

The Hon. F. J. S. WISE: I regret Mr. Diver was so easily forced into silence on this, because if members read the clause carefully they will find it is a charge against the association and not against any member of it. Every member of a union is not fined for a breach of the Industrial Arbitration Act.

The Hon. A. F. Griffith: What about the words, "every member of the trade association commits an offence"?

The Hon. F. J. S. WISE: But it does not say he is going to be fined.

The Hon. H. K. Watson: It says so on the next line.

The Hon. F. J. S. WISE: It only says "Penalty: £100"—but against whom?

The Hon. H. K. Watson: Against the person who commits the offence.

The Hon. F. J. S. WISE: No, against the association. We should make sure that it is a continuing penalty.

The Hon. L. C. DIVER: Mr. Chairman—

Point of Order

The Hon. H. K. WATSON: Mr. Chairman, have we not disposed of the amendment?

The CHAIRMAN: Yes; and the question now is that clause 28 stands as printed.

Committee resumed

The Hon. A. F. GRIFFITH: I do not desire to lock Mr. Diver or anybody else out of the discussion. To the best of my knowledge this is a continuing penalty. That is the information I have. If the registration does not take place in the first instance, there could be recurring prosecutions.

The Hon. L. C. DIVER: I suggest to the Minister that we pass on to the next clause, and that he get a Crown Law ruling to make sure that each member of the association as well as the association creates an offence under this clause.

Clause put and passed.

Clauses 29 and 30 put and passed.

Clause 31—Power of Registrar to refuse registration:

The Hon. L. C. DIVER: I move an amendment—

Page 15—Add new subclauses to stand as subclauses (2) and (3) as follows:—

- (2) The Registrar shall also refuse to register any trade association if, in his opinion, any Rule thereof is contrary to the public interest or unduly onerous on members or on any person who may thereafter apply to become a member thereof.
- (3) Any Association aggrieved by any decision of the Registrar under this section may within thirty days of the giving thereof appeal against the same in manner in this Act provided.

The Hon. L. C. DIVER: We are back to the point about which we had a considerable discussion a short while ago. As far as I am concerned these amendments are vital to the Bill. I hope the Minister will not have them excluded, because he will force me into an action I do not want to take.

The Hon. H. K. WATSON: So far as I am concerned this question was, to all practical intents and purposes, decided on clause 28.

The Hon. A. F. GRIFFITH: I want to repeat that I think this is too great a responsibility to place upon the registrar. I say to Mr. Diver that it is not reasonable to expect that any association would have the nerve to put forward a rule which was detrimental to the public interest. This legislation will require associations to do certain things; and if they do things in contravention of the legislation, they will invite the penalties laid down in the penal clauses. It would be possible to have a registrar who had the most extraordinary opinions.

The Hon. L. C. Diver: Would that apply to a judge?

The Hon. A. F. GRIFFITH: No; it would not necessarily apply to a judge, although I have seen five High Court judges sit on the same bench and have different opinions. I ask Mr. Diver to give the legislation a trial; and if it is found in the report of the registrar that the things he envisages are happening, it will then be up to Parliament to lay down what, in the opinion of Parliament, shall be things which are detrimental. To leave it to the imagination of not only the individual who would be the registrar today, but also to the imagination of the man who would act in his place, is taking too great a risk.

The Hon. J. G. HISLOP: I am worried about the wording of this provision. I remember discussions we had previously as

to what an appeal was based upon. If an appeal is made, one is virtually appealing against an opinion.

The Hon. A. F. GRIFFITH: That is what we had in the previous Act.

The Hon. J. G. HISLOP: Yes. I think we have had discussions in the past as to whether an appeal would be on a subject matter or on the opinion of an individual. If I remember rightly, we had a reply from a judge who said that if a man exercised his opinion justly and honestly, that was all that could be appealed against. If we laid down conditions under which appeals could be refused, we would then have something definite.

The Hon. H. K. WATSON: Following the point mentioned by Dr. Hislop, the position would be this: If there were an appeal, the registrar would be placed in the invidious position of having to go into the witness box and be cross-examined by counsel for the appellant as to the grounds on which he arrived at his decision. I feel no public servant should have to be subjected to cross-examination; he should discharge his duty, and he or the Minister should take the responsibility.

The Hon. J. G. Hislop: He is not a compellable witness.

The Hon. H. K. WATSON: If not, we do not get anywhere.

The Hon. L. C. DIVER: Without the amendments I have moved, this Bill will be useless. There is nothing in it, because the very thing that the Bill presupposes it will deal with can be avoided. The Bill is a lot of writing which means nothing. It appears that quite a few members have discovered that the teeth I wish to insert into the Bill are so obnoxious that they do not want the dentures to be fitted. We have reached a stage in our deliberations where I cannot give my blessing to the Bill unless my amendments are accepted.

The Hon. A. F. GRIFFITH: If Mr. Diver would be good enough to have another look at clause 31, which is the clause that lays down the power of the registrar to refuse registration, he will find that it sets out in detail the things required to be done. I venture to say that a trade association, would not, in its own interests, try to register itself with powers that would be detrimental to the community. It has to try to show that it is a *bona fide* organisation.

Clause 15 does say that the registrar shall not be a compellable witness. If the amendment were accepted the aggrieved party would say, "I do not think what the registrar said is true," and the registrar would say, "The Act lays down that I can refuse registration because it contains the words 'in his opinion'." There the position starts and finishes. I hope the Committee will agree to the clause as printed.

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

Ayes—9.

Hon. G. Bennetts	Hon. H. L. Roche
Hon. E. M. Davies	Hon. H. C. Strickland
Hon. L. C. Diver	Hon. J. D. Teahan
Hon. E. M. Heenan	Hon. J. J. Garrigan
Hon. F. R. H. Lavery	(Teller.)

Noes—15.

Hon. C. R. Abbey	Hon. J. Murray
Hon. J. Cunningham	Hon. C. H. Simpson
Hon. A. F. Griffith	Hon. R. Thompson
Hon. J. G. Hislop	Hon. J. M. Thomson
Hon. L. A. Logan	Hon. H. K. Watson
Hon. A. L. Loton	Hon. F. D. Willmott
Hon. G. C. MacKinnon	Hon. W. F. Willesee
Hon. R. C. Mattiske	(Teller.)

Majority against—6.

Amendment thus negatived.

Clause put and passed.

Clauses 32 to 40 put and passed.

Clause 41—Power to make regulations:

The Hon. J. G. HISLOP: I would like the Minister to tell us why, in a measure like this, it is necessary to have power to make regulations.

The Hon. A. F. GRIFFITH: In most pieces of legislation of this nature, it is necessary to have regulations. The measure which the Bill seeks to repeal provides for regulations.

The Hon. H. C. Strickland: Regulations are necessary to meet changing circumstances.

The Hon. H. K. WATSON: I support what the Minister has said. It is wise to include the power to make regulations, even if we cannot, at the moment, visualise what they will be actually needed for. The Money Lenders Act, by some extraordinary circumstance, refers to regulations, but does not include power to make regulations. We will shortly be discussing that question.

Clause put and passed.

The Hon. L. C. DIVER: I do not think it would be of any use for me to proceed with my proposed new clause 33.

The CHAIRMAN: If the honourable member does not desire to go on with his new clause, that is all right.

Schedule:

The Hon. A. L. LOTON: The schedule provides for only a common witness. I think in such an important matter the witness should be at least a justice of the peace.

The Hon. A. F. GRIFFITH: I see no objection to that, if the honourable member cares to move accordingly. I point out, however, that the word, "witness" can apply to anybody. It could apply to a Supreme Court judge. I will inquire into the situation and, if necessary, arrange that the word "witness" shall be qualified in some way.

The Hon. H. K. WATSON: This declaration is related to clause 13. The clause does not stipulate what the penalty shall

be if an officer commits a breach. The penalty may be covered by the provisions of clause 39. I was under the impression that, generally, if a departmental officer committed a breach in regard to secrecy, he suffered not merely a pecuniary penalty, but a term of imprisonment.

The Hon. A. F. Griffith: There would certainly be the penalty of dismissal to go with whatever penalty was imposed.

Schedule put and passed.

Title put and passed.

Bill reported with an amendment and the report adopted.

Third Reading

THE HON. A. F. GRIFFITH (Suburban—Minister for Mines) [3.27]: I move—

That the Bill be now read a third time.

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

Ayes—13.

Hon. C. R. Abbey	Hon. R. C. Mattiske
Hon. J. Cunningham	Hon. J. Murray
Hon. A. F. Griffith	Hon. C. H. Simpson
Hon. J. G. Hislop	Hon. J. M. Thomson
Hon. L. A. Logan	Hon. H. K. Watson
Hon. A. L. Loton	Hon. F. D. Willmott
Hon. G. C. MacKinnon	(Teller.)

Noes—13.

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

The **PRESIDENT**: The voting being equal, I give my vote with the ayes, and the question is resolved in the affirmative.

Question thus passed.

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

Sitting suspended from 3.45 to 4.12 p.m.

MONEY LENDERS ACT AMENDMENT BILL

First Reading

Bill received from the Assembly; and, on motion by the Hon. A. F. Griffith (Minister for Mines), read a first time.

Second Reading

THE HON. A. F. GRIFFITH (Suburban—Minister for Mines) [4.12] in moving the second reading, said: This Bill is the result of careful consideration, not only by officers of the Crown Law Department, and others usually concerned, but also by the Law Reform Committee of the Law Society of Western Australia. The provisions in the Bill have, in general, been agreed to by all these persons.

Under the principal Act, the expression "moneylender" includes a person who lends money at a rate of interest exceeding 12½

per cent. per annum. Under section 9 of the Act, no contract for repayment of money lent by a moneylender, or for interest; and no security given in respect of a contract, is enforceable unless the borrower personally signs the note of the contract, and a copy of the contract is sent to the borrower within seven days of the making of the contract.

Prior to 1956, the courts had held that a borrower, as a condition of being granted relief for failure to comply with this section, must repay such moneys borrowed as were still outstanding. But in 1956, the Privy Council overruled that decision. In a recent local case—the Mayfair Trading Co. v. Eastern Acceptance Corporation—it was held that where the moneylender commits a breach of section 9, he cannot recover either his principal or his interest. The then Chief Justice (Sir John Dwyer) described the operation of the section as harsh and unconscionable.

It is fair to point out at this stage that in recent times there has been some considerable change in what may be called the character or class of the moneylender. In addition, the persons who can be put into that category have greatly increased in number; at least so far as the effect of the Act upon them is concerned.

Originally, the conception of a moneylender was a person who set up in business to lend money to others, frequently at exorbitant or extortionate rates of interest. He was usually possessed of considerable capital; and he was able to derive a very considerable profit from the transactions.

The intention of Parliament in passing the parent Act was to control the activities of such persons, as without that control it was felt that their usurious methods might go too far. More frequently, however, many individuals, treating the matter merely as an investment of some savings of their own, have lent money to firms and corporations at such rates of interest as to bring them within the definition of "moneylenders." It is felt necessary, therefore, to take some action to ensure that these people will not be unduly penalised by the provisions of the parent Act.

A borrower is protected from excessive usury by section 11A of the Act, which limits the maximum rate of interest to 15 per cent.; and also by the power of the court, given by section 4, to reopen money-lending transactions and relieve the borrower from the liability to pay excessive interest.

Recent advertisements to borrow money at rates of interest in excess of 12½ per cent. per annum have placed many people, who invested their savings in response to these advertisements, in a position where they probably have no right to recover

either their principal or their interest. Having lent money at more than 12½ per cent., it is more than likely that they cannot recover either the principal or the interest as a result of the operation of section 9 of the Act. Therefore, it appears that section 9 can now operate to make the borrower the oppressor; and not, as was originally thought, the money-lender.

Accordingly, the Bill has been introduced in an effort to bring the law into line with modern-day transactions while, at the same time, preserving the fundamentals of the parent Act. The burden has been placed on the moneylender to give the borrower a note or memorandum of the contract, and a true copy of the document of security. But new subsections preserve the right of the moneylender to recover his principal, and also his interest, within the rates prescribed by the Act.

While the Bill is not expressly declared to have retrospective operation, it will affect contracts made prior to its passing by preventing a borrower from relying on the repealed provisions to avoid liability for the repayment of principal and interest.

In the appeal before the High Court in the Mayfair Trading Co. case, it was pointed out that there was a doubt as to whether the maximum rate of 15 per cent. mentioned in section 11A of the Act, could be altered by regulations. The Bill contains a provision to place that point beyond doubt, by providing that the rate can, without any question, be altered by regulations, but that the maximum rate so altered shall not exceed 12½ per cent. In the meantime the maximum will stand at 15 per cent.

Another clause in the Bill prohibits advertising willingness to borrow money at a rate of interest in excess of 12½ per cent.; and the last clause increases the penalty for an offence against the Act from £50 to £250.

It is also proposed to provide a minimum fine for any person carrying on business as a moneylender without being registered or during a period when his registration has been suspended or cancelled. The present maximum fine is £100 for a first and subsequent offence except where the offender is a body corporate, when the maximum fine for a subsequent offence is £500. The proposed minimum fine is £50 where the maximum is £100, and £100 where the maximum is £500.

I do not know the views of members regarding this Bill. Mr. Strickland may require a little time to consider the matter, and I am agreeable to a short adjournment. On the other hand, other members may be prepared to go on with the debate. Unless we receive further messages from the Assembly to enable us to continue with the business of this House, I have no

objection to the suspension of the sitting to enable members to consider the measure. I move—

That the Bill be now read a second time.

THE HON. H. C. STRICKLAND (North) [4.20]: As this is a very important Bill, and as it is being introduced at a very late stage of the session, a short adjournment should be made to enable members to consider it. I admit there is not much time left during the present session of Parliament, but I am prepared to take advantage of the Minister's offer, to obtain an adjournment, unless it is the wish of other members to continue the debate.

THE HON. H. K. WATSON (Metropolitan) [4.21]: This Bill deals with money lenders. The law in this respect goes back a long way. Moses did not bring the law back from Mt. Sinai on the tablet, but those of us who have studied the history of common law will realise that in 1179 the third Lateran Council brought down laws against usury. Those laws on usury operated from 1179 to 1854, when they were repealed by the United Kingdom Parliament and substituted by a Money Lenders Act, which seems to have formed the basis of the moneylenders legislation throughout almost every part of the British Commonwealth. As I understand the position, the principle under the law, which has always provided relief in respect of transactions regarded as usurious, is to preserve the equity of the borrower and to have the whole transaction rescinded.

The court will do this in order that both parties may revert to their original position. Until very recently that has been the reason why the borrower has had to submit to the repayment of the money borrowed remaining unpaid. In other words, the borrower could be relieved of the total amount of interest, but he was always put on terms to repay at least the principal. The relief consisted of restoring the borrower to his position before the transaction occurred, but it did not give him a bonus, or an unfair advantage over the lender.

That was the law, as it was understood for hundreds of years. There was a decision made as far back as 1789, others in 1830 and 1944, and another by the High Court in 1929. Then in 1956 there occurred the unexpected decision given by the Privy Council which upset the law as it had been understood for hundreds of years. That decision arose under a section of the Nigerian Money Lenders Act which is similar to section 9 of the Money Lenders Act of this State; and, in turn, the latter section was copied from the Money Lenders Act of the United Kingdom.

Section 9 provides, among other things, that when a moneylender makes a loan he shall give to the borrower a memorandum containing all the terms of the contract, and showing, in particular, the date

on which the loan was made, the amount of the principal, and the interest charged on the loan expressed in terms of a rate per centum. It also provides that he shall deliver that note or memorandum to the borrower, and shall obtain a receipt or acknowledgment by the borrower that he has received from the moneylender the note or memorandum. The section also provides that if the moneylender fails to observe the technicalities in that provision, the security is unenforceable. Section 9 has been in the Money Lenders Act since 1912; and it was in the United Kingdom Money Lenders Act for many years before that. As I said, it also appears in the Nigerian Money Lenders Act.

Notwithstanding that provision, the courts have always interpreted section 9 as having to be read in the light of the rules of equity; and they have said that the limit of the relief to be granted to the borrower was such as to put him in the same position he would have been in, had the transaction not been entered into. However, in 1956 the Privy Council ruled that the position was, in fact, different from what it had been understood to be for hundreds of years; and that under the strict wording of this section, moneylenders who did not comply with the provision could not recover any of the money they had loaned—neither the interest nor the principal could be recovered.

It is a matter for regret that promptly after the giving of that decision, action was not taken by the then Government to bring down a Bill to restore the law, and to declare it to be what everyone had thought it to be for a couple of hundred years.

However, nothing was done; and in 1958 a legal case arose, which the Minister for Mines mentioned, between the Mayfair Trading Co. and Eastern Acceptance Corporation. In that case it was held that the lender had loaned a business concern some £20,000 at interest with an effective rate of something like 20 per cent. In turn this money was being loaned out by the borrowing company and yielding interest close on 40 per cent. It was held by the High Court that the borrower was not entitled to recover either the principal or the interest on the amount of the loan. Therefore it can be seen that the unexpected decision of the Privy Council in 1956, which was followed by the High Court decision in 1959, has produced the position that even though the borrower is fully aware of the terms and conditions upon which he is borrowing the money, the mere failure to observe some technical requirements in the Act deprives the lender of the right to recover interest or principal.

To some members it may seem that any person who takes advantage of a provision like section 9 is almost pleading the Gaming Act. This Bill is designed to overcome

that position and to restore the situation to that which everyone, until 1956, believed it had been for about 200 years. The principle in this measure is that if a person has not complied with section 9 in giving the normal memorandum and so on he shall not be denied the right to recover his principal but shall be limited to interest at the rate which, I think, is 12½ per cent. in the Bill at the moment. On a broad view I can see nothing wrong with that principle. Indeed, I think it has a lot to commend it.

Over the years there has been a great change in the character of borrowers. In 1912, when this Act was promulgated, the position was that the average borrowers consisted of impoverished citizens who were short of funds through misfortune, misadventure, or by an act of Providence; and the law made in that year was designed to prevent such persons from exploitation. In those days, of course, there were no social service benefits.

Today, however, we find that the borrowers are not so much the family men who can, if they are out of employment, draw social service benefits, but are people in an entirely different class. They consist of the mighty industrial companies and big hire-purchase companies; and, in some cases, it would appear that they consist of plain racketeers who are all well able to protect themselves from exploitation.

We know that the hire-purchase companies are an integral and essential part of business. They borrow extensively at high rates of interest and lend out at a higher rate. Today we know they have something in the order of £360,000,000 outstanding. Income tax contributions also have permitted many companies to alter their method of finance. For example, four years ago throughout Australia, for every £2,000,000 that public companies raised by way of shares, they raised £1,000,000 by way of loans and debentures. Today, for every £1,000,000 they raise by way of shares, they borrow £3,000,000 by way of loans and debentures. Therefore during the years there has been a changed outlook on interest rates; and the circumstances of Federal income tax are such that it is advantageous to a company to raise its money by borrowing rather than by shares because, whereas if it raised money by way of shares it could pay a dividend of 10 per cent.; it could, if it raised the same sum by way of loan, pay interest at the rate of 16 per cent. without having to make any extra profit. It is a business proposition for a company to offer to pay 16 per cent.; and in doing so it has to exert itself no more than it would have to, to pay a dividend of 10 per cent. Similarly, it could pay interest of 12 per cent. without exerting itself any more than it would have to in order to pay a dividend of 7½ per cent.

Then again we find that 100 or 200 years ago a moneylender paid no income tax on his interest. But today every moneylender has the tax gatherer as a sleeping partner in his business.

The Hon. F. J. S. Wise: A very alert sleeping partner!

The Hon. H. K. WATSON: Yes; and he collects up to 12s. in the £ out of profits made by the moneylender. Then we have the consideration also of the erosion of capital through the depreciation of the currency. It has been stated that, because of our present financial system, the currency depreciates at the rate of anything up to 3 per cent. per annum, which makes me realise that, even as I am talking, any notes which I may have in my pocket are shrinking.

We find, too, that today the moneylender has been elevated to quite an important position. He can lend money at 7 per cent. and be guaranteed by the Treasury against loss for lending his money. There were times when even 7 per cent. was regarded as excessive.

The Hon. F. J. S. Wise: Not long ago either!

The Hon. H. K. WATSON: That is right. And yet today a moneylender can lend money at 7 per cent. and be guaranteed against loss of interest and capital.

There is one provision in the Bill which indicates the change that has taken place since the promulgation of the parent Act. Section 20 of that Act provides that a moneylender shall not advertise to lend money at 15 per cent. However, in 1959 it is proposed to provide that a person shall not advertise to borrow money at a rate exceeding 12½ per cent. We see that we have gone a full circle and that today the exploiters, tricksters, and double-dealers are to be found not in the tents of the moneylenders but in the tabernacles of the borrowers; and legislation which was designed to protect innocent persons from actions of go-getters will actually expose them to exploitation. That is a position we face when considering this Bill.

The business of moneylending, as it was known in 1912, has, like the lamplighter, the pawnbroker, and the blacksmith, virtually gone out of existence; and yet we have this paradox that, within the meaning of the Money Lenders Act, there are today many more moneylenders than there were in 1912. Although very few of our population of 700,000 suspects it, there are more moneylenders today than were ever dreamed of.

I would like to go through the reasons for this state of affairs. The long title of the Money Lenders Act of 1912 is, "An Act to amend the law with respect to persons carrying on business as Money-lenders." That was the basic object of the parent Act—to lay down the law with respect to persons carrying on business as moneylenders. But if we read section 3

of the Act we find that the expression "money-lender" is defined as including, first of all, any person whose business is that of moneylending; and, secondly, any person who advertises or announces himself, or holds himself out in any way, as carrying on that business.

That provision was copied from the United Kingdom Act of probably 100 years ago; and in the United Kingdom is where the definition of "moneylender" begins and ends today. But in 1913, Parliament inserted into our Act a further definition of "moneylender" namely—

Any person who lends money at a rate exceeding 12½ per cent.

So a person who never dreamed he was a moneylender, or a person who happens to invest money with a company on loan at more than 12½ per cent. is automatically a moneylender within the meaning of this Act; and, being a moneylender within the meaning of the Act, he is required to register as a moneylender; he is obliged to advertise in the public notices of *The West Australian* that he intends to apply to a court of petty sessions for registration as a moneylender; and he has to make application to a court of petty sessions to be granted a license. In addition, he must state his place of business on all his correspondence and everything else.

As well as doing all those things, even if he makes only one loan at 12½ per cent.—and this applies to many widows and other people—he is, under section 9, required to issue a memorandum to the borrower setting out the amount of the loan, the rate of interest, and so on. If a person fails to do that, under the law as it stands, he is entitled neither to the interest on the money nor to the recovery of the principal.

I understand that during the last four or five years many simple-minded people have invested money at more than 12½ per cent., never dreaming that they were moneylenders within the meaning of the Act; and, consequently, they did not take the precaution of obtaining this memorandum under section 9. Therefore they have no right to recover their principal. The fault of such an extraordinary position as I have just mentioned lies not with the unfortunate individual who may have put his life savings on deposit with some company, but rather with Parliament for the amendment which it made to the parent Act in 1913, when it declared that every person who made a loan at 12½ per cent. should be deemed to be a moneylender, and should be required to comply with all the provisions of the Money Lenders Act, just as though he was, in fact, carrying on a money-lending business.

To me that seems like burning down the hut to roast the pig, and it would be just as logical to enact that any person who lights a match is a firebug. In the

Mayfair case, in respect to the action of Parliament when, in 1913, it slipped in that third definition of a moneylender, namely, any person who lends money at 12½ per cent., the Chief Justice said—

These words were, so to speak, thrust in by section 2(a) of Act No. 19 of 1913. No doubt the amendment is inadequately conceived and perhaps crudely made. That appears to be true more or less on any view of its construction and operation.

I would have thought that, in the light of that criticism of section 3 of the principal Act, this Bill would attempt to rectify the position of which I have just made mention. In the absence of any attempt in the Bill as it stands to rectify that position, I have circulated some amendments to which I will refer when we get into Committee. They are designed, if I may say so, to knock a little sense into the Act as it stands.

By all means let a deserving person who borrows money at more than 12½ per cent. be protected; but surely there is a more commonsense way of protecting such a person than by declaring everyone who lends at more than 12½ per cent. to be a moneylender, even though they are not carrying on the business of money lending, or are not in any accepted sense of the word moneylenders! Therefore I consider that the definition section—section 3—should be amended by taking out the words, "or any person who lends money at 12½ per cent." That would then confine the Act to moneylenders, as they are generally understood to be—persons who are carrying on the moneylending business.

Section 4 of the parent Act provides that any borrower may apply to the court for equity or relief in respect to any moneylending transaction; and my proposition is that this section is sufficient to afford relief to the borrower. If we say that any person who lends money at over 12½ per cent. is to be a moneylender for the purposes of section 4, we will have protected the borrower, because the borrower will be able to go to court even against the person who has made only one loan of 12½ per cent. If the court considers the transaction harsh, unjust, or unconscionable, the court will be able to vary the transaction as it likes. So, by transferring the definition from section 3 to section 4 of the principal Act we will achieve my objective.

We will still protect the borrower; he will be able to take a person to court because he will be a moneylender for the purpose of section 4, but only for the purpose of section 4. But so long as we leave such a person in the categories listed in section 3, every individual—man, woman or child—who happens to make a single loan at more than 12½ per cent. will be a

moneylender within the meaning of the Act and will be liable to all sorts of penalties—to penalties by prosecution and also by forfeiture if he has not registered as a moneylender.

If my amendment is agreed to, we will get back to the real object of the legislation, which, as I indicated by reference to the long title to the Act, is to declare the law with respect to persons carrying on business as moneylenders.

In conclusion, I would like to say that I agree with Mr. Strickland that it is a pity this Bill has reached us so late in the session. It seems to me a Bill which, in ordinary circumstances, could well have been referred to a Select Committee for consideration and report back to the House. However, as we have it on the last day of the session, I think it would be impracticable at this stage to refer to a Select Committee because, until such time as the parent Act is amended, every day that goes by—and a few months would go by if this were referred to a Select Committee—we have the prospect of companies which have borrowed at more than 12½ per cent. having cases decided in their favour in the courts. Also, it seems to me that we should not further delay the possibility of the unsophisticated and the inexperienced being deprived of loans which, in all good faith, they have made to borrowers, such borrowers generally being companies. For those reasons I would not at this stage be prepared to support a reference to a Select Committee.

Although the Bill has arrived at such a late stage, we should deal with it and get it on the statute book. But with the Bill as it stands we are only doing half the job and we are leaving hundreds of unfortunate people in peril; we should amend it in the manner I have set out in my amendments on the notice paper.

The Hon. A. F. Griffith: The Law Society suggested these amendments 12 months ago.

The Hon. H. K. WATSON: As I have said, I really believe that they should have been put into operation in 1957 immediately after the Privy Council gave its unexpected decision.

The Hon. H. L. Roche: Why not put a time limit on it, and it will have to be brought up again?

The Hon. J. G. Hislop: Why the retrospective clauses?

The Hon. H. K. WATSON: So far as judgments are concerned?

The Hon. J. G. Hislop: Yes. We are trying to undo something that the courts have already decided on.

The Hon. H. K. WATSON: It is the Minister's Bill not mine; but my understanding of it is that in May, 1959, or thereabout, the High Court decided the Mayfair case.

The PRESIDENT: Would the honourable member address the Chair?

The Hon. H. K. WATSON: I said that in May, 1959, or some months earlier, the High Court gave its judgment in the Mayfair case; and, therefore, at the time this Bill was drafted and appeared in Parliament it was expected that its operations would not relate to the judgment of the Mayfair case; but, of necessity, it was essential for it to have retrospective effect, otherwise there would have been hundreds of cases cropping up in the future.

The Hon. J. G. Hislop: Would this bring up the Mayfair case again?

The Hon. H. K. WATSON: No. The whole principle of amending legislation is that Parliament never upsets a judgment. A judgment is given, and whether it be right or wrong, unexpected or otherwise, it stands; and when Parliament brings down remedial legislation it excludes that judgment. That is the position intended in this Bill. While that was the case when the Bill was introduced, we have the rather extraordinary situation of reading in yesterday morning's newspaper an indication that another judgment was given. On the question of whether that judgment would also be excluded, I do not feel disposed, or compelled, to express an opinion.

The Hon. A. F. Griffith: There may be other judgments if we allowed these circumstances to continue.

The Hon. H. K. WATSON: That is very true; unless we deal with the position now other judgments could crop up.

The Hon. L. C. Diver: Aren't there other judgments pending?

The Hon. H. K. WATSON: If there are, then the law should be clarified.

The Hon. L. C. Diver: As from today?

The Hon. H. K. WATSON: This Bill does not create a new principle; it merely restores the law to what everybody thought it was. As I said earlier, unless we pass the Bill in its present form together with the amendments I propose, we are virtually inviting a large number of people to play the game again.

The Hon. A. F. Griffith: It is exactly the same as making a bet with a bookmaker and saying you are not going to pay.

The Hon. H. L. Roche: Why make it retrospective?

The Hon. H. K. WATSON: It must be retrospective to be effective. With the one exception of the case decided yesterday morning, it will do no-one an injustice. The Mayfair case will not be affected by this. When this Bill was brought down the Mayfair Trading Co. judgment was the only one that we had; but because of the delay in the Bill going through, we have the judgment of yesterday morning to which I have referred.

I remind members of probably the most classic case of the intention of an Act not being carried out. I refer, of course, to the Income Tax Act. In about 1922 because of certain provisions of that Act, it looked as though the High Court would declare the whole Act invalid. What happened? Parliament allowed the one case on which the issue was raised—the case of British Imperial Oil—to stand. Parliament said that an amending Bill would be brought down to prevent anyone from raising the same point in the future, but that the Bill would not apply to the case I have mentioned. For those reasons I support the second reading of this Bill.

THE HON. E. M. HEENAN (North-East) [5.5]: I cannot assume that all members have read through the provisions of this measure and understood their implications.

That point of view seems to have been conceded by the Minister when he introduced the Bill and suggested that some space of time—which could only be a matter of minutes, or barely hours—be allowed members in order that they might make themselves fully conversant with this measure.

I am not going to blame the Minister for bringing before us a complex and technical Bill of this nature a few hours before we propose to terminate this session. That situation was no doubt entirely out of his control. But I think we all know for a fact that this measure was in another place for some considerable time.

The Hon. L. A. Logan: Since the 22nd September.

The Hon. E. M. HEENAN: I think it is almost unforgivable, therefore, that it should be placed in our lap at 5 o'clock on Friday, the 27th November, a few hours before we hope to terminate the session. I am a lawyer, and I should have some advantage over the average layman in comprehending a measure such as this; but I say quite sincerely that in the brief time I have had to study the Bill I have not been able to satisfy myself that I comprehend its provisions and implications.

If members will read it and try to work out, for instance, what clause 2 covers and means in its entirety, they will find it a most difficult task. My friend, Mr. Watson, has just delivered a very interesting and comprehensive outline of the history of moneylending, and the legislation that has been enacted throughout the centuries for the purpose of protecting borrowers. He went on to deal with the law as it has been unfolded; of decisions of our own court and of the High Court of Australia, and also of the Privy Council, in recent years. I think a fair summary of his remarks would be that the conclusion he reached was that very few people understood what was what at the present time. The courts have given decisions which apparently have caused surprise.

The Hon. A. F. Griffith: And loss.

The Hon. E. M. HEENAN: And, as these far-reaching decisions always do, they have caused losses in many instances where people did not imagine they were going to suffer such loss.

The Hon. A. F. Griffith: About £200,000 in the Gill case.

The Hon. E. M. HEENAN: This all adds up, in my opinion, to the fact that this highly technical and perhaps controversial measure should be given far more consideration and thought than is being given to it; and members of Parliament should be given far more enlightenment than they are at present. If we had another few days, or preferably a few weeks, we could all perhaps accumulate some of the knowledge, or points of view, of experts, which I consider are most necessary for a proper consideration of this measure.

My proposal at the proper time will be for this measure to be referred to a Select Committee if it receives a second reading. My friend Mr. Watson agrees that in normal circumstances that would be the proper way to deal with it; and invariably we have done that in the past. Was not the Parliamentary report on licensing of considerable assistance to the Government in bringing in the worth-while amendments with which we have dealt this session? Was it not of assistance to the various members who had to consider that measure? Yet the Licensing Act is comparatively simple alongside the Money Lenders Act, and the various decisions given by the High Court in recent months and recent years. Only a couple of days ago our own Chief Justice made the following comment as reported in *The West Australian* on the 26th instant:—

The Judge described the Money Lenders Act as an example of the inadequacy of words to convey ideas.

That is surely an Act that needs some far-reaching attention. Accordingly I entirely agree with the view held by Mr. Watson that this Bill is a subject, and a very apt subject, for a Select Committee, which, possibly, could be converted into an Honorary Royal Commission.

The Hon. A. F. Griffith: The circumstances differ in this case.

The Hon. E. M. HEENAN: Mr. Watson agrees with that point of view, but he says events may happen which will make it imperative that we should do something at the present time to protect people. He is afraid that a number of innocent parties are going to lose their money in the meantime. Let me point out that the Supreme Court is going to enter on vacation within a matter of a few weeks, and it will be almost impossible for many such cases to be dealt with by the courts within the next two, three or four months.

Anyhow, why should we be in a desperate hurry to amend a law for the sole purpose of protecting people who have broken

that law? They might have done it innocently or misguidedly, but, as the law has been interpreted, anyone who lends money at a rate of interest exceeding 12½ per cent. flouts the Money Lenders Act. Perhaps "flouts" is not the correct word; they have contravened the Money Lenders Act. Therefore, I cannot see any need for us to be in a desperate hurry, because not much in the way of litigation can occur within the next three or four months. It takes time to get a case before the courts; and, as I said, the Christmas vacation is about to commence.

The purpose and motive of this Bill are not very good ones, as revealed by Mr. Watson. Its main function is to alter the state of law which has been set forth by the High Court. The High Court has given a decision, which has had unexpected consequences. Therefore, the Government has brought down this legislation almost solely for the purpose of altering that state of affairs. The Bill would probably not have been introduced but for the Mayfair case.

Surely the function of Parliament is something wider and more comprehensive than that. Surely the aim and object should be to have a comprehensive review of this Act which is now out of date, and which badly requires bringing up to date to conform with modern commercial practices and requirements. That should be the aim and object; and, in order to do that, a comprehensive review of the measure should be made—and this is the time to make it.

I do not want to weary the House, but I would like to quote from an article published in the *Australian Law Journal* of the 26th January, 1956. The heading is, "Moneylenders and the Law," and it reads as follows:—

The conflict of moneylending legislation with the practical requirements of business.

At a time of artificial restriction of normal credit facilities and of the consequent resurgence of the "dear money" market, the attention of the legal profession is continuously directed to the legislative provisions relating to the activities of the "moneylender."

The moneylending legislation of all the Australian States has an overall similarity, the enactments in all States having been patterned originally on the English legislation which was directed to the abolition of certain abuses and deceptions practised by moneylenders which became apparent as at the beginning of the century. Although the legislation may have been effective to this end, it does appear that, in so far as the legislation regulates finance transactions other than those in the class most commonly understood to be the field of the moneylenders, e.g., small personal loans, the technical difficulties and

contradictions to business requirements created by the legislation far outweigh its beneficial results.

Then it goes on to say in regard to the laws—

They have "increased legalism in a field in which it is desirable to proceed in an opposite direction," and every practising lawyer knows of the confusion and additional work associated with a moneylender's loan transaction. As is inevitable, this results in higher costs, which are passed on to the borrower.

Lawyers generally are not at ease in the technicalities of moneylending transactions and in consequence are not able to ensure that a particular transaction is fully effective at law.

The field in which the major abuses of moneylenders have been manifested in the past, mainly the loan on personal clothes, is now dominated by large financial corporations who adopt the procedure of financing by means of hire-purchase transactions which are outside the moneylending Acts. It is ludicrous that the same effect can be produced by resort to a hire-purchase transaction without undue technicalities as a bill of sale by way of security which would have to comply with all the requirements of the moneylending legislation.

And there are more quotations like that. Mr. Watson, in his remarks, quoted the Chief Justice of the High Court as making critical comments. These words were thrown in, "inadequately conceived and crudely made."

The Hon. A. F. Griffith: That is casting a reflection on the Parliament of 1913.

The Hon. E. M. HEENAN: This appears to be true, in my view, of its construction. Sir Albert Wolff, a couple of days ago, said, "The Money Lenders Act is an example of the inadequacy of words to convey ideas." Under the law as it now stands, anyone who, on one occasion, lends money at a rate exceeding $12\frac{1}{2}$ per cent. comes within the definition of a moneylender. Sometimes, if the money is loaned at $12\frac{1}{2}$ per cent. for 12 months, and the interest is paid at the end of 12 months, it appears to me that that is not in excess of $12\frac{1}{2}$ per cent. But if one lends £100 at $12\frac{1}{2}$ per cent. and collects the interest quarterly, there is considerable doubt as to whether that state of affairs does not amount to more than $12\frac{1}{2}$ per cent. I think a superficial view would indicate that it is in excess of $12\frac{1}{2}$ per cent.

That position has not been cleared up, and apparently this Bill does not clear it up. I quite agree that a number of widows and others have been attracted by alluring advertisements which have appeared in the papers and which we have seen from time to time. I, personally, know of some

cases where widows have loaned their money. They have loaned a few hundred pounds or £1,000—probably all they had—in order to get the best return they could for it. They have little knowledge of business; they have no knowledge of legal technicalities; and they have loaned their money under those circumstances. By so doing they have become money-lenders.

As the law now stands, in consequence of the decisions that have been referred to, if the person to whom they have loaned their money likes to say, "I am not going to pay you back," they cannot do much about it. They cannot recover their interest or principal.

The Hon. L. A. Logan: Do you think that state of affairs should exist?

The Hon. E. M. HEENAN: It is a pretty bad state of affairs.

The Hon. A. F. Griffith: The amendment to section 9 attempts to put a stop to that state of affairs.

The Hon. E. M. HEENAN: The Government has brought down this Bill almost solely to alleviate that state of affairs.

The Hon. A. F. Griffith: The Law Society recommended this to be done 12 months ago.

The Hon. E. M. HEENAN: It was wise in doing so, and it is a pity the then Government did not take action.

The Hon. F. J. S. Wise: This is the first session of Parliament since then.

The Hon. E. M. HEENAN: I applaud some of the objects of the measure. Do not for a moment think I am damning all of the provisions. But we need more time to look into the Bill, and more time to assess who is right and who is wrong in these transactions. I am not gravely concerned about the Mayfair Company and Dreyer; they appear to have been playing somewhat the same game with each other. But I am sorry for individuals who become involved in these matters. When all is said and done, however, they get themselves into these situations, and I do not see that we should be forced at this late stage into passing an amending Bill which is inadequate in its present conception.

Some members are gravely concerned about the retrospective clause. I can see some merit in it; although if we apply it, we may inflict some hardship. In other words, we may protect moneylenders or borrowers who are not deserving of protection. I would not like to commit myself on that aspect, because I do not know enough about it. If we had a Select Committee, we could call evidence from accountants, lawyers, and some of the people concerned; and we could then inform Parliament the best thing to do in the circumstances.

There are other aspects of the Bill with which I could deal, but I am sure that other members will be better able than I to deal with them.

Sitting suspended from 5.33 to 7.30 p.m.

THE HON. F. J. S. WISE (North) [7.30]: I had no intention, for several reasons, of speaking to this Bill but I think it is necessary to emphasise some very important angles. The House is indebted to Mr. Heenan who spoke earlier this evening and who made it clear that there would be considerable danger if this Bill was passed.

Even though it may be quite warranted, one would be following the example of more than one speaker in this debate, if one complained vigorously about its introduction into the House at this time of the session. I want to draw attention to the fact that this important Bill—the final measure to be introduced this session other than the procedural Bills—should have been presented to this House before now. That was not the fault of the Minister in charge here. The Bill was read a first time on the 5th August in another place. The second reading debate was introduced by the Attorney-General on the 22nd September, and from that time until yesterday it moved up and down the notice paper, with no attention being given to it, and with no opportunity for speeches to be made on the second reading.

This important measure, which in the words of the Minister arose from a request of the Law Society, remained on the notice paper from the 22nd September to the 17th November before being dealt with. It was kept in a position on the notice paper which prevented any debate on the second reading until the latter date.

The Hon. A. F. Griffith: It was brought up a couple of times.

The Hon. F. J. S. WISE: It was brought up, but no opportunity was given for the debate to be resumed. I refer to the point twice raised by the Minister—once during his speech and once by interjection—that the Bill was recommended by the Law Society a year ago. Nobody but the present Government is to be blamed. The previous Government did not have a request by the Law Society for the introduction of a Bill. The previous Minister did receive a request from the Law Society and did have a discussion with its members, but the discussion did not reach a point to enable the previous Government to consider the provisions in the Bill now before us.

The Hon. A. F. Griffith: I am not blaming the previous Government for that.

The Hon. F. J. S. WISE: Whether or not the Minister intended it that way, his statement was made in such a manner as to imply that the Law Society requested the introduction of a Bill a year ago. The

fact is that the only Government which has had a chance to deal with the matter is the present Government. Despite the request having been made many months ago, the Government introduced the measure in this House only today; and it expects the measure to be passed with all the matters involved therein.

With a Bill of this nature that is not fair treatment of this House by the Government. Most certainly the measure should be laid aside. This legislation was first introduced in the Parliament of this State on the 18th of November, 1937, by the Minister for Justice of the day; and, in moving the second reading, he said—

The provisions embodied in the Bill are for the purpose of amending the Money Lenders Act of 1912 and are also the result of recommendations made by Mr. Moseley who was appointed a Royal Commissioner to inquire into operations under that Act. The Bill follows in the main the recommendations made by the Royal Commissioner. While all his recommendations have not been included, the Bill contains nothing that was not recommended by him.

The next speaker in the debate was a lawyer. When the Bill was introduced there were four lawyers in the Legislative Assembly; and some of them were eminent legal men. Mr. Norbert Keenan, past whom nothing in a legal sense could get, was one of them, and Sir Ross McDonald was another. If, as is suggested, this legislation is unconscionable, it could not have got past those men. I repeat, there were four lawyers in that House at that time.

The next speaker to the Bill was Mr. North, a solicitor representing Claremont. He spoke for exactly 1½ minutes and supported the Bill. The Committee stage was taken a week later. The Bill passed through the Committee stage without debate, was reported without amendment, and the report was adopted.

That Bill, which is now the law, came to this House on the 14th of December, 1937. It was introduced by the Honorary Minister who stated as follows:—

The purpose of this Bill is to amend the principal Act in accordance with certain recommendations made by the recent Royal Commission on money lending. The Royal Commissioner (Mr. Moseley) pointed out in his report that the existing Act does not give the borrower sufficient protection. He was of the opinion that greater control was necessary over the activities of money lenders, so that they should not be in a position to exploit those persons who are forced by circumstances to seek accommodation. In effect, he stated that better provision should be made for the protection of the borrower.

In this House at that time were prominent lawyers of this community. The only one who spoke in the debate was Mr. Nicholson who commended the Bill in a speech lasting two minutes. He supported it, and the Bill passed through Committee without amendment. The third reading was passed within 10 minutes of Mr. Nicholson's speaking on the second reading debate. That is the background of the manner in which the legislation passed through this Parliament.

There have been two slight amendments since that time—one in 1941 and the other in 1948. This law has been accepted as a workable law within our community. The Bill was passed in the form in which it was presented, and it was accepted by eminent legal minds in this House. At least two of them had every qualification of a judge of the Supreme Court. Not at any stage was there a keener mind than that of Mr. Norbert Keenan. Not only had he a keen legal brain but he was also well versed in all the arts of politics as well as in the keenest aspects of debate. Did he say anything to suggest that the legislation was unconscionable in its application to the people of this State? Of course he did not! There were more lawyers in Parliament at that stage in the late 1930's than in the whole history of the Parliament of this State.

There is no urgency to pass the Bill before us at this stage. If we were to pass it now we would be doing something that should not be expected of this House; we would be giving retrospectivity to the provisions of the Bill so as to overcome decisions which have already been made by courts of law, and to brush those decisions aside. That is what this Bill will do if effect is given to it.

The Hon. A. F. Griffith: The only judgment which will be affected will be the one given yesterday.

The Hon. F. J. S. WISE: Nothing of the kind. Every judgment since the 1st May last will be affected, even though they mean the winding up of the affairs of some companies. Part of every judgment will be affected by the Bill if it is passed. If only one judgment—that which was given yesterday—is to be affected, why then is there a need for retrospectivity? Can the Minister answer that?

We were told by Mr. Heenan, a lawyer whose views we all respect, that from a legal angle there is a danger in the passing of this Bill in its present form, as it will unfairly affect the rights and entitlements of more than one person.

The Hon. A. F. Griffith: He also told us there was merit in clause 9.

The Hon. F. J. S. WISE: Yes; but not because of any urgency or necessity to pass it today, even if we had the opportunity of engaging in an examination of the impact of all the subclauses contained

in it. I can imagine the attitude of the Minister if he were on this side of the House and a Bill of this kind were introduced at this late hour of the session and he were asked to debate it intelligently. Of course he knows that it is quite impracticable.

All of us have not the opportunities of crystal gazing; nor would we get much result therefrom. However, I suggest that one member must have some particular attribute in that regard because, before the Bill reached us, he was able to have amendments drafted, printed on the notice paper, and then distributed after the first reading.

The Hon. A. F. Griffith: He might have been as studious as you were and listened to the debate down the other end.

The Hon. F. J. S. WISE: There must be more to it than that. He has shown today that he is clairvoyant, which even I did not suspect. This Bill is one which should be deferred for later consideration because it is no doubt controversial and has been criticised in many places, including the Legislative Assembly.

It is not right that within a few hours of this Parliament going into recess, a Bill should be introduced, unless it is not a contentious one affecting the lives of individuals. Good heavens; within four days or so of the adjournment of the House we have, from time to time, had Bills on State insurance, workers' compensation, and the like, thrown out! If circumstances were different in regard to this legislation and certain members were not associated with the Parties responsible for the introduction of the Bill, they would not tolerate this action on the proper plea—and all Governments have been guilty in the matter—that there was no time to consider it. There can be no countering that argument. As this Bill is contentious and unjust in some of its implications we should not waste any further time on debate but should defer it until it can be given more consideration.

THE HON. L. A. LOGAN (Midland—Minister for Local Government) [7.48]: Whilst I am not going to argue the point in regard to the lateness of the introduction of this Bill, I think Mr. Wise has fairly stated that it is not the fault of the Ministers in this House. My colleague here will probably be able to give the reason why it was left at the bottom of the notice paper in another place.

The reason for this Bill is because of the particular set of circumstances which has arisen as a result of the judgments in the courts. It is all very well to quote what the solicitors did in 1937, but in that year they did not know that the judges were going to make the decisions which they have since made. Because of those decisions there is apparently a weakness in the Act which should be rectified, and

rectified as early as possible. To delay the Bill would be to delay that rectification for, possibly, another eight months.

Mr. Heenan says that the courts are going into recess within a fortnight; but this Parliament will probably not assemble until next July or August; and how many judgments can be affected in that time, and how many people's investments can be affected? Therefore, I think it is essential that we protect those people who in innocence have jeopardised their investments. I know that we could all say that innocence in regard to the law is no defence, but no one in his wildest dreams would imagine that because he lent money to a firm and received more than 12½ per cent. interest, he was a moneylender. So, in their innocence, people in that category have placed themselves and their investments in jeopardy because of the recent court decision.

Mr. Watson said that the position which we assumed had existed for 200 years had not existed at all. Therefore, I believe that, in fairness to everyone, we should at least pass the amendment to section 9. If this House decides that further amendments are necessary, surely we can set up a committee in the New Year to deal with the matter; but we should at least take some notice of the law and alter the section to which I refer, because we have been advised to do so by the Crown Law Department. It has studied this position and knows all the circumstances. Eminent lawyers and solicitors are attached to that department, and we should have some regard for their findings which would be as good as or better than those of a Select Committee of members of Parliament.

The Hon. L. C. Diver: Their findings would be if they had all the facts before them.

The Hon. L. A. LOGAN: I imagine that they would have most of the facts before them.

The Hon. L. C. Diver: Far from it.

The Hon. L. A. LOGAN: I imagine that before those people make decisions they study all aspects of the case. They have apparently studied all the aspects of the court judgment, and in doing so have found out all the particulars of the case. This is a judgment affecting the whole set up of the Act, and it affects those people who have already loaned money at a rate of interest greater than 12½ per cent. Therefore, despite the fact that we have not had time to give the matter our fullest consideration, I believe that we can at least rectify the mistake that has been found, and can make sure that we do not have anyone else rushing to the court, as happened yesterday, in order to obtain a judgment before this Bill is passed. If it is not passed now, the same situation will arise before a Bill is passed next year. Therefore I appeal to members vote for the measure, particularly

in regard to section 9, in order to safeguard the investments of those people who are on small incomes. As has been mentioned, some of them could even be widows who have possibly saved and, in their innocence, invested £500, £600, or even £1,000 in some concern, and now find they are in trouble.

THE HON. J. G. HISLOP (Metropolitan) [7.54]: There must be many of us completely bewildered about this measure; and it does seem to require a lot more information than we have been able to glean. I do not know very much about lending money as I have never had enough to lend, but we must surely be indebted to Mr. Watson for his lucid information of the present position. It might be perfectly right that we should pass this Bill were it not for the inclusion of the retrospective clause. If I felt we were acting for today only, I would not mind voting for this Bill, but even that position would have to be considered very carefully. If I do something today that is apparently within the law then the law will protect me; and, if it does happen that the protection of that law produces some harm, then I doubt whether it is within our province to rectify the position by bringing in retrospective legislation.

It would appear, from what I could gather during the afternoon, that this measure is before the House, firstly, because of the altered viewpoint of the Privy Council; and, secondly, because of the Mayfair company's affairs. That seems to be a pretty fair summing up as to the reason for this legislation. It appears also that when the decision was given in the case of the Mayfair Trading Co., it was given on the findings of the Privy Council. However, it is felt by a number of people that the findings of the Privy Council have upset the views, in regard to money-lending, which have been held for over 200 years.

I think one must also realise that some people believe that money can be lent at 15 per cent. or more without there being any first-class risk. However, I suppose one must be equally fair and say that if a firm to which money has been lent at this exorbitant rate of interest has the funds with which to pay the lender, it should not be allowed to act in such a manner as to use the flaw in the Act to deprive the lender of his just return of capital.

It seems to me that we are left in the position in this House of attempting to be the judge in this case. Earlier, by way of interjection, I asked Mr. Watson whether the Mayfair Trading Co.'s case could be brought up again under this legislation, and he said that it could not.

The Hon. H. K. Watson: I said that, as decided by the High Court, it could not be brought up again in regard to the Eastern Acceptance Corporation. That was the answer to the question as I understood it.

The Hon. J. G. HISLOP: That is true; but one must realise that there is another side to the story. There is the Mayfair Holding Co., against which the Mayfair Trading Co. did not take action, thinking it had won its case when the verdict was given in its favour. I do not say for one moment that I uphold either of the companies, and I do not know that I would like to say that either of them would be the sort of firm that was handing out a very fair return for its work, as it were. However, one must realise that, no action having been taken against the Mayfair Holding Co., the Mayfair Holding Co. will be able, under this retrospective clause, to take action against the Mayfair Trading Co.; and it still has, I believe, another three years in which to do so. Therefore, no matter what we do with the retrospective clause, we will allow this one firm to take action against the other. It does seem to me extraordinary that the action of the Mayfair Trading Co. against the Eastern Acceptance Corporation was decided with regard to the Act as it existed at the time of the claim; but if we pass the retrospective clause we will switch things around, and it will be possible under the new law that the Mayfair Holding Co. will be the one to receive the verdict. I do not hold a brief for either of them; but I think this is a matter for the courts and not one which Parliament should be called upon to decide. I feel that if I vote for the measure as it stands I will be protecting some unknown but suspected people who have been silly enough to invest their money at high interest but who have not registered as moneylenders.

The Hon. A. F. Griffith: Do you think they would know?

The Hon. J. G. HISLOP: Isn't it the position that if I vote for the measure I will protect some unknown but suspected persons who lent money at a high rate of interest and did not register as moneylenders?

The Hon. A. F. Griffith: It could be the case.

The Hon. J. G. HISLOP: On the other hand, if I vote against the Bill I am in the position that I do know that I am going to alter the conditions as between the two companies, some of whose legal actions have already been fought out; at least on one aspect. I do not know how I can do justice. My feeling is that one gives justice on the Act as it is at the time of the action; but this Bill says to us, "Change this law, so that a different set of conditions will apply to any other action taken against this company." I do not like the retrospective provision for that reason. It seems to me that both parties knew what they were doing. It could be that there was a group of foolish people and a group of what one might call wise men, who were wiser in the finance game

than the others; and it seems that those who were giving advice knew pretty well what was happening. If someone can tell me how I can do justice to both sides, I will vote accordingly, but I do not know how it can be done by voting for the measure.

I agree that the whole of the law regarding moneylending should be altered; but I do not know that I am justified in agreeing to the retrospective clause, or in trying to amend it by adding a different date; or whether I should oppose it.

It appears that some of these people who were advising the Mayfair Trading Co. must have known what they were doing, if what the company says is correct, because one of the individuals who acted as a director is stated by the company as having left his share of the goodwill as a loan for which he received interest in excess of 15 per cent. I cannot imagine that they did not know what was happening if that statement is correct; but I do not know whether it is correct. I think that when the rules of evidence are taken, the judge might be able to form an opinion. The whole story looks to be a fairly sordid one; because other information forwarded to me by the Mayfair Trading Co. states that at a meeting called with the idea of reconstructing the company the principal creditors, two big firms in the city, were agreeable to assist the company to carry on by extending further credit, but that was flatly refused by the Eastern Acceptance Corporation.

I do not know how, out of all this mess and juggling between the two companies, justice can be achieved. Until such time as I know which side I am justified in supporting, I will hesitate before voting for the retrospective clause.

THE HON. R. F. HUTCHISON (Suburban) [8.6]: I was very interested in what Mr. Wise and Dr. Hislop had to say. I received a telephone call from an accountant, a highly respected businessman whom I have known for years, and he explained that, if agreed to, the retrospective clause would do grave injustice to some innocent people. I have had no time to examine the effects of the measure but, in view of the advice which I have received, I oppose this provision.

THE HON. L. C. DIVER (Central) [8.8]: It appears to me to be futile to try to pass legislation to control the rate of interest that people shall pay for accommodation; and I speak from many years of experience. I recall the case of a young man who understood the business with which he was associated and who was in good health but had very little money. There was another man who wanted to lend some money to the greatest possible advantage. The young man who wanted money with which to make a start in life

approached the man who had money to lend; and it was mutually arranged that the money would be lent at a rate akin to an acknowledgment of a debt of £1,500 odd for just over £1,000 of actual money lent; and the interest rate was 8 per cent.

That was back in the bad old days, and members can calculate what the rate of interest would be. However, it was to the mutual satisfaction of the parties; and after many years the debt was funded; and the two men concerned formed a life-long friendship. The financier in that case later entered into negotiations with another party and agreed to finance him on terms somewhat similar to those in the case I have mentioned. The result on this occasion was not the same, because the farmer to whom the money was lent became bankrupt, and not only did the lender lose all of the money he had got as a premium from the original loan, but also a considerable amount of his principal as well. I instance that in order to give members a practical illustration of the facts of moneylending.

The Hon. H. K. Watson: And a very good illustration, too.

The Hon. L. C. DIVER: I claim we cannot legislate for this. I would not agree to the Bill, because I feel that anyone who has money to lend, and who goes outside the gilt-edged security group for an investment, enters into a category of moneylending which involves a hazard or risk which varies from transaction to transaction. Anyone who desires to get rich quickly by means of a high rate of interest must realise that the higher the interest rate, the greater is the crash which may come.

No law that this or any other Parliament can pass will overcome the position as I have outlined it. For those reasons I feel that the retrospective clauses of the Bill are particularly obnoxious. Whether it be a widow, a pensioner or a financial magnate who invests capital in such risky fields, the person concerned must be willing to meet the consequences. If we are to try to protect investors of that nature, why haven't we before us a Bill dealing with the people who put money into the electrical firm which has recently gone insolvent; where people held shares which, on the surface, appeared very attractive? There is no mention of them, and we are told that that was a business risk. As one member said, those people tried to get in on the ground floor with TV, and they are still on the floor; but we are not talking about legislation for the pensioners and widows who put their few shillings into that field of investment. I think Dr. Hislop portrayed the circumstances of the Mayfair Trading Co. and its ancillaries very ably. I will support any amendment which seeks to eliminate the retrospective provisions of the Bill.

THE HON. A. F. GRIFFITH (Suburban—Minister for Mines—in reply) [8.15]: We have heard some very interesting contributions to this debate. I was most interested in the remarks made by Mr. Watson and Mr. Heenan; and I was particularly interested to hear Mr. Heenan, who is a solicitor, say he thought there could be a deal of merit in that portion of the Bill which seeks to amend section 9 of the Money Lenders Act. I listened also to the history of the Money Lenders Act given to us by Mr. Wise. He said that when the Money Lenders Act was introduced into the Legislative Council and the Legislative Assembly in 1937 there were men of great wisdom, and men who were solicitors, and those who knew their business, in both Houses; and that, because of that, the law should prevail as it is at the present time; that there was no necessity to do anything about it.

I would remind members that only two days ago we amended a Bill in this Council; and we did it with the purpose in mind of channelling to Consolidated Revenue a sum of £118,000 in betting taxes. I did not discover the mistake, but an officer of the Treasury Department did and he came to me and said, "You realise what the Legislative Council has done?" I asked "What has it done?" He said, "I can see the purpose behind the amendment to this Bill, but in actual fact, if you passed it this way, the whole lot of the money will go to the racing clubs." Accordingly we came back the next day and I explained the matter to the Legislative Council—Mr. Diver previously brought it up—and we rectified the mistake.

The Hon. L. C. Diver: Do you suggest we put this Bill right out?

The Hon. A. F. GRIFFITH: Not at all. I am suggesting, in a practical manner, that we are all imperfect. I do not care whether the Act was inaugurated and introduced in 1937, or when it was passed. Nobody is perfect; and these things could get past the best of us. But it did not get past the Chief Justice of this State, who said that the law of the land in this respect was harsh and unconscionable, and that it did not give protection where protection was due. That was what he said when he was obliged to give a judgment on section 9 of the Moneylenders Act, which provides that when a person lends money at a certain rate of interest and does not serve a memorandum on the borrower he has no right to recover it.

As Mr. Watson truly said, it is like a fellow who goes to a bookmaker and says, "I will have £1 on horse A," and because he loses he squibs and says, "I claim the Gaming Act and I will not pay."

The Hon. L. C. Diver: You have not passed a law to cover that, either.

The Hon. A. F. GRIFFITH: I am talking about the Gaming Act. Reference was made to the time when the Law Society

brought this to the notice of the Government. I was not sure of the position then, but I have the file here in front of me, and I can tell Mr. Wise that the Law Society brought this to the attention of the Minister for Justice on the 28th April, 1958. Mr. Nulsen marked it to the Solicitor-General "Bring forward in 1959." The Law Society recommended that the Money Lenders Act be amended to temper its harsh provisions.

The Hon. H. C. Strickland: It did not say anything about retrospectivity.

The Hon. F. J. S. Wise: I said it was never before the previous Cabinet.

The Hon. A. F. GRIFFITH: It is quite possible it never got any further than the Minister for Justice, because he said, "Bring up in 1959." He said that in June, 1958. I would point out there was plenty of time to bring it up.

The Hon. F. J. S. Wise: There was much more time for you to bring it up before the 27th November.

The Hon. A. F. GRIFFITH: I am glad the honourable member made that interjection, because it is true the Bill was introduced in the Assembly and that it was in that House for some time. On this point, however, I sought out my colleague, the Attorney-General, and asked why it had been delayed. He replied there was only one reason, really, and that was because some people who said they were going to be aggrieved by the introduction of the Bill wanted to see him in deputation. He did not go on with the Bill until they had seen him.

The Hon. H. C. Strickland: Would not he have fixed the date of the deputation?

The Hon. A. F. GRIFFITH: That is what he told me. He would fix the date of the deputation. I could tell the honourable member when the deputation was held, and he could then say to me that a lot of time had elapsed since then. If this Bill had found its way ahead of another, we would have been blamed for that fact; that it had been introduced before something else.

As both members who sit on the front bench opposite me know, preference must be given to something. The Attorney-General told me these people wanted a deputation and that until he had had the whole thing inquired into in respect of the representations made, he did not want to go any further with the Bill.

The points raised by Mr. Diver are quite true. I could agree with everything he said, but I would point out to him that this is not a question of a business risk. It is not a question of a man who puts £1 on a racehorse, or knowingly lends money at 1 per cent. or any other rate of interest; the whole fact is that somebody found a hole in the law, and, having done so, gave advice that an amount of money owing from A to B was not recoverable.

The Hon. L. C. Diver: The trouble is that the boot is on the wrong foot.

The Hon. A. F. GRIFFITH: It could be, depending on which way one sees it. If the honourable member owed me £100—and I wish he did, because I have reason to believe I would get it—I would expect him to pay in the same way as he would expect me to pay if I owed him £100. But I am sure the honourable member would be the last person in the world to put 1s. on a racehorse and, having lost his money, say to the bookmaker, "I am not going to pay you because the Gaming Act protects me." So there are people who, as the law exists, may say they are not going to pay because of section 9 of the Moneylenders Act.

The Hon. L. C. Diver: You are pleading for the wrong people.

The Hon. A. F. GRIFFITH: I am not pleading for anybody. The Government is trying to put right something that the Law Society has pointed out should be put right, and something that the Chief Justice (Sir John Dwyer) said should be put right. I have no relative thought for anybody in this case; that is not the question at all.

The Hon. J. M. Thomson: Did the Chief Justice say there should be a retrospective provision in the Bill or that there should be legislation?

The Hon. A. F. GRIFFITH: He said that as a result of the existing law things were harsh and unconscionable, and that not to alter the law would be to perpetuate a state of affairs under which a judge has no option but to declare money unrecoverable, although he thinks the law unconscionable.

The Hon. J. G. Hislop: In what case was the finding given?

The Hon. A. F. GRIFFITH: That was in the Mayfair case. But the judgment in the Mayfair case would not be affected by this. The only one that would be affected by the retrospectivity of this Bill would be the judgment given last Wednesday.

The Hon. J. G. Hislop: No.

The Hon. A. F. GRIFFITH: Yes; and the parties concerned in that case are not without blame.

The Hon. J. G. Hislop: None of them is.

The Hon. A. F. GRIFFITH: The parties rushed the case to the court knowing that the Bill was in Parliament and likely to be passed. I think retrospectivity would affect them. There may be a couple of other judgments which it would affect. There was an interesting article in the *Daily News*, and I am sorry I did not quote it before; I trust I will be forgiven for not having done so. The article in question is dated the 28th May, 1959, and under the heading, "Legality Could Help Gill," it states—

A legal interpretation could free bankrupt company director Laurence Gill of liability for about £200,000 debts.

People who invest money at an interest rate of more than 12½ per cent. are classed as moneylenders by the Money Lenders Act.

Because they have not complied as moneylenders with the requirements of the Act, these people could find their contracts for repayment unenforceable.

The effect of this: The debts would not legally exist.

The High Court of Australia in a decision on a dispute between two West Australian companies confirmed this situation.

The report of the acting Official Receiver in Bankruptcy indicated that most of the money lost by Gill's 297 creditors was invested by people who were offered interest rates of 12½ per cent. or more.

Hundreds of other people in W.A. who have money invested with other companies could find themselves unable to recover the debt at law if the people with whom they invested could not or would not repay.

Section 3 of the Money Lenders Act defines a moneylender as every person, firm, society or body . . . who lends money at a rate of interest exceeding 12½ per cent. per annum.

Interest, it points out, includes discount, premium, bonus, commission and other expenses associated with the transaction.

Section 9 of the Act contains the alarming aspect for the many investors who have failed to comply with it.

A note or memorandum of the contract must be signed personally by the borrower within seven days of the contract being made, it insists. This must contain all details of the contract—including the actual rate of interest or the rate calculated as laid down by the Act.

If the note or memorandum is not signed by the borrower before the money is lent, the contract is unenforceable, says the Act.

An interest rate of 12½ per cent. per annum could in some circumstances be shown to actually exceed that rate if repayments were made at intervals within the year.

The relevant High Court decision involved the Mayfair Trading Company Pty. Ltd. and Eastern Acceptance Company.

The Court held that the effect of non-compliance by a moneylender with the provisions of section 9 of the Money Lenders Act was that the relevant contract or security was unenforceable.

We know, and have every reason to believe, that a lot of the people who loaned money to Gill were people in a substantial financial position.

The Hon. H. C. Strickland: Legal opinion says this Bill would not affect Gill.

The Hon. A. F. GRIFFITH: I will tell the honourable member what the Crown Law thinks about it; and I regard that as qualified legal opinion. I also regard what Sir John says as qualified legal opinion. The Law Society states—

The society recommended that the Act be amended to temper the harshness of section 9, which makes unenforceable any contract for repayment of money lent unless a note or memorandum of the contract is signed personally by the borrower and unless a copy is delivered to him within seven days.

This legislation is in line with that recommendation. Mr. Henderson, who wrote the article in the *Daily News* apparently thought the legal situation was the same as that pointed out by the Crown Law Department. That is really amazing.

The Hon. H. C. Strickland: It is in line, but not effective.

The Hon. A. F. GRIFFITH: To continue—

The Mayfair case (32 A.L.J. 326) decided that any failure to comply with section 9 results in the lender losing his right to recover both principal and interest.

I venture to suggest that there are, perhaps, many members in this House, and a lot of people outside, who would not know the position. I have not been in the position to earn this substantial amount of interest, but I understand that unless I delivered a note or memorandum to any person, I could not recover what I had loaned. People have been attracted by advertisements in the papers inviting the investment of capital with an interest rate of 12½ per cent.; and they have lent money on this basis in the knowledge that they would not be classed as moneylenders under the Act.

The Hon. W. F. Willesee: In the case of Gill it would not make much difference.

The Hon. L. A. Logan: It would make Gill solvent.

The Hon. H. C. Strickland: No.

The Hon. A. F. GRIFFITH: As my colleague says, it would make Gill solvent. The Law Society goes on to say—

The Society is supported in this view by the remarks of the then Chief Justice in the Mayfair case in giving judgment in the Supreme Court. His Honour described the operation of the section as "harsh and unconscionable."

Since the society last made its approach on this matter there have been two major financial crashes, Gills and Russells Transport, both of which involved numerous small investors who were attracted by newspaper advertisements to deposit their money at rates of interest exceeding 12½ per cent.

It would seem that these people are "money lenders" and can be denied any participation in the bankruptcy or liquidation on the grounds of non-compliance with section 9. The way seems open for the Official Receiver or Liquidator of their own volition or at the instance of any other creditor to exclude these investors completely for the benefit of the general creditors and possibly also for the benefit of the debtor himself.

I point out, as a matter of interest, that in 1953 the Hawke Government amended section 269 of the Companies Act, which had the effect of bringing into retrospectively a distribution among creditors in a liquidation, which had already been commenced under the existing law. I understand that this retrospectivity was brought in to enable £11,000 to be diverted from an English creditor to a local individual in 1953. Both Mr. Heenan and Mr. Watson would probably remember that incident. I am told that that is the situation.

It is interesting to read some of the comments which were given in respect of the deputation which waited on the Attorney-General and which was, as I have already explained, one of the reasons for the delay in introducing this Bill. The Solicitor-General wrote to the Under Secretary for Law and said this—

I think that the fears expressed to the Honourable Attorney-General by the members of the deputation on the 9th October, 1959, are probably well founded, but I do not think that the Bill needs any amendment because of them.

It appears that the Company borrowed moneys from several people and agreed to pay interest in excess of 15 per cent. In view of the court's decision in the Eastern Acceptance Corporation case, all those members have been advised that it would be useless their taking legal action to recover either principal or interest from the company.

In my opinion if the Bill becomes law the persons (other than Eastern Acceptance Corporation) who have loaned money to the company will be entitled to sue for the moneys loaned and interest up to 15 per cent., and the company will not be able to plead the previous law in order to resist the claims.

The members of the deputation stated that the Company had entered into negotiations to settle some of the

claims which the Company regarded as "legitimate" but the Company would be very embarrassed if it had to repay in full the loans which had been made to it.

The Hon. L. C. Diver: How were the moneys made up?

The Hon. A. F. GRIFFITH: I could not tell the honourable member. I will proceed to read this; but I cannot tell the honourable member unless this says so. To continue—

Prima facie I cannot see that any embarrassment felt by the company in this regard is a valid reason for amending the Bill.

That is the Bill which is now before us—not the Act. Continuing—

The company borrowed the money to assist it in selling goods on hire-purchase under terms which require the purchasers to pay up to 50 per cent. on the money outstanding under their purchases. It is therefore, *prima facie*, not unreasonable that the Company shall be required by law to repay principal moneys and up to 15 per cent. on moneys borrowed by the Company to finance their business.

The members of the deputation further claimed that the company has been re-organised and that there are now new shareholders who would be prejudiced if the Bill became law. However, according to the records of the Companies Office, the only changes in shareholdings in recent years have been that four of the existing shareholders have increased their shareholdings from 2,400 to 2,902 shares each by the purchase of a total of 2,008 shares from previous shareholders. The total number of shares in the company is 14,010. (The name of the Company was also changed on 30th September, 1959, to Allan Thomas Company Pty. Limited.)

The members of the deputation also claim that the Company had given an indemnity to one of the parties who loaned money and who was originally a principal in the Company, and that if that person were to pursue his rights under that indemnity "it could involve the Mayfair Trading Co. and the new shareholders, which was unforeseen in the light of the judgment as previously given." However, the object of the Bill is that a company which borrowed money should not be able to evade repayment merely because it agreed to pay a rate of interest in excess of 15 per cent., and therefore I cannot see that the Company is morally any worse off merely because it has given an indemnity which requires it to do what it had previously agreed to do, namely, to repay the principal moneys and interest up, at least, to 15 per cent.

The members of the deputation finally claim that they suffered a very considerable financial loss through the activities of Eastern Acceptance Corporation. I understand that the latter Company did put in a Receiver who virtually closed the Company's business and dismissed most of the employees who were directors or shareholders of the Company. However, if the Company had honoured its obligations under its agreements with the persons who had loaned money to it, the Receiver would not have been appointed and therefore the members of the deputation had only themselves to blame for the financial loss they incurred. They have apparently offset such losses by capital gains in the way of neglecting to repay even the capital of moneys borrowed by the Company.

I do not think that the members of the deputation have made out any case for sympathetic treatment and I do not recommend any amendment to the Bill.

We must bear in mind that when the words "reference to the Bill" were said, that was the time the Attorney-General was holding up proceedings to hear the case of those people. The Law Society in its approach to the matter recommended retrospectivity of the legislation.

The Hon. H. C. Strickland: In 1958?

The Hon. A. F. GRIFFITH: It could have been. I have not been right through these papers; but the Law Society recommends it at the present time. I have asked my colleague, Mr. Logan, if he will have a look through the papers while I am speaking, to see whether there is anything in the 1958 letter regarding retrospectivity.

In respect of the so-called retrospective subclause, the Attorney-General advises me that only one judgment of the court would be affected; and it was delivered last Wednesday. The liquidator in that case had to get before the court before Parliament righted the position. In such circumstances the liquidator is not beyond criticism for his action, as he knew full well that this Bill was before Parliament. The situation from which he sought to have certain people relieved, would have to take effect before the Bill became law. I repeat, I do not think he is beyond criticism.

The enactment of this legislation will give protection to those people, not perhaps for what they might do in the future, but for what they have, in fairly recent times, been innocently doing. Despite the fact that I agree with the sentiments of Mr. Diver, these people could be made up of all sorts. Naturally it is a fundamental instinct for any one of us to try to gain a better rate of interest on our investments if we are able to. If we see an advertisement in the Press which invites applications for capital at a high rate of

interest, how many of us will be easily caught by the plausible terms of those advertisements? I have seen many in the paper inviting people to invest their money for a 10 per cent. return on their capital.

The Hon. L. C. Diver: You see advertisements for hair restorers; do you believe them?

The Hon. A. F. GRIFFITH: I do not; because, fortunately, up to this time I have had no necessity to have any faith in hair restorers.

The Hon. G. C. MacKinnon: I have tried a few.

The Hon. A. F. GRIFFITH: A good many people believe in these advertisements. Rightly or wrongly, people have lent their money at a rate in excess of the rate provided in the Money Lenders Act; and the borrowers, because of the hole in the law, have been prepared to take advantage of it. They say, "If the Bill becomes law, it will embarrass us considerably, because we will have to pay our debts." That is the situation. If the Bill does become law—and I hope it does—certain people will have to pay their debts; or, as my colleague corrects me, their just debts.

Mr. Heenan has suggested that if the Bill is read a second time, he will move for a Select Committee. In my judgment that suggestion has some merit. At times it is not a bad idea to have Select Committees to inquire into such matters. Select Committees do three things. Firstly, they give *Hansard* a lot more work. Secondly, they add considerably to the education of members. I served on a Select Committee, and my experience on it added to my education. Thirdly, they frequently discover holes in the existing law. Had some inquiry been held subsequent to June, 1958, when the Minister for Justice marked the file: "Bring it up next year; do not worry me with it now," we might not have been in this position today.

I think the honourable member's suggestion is a good one; and the only thing I find wrong with it is that before action could be taken, some people would evade their just dues and hide behind section 9 of the Act. There may be a number of other creditors like Gill.

During the tea suspension I discussed with the Attorney-General the suggestion of appointing a Select Committee. I said to him, "I believe that some of the speeches made in the Legislative Council have brought forward some worth-while information." As a result of my conversation with the Attorney-General, he said that he would be prepared to appoint an Honorary Royal Commission to inquire into all phases of the Money Lenders Act. I use the words "Honorary Royal Commission" because such a commission can conduct its proceedings outside the sittings of Parliament.

In the meantime, I say to members: Pass the second reading of the Bill; put it into Committee and see that it becomes law so as to give protection to those people who deserve it; and when the findings of the Honorary Royal Commission are brought back to Parliament next year, we can give consideration to them and put into effect anything the commission recommends that finds favour with us and with another House.

In conclusion, let us not allow this state of affairs to proceed any further; let us not have a judge of our Supreme Court say that the law is harsh and unconscionable, and that because it is written as it is he can do nothing about it; and that people can avoid paying their just debts.

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

Ayes—14.

Hon. C. R. Abbey	Hon. G. C. MacKinnon
Hon. J. Cunningham	Hon. R. C. Mattiske
Hon. L. C. Diver	Hon. J. Murray
Hon. A. F. Griffith	Hon. C. H. Simpson
Hon. J. G. Hislop	Hon. J. M. Thomson
Hon. L. A. Logan	Hon. H. K. Watson
Hon. A. L. Loton	Hon. F. D. Willmott

(Teller.)

Noes—11.

Hon. G. Bennetts	Hon. H. C. Strickland
Hon. W. R. Hall	Hon. J. D. Teahan
Hon. E. M. Heenan	Hon. R. Thompson
Hon. R. F. Hutchison	Hon. F. J. S. Wise
Hon. G. E. Jeffery	Hon. W. F. Willesee
Hon. F. R. H. Lavery	

(Teller.)

Majority for—3.

Question thus passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (the Hon. G. C. MacKinnon) in the Chair; the Hon. A. F. Griffith (Minister for Mines) in charge of the Bill.

Clauses 1 and 2 put and passed.

Clause 3—Section 9 amended:

The Hon. F. J. S. WISE: For reasons that have already been amply expressed, I move an amendment—

Pages 3 and 4—Delete proposed new subsection (1b) of section nine.

This is the provision dealing with retrospectivity.

The Hon. A. F. GRIFFITH: We heard a lot tonight about taking teeth out of things. If this provision is deleted, the most important part of the Bill will go. The only judgment that will be affected by this provision is the one which was given last Wednesday. The Law Society has this to say—

The Mayfair case calls for urgent remedial legislation which, in view of the above, should be made to operate retrospectively.

If this portion of the Bill is not agreed to, it will be possible for other actions to be taken, and if such actions are taken

the same judgment as the one which was delivered by Sir John Dwyer and the Privy Council must apply.

If the amendment is agreed to, certain people will be prepared to take advantage of the situation and not pay their just dues. Had action been taken on the suggestion of the Law Society in June, 1958, we might not today have been in this position. I agree with Mr. Wise when he said that during his time the matter did not come before Cabinet. Perhaps the Minister for Justice did not have an opportunity to bring the matter before Cabinet. The Law Society recommended action.

The Hon. H. C. Strickland: But not retrospective action.

The Hon. A. F. GRIFFITH: No action was taken on what it did recommend. The Minister for Justice said, "Bring it up in 1959." After the change of Government, the Crown Law Department brought the matter up, and the Attorney-General took the advice of the Crown Law officers and did something about it.

Members know what is contained in the clause. If this provision goes out, then many people in Western Australia could find themselves in a sorry plight. People could lose their life savings because others are prepared to take advantage of what is plainly a hole in the law.

The Hon. H. K. WATSON: Referring to certain remarks Mr. Diver made, I point out that this is not a case of a lender trying to get something from a borrower who has suffered misfortune. I agree entirely with Mr. Diver that on the basic principles of moneylending, a person lends his money at a rate which is selected, and he takes his chance. It is a hazardous business; if the borrower progresses, the moneylender progresses with him and the money is safe; if he fails, the moneylender fails with him. That is an everyday circumstance of business; but this Bill has nothing to do with that.

If the amendment is agreed to it will mean that many borrowers, with flourishing businesses, who have borrowed money in a man-to-man transaction will be able to turn around and do what others have done before them—thumb their noses to their creditors simply because of a loophole in the Act. It will be an extraordinary state of affairs if Parliament condones such a set of circumstances.

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

Ayes—15.

Hon. G. Bennetts	Hon. A. L. Loton
Hon. L. C. Diver	Hon. H. C. Strickland
Hon. J. J. Garrigan	Hon. J. D. Teahan
Hon. W. R. Hall	Hon. R. Thompson
Hon. E. M. Heenan	Hon. J. M. Thomson
Hon. R. F. Hutchison	Hon. F. J. S. Wise
Hon. G. E. Jeffery	Hon. W. F. Willesee
Hon. F. R. H. Lavery	

(Teller.)

Noes—10.

Hon. C. R. Abbey	Hon. R. C. Mattiske
Hon. J. Cunningham	Hon. J. Murray
Hon. A. F. Griffith	Hon. C. H. Simpson
Hon. J. G. Hislop	Hon. H. K. Watson
Hon. L. A. Logan	Hon. F. D. Willmott

(Teller.)

Pair.

Aye.

No.

Hon. E. M. Davies

Hon. A. R. Jones

Majority for—5.

Amendment thus passed.

Clause, as amended, put and passed.

Clause 4—Section 11A amended:

The Hon. H. K. WATSON: This clause purports to deal with another technical point which arose out of the High Court consideration of the Mayfair case. Section 11A contains a proviso that until otherwise declared, the maximum rate of interest shall and is hereby declared to be 15 per cent.—the idea being that it could otherwise be declared by regulation. But the court could not find any regulation-making power in the Act, and it held that that section fixed the maximum. That maximum of 15 per cent. has stood since the section was inserted in 1931.

The Bill proposes to insert a regulation-making power, but in doing so there are half-a-dozen words in brackets which seem to me to confuse the issue. I move an amendment—

Page 6, lines 13 and 14—Delete the passage "(not exceeding twelve pounds ten shillings per centum per annum)".

If that amendment is agreed to it will be in keeping with the provisions of section 11A, and it will also contain a regulation-making power.

The Hon. A. F. GRIFFITH: This amendment was moved in the Legislative Assembly yesterday afternoon by the Leader of the Opposition. It is interesting to note that in 1941 the Money Lenders Act was amended, and the maximum rate of 15 per cent. was inserted. It is also interesting to note that that amendment was introduced by Mr. C. Cross who was the Labor member for Canning at the time, and it was supported by the Labor Party.

The Hon. G. E. Jeffery: What was the previous figure?

The Hon. A. F. GRIFFITH: It was 12½ per cent.

The Hon. F. J. S. Wise: It was unlimited really; that was to correct something.

The Hon. H. K. Watson: There was no limit.

The Hon. F. J. S. Wise: It was a set figure to deal with the moneylenders of that time, and it was very much to the honourable member's credit.

The Hon. A. F. GRIFFITH: At the moment we are dealing with only some of the moneylenders of this time. There are some of them who will go home tonight happy in their minds that they will not

have to pay their debts. Some of them will probably say, "That was pretty good. When that becomes the law it will absolve us from having to pay our debts and we are now as safe as a church."

The Hon. L. C. Diver: That is half the story.

The Hon. A. F. GRIFFITH: All I hope is that those members who supported the last amendment moved by Mr. Wise are not closely connected with anybody who has invested money with any of these people who will take advantage of section 9 as it is in the Money Lenders Act. We know what will happen. This Bill will go back to the Legislative Assembly, and if the matter goes to a conference somebody only has to say, "No," and the whole lot will go out. In that event nobody will have protection. If that is the situation members want, I am glad I shall have no part of it. The amendment moved by the Leader of the Opposition in another place was accepted by Mr. Watts, the idea being that the regulation could make the interest rate 12½ per cent.; and I do not see anything really wrong with it.

The Hon. H. K. WATSON: In the English Act, as it has existed for 100 years, there is no limit to the interest rate which can be charged. There is a section in the English Act, like ours, providing that if a borrower is aggrieved he may go to the court and have the transaction reopened, just the same as the provisions in the Hire-Purchase Act. But the rate is not limited. Up to 1941 our Act did not limit the rate but since then it has been limited to 15 per cent. I suggest there is no good reason for reducing it to 12½ per cent.; but if it is to be reduced, it seems to me that this clause wants tidying up. I maintain that if we take out the bracketed words it will make some sense.

Amendment put and negatived.

Clause put and passed.

Clauses 5 and 6 put and passed.

New Clause 2:

The Hon. H. K. WATSON: I move—

That the following be inserted to stand as clause 2—

2. Section three of the principal Act is amended—

(a) by deleting the words "or who lends money at a rate of interest exceeding twelve and one-half pounds per centum per annum" in lines six to eight;

(b) by substituting for paragraph (d) the following paragraph:—

(d) any person or body corporate *bona fide* carrying on the business of banking or insurance.

This amendment is designed to confine the operations of the Act to moneylenders as we understand the term, and to delete from the Act reference to the individual who happens to lend to a company at a rate exceeding 12½ per cent.; or, for that matter the individual who happens to lend money to another individual at a rate exceeding 12½ per cent. This would afford the borrower adequate protection, because he could go to the court and have his case reopened if he felt that he had been dealt with harshly or without conscience. Because a man happens to lend at 12½ per cent., why should he have to register under the Money Lenders Act and advertise himself as a moneylender? It is too silly.

Point of Order

The Hon. A. F. GRIFFITH: The honourable member seeks to insert a new clause which effects section 3 of the Act; but section 3 is not being amended in the Bill. I ask for your ruling, Sir as to whether it is permissible for Mr. Watson to proceed with his amendment.

The DEPUTY CHAIRMAN (the Hon. G. C. MacKinnon): I will leave the chair until the ringing of the bells.

Sitting suspended from 9.18 to 9.27 p.m.

Deputy Chairman's Ruling

The DEPUTY CHAIRMAN (the Hon. G. C. MacKinnon): Mr. Watson has moved an amendment to which the Minister for Mines has objected. The Standing Order which deals with this is No. 191 on page 37 which reads—

Any amendment may be made to any part of the Bill provided the same be relevant to the subject matter of the Bill, and be otherwise in conformity with the Standing Orders.

"Subject Matter" is dealt with at page 8 of our Standing Orders and is described as follows:—

"Subject Matter of Bill" means the provisions of the Bill, as printed, read a second time and referred to the Committee.

To determine whether any amendment is in order, it is necessary to ascertain whether it is, in the words of our Standing Order No. 191, "relevant to the subject matter of the Bill." Subject matter is defined as the "provisions of the Bill as printed, etc." Therefore, if an amendment relates to or has a bearing on those provisions, it must be relevant.

Unless the long title limits the Bill to certain sections, it is not important that a particular section of the Act is not being amended; it is the subject matter with which we are concerned. The title of the Bill reads as follows—

A Bill for an Act to amend the Money Lenders Act, 1912-1948.

I have studied the amendment; and, as the Bill contains several references to interest rates, the amendment is, in my opinion, relevant to the subject matter of the Bill. I therefore rule that the amendment is in order.

Committee Resumed

The Hon. H. K. WATSON: The Minister might query paragraph (b) of my amendment. I would be quite content not to press it. My amendment would bring our Money Lenders Act into line with the United Kingdom Act. We do not want to make technical moneylenders out of individuals who happen to lend money at 12½ per cent.

The Hon. A. F. GRIFFITH: I would like further information on this point. I take it the honourable member does not propose to go on with paragraph (b) of his amendment.

The Hon. H. K. WATSON: I would be obliged if some member would move an amendment to strike out paragraph (b) in the proposed new clause.

The Hon. A. F. GRIFFITH: I move—

That the new clause be amended by deleting paragraph (b).

Amendment put and passed.

The Hon. H. K. WATSON: The sole effect of my proposal will be to take the ordinary individual, as distinct from the moneylender, who lends money at 12½ per cent. interest, out of the section which declares him to be a moneylender within the Act, and to transfer him to section 4 of the Act. If that is done, the transactions of that individual will still be subject to review by the court if they are unconscionable. In other words, the borrower will not be prejudiced; and the lender will not be under the absurd requirement of having to register himself as a moneylender.

Section 3 of the Act includes any person who lends money, even in one transaction only, at 12½ per cent. interest; under this section he will become a moneylender and will be subject to the provisions of the Act.

The Hon. A. F. GRIFFITH: The honourable member has failed to tell us that it does not include the parties mentioned in paragraphs (a) to (f) of section 3. Would it therefore not include pastoral firms, hire-purchase companies, and the like? If it does, then these firms will have to be registered under the Money Lenders Act.

The Hon. H. K. WATSON: To understand the position thoroughly, I refer to the wording of section 3 of the Act which defines a moneylender, and which excludes the parties not regarded as moneylenders. Under the new clause no person can be brought under the provisions of the Act who is not covered by the Act today. I

am merely seeking to take out of the provisions of section 3 the person who may have, in one transaction, lent money at a rate of interest exceeding 12½ per cent.

The Hon. A. F. GRIFFITH: The definition of "moneylender" includes every person who lends money, except those referred to in paragraphs (a) to (f) of section 3. If that is the case, all persons other than those in paragraphs (a) to (f) are included; therefore stock firms like Elder Smith and Dalgety's will be included.

The Hon. H. K. WATSON: At the moment they are either in or out of the Act. They are not affected by the new clause.

The Hon. H. C. STRICKLAND: All persons or firms that lend money at a rate of interest exceeding 12½ per cent. would be classed as moneylenders. If we deleted the reference to the rate of 12½ per cent. they could charge any rate of interest they liked, because they would not be regarded as moneylenders. A person or firm can now lend money at the rate of 12½ per cent. without being registered as a moneylender. When interest is charged at a rate greater than 12½ per cent. they will have to be registered; and the Act, together with the provisions of the Bill, will limit the interest rate to 12½ per cent. This section of the Act is a very important one. It has been in operation since 1913.

The Hon. H. K. WATSON: The new clause refers to the stray individual who lends money on an odd occasion. The person carrying on business as a moneylender will still be governed by the Act. The person who accepts an invitation from a company to lend money at 15 or 20 per cent. ought not to be treated as a money lender under the Act.

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

Ayes—2.

Hon. J. G. Hislop

Hon. H. K. Watson
(Teller.)

Noes—23.

Hon. C. R. Abbey
Hon. G. Bennetts
Hon. J. Cunningham
Hon. L. C. Diver
Hon. J. J. Garrigan
Hon. A. F. Griffith
Hon. W. R. Hall
Hon. E. M. Heenan
Hon. R. F. Hutchison
Hon. G. E. Jeffery
Hon. F. R. H. Lavery
Hon. L. A. Logan

Hon. A. L. Loton
Hon. J. Murray
Hon. C. H. Simpson
Hon. H. C. Strickland
Hon. J. D. Teshan
Hon. R. Thompson
Hon. J. M. Thomson
Hon. W. F. Willesee
Hon. F. D. Willmott
Hon. F. J. S. Wise
Hon. R. C. Mattiske
(Teller.)

Majority against—21.

New clause, as amended, thus negatived.

The Hon. H. K. WATSON: It is not worth while my moving the next amendment, but I would like to tell the Minister for Mines—

The DEPUTY CHAIRMAN (the Hon. G. C. MacKinnon): I point out to the honourable member that, as yet, there is no question before the Committee.

The Hon. H. K. WATSON: I was hoping to be able to say what I desired before you told me that, Mr. Deputy Chairman.

Title put and passed.

Bill reported with an amendment and the report adopted.

Third Reading

THE HON. A. F. GRIFFITH (Suburban—Minister for Mines) [9.46]: In moving the third reading said: I want to have it placed on record, I hope not for use on future occasions—I repeat I hope not for use in future—that by deleting the retrospective portion of clause 9, we will make it possible—and we have made it possible—for some people to go home tonight feeling happy and content in the knowledge that they will be able to evade their obligations and that they will be able freely to break moral, legal, and any other sort of obligations which they know, in their own hearts and minds, that they have broken. They know now that if they are sued the Court will, in the words of Sir John Dwyer, have no alternative but to give judgment in favour of the person who borrowed the money.

I say with all due respect to members who thought that was the right thing to do, that I want to record my protest on behalf of the innocent people who can, but I hope will not, suffer by this action.

I move—

That the Bill be now read a third time.

THE HON. H. K. WATSON (Metropolitan) [9.48]: It is all very well for the Minister to shed crocodile tears over unfortunate people who have been caught up in regard to lending money at a rate of interest higher than 12½ per cent. Had he accepted the amendment I moved to section 3 of the principal Act, he would have removed, to a very large extent, the possibility of those people being exploited by borrowers. I would like that point to go on record, too.

THE HON. H. C. STRICKLAND (North) [9.49]: My only comment is that it is rather strange that we should hear these grousches at this stage, when the legislation was introduced last August. Has the Minister been worrying about it since then? Had the Minister been sitting on this side of the House and this legislation been introduced at this stage of the session, I venture to suggest that it would have been thrown out the window with the usual excuse, "No time to consider it."

THE HON. J. G. HISLOP (Metropolitan) [9.50]: I would like to make it clear, as there are so many differences of opinion in regard to this measure, that it needs a real investigation.

The Hon. A. F. Griffith: That was offered.

The Hon. J. G. HISLOP: I trust that the offer of the Attorney-General to hold a Royal Commission will not be withdrawn.

The Hon. A. F. Griffith: He said, "Let this Bill become law, and then let us inquire"; and I would not blame him if he did not do anything about it now.

THE HON. F. R. H. LAVERY (West) [9.51]: In view of the debate which has taken place and the decisions which have been made in regard to this measure, I consider the castigation made by the Minister just now is a reflection on the members of this House.

THE HON. F. J. S. WISE (North) [9.52]: I think it is necessary to supplement with a comment, the remarks already made. The Minister gave us an unqualified assurance towards the end of his protest against the opposition to the Bill that the retrospective clause had no effect whatever except on one case decided in the court a few days ago.

The Hon. A. F. Griffith: I said no effect on the judgments.

Question put and passed.

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

Sitting suspended from 9.53 to 10.15 p.m.

BOOKMAKERS BETTING TAX ACT AMENDMENT BILL

Assembly's Message

Message from the Assembly received and read notifying that it had modified the amendment requested by the Legislative Council.

In Committee

The Chairman of Committees (the Hon. W. R. Hall) in the Chair; the Hon. A. F. Griffith (Minister for Mines) in charge of the Bill.

Clause 2—Section 2 amended:

The CHAIRMAN: The following are the modifications made by the Legislative Assembly to the amendment requested by the Legislative Council:—

Page 2, line 11—Delete all words after the figures "1954" and substitute the following:—

- (i) On so much of that turnover as does not exceed twenty-five thousand pounds, at the rate of two and one-quarter per centum.
- (ii) On so much of that turnover as exceeds twenty-five thousand pounds but does not exceed fifty thousand pounds, at the rate of two and three-quarters per centum.
- (iii) On so much of that turnover as exceeds fifty thousand pounds but does not exceed seventy-five

thousand pounds, at the rate of three and one-quarter per centum.

- (iv) On so much of that turnover as exceeds seventy-five thousand pounds but does not exceed one hundred thousand pounds, at the rate of three and three-quarters per centum.
- (v) On so much of that turnover as exceeds one hundred thousand pounds but does not exceed one hundred and twenty-five thousand pounds, at the rate of four and one-quarter per centum.
- (vi) On so much of that turnover as exceeds one hundred and twenty-five thousand pounds but does not exceed one hundred and fifty thousand pounds, at the rate of four and three-quarters per centum.
- (vii) On so much of that turnover as exceeds one hundred and fifty thousand pounds, at the rate of three and one-half per centum.

The Hon. A. F. GRIFFITH: The modifications made by the Legislative Assembly are in keeping with the percentages that I foreshadowed would be acceptable by the Government. They have been truly recorded, and I move—

That the modifications made by the Assembly be agreed to.

The Hon. H. C. STRICKLAND: As the Minister for Mines has pointed out, the modifications made by the Legislative Assembly are those which were determined by the Council at a previous sitting, and I agree with them.

Question put and passed; the modifications as made by the Assembly agreed to.

Clause 2, as amended, put and passed.

Title agreed to.

Bill, as amended by the Assembly, reported and the report adopted.

Third Reading

Bill read a third time and passed.

METROPOLITAN REGION IMPROVEMENT TAX BILL

Assembly's Message

Message from the Assembly received and read notifying that it had made the amendments requested by the Council.

In Committee

The Chairman of Committees (the Hon. W. R. Hall) in the Chair; the Hon. L. A. Logan (Minister for Local Government) in charge of the Bill.

Clause 2—Metropolitan Region Improvement tax:

The CHAIRMAN: The Assembly has made the following amendments requested by the Council:—

Page 1, lines 11 and 12—Insert after the word "thereafter" the words "up to the year of assessment ending on the thirtieth day of June one thousand nine hundred and sixty-two."

Page 2, line 1—Delete the words "Town Planning and Development Act, 1928," and substitute the words "Metropolitan Region Town Planning Scheme Act, 1959".

Clause 2, as amended, put and passed.

Title put and passed.

Bill reported without amendment and the report adopted.

Third Reading

THE HON. L. A. LOGAN (Midland—Minister for Local Government) [10.34]: I move—

That the Bill be now read a third time.

THE HON. H. K. WATSON (Metropolitan) [10.35]: I move—

That the debate be adjourned until the 25th December.

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

Ayes—13.

Hon. G. Bennetts	Hon. H. C. Strickland
Hon. J. J. Garrigan	Hon. J. D. Teahan
Hon. W. R. Hall	Hon. R. Thompson
Hon. E. M. Heenan	Hon. H. K. Watson
Hon. R. F. Hutchison	Hon. F. J. S. Wise
Hon. G. E. Jeffery	Hon. W. F. Willesee
Hon. F. R. H. Lavery	(Teller.)

Noes—13.

Hon. C. R. Abbey	Hon. G. C. MacKinnon
Hon. J. Cunninghamham	Hon. R. C. Mattiske
Hon. L. C. Diver	Hon. J. Murray
Hon. A. F. Griffith	Hon. C. H. Simpson
Hon. J. G. Hislop	Hon. J. M. Thomson
Hon. L. A. Logan	Hon. F. D. Willmott
Hon. A. L. Loton	(Teller.)

The PRESIDENT: The voting being equal, I give my casting vote with the Noes.

Motion thus negatived.

The PRESIDENT: The question now is that the Bill be read a third time.

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

Ayes—13.

Hon. C. R. Abbey	Hon. G. C. MacKinnon
Hon. J. Cunninghamham	Hon. R. C. Mattiske
Hon. L. C. Diver	Hon. J. Murray
Hon. A. F. Griffith	Hon. C. H. Simpson
Hon. J. G. Hislop	Hon. J. M. Thomson
Hon. L. A. Logan	Hon. F. D. Willmott
Hon. A. L. Loton	(Teller.)

Noes—13.

Hon. G. Bennetts	Hon. H. C. Strickland
Hon. J. J. Garrigan	Hon. J. D. Teahan
Hon. W. R. Hall	Hon. R. Thompson
Hon. E. M. Heenan	Hon. H. K. Watson
Hon. R. F. Hutchison	Hon. F. J. S. Wise
Hon. G. E. Jeffery	Hon. W. F. Willesee
Hon. F. R. H. Lavery	(Teller.)

The PRESIDENT: The voting being equal, I give my casting vote with the Ayes.

Question thus passed.

Bill read a third time and passed.

TRADE ASSOCIATIONS REGISTRATION BILL

Assembly's Message

Message from the Assembly received and read notifying that it had agreed to the amendment made by the Council.

APPROPRIATION BILL

First Reading

Bill received from the Assembly; and, on motion by the Hon. A. F. Griffith (Minister for Mines), read a first time.

Second Reading

THE HON. A. F. GRIFFITH (Suburban—Minister for Mines) [10.46] in moving the second reading said: This is the customary annual Bill to which Parliament is asked to agree, in order that the necessary money may be appropriated, once the Estimates are passed, for the services of the year.

Supply Bills providing for £20,801,649 from the Consolidated Revenue Fund, £11,359,000 from the General Loan Fund, and £1,500,000 from the Public Account for Advance to Treasurer, a total of £33,660,649, were passed by Parliament earlier in the session.

The estimates of expenditure from the Consolidated Revenue Fund for the year total £64,798,500. Of this sum, £13,987,851 is permanently appropriated by special Acts, leaving £50,801,649 still to be appropriated. This is provided for in clause 3 of the Bill, as is the appropriation of £19,359,000 from the General Loan Fund, and £3,500,000 from the Public Account for Advance to Treasurer. Particulars of the allocation of these moneys are specified in schedules B, C, and D of the Bill.

Clause 3 (2) further appropriates expenditure during the year 1958-59 in excess of the amount voted. Details are shown in schedules E and F, and the amounts total £1,234,274 4s. 11d. from the Consolidated Revenue Fund, and £1,192,326 17s. 2d. from the General Loan Fund.

Clause 4 deals with the expenditure of £1,108,702 from the Forests Improvement and Reforestation Fund. The scheme of expenditure in this regard has been laid on the Table of the House and requires Parliamentary approval. I move—

That the Bill be now read a second time.

THE HON. W. F. WILLESEE (North) [10.49]: This is the measure which is moved annually at this stage of the session; and it is necessary that it be passed

if the Government is to function properly. On this, as on other occasions, I support the Bill; but I take this opportunity to refer to a question which I asked the Minister for Mines yesterday in regard to the police station at Port Hedland. I asked him whether a new police station and quarters were to be built there. I appreciate the fact that the Government is spending £30,000 on a new court house at Port Hedland, but I point out to the Minister that the town has grown so quickly in recent years that the police station is now completely inadequate for the needs of the district.

The sergeant of police at Port Hedland at present has to share the office with two constables, and has no opportunity of private conversation with people who call on him. In addition to that, two constables have to live at the local hotel. In the North-West, more than in any other part of the State, there are signs of disaffection in the civil service—particularly among young constables and school teachers—who are living in that part of the State for the first time and find they must reside at hotels because other accommodation is not provided for them.

As the Minister knows, Port Hedland is a town in which the police should be provided with their own accommodation, rather than have to live at the hotel. While I realise, from the answer which the Minister gave to my question, that nothing can be done in this regard in the present financial year, I ask him to persevere in an endeavour to get the Government to draw up comprehensive plans for a new police station and police quarters. I thought the previous Government had the matter in hand, and that plans had been drawn up, although I do not know whether that is so. I again ask the Minister to give early attention to the proper housing of the police officers at Port Hedland. I support the Bill.

THE HON. J. G. HISLOP (Metropolitan) [10.51]: I intend to deal with a matter about which I hope the Minister will be able to do something after the session ends. I am referring to the position of the private individual next door to whose property there is a piece of Crown land which not only acts as a fire hazard but also as a haven for snails and other pests which come in from that land and constitute a nuisance to the individual concerned. On the person whom I have in mind making an approach to the department, he received the following reply:—

Owing to the numerous requests that crop up every year regarding the burning off of Crown land it has been necessary for this Department to adopt a firm policy in this regard.

The Bush Fires Act provides the right for owners of land adjoining Crown land to enter in upon the

Crown land for the purpose of creating a fire break to ensure the security of their own property, and before the Department is prepared to take action to burn off any blocks, it is considered necessary for the adjoining owner to co-operate with the Department to the extent of providing the initial break.

If you will therefore arrange to do this and also secure the co-operation of the owner on the south side, consideration could then be given to the burning off of the remainder, if such is then considered necessary.

That is a priceless attitude for the department to adopt. It waives its responsibility for land which it owns. It seems to me that the Crown should take responsibility for burning off its land, particularly in suburban areas. For the department to say that it will take no action until the adjoining landholders have made the initial fire break and that it will then burn off the central portion only if it is considered necessary, apparently absolves the department from responsibility; and I would like the Minister to take this matter up.

I wish now to refer to the Act which controls the service stations which are open on a roster system to provide emergency supplies of petrol to the public. I have here the roster taken from the *Government Gazette*, and I have made it my business to study the position from January, 1959, to date; and in fact the roster is carried through to the new year by proclamation. I find that in 1958 there were at least 20 occasions upon which the emergency petrol station open was on the north side of the railway line, which surely could not be said to provide a service for the public of the central city area.

I find that the emergency stations were open in Sutherland Street, Mounts Bay Road, Canterbury Court, Lake and Francis Streets, James and Fitzgerald Streets, Loftus and Stone Streets, James and Aberdeen Streets, Newcastle Street, Royal and Bennett Streets, and so on. Surely that could not be regarded as giving service to the public of the central city; and the same applies for the year 1959. Prior to that, one could always rely on obtaining petrol in the heart of the city, either at the Tivoli Garage or at Sydney Anderson's.

I have noticed how often those two stations have received the right to serve emergency petrol; and I find that once in six months each of them is allowed one week's after-hours trading. Around Loftus Street, where apparently there is a number of garages owing to the industrial area, stations were opened for the distribution of emergency petrol 13 times in two years. I cannot see that this legislation is rendering any great service to the public, and I think that next session we

should give the matter consideration, as this is one of the few Acts under which the Minister has no direction at all. Apparently he is powerless to alter the roster and must simply accept it.

The Hon. L. A. Logan: He has made them open two extra emergency stations on each of the highways.

The Hon. J. G. HISLOP: Yes, but he has a lot of difficulty in doing it because he has no authority. He can simply request that they do it, or he can use more than ordinary powers of persuasion. I think that in the next session we should have a look at this legislation and give back to the Minister the right to alter the schedule if he thinks it should be altered. From the point of view of the travelling public, we should see that at least one or two stations that have become well-known centres in the city will be open so that motorists can go to them when they are in trouble.

In the metropolitan area we are still in the position that if we run short of petrol we have to look around to see where the available station is located. It is advertised in the *Sunday Times*, but not everybody thinks of cutting out the *Sunday Times* advertisement each week to know where to go if he becomes short of petrol. The legislation needs to be amended, and I hope it will be attended to early in the next session.

THE HON. F. R. H. LAVERY (West) [11.11]: I do not say that a few more petrol stations should not be opened around the city, but I point out to Dr. Hislop that these rosters are not, as some people think, drawn up by the Automotive Chamber of Commerce. After the Royal Commission into the petrol industry was held, the suggestion was made that the chamber and the oil companies should work together; and the companies themselves set about in an attempt to retain their percentage of the gallonage. These rosters are periodically drawn up by the association in collaboration with the oil companies so that each of the companies will, as near as practicable, be able to retain its gallonage output.

The Hon. J. G. Hislop: With complete thought for the motorists!

The Hon. F. R. H. LAVERY: I suggest it would be with complete thought for the companies, because they will see that their present gallonage is retained as near as possible. There are 24 garages in the Melville Road Board district, and twice this year not one station in the area was open for late trading. Some people complained, and a few weeks ago the Melville Road Board decided to go into the matter. The first four service station proprietors whom the board contacted said that they would be quite happy to open in turn for late trading; but the next six proprietors said that they did not want to open. So the road

board let the matter drop. I know there are anomalies; and I think we could advise the Automotive Chamber of Commerce that we think it should give further consideration to the roster, particularly as the new Narrows Bridge has taken a lot of traffic that used to go across the Causeway.

I want to use the opportunity of the debate on the second reading of this Bill to mention something about the Alan MacKenzie memorial appeal. This appeal was held to send the child to America. It was opened on the Saturday, and by the following Saturday the sum of £6,413 11s. 4d. had been received or promised. During that week Ansett-A.N.A. offered to transport the child, and whoever else had to go with him, across Australia and return, free of charge. Qantas also altered its regulations and, instead of seven or eight weeks being required to get a booking, the booking was made within three days, so that the child would be in America within 72 hours of leaving Perth.

There are several people deserving of mention in regard to the appeal and, firstly, I would like to express appreciation to Mr. Christmas from C.I.G. who was responsible for arranging the necessary oxygen which had to be taken on the planes used between here and Houston, in America. Mr. Power, of Ansett-A.N.A. is also deserving of mention because he prepared the platform for the equipment which had to be carried on the three different planes used in crossing from here to America.

A doctor went from here with the baby and, apparently, he did a fine job because Dr. Cooler from Houston sent back a report thanking him for what he did; although little Alan was not returned to us. This appeal has had a far-reaching effect; and it has proved—at least I am satisfied of this—that given the right equipment, the medical profession in Australia could perform these operations.

As I said, the sum of £6,413 was raised; and the fares cost £4,059, the account for the doctor and his team was \$1,735, or approximately £800, and the hospital account for the 10 days was \$1,531.60, or a little over £700—in other words about £75 a day.

A proposition is at present being placed before the public in Australia to set up a heart foundation; and I find, in speaking to the medical profession, they believe that if this foundation is started, people in Australia will not have to go abroad to get specialised treatment. The young doctor who diagnosed what was wrong with Alan is going to England in February, and he hopes to bring home with him some delicate equipment from Holland. It is anticipated that there will be about £800 left in the fund; and we propose to make the money available for the purchase of that equipment which will be installed in the clinic at the Fremantle hospital.

I am sure that the appeal for this heart foundation will be successful; and anything I can do to make it a success I shall be only too happy to do. It is something that must be supported; and I believe the Commonwealth social services will, in the future, have to make arrangements so that people wanting specialised treatment will be able to get it from this foundation rather than have to travel abroad.

There were 1,383 contributors, and the contributions ranged from £250 down to 2s. I wish to thank the Public Service Commissioner for seconding Mr. Phil Thornber, an officer of the Treasury, to Parliament House for a week to handle the financial side of the appeal. That officer is known to members because he was here for a few weeks while Mr. Browne was in hospital. He is acting as a trustee with me for the fund. I wish to thank you, too, Mr. President, for the assistance you gave me; and I also thank Mr. Roberts, Mr. Browne, and Mr. Ashley, for what they did. Last, but not least, I wish to thank Mr. Bradshaw, from the Curtin Junior Chamber of Commerce. He spent many hours making arrangements through the Houston branch of his organisation to look after the people in the party while they were in America. While the Curtin Junior Chamber of Commerce may get certain credit, I do not think there is any doubt but that Mr. Bradshaw is deserving of most of it.

We have not issued receipts to everybody, but we have a complete book of accounts for all the money received. A good deal of it was received from anonymous sources; even sums of £100 are in that category. But any person who desires a receipt can get one. We have taken the banking of the cheques, where cheques were received, as a receipt; but if people want a receipt we are prepared to issue one. I should also like to thank the staffs of the *Daily News*, *The West Australian*, and the A.B.C. for the fine coverage they gave us in helping to raise the funds. I wish to thank the people of Australia because they did a mighty job; and it is sad to think that God had other ways of looking after the little chap.

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.

LOAN BILL, £18,718,000

First Reading

Bill received from the Assembly; and, on motion by the Hon. A. F. Griffith (Minister for Mines), read a first time.

Second Reading

THE HON. A. F. GRIFFITH (Suburban—Minister for Mines) [11.20], in moving the second reading, said: This is the usual Bill submitted to Parliament once the Loan Estimates have been agreed to in another place. The measure authorises the raising by loan of a sum of £18,718,000, and the details of the purposes for which this money is required are set out clearly in the schedules on pages 3 and 4 of the Bill. The usual careful discussion has been given in another place to the proposed expenditure, and I therefore move—

That the Bill be now read a second time.

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.

BILLS (2)—RETURNED

1. Municipality of Fremantle Act Amendment Bill.
2. Municipal Corporations Act Amendment Bill (No. 3).
Without amendment.

MONEY LENDERS ACT AMENDMENT BILL

Assembly's Message

Message from the Assembly received and read notifying that it had agreed to the amendment made by the Council.

MEMBERS' REFERENCE COMMITTEE

Proposed Appointment

Debate resumed from the 18th August, on the following motion by the Hon. C. H. Simpson (Midland):—

That this House set up a further standing committee to be known as the Members' Reference Committee, such committee to consist of three members and to be empowered to consider and make recommendations regarding the allowances, emoluments and concessions of members of parliament.

That the substance of this motion be communicated to the Legislative Assembly and that the Legislative Assembly be requested to appoint a similar committee to combine as a joint committee of both Houses.

Such joint committee to elect one of its members as chairman and to be provided with a secretary.

THE HON. C. H. SIMPSON (Midland—in reply) [11.22]: There has been one speech on this motion. I am still of the same opinion as I was when I introduced the motion early this session. However, it was the wish of the members of the Committee of Rights and Privileges that I accept the office of chairman of that committee, and my colleagues expressed the wish that this motion should be withdrawn. Holding the office I do, and as anything I might say might be construed as the opinion of that committee, I feel that in deference to the members of that committee I must formally ask leave to withdraw the motion standing on the notice paper.

Motion, by leave, withdrawn.

CLOSE OF SESSION

Complimentary Remarks

THE HON. A. F. GRIFFITH (Suburban—Minister for Mines): The business of this current session is now concluded, but before we depart I would like to take the opportunity to make the customary remarks in respect of certain people with whom we are very closely associated. Not only does the business of the House for this session conclude tonight but, of course, it is the conclusion of the business for the first session during which I have been privileged to be the Leader of the House. I hope I have learned a great deal in the last few months that this session has been going; and I owe to all the members in the Chamber a good deal for the lessons I have learnt during this period.

I would like to take this opportunity of expressing my thanks to everybody. This is the last time I will use that expression as it is applicable to you, Mr. President, because you will retire of your own volition. You have had a very long and distinguished career in Parliament, and we have paid our respects to you on a much more personal basis than we will have the opportunity of doing here. But I would like it recorded in *Hansard* that I express to you my very keen appreciation of the tolerance you have extended to me in the job I have had to undertake, and the manner in which you have helped me through some of the difficult periods. I am truly grateful for your assistance. I hope you enjoy your retirement and that you continue in good health; and I hope that for many years you will come here frequently to say "Hello." I wish you well.

I would also like to take the opportunity of extending my thanks to my colleague, the Minister for Local Government (Mr. Logan), for the assistance he has extended to me during the period of this session.

I would also like to thank Mr. Strickland who is the recognised Leader of the Opposition in this House. His attitude to me personally has been most helpful

and co-operative, and I feel that between us we have been able to co-operate and arrange matters in a manner which has been mutually acceptable to both of us in the conduct of the House. With those remarks go, of course, my thanks to members generally who have shown a very considerable spirit of co-operation. We, of course, have had our difficulties, though they may be small, and we have all had our differences of opinion. We will always have those politically but, as has been said before and I am pleased to be able to repeat it, once we get outside this House our political differences are forgotten and friendships are most evident indeed. We are most fortunate in this State in having that state of affairs prevail.

I would like to take the opportunity of thanking the Chairman of Committees (Mr. Hall) and his deputies (Mr. Davies, Mr. MacKinnon, and Mr. Jones). Being Chairman of Committees sometimes can be just as difficult, and sometimes a little more difficult, than the job you undertake, Sir, as President. But we have always had from Mr. Hall—and that goes for his deputies, too—the utmost consideration in the work they have undertaken; and I would like to thank them very much indeed for the treatment they have given us at all times when dealing with the House in Committee.

I would personally like to thank the members of my own Party who have been of very great assistance to me during this my first term as Leader of the House. It is very nice indeed for a young man to be able to avail himself of the assistance of his colleagues; and they have been very helpful to me indeed. In thanking the members of my Party I want to take the opportunity of thanking Mr. Murray and Mr. Willmott, both of whom have undertaken the job of Whip this year so far as the Government Parties are concerned.

To Mr. Roberts, the Clerk of the Legislative Council, Mr. Browne, and Mr. Ashley, goes a very special word of thanks. Nothing is too much trouble for them when they are asked for their help, and I am indeed very grateful for the ready assistance they have offered to all. And with those remarks are to be associated the names of Mr. Carrick and Mr. Joyner. Mr. Carrick is no newcomer to us, but this is Mr. Joyner's first term in the House, and I hope that he has enjoyed it and that we will see him with us for a long time to come. We know Mr. Carrick and Mr. Joyner better as Dave and Bill, and I thank them very much for their assistance which has always been readily given.

To Mr. Chinery, the Chief Hansard Reporter; Mr. Hale, his deputy; and all the *Hansard* staff, I express my thanks. We keep them up very late at night sometimes, although this year has not actually been

too bad—with the exception of this particular time—which I think has been due to the co-operation of members generally.

I must mention the Controller (Mr. Burton) and his staff, as they look after the needs of the inner man, and they do it very well indeed. I thank them all for their trouble.

I would, too, Mr. President, almost last—but by no means least—like to extend my thanks to the Secretary to the Ministers, Mr. Giles, who has been a very great help to me this session. He has worked very hard, and I would like to express my thanks and gratefulness for the work he has done for both of us. Again almost last on the list but by no means the least—and I hope I have not forgotten anyone—my thanks go to the members of the Press. They do not always say what I would like them to say. I can remember, as a private member, raising my voice here and thinking that the following day would no doubt bring big headlines with regard to the way I had helped my people. Upon rushing out to get the paper next morning I sometimes found the words “and Mr. Griffith also spoke.” However, I do think the members of the Press are very considerate.

Last of all, I would like to convey to members and their families, and to all the others I have mentioned, my very best wishes for a happy Christmas and a prosperous New Year, bearing in mind that ten of the seats will become vacant as a result of biennial elections. Nine will have a chance of coming back but you, Sir, on your own decision, will not be with us.

I wish those people who will enter into political campaigns next year good luck, bearing in mind that we will stick to our Party loyalties, and, of course, will be anxious to see our candidates win the seats for which they receive endorsement. However, I know that remark will be accepted in the spirit in which it is spoken. I hope that all members will enjoy their holidays and that they will come back next year in the same co-operative spirit and that they will help us with all the difficult Bills the same as they have this year.

THE HON. L. A. LOGAN (Midland—Minister for Local Government): I would like to join with my co-Minister and Leader of the House in the remarks he has made. I do not think it is necessary for me to recapitulate all the names but just to endorse everything he has said.

I can assure members that I am not sorry that this is the last night of the session. It has been a fairly heavy one for me as a Minister. In endeavouring to keep pace with three portfolios, and the House at the same time, one is kept well and truly on the move. However, I have learned a lot and, I believe, have gained further experience. But I think

I can learn more, particularly in regard to tolerance. If there is one place where one learns that one has to be tolerant if one wants to get anywhere, it is here.

I appreciate that members generally have given me an opportunity to learn something, and I thank them for their assistance. They have not always thought of my ulcer, but at least they have expressed their own points of view. I wish you, in your retirement, Sir, good health and good luck. We know that you have served your State and country well; and you justly deserve many years of happy retirement. I join with the Minister for Mines in wishing one and all a merry Christmas and a prosperous New Year. I trust that when we meet again next year we will meet with the same spirit of comradeship that we have experienced this year.

THE HON. H. C. STRICKLAND (North): I desire to express my appreciation for the co-operation which, as Leader of the Opposition, I have received from all members. I congratulate the two Ministers for the way they have conducted our affairs. The co-operation of the Minister saved members many unduly long hours of sitting in the early stages. The Minister in charge was most co-operative. He consulted members as to their wishes in regard to sittings when there was not a great deal of business to be done. All members appreciate that. I have not carried the brunt of the burden of Opposition. All members of my Party helped me to do it, and particularly my bosom friend, Mr. Wise, who handled the big Bills and made a wonderful job of it.

I hope that the nine members who are facing the electors between now and next May will be with us again when Parliament next meets. I feel certain that there will be no changes, and that those who now occupy the seats will do a better job when they come back here for a new term.

I take this opportunity of thanking the officers of this Chamber, the staff, and the officers of Parliament House generally for their always courteous and prompt attention.

I also thank the *Hansard* staff for the efficient manner in which they report my speeches, anyway. To those who are not standing for re-election I want to take the opportunity of wishing each of them a very happy Christmas and a prosperous new year. I have already spoken to you, Mr. President, in your chambers today in regard to your retirement, and I can only repeat that I hope you enjoy every minute of it.

THE HON. A. L. LOTON (South): I wish to convey my best wishes to you, Mr. President, on your retirement; and I trust that in the days to come you will have much happiness. Mr. Roche is not present tonight for the break-up because, as you, Sir, will know, he has had much

ill-health this session. Therefore he has asked me to convey his good wishes to you also. He has expressed the hope that in the years to come you will still attend Parliament House on many occasions and let us have the benefit of your experience.

As you will have a certain amount of spare time on your hands in the near future, Mr. President, I am going to charge you with a duty. The members of the Country Party would appreciate your writings on the history of the Country Party, because you have so many facts at your fingertips that would enable such a history to be placed on record. It will be of value to us, of course, in the years to come; and you are better qualified than anyone we know to carry out this task. Therefore, I would be pleased if you found yourself able to get your head down early in the New Year so that we could have the benefit of your knowledge and experience in outlining the history of the Country Party.

THE HON. F. J. S. WISE (North): Firstly, I extend to you, Mr. President, my felicitations; and to the organisations and those we respect at this time of the year, I would like to reiterate the kindly remarks and expressions made by the Leader of the House, especially to many of those who have helped us during the year. Perhaps there is no House of Parliament in Australia better served by a staff than this House, because in this Chamber, we are served by officers to whom nothing is a trouble at any time. Of course, our thanks are also due to the members of the *Hansard* staff, those expert people who are able to understand all our little foibles in the use and misuse of words, and who are able to present us with something which, indeed, if we did not say it, we intended to say.

The Hon. L. A. Logan: And probably express it better than we could ourselves.

The Hon. F. J. S. WISE: There is included among those people who have already been mentioned by other speakers this evening, those who have served Parliament loyally and adequately, but who are not present and who are very seldom seen. I refer to the Government Printer and Mr. Cooke. To the Government Printer and his staff the thanks of the whole community are due for the very great work they are able to achieve, especially during the serious days of Parliament; because at all hours of the day and night they are called upon to give to this Parliament expert service. Therefore, our thanks to them should be placed on record.

To you, Sir, I wish a very merry Christmas and prosperous New Year. It is my fault that my Leader is in Parliament. He abused me for that afterwards, but that does not matter. All of us know the work he has done for us on this side of the House, and it has been greatly appreciated. I join with him in expressing

appreciation of the work done by the Ministers during this session. As one who was a fledgling Minister 25 years ago, I know what a first session feels like to a young Minister.

One's first session as Minister in charge of the House is a great responsibility; and I think we will all agree that the two Ministers in this House have carried out their tasks ably and well. Although they will never agree with us, we often agree with them and wish them well—that is the feeling at Christmas time.

THE HON. W. R. HALL (North-East): I also desire to associate myself with the remarks made this evening. I hope you will have many happy years of retirement, Sir, and I wish you good health and everything that you wish yourself. I assure you, in all sincerity, it has been a privilege and an honour to be associated with you and to serve under you. I also want to take the opportunity of thanking Mr. Griffith and Mr. Logan for the courtesy they have shown me in my capacity as Chairman of Committees. Both the Ministers, together with Mr. Strickland and his right-hand man, Mr. Wise, have made my task much easier than it normally would have been. It has been a pleasure to be associated with them.

This is one of the nicest sessions I have had the privilege to take part in since I have been here. I cannot let this opportunity pass without thanking the Deputy Chairmen of Committees (Mr. Davies, Mr. MacKinnon and Mr. Jones) who, between them, handled between 30 and 40 Bills with great efficiency. I thank them for the assistance they have given me. My thanks go to Mr. Roberts, the Clerk of the Council, and to Mr. Browne and Mr. Ashley for their co-operation and assistance both during this and previous sessions. They have made my task a very easy one; and with their great assistance the job of Chairman becomes easier each year.

I also desire to thank Mr. Carrick and Mr. Joyner for the manner in which they have carried out their duties and the courtesy which they have extended to me. Their job is not an easy one; it means long hours and a good deal of work, with the cleaning up and one thing and another. My thanks also go to Mr. and Mrs. Burton for the manner in which they have catered for members of Parliament. Being on the House Committee you, Sir, and I know the good job they do and the efficient service they give at all times to all members of both Houses. My thanks are due to them for the manner in which they have served us during this session.

Before resuming my seat I wish to thank the *Hansard* staff for the remarkable job they have done. Whilst I cannot claim to have made many speeches during the session, I know full well what that staff does for other members. They carry out

a remarkable task. As was said this evening, in respect of those members who, like myself, do not make many speeches, the *Hansard* staff makes the speeches for them.

I thank all members for the co-operation and tolerance they have shown me this session. I wish them one and all, and you, too, Mr. President—if I have left anyone out I hope to be forgiven—a very merry Christmas and a happy New Year.

THE HON. C. R. ABBEY (Central): As one of your co-members representing the Central Province, Mr. President, I cannot miss this opportunity to wish you well in your retirement. I have been a member of this House for two years, and it seems there must be something in parliamentary life if you, Sir, have been able to survive it for this length of time; and that gives me great encouragement, to think that I have a few years in which to enjoy my life here. When I first entered this House I had considerable doubts, but those doubts have been removed.

After listening to the various speakers tonight, and being well aware of your long public life, I, as a comparatively new member, think there is some hope for members of Parliament to survive the hurly-burly of Parliamentary life in this State, better than can Federal members survive parliamentary life in Canberra; because their record is not so good.

I convey to you, Sir, my sincere thanks for your courtesy and help since I have been a member. I express the sincere hope that you will enjoy your retirement to the full. I know that you will always be taking an active part and a keen interest in public affairs in your retirement, and I am sure that will keep you as young as you are today.

I express my thanks to the officers and staff of this Parliament, and I convey to them my best wishes for Christmas and the New Year. To you, Mr. President, and all the members of this House, I wish a very merry Christmas and a happy New Year.

THE HON. R. F. HUTCHISON (Suburban): I want to express my thoughts and my feelings in the break-up of this Parliamentary session and to wish you, Sir, a very happy Christmas and New Year. I wish to congratulate you on the service you have rendered to this State, and I express the hope that you will find your retirement full of enjoyment. I am sure you will find enough to do to keep you well occupied, although you will not be tied to the affairs of this House.

I thank other members for their tolerance towards me, and I congratulate the young men who have taken on portfolios in the Government this year. I offer my sincere congratulations to them. I hope I have not been too difficult during this session.

To my leader in this House and to Mr. Wise I express the hope that they will enjoy what they have well earned during this session, which has been a very informative session.

I stand for election next year, and should it be the will of the people to return me, I will be willing and happy to carry on the work I am doing. If I am not returned, I would like to express my gratitude to every member of this Parliament. I am the only woman in Parliament, and I have received courtesy and kindness from every member, as well as from the officers of Parliament, including Mr. Roberts, Mr. Browne, Mr. Ashley, and everyone else. I express to everyone the compliments of the season.

THE HON. G. C. MacKINNON (South-West): Because of your trip this year, Mr. President, the three Deputy Chairmen were called on perhaps a little more than usual; and on behalf of Mr. Davies, Mr. Jones, and myself, I would like to express our thanks for the kind words of the Minister for Mines and Mr. Hall. I would also thank the staff for the way in which they have helped all of us to get through the Bills with expedition. I also thank members for their tolerance towards us.

This Chamber is extremely well served by Mr. Hall; the standard of chairmanship is particularly high. However, when you were away, and Mr. Hall occupied the President's Chair, the three of us found it very pleasant when we were handling the Bills. Everyone was most helpful and tolerant of the little mistakes that were made.

I wish members, the staff, and yourself a very happy Christmas and prosperous New Year on behalf of those other gentlemen and myself. Thank you again.

THE HON. G. E. JEFFERY (Suburban): I rise to express my gratitude to you, Sir, and my thanks to the officers and to the staff of Parliament for their courtesy and assistance during the last year. Mr. President, I cannot help but think during these closing hours that as you sit in the Chair, you must be remembering those days in March, 1921, when you first became a member.

I only hope that your retirement will bring to you the reward and satisfaction which you so richly deserve. I expressed the hope in my Address-in-reply speech that you might sit down and write your memoirs. You have been associated with some outstanding events in the history of this State, and I hope you will apply yourself to those memoirs. I particularly hope that you will find time in your retirement to return to the stamping ground, and that we will all enjoy the warmth of your friendship and the wealth of your experience.

I express to you, Sir, to fellow members, and to the staff, all good wishes for the festive season; and I hope the New Year will bring happiness and prosperity to all.

THE HON. F. R. H. LAVERY (West): Tonight I have a special message to bring to you, Mr. President, from my predecessor, the Hon. Harry Gray. I saw him this morning and he asked me to express to you, on behalf of himself and his wife, his best felicitations; and to wish you as happy a retirement as he is himself enjoying.

THE HON. L. C. DIVER (Central): On behalf of myself and the parliamentary Country Party, of which I am Chairman, I extend to you, Sir, and all members of the staff, the *Hansard* staff, the Controller and the stewards, the compliments of the season. I wish to thank everybody for the support they have given us, and the courtesy and attention that has been shown by the staff.

As Christmas is upon us, Sir, I do particularly desire to convey to you seasonal greetings; and I trust that, as your colleague for the Central Province for the remaining months you will occupy that position, I will have your company when we travel around the country from time to time. I am sure that our association, in that way, has been to our mutual advantage; and it has given me extreme pleasure to travel with you. I have no doubt that the experiences you have gained during the time you have occupied the position of President of this Council will last with you to the very end, and I know that they will be cherished.

THE HON. R. THOMPSON (West): May I associate myself with the remarks passed by the previous speaker; and I also congratulate the two Ministers on what has appeared to me, as a new member, the excellent manner in which they have carried out their duties.

I would also like very sincerely to thank my leader and deputy leader for the assistance, guidance, and education I have received from them; and I wish also to express my appreciation of the assistance I have received from all members in the Chamber since I have been here.

I have already passed on my sentiments to you, in respect to your retirement, Sir, so I will not do so again, except to wish you well in the future; and I wish to all members a happy and successful year.

THE PRESIDENT (the Hon. Sir Charles Latham—Central): I am not going to detain you as you have had a very long period here today. However, I want to say that I have this evening listened to some excellent speeches. I could not improve on them in any way, and I have not, as yet, been able to conjure up in my mind the name of anyone who could.

May I be permitted to thank members for their remarks not only in regard to myself but in regard to each other. I have always looked upon this Chamber as a huge family. I imagine that we do not quarrel nearly as much as some families do; and when we do quarrel it is in a nice way and the quarrels are immediately forgotten afterwards; and it has been a pleasant experience for me to be a witness of this.

I know, of course, that the other House provided me with a very good education, but the members of this House cannot be beaten as far as friendliness is concerned. When I leave this Chamber I will be leaving a lot of friends, but I hope that from time to time I will be permitted to meet you again and be associated with you in some small way.

I want to say that I have one regret this evening and that is that the man who has known me longest, probably, in my lifetime is absent. I refer to Mr. Davies. He and I were together in the 16th Battalion, and it was there that one really learnt the meaning of friendship. Mr. Davies and I are very great personal friends, and when he first came into this House, I was, because of the attachment that I will never forget, pleased to feel that at least I had a real friend.

I thank members for always having been so tolerant towards me. I feel that I have not served the House as well as did some of the men who preceded me, but you have all been very tolerant towards me. I wish to give thanks to my personal staff who have made my duties much lighter than they otherwise would have been, and who have helped me greatly on occasions when I have been worried as to whether I could do effectively the job entrusted to me. I wish one and all a very merry Christmas and a happy and prosperous new year.

BILLS CONSIDERED BY PARLIAMENT

THE HON. A. F. GRIFFITH (Suburban—Minister for Mines) [12.11 a.m.]: For the information of members, Mr. President, the record shows that Parliament has this session dealt with 89 Bills, three of which were defeated on the second reading in this House and one on the second reading in another place. Two were ruled out of order.

ADJOURNMENT—SPECIAL

THE HON. A. F. GRIFFITH (Suburban—Minister for Mines): I move—

That the House at its rising adjourn to a date to be fixed by the President.

Question put and passed.

House adjourned at 12.12 a.m. (Saturday).