Legislative Assembly

Tuesday, the 24th November, 1959

CONTENTS

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

BILLS (5)—ASSENT

Message from the Governor received and read notifying assent to the following Bills:—

1. Entertainments Tax Act Amendment Bill.
2. Entertainments Tax Assessment Act Amendment Bill.
3. Bunbury Harbour Board Act Amendment Bill.
4. Town Planning and Development Act Amendment Bill (No. 3).
5. Albany Harbour Board Act Amendment Bill.

QUESTIONS ON NOTICE

ALE

Quantities Purchased

1. Mr. GRAHAM asked the Attorney-General:

   What quantities of ale were purchased for each of the last five years respectively by—

   (a) publicans;

   (b) registered clubs;

   (c) holders of gallon licenses?

Mr. WATTS replied:

Quantities of ale (expressed in gallons) purchased for each of the last five years respectively by:—

(a) Publicans General and Licences other than (b) and (c)—

Year ended 30/6/55	Year ended 30/6/56	Year ended 30/6/57	Year ended 30/6/58	Year ended 30/6/59
14,056,589	13,396,043	11,956,107	12,443,903	12,162,820

(b) Registered Clubs—

Year ended 30/9/55	Year ended 30/9/56	Year ended 30/9/57	Year ended 30/9/58	Year ended 30/9/59
1,247,270	1,311,987	1,396,025	1,528,840	1,616,635

(c) Holders of gallon licences—

Year ended 30/6/55	Year ended 30/6/56	Year ended 30/6/57	Year ended 30/6/58	Year ended 30/6/59
1,075,933	1,200,668	953,682	938,670	978,129

DIESEL ENGINES

Faults and Time Lost

2. Mr. ANDREW asked the Minister for Railways:

(1) Has the trouble which the department had with diesel railway engines been overcome?

(2) Could he give the time lost by these engines during the last three years?

Mr. COURT replied:

(1) As advised on the 3rd November, 1959, by the Minister for Mines in the Legislative Council, there are three types of diesel locomotives in service—

X type diesel electric main line—48.

Y type diesel electric shunters—18.

Z type diesel mechanical jetty shunters—3.

Compared with expectations based upon diesel performances reported by some other railway systems, the X-class diesel electric locomotives cannot be regarded as being completely satisfactory. Nevertheless, the improving degree of utilisation and service being obtained is encouraging, and the locomotives are financially advantageous by comparison with steam units.

The Y and Z type locomotives are entirely satisfactory.

(2) The percentage time lost to traffic during the last three years by X-class and ZA-class locomotives is as follows—

Year ended the 30th June—

	Percentage
1957	28.6
1958	30.1
1959	27.1

The present position this year to date is 18.1 per cent.

UNEMPLOYMENT AT KALGOORLIE

Figures for October

3. Mr. EVANS asked the Minister for Industrial Development:

(1) Is he aware that the Commonwealth Employment Service Office in Kalgoorlie had a waiting list of 185 unemployed at the end of October? (see *Kalgoorlie Miner*, the 18th November, 1959).

Effect of Takeover of Parkeston Transhipment Operations

(2) Does he agree that, with the Commonwealth Railways takeover of transhipment operations at Parkeston, the position of unemployment at Kalgoorlie will be further aggravated, because men now transhipping for the W.A.G.R. whose homes, families, and interests are in Kalgoorlie will find it extremely difficult to find alternative local employment?

Declining Numbers in Mining Industry

(3) Does he further realise that as a result of the application of the policy of amalgamation and mechanisation by the mining companies as a means of combatting ever-increasing costs—against a fixed price for its product—fewer opportunities for employment exist in the mining industry at Kalgoorlie?

Provision of Employment for Young People

(4) As it is expected that there will be a registration of between 150 and 200 school-leavers for employment at the end of this year, and parents are and will continue to be concerned at the lack of opportunities for employment for young people in the Kalgoorlie-Boulder area, will he, on behalf of the Government, please indicate what steps it proposes to take to set up or encourage new industries suited to local conditions in Kalgoorlie?

Mr. COURT replied:

(1) Yes. The figure at the 31st March, 1959, was almost identical at 184.

(2) No.

(3) The fixed price of gold makes mechanisation—and in some cases, amalgamation—imperative in the mining industry. But for these measures, the industry could be in a serious plight. It is, however, interesting to note that figures of employment in the goldmining industry in the eastern fields (Kalgoorlie, Coolgardie, Southern Cross, and Norseman) of recent years have not greatly decreased.

(4) The Government is always endeavouring to establish industries throughout the State. Decentralisation is part of its policy. Also suggestions from interested parties in Kalgoorlie-Boulder area for the Government to examine will receive prompt attention.

PENSIONERS

Details of Rents Paid and Rebates Granted

4. Mr. HALL asked the Minister representing the Minister for Housing:

(1) Has there been an increase in rent of houses occupied by pensioners?

(2) If so, on what date was the increase struck?

(3) What was the amount of the rent increased on—

(a) double unit; and

(b) single unit?

(4) Did the increase in rents come about because of increased pension rate to pensioners, from Social Services?

(5) Did pensioners enjoy a rebate of rent, because of lower pension rate received, up until the 8th October, 1959?

Rates of Pension

(6) What was the rate of pension received by a pensioner per fortnight up until the 8th October, 1959?

(7) What is the present rate of pension received by a pensioner per fortnight?

Mr. ROSS HUTCHINSON replied:

(1) Yes.

(2) For country tenancies, the 2nd November, 1959.

(3) (a) 3s. per week.
(b) 1s. 6d. per week.

(4) Yes.

(5) In accordance with the formula of the Commonwealth-State Housing Agreement Act, rental rebates are automatically adjusted whenever tenants' incomes alter.

(6) £4 7s. 6d. per week.

(7) £4 15s. per week.

NARROWS BRIDGE

Siting of Northern Link Road

5. Mr. KELLY asked the Premier:

(1) As accepted practice in most overseas capitals, where applicable, main arteries are directed underground or tunnelled through high ground, in order to obviate the necessity of disrupting surface activities, and to reduce wholesale resumptions, will he give the House an assurance that the siting of the northern link road approaches to the Narrows Bridge will be thoroughly examined in the light of experience elsewhere?

(2) As similar circumstances to the location of the Narrows Bridge and Mt. Eliza exist at Pittsburg, U.S.A., where extensive tunnelling and overways were constructed, will he obtain fullest detail before making a final decision in regard to the northern approaches?

Mr. BRAND replied:

(1) Alternative methods suitable for the construction of the switch road will be adequately examined before a decision is made.

(2) The Pittsburg situation is very different from that in Perth in many aspects, and decisions in Perth will be made on an adequate investigation of the local situation, to which a comparison with Pittsburg conditions can contribute very little.

CHASE SYNDICATE

Re-negotiation of Agreement

6. Mr. KELLY asked the Minister for Lands:

(1) What stage has been reached by the Government in putting into effect its declared policy if elected at the 1959 elections, in regard to the operations of the Chase Syndicate at Esperance?

(2) What steps has the Government taken to re-negotiate the agreement entered into with the Chase Syndicate in 1956, in order that the public might be made aware of the position at Esperance?

Mr. BOVELL replied:

(1) Notice of default in regard to Neridup Locations 12 and 16 is being issued.

(2) Negotiations were initiated immediately the Government assumed office, and are still proceeding.

CIVILIAN LAND SETTLEMENT

Implementation of Comprehensive Scheme

7. Mr. KELLY asked the Minister for Lands:

(1) What steps has the Government taken to implement a comprehensive civilian land settlement scheme?

(2) If an approach has been made to obtain financial assistance from the Commonwealth Government, what result has been achieved?

(3) If the Commonwealth answer throws the responsibility back on the State to provide its own finance, what action does the Government now propose to take in order to honour undertakings given when in Opposition?

Mr. BOVELL replied:

(1) to (3) As demand for Crown land from applicants with own capital necessary to develop it

under conditional purchase conditions is in excess of land at present available for agricultural development, a civilian land settlement scheme will be considered when this demand is satisfied.

VIRGIN LAND

Assistance for Development, and Settlement

8. Mr. KELLY asked the Minister for Lands:

(1) How much has been spent by the Government in financial assistance to approved applicants, with limited capital, for development of virgin land?

(2) How many settlers in this category have been assisted?

(3) In what areas has settlement been made?

Mr. BOVELL replied:

(1) The Government has not yet made any change in the policy of some years' standing of granting assistance in cases only where the farmer has created an equity sufficient to warrant assistance and is able to provide his own carry-on. The assistance rendered in these cases is set out in the answer to another question asked by the honourable member today.

(2) 86.

(3) Esperance: dairying, and sheep, and wheat areas generally.

UNDER-DEVELOPED FARMS

Financial Assistance

9A. Mr. KELLY asked the Minister for Lands:

(1) What amount of finance has been made available by the present Government to assist existing farmers having limited capital and under-developed farms?

(2) Where are these properties located, and how many individual farmers have received the assistance?

Mr. BOVELL replied:

(1) £70,000.

(2) Esperance, and dairying and other agricultural areas. Eighty-six individual farmers, including approvals not fully drawn.

DAIRY FARM IMPROVEMENT SCHEME

Financial Assistance to Farmers

9B. Mr. KELLY asked the Minister for Lands:

(1) What capital assistance has the Government given since the 1st April, 1959 to settlers whose dairies come within the dairy farm improvement scheme?

(2) What amount of capital was directed into this scheme prior to the 1st April, 1959?

Mr. BOVELL replied:

(1) £19,981.

(2) £60,000.

CROWN LAND

Acreage Thrown Open for Selection, and Localities

10. Mr. KELLY asked the Minister for Lands:

(1) Since he took office, what is the total acreage of land thrown open for selection?

(2) How many locations does this acreage represent?

(3) In what areas is such land available?

Number and Addresses of Applicants

(4) How many applicants applied for land, and in what number for each parcel of land thrown open?

(5) How many applicants were of Western Australian address?

(6) What number applied from other States?

Holdings Allotted

(7) How many Western Australians were successful?

(8) How many applicants from other States were selected?

Mr. BOVELL replied:

(1) 783,468 acres.

(2) 506.

(3)

District	Number of Locations	Area (Acres)
Avon	42	41,254
Swan	31	36,703
Plantagenet	32	32,550
Hay	6	2,114
Jilbadji	14	28,614
Yilgarn	13	24,877
Esperance	17	35,338
Sussex	28	9,730
Murray	2	277
Wellington	8	2,563
Nelson	23	3,639
Ninghan	23	16,351
Victoria	64	161,128
Melbourne	22	66,533
Roe	17	40,551
Kojonup	17	18,368
Oldfield	40	78,674
Kent	4	9,831
Williams	32	32,525
Fitzgerald	7	9,694
Neridup	63	130,516
Leake	1	1,638
Totals	506	783,468

Nos. (4) to (8)—

(a) 754 persons applied.

(b) 175 parcels were selected without competition. All applicants were from Western Australia.

(c) 161 scattered parcels were allotted by the Land Board among 453 applicants, averaging 2.8 applicants per parcel. All applicants were from Western Australia.

(d) Major Land Boards were as follows:—

(1) Esperance Plains (May 1959): 88 parcels, 95 applicants of whom 26 were from Western Australia and 69 from other States. (58 parcels were allotted to 17 W.A. and 41 other States' applicants).

(2) Quindalup - Metricup (Sussex): 17 parcels, 33 applicants all from Western Australia (all parcels allotted).

(3) Esperance Plains (October 1959): 26 parcels, 76 applicants of whom 15 were from Western Australia and 61 from other States. (all parcels allotted: 4 to W.A., 22 to other States).

BETTING ROYAL COMMISSION

Report of and Payments to Commissioner

11. Mr. J. HEGNEY asked the Premier:

(1) Has the Royal Commissioner on starting-price betting indicated to the Government when his report will be completed?

(2) What is the daily or weekly rate of emolument paid to the commissioner?

(3) Does the emolument cover salary and expenses?

(4) What was the commencing date of payment?

(5) What is the total payment made to the commissioner to date?

Mr. BRAND replied:

(1) The Royal Commissioner hopes to present his report within a fortnight.

(2) Retainer—26 guineas per day. Expenses—10 guineas per day.

(3) Answered by No. (2).

(4) The 13th July, 1959.

(5) £3,922 16s.

"C"-CLASS HOSPITALS

Charges and Rebates

12. Mr. BRADY asked the Minister for Health:

(1) Are "C"-class hospitals permitted to charge £15 15s. per week for inmates?

(2) What fees are paid to "C"-class hospitals from—

(a) Commonwealth sources;

(b) medical fund?

(3) How is balance paid by pensioner inmates where pension of £4 15s. is not sufficient?

Mr. ROSS HUTCHINSON replied:

(1) These are private hospitals and there is no control over their fees.

(2) No fees are paid by hospital benefit funds to "C"-class hospitals. They are recouped to patients.

(a) Hospital Benefits from Commonwealth sources are paid as follows:—

(i) 8s. per day for all qualified patients (whether insured or not) paid through the Medical Department.

(ii) additional 4s. per day to patients insured for fund benefits of less than 16s. per day.

(iii) a further 8s. per day (making 20s. per day in all) to patients insured for fund benefits of 16s. per day or more. This is available at a cost of 9d. per week for single persons or 1s. 6d. per week for a family.

(ii) and (iii) above are paid through registered Organisations.

(b) Fund Benefit: This varies according to the contribution rate and the rules of the particular fund. Fund benefit is not payable in respect of patients in "C"-class hospitals, except those receiving treatment normally given in an "A"-class hospital.

(3) This is a matter between the patient and the hospital.

KING'S PARK

Improvement of Botanical Features, and Fauna Reserve

13. Mr. BRADY asked the Minister for Lands:

(1) Is the Government considering a plan for improving the botanical features of King's Park?

(2) If so, what stage of planning has been reached?

(3) Has the King's Park Board considered the possibility of creating a fauna reserve in the King's Park area?

Mr. BOVELL replied:

(1) Yes.

(2) At present under consideration by Cabinet.

(3) The King's Park Board has twice considered the possibility of keeping fauna in King's Park but is of the opinion the time is not yet opportune for such a venture.

SISTER EILEEN DANE

Terms of Appointment

14. Mr. OLDFIELD asked the Minister for Health:

(1) Is it a fact that Sister Eileen Dane was invited by Matron G. Siegele to migrate from the United Kingdom to take up the position of Sister in Charge of Outpatients, Ophthalmic Clinic, at Royal Perth Hospital?

(2) Was this appointment and salary of £688 to £701 per annum confirmed in a letter of the 25th April, 1958?

(3) Was Sister Dane paid a salary of only £590 per annum after taking up her appointment?

(4) If the answers to Nos. (1), (2) and (3) are in the affirmative, will an adjustment be made in keeping with the terms of the appointment accepted by Sister Dane?

(5) If not, why not?

Mr. ROSS HUTCHINSON replied:

(1) Miss Dane first wrote (letter dated the 12th November, 1957) to Royal Perth Hospital asking if there was a vacancy as a sister or staff nurse in the Ophthalmic Clinic. Matron Siegele replied offering her the post of sister in charge of that clinic.

(2) Yes. Under the latest award, the rates are £749-775 per annum. Sister Dane is on the maximum.

(3) Sister was placed on the minimum of the salary range, viz. £688 at time of appointment. This was queried; and because of qualifications and experience, she was placed on the maximum of £701 retrospective to date of commencement of duty. The amount referred to by the honourable member relates to a figure after deductions for board and lodging, income tax, etc. are made. In addition to salary, the hospital has been paying the employer's share of sister's British superannuation, although this was not part of the original arrangement with her.

(4) and (5) Answered by Nos. (2) and (3).

QUESTIONS WITHOUT NOTICE

STORM DAMAGE AT ALBANY

Government Assistance to Residents

1. Mr. HALL asked the Premier:

As the storm which struck Albany on Saturday, the 21st November, caused extensive damage to property and goods, would he make available finance to assist residents so that they may rehabilitate themselves, as some are pensioners and others are on low incomes?

Mr. BRAND replied:

I thank the honourable member for making a copy of his question available. So far as the people who are living in Commonwealth-State rental homes are concerned, the damage will be paid by the Government. As for any further damage, I could not undertake to assist, because I should imagine there are many incidents throughout the State in respect of which, for one reason or another, citizens could claim similar assistance because of hardship and difficulties arising out of unforeseen circumstances such as these.

SPECIAL HOLIDAY BILL

Consideration Regarding Introduction

2. Mr. W. HEGNEY asked the Premier:

Following a question which I asked last week, has he given consideration to my request for facilities to be granted to enable the Special Holiday Bill to be introduced and considered by Parliament?

Mr. BRAND replied:

The matter is still receiving consideration. We will see what progress we make.

3. Mr. W. HEGNEY asked the Premier:

Following the Premier's reply to my previous question, I would like him to indicate whether he could give any idea as to when consideration will be finalised and a decision arrived at.

Mr. BRAND replied:

Tomorrow.

TRADE ASSOCIATIONS REGISTRATION BILL

Second Reading

Debate resumed from the 20th November.

MR. COURT (Nedlands—Minister for Industrial Development) [4.52]: At the time when a motion was moved giving me leave to continue my second reading speech at a later sitting, I had just about concluded. Therefore, I will be brief this afternoon. I entered this debate for two reasons: Firstly, I was a member of the Honorary Royal Commission that considered trade practices in this State; and, secondly, I am particularly interested in the measure as Minister for Industrial Development, because of the impact of this type of legislation on industrial development.

So far as the findings of the Honorary Royal Commission are concerned, I have dealt with those in some detail. Suffice to say that the Bill covers the majority recommendations of that Honorary Royal Commission. Therefore I propose to make no further comment on that matter. So far as industrial development is concerned, I just want to make a few concluding remarks.

I said on Friday that the existing legislation on the statute book had an adverse effect on industrial development in this State. Therefore, I think it is only right that I should outline to members my experience in trying to negotiate for industries to come to this State. In the main, one is dealing with a fairly hard-headed and experienced lot of businessmen who know the full implications of industrial expansion or establishment of industry in Western Australia.

There are numerous questions that have to be answered, dealing with such things as indigenous materials which are peculiar to a particular industry; power supplies, and the cost of same; water supplies and their cost; and transportation and its costs; and invariably these people come round to the question regarding legislation which might affect them industrially. I refer to such legislation as the Industrial Arbitration Act; any legislation which has particular reference to their industry; and, of course, any legislation affecting trade practices generally.

It is significant that we can give a very good answer to practically every question except the one dealing with legislation in regard to restrictive trade practices; and I refer to the legislation at present on the statute book. It is no good trying to deceive ourselves on this point; the fact remains that when we make the details of this legislation known to these people and they study it, they are adversely influenced in respect of Western Australia.

When I have had negotiations with an industry—whether it be big or small—I have made it a practice to ask the principals of that industry whether they will set out for me the reason why they decided not to come to Western Australia, if their decision has been adverse. In some cases, they are very reluctant to do this. They just say, "We have examined the position and the markets are not good enough," or they give several other reasons.

In other cases, through persistence, and with a certain amount of careful approach, I have induced them to set out quite frankly the reasons why they have not come to our State. I have explained that they would be doing a service for Western Australia if they stated categorically the reasons that influenced them against coming to this State, because it would help us to examine our shortcomings and perhaps overcome them before we made another approach to the same sort of industry. It might be a question of power costs, water costs, transport costs, lack of certain materials, lack of markets, and so on; but it is very disturbing to find that one of the reasons given is the legislation that is on the statute book.

I emphasised this point on Friday, and I want to emphasise it again: It is significant that the people who are so concerned about this type of legislation are people who normally would not have anything to worry about; firms which have well-known names—reputable names; people who are known to carry on a very desirable business in a desirable way.

Mr. Rowberry: What are they worrying about?

Mr. COURT: As I mentioned on Friday, they are worrying about the legal unknowns of the existing legislation in the hands of a Government which might be upset over some particular incident; and we know the power that is contained in that particular legislation.

Mr. Kelly: Are those categories' replies on the file?

Mr. COURT: In one case we have had the position set out in writing; but in other cases it has always been the result of discussion, because it is a service—

Mr. W. Hegney: Do you expect us to believe that?

Mr. COURT: The honourable member does not have to believe it.

Mr. W. Hegney: I do not.

Mr. COURT: I am making a statement which I know to be true, and the honourable member does not have to believe it or accept it.

Mr. Hawke: If it is true, your own sins have caught up with you.

Mr. COURT: When firms of repute are asked to do the State a service by setting out categorically the reasons why they

decided not to come to Western Australia, I am very grateful to those who will accede to the request; because, in many cases, we can take action to correct the situation. The Deputy Leader of the Opposition knows that when one is negotiating with some of these people, there are many things which have to be taken into account. There are literally dozens of questions the firms' representatives want answered; and it is only by knowing the fundamental reasons that brought about their decision not to set up in this State that one can take positive action to correct the situation.

We must realise that in many cases—in fact, in most cases—these industries coming to Western Australia are coming ahead of the normal economic timing. The Leader of the Opposition dealt with that aspect at some length the other day—the difficulty of getting industries to establish here because of the market factor—and we as a State will have to try to devise ways and means of bringing about a situation which will encourage industries to come here ahead of the normal economic timing. It is possible to do it if we can come to grips with them and really get to know the fundamental reasons that decided them against coming to Western Australia.

So I strongly support this legislation as being an attempt to get rid of something that has been vexatious; and as being a Bill designed to introduce something that is clear-cut, and something which I think is in the public interest and which will not be a deterrent to industry seeking to come here, or to any industry that we seek to have established in Western Australia. I support the Bill.

MR. FLETCHER (Fremantle) [5.1]: I oppose the Bill.

Mr. Hawke: Hear, hear!

Mr. FLETCHER: I believe the *status quo* should be retained, and that we should adhere to the legislation which was introduced by the previous Government. Incidentally that legislation was supported by some members in another place. It is necessary that, by legislation, we maintain protection of our people. I spoke earlier about plasterboard. I mentioned the racket associated with the plasterboard industry; how collusive tendering was indulged in; and how one of the firms quoted below the other four; and how, on discovering the position, it immediately brought its tender into conformity with the others. When the officials of that firm were asked how this strange coincidence came about, they were honest enough to admit that had they not conformed to the other quotes, they would have been out of gypsum within a month or six weeks.

As far as I can see, in relation to collusive tendering the proposed legislation does nothing more than say to these firms, "You might be fined £500". In this morning's *The West Australian* there is an article by Fred Morony, and he states that the registrar, in such an instance, will have wide powers of investigation. Mr. Morony has this to say—

> The registrar will have wide powers of investigation, if it is reported, or if he believes, that somebody has made a collusive tender—provided the registrar considers an investigation to be in the public interest. This proviso, which recognises that some collusive tenders could be in the public interest, is the keystone of this part of the Bill.

I wish to emphasise these words "provided the registrar considers an investigation to be in the public interest". This is a dangerous thing to leave to the prerogative of the registrar, when such a case as the one I have mentioned is possible. Under the legislation of the previous Government—and it is the existing legislation—this would be an offence, and the firm would be liable to a penalty. By what provision in the Bill could a penalty be imposed? As far as I can see, under the proposed legislation all that the Government could say, to such a firm would be, "Naughty, naughty! You must not indulge in this sort of practice"; and I suspect it would not say it too loudly in case the public heard.

The member for Mt. Hawthorn mentioned that the farmers were seeking an inquiry into the cost of spare parts. *The West Australian* of the 29th September, 1959, had this heading, "Farmers Seek Inquiry on Spare Parts." I am surprised at the representatives of the farming community supporting such legislation as this when we find that last September they wanted to have a Royal Commission into the cost of spare parts. The newspaper report had this to say—

> A Royal Commission should be appointed to inquire into the supply and price of spare parts for agricultural machinery, the Australian Wheatgrowers' Federation decided at its half-yearly conference yesterday.
>
> Questions which should be answered, delegates said, include whether:
>
> The supply of spare parts held in each State was sufficient to provide for the reasonable requirements of farmers.
>
> The cost of parts bore a reasonable relation to the cost of manufacture and distribution, or the margin of profit for either manufacturer or distributor was excessive.
>
> Legislation should be introduced to ensure that farmers could buy spare parts at fair prices.

The farmers, it would appear, have something in common with us in that they, according to this report, advocate price control. I commend them for it. The report goes on—

> Western Australian Farmers' Union representative F. J. Forrester said his organisation had received many complaints from farmers that spare parts for new machinery were not available.
>
> The union have been told that some spare parts cost about £5 to make under subcontract. When they were sold to farmers, however, they cost about £25.

That represents an exorbitant profit; and, quite frankly, I do not blame the farmers for complaining about it. But I am concerned that the farmers' representative could support such legislation as this; because by so doing they will, in effect, condone the perpetuation of exorbitant prices. I do not see anything in the Bill to prevent the charging of such prices. The other evening I alluded to St. George's Terrace farmers, and I include among the St. George's Terrace farmers those person who would condone the sort of thing I have alluded to.

The moisture content and the sand content of superphosphate were mentioned earlier. The moisture content in this product is attributable to the fact that the superphosphate should have been stored for a longer period before sale. In effect, green superphosphate was being shipped to the country areas, and the farmers were paying freight on the difference between the weight of the moist superphosphate and what it should have been, had it been dry.

The use of silica in superphosphate was also mentioned. I know, through personal experience, that silica is used, because I worked at Cresco Fertilisers when the member for Guildford-Midland was secretary of the union. When I made reference to the silica content, the member for Moore said, "Do not give me that." I did not give him sand; Cresco Fertilisers did. When it has been required to break the super down from 24 per cent. to 22 per cent., I have seen barrow-loads of sand tipped on to the conveyor belt, along with the superphosphate being excavated from the bins; and I have seen the man, with a piece of chalk, mark on the board the number of barrow-loads put in. In effect, what has happened is that the farmers have paid freight on the quantity of sand that has been railed with the superphosphate to the country areas.

Mr. Toms: What would farmers want with sand?

Mr. FLETCHER: That might be a point; it could possibly make up for some of the soil erosion. *The West Australian* on Tuesday, the 29th September, stated that the previous Government's Act should be promptly repealed. This seems in strange contrast to the report, in the same paper, of the complaint made by the farmers about the prices charged for spare parts. *The West Australian* on that date, in its leader, had this to say—

> Repeal of the Restrictive Trade Practices Act should not be dependent on the passage of alternative legislation.

That is telling the Government what it should do. The article continues—

> Cabinet should promptly ask Parliament to end the Act without feeling obliged to submit something else —however moderate it might be—in its place. A clean sweep of the legislation would help the Government's industrial drive by removing uncertainty from investors' minds.

Here, in effect, not the legislators of this State, but *The West Australian* is telling the Government what it should do. Who runs the country? Is it Parliament, or *The West Australian* newspaper and the interests it represents?

Mr. Nalder: That is what you are trying to do.

Mr. FLETCHER: I am not trying to do it; but I say *The West Australian*, and the business interests it represents, are. This proposed legislation is probably more satisfactory to *The West Australian* than is the legislation passed by the previous Government. On behalf of the people I represent, I resent the right of *The West Australian* to tell the people of this State what is best for them. Further on, the leading article says—

> Western Australia has not laboured under any noticeable injustice since the Act, for all practical purposes, was put into cold storage.

I submit that our legislation has deterred some business interests from making exorbitant profits. The article later has this to say—

> If there is any loophole that needs plugging it can be attended to when the need is clear.

Further on—and here again is dictation to the Government—we find—

> The first course open to the Government is to recognise that the old Act is dead and ought to be buried.

I consider it is impertinence to tell this Government, or Parliament, before the legislation is even introduced, what to do. The article continues —

> It should then examine whether any replacement is necessary.

In effect: To hell with the general public! Further on we find—

> It has always been observed that Western Australia—industrially the weakest of the mainland States—should not try independently to support trade-policing legislation that is

harsher than the Acts that have nation-wide application in Britain and the United States.

The equivalent of Labour Government legislation is in existence in Britain, and in that country which is alleged to be the bastion of private enterprise—the United States. Why remove it from our statute book, if we are allegedly so backward industrially, while it is retained in those countries?

I would like to know what has happened to the Royal Commission that was sought by the farmers. It is significant that we have heard nothing further about it. I wonder why the farmers accept the situation in relation to the prices charged for the parts they have to buy. They have more in common with the general public than has the Government, in relation to the prices that are charged.

We should retain our existing legislation; it should not be repealed. The Bill with which we are dealing should not be imposed on our State. It has been alleged that our legislation has deterred the establishment of industry. This, in my opinion, is not so. In the last 10 years, during which I have lived in the Fremantle area, there have been 45 large and small factories built in that district; and they are all in production within half a mile of my home. I obtained those figures from the Factories Inspection Branch. Some of those organisations are Rheems, Joyce Bros., International, Porters, Balm, Cockburn Engineering, Bell's Asbestos, Brady's, Robeys, Dunlop Rubber, Wright's Paints, Saunders & Stuart, and Hardware & Wholesale Grocers. Those are just a few of the industries that have come into existence there.

Mr. Cornell: Most of them were in existence previously.

Mr. FLETCHER: The interjection is to the effect that these industries came into existence prior to the period I am speaking of.

Mr. Cornell: Isn't that so?

Mr. FLETCHER: No; they came into existence during the regime of the Hawke Labor Government.

Mr. Cornell: Rheems were there long before the period you mentioned.

Mr. FLETCHER: I admit that Rheems may have been there for approximately 10 years, but the great majority of those industries came into being during the Labor Government's term of office.

Mr. Guthrie: When did Joyce Bros. go to Fremantle?

Mr. FLETCHER: Our legislation did not deter those firms from starting up, and I am happy to see them thriving and expanding. But that does not condone the action of this Government in bringing down legislation to give those firms the right to charge prices in excess of what they charged while the Labor Government was in office. They were able to thrive during the term of the Labor Government; so why introduce legislation now to give them the opportunity to charge more than they are already charging? I have no doubt that the same situation exists in other electorates, also.

Mr. Perkins: Surely you are not suggesting that price control exists at present?

Mr. Hawke: Not even for bread. You saw to that.

Mr. Perkins: The member for Fremantle is trying to make out that price control exists at present.

Mr. FLETCHER: There is a deterrent in the present Act, but there is no deterrent in the proposed legislation.

Mr. Cornell: In the present Act there is a deterrent to expansion.

Mr. FLETCHER: No; expansion of industry has been going on in that district ever since I have been there. Members opposite should take a tour around the O'Connor district and see for themselves what is going on. They should ask the proprietors of those businesses how long the factories and plant have been there.

Mr. Lewis: Yes, despite the legislation.

Mr. FLETCHER: They came into existence during the currency of our legislation.

Mr. Court: Most of those firms have been in Western Australia for many years.

Mr. FLETCHER: Industries have also come into existence in other electorates; and in this regard I could mention Innaloo. I think it is in the electorate of Wembley Beaches, and the member for Wembley Beaches could substantiate what I say were he not unfortunately absent. But, at all events, other members have driven through that area and have seen both big and small factories starting up there. Those are the kinds of private enterprise to which protection should be given, but not the kind of protection that would be afforded by the proposed legislation.

Members opposite want to see this measure passed to condone the position that I am about to outline. Members of the Government may wish to see the equivalent of General Motors Holdens introduced to Western Australia.

Mr. Court: I would be mighty glad to know that General Motors wanted to come here.

Mr. FLETCHER: Yes; the Minister would like to see them come here and do to our people what they have done to the workers of the community and the public generally in the Eastern States.

Mr. Court: They have the highest paid work force in Australia.

Mr. FLETCHER: From a capital outlay of £1,750,000 they made a profit of £15,500,000 this year; and of that, only £30,000 odd was retained in Australia.

Mr. Guthrie: Those figures don't sound right.

Mr. Court: I only wish General Motors Holdens would repeat their performance in Western Australia.

Mr. FLETCHER: I am referring to the Annual Journal of the University of Western Australia Branch, Australian Labour Party (W.A.), Vol. 2, No. 3, 1959. It shows, in part, that in the 10 years since production commenced, General Motors Holdens repaid the initial credit granted by the Commonwealth. It is astounding that the Commonwealth made finance available to such an industrial giant, in order to attract it here. This publication shows that in the 10 years since production commenced, G.M.H. also paid a dividend to United States shareholders of more than £25,000,000, built up its assets in Australia to £70,000,000, and marked up a record profit last year of £15,500,000.

Mr. J. Hegney: They came here to build a people's motorcar.

Mr. Court: They came at the instigation of a Labor Prime Minister.

Mr. FLETCHER: Members know what General Motors Holdens have done since they came to Australia.

Mr. Court: Wouldn't you like them to do it again in Western Australia?

Mr. FLETCHER: I would not mind if they charged a reasonable price for their product, but I would not like to see them come here to make exorbitant profits.

Mr. Court: You should talk to their employees.

Mr. Roberts: Are you expounding the policy of the Australian Labor Party now?

Mr. FLETCHER: Naturally members opposite do not want to hear this sort of thing.

Mr. Hawke: The Minister for Industrial Development has his back to the petrol tank.

Mr. FLETCHER: General Motors Holdens brought no new money here. Their profits of almost £100,000,000 were created by Australian workers, Australian money, and Australian consumers.

Mr. Court: Are you advocating a State motorcar? God forbid!

Mr. Hawke: You drive one.

Mr. FLETCHER: Their profits were exorbitant. In the last year they made a profit of £15,500,000 after paying £11,000,000 tax; but that went on to the price of the car. Who paid that? Every person who is driving a Holden car paid it.

Mr. Court: Do you think they would make cars for fun?

Mr. FLETCHER: That was their profit on a turnover of £116,000,000. After allowing for sales tax approximately £1 in every £4 paid for a Holden car went as profit to the manufacturer; and surely that is a fantastic proportion for so large an enterprise. Very big enterprises generally make a small profit on a large turnover; but here is a firm making a huge profit on a huge turnover.

Mr. Perkins: What has all this to do with the Bill?

Mr. FLETCHER: I can show what it has to do with the Bill. The Bill would condone that sort of profit.

Mr. Court: I wish they would do over again in this State what they have done in the Eastern States.

Mr. FLETCHER: Naturally. Virtually all the profits of General Motors Holdens accrued to overseas shareholders. United States investors hold £1,750,000 of the ordinary shares, and their share of last year's profits was £15,250,000, on an original outlay of £1,750,000. That is fantastic. I am concerned about the prospect of this legislation permitting that sort of thing on the introduction of that kind of capital into Western Australia. I would rather see our local industry financed and supported by Western Australian capital and kept in check by the legislation introduced by the previous Government.

Mr. Court: If General Motors or Fords came here tomorrow and did the same thing, we would welcome them with open arms.

Mr. FLETCHER: Australian shareholders have only £500,000 worth of the 6 per cent. preference shares in General Motors Holdens and their share of the record profit was only £33,000. Australians, who contributed roughly one quarter of the capital of General Motors Holdens received only £1 out of every £450 profit, while the remaining £449 went to G.M.H.

General Motors is expanding at an alarming rate, and all the indications are that this expansion will go on and more and more of the Australian economy will come under the control of this industrial and financial giant. General Motors is already too big, and each year it becomes more and more difficult to control.

It might be asked how this relates to the Bill. The existing legislation should be retained to prevent excessive profits being made. I do not care whether the present Act prevents capital of that nature coming to Western Australia to exploit the people here as the people of the Eastern States have been exploited. I think the measure before us is being held out as a bait to attract that kind of firm to Western Australia. These profits leave Australia, and I would much sooner see local finance made available to local industries as in the Innaloo and O'Connor areas. If this legislation were

agreed to, various firms and organisations would be able to make unlimited profits.

Since this Government has been in office, we have already seen what has happened to the State trading concerns; and what I am concerned about is that they will suffer still further if this Bill is agreed to. I point out that in *The West Australian* of the 7th November, 1959, it was reported that the State Building Supplies had made a loss of £46,817, compared with a net profit of £11,053 for the previous year.

Mr. W. A. Manning: In what year was that loss made?

Mr. FLETCHER: In 1958-59. Whereas, in the previous year, during the Labor Government's term of office, a profit was made.

Mr. W. A. Manning: But your Government was in office during 1958.

Mr. FLETCHER: I am pointing out what this Government has done to our State in seven months.

Mr. Court: Nine months of that 12 was when your Government was in office.

Mr. FLETCHER: I am showing that for the seven months this Government has been in office—

Mr. W. A. Manning: That was in your Government's term of office.

Mr. FLETCHER: Well, it shows what the honourable member's Government can do in three months.

Mr. W. Hegney: This Government will do a lot more to the State in the next six months.

Mr. Lewis: The honourable member's Government was responsible for three-quarters of the loss.

Mr. FLETCHER: No, the present Government was responsible for the entire loss if, in the previous year, the Labor Government was able to make a profit of £11,000 odd.

Mr. Court: The honourable member wants to read the report that was tabled and he would not say that.

Mr. FLETCHER: The sky will be the limit, as far as prices are concerned, if this legislation is passed; and the farmer, as well as the basic wage earner and the pensioner, will suffer. It is the basic wage earner that I am concerned with, including the trade unionists.

The Minister in charge of the Bill has said he will put teeth into the legislation. In today's issue of *The West Australian* there is an article under the heading of "The Teeth in the New W.A. Trade Bill"; but I will quote extracts from that newspaper report later. From the article it would appear the only teeth the Bill has are in that part which prohibits any group of traders banding together to submit uniform tenders.

Mr. W. Hegney: The Government will not use anything against them; don't worry about that!

Mr. FLETCHER: I am pretty confident it will not; and *The West Australian* seems to be of the same opinion, because the article it has published reads as follows:—

> Apart from repealing the Restrictive Trade Practices Act, the only teeth in the Trade Associations Registration Bill are in the part that prohibits any group of traders banding together to submit uniform tenders, goods or services.
>
> The registrar, who would administer the proposed Act, would have little initiative in registering trade agreements and the rules of trade associations.
>
> In those spheres, it seems the Government considers the right of the public to inspect agreements and other documents to be sufficient deterrent to malpractice.

I can imagine a member of the general public trying to read some of the agreements, which would be couched in legal terminology. The average person would become frustrated, because he would not be able to understand it. The article continues—

> Provided an association gives all the information required—even if one of its aims is to rob widows—

Mr. Lewis: You would not agree to that.

Mr. FLETCHER: Certainly I would not agree to robbing widows or the public generally.

> —the registrar will have no power to refuse registration.
>
> However, if a member complains that an association is exceeding its registered rules or is acting contrary to them, the registrar will investigate.

From that I assume that if these registered associations quarrelled among themselves the registrar could intervene, but I cannot imagine his intervening on the part of a member of the general public. The newspaper article also contains the following:—

> If the registrar's investigations confirm a complaint he will report to the Minister, who will have power to instruct the association to desist. It will be prosecuted if it fails to comply.

That is the only reference to a prosecution that would be applied to a company if it committed an act that was detrimental to the association of which it was a member. However, I am concerned about the general public; and as far as this Bill is concerned, I cannot see how it will deter big business interests from charging unlimited prices; because if this legislation is passed, prices will inevitably increase.

Does the Government still believe the nonsense that is often published; namely, that any increase in wages causes increased prices? I am wondering whether the Premier was concerned about the last increase in the basic wage.

Mr. Rowberry: He was.

Mr. FLETCHER: I know he was! Therefore, if he was concerned about the latest increase, why take steps to bring this legislation into force when it is absolutely certain to cause prices to rise again? That is the difference in the opinions held by members on each side of the House. On the Government side, members say if wages are increased, price rises will automatically follow. However, I maintain that prices are increased for at least three months before any increase in wages is made. Wages are increased as a result of the prices rising in the first place. That is the opinion of those on this side of the House. If this legislation is brought into existence, prices must rise and an increase in the basic wage will follow. Such circumstances always create an inflationary effect, especially on those who have fixed incomes; such as pensioners and persons on superannuation.

The SPEAKER: The honourable member has another five minutes to go.

Mr. FLETCHER: The Minister in charge of the Bill has said that it will discipline offenders; but the existing Act permits that to be done now, and therefore I cannot see that there is any necessity to scrap it. The Government has put up the excuse that the existence of the Monopolies and Restrictive Trade Practices Control Act is a deterrent against capital coming into the State. If that is so, is it not reasonable to assume that the Bill will to some extent also be a deterrent against attracting capital? Therefore, the existing legislation should be retained, and this Bill should not be supported. Reputable firms that are satisfied with reasonable profits would not be deterred by the existing legislation, and there is no reason why that legislation should not remain on the statute book. I oppose the Bill.

MR. HEAL (West Perth) [5.40]: Naturally, I rise to oppose this measure. I agree with the Minister for Industrial Development on only one statement; namely, that as he was a member of the Honorary Royal Commission he was obliged to say a few words. I am placed in the same position. In the main, whilst the Honorary Royal Commission was sitting, the witnesses who appeared before it were presidents and secretaries of associations already in existence. There were other witnesses comprising those engaged in a certain trade who had been refused membership of the association connected with that trade. Other representatives of organisations who gave evidence apparently had some trouble in relation to their way of living.

Whilst the Leader of the Opposition was speaking, the Minister for Labour, who introduced the Bill, interjected that two members of the Royal Commission were quite satisfied that no members of an association had been fined or reprimanded by the executive. However, it was proved by the Honorary Royal Commission papers that were laid on the Table of the House that there were members of associations who had breached the rules and regulations of those associations, and who had been fined and penalised as a result. I will read the report of the Honorary Royal Commission in a few moments.

The principal witnesses who appeared before the Royal Commission—those who were not granted membership of an association—had quite a good case. I ascertained, like the then member for North Perth, that these persons who were desirous of entering a certain type of business were refused admission to the association connected with that particular business. I can cite the Glass Manufacturers' Association and the Venetian Blind Manufacturers' Association. Unless a venetian blind manufacturer was a member of that association, he found it most difficult—and, in fact, practically impossible—to buy the material that he required to manufacture venetian blinds.

To an extent, I agree with the statements made by members on the other side of the House concerning free enterprise; but I am wonderng what the true definition of free enterprise is. Perhaps the Minister for Labour could tell me, by interjection, what exactly is free enterprise.

Mr. Perkins: The honourable member knows that none of us condoned the Venetian Blind Manufacturers' Association. None of us thought that its action was justified.

Mr. HEAL: I will return to my question. According to the Minister for Labour, what is "free enterprise"? Apparently the Minister cannot answer. Does the Minister for Works know what free enterprise means?

Mr. W. Hegney: The Attorney-General knows; he introduced a Bill in connection with free enterprise three or four years ago.

Mr. Perkins: There is nothing in the Bill about free enterprise.

Mr. HEAL: I did not say there was. Let me refer to the definition of the two words, "free enterprise". In the *Concise Oxford Dictionary* the word "free" is defined as "not in bondage to another, having personal rights and social and political liberty". The word "enterprise" is defined as "undertaking, especially bold or difficult one; courage, readiness, to engage in". If the trade associations in this State believed in free enterprise—as is their claim—they would not place obstacles in the way of people who desired to join the

associations. The Minister must agree that some witnesses who appeared before the Honorary Royal Commission could not obtain admission to some trade associations.

Mr. Perkins: They would not comply with the rules of the association. Many of them would not carry the requisite stock but wanted to trade on the stocks of other people.

Mr. HEAL: I admit some people were refused membership on those grounds. Others applied to join associations, but they were refused because they would not comply with the rules. Let us see what some of these rules are. I have a copy of a rule of one trade association before me which illustrates that the association was imposing a form of price control on its members. The Minister interjected and asked the member for Fremantle whether he desired to revert to price control; but I point out that in many of these trade associations there is a form of price control imposed in respect of the commodities sold by them. If price control is to be applied in one sphere, it should be applied in all other spheres.

The Minister must agree that these trade associations fix their own prices. If a member were to step out of line by charging a lower price, then he would be fined or penalised. Quite a lot of evidence was adduced before the Honorary Royal Commission in respect of this matter. It is a great pity that such evidence was held in camera and was not made known to the public.

I refer to a rule of one of these associations, and I gather it is common to most trade associations. It is a rule to which I object, although many of the other rules of trade associations are found in the rules of trade unions or similar organisations. I refer now to the Glass Merchants' Association; and one of its rules states—

> To regulate the glass merchandising and processing business in Western Australia so as to endeavour to ensure fair and reasonable trading conditions for members, and in particular (but without limiting the generality of the foregoing or of the preceding paragraphs of this rule) to fix from time to time minimum prices to be charged by members and to prescribe, regulate or prohibit discounts, concessions and allowances.

This rule was given in evidence before the Honorary Royal Commission, and it is common to many trade associations. My objection to these trade associations is that they fix their own prices.

I asked certain witnesses who appeared before the Honorary Royal Commission their views on price fixing within trade associations, and on price fixing as applied on a State-wide basis. I asked this question of the President of the W.A. Trade Bureau, Mr. Johnston. He went to a great deal of trouble to tabulate the answer.

I refer to page 11 of the report of the Honorary Royal Commission, which sets out the provision applying under the Queensland Act in respect of unfair trading. It states—

> In respect of prices the following are offences under this Act:—
>
> (a) If any person whether principal or agent sells goods the price of which has been determined, controlled or influenced by any commercial trust of which that person or his principal is or has been a member; or
>
> (b) if any person whether a member or not sells goods at a price in conformity with the directions of a commercial trust or of an association.

If this provision had been in the legislation of Western Australia, then all the trade associations here would be breaking the law. That is my argument.

Mr. Perkins: What did the Unfair Trading Commissioner do in the last three years about these matters which you are mentioning? Did he take any single step in respect of them?

Mr. HEAL: I do not know.

Mr. Perkins: The answer is that he did not.

Mr. HEAL: I can tell the Minister where the Unfair Trading Commissioner did take action. He took action in a recent case; but when the present Government came to office, he dropped the proceedings.

Mr. Perkins: He did not have a complaint.

Mr. HEAL: I do not want to give the firm's name. I can tell the Minister that the fixing of prices was put into operation by some of the trade associations in this State. On page 14 of the report of the Honorary Royal Commission, in relation to price fixation and control, the following is stated:—

> Considerable evidence was heard on the question of price fixation and control by associations.
>
> Whilst agreement on price fixation was unanimous it was only so, provided the associations had the power to be the price fixing authority as the extracts from evidence set out below, indicate—
>
> *(Transcript, page 306.)*
>
> Question: Can you indicate why you are not in favour of Government control and yet are in favour of private control in regard to price fixation?

Witness: Yes, because firstly, we stand primarily for free enterprise—

That is the amazing part. These witnesses stand primarily for free enterprise, yet they set themselves up as a body to fix prices. I believe that under private enterprise any trader should be permitted to sell a commodity at the price he desires. If that applied, the people of this State would derive a great benefit. The President of the Trade Bureau did not put forward the best aspects in relation to price fixing, adopted by trade associations. The report continues—

> —and the voluntary conducting of our affairs without being bound by a statute.
>
> *(Transcript, page 708.)*
>
> To a further witness.—Question: Why do you fix the retail price of an article?
>
> Witness: There is a very good reason for it. In fixing the retail price we control the price that the public pays for the article. We control the profit margin which the various sections of the trade make as between the manufacturer and the ultimate consumer. In times when articles may be in short supply there would be an opportunity for other sections of the trade to place an excessive profit on the article, to the detriment of the consumer. As manufacturers, we are vitally interested in the price that the consumer ultimately pays for the article because that can regulate demand. As manufacturers we want the greatest possible demand for our article.
>
> Question: Do you believe in price control?
>
> Witness: No, I do not believe in State price control.
>
> Question: You believe in fixing a price though?
>
> Witness: Yes, by our own members.

Mr. Perkins: Who was that witness?

Mr. HEAL: Mr. Johnston, the then President of the W.A. Trade Bureau. He went to a great deal of trouble in adducing his evidence before the Honorary Royal Commission in relation to the aspect of price fixing, but I did not agree with his remarks.

We have all heard about the severity of the rules of trade unions in this State and of the B.M.A., but evidence was given before the Honorary Royal Commission which indicated that the rules of the trade associations were more severe, in respect of their members who sold commodities at prices below those fixed by the associations. On many of the minutes of these trade associations—of which we had photostat copies which I believe are now in the possession of the Attorney-General—there was proof that their members were fined and penalised for selling below the fixed price.

I refer to page 15 of the report of the Honorary Royal Commission in which the following is stated:—

> Whenever it was possible to do so, disciplinary action was taken by some associations against any member who committed a breach of prices in respect of tendering. The Commission became aware of a number of instances where a member who tendered a price below that agreed to by the association was required to pay the profit of the transactions into the association's funds.

I do not agree with this paragraph; I imagine that most members in this House will not agree with it either. I fail to see that the measure before us will enable action to be taken against a trade association which takes disciplinary action against its members.

It is proposed under the Bill that the rules of all trade associations are to be registered. If the registrar reported to the Minister that some trade associations had stepped out of line, then it would be up to the Minister to take appropriate action. I question whether he would take any action if a report were made to him by the registrar that a member of a trade association had been penalised because he sold an article at a price less than that fixed by the association. I venture to say that he would not.

Mr. Perkins: That is not provided for in the measure. The Bill empowers the Minister to ensure that trade associations observe their own rules.

Mr. HEAL: That makes the Bill all the weaker.

Mr. Hawke: That makes it a farce.

Mr. HEAL: What is the good of the Bill in those circumstances? The legislation which the Government is attempting to repeal contains much more power to enable the Minister or the Unfair Trading Commissioner to take action against trade associations. As was stated by *The West Australian* this morning, if the Government is to repeal the unfair trading legislation it should have the courage of its own convictions, and it should not pass any legislation in place of the unfair trading legislation. What we have before us in the Bill is worse than what is contained in the legislation on the statute book.

Mr. Perkins: Apparently the unfair trading legislation has not done anything to clean up the matters you outline.

Mr. HEAL: It did. I have told the Minister in which respects.

Mr. Hawke: I can refer to action in respect of the sale of galvanised iron.

Mr. HEAL: When the Minister in the previous Government inquired of the Crown Solicitor whether there was power for him to take action, he was told that action could be taken. That was before the Hawke Labor Government went out of office. I refer to an instance which affected a person living in my electorate. He went overseas and brought back some machinery for the making of ice cream. The machinery cost him thousands of pounds. On his return, he built a factory in this State and that cost him many thousands of pounds. He installed the machinery and manufactured ice cream. He approached the shops in the metropolitan area and made a market for his product.

However, after a few weeks, the shopkeepers who were buying his ice cream were told by a big ice-cream manufacturing firm in this State—the Minister knows the firm to which I am referring—that if they did not procure their ice cream supplies from this firm only, and from no other, it would not continue to supply them.

Mr. Perkins: Are you sure that the ice cream of the small manufacturer was not being kept in the refrigerators supplied by the big firm?

Mr. HEAL: It was not. If the big ice-cream manufacturing firm had supplied the refrigerators to the shops selling its products, those shops were bound to sell only its ice cream. In many cases the small manufacturer supplied ice cream to shops which had their own refrigerators. Many of the shops had to accede to the demand of the big firm of ice-cream manufacturers, because the latter manufactured half a dozen ice-cream lines; whereas the small manufacturer was operating in a smaller way.

These remarks also apply to the Beach Ice Cream Company. At the time of the present Government coming into office, this matter was being investigated by the Unfair Trading Commissioner. Unfortunately, after the present Government came into office, proceedings were discontinued and no further action was taken. We find the same thing is going on today.

Mr. Perkins: You might be surprised to learn that the firms are stocking all the brands at the moment.

Mr. HEAL: I would be very glad to know that. I was speaking to this person the other day and he said he was still having trouble.

Mr. Perkins: The only ban is on the bulk ice cream.

Mr. HEAL: If that is so, I still do not regard that as free enterprise. If the Minister has any power in regard to this matter he should see that these people, who have spent many thousands of pounds, are able to sell their product on an open market. I think we are agreed that we would all be better off if this were brought about.

Mr. Hawke: Who put this ban on the bulk ice cream?

Mr. HEAL: There would only be one person, and that would be the big ice-cream manufacturer in Perth. The member for Fremantle has already made a few quotations from an article, by Fred Morony, in this morning's paper. I would like to make a further quotation as follows:—

> Apart from repealing the Restrictive Trade Practices Act, the only teeth in the Trade Associations Registration Bill are in the part that prohibits any group of traders banding together to submit uniform tenders for goods or services.
>
> The registrar, who would administer the proposed Act, would have little initiative in registering trade agreements and the rules of trade associations.
>
> In those spheres, it seems, the Government considers the right of the public to inspect agreements and other documents to be sufficient deterrent to malpractice.
>
> If the Bill becomes law, all associations of traders will have to set out their qualifications for membership, their sources of finance, their aims and rules and the ways and circumstances in which their members will be disciplined.
>
> These documents will then be registered and will be available for public inspection.
>
> Provided an association gives all the information required—even if one of its aims is to rob widows—the registrar will have no power to refuse registration.

That portion of the article illustrates how weak are the provisions of this Bill.

The Minister for Labour and the Minister for Industrial Development submitted as an argument as to why this Bill should be introduced, the fact that it was the majority recommendation of the recent Royal Commission into this matter. It was only natural that it would be a majority recommendation; because if we think for a moment, we will realise that the commission consisted of the present Attorney-General, who was the chairman; the present Minister for Labour—the other Country Party representative; the Minister for Railways, a Liberal member; the then member for North Perth, Mr. Lapham; and myself. It is only natural that any Select Committee or Honorary Royal Commission consisting of a majority from one particular group—in this case, the

Liberal and Country Parties—will bring down a majority report in favour of that group.

Mr. W. Hegney: *The West Australian* said that that was the price the Liberal Party paid to the Country Party.

Mr. HEAL: It is for that reason that most Select Committees or Honorary Royal Commissions are a waste of our time and the taxpayers' money, if any is involved. It is stated that because of that majority decision, this Bill has been introduced. As the majority opinion has been expressed, I would like to quote the minority recommendation in order that it may be recorded in *Hansard*. This recommendation, made by Mr. Lapham and myself, is as follows, reading from page 18:—

> We concur with the recommendations contained in the body of this report, i.e., recommendations (1) to (18), subject to the following exception:—
>
> Recommendation (19)—We object to the inclusion of this recommendation and recommend that it be replaced with the following:—
>
> > (19) That legislation be provided for the inclusion of the recommendations of this Commission where not in conflict with this recommendation and such other ancillary matters as may be necessary to give effect to such recommendations, and provide for investigation and inquiry, and that the prevention of unfair profit taking, unfair methods of trading, and unfair methods of trade competition, and all other matters to give effect to their prevention be dealt with under the Unfair Trading and Profit Control Act, 1956, which Act, we strongly recommend should be continued.

Mr. Hawke: No wonder the Minister would not quote the minority recommendation.

Mr. HEAL: After hearing all the evidence, which lasted quite a considerable time, the then member for North Perth and I felt that ours was a very fair recommendation; and I sincerely hope that when a vote is taken, consideration will be given to it. I am sure members on this side of the House will give it some thought; but unfortunately the Government has the numbers.

I say once again to the Premier and the Minister who introduced the Bill, that it is not worth the paper on which it is written. It is certainly worth noting, when *The West Australian* in its leading article states that the Minister for Labour made a barren speech. If the Government had the courage of its convictions it would not have substituted anything in place of the Act which it intends to repeal.

For the reasons I have outlined, I intend to vote against the second reading, mainly in order to retain the present Act.

MR. HALL (Albany) [6.6]: The member for West Perth mentioned an article in today's *The West Australian* in regard to the teeth in the new W.A. Trade Bill. If it has any teeth in it, I would say they were false. It seeks to repeal the present legislation and substitute nothing for it. If there were anything constructive in it, we could feel a bit happier and so could the people of Western Australia.

I have here a publication called "Consumer Protection and Guidance in the UK". We have heard much about industries not coming here because of our legislation, and we have heard it stated that there is no legislation overseas to compare with our present legislation. On page 2 of this publication, is the introduction, which we will omit for the present. On the same page there are listed "Legislative measures to protect consumers" and they are as follows:—

> Weights and Measures Acts, 1878-1936.
> Merchandise Marks Act, 1887-1953.
> Sale of Goods Act, 1893.
> Monopolies and Restrictive Practices Act, 1948-1956.
> Food and Drug Acts, 1955.

Also, Acts were set up to provide consumer councils and agricultural marketing schemes. Those are a few of the pieces of legislation designed to protect the consumer. In addition, they have services for the consumer and provision for these could well be incorporated in our legislation to give people protection. These services include the Consumer Advisory Council of the British Standards Institution and the Consumers' Association Ltd.; the Consumer Research by Government Departments; Broadcasting and the Press; and Miscellaneous Services.

I will now cover the introduction, as I mentioned it earlier. It is as follows:—

> In a modern industrial economy based, like that of the United Kingdom, largely on freedom of enterprise, the types of consumer goods and services produced, and their price, quality and quantity, are determined mainly by consumers' choice.

We all agree with that. It continues—

> Consumers tend to spend money on the goods and services which they value most, and this encourages producers, stimulated by the desire to increase profits—

that is free enterprise—

> to make more of those goods for which they foresee a growing demand.
>
> In practice, this exercise of "consumers' sovereignty", as it is called, may be hindered or thwarted for a number of reasons, e.g.:

(1) The great variety and complexity of the goods on the market may make it difficult for consumers to choose wisely unless they are sufficiently informed about the technicalities and performance of the products . . .

That is often the case when we buy something mechanical under a hire-purchase agreement. Not many days go by before it breaks down. Recently there was an instance of a brand new washing machine which broke down three times and the owner has still not received satisfaction. If people had all the proper information available to them they would know what they were getting.

Mr. Perkins: What has this to do with the Bill?

Mr. HALL: Everything. The legislation before us is empty. It does not provide anything. An Act which gives some protection is being repealed but nothing is being put in its place. That is why there are no real teeth in it; they are completely false. Something along the lines which I have been quoting should have been incorporated in the Bill. To continue my quotation—

Over the past decade this problem has been accentuated by the increased proportion of relatively new and more complicated products.

That is a strong point.

MR. WATTS (Stirling—Attorney-General): I move—

That the member for Albany be given leave to continue his speech at a later stage of the sitting.

Motion put and passed.

Debate adjourned to a later stage of the sitting.

METROPOLITAN REGION TOWN PLANNING SCHEME BILL

Council's Message

Message from the Council received and read notifying that it did not insist on its amendments.

STATE ELECTRICITY COMMISSION ACT AMENDMENT BILL (No. 3)

Returned

Bill returned from the Council with an amendment.

ART GALLERY BILL

Continuation of Managers' Conference.

Message from the Council received and read intimating that it desired that the conference of managers on the amendments insisted on by the Council be continued at 6.45 p.m. on Tuesday, the 24th November, 1959, in the Ministers' Room of the Legislative Council.

Sitting suspended from 6.15 to 7.40 p.m.

ART GALLERY BILL

Conference Managers' Report

MR. WATTS (Attorney-General) [7.40]: I have to report that the conference managers met in conference on the Bill and reached the following agreement:—

Amendment No. 1—Not agreed to.

Amendment No. 10—Not agreed to.

Amendment No. 11—The managers decided that clause 26 be made to read as follows:—

Selling or exposing for sale works of art in Art Gallery prohibited.

26. (1) Subject to the provisions of subsection (2) of this section, no person shall sell, offer for sale or expose for sale or permit or suffer to be sold, offered or exposed for sale, in the Art Gallery any work of art that belongs to him and is being exhibited in the Art Gallery.

Penalty: Fifty pounds.

(2) The provisions of this section do not apply to any work of art that is being so exhibited pursuant to an agreement or arrangement made by or on behalf of the State or the Board with the Commonwealth or any other State of the Commonwealth or foreign country or the trustees or governing body of any other Art Gallery.

In explanation of the last amendment, I would like to state that there have been exhibited in the art galleries, both here and in the other States, certain exhibitions which, under agreement either with the Commonwealth or with the board of our Museum and Art Gallery, as it is at present constituted, have been brought from overseas or from other States for exhibition here.

There have been pictures in these exhibitions which have been publicly declared, either by a foreign government, or under arrangement, to be available for sale. This proviso or subsection is included with the intention of not preventing such arrangements being made. I move—

That the report be adopted.

Question put and passed, and a message accordingly returned to the Council.

TRADE ASSOCIATIONS REGISTRATION BILL

Second Reading

Debate resumed from an earlier stage of the sitting.

MR. HALL (Albany) [7.45]: Before tea, I was covering several points which I had raised with particular reference to the

protection of merchandise. Glancing through the present Act I find that anything that was contrary to the public interest—such as collusive tendering, and so on—was provided for. In legislation of this nature it is definitely necessary and advantageous to protect the interests of the consumer. In that regard the Bill before us has no teeth whatever; and that aspect is worthy of consideration. I would now like to quote the second point I had in mind. It is as follows:—

> The consumer may need protection against artificial price fixing by monopolies or oligopolies, and against fraud, misrepresentation and other malpractices by a minority of less scrupulous traders and producers.

That is very evident. We now have these self-service stores opening up all over the place, and the people do not get the attention to which they were accustomed. If we are to be channelled into that sort of trading, then there is no doubt we will run into trouble. It is necessary for legislation to be introduced which will protect the whole of the community against malpractices. I shall now continue to quote from an article headed "Legislative measures to protect consumers". It reads—

> The principal legislative measures providing consumer protection are the Weights and Measures Acts, 1878-1936, the Merchandise Marks Acts, 1887-1953, the Sale of Goods Act, 1893; the Monopolies and Restrictive Practices Acts, 1948-56, and the Food and Drugs Acts.

It will be seen, therefore, that the Minister is repealing an Act which contains a provision enjoyed by the people in England today; one that gives protection to the consumer. The Bill before the House is not elastic enough, and perhaps it could be modified to fit into our way of life.

The next article is headed "Quantity Protection by Weights and Measures Legislation". It reads—

> The need for State action to protect the consumer from losses due to inaccuracies in the quantites of goods sold has long been recognised.

In this State we are not protected in any great detail in this respect. We have often heard that the butcher's hand weighs more on the scales than does the meat. The provision I have just quoted was introduced many years ago—in the days of the Magna Charta, and even earlier. The next quotation I make is as follows:—

> A more recent development has been the enactment of legislation designed to protect the public against the giving of short weight or measure. Prior to 1926 the only commodities where protection was given against the selling of short weight were bread and coal. Bread was first required to be sold by weight in 1822 and coal in 1889, but in 1926 the Sale of Food (Weights and Measures) Act, 1926, extended the protection against short weight or measure—

Mr. Perkins: We already have that legislation here.

Mr. HALL: I realise that. I am merely quoting this provision to prove how protected the consumer is.

Mr. Perkins: We have that here.

Mr. HALL: I am not sure that we have. Let us look at the next one, which reads—

> Protection by Merchandise Marks Acts
>
> The main purpose of the Merchandise Marks Acts is to ensure that trade marks and trade descriptions applied to goods for sale are both honest and accurate—

On many occasions we have heard of marks being falsified, particularly as they relate to imported goods, such as chinaware from Japan. Some of this china is a replica of the English china, even to the name of a town in England—though it is possible there is a similar town in Japan; I do not know.

Mr. Perkins: I think that comes under Commonwealth legislation.

Mr. HALL: That makes no difference; the quality of the goods is not there.

Mr. Perkins: It is already provided for by the Commonwealth now.

Mr. HALL: To continue—

> The first Merchandise Marks Act, passed in 1862, was called "an Act to amend the law relating to the fraudulent marking of merchandise."

Can anyone say that the altering of marks is not carried out? I know of an instance where flannel from the mills here was sent over to the Eastern States, restamped, and sent back.

Mr. Perkins: That has nothing to do with the Bill.

Mr. HALL: I am aiming to provide protection. According to the Minister I have been outside the scope of the Bill from the start, because I have been aiming to provide some protection to the consumers; whereas the Minister is repealing an Act which provides that protection. The next heading reads "The Sale of Goods Act, 1893."

Point of Order

Mr. PERKINS: On a point of order, Mr. Speaker, I do not think this material has anything to do with the Bill before us, and I do not think the honourable member is entitled to speak on matters outside the scope of the Bill.

The SPEAKER: I was hoping that the member for Albany would relate his remarks to the Bill. I think I can see his

intention, but it is about time the honourable member related his submissions to the Bill. I feel I can follow his train of thought all right.

Debate Resumed

Mr. HALL: I think clause 3 covers everything. I am sure the Minister will admit that the next heading—"Consumers' Committees in Agricultural Marketing Schemes"—is covered by the Bill before us. I quote—

> Provision has also been made for the representation of consumers' interests in the operations of statutory agricultural marketing schemes, i.e. producers' co-operative organisations set up under the Agricultural Marketing Acts, 1931-49 (consolidated by the Agricultural Marketing Act, 1958), with compulsory powers to regulate the marketing of particular agricultural products. The schemes affected are those relating to the marketing of wool (U.K.), tomatoes and cucumbers (GB), potatoes (GB), hops (England), milk (England and Wales), Milk (Scotland) and eggs (UK).

It is very necessary to incorporate such a provision in any legislation that is brought before us. Those provisions contained in the pamphlet entitled "Consumer Protection and Guidance in the UK" could well be incorporated in any legislation it was sought to pass in this State.

I would now like to quote an article from *The West Australian* dated the 24th November, 1959. It reads as follows:—

> If the Bill becomes law, all associations of traders will have to set out their qualifications for membership, their sources of finance, their aims and rules and the ways and circumstances in which their members will be disciplined.

The next article I would like to quote is from the same paper, dated the 23rd September. It reads—

> TV DEALERS BACK ON SUPPLY LIST
>
> Two television dealers, disciplined last week for alleged advertising breaches, were yesterday reinstated on supply lists.
>
> This followed appeals by the two firms—W. J. Lucas Ltd. (disciplined for two months) and Ron Shaw Pty. Ltd. (disciplined for one month).
>
> The two firms and the Radio Electrical and Television Retailers' Association council, all represented by legal counsel, met yesterday.

Mr. J. Hegney: What did they do?

Mr. HALL: All they did was to try to give the consumers a fair price. I would like to quote again from the article of the 24th November as follows:—

> Provided an association gives all the information required—even if one of its aims is to rob widows . . .

If that is the aim of this legislation I cannot support it. To continue—

> —the registrar will have the power to refuse legislation.
>
> However, if a member complains that an association is exceeding its registered rules or is acting contrary to them the registrar will investigate.
>
> The person who complains will be required to set out the reasons and circumstances in writing and to send a copy to the trade association against which his complaint is laid.

I do not know whether the people concerned will fall into line and supply the necessary information. I am sure many of them would be reluctant to do so, and there will be dissension among the dealers themselves. If the Government is prepared to put teeth into this legislation, I will support it.

MR. ANDREW (Victoria Park) [7.56]: This Bill is, I think, one of the most innocuous measures that has ever been presented. I have read its provisions; and, as far as I can ascertain, its only purpose is to repeal the Monopolies and Restrictive Trade Practices Control Act, 1956-1958. That is all the Bill actually seeks to do. The other parts of the measure have no practical effect whatever on the economy, or those who are concerned with the economy, of this State.

I would like to deal with one or two remarks made by the Minister for Labour and the Minister for Industrial Development. The Minister for Labour was rather unfortunate in his introductory remarks when he referred to this democratic Government. I do not know whether he is aware, but there are many people in Western Australia becoming aware, that we have not yet got a democratic Government in Western Australia. The Minister knows that 150,000 people control the destinies of 360,000 people in this State.

The SPEAKER: Order! The honourable member can only make passing reference to that.

Mr. ANDREW: That is all I am doing, Mr. Speaker; I am only countering what the Minister referred to as a democratic Government. Whenever the Hawke Government endeavoured to bring a democratic state of affairs, and a democratic Government into being, the Minister and his Party prevented this. The Minister for Industrial Development in his usual manner spun word after word; all the words being quite meaningless, and just a lot of piffle.

He made a number of assertions, but he never at any time brought forward a fact to substantiate the assertions he made. The Minister for Industrial Development said that the old Act frightened people away; whilst just a few moments ago the

Minister for Labour said that the old Act was ineffective; that it did nothing. So on the one hand we have the Minister for Industrial Development saying it is a terrible Act; that it prevents business coming to Western Australia; while, on the other hand, we have the Minister in charge of the Bill saying that the Act is ineffective and has done nothing.

In his assertions, the Minister for Industrial Development stated that six or seven businessmen would not come to Western Australia. However, he never mentioned the names of those six or seven businessmen; and as they have not come to Western Australia, there could have been no disadvantage in mentioning who they were, because we in Western Australia could not, in any shape or form, do them any harm. I believe that the Minister for Industrial Development only put them forward as a debating trick. Frankly, I do not believe him. I think he tried to put something over.

Incidentally, he also said that the Act was frightening big business away from this State. During the six years the Hawke Labor Government was in office more businesses were started in Western Australia than in any other period of the State's history. Figures can be produced to prove that contention. I had a look for them but was unable to find them. However, I used them during the State elections and gave the figures at that time. That gives the lie direct to the assertion made by the Minister for Industrial Development that the present Act frightens people away.

Mr. May: They would not be able to trade unfairly.

Mr. ANDREW: He put forward that bogey-man; and when asked how the Act frightened businessmen away, he said, "It is the unknown in the Act." When pressed further, the Minister for Industrial Development was not able to say what the unknown legal implications were in the Act, or explain to what he was referring. He was unable to name the sections of the Act that were unknown and dangerous. Therefore, when I stated in my opening remarks that what the Minister for Industrial Development said was pure piffle, I think I was justified.

He just put a plod over that it was the unknown in the Act; but he could not give any idea as to what the unknown was. What he said was a lot of hot air and tommyrot. The Minister for Industrial Development took exception to the remark of the Leader of the Opposition, when he said that the Minister was a representative of big business. I have been a member of this Chamber for the same length of time as the Minister for Industrial Development, and I am strongly of the opinion that he is the representative of big business. He is the Man Friday of big business; and without exception he has taken up the cudgels on its behalf, and quite often at the expense of the ordinary people.

Mr. May: He has participated in it, too.

Mr. ANDREW: As my colleague, the member for Collie, has stated, the Minister for Industrial Development has participated in big business. I will say no more about that aspect at present. I remember some years ago when it was known that General Motors Holdens had made a profit of £10,000,000 and everybody in Australia thought it was a tremendous amount of profit to be made in one year, the Minister for Industrial Development stated, "That is not too big a profit." He was quite satisfied to see £10,000,000 profit made in one year; and considered that it was not a big profit.

Mr. J. Hegney: The worst feature was that most of it went out of Australia.

Mr. ANDREW: That profit later grew to £12,000,000; and the year after that it rose to £15,000,000; and what did we in Australia get from General Motors apart from one thing—the know-how to produce motorcars economically? The original capital investment in Australia by that company was very small, yet it received a 100 per cent. return in one year on that capital. In later years it received several hundred per cent. return on its capital investment. As a matter of fact, if we had 100 firms in Australia like General Motors Holdens, Australia would be ruined. We would all be working to pay the dividends of those companies which were drawing tribute from Australia.

Mr. May: It goes out of the country, too.

Mr. ANDREW: It does. General Motors Holdens gave us the know-how to produce motorcars on an economic basis; but we are paying too great a price for that knowledge. If the Chifley Government had remained in office—

The SPEAKER: The honourable member will have to connect his remarks to the Bill.

Mr. ANDREW: I am.

The SPEAKER: Remarks about the Chifley Government do not come within the ambit of the Bill.

Mr. ANDREW: They do inasmuch as I am speaking about businesses and restrictive trade practices, which come within the scope of this Bill; and it will also repeal the Monopolies and Restrictive Trade Practices Control Act which is now on the statute book. The whole tenor of the remarks of the Minister for Labour and the Minister for Industrial Development have been that the Act to which I have just referred has driven capital and business away from this State. In addition, the

company of General Motors Holdens has come into this debate previously; and at that time, the remarks were not questioned.

The Federal Government has borrowed many hundreds of millions of pounds—£380,000,000—from the International Bank. It has borrowed £60,000,000 sterling from London, in addition to many other loans of smaller denomination. This money was borrowed on a false assumption. It was said it was required to import into Australia equipment that was unobtainable in this country. However, the real truth is that it was required, and still is required, to pay for the outflow of dividends on foreign investments. I do not think anybody can deny that. Another fact I would like to mention in passing is that the profits from foreign investment capital in Australia are, I understand, taxed at the rate of 3s. in the £, whereas Australian companies have to pay much more.

I would like to know actually what this Bill does. The title which was read out earlier this evening states that it is an Act to provide for the registration of trade associations and for incidental and other purposes. As I mentioned earlier, the Bill provides for the repeal of the Monopolies and Restrictive Trade Practices Control Act. Then the Bill provides for the registration of certain agreements and the registration of certain trade associations. What does the definition of "agreement" state? It is as follows:—

> "agreement" means any agreement or arrangement referred to in section twenty-four of this Act made between a trade association and one or more persons carrying on business in this State or between two or more trade associations which carry on their operations in this State, and includes any agreement or arrangement whether or not it is intended to be or is capable of being enforced by legal proceedings.

The Bill goes on to provide that there will be no collusive tendering. It provides that associations, persons, and business houses shall register their agreements and their trade associations. However, it does not matter how much those agreements interfere with the rights of the people and smaller traders, or exploit the people by exorbitant profits. In that regard no penalty whatsoever is provided. Therefore, we could have the Cockburn Cement Co. making an agreement to control the whole of the cement production in Western Australia.

Mr. May: It does so now.

Mr. ANDREW: I suppose it does. However, the company could get away with it so long as it registered the agreement. There is nothing contained in the Bill in regard to a penalty. That company could put the price up sky-high and there would be no penalty. All that could be done would be to give publicity to the fact; but as the daily Press is hand-in-glove with big business, naturally it would not give the matter any more publicity than it could help. The member for West Perth said earlier this evening that trade associations were preventing the small trader from carrying on his business. I know a person in Victoria Park who was a working man at one time, and who thought he could better himself. He started up in business with a couple of partners. They were doing quite well until a particular trade association concerned with their business blocked them from obtaining supplies. Because of this, they had to close down.

That sort of thing happens in plenty of other places. Talk about free enterprise! There is nothing free. It is more or less jungle law. Those who can obtain control by various pressures do so. However, there is no penalty in this Bill to stop those people from being a party to this form of malpractice. The Bill contains a penalty in connection with a person who makes a false statement to the registrar who is appointed under this Bill. There is also a penalty if a company does not produce a document when requested by the registrar. That is all that is required under this Bill.

I previously spoke about collusive tendering; and the penalty for that breach is £500. If a number of persons in the same line desire to tender collusively there is nothing to stop them under this Bill. All they need do is to be careful. It is not necessary for them to put in the same price; all they need do is to have a prior arrangement between themselves in order to ascertain who they desire should obtain the tender. They could take turns in doing this.

I can give an instance of collusive tendering, but it was not done for the purpose of obtaining a contract. There is a man who has business which is a mile and a half from this House. He is a very good type of businessman, and so long as he is able to eke out a decent living he is quite happy. He is an extremely efficient man in his calling; and, because of that, he obtains plenty of work.

Another businessman in the same calling asked him on the phone one day whether he was going to tender for a certain contract; and he said, "I am not concerned about it, because I have all the work I can do for some time." The first person said, "You had better tender; because if you don't, and I am the only one to put in a tender, it will be thought we have arranged it between ourselves." My friend said, "Well, I will put in a tender." He said he worked out his price, allowing his usual margin of profit, and then added about 40 per cent. because he did not want the contract. The funny thing is that he got the contract; and actually he had a row on his hands with the person who had rung him. When my friend was

speaking to me he was perplexed about the person who had rung him; he wondered why he could not do the job at a reasonable price. But that is by the way.

If a number of people wanted to go in for collusive tendering, they could easily arrange to do so; and there would be no proof to the contrary unless they themselves talked. That is the last thing they would do; and I would not blame them. So the measure does not prevent collusive tendering. The whole Bill, in my opinion, is just a sham. The present Act has as its objects—

(a) to prevent unfair profit-taking;

(b) to prevent unfair methods of trading;

(c) to prevent unfair trade competition.

I do not think anyone can justly say that those three objects are wrong; but the Bill would abolish them. Also, the Act provides a penalty for breaching these objects. The sponsors of the present Bill, through the Minister, have not stated why they want to abolish the Act, when there are similar Acts in other parts of the world, including England and the United States of America. Actually the greatest damage to Western Australia was not done, as the Government alleges, by the Act which is now in existence; it was done by this conservative Party which, for political purposes, broadcast far and wide—as far as England—

Mr. Heal: And America.

Mr. ANDREW: Yes. The Government, for political purposes, broadcast far and wide that we had in existence, in Western Australia, an Act which penalised business interests; and the Government was not particular how that broadcasting was done.

I remember that when the Deputy Leader of the Opposition came back from the trade mission he said that on one occasion he was speaking, in England, to a prominent businessman who was the president of a trade association. This man said, "You have a very obnoxious Act in operation in Western Australia, have you not?" The Deputy Leader of the Opposition said, "To what Act do you refer?" The man said, "The Unfair Trading Act." The Deputy Leader of the Opposition said, "No. You have a similar Act in operation in England. Do you know about it?" The man replied, "No." The Deputy Leader of the Opposition said, "That is how little the English Act weighs upon the business community of England; and the Western Australian Act does not weigh any heavier on the business community in this State." Yet the Liberal Party had the temerity and cheek, for political advantage, and to the detriment of Western Australia, to have these things said all over the world, about our legislation.

The Bill would have been better if it had not been brought down, because it is ineffective. If the Government had had the courage of its convictions, it would have repealed the Monopolies and Restrictive Trade Practices Control Act, and been honest about the whole position. The Bill, in my opinion, is not worthy of any Goverrnment.

Mr. W. Hegney: It is a sop to the Country Party.

Mr. ANDREW: Perhaps; but even the President of the Farmers' Union was in favour of the existing legislation. A few weeks ago I asked the Premier whether the Government was carrying on the campaign, which had been vigorously conducted by the Hawke Government, to increase the consumption of Western Australian goods in Western Australia. The Premier stated—not in a direct answer to that question—that there were other means of expanding industry in Western Australia; namely, by inducing industries to come here.

I want to say—and most people are aware of this; a person does not have to be a man of outstanding intelligence to know it—that businesses go where there is a market. As the aggregations of population are in the East, most of the big business interests make their headquarters either in Victoria or New South Wales; and some—in a lesser degree—in Queensland and South Australia. We, in Western Australia, are isolated and do not have a large population. But I wish to mention a factor which I have previously mentioned.

Mr. Ross Hutchinson: Oh, no!

Mr. ANDREW: It is all right for the Minister for Health to say, "Oh, no!" What I am about to say is worthy of mentioning; and everybody in Western Australia should have this put on the table for breakfast every morning.

Mr. May: And for dinner and tea.

Mr. ANDREW: Yes. We export about £30,000,000 worth of goods to the Eastern States; and from the Eastern States, annually, we import about £90,000,000 worth of goods. If we are going to equate our exports and imports with the Eastern States, we will have to export goods to the extent of an extra £60,000,000. We have little chance of doing that; but what we can do is to grab a great deal of the £60,000,000 worth of trade.

This Government has not publicised or pushed the campaign for the consumption of Western Australian goods as it should. There is a £60,000,000-market here; and if the business interests knew that they could get that market, they would establish factories in Western Australia. But

it is of no use businesses in Western Australia building factories when many Western Australians buy goods which are imported from the east. In this regard we have a great opportunity for Western Australia to do something to help itself.

At one time I had a business at Herne Hill—a general store. It was situated in the midst of a primary-producing centre. I used to sell three boxes of imported butter to one of Western Australian butter, notwithstanding the fact that if a customer did not ask for a particular brand, he got Western Australian butter. The Western Australian butter was every bit as good as the Eastern States butter—North Coast, as it was called in those days.

It is difficult to educate the people to buy Western Australian goods; but we should endeavour to expand the Western Australian industries as I have indicated. New factories would give employment to our people and would increase the volume of business in the retail stores. They would also bring about employment for the young people leaving school each year. There should be great industrial expansion in Western Australia.

The Government should give serious consideration to the remarks I have made, because Western Australia has a wonderful potential. The Bill is so much rubbish; and naturally I oppose it because, if it is passed, it will replace an Act that can do some good for the people of the State.

MR. LEWIS (Moore) [8.26]: The remarks I shall make are prompted by the speech made by the member for Mt. Hawthorn. I listened carefully to him, and it appeared to me he had a bulge in one cheek. If I were uncharitable, I would refer to that bulge as being caused by his tongue, but I shall say it must have been caused by a gumboil. He referred to the poor farmers having to pay a great price for superphosphate. The farmers may be poor, but they are not fools. While some of them may be taken in by this newfound solicitude for them by the member for Mt. Hawthorn, I think many of them would remember the acts of the Government of which he was a member; and I have in mind particularly the suspension of the rail services, and the more recent opposition—

Mr. Andrew: The conservatives favoured that, too.

Mr. LEWIS: —to the subsidy of road transport.

The SPEAKER: I hope this is only a passing reference; I do not think it has anything to do with the Bill.

Mr. LEWIS: It is only a passing reference. I was interested in the honourable member's remarks concerning superphosphate. I have a particular interest in the price of superphosphate because I am a user—a modest user I admit; I purchase something over 100 tons a year—and at the price, I can fairly say that it is probably the biggest single item of expenditure that a farmer has to meet. Therefore it is understandable that farmers are particularly interested in the price of superphosphate. That being so, it is not surprising that the President of the Farmers' Union is also interested, at all times, in the price of superphosphate.

Since superphosphate is the biggest single item of expenditure, quite naturally farmers say, "What about the price? Probably someone is making a lot of money out of superphosphate." I have no doubt that those thoughts prompted the remarks of the President of the Farmers' Union as published in *The Farmers' Weekly* on the 21st May, when he said—

> "The Farmers' Union is keenly interested in the proposed action by the Government in regard to unfair trading legislation," said the general president of the Farmers' Union (Mr. Grant McDonald) yesterday.
>
> Mr. McDonald said he had no doubt as to the necessity for some amendments to the present Act, but he believed a complete withdrawal from the field of control of trading would not be in the best interests of the State generally.
>
> "Although not apparent to the general public, the operations of the present Act have conferred benefits which ultimately must play an important part in reducing costs and thus help to foster Australia's important primary industries."

Mr. Toms: He never said a truer word.

Mr. LEWIS: Perhaps; but I am interested to know the truth of that statement. Where is the proof that farmers' costs have been in any way reduced or kept down by the incidence of this legislation. The extract continues—

> The fact that the operations of the commission were directly related to saving the users of superphosphate in Western Australia a considerable amount on their purchases, to his mind justified continuance of the legislation, said Mr. McDonald.

Following Mr. McDonald's original statement on this matter, this statement was made by a spokesman of the superphosphate manufacturers—

> There is no truth in the suggestion that superphosphate prices were influenced by the Unfair Trading Commission. Prices were adjusted on production costs and reasons for all variations have always been published in all detail.

Mr. McDonald made a further reply, reported as follows:—

> Mr. McDonald's reply to the companies' statement was that his claims for benefits from the Unfair Trading legislation was based on the price of superphosphate in the various States since 1957. A table of prices which I have before me, he said, shows that from January 1st, 1951, to July 1st, 1958, the price of superphosphate in W.A. was reduced by 22s. per ton, while in other States the reduction was New South Wales 16s. 6d., Victoria 12s., South Australia 15s., and Queensland an increase of 2s. 6d. In view of the fact that the cost of imported raw materials is supposed to be uniform in the various States I would be glad to learn to any reason, other than the activities of the unfair trading commission, for Western Australia gaining an advantage over the other States since the Act was proclaimed, Mr. McDonald said.

He had asked there for further proof as to why, apart from the existence of the Act, the cost of superphosphate had been reduced in Western Australia. I have before me a statement of prices, taken from various annual reports of Westralian Farmers' Superphosphates Ltd., and I will be happy to supply this information to members of the Opposition or any other member who might be interested.

This shows that, under price control, long before the unfair trading legislation came in, the price of superphosphate was £14 4s. 3d. per ton in Western Australia. After the cessation of price control, but before the incidence of the unfair trading legislation, in July, 1954, it was £13 5s. 9d. In October, 1954, it was £13 2s. 9d.; and in October, 1955, it was £13 8s. In July, 1956, the price was £14. The unfair trading legislation was proclaimed, I understand, about December, 1956, and the price of superphosphate in October, 1957, was £13 16s. In July, 1958, the price was £12 18s., and that is a very considerable reduction, the reason for which I will show in a moment.

In September, 1958, the price fell to £12 14s.; and in September, 1959, it went to £12 8s., which is the present price. I will relate the production of superphosphate in those years to the price, because production has a direct bearing on cost. In 1955 the consumption of superphosphate in Western Australia was 474,000 tons. In 1956 it was 477,000; and in 1957, when there was a considerable drop in price, production rose to 542,000 tons—a 65,000 tons increase, which was the reason for the marked drop in price. The drop in price had nothing to do with price control or the unfair trading legislation, but was solely due to that phenomenal increase in consumption—an increase of 65,000 tons on 477,000 tons.

In 1958 consumption rose again by another 42,000 tons, to 584,000 tons, and resulted in a still further drop in price. Last year, unfortunately, production was only 578,000 tons—a decrease of 6,000 tons. However, the price fell, but there is a time lag between production and the setting of the price. As members will appreciate, the production must be known and the sales for the year must be known before the price can be determined for the following year.

With regard to the other States, I might point out that the consumption of superphosphate has remained reasonably stable over the period with which I have dealt. It is in Western Australia that there has been a marked increase in the usage of superphosphate, and that is why the price has dropped considerably. I repeat that the price bears a direct relationship to production. I have, in this report, a graph showing the relationship between production and price. Production is shown in the top line, and it is illustrated as continually increasing, while the price is correspondingly decreasing—

Mr. Toms: Are the farmers all putting on more super?

Mr. LEWIS: There is an increased acreage and an increased usage of super, particularly in regard to the light land. Reverting to the price of superphosphate in this, the last report which I have, we see that for the year ended the 30th June, 1958, the price of superphosphate was £13 16s.; and we see how that is made up. Materials, including power, fuel and stores —I might point out that the price of raw materials is decided by the British Phosphate Commission—account for 74 per cent. of the price, the equivalent of £10 4s. per ton. Wages, rates and taxes, plant depreciation, and interest account for 18½ per cent., or £2 11s. 3d. per ton. Distribution expenses, 3 per cent., account for 8s. 3d. per ton, while administration, 1 per cent., accounts for 3s. 6d. per ton. Dividends to shareholders, including Westralian Superphosphates Ltd. farmer shareholders throughout the State, account for 2 per cent., or 4s. 9d. per ton; while the figure for expansion and development, retained to assure sustained quality in output is 1½ per cent. or 4s. 3d. per ton.

From the figures I have given it will be seen that if the dividend were completely cut out the price of superphosphate would be reduced only by 4s. 9d. per ton. It is necessary to retain the 1½ per cent. for expansion and development, because obviously the works must be kept at a high state of efficiency; and planning must be done for perhaps five years hence, so that the works can be ready for whatever the position might be at that time.

In Western Australia, prior to 1928, there were, I believe, three superphosphate works. One was at Rocky Bay, controlled by the Mt. Lyell company; one at Bassendean,

controlled by Cuming Smiths; and the third was Cresco. The farmers of those days were anxious to have some co-operatively-controlled super works, and they appointed a committee to inquire into the matter. That committee soon found that the cost of establishing a new super works would be very high, and that the existing works were of sufficient capacity to manufacture much more superphosphate than was then being used. After some negotiations, it was decided to amalgamate two of the then existing companies, Mt. Lyell and Cuming Smiths; and that the farmers should take shares in a separate holding company, to be called Westralian Farmers Superphosphates Limited. As I mentioned earlier, 4,500 farmers took out shares to a total holding of £588,000, or an average of £130 each.

Mr. J. Hegney: Is Cresco in it?

Mr. LEWIS: Not Cresco. It was Mt. Lyell and Cuming Smith that came into it, and the farmers, between then, hold one-third of the capital of the amalgamated concern. There was a promise made many years ago that, as soon as the usage of superphosphate amounted to 20,000 tons in what might be termed the outports—Geraldton, and Bunbury—the amalgamated company was to establish works at those centres.

That promise was honoured; and for many years, as we know, there have been superphosphate works at Geraldton and Picton Junction, despite the fact that it required a considerable amount of capital expenditure to establish them, and the fact that the super over all that time could well have been produced by the concerns already established in the metropolitan area. Nevertheless, the establishment of those works at Bunbury and Geraldton has resulted in a considerable saving in freight to farmers of the areas concerned.

More recently still the amalgamated companies, together with Cresco, and with some financial assistance from the Government, established works at Albany. Those having been built in more recent years, the capital cost was high but the cost of super has not been increased accordingly in those areas. The added cost has been spread over the whole of the State; and so the farmers at Merredin, Southern Cross, Moora, or Miling to some extent subsidise the farmer who gets his super from the Albany works; but we do not complain about that, because it is in line with the policy of decentralisation. If it saves the farmer in the lower Great Southern areas a considerable freight charge, we have no complaint about it.

Mr. W. Hegney: Is there any competition in the superphosphate industry as regards prices?

Mr. LEWIS: I do not think so; but for the information of members, I will now give some details regarding the dividends which this big octopus is alleged to be paying. In 1928-29 the dividend was 11.16 per cent.; and in 1929-39, it was 9 per cent. Those were the years, as many of us recall, when the bank interest rate was about 7½ or 7¾ per cent. From then on the dividends were—

Year.	Per cent.
1930-31	3
1931-32	4
1932-33	3.5
1933-34	3.5
1934-35	4
1935-36	5
1936-37	5.5
1937-38	6
1938-39	5
1939-40	5
1940-41	4
1941-42	2½
1942-43	2½
1943-44	2½
1944-45	3
1945-46	3
1946-47	3
1947-48	3.5
1948-49	5
1949-50	5.5
1950-51	5.5
1951-52	6
1952-53	7
1953-54	8
1954-55	8
1955-56	8
1956-57	8
1957-58	8

Including even the first two years, when the interest rate was 11.9 and 9 per cent. respectively, the average, over all those years, was 5.247 per cent. If we exclude the abnormally high interest rates that were prevailing in the first two years, the average interest rate is 4½ per cent.

So we can say with fairness that the superphosphate companies have not been paying high dividends. A question was also asked as to why the price of superphosphate has dropped in Western Australia. The reason is that the local superphosphate works have built up a reputation for efficiency second to none in Australia. I can say that with confidence; because people who have visited the Eastern States inquiring into the methods of superphosphate manufacture have found this to be so despite the fact that the raw material has to be transported from Fremantle to Bassendean or to North Fremantle from the Mt. Lyell works.

In Port Adelaide, however, I believe the superphosphate works are adjacent. And in Yarraville, near Melbourne. I am told that the raw material is carted by conveyor belt from the ship's side which, of course, would reduce costs considerably. Despite that, the efficiency and the production per man employed in the Western Australian superphosphate works far exceeds that of Victoria or South Australia.

Mr. Bickerton: How will superphosphate users benefit under this Bill?

Mr. LEWIS: I do not think they will; but neither do they benefit under the Act which the Bill seeks to repeal. I am satisfied that the Act had nothing to do with reducing the price of superphosphate.

Mr. Rowberry: In that case it has no relation to agriculture.

Mr. LEWIS: The report I have here is by the Monopolies and Restrictive Trade Practices Commissioner. Perhaps the honourable member will agree that that has something to do with this matter. This report is for the year ended the 30th June, 1958; and in regard to superphosphate, he has this to say—

> The investigation into the industry was continued during the year.

From those remarks it can be seen that this was not the first investigation; but nothing came of it. Superphosphate plays a tremendous part in the economy of Western Australia; because, last year, 578,000 tons were produced at a cost of £12 14s. a ton. That is a very large sum of money. No doubt it was because of that that investigations were made into the industry, and the results were nil. I will continue to quote from this report—

> Three companies produce superphosphate within the State; one, established with Government assistance, is wholly owned by the other two in agreed proportions. An agreement was entered into between the two major manufacturers as a preliminary to the establishment of outport works. This includes uniformity of superphosphate prices, so that the agreement could be considered contrary to the provisions of the Act by:
>
> > "the making or entering into any contract or agreement providing for the maintenance of minimum resale prices of commodities."

Had that agreement not been made by the manufacturing companies, it is possible that the superphosphate works at Albany—because of the high capital cost of the works—would have been producing a product at a price much higher than that charged in any other part of the State. Because of the agreement between the companies, the price of superphosphate has been brought into line with that charged throughout the State.

Mr. Roberts: Have you any idea of the cost of the investigation to the company?

Mr. LEWIS: Unfortunately, that is not stated.

Mr. Roberts: It would be pretty high.

Mr. LEWIS: This report continues—

> As stated, the Director of Investigation, before requiring a person to appear at an inquiry to answer a charge of unfair trading, must be of the opinion it is in the public interest to do so. Therefore, although the making of the agreement may be within the definition of unfair trading, consideration of public interest would be an important factor before reaching a decision. The companies have received the sanction of the Government of their action in fixing uniform prices under the arrangement to establish works at a country centre, as is shown by the following extract from the agreement between the State and the jointly owned company.

It then quotes the agreement between the State and the company. The essence of that is—

> ". . . the price f.o.r. works to be charged by the company shall be the same price as that charged f.o.r works at other superphosphate works through the said State . . ."
>
> When commodities are produced to standard specifications, as in this case, agreements to provide for orderly marketing frequently effect economies of distribution which are in the interest of the consumer. During the progress of the investigation, prices to the consumer in Western Australia were reduced substantially—

The report does not state, "because of the investigation." The words used are, "during the progress of the investigation." I have accounted for that by the increased tonnage. Continuing—

> —so that they are now comparable with Eastern States prices—at the moment, they are cheaper—having regard to justifiable variations in cost of production. The local price structure may be subject to examination by the Director of Investigation whenever he has reason to suspect that there has been any infringement of the Act, such as the collusive fixing of uniform prices which are excessive. Having regard to all of these circumstances, the Director decided that no further immediate action was necessary in the public interest.

Mr. W. Hegney: That is right—"no further immediate action."

Mr. LEWIS: That is so. Being in the position he is, he could not say what the position might be 10 years hence. However, if we look back to the days before price control, we find that the managers of the superphosphate companies managed their businesses efficiently and well.

Mr. W. Hegney: The President of the Farmers' Union was sceptical.

Mr. LEWIS: The President of the Farmers' Union had to save face somehow; and when he was replied to very effectively by the superphosphate company he said—

> A table of prices I have before me shows that from January 1, 1951 to July 1, 1958, the price of super in W.A. was reduced by 22s. per ton while in other States the reduction was: N.S.W. 16s 6d.; Victoria 12s.; S.A. 15s.; and Queensland (increase) 2s. 6d.
>
> In view of the fact that the cost of the imported raw materials is supposed to be uniform in the various States I would be glad to learn of any reason, other than the activities of the Unfair Trading Commission, for W.A. gaining an advantage over other States since the Act was proclaimed.

The use of superphosphate in Western Australia has risen to such an extent that it has been possible to reduce the price. The production graph shows a direct relationship to the price. Whenever production has risen the price has had a tendency to fall. That will always be so. Unless there is an undue increase in expenditure which would cause the price to rise or, if the cost of material is increased, that, too, must affect the price of the product.

A few days ago something was said by a member about sand in superphosphate. I can assure the member for Fremantle that no sand is present in the superphosphate sold in Western Australia. Something was also said about the moisture content. There is, of course, moisture in superphosphate because, in its production, acid has to be used to break down the phosphatic rock. Some years ago the companies had their supplies of phosphatic rock obtained from Nauru Island stopped by direction of the British Phosphate Commission, and had to obtain them from Christmas Island. The rock from this island is inferior to and has not the same consistency as that obtained from Nauru; and as a result various strengths and quantities of the acid were used which gave rise to some difficulty in manufacture. Unfortunately the super was distributed, not with an excessive water content, but with too great a quantity of acid. Consequently, farmers have had a great deal of trouble with it.

Since then, greater care has been taken, and the chemists of the various companies have learnt from experience; and today there is no further trouble in that direction. If it were possible for the superphosphate works to store their product for 12 months, there would be even less trouble in that regard; but we cannot have it both ways. By that I mean that if the companies had to build large sheds to store the superphosphate, the price of the product would have to be increased.

It is my opinion—and I believe you share this opinion with me, Mr. Speaker—that a substantial decrease in the price of superphosphate could be brought about if we eliminated the use of corn sacks and gradually embraced bulk handling of superphosphate. This would undoubtedly effect considerable saving in the costs of that commodity which, as I said earlier, is the biggest single item of a farmer's expenses.

MR. EVANS (Kalgoorlie) [8.55]: I listened with a great deal of interest to the remarks made by the member for Moore, and I found his speech extremely convincing and very interesting. It was so interesting that it has inspired me to say these few words; and it was so convincing that I have made up my mind to oppose the Bill. This measure is designed to provide for the registration of trade associations and for incidental and other purposes. The principal clause in the Bill seeks to repeal the Monopolies and Restrictives Trade Practices Control Act, which was passed by a previous Labor Government.

In the title of the Bill, there is not one word which refers to the repeal of that Act. There are only the words, "and for incidental and other purposes." Therefore, one can gauge the importance which the Government, deeply and sincerely, places upon the Act which is now on the statute book and which the Government is endeavouring to repeal by this Bill. The words, "and for incidental and other purposes" suggest to me that the repeal of the Act is not so important as we are led to believe. If it were, the Government would have indicated its intention in the major portion of the wording in the title of the Bill. The title would have read, "A Bill for an Act to provide for the registration of trade associations and to replace the Monopolies and Restrictive Trade Practices Act."

Mr. Bovell: I can assure you that you are wrong.

Mr. EVANS: I am only going on what I read in the title of the Bill. If the Minister does not gather that intention from the title, I suggest to him that he go back to school and learn to read.

Mr. Perkins: The title will cover the repeal of the other Act all right.

Mr. EVANS: I agree. The title could cover anything. The government has bulldozed through Parliament other Bills of a similar purpose. The Monopolies and Restrictive Trade Practices Control Act is to be repealed by one of the clauses in the Bill; and as I was a member of this House when this Act was passed, I can recall that the legislation received an extremely stormy passage. In 1958 it was brought before the House for amendment and for continuance, and even then certain Government members in another place, in the

light of the majority report of the Honorary Royal Commission that was appointed to inquire into restrictive trade practices, were prepared to vote in favour of the legislation being made permanent. Prior to that, the Act had only a limited term.

One would be excused for thinking, if we found this measure not being opposed in another place, that there had been some political compromise between the two parties forming the Government. When the unfair trading legislation was introduced in this House, the Minister for Industrial Development referred to it as a serpent. He opposed the second reading and then refused to take part in the committee debate, because he considered that in doing so he would be shaking hands with a serpent.

Mr. Guthrie: He used the word "cobra."

Mr. EVANS: I cannot discern any difference. Government members are now completely grasping the hand of the cobra, after being almost eight months in office. It seems to have taken the Government eight months to build up Dutch courage to tackle this cobra. I remember the election points made by members of the Government and by candidates of the Government Parties—I have one in mind —who made glaring statements about the unfair trading legislation and what the Liberal and Country Parties would do if they were returned to office. Yet we find the Government members after being eight months in office completely embracing the cobra, and we as the Opposition are asked to shake hands with a jelly fish. I refer to the words printed in the Bill; if the Bill is not a jelly fish, it is "wishy-washy". There is nothing in it apart from the repeal of the unfair trading legislation.

I claim the repeal of that legislation is a sabotage of the welfare of the people of this State. Perhaps I can give a better analogy. One might compare this Bill, minus the provision to repeal the Monopolies and Restrictive Trade Practices Control Act, with a field of corn. This field of corn is being strewn with cobble, beautiful to the eye of the unsuspecting or the uninitiated, but completely useless in itself. That view is not held only by me but is shared by an editorial in *The West Australian*.

This Bill is completely useless, and the Government knows that full well. It is a compromise between the Country Party and the Liberal Party. If the Government were sincere—I refer to the majority section or the dominant factor in the Government coalition—it would not have a bar of any restrictive practices. Government members know in their hearts that what I am saying is true. The Bill is only a compromise; and, as such, is entirely useless.

Mr. Perkins: We have done exactly as we promised we would do.

Mr. EVANS: The Government members have taken a lot of time to build up enough Dutch courage.

Mr. Bovell: Your Government took years, and did not carry out what it promised at the 1953 elections.

Mr. EVANS: I suggest for the edification of the Minister for Lands in particular that the Government's sincerity in this respect is greatly doubted, because of the cloak-and-dagger melodrama displayed by members of the Government and its supporters during the last elections. Now it wants this "wishy-washy" Bill to take the place of the Monopolies and Restrictive Trade Practices Control Act. I hope this will edify the Minister for Lands; if it does not, he may blame the primary school, or someone back in the kindergarten days—

Mr. Bovell: That is where you should be.

Mr. EVANS: What if we both make a booking for 1960 in the kindergarten? I might call back later on as an old boy and ask how the Minister has been getting along. The Government claims that the unfair trading legislation at present on the statute book has done immeasurable harm to Western Australia. It has quoted so-called emminent figures, particularly Sir Halford Reddish.

I suggest to the Government that being on the side of apparent righteousness often brings very questionable allies. I leave that thought in mind as far as Sir Halford Reddish, and some of the spurious statements made by him, and some of the spurious statements made by the supporters of the Government are concerned.

Let us examine the operation of the Monopolies and Restrictive Trade Practices Control Act, which the Government has threatened to obliterate from the statute book. The Minister, when introducing this Bill, stated that the Act had done no good whatever. He said it did not carry out the objectives that were set by the previous Government, which was the author of the legislation. If that is so, why has the Government hesitated, or why has it refused to continue this Act? If it has done no good, it certainly has done no harm. A ghost which does not haunt is a ghost which is not to be feared. If it has done no harm, why worry about it? The Minister stated quite clearly that this legislation has done no good; nor has it stopped restrictive trade practices or monopolies. Yet the Government painted such a gloomy picture of industry being scared away from this State.

Let me mention the position in the plasterboard industry—an industry which the Minister glossed over; and in my opinion he was not being truthful. The unfair trading commissioner, which was

the title given when this question was being examined, was asked to inquire into the position within that industry, because there was a great deal of restriction on the general public. I mention this instance with absolute accuracy.

One of the plasterboard works managers in Kalgoorlie replied, when I asked him, that there was restriction not only on the general public but on members within the industry itself. He was being restricted by the bigger factories in the metropolitan area. He was told that if he supplied plaster of Paris to the retailers, his supplies would be cut off. He said, "I can sell you as much plasterboard as you want, but I am not allowed to sell you the plaster of Paris with which to fix the boards."

As everybody knows, if one wishes to fix plasterboard one needs some plaster of Paris to do the flush jointing or to mend the cracks which result from long cartage. He said he was not allowed to supply plaster of Paris to retailers. How ridiculous is that situation! As a result of the steps taken by the unfair trading commissioner, this matter was cleared up, and both plasterboard and plaster of Paris were once again sold freely by retailers. The Minister did not mention anything about that matter, but I can vouch for the case I have outlined.

I can also point to another situation where the unfair trading commissioner, or the Director of Investigation of monopolies and restrictive trade practices did not achieve the desired result. I can give the reason for that. At the particular time, the director was transferred from his duties under the Act, and that legislation was placed in cold storage.

I now refer to the sale of television sets and the agreements entered into by members of the electrical retail traders' association. The result of the application of those agreements was not in the best interests of Western Australia.

When questions were asked in this House as to the action taken by the Director of Investigation, vague answers were given. The truth was that he was not in a position to act, because he had other duties assigned to him, although the Act was still in existence and set out certain courses of action to be taken by him. The Minister knows that these courses of action were not followed, because the whole matter was slowed down and the director was assigned to other duties.

I turn to another aspect of the argument put forward by the Minister, and one which was raised when the unfair trading measure was first before this House: that is, the prolific amount of industry which was frightened away from this State—but not by the operation of this Act, because the Minister said it did not achieve the desired aims. Therefore those industries must have been frightened by the titles of the measures—unfair trading, and monopolies and restrictive trade practices. I have not heard these industries being mentioned by name. I have only heard the assertion. I have not seen their names in black and white. I have not heard the managers of those industries saying they were frightened.

Assuming they were frightened by the titles of these measures, they could not be frightened by the Act itself if the statement of the Minister was true. Therefore, these firms must have been afraid of being labelled as unfair traders. They must have been frightened that their unfair trade practices would be restricted. If that is the case, this legislation has done a great service to Western Australia, since Western Australia is well rid of those people, as all they wanted to do was to bleed the people here.

To be consistent in my views, I intend to oppose the Bill. I say that the measure, apart from the provisions to repeal the Monopolies and Restrictive Trade Practices Control Act, is a conglomeration of meaningless jargon. Therefore it would suggest to me that there is a lot of noise on the landing, but with nobody coming down the stairs.

MR. ROWBERRY (Warren) [9.13]: It will come as no surprise if I say that I oppose the Bill. I was not impressed with its presentation by the Minister. It has been described as a barren Bill. I say, with all due respect to the Minister for Labour, that it is inconceivably barren.

I was particularly interested in the assertion of the Minister for Industrial Development that the unfair trading legislation had been responsible for keeping away from this State companies and industries which wanted to establish themselves here. If that is the sole reason for their keeping away, then this State is better off without them. We are well rid of anyone who will not play the game because there is certain legislation with a restrictive influence.

This idea could be developed at great length. Suppose we had a person who refused to drive his motorcar on the road because there were traffic laws in existence. Those laws are made for the benefit of the whole community. In this case they were made because they were necessary; and they were necessary because of the actions of the unfair traders themselves, and because of the representations by the consumers. I cannot see anything in this Bill which is going to protect the consumers. When the consumers are protected the producers are protected at the same time.

I was interested to notice that this Bill had been introduced because of the election promises of both the Country Party and the Liberal Party. The Minister, by interjection a few moments ago, said that

the Government was living up to its policy speech. The policy speech of the Leader of the Country Party as delivered at Mt. Barker was reported in *The West Australian* on the 28th February. The article stated—

> The Unfair Trading Act will be replaced with another law to control certain practices of trade associations and ban collusive tendering, in line with the majority report of the Royal Commission on restrictive trade practices.

What exactly the Leader of the Country Party meant by "certain practices", we are left to guess; and so, apparently, were the electors.

Mr. Perkins: It was set out in great detail in the report.

Mr. ROWBERRY: This cutting continues—

> Mr. Watts, who was chairman of the Royal Commission, will also seek implementation of a rider he added to its report calling for Supreme Court judges to be empowered to inquire into alleged monopolies.
>
> "We stand for the development of private enterprise," Mr. Watts told the meeting, "but desire to ensure that it is competitive enterprise, which is essential in the public interest."

I am disappointed that in this Bill no action has been taken to implement this promise that was made to the electors at Mt. Barker. Much has been said about profiteering and about the attitude of the farmers towards the Act which this Bill seeks to repeal.

A few days ago I received a letter from Lake Grace, of all places, which should interest the Minister for Transport. It reads as follows:—

> I am enclosing a letter from Mr. Hard also a docket for the purchase of a stone of potatoes, at 8s. 1d. per stone. It doesn't make any difference if we buy a bag we are still charged stone rates, if we complain about the high price we are told that other stores purchase these supplies on the black market, and can therefore sell them cheaper. The docket reads as follows:—
>
> Lake Grace & District Farmers Co-operative Co. Ltd.
>
> | | s. | d. |
> |---|---|---|
> | 1 Nestles milk .... | 2 | 2 |
> | 14 Potatoes .... | 8 | 1 |
> | | 10 | 3 |

Mr. Perkins: Will the honourable member table those papers please?

Mr. ROWBERRY: Yes.

The SPEAKER: I do not think that private members can table papers, but I would point out to the honourable member that the unfair trading legislation which is being repealed specifically excludes potatoes and so on, which are controlled by statutory boards.

Mr. ROWBERRY: I do not hear you, Sir.

The SPEAKER: I said that the existing legislation specifically excludes items controlled by statutory boards.

Mr. ROWBERRY: I still cannot make out what you are saying.

Mr. Bovell: The Potato Marketing Board controls potatoes and is a statutory board which does not come within the confines of the existing legislation.

Mr. ROWBERRY: I merely read that letter to emphasise the point that there is a desire on the part of the people to be protected from unfair trading and high prices.

The Minister for Industrial Development also said that we are preventing people from coming to Western Australia to establish industries. He said we are driving them away because of our restrictive legislation. However, we suffer very much in Western Australia from the fact that our primary industries do not give enough employment to enough people. It may be described as heresy to say that we do not give enough permanent employment in the farming industry especially to create great markets for the people who some here to establish industries. In my opinion that is the chief reason why Western Australia lags behind the other States in the Commonwealth.

To prove this point I would mention that in 1926 there were 8,200,000 acres of cleared land in Western Australia. There was also a State forest area of 916,553 acres. Those 8,000,000 acres gave direct employment to 26,395 people. In 1957 there were 22,200,000 acres of cleared land —nearly a 200 per cent. increase. These acres gave employment to 28,254 people, an increase of just over 2,000 for an increase in area of three times the number of acres.

Those figures clearly illustrate that that is one reason why secondary industries are not established in Western Australia. There is no market for the products, and markets are important to industry. Unfair trading destroys markets, and therefore at the same time destroys industries. To repeal the Monopolies and Restrictive Trade Practices Control Act would be a step in the wrong direction; and if it were done, it would be a black day in the history of Western Australia and for the farmers too.

We have heard a lot about the price of super. I only wish to remark that whereas there was a 22s. 6d. reduction in the price in Western Australia, there was only a 15s. 6d. or 16s. reduction in the other States. I would like that to be explained away.

I was also interested to hear the member who gave such a well-reasoned and lengthy exposition of the ramifications, work, and sales of the superphosphate companies. However, I read the list of names of the board of directors of those companies, and they are as follows:—

> Messrs. W. E. Miller, A. Wilson, E. W. Richards, S. A. Rudduck, E. T. Loton, and E. H. M. Lewis, M.L.A.

I am therefore not surprised that he knows so much about super.

Mr. Lewis: I went to a meeting—

Mr. ROWBERRY: I am not making any implications whatever. There is an old saying which means "To excuse is to accuse." I will leave it at that.

On Thursday, the 1st November, 1956, there was a report in *The Farmers' Weekly* which should be of interest to the farmers, and members of the Country Party generally. A motion from the Avon Valley Zone Council of the Farmers' Union expressed the greatest concern at the Government's Profiteering and Unfair Trading Prevention Bill, and an emphatic protest against the measure was lost when it went before the meeting of the union's general executive. The motion was as follows:—

> That this Zone Council feels the greatest concern at the Government's Profiteering and Unfair Trading Prevention Bill and makes an emphatic protest at same. We consider the powers given the Commissioner and no right of appeal being allowed are some of the worst features of dictatorial rule and that urgent telegrams be sent to the leaders of all parties and the members representing the Avon Valley Zone Council, expressing our strong opposition to the contents of this particular Bill, and ask that every effort be made to defeat this Bill.

The president, Mr. Noakes at that time, said there was nothing stricter in this legislation than in the price-fixing legislation. In fact, the clauses of the Bill before Parliament were not very far removed from those of the old price-fixing Act.

> The president of the dairy section (Mr. F. J. Oates) said he was opposed to the motion because there appeared to be nothing in the Bill which could harm the farmer. The antagonists of the Bill were the commercial and manufacturing organisations and he could not remember when the commerce man and the manufacturing man had ever been on the side of the farmer.

Mr. Hawke: Hear, hear!

Mr. Lewis: What was his name?

Mr. ROWBERRY: His name is Oates, but he knew his onions. He went on to say he was also convinced that the Press had made every attempt to pull the wool over the eyes of everybody so far as the question of an appeal went.

Mr. Hawke: He was a dinkum farmer!

Mr. ROWBERRY: He went on to say—

> I cannot see that there is any one thing in this Bill which could do us any harm, but I can see that there could be some things that could do us a lot of good. Here is a tool being given to us that will do much to help us prevent some of these unfair profits.

Mr. Lewis: How disappointed he must have been!

Mr. Hawke: He does not allow the Liberals to pull the wool over his eyes.

Mr. J. Hegney: Like they do over some of the Country Party members.

Mr. ROWBERRY: Mr. McDonald of the wheat section had something to say. I suppose it is the same Mr. McDonald we have heard so much about. He said he was not happy about the attitude which was developing in the world today towards socialism. He took the view that the Bill was along socialistic lines. The world was following the trend towards socialism, and we should not let it go that way, he said, and something should be done to arrest this trend. For that reason he was opposed to the Bill.

Mr. Hawke: He has since been converted.

Mr. ROWBERRY: This same man believes in every possible assistance and subsidy being given to the farmer; he believes in orderly marketing—wheat pools, and suchlike. He believes in the reopening of uneconomic railway lines. But that would not be socialisation! Of course not!

Apropos of socialisation, and the attitude of the Country Party towards this Bill, and in line with Mr. Oates's statement that the manufacturing and business people have never been on the side of the farmer, I will read what the Leader of the Country Party had to say in March, 1959. He said that L.C.L. membership, management, and outlook were composed of vested interests not interested in the country.

Mr. Lewis: Who said that?

Mr. ROWBERRY: The Leader of the Country Party said that in March, 1959. I heard the Minister for Lands suggest, a few moments ago, that the member for Kalgoorlie should go back to the kindergarten. I would suggest to the Leader of the Country Party—the Deputy Premier—that a few lessons in memorising would not do him any harm; because words, like chickens, have an unhappy habit of coming home to roost.

Apart from the repeal of the Monopolies and Restrictive Trade Practices Control Act, there is nothing in the Bill. I am

disappointed that we have not had a Supreme Court judge appointed to go into the question of collusive tendering. I have noticed, during this session of Parliament, that in nearly every Bill introduced by the Attorney-General there has been a clause which has some reference to stipendiary magistrates. The Attorney-General seems to have an immense faith in the efficiency of stipendiary magistrates. But I would remind him that the administration of the law is more a matter of commonsense; and that knowledge of the law is not everything.

Administration of the law is determined by the amount of commonsense which is brought to bear upon the facts and evidence presented; and sometimes stipendiary magistrates are just as lacking in commonsense as anyone else. I have known some of them to suffer from stomach ulcers, and that has very much upset their judgment. I cannot see that there is anything of great moment or advantage in having inserted in every Bill that comes before us a clause stating that we should have stipendiary magistrates to adjudicate on the matter. I oppose the Bill; and I hope that, in Committee, if it gets that far, we will be able to take out of it the only thing of importance in it—Clause 3.

MR. J. HEGNEY (Middle Swan) [9.35]: I think there is one point on which all members are agreed, and that is the need to try to establish secondary industries in Western Australia for the purpose of finding employment for our young people. I think we are also agreed that the Government of the day should have vested in it power to be able to deal with cases where it is found that people are engaged in exploiting the public. That was the reason why the restrictive trade practices legislation was originally introduced. Prior to that, during the war and immediately following it, we had price control legislation for the purpose of dealing fairly with all sections of the community. The Government states that in its opinion the legislation at present in existence is having a detrimental effect on the State, and particularly in respect of the encouragement of industries to Western Australia.

The Minister for Industrial Development made great play on the fact that at least half a dozen people interested in opening industries in this State had consultations with him; but in the final analysis they were frightened away because of the existence of the restrictive trade practices legislation. Hence, he said, it was vital, from the Government's point of view, that that legislation should be repealed and the Bill now before us should be put in its place.

The Minister said that this Bill will only have the effect of bringing to light certain activities in the commercial world that are obnoxious and should be dealt with; but above and beyond that, no further action would be taken. Replying to statements made by some members on this side of the House, the Minister said he wanted instances to show where the existence of the Act had had an influence on the reducing of prices or in controlling the activities of companies. He said he was unaware of the fact that the present legislation was acting as a kind of watchdog so far as the State was concerned.

If the Act is so innocuous, as he believes it to be, there is no justification for its repeal; in fact, there is no justification for the measure that is now before us. It is admitted on all sides that, outside of the repeal of the existing law, and the clause dealing with what is known as collusive tendering, there is nothing at all in the Bill. Strangely enough, in the paper today there were two or three references to the Bill which we are discussing. There was a sub-leader in *The West Australian*, which holds itself out as a guide to Parliament and the people of Western Australia.

I propose to refer to this sub-leader, and to analyse it to see the reasoning of *The West Australian* on this subject. It stated—

> The Trade Associations Registration Bill (described in page 4) has the virtue that it seeks to repeal the Restrictive Trade Practices Act. But the Government can scarcely expect public backing for the rest of the Bill when it has never attempted to show a need for this type of legislation.

As is well known, numbers in this House are almost fifty-fifty, and I would say there is just as much support for the existing law as there is for the Bill now before us. The article went on to refer to the Watts Royal Commission and said—

> Despite this, however, the majority report made the point that restrictive trade practices were comparatively limited. When Labour Minister Perkins introduced the Bill, he made no attempt to justify it.

This is from *The West Australian*, which is the mentor of the Government, and which is supposed to be the mentor of citizens of the State as a whole. It went on—

> The strongest points in his barren speech were that it would be undesirable for one State to get ahead of the others in trading legislation and that the position here was very healthy.

The West Australian certainly did not commend the Minister's second reading speech on this Bill. It said his speech was barren; and, in fact, the paper was red-hot in favour of the abolition of the existing law, and said that no further action should be taken. The article went on—

> The most dangerous feature of the Bill is the ban on collusive tendering. Harmful collusion is indefensible, but

the powers in the Bill could be misused and uniform tenders are sometimes to the State's economic advantage.

The writer pointed out that collusive tendering could be harmful, and therefore the State should make no attempt to try to control it or deal with it! Notwithstanding the fact that this type of activity in the commercial community might be harmful, the writer of the article did not want legislation to control it, because it might be misused. I cannot follow the reasoning of the editor in that connection.

The Minister for Industrial Development was the principal protagonist of the Bill, because he talked about the fact that firms were not coming here to establish themselves while the Monopolies and Restrictive Trade Practices Control Act was in existence.

Mr. Wild: That is quite true.

Mr. J. HEGNEY: The Minister asserted that there were many difficulties confronting the firms which desired to establish industry here. There is no doubt that the Ministers set out to sabotage the present legislation as much as they could. Members on the other side of the House do not seem to care how much they decry industry in this State as long as they gain their political advantage; that seems to be the main purpose behind their every move.

It is well known that we are far removed from the great bulk of the population in Eastern Australia. There are a great many industries established in the Eastern States, and those industries export their surplus products to Western Australia. It is most difficult to establish industries in this State because of the lack of markets. I listened to the news at 7 o'clock tonight during which an opinion was expressed by Sir Norman Kipping, Director-General of the Federation of British Industries, while visiting the works at Welshpool.

Among other observations, he said the difficulty that existed here in the establishment of industry was the market potential. It is also rather interesting to note the opinion he expressed under the heading, "British Investment Change Forecast." Sir Norman Kipping is visiting Australia and hopes to interview 500 British representatives in this country. Among other things, the article says—

> Change in the pattern of British investment in Australia was forecast by the Director-General of the Federation of British Industries. Sir Norman Kipping . . . He said the cream had probably been skimmed from the investment opportunities. Future British investments would probably be more in smaller subsidiary industries in supplying components of complex industries such as the motor trade. There was now not so much opportunity for big investment in individual industries—the giants were already here.

So the giants of British industry, in his opinion at all events, are already here. We know that the giants of some American industries are also here; and because they have their feet firmly planted on Australian soil in other parts of Australia, it is very difficult for Governments to try to induce industry to come here and become established. We are, of course, all anxious to see industry established in this State; but it is contended by members opposite that they should be allowed, willy-nilly, to exploit the public right and left.

We all appreciate the fact that most industries in the State carry on business under proper and fair conditions. They must, of course, conform to certain industrial standards, and there is no objection to their making a reasonable profit. The Unfair Trading Commissioner would certainly not take action against anybody making a reasonable profit. It is only those who go beyond what is a fair and reasonable thing, and act to the public detriment who will be investigated by the commissioner under the law as it now stands. That is its sole purpose. Should anybody feel aggrieved at the actions of a particular firm in so far as they relate to excessive profits, then it is possible for him to invoke the provisions of the Act and set in train an examination of the position. That is not unreasonable. I think it is important that the State should have such a law.

We all know that there is a taxation law in existence under which all our private activities must be disclosed to the Commissioner of Taxation once a year. It is necessary for us to disclose the nature of our industry and the source of our income. If it is fair and reasonable for each citizen of the Commonwealth under taxation law and in the interests of other citizens of the country, why should not the same apply to the legislation on the statute book at the moment? This Bill has been analysed by many people—not only members on this side of the House—who consider that it contains no merit at all.

I would now like to refer to an article which appeared in this morning's paper. I do not know the writer personally, but his name is Fred Morony. The article is headed, "The Teeth in the W.A. Trade Bill." He deals with the Act at present in existence; and in referring to collusive tendering he says—

> The registrar, who would administer the proposed Act, would have little initiative in registering trade agreements and the rules of trade associations.
>
> In those spheres, it seems, the Government considers the right of the public to inspect agreements and other documents to be sufficient deterrents to malpractice.

If the workers of this country desire to improve their industrial conditions, or to secure increased wages, it is necessary for them to prepare a case through the union advocate for submission to the President of the Arbitration Court. That case must be supported by evidence. The employers are also represented by their advocate; and it is their duty to point out the difficulties that might ensue if the submissions of the union advocate are agreed to, and so on. A great number of disclosures are made in this connection. In days gone by it was necessary to show how many suits of clothes were worn in industry, and how much was spent in making up the basic wage—even to church contributions, and so on. All that evidence had to be submitted to the Arbitration Court.

As I have said, the workers under the Arbitration Act must submit proof of their case for improved industrial standards. If it is not unreasonable to expect them to do that, then I submit it is equally not unreasonable to enforce the provisions of the present law, which at least will make an honest attempt on the case made out to ensure that a proper investigation is made of the activities of companies and firms acting to the detriment of the people. The law exists only to safeguard the interests of the people of Western Australia.

I remember the struggle that ensued, when I was a very young man, between the Standard Oil Company and the American Government. The Standard Oil Company was able to employ the best legal brains in America, and for years it flouted the law of that country and beat the American Government all the way, even though that Government was reputed to be all powerful. Accordingly, I submit that a Government should have power to deal with cases brought to it which indicate that improper practices exist and that an inquiry may be necessary in the interests of the public.

We all know that of recent date the oil companies in Western Australia decided they would establish what were known as one-brand service stations. They issued a ukase that that was to be the position, and at once started to buy corner blocks of land at fabulous prices to enable them to establish their stations. This was done before the Government could prevent them; indeed, the local authorities had no power to regulate their action at all. Along a certain stretch of Beaufort Street the service stations were going up like mushrooms; so much so that it must have been very difficult for those people to make a living. We know that subsequently a Royal Commission was appointed to investigate the position and that commission recommended certain controls.

The Government of the day should have power to deal with such things in the best interests of the community. In my earlier manhood I worked in the engineering industry. I worked all over Australia. Even today I know that in Melbourne and Sydney a young man can find employment quite easily. The same, however, cannot be said of this State.

We on this side of the House have tried, through the Commonwealth, to provide employment for young men by asking for the establishment of a graving dock at Fremantle—without much success. The same difficulty exists now that existed before the present law was placed on the statute book; that is, the potential market. This was spoken of by the Director-General of the Federation of British Industry in pointing out the difficulty of getting industries which are being established in Australia to come to Western Australia.

We know that after the war there was a great fillip to the industrial side of Australian life. Hitherto, this country relied mostly on primary production. However, during the war many munition works were established in Eastern Australia; and afterwards these were taken over by various industries. That gave a great fillip to the industrialisation of Australia, but unfortunately Western Australia was too far away from the activity that was taking place. In addition, Governments in the Commonwealth sphere have not been very helpful to us. If they had been, this State would be better off than it is now.

The difficulty in getting industry which is established in the Eastern States to come to Western Australia is in regard to markets. Industries in Eastern Australia supply the home market and then export their surplus to this State. They undersell and undercut those who are endeavouring to produce similar goods here. That is particularly so with regard to such items as pickles and jams. There is also the question of consumer prejudice to be taken into account. I think it can be said to the credit of the former Premier—the present Leader of the Opposition—that he put forward a considerable amount of propaganda urging people to support local products in order to assist our industries and create more employment in this State.

It is essential that we establish industries in this State, but they should not be allowed to exploit the public. I do not think any Government should allow that. The paramount consideration is to safeguard the rights, privileges, and well-being of the great majority of the people. Therefore, it is necessary to have such legislation as the Monopolies and Restrictive Trade Practices Control Act on our statute book.

It has been said that this legislation is obnoxious and is preventing the establishment of industry in this State. However, I do not believe that. In the early days of the Commonwealth there was a tariff barrier between Victoria and New South Wales. In those days they indulged in

trade protection; but when the Commonwealth Constitution came into being, section 92 of that Constitution provided that trade between the States should be free. Therefore, no matter what industry we might establish here, if it is in fierce competition with an industry in Eastern Australia, it will be in great difficulties in its endeavour to survive.

There is no doubt that from time to time it will be necessary for some industries to be investigated from the point of view of the public good. The fact that power is on the statute book of this State is of paramount importance. I have been the member for Middle Swan for many years; and, as the Minister for Labour and his predecessor well know, an industry in that electorate has caused a considerable amount of vexation. I am referring to the Swan Portland Cement Works. In days gone by I have introduced numerous deputations to various Ministers, but unfortunately there was no power under our law to deal with the matter.

I introduced a deputation to a former Minister for Health which she referred to the Minister for Labour, but no action was taken. Therefore, I introduced a private Bill in an endeavour to give the Government power under the law to deal with a question of this kind. There should be a law so that when industry does something which is inimical to the interests of the State, the Government of the day can take action to safeguard the people. I intend to oppose this Bill as I think the existing law should remain on the statute book.

Before sitting down I would like to draw attention to the fact that this is the first time since I have been a member of this Parliament that I have seen a person pass between myself and the Speaker's Chair. It was most unruly.

MR. TONKIN (Melville) [10.6]: Anybody who has read the Bill which is before the House will, if he is quite genuine in the matter, agree it contains very little power at all and is quite an innocuous sort of thing. As a matter of fact, I do not think it is worth the ink which has been needed to print it, for all the good it is likely to do. It seems to me that it has been introduced in order to appease those people who think something ought to be done, and to delude them into believing a good law has been brought down to prevent restrictive trade practices.

The first question we should ask ourselves in connection with this matter is this: Is there a need in a country like this for a restrictive trade practices Act or for a monopolies Act? If we think there is no need for it, we should be quite frank about it and do away with it altogether. If we think there is a need for it, then we should take steps to see that whatever Bill we have placed upon the statute book is effective and will do the things we think ought to be done.

I have heard a lot of talk about how the existence of an Act of this nature scares away industry and, for that reason, we should not have an Act of that kind; but it is a most remarkable thing that the necessity for this sort of legislation was seen in Great Britain. There they have a Monopolies and Restrictive Trade Practices Act, which is a very powerful piece of legislation. I think members should know more about it, because if they have a full appreciation of what can be done under that law, they will realise the necessity for what can be done in this country.

Whether we pass a satisfactory law at the present time or not, I am as sure as I stand here that one day Western Australia will have a very effective monopolies and restrictive trade practices Act upon its statute book, because conditions will bring it about. It seems to me to be much fairer, if such an Act is going to be placed on our statute book, to place it there now so that any industries which become established will do so in the full knowledge that the legislation exists, rather than wipe the slate clean and encourage them to come here in the belief that the sky is the limit and then, after those industries are established, place this type of legislation on the statute book.

Mr. Perkins: Don't you think that this type of legislation should be on a national basis rather than on a State basis?

Mr. TONKIN: If we wait for legislation on a Commonwealth basis, with the Menzies-McEwen Government in power, we will wait a long time. In the meantime, a lot of injustice can be done. I will quote a few examples before I sit down. However, I will first make reference to the English Act of 1956. I quote from the 1956 Commonwealth Survey, which is a record of United Kingdom and Commonwealth affairs. In this survey, dated the 4th September, 1956, there appears the following:—

> United Kingdom Restrictive Trade Practices Act, 1956.
>
> Following the undertaking given on the 13th July, 1955, in the United Kingdom House of Commons debate on the Monopolies Commission Report and Collective Discrimination, the Government introduced the Restrictive Trade Practices Act on the 15th February, 1956, and it received the Royal Assent on the 2nd August. The essential features of the Act may be summarised as follows:—
>
> (a) The public registration of restrictive trade practices;
>
> (b) The establishment of a judicial tribunal to be known as the Restrictive Practices Court

to determine whether or not they are in the public interest and machinery for prohibiting those which prove not to be;

(c) Laying down criteria upon which such an issue can be judged with the onus of proof upon those who seek to justify the practice;

(d) Rendering unlawful the collective enforcement of resale price maintenance, coupled with the provision of new methods to enable individuals to secure maintenance of resale prices which they may choose to fix;

(e) Formation of a smaller and more compact Monopolies Commission for dealing with those matters which are inappropriate for reference to the new Court.

Main Provisions:

In their report the majority of the Commission concluded that the six categories of agreements referred to them affected the public interest adversely and recommended that, subject to a few exceptions, all should be prohibited. The minority, however, recommended that all the practices reported on should be compulsorily registered, but should be prohibited only if, after individual investigation, they were found to be against the public interest.

The provisions of the new Act are in some respects a compromise between the majority and the minority recommendations of the Commission, but in the main they go considerably beyond either. In the first place, the Act applies to all the known restrictive practices affecting the productions, processing and supply of goods in the United Kingdom, including common prices and level tendering and not just to the six broad categories of restrictive practices examined by the Commission.

Secondly, the proposals go further than the minority recommendation, because although the practices are not to be prohibited outright without a judicial investigation the onus of showing that they are in the public interests rests with those who wish to continue them.

I regard this as so important that I am going to read again a portion of this paragraph dealing with the main provisions to show the full scope of the British Act—

> In the first place, the Act applies to all the known restrictive practices affecting the production, processing and supply of goods in the United Kingdom.

That is pretty sweeping, including common prices and level tendering, and not just the six broad categories of restrictive practices examined by the commission. So it can be seen from that that the British legislation is all-embracing and far wider in scope than our present Act, which this Bill seeks to repeal. If they have found the need for that legislation in Great Britain and a Conservative Government there has found it necessary to take that action, one can assume that the practices are so unfair and against the public interest that that Government felt constrained to take that action even though it may have occasioned opposition and criticism from its own supporters.

To show how this works in practise I will quote from these Commonwealth Surveys. The first example deals with certain rubber footwear, the purchases in connection with which were such as to cause the matter to be referred to the practice court. I quote—

> The Monopolies and Restrictive Practices Commission's report on the supply of certain rubber footwear was published on the 31st of July. The Monopolies and Restrictive Practices Commission finds that the conditions to which the Monopolies and Restrictive Practices Inquiry and Control Act 1948 applies prevail as regards the supply both of rubber boots and of canvas footwear because (a) more than one third in quantity and value of each description of goods supplied in the United Kingdom is supplied by the members of the Rubber Footwear Manufacturers Association and members of the Association of Hongkong Rubber Footwear Importers together and the members of each association so conduct their affairs as to restrict competition in connection with the supply of each description of goods and more than one third in quantity and value of each description of goods supplied in the United Kingdom is supplied by members of the Rubber Footwear Manufacturers Association alone. The conditions prevail as regards the supply of rubber boots for the additional reason that the Dunlop Rubber Co. Ltd. alone supplies more than one third in quantity and value of this description of goods supplied in the United Kingdom. The Commission's conclusions and recommendations are—

I hope the Minister will listen carefully to this, because it shows the value of the legislation—

> (1) The practices of the Rubber Footwear Manufacturers Association:
>
> (a) The association's price consultations and the understanding among members not to negotiate special prices with traders for large orders without

notifying each other operate and may be expected to operate against the public interest. Members of the Association should cease to consult one another about prices of either rubber boots or canvas footwear and they should be free to negotiate special prices with traders for large orders without notifying each other.

(b) The understanding between members of the Association not to change their prices during the currency of a season operates and may be expected to operate against the public interest. This understanding should be discontinued for future seasons.

(c) If effect were again to be given to the understanding between members of the association to allow compensation to traders in accordance with the uniform practice when prices are reduced it might be expected to operate against the public interest and it should not be revived.

(d) Provided that the Association's price consultations are discontinued the Commission do not consider that the uniform terms for prompt payment may be expected to operate against the public interest.

(e) The Commission do not consider that the maintenance of resale prices of rubber footwear by members of the Association in a manner and to the extent that they maintain them at present operate or may be expected to operate against the public interest.

(f) The classified list of the traders entitled to wholesale prices and terms operates and may be expected to operate against the public interest. The list along with the arrangement for administering it should be discontinued, but the Commission would see no objection if the Association circulated to members a recommended list of traders suitable for wholesale terms provided that the Association did not consult the distributive trade in compiling it and made it clear that members were under no obligation to observe it.

(g) The collective selections by the association of users entitled to special terms operates and may be expected to operate against the public interest. The arrangement should be discontinued.

We can see from that that there was a very fair and impartial investigation into what was actually occurring on the understanding between these companies, and the commission found that a number of the practices being followed were against the public interest; and it recommended that they should be discontinued. That is as we would hope it would be in any country where the welfare of the general public was of some importance and where the interests of business were not paramount to everything else. There is a further example which I desire to quote, and it deals with hard fibre cordage. I quote again from the Commonwealth Survey of the 26th June, 1956—

> The United Kingdom Monopolies and Restrictive Practices Commission's report on the supply of hard fibre cordage was published on the 8th June. The Commission finds that the conditions to which the Monopolies and Restrictive Practices Inquiry and Control Act of 1948 applies prevail as regards the supply of hard fibre cordage, since the members of the Hard Fibre Cordage Federation, together with certain other suppliers, supply more than one-third (and in fact nearly all) of the hard fibre cordage supplied in the United Kingdom and so conduct their affairs as to restrict competition in connection with its production and supply.

The Commission's principal conclusions and recommendations are:

> 1. The Federation's common price system operates, and may be expected to operate, against the public interest, and should be brought to an end.
>
> 2. The Federation's arrangements for discounts to listed dealers, for aggregated quantity rebates, for resale price maintenance, and for exclusive dealing, support the common price system but may also be expected to operate against the public interest in conditions of price competition; they should be brought to an end.
>
> 3. The Federation's arrangements for controlling the prices at which hard fibre cordage imported from the Irish Republic and St. Helena is sold in the United Kingdom, and for preventing or discouraging imports from some sources, operate, and may be expected to operate, against the public interest. The agreements and arrangements with Irish Ropes Ltd. and Belgian and Dutch manufacturers affect exports as

well as supply in the home market and the Commission makes no recommendations about them. The Commission recommends that, if the members of the Federation continue to handle cordage imported from St. Helena, they should be free to determine their selling prices individually.

4. For the reasons given in (2) and (3) above, the agreement with the National Association of Rope and Twine Merchants, by which its members are allowed a special discount and aggregated quantity rebates and undertake not to buy foreign packing cords and twines, operates and may be expected to operate against the public interest, and should be brought to an end.

5. Other Federation arrangements which the Commission regards as operating against the public interest are:

(i) the prohibition on the manufacture and sale of any manila trawl twine better than the pre-war 'second quality' twine;

(ii) the prohibition on the sale of cords and twines made from waste fibre;

(iii) the control of prices of roping yarn;

(iv) the prohibition on spinning on commission for non-members of the Federation;

(v) the obligation to charge delivered instead of ex-works prices for certain kinds of cordage.

6. The Federation's arrangements governing the sizes and runnages of cordage, and the breaking strains to be quoted, operate against the public interest in so far as they are obligatory, but it would not be against the public interest for the Federation to issue a recommended code of practice.

7. The pool and quota scheme in which most members of the Federation participate operates and may be expected to operate against the public interest, and should be brought to an end.

So far as action on the report is concerned, as indicated during the Second Reading Debate in the House of Commons on the Restrictive Trade Practices Bill (see 20. 3. 56 p/211), the Government does not propose to take action on matters which will be subject to the jurisdiction of the proposed Restrictive Practices Court.

It is clear from the examples I have given that in Great Britain they are not scared that what they do might frighten industry. They carry out their investigations into practices which they have reason to believe are against the public interest, and then they make their recommendation that such practices should be discontinued. I might interpolate here that the practice court had before it more than 200 cases pending when I was in Great Britain. By setting up that court they made provision for these cases which were the subject of recommendations to be heard by the court and suitably dealt with. If it is necessary in Great Britain, where business has flourished for years, to take this decisive action on matters which are against the public interest, surely in Western Australia, where we are endeavouring to order a way of life, it is in the best interests of the public, and similar legislation is desirable.

In my view it is fairer to put legislation on the statute book so that those who contemplate coming to Western Australia to establish industries can study it for themselves. This is more advisable than inducing them to come to this State without any legislation being on the statute book, and then enact it after they arrive here. Surely there is sufficient scope for any business to make a reasonable profit if such a business desires to carry on its undertaking with the public interest at heart. We should not tolerate for one second any business which desires to carry on practices in order to swell its profits if those practices are contrary to the public interest.

We are not here to represent businesses and to see that they make large profits. We are here to see that the public interest is safeguarded, regardless of whether a business has been established for many years or whether it is only a short time since it was invited to the State. Where it can be shown that its method of doing business is contrary to the public interest it should be stopped, because it becomes a question of whose interest is paramount: the interest of the business or the interest of the general public.

I cannot imagine that there is anybody on the other side of the House who would, announce in this Parliament that he was taking steps which would be in the interests of business rather than in the interests of the general public. Any action that is taken contrary to the interests of the general public is, under such circumstances, furtive and one that is taken with deliberate purpose and with the intention of misleading—to create in the minds of members of the public a feeling that their interests are being safeguarded; whereas, in effect, it is the interests of certain businesses which are receiving the greatest consideration. In this survey of the 17th December, 1957, there

is mention of certain cases which came before the Restrictive Trade Practices Court. I propose to quote from page 842.

Mr. Hawke: Is this a survey made in England?

Mr. TONKIN: Yes. I quote—

> It was announced on the 3rd September that the United Kingdom Registrar of Restrictive Trading Agreements had been directed by the Board of Trade to refer to the Restrictive Practices Court a number of registered agreements, including agreements in relation to the supply of agricultural machinery and parts, copper wire rods (not rolled), electrical fractional horse power motors, electrical transformers, electronic valves (including cathode ray tubes), portable pneumatic power tools and typewriters.
>
> Under the Restrictive Trade Practices Act, the Registrar is required to refer all registered agreements to the court, but the Board of Trade may direct him about the order in which legal proceedings should be taken. The direction mentioned above is the second made by the Board of Trade, and its effect is to place the cases it covers on the same footing as those included in the first direction, made on 15th April (see 30.4.57 p. 404).
>
> The two directions covered nearly 200 registered agreements affecting commodities and processes. As it was impracticable to start proceedings immediately in respect of all of them, the Registrar had selected, for each commodity, those agreements which appeared to be most important, or typical, and notices of reference, which mark the formal commencement of proceedings, had already been issued in respect of 20 agreements. These related to all the commodities in the first direction, except shell boilers and school milk. The parties to the registered agreement about shell boilers had notified the Registrar that it had been terminated; and agreements about school milk were the subject of inquiries.
>
> The Restrictive Practices Court has to decide whether the restrictions which have made an agreement registerable are contrary to the public interest or not, and it can do so only on the basis of the evidence before it. It is therefore essential that this information should be as full as possible, and it is the Registrar's function to ensure, to the best of his ability, that this is the case.

So it can be clearly seen that although they were quite genuine in their approach to the unfair practices which are known to exist, they did not beat about the bush in Great Britain. The agreements which are considered to be contrary to the public interest are fully investigated and the information made available to the Restrictive Practices Court as it is known in connection with the actual operations of some of these companies which endeavour to fix and maintain prices against the public interest.

In Western Australia we have already had experience of collusive tendering and price agreements which are contrary to the public interest. The Minister will know, as well as I do—and I know the case thoroughly—the difficulty the Principal Architect had with fibrous plaster manufacturers. In the course of his duties, the Principal Architect reported to me that the fibrous plaster manufacturers had put their heads together, and increased the price of fixing plasterboard, and all had tendered the same price. They had increased the previous price, and every one of them submitted the same tender.

For the information of those members who do not know what is going on, I propose to repeat what I have said on more than one occasion in this House. There is an organisation which, to some extent, is exclusive. That is, anybody who decides to enter it cannot do so simply by paying a fee. The association will decide whether it will admit a new member. If one is not admitted, no matter how much skill one has in regard to the fixing of plasterboard, one cannot buy a supply of plasterboard from the shops because they dare not sell it. If the shops sold supplies of plasterboard to a person who was not a member of the association, they would be told that their supplies would be discontinued. That is a pretty effective tie-up. It ensures that only members of the association can obtain a supply of plasterboard; and if they wish to tender a price for a contract, they must contact the association before they do so.

Supposing I want a plaster-fixing job done, and I put an advertisement in the newspaper calling for tenders. Any member of the association, before he submits a price to me, must get in touch with the head office of the association. He has to inquire whether anybody else has contacted the office about this job. If he is told that no-one has, he is free to quote whatever price he likes. Knowing that nobody will be able to submit a tender lower than his, and that he is the first in, he can submit his own price in the knowledge that nobody can tender under him. It is extremely unlikely that anybody is going to tender a higher price; so any other person interested in the job will tender the same price, because each member of the association has to go through the same procedure. Should that practice be allowed to continue?

Mr. Perkins: Can you explain why the Unfair Trading Commissioner was not able to do anything about this in the last three years?

Mr. TONKIN: I suppose the Minister stopped him.

Mr. Perkins: He has had three years in which to do something.

Mr. TONKIN: My knowledge of the position is that this case which involves the Principal Architect happened only a few months ago.

Mr. Perkins: You have been talking about this for years.

Mr. TONKIN: The legislation has not been in operation for years.

Mr. Perkins: You have been talking about it since 1956.

Mr. TONKIN: The member for Mt. Hawthorn could probably give us that information.

Mr. Perkins: I have all the information I want.

Mr. TONKIN: If the Minister has all the information, is it not stupid for him to ask me to supply it?

Mr. Perkins: I would like you to explain it.

Mr. TONKIN: I cannot, because my knowledge of what happened in the office is very meagre. I was merely waiting for something to happen; because if ever anything wanted clearing up, this is one matter that should have been cleared up. Where was the lack? Was it the fault of the Minister, the legislation, or the Prices Commissioner? I would like to know.

Mr. Perkins: We are going to try a different approach.

Mr. TONKIN: The Minister is going to try a different approach all right! The Minister is going to run away from it. He will certainly try a different approach! His approach will be so different that it will not be an approach at all.

Mr. Perkins: We will not do the State as much damage as your Government did.

Mr. TONKIN: That is a lot of nonsense! No wonder the Minister winked his eye when he made that statement! Why has not similar legislation caused damage in Great Britain? I can honestly say that the existence of the Western Australian Act was brought to my notice on only two occasions when I was abroad. Both were at meetings of the Chamber of Commerce. Never once, when I was discussing the possibility of establishing an industry in Western Australia, was the matter mentioned to me. I am not saying that it was not mentioned to some of my colleagues. It might have been; but I do not know. It was never mentioned to me during discussions on the prospects of establishing industries in this State.

Mr. Perkins: There must have been some reason why you came back without any industries.

Mr. TONKIN: That is a nice statement to make! We came back without any industries!

Mr. Perkins: I think there was one.

Mr. TONKIN: I think there was more than one. Has the Minister ever heard of the guayule plant?

Mr. Perkins: That is a long way off.

Mr. TONKIN: Now the Minister is off on another track! Of course, the project has some distance to go; but the Minister will agree that a great deal has been done already towards the establishing of this industry in Western Australia. It does neither the Minister nor the Government any good to belittle that prospect, because it is a bright one.

Mr. Perkins: We hope it will be.

Mr. TONKIN: There is more than hope. If the Minister does not know what is going on, I shall tell him.

Mr. Perkins: I know.

Mr. TONKIN: Of course he knows! But he is trying to create the impression that there is nothing going on.

Mr. Perkins: It is being decided.

Mr. Hawke: The Minister probably hopes it will fail.

Mr. TONKIN: There are certain other very definite prospects which can still be brought to fruition. I am aware of them, as is the Minister. It is no good creating the impression that the trade mission was abortive. In my experience abroad, with the exception of two meetings of the Chamber of Commerce—one in London and one in the provinces—the question was never raised in my hearing. It was raised at the first meeting in London because there happened to be some Australians present who were aware of the existence of our legislation. They asked questions at that meeting.

The SPEAKER: The honourable member has another five minutes.

Mr. TONKIN: In the provinces it was raised during a gathering of representatives of the Chamber of Commerce. One of the members expressed the opinion that the legislation was not properly understood and it would be a good thing if steps were taken to explain it. With those two exceptions I personally did not come up against it at all. Never once during the negotiations in respect of dozens of companies was the point raised that the existence of this legislation was likely to prevent them from coming to Western Australia.

If the Minister has any precise information, I would like him to tell the House the names of the companies referred to

by the Minister for Industrial Development which raised this legislation as an obstacle to their establishing in this State.

Mr. Andrew: It is a furphy.

Mr. TONKIN: Surely there is an obligation on the Government, seeing that this statement has been made so often, to mention at least one company which would have come to this State, but which did not because of the existence of the restrictive trade practices legislation. I do not believe there is one. The Minister can settle that question by giving us the name of one company. If I get the name of one I shall not hesitate to write and verify the matter. My experience was that this question was never an issue. Far wider and more substantial considerations were the reason for their decision not to come here.

If we had been a few months earlier in the field we would have been able to attract to Western Australia the big industries which finally went to the Eastern States. But the negotiations were so far advanced when we started that we had no opportunity of overtaking the leeway. The papers will show that the Dow Chemical Company and the big rubber company from Akron were very definite prospects if the field had been open as we felt it was at the time the discussions were going on. Subsequent events proved that that was not so.

I repeat that sooner or later Western Australia will have to follow what has been done in Great Britain, and have legislation of the type adopted in that country. It is fairer to place it on the statute book in the early stages so that those who establish here will be aware of the conditions. If they behave fairly, there is nothing in the legislation which will make them fearful of being harassed in the conduct of their business, and of their being able to make substantial profits. It is only when profits are unreasonable and out of all proportion that action is taken. I oppose the Bill.

MR. GRAHAM (East Perth) [10.56]: In my view this Bill is typical of the Government's attitude. Ever since it assumed the Treasury bench it has slavishly followed a policy of bending over backwards to oblige business interests and its own supporters, while at the same time it has mercilessly slugged the workers and the people in the lower economic strata of this community.

That is a general statement. I could occupy at least half of the time available to me in giving concrete evidence of the actions taken by this Government which confirmed an earlier statement of mine, if you would permit me, Sir, to mention in passing some of them in order that we might get a full appreciation of the significance of this Bill.

We know what the Government did in regard to the unemployed in this State, and how it snatched 17s. 6d. a week from the single unemployed. We have learned that the Government proposes that no protection shall be given to persons who are the subject of evictions by their landlords. Without any concern for the effects upon the persons caught up in their policy, wholesale sackings were commenced and are being continued. This Government has gone before industrial tribunals for the purpose of influencing them to refrain from granting certain advances to the workers.

This Government has refused to consider a proposition in respect of anomalies created on account of the day upon which the Christmas Day falls this year. Only recently we dealt with legislation designed to hit the small punter. We saw earlier in the session that anybody and everybody could be appointed to the Fire Brigades Board except the firemen themselves.

That is the attitude of this Government to the ordinary people. But what appears on the other side of the ledger? A Filled Milk Bill to play up to the dairy farmers was passed. Increased timber royalties are to be paid to farmers, when this Government knows that timber belongs to the Crown. It was under those conditions that the land was made available to the settlers.

In order to play the game of Party politics we are to have the senseless opening of discontinued railway lines, at a considerable cost to the State. Road transport subsidies are being reinstituted and built up, and special legislation has been introduced so that succeeding Governments will be unable to reduce those subsidies. Fantastic hand-outs to the silvertails who, in the main, patronise the race clubs, are to be made. The landlord is to be given complete freedom to evict tenants and to increase rents to any limit he cares. Only recently, control over the price of bread was completely removed.

One could give scores and scores of instances of the Party-ridden attitude of this Government, of its lack of concern for the ordinary human being, and of its readiness to play up to the very powerful interests in the community. I repeat: that is typical of this Government. Now it proposes that business firms should be given a free rein; notwithstanding the world-wide trend which is very much in evidence in Australia and in this State of company mergers and takeovers being adopted. I need not give examples of that, except by pointing out one case where a firm of master bakers in one fell swoop took over half a dozen or so large bakeries in the metropolitan area. It is easy to envisage the direction in which such firms are going, and the people will be completely left at the mercy of powerful interests, with no legislation whatever to protect them.

Mr. Perkins: My information is that there are still many individual bakeries.

Mr. GRAHAM: One by one they are disappearing. There is no denying that fact.

Mr. Hawke: The Minister apparently takes his advice from these people.

Mr. GRAHAM: Instead of having legislation, not directed against this firm, but to provide for some measure of protection to the public if there be the necessity for such action, or to have this potential power to act as a deterrent against anti-social practices, this Government seeks to wipe out the humble legislation already on the statute book.

I trust it is not thought or suggested that we, on this side of the House, believe that those who are the principals of these business concerns are scoundrels or any suchlike. It should be unnecessary to say that the great majority of them are businessmen of integrity and substance; they are persons who have a fair and proper outlook in life. But, of course, there are the exceptions; in connection with them it is necessary to have some reserve power.

This Government, so anxious to placate its own supporters and contributors to its election funds, cares nought for the welfare of the people so long as it is on the side of its supporters. That is apparently all that matters.

It may not do any harm to trace the beginnings of the legislation, generally referred to as the Unfair Trading and Profit Control Act, and recently altered to the Monopolies and Restrictive Trade Practices Control Act. All members are aware that for the period of the war years and for some time thereafter—and incidentally during the entire term of a Liberal-Country Party Government in this State— there was a system of price control in operation and there was a statute which received the blessing of this Parliament. It was one of those continuance measures; and throughout the whole of its life the Liberal-Country Party Government each year religiously introduced this piece of legislation. Naturally, when there was a change of Government in 1953, the Hawke Labor Government—incidentally, in conformity with the policy speech of its leader, which was endorsed by the public —reintroduced this piece of legislation. The question of the mandate did not then concern the members of the Liberal-Country Party in this Chamber or the Legislative Council; and so the Bill was unceremoniously rejected.

The Government was rather concerned at the fact of this sudden lifting of the lid; because the order of the day was almost unbridled inflation, notwithstanding that by this time we had a Menzies Liberal-Country Party Government which was pledged to put value back into the £, keep prices down, and the rest of it. The Hawke Government, after some investigation and careful thought and consideration, decided that perhaps there was something faulty with price control as administered by a Liberal-Country Party Government; because, under that system, the Government of the day would determine, as did Mr. Abbott, that clothing, for instance, should be subject to price control. That meant that every trader in Western Australia was subjected to the filling in of forms and to inspectors from time to time visiting his business premises to inspect accounts and documents and determine in certain cases that certain lines of goods should be sold at certain prices, in some cases insisting that they should be reduced from the figure which was then shown on the commodities.

Therefore—and I have said this on many occasions since—because a few traders were going to excesses and were trading quite unfairly and unnecessarily—every other trader in the community was subjected to this Government control, and therefore it would be a much fairer approach to regard the business and trading community as being fair, and reasonable and decent people, and put them on their honour, and leave them to do the right thing. However, if it were found after investigation that a firm or several firms had been going to excesses, then that firm or those firms only would be thoroughly investigated; and if what was suspected was proved to be correct, then that firm or firms would be declared; and in being declared, that firm or firms only would be subjected to price control.

That was the proposition, and that was what was embodied in the legislation. It is that legislation which has been painted in all sorts of extreme and ridiculous colours. *The West Australian* has been screaming to high heaven until even members of Parliament on the other side of the House, who should know better, and had the Act before them to study it, really—I think—believed that there was something damaging in this legislation; and something harmful to the State.

When once this process had commenced, there was no stopping it, and all sorts of exaggerated stories travelled the length and breadth of the Commonwealth and to other parts of the world. In their exaggerated form these stories caused damage—and real damage—to the State. In respect to that, I say with all the sincerity I can command that *The West Australian* and the Liberal Party stand blamed and condemned for their distortions and their deliberate lies that there was here in Western Australia some damaging legislation.

As has already been pointed out, it was legislation that was fair and reasonable in every respect; and, as a matter of fact, its genesis was in talks that took place between a representative of the Hawke

Labor Government and one of the leaders of commerce in the State of Western Australia. I wonder how many of the private members on the other side of this Chamber have studied the Monopolies and Restrictive Trade Practices Control Act. I challenge them to demonstrate to me or to the House that there is anything damaging in that legislation; or where there is anything that could be harmful to business and industry; and whether there has been, in fact, any damage done to any business concern in Western Australia.

This talk about industries being afraid to come to our State! Those who perhaps listen to the exaggerated stories that were told would possibly have some qualms. I well remember conversations with, I suppose, one of the wealthiest and most influential businessmen in the Commonwealth of Australia—Sir Arthur Warner. He had learned all about this "iniquitous" legislation by talking to Western Australian Liberal Party members, and his conception of that Act had as much relationship to its provisions as had the story of Alice in Wonderland. Yet he really and implicitly believed all these lies. That is why I say that West Australian Newspapers Pty. Ltd. and the Liberal Party of Western Australia did a disservice to their State. Party politics came before everything else and it mattered not to them that damage was being done to the State, throughout the Commonwealth, and the world, as long as they were achieving some mean advantage.

Mr. Fletcher: It was seats that mattered.

Mr. GRAHAM: Of course! And that has been the dominating factor in all their activities and decisions since they have occupied the Treasury Bench in Western Australia. And now, because we protest, they would pretend that we have some sort of hate, or dislike, of business organisations. Of course we have nothing of the kind, and there is certainly no evidence of it in the piece of legislation which this Bill seeks to repeal.

I am prepared to vote for this Bill if any of the private members supporting the Government can prove to me—and there is time, because it is not a very lengthy document—that there are anywhere in the Monopolies and Restrictive Trading Practices Control Act provisions which are harmful to business or to industries contemplating establishment in Western Australia. I can say that quite confidently, because I know none of them can do it. I venture to suggest that there would be quite a percentage of those who sit on both sides of the House who have not studied the provisions of that legislation and do not know the first thing about it. They imagine all sorts of things because of what they have read in the Press.

We had a lengthy debate on Friday afternoon. The previous Minister in charge of the legislation made a lengthy contribution, and he perhaps should be the greatest authority of all members of this Parliament. The Leader of the Opposition who was Premier of the State for six years, and Premier at the time of the introduction of this legislation, spoke for 1¼ hours. The member for Guildford-Midland also addressed himself to the subject, and we heard about half an hour of the speech of the present Minister for Industrial Development. And yet there was less space, including the headlines and all, devoted to that debate by responsible members of this elected Parliament, than there was devoted to a visiting sailor who had with him as a pet a little animal known as a chipmunk.

From that, we gain some idea of the contempt with which our Parliament is treated, and the lack of access to news as to what is happening in the public life of Western Australia. There is plenty of space—columns of it—to tell these lies to the public; but when a measure is being debated and persons who have made a study of the political and mechanical questions address themselves to the subject, two inches or so is given to summarise their addresses, some of which lasted over an hour!

It is quite easy for the Government to get away with murder while that sort of attitude is adopted, because the public never learns. However, surely some of those who sit behind the Government have a conscience, even if it works only occasionally; and sometimes, surely, they can study a piece of legislation and judge it on its merits, and can have some regard for the well-being of ordinary people.

Mr. Hawke: There was a lot of space allotted to jumpology.

Mr. GRAHAM: Yes. Here let me make it perfectly clear that I am not uttering these words because I want space in the paper; but I think, after all, fair is fair, and the public has a right to know the propositions that are before Parliament, and the duly-elected representatives are entitled to some respect. Their point of view should surely be known, and then the electorate can make up its own mind. Let the leading article say what the paper wishes; but surely this is something that comes under the heading of news. Or are our newspapers to be filled with tripe—

Mr. Fletcher: And advertisements.

Mr. GRAHAM: —distortions, and suppression; and are the real things that matter and in which the people are vitally interested, apparently never to appear?

In this morning's paper was an article by a young gentleman who used to sit in the Press gallery. His name is Fred Morony. I well remember the occasion when he

took down a conversation over the phone—I do not know how—when he was seeking information from me which I refused to give. Next day in the Press appeared an article with all the "ums" and "ahs" and the rest of it, and the few words of my refusal to give a statement. This conversation was held from the sanctity of my own home where, incidentally, I had given the silent phone number for a special purpose; and even that action was not treated with respect.

Now, apparently, he is an authority; and, while my leader could get only two inches in *The West Australian*, this young gentleman is able to get what appears to me, at a rough reckoning, to be about 15 single column inches. He, of course, would know all about it! It is headed. "The Teeth in the New W.A. Trade Bill." It should, of course, have been headed, "The Absence of Teeth in the New W.A. Trade Bill."

This Bill is an insult to Parliament. Apart from the provision to repeal the existing statute, which I have endeavoured to describe and which cannot be gainsaid by anybody, this Bill provides for certain trade bodies or associations to be registered. Their rules can contain anything they like, and there is no proscription, limit, or penalty; there is no provision for them to conform with any standards, or with any formula. They merely register their names, their membership, and a few simple rules. For what purpose? As a matter of fact, they can escape half of the objectives if they are able to satisfy the Minister—and with the present Minister that would be an easy job—that there is some secret formula, or something that they do not want made public. But what is the purpose of having these associations registered? Where does it lead to?

If it was to register them with the object of ensuring that their rules were fair and equitable, and that where those rules went to excesses the registrar could insist on their being corrected or repealed, or something of that nature, the Bill might mean something. But what is this all about? Why have a Bill in connection with it? There is a penalty of £100 if they do not register. But it does not matter what is contained in their rules; they can still be registered; in fact, they are automatically still registered. Why have it in the Bill? Can anybody answer me by way of interjection? I will bet he cannot.

As I have already said, there is a penalty of £100. We know, by the process of law, that that means a fine of £20 for a first offence for one of these business concerns that perhaps can be wreaking untold damage on the economy of Western Australia, picking the pockets of the farmers to the tune of hundreds of thousands of pounds per annum—and a maximum penalty of £100. But if anybody dares to sell a carton of filled milk—that is a heinous offence—the penalty is £200! If anyone commits a breach of the Marketing of Potatoes Act the penalty is £500.

Mr. Nalder: You passed it.

Mr. GRAHAM: This Parliament passed it. If the workers are dissatisfied with the treatment they receive at the hands of their employers, or if they are dissatisfied with a decision of the court, the penalty is £500. But if a vast business concern, with operations running into many millions a year, commits an offence, the penalty is £100—and that is the maximum. It is ridiculous in the extreme.

Mr. Norton: It does not say they have to register then.

Mr. GRAHAM: That is so. Apparently they pay £100 and all is well.

Mr. Perkins: It is a continuing penalty.

Mr. GRAHAM: It is not.

Mr. Perkins: The offence remains.

Mr. GRAHAM: I have read legislation, and I think I can turn it up now, in which there is a continuing penalty; and where that is so, it is expressly stated. In this Bill it is not. No wonder I say that this is an insult to Parliament. It would be an insult to a kindergarten! This Bill does not seek to tackle any problem. If the Government does not recognise one, why try and fool itself and the people of this State by putting a whole lot of meaningless jargon on to the statute book of Western Australia? Why does it not be fair and honest and say that it is not concerned with the people?

This is a facade! Register! Register for what purpose? Once I would not have believed that the Parliament of Western Australia would be subjected to the humiliations being thrust upon it by this so-called Government; or that this Parliament, which has always had a proud record in the Parliaments of the British Commonwealth, would descend to the depths that it has under the control of the present Government. I have already indicated a number of directions which lead me to that conclusion. I only wish the Minister for Industrial Development had been here earlier so that he might, by way of interjection, have indicated some manner in which the existing legislation was harmful for the State of Western Australia.

I have studied Standing Orders and I find from them that I would probably expose myself to the displeasure of the House if I said, which I feel, that what the Minister for Industrial Development said the other night in respect of the half a dozen firms which objected to coming to this State on account of the prevailing legislation, was so much lies.

Mr. Court: That is not so, and you know it is not so. You will come at anything when you are in debate like this. I should know.

Mr. GRAHAM: The statement was made by the Minister—

Mr. Court: And it is factual.

Mr. GRAHAM: —and I challenge the Minister to prove it.

Mr. Court: It is factual.

Mr. GRAHAM: I say it is a convenient fabrication for the purpose of misleading the people. He intervened in this debate —something which he rarely does when another Minister is in charge of a Bill—immediately following the member handling the debate for the Opposition, and the Leader of the Opposition, so that his fantastic words could appear in *The West Australian* the following morning for the purpose of counteracting anything favourable to the existing legislation that may have been uttered by the Leader of the Opposition, or the member for Mt. Hawthorn.

Mr. Court: As Minister for Industrial Development I should know of all the problems I am having in trying to attract industry to this State.

Mr. GRAHAM: I know the lengths to which the Minister will go to endeavour to convince the people in connection with this legislation. I have already indicated, and I have issued the challenge, that no Minister or member can point to one single section of the existing legislation and establish how it has been harmful to an industry, or to any potential industry; or where it has done any damage to any industry. The Liberal Party and *The West Australian* newspaper went out of their way to tell lies from one side of the world to the other for political advantage and gain, and the State of Western Australia could go hang.

The SPEAKER: Order! I must draw the attention of the honourable member to Standing Order No. 135.

Mr. Court: What major industry did you get after the passage of the legislation?

The SPEAKER: The honourable member cannot impute motives.

Mr. GRAHAM: That was the Standing Order I had in mind, and that is why I made the assertion that but for it I could say certain things. I was outlining the things I could have said, and I was not saying it by way of affirmation.

Mr. Court: What major industry did you get here after the passage of the present legislation? Let's get down to practical realities.

Mr. GRAHAM: Apart from two or three industries, about which much was made—and they certainly had tremendous capital invested in Western Australia—perhaps the same question could be asked in relation to the last generation or two, when such legislation was never thought of.

Mr. Court: But during the time of the McLarty-Watts Government tremendous industries came here.

Mr. GRAHAM: I said two or three industries.

Mr. Court: That is the proof.

Mr. GRAHAM: When I think of the industries along the Scarborough Beach Road, and in the industrial suburb of O'Connor, and I look in the direction of Welshpool and Bassendean, and a host of other places, it is so much poppycock to talk about industries not growing, establishing, and multiplying in the State of Western Australia. That is the sort of thing that is being talked about in all parts of the Commonwealth and beyond to build up this giant threat, and to make people believe, even at the cost of a loss of industries, that there is really something faulty with the legislation on the statute book.

It is a pity that the Minister for Industrial Development was not here earlier, because I traced the activities of the previous Liberal-Country Party Government, with its policy of price control, interfering with everybody and anybody at the whim and fancy of the Minister of the day; whereas our legislation, which superseded it, did away with that sort of thing altogether, and only after an industry had proved itself guilty—and that industry or trading concern only—would it incur the displeasure of the law; and that displeasure was price control for that one firm.

Mr. Court: You are giving the answer to your own question as to why this legislation on the statute book at the moment is repugnant to decent industry. You were standing there with a gun pointed at them all the time.

Mr. GRAHAM: I suppose South Australia is a State which has grown from practically nothing, in the industrial sense, to become a most important factor in the economic makeup of the Commonwealth of Australia. There is still price control in that State.

Mr. Court: And a very benevolent administration.

Mr. GRAHAM: Price control is far more vicious, if I can use that extravagant word, than anything written in or contemplated in the Monopolies and Restrictive Trade Practices Control Act.

Mr. Court: You know the secret of the South Australian price control. It is the benevolent administration that has existed there for the whole of its history.

Mr. GRAHAM: There may be some substance in that if the Minister for Industrial Development can show us where the previous Hawke Labour Government acted in any vicious way in regard to the legislation which is still on the statute book.

Mr. Court: You know that you had a great personal hate—and when I say "personal hate," I mean from the Government point of view—towards Cockburn Cement for a start.

Mr. GRAHAM: Nothing of the sort!

Mr. Court: It became a personal vendetta.

Mr. GRAHAM: For a number of reasons it is a pity the Minister was not here earlier. He is now putting me in the position of virtually having to repeat what I said earlier.

The SPEAKER: The honourable member has five minutes left.

Mr. GRAHAM: Thank you, Mr. Speaker. I suggest that the Minister read my speech and not ask me to go over the whole thing a second time.

We are told industry is not coming to Western Australia because of the existing legislation. I suppose, if he were in New South Wales, the Minister for Industrial Development would say that industry was being frightened away from that State, and discouraged, because that State pioneered child endowment; because it pioneered the 40-hour week; because it is now introducing equal pay for the sexes; because it is introducing preference to unionists and the rest; and because it is about to abolish the holy of holies, the Legislative Council. Because of all these things I daresay the Minister would contend that industry will not be attracted to that State; that it will be scared away; that it will never come to the State of New South Wales. That is the sort of stuff that is spoken by the Liberals and people of their ilk.

As I have said before, I honestly believed that the Cahill Labor Government was going to be exterminated completely from the false reports in *The West Australian;* but lo and behold, an election was held and that Government was returned as strong as ever—I think it is now stronger than it was previously numerically. It is quite easy for the Press over there to tell lies and transmit those lies for public consumption here; just as it is for the Liberals to tell lies to the detriment of their own State.

We all know what happened in the case of Peters ice-cream. There was a new concern manufacturing ice-cream in Western Australia called, I think, Cowboy ice cream, to cater for the taste of New Australians. As soon as it was proposed that this new ice cream should be sold to the various little stores and shops, the proprietors of Peters ice cream went around and said to these people, "You sell Cowboy ice cream and you will not get another gallon of Peters ice cream. In addition, we will remove all the containers in your shop at the moment."

A similar story can be told about plasterboard and plaster manufacturers. In Manjimup where plaster was, and still is, manufactured they were told, "If you make cornices in greater dimension than 3 inches in each direction, you will be denied completely the supply of plaster of Paris." That was by arrangement with the large firms who worked hand in glove up here. I well remember a hardware merchant coming to me—a man dealing in builders' hardware—and because he was not in the ring—and this goes back several years—it was impossible for him to get nails.

Such is the grip these concerns have; and there is nothing in the legislation before us that will overcome that situation. There are hundreds of such cases, and this is the sort of thing the Government is doing for its own kith and kin. We have already been told that 99 per cent. of those who went to the commissioner under the existing legislation were business people who were being persecuted by these groups; these rings; these monopolistic interests.

Mr. Court: During the evidence taken by the Honorary Royal Commission most of these people—

Mr. GRAHAM: The Minister should not interject, because I only have about half a minute left. This Bill makes some reference to collusive tendering. A schoolboy can see how easy it is to drive through the legislation. As an example, let me cite an easy case; that of half a dozen major firms tendering for sleepers. We know something about that. All that it is necessary for them to do is to form a new company that is responsible for the sales. There is no collusive tendering because this firm—and this firm only—applies; but of course the figure is the one figure of £22 10s. There are 100 ways that these provisions can be avoided; and notwithstanding the grandiose penalty of £500 attaching to collusive tendering, it means nothing whatever. No wonder this legislation is welcomed by the vested interests generally!

So I conclude, as I endeavoured to establish in the course of my remarks, that this Government believes in unbridled capitalism, in business interests, large or small—preferably large—to be perfectly free in every direction to exploit people if they feel so disposed. I emphasise that members on this side of the House do not believe that they are all rogues or anything like it; but there are those who are unscrupulous, and there should be adequate legislation and protection in the interests of the ordinary people in the community; and that, I regret to say, is an element in the State of Western Australia for which this Government has made it unmistakably clear it has no concern whatever.

MR. NORTON (Gascoyne) [11.35]: I feel I should make a few remarks on this Bill, particularly as the Government has said that there has been no use whatever in the Monopolies and Restrictive Trade Practices Control Act. The Bill before us tonight consists of 20 pages and 41 clauses. When one analyses it, however, it really consists of about one clause of 12 words; and that clause seeks to repeal the present Act. The only other provision, which is towards the end of the Bill and occupies approximately two pages, is one which deals with collusive tendering, a subject already covered by the legislation on the statute book at the moment.

Much has been said about the Monopolies and Restrictive Trade Practices Control Act; that it has done nothing; that it has not brought to light any of the unfair trading it was supposed to uncover. There are many Acts on our statute books which do not bring to light things which are expected of them. For example, let us consider the Criminal Code, or the Police Act, or the transport Act. We do not hear of many prosecutions for the activities they are supposed to control. They are there as the policeman is in our midst; to be a guardian of the people. Their efficacy is not judged by the number of convictions they secure; it is judged by the control they have over the people and by the fair deal they give to the community.

So it is with the Monopolies and Restrictive Trade Practices Control Act. It is not the prosecutions that have come out of it that are so important, but what it has done to help this country—not only the country but the people who reside in it; those who earn their living in it in many different ways. As members know, I represent a remote area of this State; and, though it might not be thought so at first glance, this Act has to a great extent provided an advantage to people in that area.

For example, there was a group of companies selling a common commodity; and this group raised its price, for no apparent reason. The people in the district approached me and asked me to make representations to the commissioner to have an investigation made. Whilst the investigation was in progress the prices were reduced to the old level. Accordingly there was no necessity to take action or to prosecute the company concerned. There is one instance where, because of this Act, a remote community was saved many thousands of pounds in the few years the legislation has been in operation.

I think the leader in this morning's *The West Australian* told the truth very clearly. It is worth putting on record in *Hansard*, and worth repeating to the House; because, no doubt, the Minister for the North-West, who is not taking any notice, must have read it. I will quote from it so that it may perhaps impress the Minister a little, even though at the present time he takes no notice. I quote—

> The Trade Associations Registration Bill (described in Page 4) has the virtue that it seeks to repeal the Restrictive Trade Practices Act. But the Government can scarcely expect public backing for the rest of the Bill when it has never attempted to show a need for this type of legislation.
>
> The 1956 Watts Royal Commission, on whose recommendations the Bill is based, held its hearings in secret—

I would emphasise that point. The hearings were held in secret, so how are we to know the nature of the evidence that was taken; how can we pass our judgment on the Bill before us? To continue—

> —and the public has no way of knowing what prompted its findings. Despite this, however, the majority report made the point that restrictive trade practices were comparatively limited.

So there we have it. The whole thing is very limited indeed; whereas the Act the Government seeks to repeal has a wide application; it was one which would serve the majority of people. This measure is restrictive; and, as other members have said, it has no teeth whatever. As pointed out by the member for East Perth, there is no force in the penalty of £100 for a person who is not registered, because after he has paid £100 there is nothing to say that he should go and register his association with other businesses. The leading article continues—

> When Labour Minister Perkins introduced the Bill, he made no attempt to justify it. The strongest points in his barren speech were that it would be undesirable for one State to get ahead of the others in trading legislation and that the position here was very healthy.

Mr. Heal: Did you say barren?

Mr. NORTON: I said barren, and that is what the newspaper said. It apparently describes his speech. What surprises me is why the Minister should have said it is undesirable for one State to get ahead of the others with legislation. Why should we not be progressive and do something off our own bat? The Hawke Labor Government was the first here to take action in connection with the Monopolies and Restrictive Trade Practices Act; although I will admit that similar legislation existed in other parts of the world. The leading article continues—

> Obviously the Country Party is wedded to this kind of legislation and the Government's Bill is the price the Liberals have to pay to have Labor's Act killed.

That is another very true statement. To continue—

> The Liberal element in the Government finds itself tied to the commission's recommendations because its deputy-leader, Mr. Court, was one of the commission's members. Both parties, therefore, made a double-barrel election promise to repeal the Hawke legislation and replace it with the commission's majority recommendations.

I do not think that is any great recommendation for the present Bill. If we could have seen the evidence given to the Royal Commission, which conducted its hearings in secret, we would probably have been able to pass a better judgment on this measure. The present Bill has nothing in it except the provision to repeal the Act passed by the Hawke Government. It does not replace that Act with anything which will help this State. Therefore I must oppose the Bill.

MR. PERKINS (Roe—Minister for Labour—in reply) [11.45]: A number of points which have been raised by members of the Opposition have already been replied to. I think the member for Mt. Hawthorn spoke about the superphosphate position. The member for Moore had quite a knowledge of that position; and I think perhaps the member for Mt. Hawthorn is now much better informed on that subject than he was.

Mr. W. Hegney: He did not answer my questions; but I hope you will.

Mr. PERKINS: My colleague, the Minister for Industrial Development, also answered a number of points raised by the earlier speakers, and I do not propose to go over that ground again. In regard to the debate which has taken place, it struck me that very little of it had reference to the Bill. All sorts of subjects were spoken of; and those subjects ranged over the whole world. However, what they had to do with this legislation I found it very difficult indeed to know. As a matter of fact, I think a stranger listening in the gallery to some of the speeches would have become very discouraged indeed, and would have wondered what the outlook was for the people of Western Australia.

Mr. W. Hegney: They would be very discouraged if they were listening now.

Mr. PERKINS: After listening to the member for Fremantle, they would have thought we should ban any industrial concern from coming to Western Australia unless it would agree to our limiting its rate of profit, notwithstanding the fact that it would have to keep pace with its competitors. If the member for Fremantle had his way, such a firm would have all sorts of restrictions placed upon it. That is not the way Australia has been built up. The traditional attitude in Australia has been that if a person or a firm had sufficient enterprise to risk its capital in a business, no-one would deny it the fruits of its enterprise.

I hate to think what the future holds if the attitude develops that because a firm is enterprising, introduces new know-how, and manages to build up a prosperous business, it is going to be subjected to a lot of sniping by people saying that that firm has done a disservice to Australia. That attitude is not right; and I agree with the Minister for Industrial Development that if we could get a firm of the calibre of General Motors Holdens to operate in Western Australia it would be so much better for every man, woman, and child in the community, and it would be better for every other business.

Mr. Graham: It would be better if they were to bring the price of a car down £200.

Mr. PERKINS: I have no doubt that the competition being provided by General Motors Holdens has been responsible for every other make of motorcar being sold in Australia at a more competitive price. For the benefit of the member for East Perth, I reiterate that the control of companies such as General Motors Holdens is very largely in the hands of the Tariff Board. I think that could be the answer to many of the points raised here tonight; and I will deal with that in more detail in a moment or two.

The member for Middle Swan compared the control of businesses with the controls which are exercised by the Industrial Arbitration Act. Anyone who thinks for a moment will realise that the wages fixed by the Industrial Arbitration Act are only minimum wages. That Act has never sought to fix a maximum wage which a person may receive. If the award rate in an industry is £16 per week, and an employer is prepared to pay £32 per week, the employee is able to accept it. We should not limit the amount which a person or a company can receive if they are worth extra payment. That should be the criterion and the yardstick upon which we judge the position.

If one listened to the speech made by the member for Middle Swan, I think one would wonder whether it was any use this State trying to expand its industrial capacity. I think that goes for too many speakers on the opposite side of the House. They referred to competition from the Eastern States; but surely there is still some ingenuity left in the people who are responsible for developing industry in Western Australia. I believe the very geographical features which make it difficult for us to compete with the Eastern States can possibly be the means of putting us in a favourable position to develop markets elsewhere, particularly in South-eastern Asia. I know that my colleague, the Minister for Industrial Development, is having a careful look at some of the possibilities in that direction. The point I am trying to emphasise is

that we will not get anywhere by dropping our tails. The tone of the debate which has taken place does a great disservice to the State.

The member for Melville dealt at some length with the English Act. I have given a lot of study to the English law, but I do not believe that the position in England is at all comparable with what we have in a State like Western Australia. When all is said and done, the English law operates within national boundaries. If we are going to operate a similar law to that which exists in England, obviously it must be on a Commonwealth basis.

I am aware that there are certain constitutional difficulties in the Commonwealth regarding the enactment of legislation on a national basis; but the fact remains that in the Commonwealth there are certain other instrumentalities which have a very marked effect on the conduct of Australian industry; on the maintenance of a proper attitude to the public; the general maintenance of competition; and a proper balance between the profits within Australia and what may be regarded as a reasonable figure, judged by our own standards and those outside Australia.

The Tariff Board is a very effective instrument indeed. The member for East Perth dealt with the history of the unfair trading Act, and he was very critical indeed of what he stated the then Opposition—now the Government—created in the minds of industrialists in Western Australia and wider afield. I suggest to the member for East Perth that the people who were primarily responsible for creating those fears were the members of the previous Government.

Mr. Graham: Tommyrot!

Mr. PERKINS: What many people are inclined to overlook is that the Act which is now on the statute book, and which we aim to repeal, is not the legislation which members on the other side of the House thought was the proper legislation to deal with the situation.

Mr. Graham: So what!

Mr. PERKINS: The Act as it now appears on the statute book was obtained only after very strenuous argument in this Chamber, and even more strenuous argument in another place, which resulted in a watering down of some of the original provisions.

Mr. Graham: You would not know the form of a Bill in respect of any State Parliament of Australia; you would only know the final legislation.

Mr. PERKINS: Industrialists can honestly judge a Government by the type of legislation it introduces.

Mr. Graham: Phooey!

Mr. PERKINS: I think industrialists in Western Australia made a reasonable appraisal of the position which resulted in their subsequent attitude towards the Bill which the then Government introduced. There are now probably some members in this House who do not know the provisions contained in the original Bill.

Mr. Graham: You are admitting there is no real need for the present legislation.

Mr. PERKINS: No; I am explaining the reason for the critical attitude adopted by industry towards the previous Government by outlining some of the provisions which were in that legislation which, presumably, represented the considered opinion of the previous Government. I propose to read one particular clause which relates to the penalties imposed on a trader convicted of unfair trading, about which we have heard a lot during the course of this debate. This is a clause which appeared in the Bill when it was introduced to this House. It reads—

> Upon the conviction of any person for an offence against this Act, the Court convicting the person shall require that person to exhibit, in or outside, or both in and outside all of the places of business, if any, of the person, notices of such number, size and lettering, in such positions and containing such particulars, relating to the conviction as the Court determines, and to keep them so exhibited continuously for a period of not less than three months from the date of the conviction; and the person shall comply fully with that requirement; and, if the person fails to do so, the person commits a further offence against this Act.
>
> If any such person refuses or fails to comply fully with any such requirement, the proper officer of the Court by which the person was so convicted, or any member of the Police Force of the State, may, without prejudice to any proceedings arising out of any such refusal or failure, affix the notices or cause the notices to be affixed in or outside, or both in and outside, the places of business in accordance with the requirement of the Court in pursuance of subsection (7) of this section.
>
> Any person who obstructs any such member of the Police Force or officer in the exercise of any power conferred by this section commits an offence against this Act.

Mr. Graham: It was there for firms which exploit the people.

Mr. PERKINS: The Bill continued—

> The notices shall be headed with the heading "Convicted for Unfair Trading under the Profiteering and Unfair Trading Prevention Act, 1956" in bold letters and shall be prepared in such a manner as to be easily legible to persons contemplating making any purchases or conducting any business at the place of business where they are affixed.

If the Court convicting the person is satisfied that the exhibition of notices in accordance with any requirement of the Court under the provisions of subsections (7) to (10) inclusive of this section would not be effective to bring the fact of the conviction to the notice of persons dealing with the convicted person, the Court may, in lieu of or in addition to ordering compliance with any such requirement, require the convicted person to print or cause to be printed on the invoices, accounts, and letterheads, used or to be used by the person in connection with the business of the person during a period of not less than three months from the date of the conviction, a notice headed with the heading specified in subsection (8) of this section in bold type, and of such size and lettering, in such position, and containing such particulars relating to the conviction as the Court orders; and the convicted person shall comply fully with the requirements and if he fails to do so shall again be guilty of an offence against this Act.

Mr. Graham: That should be a deterrent.

Mr. PERKINS: That is what members opposite tried to make the law of the land; yet they wonder why industrialists in this State had some misgivings as to what that Government might do in Western Australia. The member for Melville is surprised that, having gone overseas with a trade mission, he brought no appreciable business back with him; but if I were a businessman considering becoming established in a country the Government of which thought provisions of that nature were in order, I would have misgivings about risking my capital there.

Mr. Tonkin: Give us the name of one company which did not come on that account.

Mr. PERKINS: I would like to know the name of one business the honourable member brought back. We believe a new approach is necessary. The Act which we are seeking to repeal has an unfortunate history in this State owing to some of the provisions to which I have referred, which received wide publicity at the time. The position was given careful consideration by the Honorary Royal Commission and the Bill now before us is strictly in accord with the recommendations made by that commission. I do not claim that the Bill is perfect, but it will give us an opportunity to get experience of how the legislation operates. It will be a step forward to have these associations and the agreements registered, because that will bring everything into the light of day. If it is then found that anti-social activities do exist, it will be easy to assess what they are, and Parliament can then take any action that is thought necessary.

The Bill sets out the limits within which industry must stay, and I believe that is what businessmen want. The average businessman is just as law-abiding as any other citizen; and it is no service to this State to suggest otherwise. I do not believe that the main objective of businessmen in Western Australia is to exploit the public. Admittedly, very little action has been taken under the present Act in recent years; and, as I said when introducing the Bill, had it not been for the fact that the officers appointed under the Act acted with great discretion, much greater disservice might have been done to the State. Fortunately, they acted discreetly; and for that reason the difficulties created for industry were comparatively slight.

The Act has created a great deal of uncertainty, and no businessman likes being placed in the position of not knowing when some investigator might be set on him to investigate all aspects of his business and make him produce his books and anything else that might be required to satisfy the investigator. I believe we should lay down certain standards for industry to observe; and if they are broken, that is the time for Parliament to take action.

I repeat that all this Bill is designed to do is to repeal the Act, which we consider unsatisfactory; and that is what we promised, during the election, to do if returned as a Government. We told the people that we would repeal that Act and replace it with this measure, which will lay a foundation on which to build in future. If this Bill does not prove satisfactory in its present form, the Government will be anxious to amend the legislation in future in whatever direction is necessary to enable industry to function satisfactorily under it.

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

Ayes—23.

Mr. Bovell	Mr. W. A. Manning
Mr. Brand	Mr. Nalder
Mr. Burt	Mr. O'Connor
Mr. Cornell	Mr. Oldfield
Mr. Court	Mr. O'Neil
Mr. Craig	Mr. Owen
Mr. Crommelin	Mr. Perkins
Mr. Grayden	Mr. Roberts
Mr. Guthrie	Mr. Watts
Dr. Henn	Mr. Wild
Mr. Hutchinson	Mr. I. W. Manning
Mr. Lewis	*(Teller.)*

Noes—20.

Mr. Andrew	Mr. W. Hegney
Mr. Bickerton	Mr. Kelly
Mr. Brady	Mr. Lawrence
Mr. Evans	Mr. Norton
Mr. Fletcher	Mr. Rhatigan
Mr. Graham	Mr. Rowberry
Mr. Hall	Mr. Sewell
Mr. Hawke	Mr. Toms
Mr. Heal	Mr. Tonkin
Mr. J. Hegney	Mr. May
	(Teller.)

Pairs.

Ayes.	Noes.
Mr. Mann	Mr. Moir
Mr. Nimmo	Mr. Jamieson
Sir Ross McLarty	Mr. Nulsen

Majority for—3.

Question thus passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr. Roberts) in the Chair; Mr. Perkins (Minister for Labour) in charge of the Bill.

Clauses 1 and 2 put and passed.

Clause 3—Repeal:

Mr. W. HEGNEY: This clause is vital; and if it is defeated, the Premier can forthwith move that the House adjourn. If the clause is agreed to, there will be no legislation of an effective nature, to my way of thinking, which the Government can place on the statute book, because what follows will be of no consequence. Since there has been so much misrepresentation by both the Minister for Industrial Development and the Minister for Labour in regard to this Bill, I will progressively explain the provisions of the present administration; but first I intend to submit to the Committee a Bill introduced by the present Deputy Premier in 1955. I will read the vital clauses. It was a Bill for an Act to protect free enterprise and for other purposes incidental thereto. Its main provisions are not to be compard with those of the measure now before us; and, had it been passed, it would have had far-reaching effects. Unless the Attorney-General has changed his views since then, I think he will agree that the present Bill is diametrically opposed to that which he introduced four years ago.

In clause 4 of the Bill introduced by the Leader of the Country Party both a combine and goods are defined. The clause then goes on to exclude any other arrangement concerning commodities such as wheat marketing stabilisation and so forth. This measure is necessarily restricted in its ramifications because the Deputy Premier could not, under section 46 of the Constitution, introduce legislation which would require a Message. However, he was able to breach the Constitution by introducing a measure as drastic as that I have referred to.

Yet the same gentleman—the Leader of the Country Party—subscribes to the repeal of the present Act and to the harmless provisions which follow clause 3. I mention that aspect to show that the Leader of the Country Party must have recognised then that the trend of combines and restrictive trade practices was increasing and there was some necessity to protect members of the community against the machinations or activities of those combines.

The Act passed by the Labor Party was designed to protect the interests of the trading community, and the legislation is not new to any country. The Honorary Royal Commission indicated that similar legislation was in existence in the United States of America, Canada, and Great Britain; and I find that some of the clauses of this Bill have been lifted from the Restrictive Trade Practices Act of Great Britain. In America, too, there is the Sherman Act, which has recently been amended, and the Clayton Act of 1914. The present Act was not conceived by the Parliamentary Draftsman without reference to the legislation of other countries; and, in fact, the main provisions in it were lifted from the legislation in Great Britain, America, and Canada.

Yet we have the Minister for Industrial Development trying to tell us that some people wished to establish industries in this State but were deterred from doing so because of the Monopolies and Restrictive Trade Practices Control Act. If any of those people were representatives of American companies, they must have known that similar legislation operated in their own country, in Canada, and in Great Britain.

I now propose to mention again briefly some of the matters that were brought to light by the investigation officer as a result of the legislation enacted in this State. A study of the matters that were handled shows that many unfair practices were disclosed by investigation.

The CHAIRMAN: The honourable member's time has expired.

Mr. GRAHAM: I will intervene for the purpose of allowing the member for Mt. Hawthorn to continue.

Mr. W. HEGNEY: The only section that appears to have been drawn from the English legislation is subsection (6) of section 19 which provides for certain trade agreements. However, I would not be in order in dealing with that at this stage. I would rather deal with it when discussing other clauses in the Bill. The mainstay of the Canadian anti-combine legislation is section 411 of the Criminal Code, which corresponds with that in the United States of America. The Canadian legislation forbids any merger, trust, or monpoly, which is likely to operate to the detriment of the public interests.

The Monopolies and Restrictive Trade Practices Act provides that the Director of Investigation and the commissioner are required to take certain steps before an inquiry can be instituted or continued. It has been suggested that the Director of Investigation will conduct any inquiry and that a person is not entitled to make high profits. I have never suggested that. The Act merely seeks to prevent any person from making unfair profits or engaging in unfair trade practices.

Members should clear their minds of any preiudices and they should examine the provisions in the existing Act. Any person desiring to establish an industry in this State will need to have no fear if he reads the Act, unless he intends to indulge in improper and unfair trade practices. I refer members to the definitions provision and to the definition of "unfair profit". It is contained in the Unfair Trading and Profit Control Act of 1956.

The definitions in section 8 of the Act did not originate in this State. They were lifted from various Acts of Parliament in force in the U.S.A. and Canada. This section also contains a definition of "unfair trading." I refer to paragraphs (a), (b), (c), and (d) of this definition. Then follows a definition of "unfair trading methods" or "unfair methods of trade competition." This provision in the Act was lifted from the Sherman Act of the U.S.A. Under paragraph (a) of this definition there is a very definite obligation on the commissioner to have regard to the public interest but that seems to be the last thought in the mind of the Minister for Labour.

The provision in paragraph (d) of this definition was lifted from the Clayton Act of the U.S.A., and it refers to the discrimination in price between different purchasers of goods of like grade or quality where the effect of such discrimination may be contrary to the public interest, substantially to lessen competition, or tend to create a monopoly etc.

The present Act does not have regard to goods *bona fide* sold at public auctions. Section 9 of the Act refers to administration. The obligations, powers, and duties of the Director of Investigation is embodied in similar legislation in Canada.

The CHAIRMAN: The honourable member's time has expired.

Mr. HAWKE: This clause proposes to repeal the Monopolies and Restrictive Trade Practices Control Act. We heard a great deal from the Minister about this Act and the alleged difficulties which it created. We also heard the Minister for Industrial Development speaking about the damage which the continued existence of the Act was doing to this State. He told us that six or seven firms would establish industries here, were it not for the Act.

Mr. Court: I did not say that. I said that they would not negotiate while the legislation was on the statute book.

Mr. HAWKE: Clearly these representatives were pulling the Minister's leg or were putting up this legislation as an excuse for not doing what he wanted them to do. It would be easy for them to fob him off by saying that they were not prepared to establish industries in Western Australia so long as this legislation was on the statute book. If no such legislation existed they would find some other excuse. Therefore we can rule it out as bluff or of no account.

We need to remember the fact that this legislation is on the statute book mainly because two non-Labor members in the Legislative Council voted for the legislation. Both were members of the Country Party. It is advisable at this stage for me to read a few of the remarks made by them in support of the legislation, and when amendments were made to the Act in December, 1958, at the time when the legislation was placed permanently on the statute book. Prior to 1958 the legislation was on a 12-months trial basis.

Mr. Roche, M.L.C., said—

> It is also a fact that nowhere else in Australia since that time has the price of superphosphate been reduced. So I think the farmer can claim a benefit to the tune of over £500,000 a year as a result of the application of this legislation.

Another extract from his speech was—

> I think the imaginary or manufactured fears which have been publicised in respect to this legislation would do the only harm that has been done to Western Australia as a result of the Government introducing this Act.

Those two extracts indicate very clearly how strong he was in his views and in his support of the original Bill and the amendment introduced in 1958. I now quote a few remarks made in 1958 by the other Country Party member who supported the original Bill also. He was Mr. L. C. Diver. In the Legislative Council on the 2nd December, 1958, he spoke in support of the Bill, indicating he would move some amendments when the Bill reached the Committee stage, and was hopeful that all or most of those amendments would be accepted. One extract from his speech is, " I would say the critics of this Bill are those who evidently believe in unfair trading." How true! Another extract is as follows:—

> I do not think any monetary value could be placed on personal freedom, and I would be the last to sacrifice it, but if industry has no more conscience than to make some of the charges which it now imposes, is that not an invitation to the representatives of the people to give support to legislation which certain sections of industry deem to be harsh?
>
> Representations have also been made to me by people other than farmers —members of the Retail Traders' Association—in regard to preferential discounts.

A further extract is as follows:—

> To those who assert that this legislation is scaring away private enterprise, I would say that it is they who are placing a dagger in the back of this State. They talk about making political capital out of this question but I say, without fear of substantial contradiction, that this legislation will not frighten away any worth-while company operating in Great Britain, Europe and America, because those firms are well aware of similar legislation operating in the countries where they now are. The wording of the

> legislation may not be the same, but the effects of it are the same on anyone who transgresses the law.

Those extracts from Mr. Diver's speech indicate very clearly how strongly he felt the need for legislation to be placed permanently on our statute book to protect the public interest, not against all business concerns, but against the minority which would unfairly exploit the public; and which would unfairly, by combination and control—set up through restrictive agreements—penalise smaller businessmen in the community.

It amazed me that only two members of the Country Party in both Houses of Parliament supported the legislation. However, it was some consolation and encouragement to know that at least two had the courage to stand up and say what they did and also to vote for this legislation to be placed upon the statute book, and, nine or 10 months later, to make it permanent. Clearly, there is an outstanding need for the people in any community to be protected by the law against any business concern or combination of business concerns which would use unfair trading methods against the community.

I have been put in possession of a good deal of information since this Act was first placed upon the statute book. Businessmen, feeling very severely the increasing pressure of monopolies and combines, have supplied me with the information. They were realising that unless they could have these pressures relieved or wiped out, their continued existence as businessmen in Western Australia was very seriously imperilled.

I remember that a number of men approached me over a year ago in connection with the distribution of galvanised iron. They described themselves as the "B"-class members of the Chamber of Commerce. They were not distributing excessively large quantities of galvanised iron and the monopoly manufacturer of the iron in Australia was threatening to take away from them some of the trading advantages which had been previously available to them. Obviously the purpose of this move by the monopoly manufacturer was to concentrate the distribution of galvanised iron in Western Australia in the hands of the big firms. The businessmen who approached me asked whether they could gain protection under the provisions of the monopolies and restrictive trade practices legislation.

The CHAIRMAN: Order! The honourable member's time has expired.

Mr. W. HEGNEY: I was outlining some of the provisions of the present Act. I propose to deal with the powers of investigation and inquiry, and in this connection would like to point out that the Director of Investigation has certain powers. Section 18 of the Act reads as follows:—

> For the purposes of making any investigation which the Director considers necessary in the public interest for giving effect to the objects of this Act, the powers prescribed in this Part are hereby conferred, and the provisions of this Part apply.

Then follow sections providing the director with power to obtain information; inspect documents; obtain balance sheets and other accounts and statements; summon witnesses and take evidence on oath; obtain documents, books, papers, and things; and administer the oath or confirmation; and a person shall not refuse to answer. Most of those machinery provisions are incorporated in the Bill which is now being considered. There is also a penalty for failure to appear as a witness. Then follows the director's power to require returns.

It must not be forgotten that this machinery provision is included in the Canadian Act. This section gives the director a certain guide as to what he may or may not do. Section 28 is as follows:—

> Where the Director has reason, whether because of reports made to him, or because of the observations of himself or an authorised officer, to suspect that there is unfair trading, he shall, if of opinion that it is in the public interest to do so, ...

I emphasise the fact that all through this Act the idea is that the director must at all times have regard to the public interest.

It will be seen that the director cannot proceed on a haphazard basis. There are certain well-defined principles by which he must abide. Another section which illustrates this point is section 29. I would refer members to subsection (2) of section 30 and then to subsection (4), (5), and (6) of the same section. Part IV of the Act deals with the effect of declaring a person to be a declared trader, while part V deals with books of account and the records to be kept and preserved. Two of the sections have been lifted from the Federal Trade Commission Act of the United States.

The CHAIRMAN: Order! The honourable member's time has expired.

Mr. HAWKE: When I was speaking previously I was dealing with the position of smaller businessmen engaged, among other things, in the distribution of galvanised iron. These men pointed out to me the proposals put forward by the monopoly manufacturing company and said that they would cause them to lose two-fifths of their then existing profit margin. They told me that that in itself would be very serious for them, but ever

so much more serious because the bigger distributors would not suffer any penalty or reduction in profit margins.

Clearly, these smaller distributors were immediately to have been placed at a great trading disadvantage as compared with their bigger competitors. I would also point out that all of these people, large and small, were in the same association; yet this monopoly manufacturing company was going to knock the smaller men and, by doing that, build up the bigger men.

As soon as I was able to do it, I passed their representations through the then Minister for Labour, now the member for Mt. Hawthorn, to the commissioner in charge of the unfair trading control legislation for his consideration. Some days afterwards I was able to write to the businessmen concerned. In the letter I advised them of the commissioner's activities in the matter, and sent to them a copy of a report sent to me by the commissioner, and expressed the hope that the amended proposals which the company had now agreed upon with the commissioner, would be reasonably satisfactory to all concerned. They were reasonably satisfactory, and have remained so during the last 12 months.

However, now that the Minister for Labour and his colleagues have decided to throw the smaller businessmen to the wolves, and the big monopoly manufacturing company over East knows of the intention of the Ministers of this Government, the move is on again. So these smaller businessmen are now being threatened by this manufacturing company with the same threats as were issued against them a year ago, and which would have been imposed upon them at that time except for the existence of the legislation which this Bill now proposes to repeal.

These smaller distributors of galvanised iron marvel at the audacity of this manufacturing company in making its present move whilst the Monopolies and Restrictive Trade Practices Control Act is still upon the statute book. It is abundantly clear in their being amazed at that action that these smaller businessmen have no realisation of the desperate anxiety of the Ministers of the present Government to sacrifice smaller businessmen to these monopoly concerns and combines which, in the event of this Bill being passed, will be almost totally in charge of trading practices, fair and unfair, and through that be in complete control of the future destiny of the smaller businessmen and of the public generally in relation to unfair trading practices which will increasingly be imposed upon the public.

Obviously these smaller businessmen about whom I have been talking are now left without a feather with which to fly. They are doomed. This Government has passed the death sentence upon them, and all that is required to enable the Government to carry out that death sentence is to get a majority of members in this and in another place to agree to the Bill. It will be a tremendous disappointment to me if the Government succeeds in doing that. There is some encouragement in the fact that during this session some non-Labor members in the Legislative Council have shown some independence of thought, and political courage, and have refused to be bulldozed by Ministers of this Government into voting for the Government's legislation, irrespective of its nature and whether it is fair, just, and reasonable to the community.

Surely that should be the vital test which every member, irrespective of whether he is Labor or non-Labor, should apply to all Bills which come before us for consideration and decision. Why should members support a Bill introduced by a Government which obviously proposes to sacrifice the public interest whenever that public interest comes into conflict with the interests of combines and monopolies, which are anxious to impose upon smaller businessmen, and the public, unfair trading practices.

The CHAIRMAN: Order! The honourable member's time has expired.

Mr. W. HEGNEY: I do not propose to deal any further with the existing legislation, but I would like to make passing reference to a few of the remarks made by the Minister in replying to the second reading debate. I have had a look at the National Security Regulations in regard to price control, and also the Act which the Liberal-Country Party Government introduced in 1948, shortly after it was elected to office. This free enterprise Government introduced a price-control measure, and it contained some stringent provisions. There was one section in it which gave the commissioner power to implement the Commonwealth Security Regulations, even though it was three years after the cessation of hostilities. There is one clause in the National Security Regulations to which I would like to refer.

The CHAIRMAN: I hope the honourable member will be able to tie up his remarks with the repeal of the Act.

Mr. W. HEGNEY: Do you think, Mr. Chairman, I would be doing this if I could not?

Mr. Court: You are dealing with an Act that has already been repealed.

Mr. W. HEGNEY: I am not dealing with any Act at the moment, but I will tie this up; because in the present Act, after the Director of Investigation has submitted a case charging a particular trader with unfair trading, the commissioner may do certain things. The commissioner has

power to fix the price of a particular commodity or goods with respect to which unfair trading has been proved. Prices regulation No. 45 (1) states—

> The Commissioner may, by order, require any trader or class of trader, who sells or has for sale any declared goods or who supplies or carries on any declared service, the maximum price of, or the maximum rate for, which is fixed by or under these Regulations, to exhibit, in such position and in such manner as are specified in the order, such particulars relating to any such declared goods or services as are so specified.

In view of that, the statement of the Minister for Labour loses much of its weight. There is mention of this Act being harnessed to Commonwealth regulations. There was no need for the Minister for Railways to interject that the Act had been repealed; because he and his supporters saw to that. They also made sure that the profiteering prevention legislation of 1939 was repealed. It has been mentioned that restrictions operate in certain industries, and television was mentioned. We all know there have been attempts to adopt restrictive trade practices in the sale of television sets. Some traders are anxious to prevent other people from selling television sets.

If the Monopolies and Restrictive Trade Practices Control Act is repealed there will be nothing to protect prospective buyers of television sets or traders who are not prepared to conform with the rules. Neither the traders nor the public will be protected. It is no use the Minister trying to convince us that what follows clause 3 is an effective substitute for the Act. We know that commodities such as milk, eggs, and potatoes virtually have their retail prices controlled.

I would say that had we combed Western Australia we could not have found two more estimable men than Mr. Wallwork, the commissioner, and Mr. Robinson, the Director of Investigation, for their respective jobs.

The CHAIRMAN: The honourable member's time has expired.

Mr. J. HEGNEY: I must protest against the attempt to repeal the present Act. There was an industry in my territory known as Swan Portland Cement. When the Cockburn Cement Works came to this State it was not long before Swan Portland was obliged to sell up; and it was not very long before the price of cement was fixed. There was no competition at all. It is little wonder that Mr. Reddish, the director of Cockburn cement enterprise was so upset when the Government of the day sought to repeal the legislation. It is well known that over the years the cement works at Rivervale made substantial profits because it was the only works available. We should be concerned with the public interest.

Mr. Hawke: Hear, hear!

Mr. J. HEGNEY: We should not be concerned with the interests of certain traders and business people who are anxious to exploit the public. It is those people this legislation seeks to control in the interests of the general public. We had the spectacle of *The West Australian* lecturing Parliament as to what it should do with regard to this legislation; but no doubt its concern stemmed from the fact that the legislation might apply to that body, which is making profits of 60 per cent. or more, and now has controlling interests in television. Is it any wonder it denounces this Bill?

The Government may have a majority; but if this matter were put to the country, more people would support the retention of the present Act than would support its repeal. The law should stand. The Minister for Railways said that certain industries would not come here because of the present Act; but he never gave the names of any of those industries. In my second reading speech I quoted the opinion of the Director-General of the Federation of British Industries who visited Welshpool today. He said that the giants of British industry were already here. The statements of the Minister for Railways have not the substance he would lead us to believe they have. The Director-General of the Federation of British Industries tells us the difficulty of establishing industries here was that the giants of British industry were already established in this country; besides which there was the question of the distance from Eastern States' markets.

I would now like to refer to Chamberlains—one of the establishments that was converted to wartime production. The Labor Government of the day helped to finance this industry and put it on its feet so that it could compete with the firm of McKays from Eastern Australia and also provide employment for our own young people. The action of the Government met with a good deal of opposition and criticism, but now that firm is standing on its feet a lot of people have rushed in with a certain amount of praise.

I do not think for one moment that the fact that this legislation is on the statute book will be a deterrent to industry coming to this State. The Deputy Leader of the Opposition said tonight that except for one instance in Great Britain, he did not find this legislation prevented industries from coming here. On the contrary, he was able to indicate to them that if they came here they would receive the assistance they required. This Government should endeavour to get industries to come here without crying stinking fish

about legislation which is on the statute book. I urge the Committee to retain the present Act as it is well worth having on our statute book.

Mr. HAWKE: I move—

That progress be reported and leave asked to sit again.

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

Ayes—20.

Mr. Andrew	Mr. W. Hegney
Mr. Bickerton	Mr. Kelly
Mr. Brady	Mr. Lawrence
Mr. Evans	Mr. Norton
Mr. Fletcher	Mr. Rhatigan
Mr. Graham	Mr. Rowberry
Mr. Hall	Mr. Sewell
Mr. Hawke	Mr. Toms
Mr. Heal	Mr. Tonkin
Mr. J. Hegney	Mr. May
	(Teller.)

Noes—22.

Mr. Bovell	Mr. Lewis
Mr. Brand	Mr. W. A. Manning
Mr. Burt	Mr. Nalder
Mr. Cornell	Mr. O'Connor
Mr. Court	Mr. Oldfield
Mr. Craig	Mr. O'Neil
Mr. Crommelin	Mr. Owen
Mr. Grayden	Mr. Perkins
Mr. Guthrie	Mr. Watts
Dr. Henn	Mr. Wild
Mr. Hutchinson	Mr. I. W. Manning
	(Teller.)

Pairs.

Ayes.	Noes.
Mr. Moir	Mr. Mann
Mr. Jamieson	Mr. Nimmo
Mr. Nulsen	Sir Ross McLarty

Majority against—2.

Motion thus negatived.

Mr. ROWBERRY: The Minister for Industrial Development has indicated to the Committee that unless the Monopolies and Restrictive Trade Practices Control Act is repealed certain businessmen will not establish in this State. Personally, I do not believe that, and I do not think the Minister for Industrial Development believes it. Because he and his party made so much of this in the election campaign, I believe that they have to do something about it. In any case, I do not imagine that it will help the State if we have to be blackmailed in order to get industries to come here.

I wish to quote an article which appeared in *The West Australian* dated the 20th April, 1959, written by the finance editor who, I should think, would have some standing in finance and business activities in this State. The heading is, "What Does Future Hold for W.A.?" The article reads as follows:—

> With the post-war period of expansion finished along with the economic distortion which accompanied many phases of it, what does the future hold for business and industry in Western Australia?
>
> In making an assessment of the future, care has to be taken to steer a course between over-optimism and pessimism.

It would be foolish to expect that expansion in Western Australia would follow the same lines as in a compact State like Victoria. On the other hand, it is equally foolish to over-emphasise the State's isolation and its disabilities.

For many years to come, the State's expansion on all economic fronts will be tied in closely with expansion in primary production. Western Australia, with its cheap land, must attract more and more farmers.

Neighbours

Only a small rise is needed in the living standards of our South-East Asian neighbours to bring a big demand for food which this State is in a good geographical position to meet.

With farming more mixed, the agricultural industry's stability will improve and, consequently, directly and indirectly it will continue to supply a major portion of the State's wealth and its general activity.

With the use of trace elements, improved farming methods and water conservation, the State will achieve increasing importance as a source of food.

Isolation

Nor, as time passes, is the State's isolation likely to prove the obstacle it has been to industrial progress. In the last few years, several industries in Western Australia, through aggressive salesmanship and technical efficiency, have competed successfully with Eastern States industries on their own grounds.

There is also increasing scope for light industries in which freight costs are reduced to the minimum. Two or three of these industries are already operating successfully and their products are becoming increasingly well known in the Eastern States and overseas. With a trade deficit with the Eastern States of £57,000,000, it is obvious that a handsome business already exists here for local industries to supply the goods now brought from the other side of the continent.

It is obvious that a careful survey of consumer requirements could lessen the trade gap. With establishment costs in Western Australia cheaper than elsewhere, there will be growing inducements for new industries to begin operations.

Export Trade

As trade missions prove the existence of valuable markets on our doorstep, opportunities for export trade will grow. And with their growth, the State's population will increase, providing a continuing and steady increase in the local market.

Another possible source of expansion within the State is mining. Western Australia has several minerals in abundance and their importance will improve as the years pass. One is asbestos. As the production of this rises, more and more of the product may be consumed in local industries instead of going to Eastern States factories and overseas.

Although world prices are depressed at present, there is also a future for the State's big deposits of ilmenite. It is not impossible that the day may arrive when a valuable chemical industry based on this mineral will be operating in the southern part of the State.

Iron Ore

And most controversial subject of all, the time may come when the State will be able to use its own big deposits of iron ore in an integrated iron and steel industry. A recent Commonwealth survey forecast a big rise in the consumption of steel in the next few years. For defence reasons it might be thought worth while to set up an industry here to meet the bigger demand. When that occurs many ancillary industries could be expected.

There is no word about the Unfair Trading Act or the Monopolies and Restrictive Trade Practices Control Act. I recommend this to the Minister for Industrial Development.

Mr. FLETCHER: I oppose the clause as I believe the Act affords protection to the public generally and to the trade unionists and basic wage earners. We know that in the early post-war years prices remained static because both prices and wages were pegged; but when that legislation was repealed both prices and wages increased. In 1946 a tradesman at Midland Junction received approximately £6 per week.

The CHAIRMAN: Order! The honourable member must keep to the clause.

Mr. FLETCHER: I submit that if the present Act is repealed prices will increase very soon. I repeat that in 1946 a tradesman at Midland Junction got about £6 a week whereas the wage is now £17 16s.

The CHAIRMAN: Order! The honourable member must keep to the clause.

Mr. FLETCHER: If the Act is repealed the present maximum prices will immediately become the minimum; and even though some traders may be reluctant to charge the higher prices they will be brought into line. If the Act is repealed small businessmen will have to charge more or else go to the wall or be taken over, as we know is happening all over the capitalist world today. That is what the Bill seeks to achieve. As the Deputy Leader of the Opposition said, the small businessman has good reason to be alarmed at present. The present Act provides some safeguard for businesses and so I oppose the clause, knowing it would act to the detriment of the lower income group.

Mr. EVANS: I oppose the clause. The Government has offered no real reason why the present Act should be repealed, and the only two arguments it has put forward in support of the clause cannot be reconciled. The Minister for Labour said that the Act has been ineffective and that it does not achieve the objective of its authors.

The Minister for Industrial Development has on several occasions ranted at the damage caused by monopolies and restrictive trade practices legislation. I repeat that the two points of view cannot be reconciled and the arguments will convince no-one. When the Act was placed on the statute book, the first person in my electorate to show any interest in it was not a wage-earner or small businessman but a man with a very big business. He ran a sub-agency for a very popular car, and he said that sub-agencies were being victimised. He sought recourse to the Unfair Trading Commissioner and his troubles were resolved satisfactorily. I say the Government is not being completely honest with the people, because the Bill is to provide for the registration of certain trade associations and for incidental and other purposes. Why did not the Government include the real aim of the Bill in its title?

The Government has been in power almost eight months; and this was one of the major planks upon which it was elected. It has taken a long time to find the courage to present this measure to Parliament. No mention of the major aim of the Government's move is in the title of the Bill. If we remove this aim from the Bill, and the Government should be defeated on the measure, I am sure it would lose all interest in the further consideration of the Bill. This clause appears to be the major one, and I oppose its passage. Realising the futility of argument, I move—

That progress be reported.

Point of Order

Mr. COURT: Is it competent for the honourable member, he having just spoken, to move that progress be reported?

The CHAIRMAN: The point of order is unheld.

Committee Resumed

Mr. HAWKE: Previously I was referring to the present move by a monopoly company which manufactures galvanised iron. I had pointed out that this company had agreed to forgo the imposition of conditions upon similar small distributors of galvanised iron in Western Australia following an approach by the commissioner

of unfair trading. Even though the legislation under which the commissioner then acted is still upon our statute book, this company is still making the same approach as it made a year ago to these smaller businessmen.

Either the company has been informed by the Government, or someone representing the Government, that the Government will take no action against it; or the company has quite reasonably come to the conclusion that the Government will take no action under the legislation which still exists. So at least one big monopoly company is setting out to put the boots into some of the smaller traders in Western Australia. This is clearly a sign of things to come.

I have information from another source indicating that the big monopoly companies are getting on the warpath in anticipation of the Monopolies and Restrictive Trade Practices Control Act being repealed by Parliament; or in the safe and sure knowledge that this Government will not operate that Act even if Parliament refuses to repeal it. A particular person has been discriminated against by several big monopoly firms and combines in regard to the supply of goods to him. He is being discriminated against because he has refused to obey the conditions the monopoly firms would impose upon him. Recently he sent a telegram to *The West Australian* for publication, and this telegram said, in effect—

> Trade Bill is a betrayal of public and consumers' interest. It destroys competition and enterprise. It will mean increased profits to pressure groups and increased prices to the public.

Needless to say this telegram has not yet been published by the newspaper, despite the fact that it was sent some days ago; and, if you, Sir, were permitted to do so, I think you would wager that the contents of the telegram will never be published by this newspaper.

Clearly the proposed repeal of the Act, and the balance of the Bill are calculated to hand over the absolute control of industry, trade, and commerce in this State to monopolies and combines. We have been told by some speakers on the Government side that the Monopolies and Restrictive Trade Practices Control Act has been interpreted by business interests in this State, in other States, and in overseas countries, as being an attack on all business interests.

It would be just as silly to argue that Acts to punish people who commit murder or manslaughter, or who engage in robbery or any of the other crimes or offences which are prohibited by statute, are an attack on everybody in the community. Such an argument would be stupid in the extreme. Obviously these particular statutes have been approved by Parliament in past years with one main objective; namely, that of protecting the public. Their secondary purpose would be to punish those who commit the offences set out in the statutes.

Surely the same logical argument must be applied to the Act which the Bill proposes to repeal. Surely the Monopolies and Restrictive Trade Practices Control Act was put on the statute book mainly for the purpose of protecting the public interest; for the purpose of protecting the smaller businessmen; and for the purpose of punishing those few monopolies and combines that breach the provisions of the law.

What is the difference, in principle at any rate, between all the other statutes which exist, and this one? There is no difference in principle between them. In that circumstance, it is extremely difficult to understand why the Ministers of this Government would line up with the big battalions in the business world—with the combines and the monopolies—against the smaller businessmen and against the public interest.

I am not even suggesting that all monopolies and combines are out to impose unfair trading practices upon the smaller businessmen, and upon the community generally. Nevertheless we all know that some monopolies and some combines are out to impose their unfair and strong will upon the small businessmen. None of us needs to be told of the growing power of monopolies and of combines; we see on every hand evidence of that. Surely the present is a time, more than ever before in the history of our State, when Parliament should realise its responsibilities in this matter to the community, and to the smaller business people.

The CHAIRMAN: Order! The honourable member's time has expired.

Mr. W. HEGNEY: Previously I indicated that the two men who had charge of the monopolies and restrictive trade practices control office—Mr. Wallwork, the commissioner; and Mr. Robinson, the Director of Investigation—were men of unimpeachable character. It would be hard to find men more suited than they for these positions. The commissioner, as a result of his experience, has indicated that the Act is necessary in the interests of the people of Australia.

Mr. Robinson is a highly qualified accountant—he was accountant in the Crown Law Department—and is experienced in business management. All traders and others who had any dealings with him will agree that he was an ideal person for the position of director of investigation.

Recently the Minister, in reply to questions, tried to indicate that the office was still being carried on, although on a reduced basis. But not long ago *The West Australian* said that the Act was in

"cold storage." I have no doubt that it is in cold storage. Very little would have been done since the present Minister took office. The fact that the main clause in the Bill seeks to repeal the Act is a clear indication that the Government has no intention of implementing the provisions of the Act.

A compromise was arrived at between the Liberal Party and the Country Party as a result of prior discussions. The leading newspaper here pointed out that while the Liberal Party does not believe in any form of restriction, the Country Party does; and as a price for the repeal of the existing legislation, the Liberal Party agreed to the introduction of the Bill.

No-one on this side believes the statement of the Minister for Industrial Development that six industries declined to come to this State because of the legislation. The people of this State will find out, if the legislation should be repealed, that the Government has done them a disservice. The Leader of the Opposition mentioned the trend in this State towards takeovers, combines, and monopolies. No-one is against the combination of traders or monopolies if they do not act to the public detriment. The principle which permeates the whole legislation is that the public interest is paramount at all times.

The attitude of the Government in seeking to repeal this Act is different from its attitude in respect of the Industrial Arbitration Act. Its activity in amending the latter Act was in striking contrast to its present attitude. I am satisfied that the traders have been protected to some extent by the existing Act.

In 1958 an amendment was made to the Act to prevent a combination of traders from imposing restrictions on another trader. It states—

> (4) Where two or more persons have whether before, on, or after the day of the coming into operation of this Act, entered into an agreement or arrangement in relation to trade or business, if any of the persons has, whether before, on, or after that day, invoked any of the provisions of this Act for protection from unfair trading, none of the persons shall alter the agreement or arrangement, on, or after, that day without first obtaining the approval of the Commissioner to the alteration, and without that approval no such alteration is effective.

I now refer to a provision in the New Zealand Act which states—

> Recommendations as to price control. Where after inquiry under Part III of this Act the Commission is of the opinion that it would be in the public interest that any goods to which the inquiry relates should be subject to price control under the Control of Prices Act, 1947, the Commission shall within 28 days after the date of the completion of the inquiry report to the Minister its findings in that respect together with any recommendations it thinks fit as to the extent of the price control it recommends.

The CHAIRMAN: The honourable member's time has expired.

Mr. GRAHAM: Where does the Government stand on this matter? Members of the Ministry are asleep in their seats. Surely the Government has some reply to the statements made by speakers on this side. What is the justification for the repeal of the Act? What damage has it done to the economy of Western Australia? What possible harm can it do to any new industry?

Mr. Court: We told you but you will not believe us.

Mr. GRAHAM: The Minister informed us that six industries told him that they were not prepared to come to Western Australia.

Mr. Court: More than half a dozen told me. I was telling you of the industries which were not prepared to negotiate because of the legislation.

Mr. GRAHAM: Despite the protestation of the Minister, I do not believe him.

Mr. Court: You don't have to.

Mr. GRAHAM: The pendulum will swing and there will be a different Government after the next elections. The papers can then be examined. I defy the Minister to contradict the assertion that there will not be found any record to indicate that representatives of half a dozen industries stated that they were not prepared to set themselves up in business in this State because of the existing legislation.

Mr. Hawke: According to the Minister they were not prepared to negotiate.

Mr. GRAHAM: That was piffle.

Mr. Court: How do you know it is piffle?

Mr. GRAHAM: Because I have a better appreciation of the business community than has the Minister.

Mr. Court: I am afraid you do not understand much about industrial development.

Mr. GRAHAM: Because the Minister can quote that some businessmen said certain things, he thinks that is the answer. That does not make legislation good or bad.

Mr. Court: It goes a mighty long way to prove that something is wrong when decent people adopt that attitude.

Mr. GRAHAM: When the Minister is able to produce a body I am prepared to listen to him.

Mr. Court: Did you not have any complaints about the legislation when you were in office?

Mr. GRAHAM: We had as many objections from people as the Minister—people like Sir Arthur Warner who had not seen the legislation, but believed in the lies of *The West Australian* and the Liberal Party.

Mr. Court: How do you know he had not seen the legislation?

Mr. GRAHAM: Because he told me. The first time he saw it was when I sent him a copy.

Mr. Court: What did he say afterwards?

Mr. GRAHAM: I have not seen him since. He had no conception of the legislation. He had heard some talk about it. He heard comments from the cronies in his own particular Party. I guarantee that 75 per cent. of those who support the Government have not read this Act. They have fixed in their minds the fantastic ideas which have been concocted, and which have been broadcast far and wide, to do damage to Western Australia; that is, the lies disseminated by the Liberal Party and the daily Press.

Mr. Court: If they had not heard it before they certainly heard it tonight from the member for Mt. Hawthorn.

Mr. GRAHAM: The invitation is still open to the Government to indicate one section in the Act to which a fair-minded and reasonable businessman can take exception, and which can be regarded as a deterrent to any party contemplating setting up an industry in Western Australia.

There could be a thousand different reasons based on the lies of the Liberal Party and *The West Australian*, but not based on the legislation. The Minister for Industrial Development has probably played around with this Bill on many occasions and has had the opportunity to read out any section which could be regarded as damaging to an existing business or a prospective business in this State.

The Minister for Labour pretended there were all sorts of provisions in the legislation, among which was one to the effect that a Government official was empowered to investigate the books of accounts of a firm. I wonder whether he knows what was contained in the price-fixing legislation which his Government supported. That Act enabled the commissioner to inspect the books of accounts and official documents of a business. The owner could make a protest; and, with the consent of the commissioner, could make copies of the ledger, the profit and loss account, and other papers. That legislation was supported by the Liberal-Country Party Government for six years. It was necessary and had all the virtues imaginable; but the moment the Labor Government was in office it was considered an obnoxious measure, and was rejected within a few short months of the new Government being elected, notwithstanding its mandate to continue the legislation.

Surely the present legislation is eminently fairer in every respect than this Bill which is proposed to replace it. I put it to the Minister for Industrial Development as I put it to members when he was not present, that when the Liberals and the Country Party were in charge and the Minister of the day decided that a certain commodity or group of commodities should be the subject of price control, every single firm in this city which dealt in those goods was subject to price control. The Labor Government resolved that all of those concerns should be as free as the sea; but if one firm went to excesses, surely controls should be imposed in respect of that one firm only! That is the legislation which is scaring off business concerns. I cannot repeat it too often: That assertion is a lie.

The CHAIRMAN: Order! The honourable member's time has expired.

Mr. HAWKE: When you were compelled by Standing Orders to ask me to resume my seat earlier, I was dealing with the point of monopoly concerns imposing their will upon smaller concerns even to the extent of cutting off supplies of the monopoly-controlled commodity. When that is done, the business concerns are left stranded in regard to that particular commodity, and consequently are placed in a difficult position in regard to trading. Yet, in the instance which has been brought under my notice, this monopoly manufacturing company continues to supply that commodity to a large retail distributor which is doing the same thing which caused the monopoly manufacturer to cut off supplies to the first-mentioned retailer. The reason the second-mentioned retailer has not had his supplies cut off is because one of the directors of that concern is also a director of the monopoly manufacturing concern.

I would not expect that to mean anything to the Liberal Party members, because they dare not speak a word or record a vote against the big battalions in the business world and the monopolies and combines. But I would hope it would mean something to some members of the Country Party. With this proposal to abolish the Monopolies and Restrictive Trade Practices Control Act, the issue, beyond any shadow of a doubt, is one between the interests of monopolies and combines which would indulge in unfair trading practices and the interests of other concerns and the general public against whom they would exercise and operate these unfair trading practices.

Therefore, any Government which submits a proposal of this kind should be thoroughly ashamed of itself, because the proposal in the Bill is clearly designed to take away from the smaller business concerns and the general public the protection they have under the law against any unfair trading practices. Obviously these monopolies have been on their best, or near-best, behaviour, since the parent Act has been in operation. Of course, in recent weeks the Minister for Labour advertised publicly through the newspaper that he had put the Act aside. For this reason these monopolies feel they can forget the legislation. They have received the green light from the present Minister for Labour. What a shocking state of affairs that is! And what a shocking proposal we have been asked to support! We have been asked to take from the smaller business concerns and from the general public, the protection which has been available to them for the past few years.

Mr. Perkins: It has not done any good all the time it has been on the statute book.

[*The Deputy Chairman of Committees (Mr. Crommelin) took the Chair*]

Mr. HAWKE: The Minister for Labour —"Barren" Perkins, as someone on this side of the Chamber has nicknamed him— is making it necessary for me to make more speeches in Committee than I had intended to make. I have in my possession a copy of a report which was prepared during the final days of the administration of the Government which it was my privilege to lead. This report deals in some detail—although not in complete detail— with some of the matters investigated by the commissioner, most of them being taken to a successful conclusion.

We have already had information about the cement industry from the member for Mt. Hawthorn, the then Minister for Labour. I think it can be said that although the action taken by the commissioner against one of the cement companies did not succeed in the courts of law, the action taken and the continued existence of the law have had a very good effect from the discipline point of view upon both the cement companies which are now operating more or less in combination in connection with the sale and distribution of this product.

Mr. Perkins: I think you are letting your imagination run away with you there, are you not?

Mr. HAWKE: No; I am most certainly not. I am making what I regard as a very sober statement and one which is the opposite of exaggeration.

The DEPUTY CHAIRMAN (Mr. Crommelin): Order! The honourable member's time has expired.

Mr. EVANS: I oppose the clause in order to give the Leader of the Opposition time to continue his line of thought.

Mr. HAWKE: I am very grateful to the member for Kalgoorlie for his inspired action. It amazes me that at this hour of the morning one can receive such inspirations. We next come to the price of super. I know the Minister for Labour would not accept the views of the commissioner in regard to this matter, but I put into the witness box the General President of the Farmers' Union.

Mr. Perkins: Were you not present when the member for Moore spoke?

Mr. HAWKE: Yes, I was.

Mr. W. Hegney: He did not prove anything.

Mr. HAWKE: I take the view that the General President of the Farmers' Union would be a person of reliability and would be one who would not have any political axe to grind. He would be concerned with promoting the primary producers' interests of Western Australia.

Then we have the fibrous plaster industry. Reports were received by the commissioner that a uniform policy in restricting the sale of plasterboard products was considered sufficient to warrant investigation. Subsequently a uniform sales policy of selling only on a supply and fixing basis, adopted for a period, was also considered to be contrary to the public interest; and so on. This matter was subsequently placed before the Crown Law officers, and I would be interested to know from the Attorney-General what has been done by them in regard to the matter.

Mr. Perkins: Apparently you know, notwithstanding the secrecy clause in regard to those administering the Act.

Mr. HAWKE: Arriving at my own conclusion, I would say that the Minister for Labour has taken steps to make sure that no corrective or remedial action was taken in connection with the matter.

Mr. Perkins: That has been going on for three years and it got nowhere; so I do not know where you think we would get.

Mr. HAWKE: We did get somewhere. We reached the stage where these matters were referred to the Crown Law authorities, and I am demanding to know from the Minister what has been done about it since. One does not need to use one's imagination to know what has happened since the present Minister for Labour came into office; it is only necessary to read the statement which he gave to *The West Australian* on the 30th April this year, and which was published on the following day. It reads—

> Labour Minister Perkins said yesterday that W. J. Robinson, director of investigation under the Act, was now completing some final office work brought about by the operations of the Act.

He was being helped by one of the three other officers employed in the department.

The Government had arranged with the Public Service Commissioner for the other two officers to be employed elsewhere in the service.

Mr. Robinson was also doing some work for the Government in connection with hire-purchase.

W. J. Wallwork, the commissioner under the Monopolies and Restrictive Trade Practices Act, was carrying on his duties as a magistrate.

So, clearly, before the end of April this year the Minister had well and thoroughly put the skids under the administration. I have no doubt he received some hearty pats on the back from the President of the W.A. Trade Bureau, who happened also at the same time to be the President of the Liberal Party, for the statement. I have no doubt one or two other similar types of persons in the community also gave him a pat on the back and a word of praise. However, his public announcement at that time put a good deal of fear into the minds of the smaller distributors of galvanised iron, and a large number of similar businessmen in Western Australia; and would have made a considerable number of primary producers wonder why the Minister was lining up shoulder to shoulder with monopolists and those associated with combines, instead of lining up with the general public and protecting their interest in this matter.

Another reason why one does not have to draw upon one's imagination to know what the Minister for Labour would do with papers which were awaiting Crown Law consideration and recommendation, and later ministerial decision, is to be found in the letter which he sent on the 7th May this year to the Bread Manufacturers Industrial Union of Employers. This is related to the proposal to repeal the present legislation, because the Wheat Products Prices Fixation Act was passed to prevent the exercise of unfair trading practices.

Mr. Perkins: It has no connection with this.

Mr. HAWKE: Of course it has!

Mr. Perkins: It is separate altogether.

Mr. HAWKE: It is closely related and deals with the same principle. I can quite understand why the Minister does not want this letter read.

Mr. Perkins: It is one I laid on the Table.

Mr. HAWKE: I am wondering why he is not jumping up on a point of order. The letter reads—

> Further to our discussion in my office yesterday regarding the fixation of bread prices under the Wheat Products Prices Fixation Act I will be grateful if you could set out for me the method followed by the committee appointed under the above Act in determining the selling price of bread.

Here we have a Minister of the Crown, sworn to uphold the laws of the country, and to carry out his duty to protect the public interest, going to a vested interest for information as to how a system set out in the Act in question was operated by a committee set up by the Government.

Mr. Perkins: I suppose you know that the committee gets its details from the bread manufacturers?

Mr. HAWKE: The Minister cannot slide out of it that way. I can understand how desperately anxious he is to slip out of this one.

Mr. Perkins: Don't worry; I have all the details of this.

Mr. HAWKE: This letter is not a request for details, but for the method followed by the committee appointed under the Act by the Government. Why would the Minister ask the vested interest concerned to advise him of the method? Why did not the Minister request the chairman of the committee who, by the way, is the Auditor-General, to advise him of the method which the committee operated?

The DEPUTY CHAIRMAN (Mr. Crommelin): Order! The honourable member's time has expired.

Mr. GRAHAM: I rise to enable the Leader of the Opposition to continue his remarks.

Mr. HAWKE: The clear-cut and obvious duty of any Minister of the Crown who seeks information about the method followed by a Government committee in protecting the public against the vested interests is to get the information from the committee itself.

Mr. Perkins: Would you be surprised to learn that I was also in touch with the chairman of the committee?

Mr. HAWKE: I would not be surprised at anything the Minister for Labour did, because he is so much in the bag of manufacturers and combines that he would come at anything. He is falling over himself to protect combines and monopolies, and especially those who are anxious to indulge in unfair trading practices, and he would kill any partly developed proposal to take action against those which had breached the law and had indulged in unfair trading practices.

Mr. Perkins: I suppose you know that one of the members of the Parliamentary Labor Party came to me and asked me to make provision for one of the bakers in a certain town to increase the price of bread.

Mr. HAWKE: I would have to know all the circumstances of that particular instance to know what was right or wrong about it.

Mr. Perkins: You want to find out the circumstances of every case before you talk about them. In any case, it has nothing to do with the Bill.

Mr. HAWKE: It has everything to do with the Minister's attitude towards the Bill, because it clearly demonstrates the lengths to which he will go to promote the power of combines and monopolies to enable them to practice unfair trading methods, if they wish to do so. If the Act is repealed, there will be nothing on the statute book to prevent combines and monopolies from imposing their will on anybody. The rest of the Bill is so much bird lime, put there to get the private Country Party members into the net to support the whole of the Bill, and especially that part of it which provides for the repeal of the Act to which I have already referred. The other clauses are valueless, and they would have no effect in taking the place of the Act which the Bill proposes to repeal.

The rest of the Bill does not even give the registrar the right to disallow a rule which can be regarded as unfair or inimical to the public interest. The Bill might as well be thrown down the drain. In fact, it reminds me of a letter which a somewhat cheeky curate in one of the English counties sent to his bishop. This curate had not long been ordained and he wrote a rather cheeky letter to the bishop. The bishop looked at the letter, turned the matter over in his mind for a day or two, and sat down and wrote the following letter:—

> My dear curate,
> Your letter of Monday last is at present in front of me.
> Yours sincerely,
> Bishop so-and-so.

As far as I am concerned, this Bill is at present in front of me.

Mr. GRAHAM: I move—

> That progress be reported and leave asked to sit again.

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

Ayes—20.

Mr. Andrew	Mr. W. Hegney
Mr. Bickerton	Mr. Kelly
Mr. Brady	Mr. Lawrence
Mr. Evans	Mr. Norton
Mr. Fletcher	Mr. Rhatigan
Mr. Graham	Mr. Rowberry
Mr. Hall	Mr. Sewell
Mr. Hawke	Mr. Toms
Mr. Heal	Mr. Tonkin
Mr. J. Hegney	Mr. May
	(Teller.)

Noes—22.

Mr. Bovell	Mr. W. A. Manning
Mr. Brand	Mr. Nalder
Mr. Burt	Mr. O'Connor
Mr. Cornell	Mr. Oldfield
Mr. Court	Mr. O'Neil
Mr. Craig	Mr. Owen
Mr. Grayden	Mr. Perkins
Mr. Guthrie	Mr. Roberts
Dr. Henn	Mr. Watts
Mr. Hutchinson	Mr. Wild
Mr. Lewis	Mr. I. W. Manning
	(Teller.)

Pairs.

Ayes.	Noes.
Mr. Moir	Mr. Mann
Mr. Jamieson	Mr. Nimmo
Mr. Nulsen	Sir Ross McLarty

Majority against—2.

Motion thus negatived.

Mr. GRAHAM: If we are expected to agree to repeal legislation that has been on the statute book for a number of years, we are entitled to some reasons. Up to date we have not had them. The Minister for Labour says the legislation has not been effective, and we would not miss it if it disappeared from the statute book altogether. The Minister for Industrial Development, on the other hand, says the existing legislation is a menace to the future well-being of Western Australia; it is so damaging in its ramifications that it must be got rid of at the first opportunity which, incidentally, is more than passing strange. The battleground for the recent general election was, by and large, that Act and events surrounding it.

Mr. Perkins: Is not that good reason for repealing it now seeing we said we would?

Mr. GRAHAM: If it is all the terrible things it is supposed to be, it is strange that it is not until the final week of the session that we have a Bill brought down to repeal that Act.

Mr. Perkins: That makes it all the more urgent.

Mr. GRAHAM: One would have thought that Parliament would have been called together earlier than usual to remove this menace from the statute book.

Mr. May: We were called together early, but not for that purpose.

Mr. GRAHAM: So I am entitled to doubt the sincerity of the Minister for Industrial Development. I am still waiting for the Minister for Industrial Development to stand up in his place with one arm raised and the other over his heart, if any, and reaffirm the convenient fabrication that some half-dozen firms refused to set up business in Western Australia because of the present Act. I would ask any member opposite to point to one single section of that Act that is offensive and likely to deter any businessman.

Mr. Perkins: We told people we were going to repeal it. They endorsed our action and you have it now.

Mr. Hawke: What about the proposals we put to the people when we were elected?

Mr. Perkins: They turned yours down.

Mr. GRAHAM: The people elected the Hawke Government in 1953. Mandates did not mean a thing to the present Liberal and Country Party members. The Hawke Government was re-elected with 29 to 19 members, with two Independents; and that still did not mean a thing to the Liberal

and Country Party. The word "mandate" was not heard of. Yet we are asked to agree to repeal certain legislation, and the Government says it has a mandate.

[*The Chairman of Committees (Mr. Roberts) resumed the Chair*].

Mr. Perkins: We said we were going to do it.

Mr. GRAHAM: I cannot see why we should take that course. Surely the Minister should justify the action of the Government!

Mr. Perkins: There is nothing I desire to add to what I have already said.

Mr. Hawke: Read the leading articles in *The West Australian*.

Mr. GRAHAM: *The West Australian* said, "When Labour Minister Perkins introduced the Bill he made no attempt to justify it."

Mr. Hawke: Very true.

Mr. GRAHAM: Of course it is! What is the reason for the Bill? The conclusions I draw are that this is the pay-off by the Country Party to the Liberals; letting them get away with murder in consideration for the one put over the Liberals by the Country Party—and I refer to the electoral districts legislation.

The CHAIRMAN: That has nothing to do with this Bill.

Mr. GRAHAM: It has everything to do with it, Mr. Chairman, because it is the genesis of the legislation.

Mr. Perkins: Rats!

Mr. GRAHAM: It is not a matter of what is right or wrong but a matter of bargaining. I am surprised at the Country Party's part in it. I am prepared to say not one further word if the Premier or Minister can give reasons as to why this legislation should be repealed.

Mr. Perkins: Why do you think we signed the report of the Honorary Royal Commission?

Mr. Heal: Who signed it?

Mr. Perkins: Three members of the present Ministry.

Mr. GRAHAM: I remember serving on a Select Committee dealing with the Metropolitan Transport Trust. Was the Minister for Labour or those sitting with him on the front bench impressed by the findings of that committee?

Mr. Perkins: It has nothing to do with this.

Mr. GRAHAM: The Minister thinks that because a Select Committee arrived at a certain decision that that is the last word.

Mr. Perkins: It indicated our opinion clearly.

Mr. GRAHAM: The purpose of a Select Committee is to deliver a finding based on evidence.

Mr. Perkins: Our findings were based on evidence.

Mr. GRAHAM: The committee to which I referred based its findings on evidence.

The CHAIRMAN: The honourable member's time has expired.

Mr. W. HEGNEY: I notice that the Minister for Labour has been left to carry the baby. Apart from a feeble contribution by the Minister for Industrial Development, no other Minister has attempted to justify the provisions of this Bill.

Mr. Perkins: It is my portfolio and I am dealing with it.

Mr. W. HEGNEY: I did not say it was not the Minister's portfolio. The Minister is acting on behalf of the Government, and other members of the Government are letting him carry the baby. The member for East Perth has asked for some justification in regard to the repeal of the Monopolies and Restrictive Trade Practices Control Act; and the Leader of the Opposition referred to bread. The Minister for Labour interjected and said that bread had nothing to do with the Bill.

Mr. Perkins: It hasn't, either.

Mr. W. HEGNEY: I propose to show that it has. For some years the price of bread was fixed by the Wheat Products Prices Fixation Act. Under that Act there is a committee with the Auditor-General as chairman. That committee has operated for a period of years and has fixed the price of bread in various parts of the State.

Mr. Brand: What has that to do with clause 3?

The CHAIRMAN: Order! We are not dealing with the Wheat Products Prices Fixation Act; we are dealing with the repeal of the Monopolies and Restrictive Trade Practices Control Act.

Mr. W. HEGNEY: I will connect this up with the Monopolies and Restrictive Trade Practices Control Act. For some years the price of bread had been controlled, but the present Government discontinued that control. Could the Minister tell me this: What law will operate to fix the price of bread if the Wheat Products Prices Fixation Act does not function? If the Monopolies and Restrictive Trade Practices Control Act is repealed, consumers in Western Australia will have no protection as far as prices are concerned, as there is power in that Act for the commissioner, in certain cases, to fix prices. If the Government discontinues the fixing of the price of bread in any part of the State under the Act which has been invoked for some years, the only alternative will be to fix the price, in certain cases, under the Act which is to be repealed. If that Act is repealed, the people in Western Australia will have no protection and bread manufacturers will be able to charge whatever price they like.

Mr. Perkins: Do you think they are likely to do that?

Mr. W. HEGNEY: Why was the price of bread fixed for some years? The Minister for Labour says that he was asked by a member of Parliament to allow the price of bread to be increased. I think a proclamation was issued during the term of the previous Government in regard to a North-West town because the baker's turnover was so small it did not pay him to carry on. That town was struck out from the provisions of the Act. Under the Monopolies and Restrictive Trade Practices Control Act there is machinery for the setting up of an advisory committee; and that committee has been functioning for quite a considerable time.

Mr. Perkins: It still is.

Mr. W. HEGNEY: I will deal with that in a minute. The committee functioned when the director of investigation was actively associated with the Act, but the Minister has sandbagged the Act. Although this committee is meeting, it is of no consequence now, because the Minister would not put any of its findings into operation.

Mr. Perkins: I do not have to; the committee does that.

Mr. W. HEGNEY: I think that in certain circumstances it would be competent for the commissioner to determine the price of bread. In Queensland, there is an Act to make better provision for the regulation of prices and rates of certain goods and services by consolidating and amending the law relating to the prevention of profiteering; to regulate sales of certain lands; and for purposes connected therewith. Part IV of the Queensland Act deals with combines and monopolies. That Act prohibits a person, either as a principal or agent from refusing to sell or supply goods, either absolutely or except under disadvantageous conditions.

In this Bill provision is made for certain agreements to be registered; but under the present Act, the Director of Investigation would have power to call for books, certain documents, books of account, and statements. He has the power to request copies of trade agreements from any trader.

The CHAIRMAN: The honourable member's time has expired.

Mr. EVANS: I would like to hear the honourable member continue. I oppose the clause.

Mr. W. HEGNEY: When one compares the Acts of Queensland, New Zealand, the United States, Canada, and Great Britain, it will be seen that the effective portions of the Acts of those countries have been largely incorporated in the Monopolies and Restrictive Trade Practices Control Act.

As has been said, this clause is the most important one in the Bill. There are others which provide for the registration of trade associations. I am not referring at this stage to collusive tendering, because collusive tendering is provided for in the present Act. Apart from that, the main provisions of the Bill, to my way of thinking, refer to trade agreements. There is a great amount of protection provided to deal with agreements when it is proved they will be detrimental to the interests of the public. If clause 3 is agreed to, what part of this Bill will be effective in protecting the public in regard to unfair trading agreements? I have at various times tried to outline the main provisions of the present Act, and to illustrate that where there are reasonable grounds for suspecting that unfair trading practices are being indulged in, action can be taken.

Mr. Perkins: I do not assume that every businessman is a rogue and is going to exploit the public, the same as you think.

Mr. W. HEGNEY: In reply to that interjection, and on behalf of those on this side of the House, I say that the last thing it is wished to imply is that all the traders of this State are rogues and thieves. As the Leader of the Opposition has said, the Act is provided to prevent the dishonest trader from putting it over the public; and, as the member for East Perth said, instead of having a continuation of price control, which would apply generally, there is now provision in the statute to ensure that there will be a certain amount of protection for the public against the trader who would engage in unfair methods of trading competition.

Mr. Perkins. We think there are plenty of honest traders to give the public a fair deal.

Mr. W. HEGNEY: The Opposition considers that there are plenty of fair traders, and the last thing which the Opposition desires to do is to hamper, harm, or obstruct, in any way, the activities of the honest traders. They are certainly in the majority; but where it has been shown that certain undesirable practices are being carried on, it is desired that legislation be continued to deal with such cases; and we want to know what protection is being given.

Mr. EVANS: When we look at this Bill, we realise that this clause is the most important one in it, and that is why the members of the Opposition are fighting against it. It is a grand piece of subterfuge on the part of the Government. Without this clause, the Bill is a lot of meaningless jargon. We know the tenacity with which the Government has fought for the retention of this clause and how it wants to repeal the present Act irrespective of whether innocent people are to be bled in the process or as a result. The

Government has fought with a tenacity that even Kevin Simmonds would be proud to acclaim.

I understand the Minister for Railways said last Friday that at least six firms which had shown interest in this State had been frightened away by the Act; but unless the names of the firms are furnished, one is entitled to doubt that statement. The Minister for Transport said the Act has achieved no good, and apparently it has caused no great harm either; so the firms mentioned must have been victims of political poisoning penned by members of the Liberal section of the Government since the Act came into operation.

Several references have been made to the type of work undertaken by the Director of Investigation, and mention has been made of cases where action was warranted or pending; but I do not think anyone has referred to the small shops which purchase tobacco and cigarettes mainly from W. D. & H. O. Wills, for cash, but are forced to sell at a certain price if they do not want their supplies to be jeopardised.

Why do not W. D. & H. O. Wills take the same action against our Joint House Committee, in view of the fact that cigarettes are sold on these premises at a reduced price? In spite of the majority report of the Royal Commission, certain members of another place saw fit to vote for the Bill which became the present Act; but in view of what has taken place recently in another place, I do not like the chances of this measure, and I appeal to the Government to drop it.

Mr. HAWKE: If the Minister for Industrial Development would guarantee that the Bill will be rejected in another place, I would have nothing further to say.

Mr. Perkins: We do not know what another place might do.

Mr. HAWKE: The Minister for Labour referred to certain recommendations made by a majority of members of the Royal Commission. The two Parties which form the present Government told the electors last March that, if returned as a Government, they would repeal the Act and substitute other legislation, but I do not think the electors realised what sort of a measure would be put forward in lieu of the Act.

Mr. Perkins: This measure is based on the majority report of the Honorary Royal Commission.

Mr. HAWKE: Does either the Minister for Labour or the Minister for Industrial Development think that the people of the State would have voted for the repeal of the Act had they known how useless the proposed substitute legislation would be?

Mr. Perkins: We made our intentions clear.

Mr. Court: The people can read. There was a printed report.

Mr. HAWKE: The people would expect the substitute legislation to be capable of being administered, and of a kind that would protect the small businessman and the public generally. The Minister for Labour said the Government does not believe every businessman in the State to be a rogue. No one thinks that. Then he said he thought there were enough honest businessmen in Western Australia to look after the public interest, and that is where he falls into the pit. That is exactly where he betrays the interests, the welfare, and the very existence of the fair traders, and the general public.

Mr. Perkins: It is where you and I part company.

Mr. HAWKE: By clause 3 the Minister will take away from all the fair traders—and they are in the great majority—the legal protection which the present legislation gives them. They will be exposed to unfair trading practices which any monopoly or combine in the future may decide to impose upon them. After putting all the fair traders in Western Australia into that vulnerable and treacherous position, the only thing he is asking Parliament to support by way of substitute legislation is this useless, valueless, and ineffective proposal to provide for the registration of trade associations and their rules. These trade associations will be able to put forward any rules. They could be harsh and unconscionable; but the association would have to be registered, and nobody could do anything about it. If an unfair trading practice is authorised by the rules there is no remedy. The fair traders and the general public, if this Bill is passed in its present form, will be at the mercy of the combines and monopolies.

The CHAIRMAN: At this stage, as it is now 11 minutes to 4 on the 25th November, 1959, I would draw members' attention to Standing Order No. 144. There has been a lot of tedious repetition tonight, and I draw members' attention to that Standing Order.

Mr. HALL: The repeal of the present legislation will have a drastic effect upon the general public. The present legislation was designed to prevent unfair profit-taking, unfair methods of trading and unfair methods of trade competition. The definition of "unfair trading" includes the taking of any unfair profit, using any unfair trading method, using any unfair method of trade competition, and acting in combination with any other person, or as a member of a combine to do any of the three things I have mentioned. I said previously that the Bill had no teeth. I really think it is a busybody Bill, because it is like somebody running round and talking a lot but doing nothing.

The sales of cement are down in this State, and probably the excessive prices charged for it have had that effect. If the present legislation is repealed the position will probably be worsened. We also saw recently the action taken by RETRA on certain of its members. The Minister for Industrial Development said that had the present legislation not been in existence, six or seven firms would have established themselves in this State. I do not know where he would pick them up, because I cannot imagine any firm being worried about a piece of paper. The Minister has certainly not had sufficient time to seek them out. I cannot believe that any firm would worry about the restrictive trade legislation which is now in existence. No industry will come to this State unless we give it an incentive, and the population has a big effect upon that.

Legislation is in existence in other countries in which many of these firms are established. It does not worry them in those countries and it would not worry them here. I cannot support the clause.

Mr. GRAHAM: Mr. Chairman, the time is now 3.55 a.m. and I am getting tired of this tedious opposition on the part of the Minister.

Mr. Brand: So am I.

Mr. GRAHAM: I am glad that I have a convert in the Premier.

Mr. Brand: I am getting tired of your tedious repetition.

Mr. GRAHAM: The Premier talked about having a mandate.

Mr. Brand: You talked about a mandate.

Mr. GRAHAM: What is the Government's reason for wanting to repeal this Act?

Mr. Brand: The reasons have been given *ad infinitum*.

Mr. GRAHAM: They have not.

Mr. Ross Hutchinson: Of course they have.

Mr. GRAHAM: What is the reason? Why should we agree to the proposition unless there are satisfactory reasons?

Mr. Perkins: The reason is that the people supported it. They kicked six Labor men out. Those are good reasons.

Mr. Hawke: Some of the interjections are tedious repetition.

Mr. GRAHAM: The Minister said that there were sufficient concerns to ensure that the people would get a fair crack of the whip. I am not seeking orders, but what about the business people getting a fair crack of the whip? If challenged, I could get approximately 50 per cent. discount on the price of any television set the Minister cares to nominate. There are firms prepared to do that; but when the master bosses get to hear of it, they are prevented from doing that. Does the Government believe in free enterprise or not?

Mr. Hawke: It does not.

Mr. Brand: It believes in free enterprise and it wants to get rid of the present Act.

Mr. GRAHAM: Virtually, then, the Government seeks to legalise and reinforce the position of those firms that want to compel the various retailers to add their 25 per cent. or 27½ per cent. margin, notwithstanding that the firm might be quite satisfied with a 5 per cent. or 10 per cent. margin. Is that free enterprise; or is the proposal to bow out completely to the larger interests that want to dominate the little trader? That is what the repeal of this Act will mean.

Mr. Hawke: The Government is throwing the smaller businessmen to the wolves.

Mr. GRAHAM: There is no question about that. I feel the existing legislation is not as effective as it should be. It should be given more teeth. Let us consider the case of a chap named Perkins who has a newsagency. He approaches somebody or somebody approaches him, the second person desiring to acquire that business, and being prepared to pay a certain sum to the owner, Perkins. What is the position? It is necessary to go to a committee nominated by West Australian Newspapers Ltd., which tells Perkins to whom he can sell and at what price. That presumably is free enterprise.

Mr. Perkins: The present legislation has done nothing about that.

Mr. GRAHAM: Exactly. I suggested there was nothing wrong with the present legislation, except that it does not go far enough.

Mr. Court: Do you seriously say you would like to stiffen up the present Act?

Mr. GRAHAM: Definitely.

Mr. Court: Make that your policy on the hustings.

Mr. GRAHAM: I have said it everywhere I have spoken, and half a dozen times tonight. I have also asked the Government half a dozen times to point to one section of the existing Act that is offensive.

Mr. Court: The whole Act is a pistol at the head of industry.

Mr. GRAHAM: That is just so many words. I want the Minister to read out a section of the Act to which objection can be taken by any business concern in Western Australia.

Mr. Court: We went through the Bill clause by clause.

Mr. GRAHAM: I am aware that most of the worth-while provisions were removed. At present it is largely a matter of the commissioner exercising a measure of bluff, or endeavouring to persuade certain firms to do certain things. Surely it was obvious in the case that went to the court.

There was the glorious finding that there was no monopoly in cement because there were alternative building materials. Somebody could corner fountain pens and say there is an alternative in pencils. Somebody could corner electric lights and electric supplies and say there was an alternative in matches and hurricane lights and so on. When one case cannot be sheeted home, surely it means the Act is not strong enough; rather than that it would frighten businessmen away from the State. The Minister tells us that the Bill is drafted on the recommendations of an Honorary Royal Commission. I would ask him to look at the penalty of £100 provided in the Bill. The Royal Commission recommended £250 for a first offence and £500 for a subsequent offence.

Mr. Perkins: Crown Law has a certain scale of penalties.

Mr. GRAHAM: We have £200 for selling filled milk; and £100 for taking the public for a ride; £500 to an industrial union which has an argument with its employer and which walks out; but £100 for these large business concerns.

Mr. Court: Five hundred pounds for collusive tendering.

Mr. GRAHAM: Even though I am an amateur, I could indicate how we could drive a coach and pair through this provision. I spoke with certain businessmen last night and they indicated half a dozen different ways to get around collusive tendering. It means nothing. Incidentally, one of these firms was associated with collusive tendering. So do not let the Minister for Industrial Development try to get away with that.

The CHAIRMAN: The honourable member's time has expired.

Mr. ROWBERRY: It is an illusion held by some members that there is an inherent right for one section of the community to hold the other sections to ransom. I cannot find any support for that contention. Civilised communities have always made laws to protect the weak against the strong, because the strong did not show themselves capable of using their strength wisely. Even the Ten Commandments were made after some of the actions referred to in them had been indulged in.

The CHAIRMAN: I suggest the honourable member keep closer to clause 3.

Mr. ROWBERRY: What I am saying may not be connected to the Bill, but it may be distantly related. Clause 3 refers to the repeal of the Monopolies and Restrictive Trade Practices Control Act. This Act is the outcome of the desire of the community to protect itself against brigandage. Any person who does not indulge in unfair trading has nothing to fear from the legislation.

I cannot understand the repeated assertion of the Minister for Labour that members of the Government told the electors before the last election what they would do if returned as a Government. In February, 1959, Mr. Watts said at Mt. Barker —he was the Chairman of the Honorary Royal Commission—that he would seek to implement a rider which he added to the report calling for Supreme Court judges to be empowered to inquire into alleged monopolies. He said, "We stand for the development of private enterprise, but desire to ensure that it is competitive enterprise, which is essential to the public interest." Now he lends his support to the Bill which seeks to deprive the public of a means of protection. That was the price to be paid to the people who contributed to the fund of the Government Party.

In my opinion the Monopolies and Restrictive Trade Practices Control Act and allied Acts are the greatest stabilisers in our economy. It was stated that the repeal of the legislation would cause inflation and would bring about an increase in prices, which in turn would lead to an increase in the basic wage. I cannot understand the Premier and members of the Government supporting the clause under consideration, unless they are acting under the compulsion of their masters.

I once heard the term "inflation" being referred to as a state when there is too much money chasing too few goods and services. We find that an increase in the basic wage cannot cause inflation, because on the authority of Sir Douglas Copland the basic wage cannot be the cause. We notice that wages and salaries are only increased after the cost of goods and services have risen.

The CHAIRMAN: I must insist that the honourable member keep to the provision relating to the repeal of the Act.

Mr. ROWBERRY: My remarks are related to the repeal of the Act, although they may be distantly related. In the provision of goods and services—

The CHAIRMAN: My decision is that the honourable member's remarks are not related to the clause.

Mr. ROWBERRY: I invoke Standing Order 144 and appeal to the House for a decision.

The CHAIRMAN: The honourable member's time has expired.

Mr. W. HEGNEY: I move—

That progress be reported and leave asked to sit again.

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

Ayes—19.

Mr. Andrew	Mr. W. Hegney
Mr. Bickerton	Mr. Kelly
Mr. Brady	Mr. Lawrence
Mr. Evans	Mr. Norton
Mr. Fletcher	Mr. Rhatigan
Mr. Graham	Mr. Rowberry
Mr. Hall	Mr. Toms
Mr. Hawke	Mr. Tonkin
Mr. Heal	Mr. May
Mr. J. Hegney	*(Teller.)*

Noes—21.

Mr. Bovell	Mr. Lewis
Mr. Brand	Mr. W. A. Manning
Mr. Burt	Mr. Nalder
Mr. Cornell	Mr. O'Connor
Mr. Court	Mr. Oldfield
Mr. Craig	Mr. O'Neil
Mr. Crommelin	Mr. Owen
Mr. Grayden	Mr. Perkins
Mr. Guthrie	Mr. Wild
Dr. Henn	Mr. I. W. Manning
Mr. Hutchinson	

(Teller.)

Pairs.

Ayes.	Noes.
Mr. Moir	Mr. Mann
Mr. Jamieson	Mr. Nimmo
Mr. Nulsen	Sir Ross McLarty
Mr. Sewell	Mr. Watts

Majority against—2.

Motion thus negatived.

Mr. OLDFIELD: I move—

That the question be now put.

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

Ayes—21.

Mr. Bovell	Mr. Lewis
Mr. Brand	Mr. W. A. Manning
Mr. Burt	Mr. Nalder
Mr. Cornell	Mr. O'Connor
Mr. Court	Mr. Oldfield
Mr. Craig	Mr. O'Neil
Mr. Crommelin	Mr. Owen
Mr. Grayden	Mr. Perkins
Mr. Guthrie	Mr. Wild
Dr. Henn	Mr. I. W. Manning
Mr. Hutchinson	*(Teller.)*

Noes—19.

Mr. Andrew	Mr. W. Hegney
Mr. Bickerton	Mr. Kelly
Mr. Brady	Mr. Lawrence
Mr. Evans	Mr. Norton
Mr. Fletcher	Mr. Rhatigan
Mr. Graham	Mr. Rowberry
Mr. Hall	Mr. Toms
Mr. Hawke	Mr. Tonkin
Mr. Heal	Mr. May
Mr. J. Hegney	*(Teller.)*

Pairs.

Ayes.	Noes.
Mr. Mann	Mr. Moir
Mr. Nimmo	Mr. Jamieson
Sir Ross McLarty	Mr. Nulsen
Mr. Watts	Mr. Sewell

Majority for—2.

Motion thus passed.

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

Ayes—21.

Mr. Bovell	Mr. Lewis
Mr. Brand	Mr. W. A. Manning
Mr. Burt	Mr. Nalder
Mr. Cornell	Mr. O'Connor
Mr. Court	Mr. Oldfield
Mr. Craig	Mr. O'Neil
Mr. Crommelin	Mr. Owen
Mr. Grayden	Mr. Perkins
Mr. Guthrie	Mr. Wild
Dr. Henn	Mr. I. W. Manning
Mr. Hutchinson	*(Teller.)*

Noes—19.

Mr. Andrew	Mr. W. Hegney
Mr. Bickerton	Mr. Kelly
Mr. Brady	Mr. Lawrence
Mr. Evans	Mr. Norton
Mr. Fletcher	Mr. Rhatigan
Mr. Graham	Mr. Rowberry
Mr. Hall	Mr. Toms
Mr. Hawke	Mr. Tonkin
Mr. Heal	Mr. May
Mr. J. Hegney	*(Teller.)*

Pairs.

Ayes.	Noes.
Mr. Mann	Mr. Moir
Mr. Nimmo	Mr. Jamieson
Sir Ross McLarty	Mr. Nulsen
Mr. Watts	Mr. Sewell

Majority for—2.

Clause thus passed.

Clause 4 put and a division taken with the following result:—

Ayes—21.

Mr. Bovell	Mr. Lewis
Mr. Brand	Mr. W. A. Manning
Mr. Burt	Mr. Nalder
Mr. Cornell	Mr. O'Connor
Mr. Court	Mr. Oldfield
Mr. Craig	Mr. O'Neil
Mr. Crommelin	Mr. Owen
Mr. Grayden	Mr. Perkins
Mr. Guthrie	Mr. Wild
Dr. Henn	Mr. I. W. Manning
Mr. Hutchinson	*(Teller.)*

Noes—19.

Mr. Andrew	Mr. W. Hegney
Mr. Bickerton	Mr. Kelly
Mr. Brady	Mr. Lawrence
Mr. Evans	Mr. Norton
Mr. Fletcher	Mr. Rhatigan
Mr. Graham	Mr. Rowberry
Mr. Hall	Mr. Toms
Mr. Hawke	Mr. Tonkin
Mr. Heal	Mr. May
Mr. J. Hegney	*(Teller.)*

Pairs.

Ayes.	Noes.
Mr. Mann	Mr. Moir
Mr. Nimmo	Mr. Jamieson
Sir Ross McLarty	Mr. Nulsen
Mr. Watts	Mr. Sewell

Majority for—2.

Clause thus passed.

Clauses 5 to 9 put and passed.

Clause 10—Cost of administration:

Mr. HAWKE: As the Act to be administered, should this Bill become law, will consist only of the registration of trade associations, and as the provisions in the Bill in respect of the registration of the associations are worthless, I desire to indicate my intention to oppose this clause and, if necessary, to divide the Committee on it. I am opposed to wasting the public's money.

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

Ayes—21.

Mr. Bovell	Mr. Lewis
Mr. Brand	Mr. W. A. Manning
Mr. Burt	Mr. Nalder
Mr. Cornell	Mr. O'Connor
Mr. Court	Mr. Oldfield
Mr. Craig	Mr. O'Neil
Mr. Crommelin	Mr. Owen
Mr. Grayden	Mr. Perkins
Mr. Guthrie	Mr. Wild
Dr. Henn	Mr. I. W. Manning
Mr. Hutchinson	*(Teller.)*

Noes—19.

Mr. Andrew	Mr. W. Hegney
Mr. Bickerton	Mr. Kelly
Mr. Brady	Mr. Lawrence
Mr. Evans	Mr. Norton
Mr. Fletcher	Mr. Rhatigan
Mr. Graham	Mr. Rowberry
Mr. Hall	Mr. Toms
Mr. Hawke	Mr. Tonkin
Mr. Heal	Mr. May
Mr. J. Hegney	*(Teller.)*

Pairs.

Ayes.	Noes.
Mr. Mann	Mr. Moir
Mr. Nimmo	Mr. Jamieson
Sir Ross McLarty	Mr. Nulsen
Mr. Watts	Mr. Sewell

Majority for—2.

Clause thus passed.

Clause 11—Office of registrar:

Mr. HAWKE: This clause is the key clause to most of clauses 11 to 16 inclusive. Should the Committee not agree to establish an office by the name of Registrar of Trade Associations, then the other clauses to which I have referred—indeed all the rest of the clauses in the Bill, I think—will be of no effect and the Government will have to abandon every part of the Bill except clause 3.

As has been said the proposed registration of trade associations and all the rest of the rigmarole is quite useless, hopeless, ineffective, and would be a waste of effort, public money, and officers' time. To establish the procedure set out would confer no good whatever upon the public and no protection on smaller traders in relation to unfair trading practices which could be engaged in by some monopolies and combines. Therefore, as Parliament would be wasting its time and the taxpayers' money to go on with the proposals as set out in clause 11, I am very strongly opposed to it and hope it will be defeated.

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

Ayes—20.

Mr. Bovell	Mr. Hutchinson
Mr. Brand	Mr. Lewis
Mr. Burt	Mr. W. A. Manning
Mr. Cornell	Mr. Nalder
Mr. Court	Mr. O'Connor
Mr. Craig	Mr. O'Neil
Mr. Crommelin	Mr. Owen
Mr. Grayden	Mr. Perkins
Mr. Guthrie	Mr. Wild
Dr. Henn	Mr. I. W. Manning
	(Teller.)

Noes—19.

Mr. Andrew	Mr. W. Hegney
Mr. Bickerton	Mr. Kelly
Mr. Brady	Mr. Lawrence
Mr. Evans	Mr. Norton
Mr. Fletcher	Mr. Rhatigan
Mr. Graham	Mr. Rowberry
Mr. Hall	Mr. Toms
Mr. Hawke	Mr. Tonkin
Mr. Heal	Mr. May
Mr. J. Hegney	*(Teller.)*

Pairs.

Ayes.	Noes.
Mr. Mann	Mr. Moir
Mr. Nimmo	Mr. Jamieson
Sir Ross McLarty	Mr. Nulsen
Mr. Watts	Mr. Sewell

Majority for—1.

Clause thus passed.

Clauses 12 to 15 put and passed.

Clause 16—General Powers of Registrar:

Mr. W. HEGNEY: As regards paragraph (b), has the registrar power only to prosecute for offences such as failure to register?

Mr. Perkins: Yes.

Mr. W. HEGNEY: With regard to paragraph (c), has the Attorney-General power to order a refusal to register an agreement or the cancellation of an agreement if it is shown to be contrary to the public interest?

Mr. Perkins: No.

Mr. W. HEGNEY: With regard to paragraph (d), I suppose that the exercise of such other powers would not include power to vary any agreement or alter any of the rules of a trade association?

Mr. Perkins: We do not contemplate exercising discretion regarding the rules, but they have to register.

Mr. W. HEGNEY: The association and the trade agreement would be registered. The registrar would automatically register the association and the agreement, and neither the registrar, the Minister, nor the Attorney-General could take any action at all.

Mr. Perkins: That is so.

Clause put and passed.

Clauses 17 to 23 put and passed.

Clause 24—Agreements which require to be registered:

Mr. W. HEGNEY: Certain types of agreements are enumerated in the British Trade Practices Act; and if members read section 20 of that Act, they will see how ineffective this legislation will be as compared with the British measure. I would also draw members' attention to the New Zealand Act which sets out the categories or types of agreements to be registered; and the list is a much more comprehensive one than the list in this one. A limited number seem to have been lifted from the Act and placed in this legislation.

Mr. Perkins: We did not lift them from that Act.

Mr. W. HEGNEY: I have checked the Bill with the New Zealand Act, and only a few of the types of agreements are set out in this legislation as compared with the New Zealand Act. It shows what a hollow measure this is. The classes of agreements set out in the Bill are the only ones which will require to be registered. In the New Zealand Act the agreements which are required to be registered are set out; and, in addition, application can be made to the registrar to have objectionable features of an agreement withdrawn or cancelled. In that way the interests of the public and traders are conserved.

Now that the clause dealing with the repeal of the existing legislation has been agreed to, the rest of this legislation is useless. This is an attempt to deceive the public, and there is no effective machinery for removing something of an unlawful nature which may appear in a trade agreement. Surely the Government is not going to see such legislation placed on

the statute book; and no matter what type of agreement it is, it must be registered, and no matter how contrary to the public interest the agreement may be, neither the registrar nor the Attorney-General has any redress.

Mr. Perkins: We only aim to bring it into the light of day.

Mr. W. HEGNEY: What then?

Mr. Perkins: It may need further legislation.

Mr. W. HEGNEY: If the Government was sincere in trying to protect the interests of the public; and if the Minister had sufficient interest in the compilation of the Bill, surely they would have seen that a safeguarding clause from the New Zealand and British Acts was included?

Mr. Perkins: There are considerable difficulties in grafting it on.

Mr. W. HEGNEY: Any member in this Chamber, including the member for Subiaco, would be able to draft a Bill in two minutes by merely lifting the provision from the New Zealand or British Acts. This Bill does not deceive me, and I do not think it will deceive the public. The Minister has admitted it will require further legislation, and that indicates a sop to please the Country Party.

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

Ayes—20.

Mr. Bovell	Mr. Hutchinson
Mr. Brand	Mr. Lewis
Mr. Burt	Mr. W. A. Manning
Mr. Cornell	Mr. Nalder
Mr. Court	Mr. O'Connor
Mr. Craig	Mr. O'Neil
Mr. Crommelin	Mr. Owen
Mr. Grayden	Mr. Perkins
Mr. Guthrie	Mr. Wild
Dr. Henn	Mr. I. W. Manning *(Teller.)*

Noes—19.

Mr. Andrew	Mr. W. Hegney
Mr. Bickerton	Mr. Kelly
Mr. Brady	Mr. Lawrence
Mr. Evans	Mr. Norton
Mr. Fletcher	Mr. Rhatigan
Mr. Graham	Mr. Rowberry
Mr. Hall	Mr. Toms
Mr. Hawke	Mr. Tonkin
Mr. Heal	Mr. May
Mr. J. Hegney	*(Teller.)*

Pairs.

Ayes.	Noes.
Mr. Mann	Mr. Moir
Mr. Nimmo	Mr. Jamieson
Sir Ross McLarty	Mr. Nulsen
Mr. Watts	Mr. Sewell

Majority for—1.

Clause thus passed.

Clauses 25 to 27 put and passed.

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

Mr. GRAHAM: The Government's justification for all the clauses after clause 3 is that it serves some useful purpose for the rules of the trade associations to be known. That being so, surely it is desirable that the trade associations be compelled to register. One of the recommendations of the Royal Commission which inquired into this matter is at page 16 of its report. In the last paragraph we find the following:—

> (11) that when the Registrar makes any report to the Minister as provided in recommendation (10), the Minister may direct the Registrar to take proceedings in respect of the complaint which may be heard before a stipendiary magistrate.
>
> Penalty: Not exceeding £250 for a first offence, and £500 for a second and subsequent offence.

Mr. Perkins: I can explain that.

Mr. GRAHAM: Unless I am given sufficient reasons I will move to delete "One hundred pounds" appearing in line 31 for the purpose of bringing the amendment to conform with the Honorary Royal Commission's report.

Mr. PERKINS: I understand this is a continuing penalty. If a trade association had not registered it would commit an offence and be liable to a maximum penalty of £100, which would indicate that it should register. If it did not register immediately, it could be prosecuted again; and there would be no future for such association unless it complied with the law and registered, because it would be committing a series of offences by continuous failure to register. The penalty is sufficient to enforce compliance with the law. We did have it that an association could be registered under this Act, but the advice of the Crown Law Department was that it was desirable to retain registration under the incorporation Act.

Mr. Graham: Would trade associations have to register under the incorporation Act?

Mr. PERKINS: I think so; but those liable to be registered under that Act would have to be registered under this Act as well.

Mr. GRAHAM: I am sorry the Attorney-General is not here to confirm the Minister's belief. As I read it, it is not a recurring penalty.

Mr. Perkins: I am certain of that.

Mr. GRAHAM: As a rule, in local government statutes there is provision for a penalty, and then a daily penalty thereafter. Can the member for Subiaco indicate whether the words "Penalty: One hundred pounds" imply that this penalty can be imposed every day during which the offence is continued? The unanimous recommendation of the Honorary Royal Commission was that the penalty should be very severe.

Mr. GUTHRIE: Clause 28 (2) applies not only to a trade association but to every member of the association. If there are 25 members, each is liable to the penalty prescribed. In my view, if there

is a continuing offence it becomes a new offence each day during which the association fails to register. Under the income tax law, if a person fails to file a return a penalty is inflicted, and another penalty can also be inflicted if he fails to file one the following week or the following month. The reason for having a daily penalty under the Health Act or the Public Works Act is that a building may be in a dangerous condition and has to be demolished. If there is danger to the public there is a need for a daily penalty. When the legislators provided for a daily penalty they visualised that the failure to comply with the law could be dangerous to the public. The fact that the law does not refer to a daily penalty does not mean that the offence cannot be regarded as a new offence each day.

Clause put and passed.

Clause 29—Application for registration by trade association:

Mr. HAWKE: This clause proposes to set up a form of bureaucracy. No advantage will accrue to anyone under it, and no protection is to be given to the public or to traders. It lays down that a trade association must make application for registration and that the application shall set out certain details.

Bureaucracy can be justified in some circumstances. It was a term which some members of the present Government used frequently when they were in Opposition. Where bureaucracy is set up to the advantage of the community or to protect the weak against the strong, then there is some justification to set up a system under which people can be compelled by law to do certain things.

The Bill proposes to set up a bureaucracy which will compel organisations to take certain steps. After all the expenditure has been incurred and the effort shouldered by those concerned, there would be no benefit accruing to anyone, and no protection available to those who need protection. So this clause proposes to set up a useless and expensive bureaucracy which will be nothing but a nuisance to those compelled to do the things under the law. The proposition covered by clauses 4 to 41 inclusive is an insult to Parliament. Parliament should not waste time in considering it. For that reason I oppose the clause.

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

Ayes—20.

Mr. Bovell	Mr. Hutchinson
Mr. Brand	Mr. Lewis
Mr. Burt	Mr. W. A. Manning
Mr. Cornell	Mr. Nalder
Mr. Court	Mr. O'Connor
Mr. Craig	Mr. O'Neil
Mr. Crommelin	Mr. Owen
Mr. Grayden	Mr. Perkins
Mr. Guthrie	Mr. Wild
Dr. Henn	Mr. I. W. Manning
	(Teller.)

Noes—19.

Mr. Andrew	Mr. W. Hegney
Mr. Bickerton	Mr. Kelly
Mr. Brady	Mr. Lawrence
Mr. Evans	Mr. Norton
Mr. Fletcher	Mr. Rhatigan
Mr. Graham	Mr. Rowberry
Mr. Hall	Mr. Toms
Mr. Hawke	Mr. Tonkin
Mr. Heal	Mr. May
Mr. J. Hegney	*(Teller.)*

Pairs.

Ayes.	Noes.
Mr. Mann	Mr. Moir
Mr. Nimmo	Mr. Jamieson
Sir Ross McLarty	Mr. Nulsen
Mr. Watts	Mr. Sewell

Majority for—1.

Clause thus passed.

Clauses 30 to 41 put and passed.

New Clause 42:

Mr. GRAHAM: I move—

Page 20—Add the following to stand as clause 42:—

This Act shall continue in operation until the thirty-first day of December, one thousand nine hundred and sixty-two and no longer.

I will read from page 17 of the report of the Honorary Royal Commission—

> The opinion of the majority of your Commissioners is that the incidence of the restrictive practices to which we have referred, at present is comparatively limited in this State and in these circumstances it is to be expected that legislation such as is proposed will be sufficient—
>
> (i) to bring such practices under public notice;
>
> (ii) to restrain their extension; and
>
> (iii) to enable Parliament say in the next three years to ascertain if these opinions prove correct and if not, to consider amendments to the legislation calculated to produce the desired results.

If this new clause is accepted it will ensure that the legislation will come back to Parliament for review; and if Parliament does not feel disposed to re-enact this rather innocuous series of clauses from 4 to 41 we will revert to the original statute which, of course, could be amended.

Mr. PERKINS: I cannot accept this new clause. I agree that this is experimental legislation and we will probably have to have another look at it, particularly if it is as useless as some members of the Opposition fear. Later on, amendments may be desirable, and it will be necessary for Parliament to take further action. I oppose the new clause.

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

Ayes—19.	
Mr. Andrew	Mr. W. Hegney
Mr. Bickerton	Mr. Kelly
Mr. Brady	Mr. Lawrence
Mr. Evans	Mr. Norton
Mr. Fletcher	Mr. Rhatigan
Mr. Graham	Mr. Rowberry
Mr. Hall	Mr. Toms
Mr. Hawke	Mr. Tonkin
Mr. Heal	Mr. May
Mr. J. Hegney	*(Teller.)*

Noes—20.	
Mr. Bovell	Mr. Hutchinson
Mr. Brand	Mr. Lewis
Mr. Burt	Mr. W. A. Manning
Mr. Cornell	Mr. Nalder
Mr. Court	Mr. O'Connor
Mr. Craig	Mr. O'Neil
Mr. Crommelin	Mr. Owen
Mr. Grayden	Mr. Perkins
Mr. Guthrie	Mr. Wild
Dr. Henn	Mr. I. W. Manning *(Teller.)*

Pairs.	
Ayes.	Noes.
Mr. Moir	Mr. Mann
Mr. Jamieson	Mr. Nimmo
Mr. Nulsen	Sir Ross McLarty
Mr. Sewell	Mr. Watts

Majority against—1.

New clause thus negatived.

Schedule put and passed.

Title put and passed.

Report

Mr. PERKINS: I move—

That the Chairman do now report the Bill to the House.

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

Ayes—20.	
Mr. Bovell	Mr. Hutchinson
Mr. Brand	Mr. Lewis
Mr. Burt	Mr. W. A. Manning
Mr. Cornell	Mr. Nalder
Mr. Court	Mr. O'Connor
Mr. Craig	Mr. O'Neil
Mr. Crommelin	Mr. Owen
Mr. Grayden	Mr. Perkins
Mr. Guthrie	Mr. Wild
Dr. Henn	Mr. I. W. Manning *(Teller.)*

Noes—19.	
Mr. Andrew	Mr. W. Hegney
Mr. Bickerton	Mr. Kelly
Mr. Brady	Mr. Lawrence
Mr. Evans	Mr. Norton
Mr. Fletcher	Mr. Rhatigan
Mr. Graham	Mr. Rowberry
Mr. Hall	Mr. Toms
Mr. Hawke	Mr. Tonkin
Mr. Heal	Mr. May
Mr. J. Hegney	*(Teller.)*

Pairs.	
Ayes.	Noes.
Mr. Mann	Mr. Moir
Mr. Nimmo	Mr. Jamieson
Sir Ross McLarty	Mr. Nulsen
Mr. Watts	Mr. Sewell

Majority for—1.

Question thus passed.

Bill reported without amendment and the report adopted.

Third Reading

MR. PERKINS (Roe—Minister for Labour): I move—

That the Bill be now read a third time.

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

Ayes—21.	
Mr. Bovell	Mr. Lewis
Mr. Brand	Mr. W. A. Manning
Mr. Burt	Mr. Nalder
Mr. Cornell	Mr. O'Connor
Mr. Court	Mr. O'Neil
Mr. Craig	Mr. Owen
Mr. Crommelin	Mr. Perkins
Mr. Grayden	Mr. Roberts
Mr. Guthrie	Mr. Wild
Dr. Henn	Mr. I. W. Manning
Mr. Hutchinson	*(Teller.)*

Noes—19.	
Mr. Andrew	Mr. W. Hegney
Mr. Bickerton	Mr. Kelly
Mr. Brady	Mr. Lawrence
Mr. Evans	Mr. Norton
Mr. Fletcher	Mr. Rhatigan
Mr. Graham	Mr. Rowberry
Mr. Hall	Mr. Toms
Mr. Hawke	Mr. Tonkin
Mr. Heal	Mr. May
Mr. J. Hegney	*(Teller.)*

Pairs.	
Ayes.	Noes.
Mr. Mann	Mr. Moir
Mr. Nimmo	Mr. Jamieson
Sir Ross McLarty	Mr. Nulsen
Mr. Watts	Mr. Sewell

Majority for—2.

Question thus passed.

Bill read a third time and transmitted to the Council.

BILLS (3)—RETURNED

1. Metropolitan Region Improvement Tax Bill.
   With requested amendments.
2. Traffic Act Amendment Bill (No. 4).
   With amendments.
3. Builders' Registration Act Amendment Bill.
   Without amendment.

ART GALLERY BILL

Council's Further Message

Message from the Council received and read notifying that it had agreed to the report of the conference managers.

ADJOURNMENT—SPECIAL

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

That the House at its rising adjourn till 3 p.m. today.

Question put and passed.

House adjourned at 5.38 a.m. (Wednesday)