The Hon. G. C. MacKINNON: I do not doubt that. I think it really is time the parent Act was examined by competent health advisers. The proposed amendments are similar to those I attempted to introduce in this place. I suggest we disagree with the motion put forward by Mr. Claughton, and support the amendments as proposed by the Legislative Assembly.

The Hon. D. J. WORDSWORTH: I am very disappointed that the Legislative Assembly has been so conservative in the presentation of its amendments. I always thought it was the Legislative Council which had the reputation for being narrow minded, but I feel the amendments proposed by the Legislative Assembly are completely unacceptable to this Committee.

I find it inconceivable that a Parliament which makes liquor laws, and other laws, should suddenly presume that the whole populace is well educated when it comes to contraception. I commend the Church of England for the letter which it wrote to Mr. Claughton.

It seems that some members fear the newspapers will be filled with indecent advertisements. Should that occur those advertisements could be policed under the provisions of the Indecent Publications Act. We are living in a world completely different from that which existed when the Act was first written in 1935. Our whole outlook has broadened, and that is illustrated by the type of legislation which is now being introduced, and the illustrations which appear in books and newspapers. Those illustrations were completely unacceptable in earlier years.

It is definitely time to up-date this matter of advertising, both for the benefit of family clinics and for the benefit of those who wish to practise contraception. The Minister for Police has already mentioned that the proposed amendments were introduced by a doctor in another place. I might add that I have received letters from people who happened to see that doctor on television when he tried to defend the amendments. I was amazed at some of the opinions expressed by women who thought that the conservative views in another place were quite ridiculous. I think Mr. Claughton has done an admirable job, and I support his proposal.

The Hon. R. F. CLAUGHTON: I would like to thank those members who have spoken in support of the Bill. I know the Minister for Health in another place spoke very strongly in favour of my Bill. He also described the situation as it exists overseas. I would like to be able to repeat what he said to me privately after the amendments had been introduced in another place.

The Hon. J. Dolan: We can only take what is written.

The Hon. R. F. CLAUGHTON: That is true. I know that in England problems do exist but we are trying to avoid those problems. I will leave the decision to the Committee.

Question put and passed; the Assembly's amendments not agreed to.

Report, etc.

Resolutions reported and the report adopted.

A committee consisting of The Hon. J. M. Thomson, The Hon. W. R. Withers, and The Hon. R. F. Claughton drew up reasons for not agreeing to the amendments made by the Assembly.

Sitting suspended from 9.26 to 9.47 p.m.

Reasons adopted and a message accordingly returned to the Assembly.

House adjourned at 9.48 p.m.

Legislative Assembly

Wednesday, the 25th October, 1972

The SPEAKER (Mr. Norton) took the Chair at 2.15 p.m., and read prayers.

CHERRITA PTY. LTD.

Tabling of File

MR. T. D. EVANS (Kalgoorlie—Attorney-General) [2.17 p.m.]: Yesterday I was asked by the member for Mt. Hawthorn whether I would table the file from the Companies Office relating to Cherrita Pty. Ltd. I advised I would check on the availability of the file and, having regard for any inconvenience caused to the Companies Office, I would endeavour to make a copy available in the Chamber this afternoon.

In view of the possible interest of members of the community in general and also of members of Parliament, I now have a certified copy of the file signed by the Deputy Registrar of Companies, which I am prepared to table.

The file was tabled (see paper No. 446).

QUESTIONS (26): ON NOTICE

1. DAIRYING

Single Industry Authority: Cost

Mr. I. W. MANNING, to the Minister for Agriculture:

(1) Has a cost survey been undertaken to ascertain the cost of operation of the single authority dairy industry Act?

(2) If so, what is the estimated total annual cost to the dairy industry?

(3) If "No" to (1), will he have a cost survey undertaken immediately and inform Parliament accordingly?

Mr. H. D. EVANS replied:

(1) No.

(2) and (3) The proposed Dairy Industry Act will rationalise functions at present carried out by the Milk Board, Dairy Products Marketing Board and the Dairy Products Supervision Section of the Department, and annual costs to the dairy industry for these functions are unlikely to be significantly different to the combined costs of the above groups.

The only additional costs which the proposed authority might incur would be in functions not at present carried out, e.g., milk promotion. Any such additional activity would be of general benefit to the industry.

2. KARRAKATTA CEMETERY

Board Members

Sir CHARLES COURT, to the Minister representing the Minister for Local Government:

(1) Who are the current members of the Karrakatta Cemetery Board and what were the dates of their appointment?

(2) What is the occupation of—or the interests represented by—each of the members of the board?

Mr. TAYLOR replied:

(1) and (2)—

Karrakatta Cemetery Board

		Occupation or interests
Sir Thomas Meagher	1951	Not recorded.
Donald J. Chipper	1949	Not recorded.
W. R. Read	1954	Not recorded.
C. L. Howard	1965	Not recorded.
W. McM. Brown	1972	Assurance Representative.
G. H. Dench	1972	Secretary, Municipal Road Board Employees' Union.
G. D. Brown	1972	Secretary, Metropolitan Timber Yard Employees' Union.
L. N. Wende	1972	W.A. Opticians Associate.
J. E. Skidmore	1972	Federated Millers and Mill Employees' Association.

The trustees as such do not represent any particular organisations.

3. *This question was postponed.*

4. HISTORICAL BUILDINGS

Preservation: Legislation

Mr. MENSAROS, to the Minister for Cultural Affairs:

(1) Is it a fact that legislation is being prepared to preserve historical buildings?

(2) If so, what form of compensation, if any, is being proposed to owners for lost capital value?

Mr. J. T. TONKIN replied:

(1) No.

(2) Answered by (1).

5. TRAFFIC

Seat Belts

Mr. MENSAROS, to the Minister representing the Minister for Police:

(1) Is there any conclusive evidence that legislation and regulations making compulsory the wearing of seat belts resulted in the saving of lives at accidents?

(2) If so, how many cases could such evidence apply to since the coming into force of the regulations—

(a) in the metropolitan area;

(b) in the country?

Mr. MAY replied:

(1) No overall conclusive evidence can be assessed that the compulsory wearing of seat belts has resulted in the saving of lives at accidents, as this, from a practicable application, would be impossible to assess.

However, investigation of accidents has led to the firm opinion that the fatal and serious injury accident rate has been reduced and this is supported by the nature of the injuries shown on the casualty returns received at the accident inquiry section, Perth.

Further, an extract from the St. John Ambulance Association's annual report of 1972, states, "The demand for ambulance services continues to grow and in the year 1971-72, headquarter's ambulances attended 17,020 (16,480) calls, transporting 21,005 (20,077) cases, whilst the overall figures constitute an increase of 540 calls and 928 cases on those for 1970-71, the breakdown shows a most dramatic aspect to be a reduction of accident cases by 687 (18.53%)."

Additionally, figures from all States, following compulsory wearing of seat belts, have shown a marked decrease in seriously injured persons.

(2) (a) and (b) Answered by (1) above.

6. ELECTORAL ACT

Amendment

Mr. MENSAROS, to the Attorney-General:

Is it intended to amend the Electoral Act to—

(a) have a dual roll with the Commonwealth;

(b) show party denominations on ballot papers; and

(c) make it unlawful to use "how to vote" cards on polling day?

Mr. T. D. EVANS replied:

(a) A decision on the adoption of a Commonwealth/State joint electoral roll system will be made when the report on the survey now being carried out by the State Chief Electoral Officer and the Commonwealth Electoral Officer for Western Australia is received.

(b) and (c) It is anticipated that a Bill for these amendments will be presented in 1973.

7. PRE-SCHOOL EDUCATION

Report of Magistrate Nott

Mr. R. L. YOUNG, to the Minister for Education:

(1) Has he read Magistrate Nott's report on pre-school education in Western Australia?

(2) When will he make the report public?

Mr. T. D. EVANS replied:

(1) Yes.

(2) It is intended to table the report in Parliament next week.

8. *This question was postponed.*

9. HOUSING

Narrogin

Mr. W. A. MANNING, to the Minister for Housing:

(1) How many applicants are now waiting the allocation of rental homes in Narrogin?

(2) Is there a shortage of houses with three or more bedrooms?

(3) If so, what are the details?

(4) What contracts are to be let for the erection of houses?

Mr. Taylor (for Mr. BICKERTON) replied:

(1) 25.

(2) No.

(3) Two Aboriginal families are listed for four bedroom and five other families for three bedroom houses.

Currently there are four three bedroom accommodations vacant and under maintenance and the vacancy rates for Narrogin were 51 in 1970-71 and 48 in 1971-72 with twelve houses being vacated so far in 1972-73.

(4) Nil. The construction programme in all country centres is kept under review in the light of applications received and turnover of tenancies.

10. FORESTS

Railway Sleepers

Mr. REID, to the Minister for Forests:

(1) How many sleepers of all sizes were—

(a) cut in Western Australia;

(b) exported from Western Australia,

in the years ended 30th June, 1969, 1970, 1971 and 1972?

(2) What percentage of the total sawn timber did the answers to (1) (a) represent?

Mr. H. D. EVANS replied:

(1) and (2)—

Year ended	Total sleepers cut in W.A.	Sleepers exported overseas	Sleepers exported interstate (incl. Clwth. railways)	Total sleepers exported
30th June, 1969	1,050,467	95,741	383,547	479,288
30th June, 1970	1,312,496	148,961	356,470	505,431
30th June, 1971	1,336,199	184,430	251,275	435,705
30th June, 1972	1,221,798	227,233	147,951	375,184

Percentage of total sawn timber for sleepers cut in W.A.

	%
June 30, 1969	15.2
June 30, 1970	17.2
June 30, 1971	22.2
June 30, 1972	18.8

11. FORESTS

Availability of Land to Farmers

Mr. REID, to the Minister for Forests:

(1) What is the policy of the Government regarding making State forest available to farmers who are completely surrounded by State forest yet whose fully developed holdings fall below the level of a viable unit?

(2) Can he offer any constructive suggestions for assistance to many such farmers living in isolated and scattered parts of the south-west?

Mr. H. D. EVANS replied:

(1) There is no set policy, each application is dealt with on its merits. However there is a limited area set aside as State forest and this must be protected for the growth of timber.

(2) The only solution to this problem would appear to be the amalgamation of similar areas by exchange or purchase.

12. DAIRYING

Milk Vendors and Licenses

Mr. NALDER, to the Minister for Agriculture:

(1) How many milk vendors operate—
  (a) in the metropolitan area;
  (b) in country areas?

(2) What is the total number of householders that they serve and what is the gallonage—
  (a) in the metropolitan area;
  (b) in country areas?

(3) How many retail shops do the milk vendors serve and what is the gallonage—
  (a) in the metropolitan area;
  (b) in country areas?

(4) How many institutions do the milk vendors serve and what is the gallonage—
  (a) in the metropolitan area;
  (b) in country areas?

(5) How many milk vending licenses are held by treatment plants and are operated or leased by them—
  (a) in the metropolitan area;
  (b) in country areas?

(6) How many retail shops are served by treatment plants and what is the total gallonage?

Mr. H. D. EVANS replied:

(1) (a) 217.
  (b) 86.

(2) The number of householders is not available and population figures are stated in lieu.

	Population census June 1971	Average daily sales of milk as milk and cream year ended 30th June, 1972
(a)	701,392	54,463 gallons
(b)	252,759	12,999 gallons

(3) (a) 1,433.
  (b) 751.
  Details of gallonage sold through shops are not available.

(4) Not available.

(5) (a) 91 milkman's licenses and 103 milkman's licenses—restricted.
  (b) 41 milkman's licenses and 1 milkman's license—restricted.

(6) Not available.

13. STANDING ORDER 231

Tabling of Papers

Sir CHARLES COURT, to the Speaker:

With reference to Standing Order 231 will he please clarify the procedure and the position if, after such a resolution was moved and passed, His Excellency still did not consider the papers concerned, such as, for example, the dossier recently lodged with him on a confidential basis by a private person should be tabled?

The SPEAKER replied:

This is a hypothetical question and therefore inadmissible. I suggest the Leader of the Opposition read pages 1375 and 1376 of volume 14 of *Hansard* 1899 for a possible answer to his question.

14. BROOME HIGH SCHOOL

Extensions

Mr. RIDGE, to the Minister for Education:

(1) Is it anticipated that the recently announced extensions to the Broome Junior High School will be completed prior to the commencement of the 1973 school year?

(2) Will the proposed new buildings be airconditioned in accord with Government policy?

(3) If not, why not?

Mr. T. D. EVANS replied:

(1) Yes.

(2) and (3) The Public Works Department is investigating the most suitable form of cooling to be incorporated into the new extensions.

15. WYNDHAM JETTY

Improvements

Mr. RIDGE, to the Minister for Works:

(1) What improvements will be effected to the Wyndham jetty during the current financial year?

(2) When will tenders be called for the work in question?

Mr. JAMIESON replied:

(1) Improvements which will be effected to the Wyndham jetty this year will include the replacement of the timber deck in the northern berth with steel and concrete, and the extension of the dredged basin in front of the berth southwards.

(2) Work is being carried out by day labour, dredging is in progress, and preliminary work has commenced on the replacement of timber deck with steel and concrete.

16. HOUSING

Aborigines: Village Concept

Mr. RIDGE, to the Minister for Housing:

(1) What type of materials will be used in construction of the "village concept" Aboriginal houses?

(2) Will he table plans of one of the proposed villages and also floor plans of the various types of houses which are proposed?

Mr. Taylor (for Mr. BICKERTON) replied:

(1) Selection of materials has taken into account—durability, ease of erection, availability and the special requirements of those to be housed. Materials proposed are concrete raft floor, steel framing sandwich panels of asbestos cement sheet filled with polyurethane foam, corrugated galvanised iron roof over ceilings the same material as wall panels and metal doors and shutters.

Sanitary ware is to be stainless steel. Hot water system, solid fuel and a specially designed cooking facility fired with solid fuel or kerosene.

(2) Each village will be designed to a plan adapted to the special requirements of the locality. This is to be achieved by variations to the diagrammatic plan prepared as a basis for the village concept. This plan, together with sketches and floor plans of dwelling units, is tabled.

The plan was tabled (See paper No. 447).

17. WILUNA RESEARCH STATION

Cost

Mr. COYNE, to the Minister for Agriculture:

(1) What was the initial cost of the building in Wiluna which houses Department of Agriculture office and living quarters?

(2) How much money has been spent on the building by way of maintenance and additions thereto since the department established itself in Wiluna?

(3) What was the cost of establishing the research station in Wiluna?

(4) What amount of money has been expended by the department on research in the Wiluna area including aggregate wages and salaries since its inception?

(5) What advantages is it envisaged will accrue from the re-establishment of the base of operations at Meekatharra instead of its present site of Wiluna?

Mr. H. D. EVANS replied:

(1) $6,000.

(2) $85,000.

(3) Approximately $25,000.

(4) Approximately $415,000 since 1955. This includes the cost of pastoral research and advisory activities in the Kalgoorlie, Wiluna and Yalgoo areas.

(5) A district office at Meekatharra will be more centrally located for the central mulga zone. It will allow a more efficient service to pastoralists and will reduce annual operating costs. The area north of Leonora is now being serviced through the recently established Kalgoorlie pastoral advisory office. The stock inspector will be located at a major transport and transhipping centre.

18. TOWN PLANNING

Busselton: Board Restrictions

Mr. BLAIKIE, to the Minister for Town Planning:

(1) Has the Town Planning Board recently made a recommendation that no further subdivisions will be approved in the Busselton Shire area unless the subdivider provides for blocks to be fully reticulated?

(2) If so, what other areas of this State are subject to this requirement?

Mr. H. D. Evans (for Mr. DAVIES) replied:

(1) The Town Planning Board recently resolved that it would require water reticulation henceforth as a condition of subdivision between Dunsborough townsite and Busselton townsite. Where water cannot be made available, subdivision would be refused until such time as there were mains in the area. The board may, in exceptional circumstances, vary this requirement. This policy does not apply to the subdivision of land for farming purposes elsewhere in the Shire of Busselton.

(2) Similar policies have been applied elsewhere. There are now no coastal townsites where sizeable areas of freehold land may be subdivided which do not have water supply schemes. Outside townsites, intending subdividers have been required in recent years to extend mains to their land or to find water and construct headworks in addition to providing reticulation. Such examples include subdivisions in the Shires of Greenough, Waroona and Harvey. There are now few places where water reticulation is not a condition of coastal residential subdivision.

19. HOSPITALS

Country: Capacity and Bed Average

Mr. BLAIKIE, to the Minister for Health:

(1) What is the bed capacity at the following country hospitals—

Augusta,
Busselton,
Bridgetown,
Dalwallinu?

(2) What is the daily bed average of each hospital?

Mr. H. D. Evans (for Mr. DAVIES) replied:

(1) Augusta—11 (including 3 in day room).
Busselton—43.
Bridgetown—31.
Dalwallinu—20.

(2) For the year ended 30th June, 1972—
Augusta—6.5.
Busselton—24.3.
Bridgetown—18.1.
Dalwallinu—12.0.

20. HOSPITAL

Busselton: Plans and Site

Mr. BLAIKIE, to the Minister for Health:

(1) Has the planning and land resumption been completed for the proposed Busselton hospital?

(2) Is it proposed to establish a geriatrics unit in conjunction with this project?

(3) If "No" to (1), would he provide details on which items have not been concluded and any reasons for the delay?

Mr. H. D. Evans (for Mr. DAVIES) replied:

(1) Negotiations are in final stages for acquiring the last area required.

(2) Yes, but it is doubtful whether this can be included in the first stage of building.

(3) Not applicable.

21. MARGARINE

Production, Consumption, and Imports

Mr. BLAIKIE, to the Minister for Agriculture:

(1) What is the current State production of all types of margarine, by classification?

(2) What is the consumption of margarine in this State?

(3) What is the amount of margarine of all types by classification imported to this State in each year since 1969?

Mr. H. D. EVANS replied:

(1) For the year 1971-72 production was—

	Tons
Table margarine	814
Cooking margarine	Nil

Current annual permitted production is 800 tons for table margarine.

(2) Estimated consumption of margarine for 1971-72 was—

	Tons
Table margarine	1,651
Cooking margarine	2,344

(3) Table margarine—
1969-70—596 tons.
1970-71—731 tons.
1971-72—837 tons.

Cooking margarine—
1969-70—2,101 tons.
1970-71—2,076 tons.
1971-72—2,344 tons.

Total imported—
1969-70—2,697 tons.
1970-71—2,807 tons.
1971-72—3,181 tons.

The total amount of margarine imported has been obtained from Bureau of Census and Statistics data; the amount of table margarine imported has been obtained from the Dairy Products Marketing Board.

22. TOWN PLANNING

Rockingham: Rezoning

Mr. RUSHTON, to the Minister for Town Planning:

(1) Has a subdivision contrary to the Shire of Rockingham's proposed town plan zoning been approved for T. M. Burke Pty. Ltd. prior to the completion of time for hearing of objections?

(2) (a) On what date were these subdivisions approved;
(b) what was the acreage involved;
(c) what were the reasons for approval?

(3) Will he table a plan showing the relationship of the rezoned areas to other shire zoning and to Warnbro Sound?

(4) What is the width and the proposed use of the land between Warnbro Sound and the subdivisions?

(5) Has the Shire of Rockingham objected to these rezonings?

Mr. H. D. Evans (for Mr. DAVIES) replied:

(1) No.

(2) Answered by (1).

(3) The Rockingham town planning scheme is on public exhibition at the offices of the Rockingham Shire and at the Town Planning Department until Friday, 27th October next. All zoning proposals are shown in this scheme.

(4) As shown in the Rockingham town planning scheme. Existing subdivisions are to the east of Fendam Street.

(5) It is not clear to which rezoning the member is referring. In any case the number and nature of the objections lodged will not be known until after the objection period expires on 27th October.

23. EDUCATION

Free Books Scheme

Mr. RUSHTON, to the Minister for Education:

(1) What was the number of staff and employees on 1st March, 1971 and 1st October, 1972 of—

(a) curriculum research branch of the Education Department;

(b) Government Printing Office;

(c) education supplies branch?

(2) What has been the cost of additions of buildings and plant and materials for (a), (b) and (c) mentioned in (1) since 1st March, 1971?

(3) What was the cost of packing and distributing by taxi trucks, etc., the readers, dictionaries and atlases to schools in 1972?

Mr. T. D. EVANS replied:

Since these questions are virtually identical with 5, 6 and 7 respectively of Notice Paper 19 of 18th October, 1972, which were deferred, it is assumed that the following will serve as answers for both purposes:—

(1) (a) 1st March 1971—38 persons of whom 18 were engaged in full-time curriculum duties.

1st October 1972—48 persons of whom 30 were engaged in full-time curriculum duties.

(b) The number and salaries of staff of the Government Printing Office is not the province of the Education Department.

(c) 1st March, 1971—58 staff.

1st October, 1972—102 staff.

(2) No itemised figures on costs of buildings, plant and material are available. Since the 1st March, 1971 the curriculum branch and the education supplies branch have been re-located in leased premises. The cost of buildings and plant at the Government Printing Office is not the province of the Education Department.

(3) These costs cannot be accurately assessed. The rounds performed by the private carriers included delivery of requisites other than books mentioned in the question.

24. ELECTRICITY SUPPLIES

Albany Area: Contemplated Projects

Mr. COOK, to the Minister for Electricity:

(1) With the recent switching on of the additional high tension line between Kojonup and Albany has the State Electricity Commission any major project planned for the Albany area?

(2) If so, would he give details, particularly with regard to the type of project, cost, date of commencement, employment opportunities, etc.?

Mr. MAY replied:

(1) No, the second line to Albany is not being constructed because of any particular project, but merely to meet the steady and continuous growth of demand for electricity which is occurring at Albany.
The line now being built has been timed for completion at about the time the demand in Albany has reached the maximum of the existing line.

(2) See (1) above.

25. EDUCATION

Speed Reading

Mr. THOMPSON, to the Minister for Education:

(1) Has consideration been given to teach speed reading in State high schools?

(2) If not, will he investigate the introduction of speed reading so that school leavers will be better equipped to cope with the ever increasing amount of reading material?

Mr. T. D. EVANS replied:

(1) and (2) Yes. Consideration is given to all kinds of material designed for the improvement of reading. Speed reading has not been introduced on an extensive scale although some secondary schools have acquired the equipment necessary and have used it as part of the English course.

Reading laboratory equipment is used in all schools to develop comprehension and increase reading speed. This is preferred to speed reading equipment which is considered to be of more limited value.

26. PICKERING BROOK SCHOOL

Ground Improvements

Mr. THOMPSON, to the Minister for Education:

Bearing in mind that an undertaking was given in reply to question 21 on 10th May, 1972 for ground works at Pickering Brook school to be done early in this financial year, will he state when the improvements will be made?

Mr. T. D. EVANS replied:

The Public Works Department has been requested to proceed with the work as soon as possible but no definite date can be given.

QUESTIONS (3): WITHOUT NOTICE

1. PRE-SCHOOL EDUCATION

Report of Magistrate Nott

Mr. LEWIS, to the Minister for Education:

Further to his answer to question 7 on today's notice paper, could he indicate when he will make known his decision on the Nott report?

Mr. T. D. EVANS replied:

No, the report is still being examined.

2. COMPREHENSIVE WATER SCHEME

Extensions: Tabling of Papers

Mr. GAYFER, to the Premier:

Would he lay on the Table of the House all relevant correspondence concerning his recent appeal to the Commonwealth Government for the favourable reconsideration of water extensions to the York-Green Hills-Corrigin-Bullaring sector of the comprehensive water scheme?

Mr. J. T. TONKIN replied:

Yes. Copies of relevant letters tabled herewith.

Copies of letters were tabled (see paper No. 448).

3. KARRAKATTA CEMETERY

Board Members

Sir CHARLES COURT, to the Minister representing the Minister for Local Government:

In answering question 2 on today's notice paper, the Minister supplied the names of the members of the Karrakatta Cemetery Board. I have now found that listed on the back of the answer are the names of five additional appointees, all appointed in 1972. Can he explain the sudden increase of five new members to the board, because my understanding is that no existing members have been replaced? If the Minister does not have the information readily at hand, could he make it available to me later?

Mr. TAYLOR replied:

Yes, I do undertake to obtain the information requested. The Leader of the Opposition will appreciate that I do not have it at my fingertips at this moment.

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 3)

Receipt and First Reading

Bill received from the Council; and, on motion by Mr. Taylor (Minister for Labour), read a first time.

FACTORIES AND SHOPS ACT AMENDMENT BILL

Council's Amendment

Amendment made by the Council now considered.

In Committee

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

The amendment made by the Council was as follows:—

Clause 10, pages 3 to 5—Delete the clause.

Mr. TAYLOR: Member may recall that this clause refers to those shops which open outside normal trading hours and seek to gain by publicity through the Press, television, or radio. Some unfortunate instances occurred last summer and it was found difficult under the Act to prosecute those involved because they were able to circumvent the Act. Consequently this clause was inserted in order to overcome the problem.

However, objection was raised in another place and certain amendments were attempted in order to depart from what the Government desired, but at the same time protecting some sections of the communications industry. While making progress in some directions the various amendments suggested opened new loopholes and the Government finally felt it desirable to leave the present provision in the Act rather than agree to amendments which might complicate the situation further. The members who submitted the amendments in another place agreed to withdraw them and the Chamber decided to return to the *status quo* by deleting the clause. I therefore move—

That the amendment made by the Council be agreed to.

Mr. RUSHTON: The Opposition has given considerable consideration to this issue and is in agreement with the proposal for the time being.

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

Report

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

PUBLIC AND BANK HOLIDAYS BILL

Council's Amendments

Amendments made by the Council now considered.

In Committee

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

The amendments made by the Council were as follows:—

No. 1.

Clause 6, page 2, lines 19 and 20—Substitute for the words "the last day that is not a bank holiday before every Saturday" the words "every Friday that is not a bank holiday".

No. 2.

Clause 7, page 3, line 8—Delete the passage "or bank half-holiday, or both".

No. 3.

Clause 7, page 3, lines 13 and 14—Delete the passage "or bank half-holiday, or both".

No. 4.

Clause 7, page 3, line 19—Substitute for the words "one week" the words "three weeks".

No. 5.

Clause 8, page 3, line 33—Substitute for the words "one week" the words "three weeks".

Mr. TAYLOR: Is it permissible to deal with all the amendments together?

The CHAIRMAN: Yes.

Mr. TAYLOR: I move—

That amendments Nos. 1 to 5 made by the Council be agreed to.

Members may recall that this Bill is a consolidation of a number of Acts and provisions relating to holidays. Certain matters came to light in another place. One of these was that under the Bill when a Friday was a holiday the banking hours on the Thursday would be those which would have applied on the Friday; that is, the banks would open until approximately 5.00 p.m.

It was pointed out by an interested organisation that the present procedure of banks on a Thursday when the Friday is a holiday is to close at 3.00 p.m. as usual. It was requested therefore that the Bill be amended to retain the *status quo*. The Government sees no problem at all here and is quite happy to comply with the request.

Clause 7 refers to public half-holidays. This provision was in the Factories and Shops Act. In the amalgamation, it was decided to make it a bank half-holiday. However again this was considered to be a retrograde step by those who enjoy a full bank holiday at present. When this was pointed out the Government expressed no objection and as a result the reference to the bank half-holidays is to be deleted.

Clause 8 contains an amendment which was discussed in this place. I think it was the member for Narrogin who pointed out that the provision of one week's notice in the *Government Gazette* may not be sufficient for a gazetted holiday in a country town to be changed if thought desirable. The wording in the Act referred to one week and I agreed at the time to extend it to three weeks because it was thought more reasonable. I undertook to have the amendment made in another place. This was done and it has been returned to us for confirmation.

All these amendments are minor in nature and are certainly acceptable to the Government.

Mr. RUSHTON: It is interesting at this time to note that errors have been found by another place and the Government has agreed to amendments to correct them. This of course is a good recommendation for the retention of the Legislative Council.

As a matter of fact I mentioned these items to the Minister who said it was not the intention of the Government to make the changes. The amendments were made somehow without any reference to the industry which, of course, reacted quite quickly.

We do not believe that industry should have this provision imposed on it without an opportunity to comment. Members in another place have been most active in obtaining opinions from representatives of industry, and it became quite clear that the proposal was totally unacceptable. Whether it was an error by the draftsman, or an error of judgment by the Minister, the provision crept in.

The amendments made in another place certainly provide evidence in support of the bicameral system of Parliament whereby another body has an opportunity to look at legislation, and to pick up errors. The errors may have been made in good faith but, errors they were. They have been rectified and the Opposition on this occasion appreciates the acceptance by the Government of the amendments.

The issue of Friday closing has been clarified. Having worked in the industry I know what this will mean to bank officers. However, one point which has not been

clarified is that there is no provision for the Show Day holiday. Such a provision existed in the previous legislation. Also, the issue raised by the member for Narrogin has been accepted. We note, with approval, that the amendments are to be accepted.

Mr. TAYLOR: I do not like to put the situation too bluntly, but the comments from the member for Dale are just a lot of rot. Certainly, the fact that the Government has accepted the amendments in no way indicates that there have been any drafting errors, or errors of any type.

Let us recapitulate, firstly, in regard to the trading hours of banks: In practice banks have remained open late on Fridays for the convenience of the community, by and large. I would think that when a Friday becomes a public holiday, such as at Easter, there is even more reason for an extended period during which trading can continue before the holiday.

I am quite aware that my remarks are likely to be passed back to the Bank Officers' Association, but I think in the public interest there is every reason for banks to remain open later on the Thursday evening

Mr. Rushton: The Minister does not understand the industry.

Mr. TAYLOR: For that reason the provision was included in the Bill but it is not vital enough to disrupt the rest of the measure. The Government has no objection to the amendment, but to admit that an error occurred is something entirely different.

Secondly, under the provisions of the Factories and Shops Act it was possible to grant a half-holiday. Half-holidays were granted in country towns on certain occasions. However, it was found that under the Bank Holidays Act half-holidays could not be granted to banks in country towns. The banks had to have a full-day holiday. The fact that the Government has agreed to the proposed amendment means that no longer can a half-holiday be granted in a country town. If a holiday is approved it will have to be a full day. In general, I do not disagree with that provision because there could be some justification for a full-day holiday. However, the member for Dale has to realise that the amendment to cover bank officers will now cover all commercial enterprises in any particular town. Only full-day holidays will be granted.

The third point raised could have been rectified by an amendment in this Chamber. The Bill was allowed to go to another place for amendment because of the desire on my part to check the drafting. The provision was not left in the Bill because of any error. In fact, the member for Narrogin said he would give more consideration to the matter and then give me his opinion. The change from one week to three weeks does not just extend the period to three weeks. Because of the time required to prepare material the period will be extended to something like four or six weeks. While the provision will benefit some country towns, it could be to their disadvantage if it is found necessary to change a holiday.

The amendment will have a two-way effect, but it certainly has not been made because of a drafting error, or any other error. We have accepted the amendments because we consider they are reasonable. Had they not been reasonable they certainly would not have been accepted and, certainly, no errors have occurred. I support the amendments.

Mr. RUSHTON: I am amazed at the utterances of the Minister. I referred these issues to him when the Bill was dealt with in this Chamber and he assured me there was no change. So I was being kind to him when I said that a drafting error could have occurred. The Minister denied there was anything wrong. The Minister now says there is no need for any reference to the industry. He is prepared to make the change. This highlights the attitude of the Government to this issue. I took the Minister's comments in good faith but now they have proved to be worthless.

Mr. Taylor: I must have missed your comments.

Mr. RUSHTON: I spoke to the Minister about this matter and he said there would be no changes.

Mr. Taylor: I said there would be no changes in this?

Mr. RUSHTON: The Minister said there was no need to change the system. That is what worries me. I asked my colleagues in another place to look at this matter, and they discovered there had been a change.

Mr. Taylor: Can the member for Dale say whether or not the whole day bank holiday will help the retail industry?

Mr. RUSHTON: The Minister misled me. He does not know what this means to the bank officials, the bank officers, and the bank employees. I well remember the time when we worked on a half-holiday. Knock-off time might have been 12 o'clock for everyone else in the community, but bank employees worked until 3.00 p.m.

Mr. Taylor: Under the provisions of the Act bank officers cannot get a half-holiday.

Mr. RUSHTON: We worked on Saturday mornings. That was our half-holiday and everyone else had three hours' start on us. The Minister does not realise what 5 o'clock closing will mean to bank employees.

Mr Taylor: Does the honourable member agree that the present hours worked by bank employees are reasonable?

Mr. RUSHTON: Let me answer the question by saying that when banks closed on Saturday mornings certain other public holidays were taken from the bank employees. Why should the bank employees be the only section to have these conditions imposed on them? I object to the Government taking action without any reference to the bank employees.

Mr. Taylor: Has the honourable member checked with the retail traders now that they will have to have a full-day holiday instead of a half-day holiday? Did he consult them?

Mr. RUSHTON: I know how they are affected.

Mr. Taylor: Why did you not consult them?

Mr. RUSHTON: I know of the provision that is made for their convenience. However, the Minister is getting away from the imposition he has placed on this industry; that is, he is prepared to take action without any reference to the industry. The industry had to say, "We think this is a pretty poor show and it is not acceptable," and the Minister then unbent. I thought this was a drafting error because I had received the Minister's assurance that there was no intention of making a change. I am horrified to know it was done deliberately in an attempt to sneak it through and impose it upon these people without any regard for them. Obviously no regard was had for them; the Minister has said so in this Chamber. The Minister might think this is a good thing because he does not want a bicameral system. I hope the bank officers know what a bicameral system means. It means they will not have this imposed upon them.

Mr. T. D. Evans: They were aware of what a bicameral system is when the then member for Leederville sought on three or four occasions to obtain a Saturday morning bank holiday for bank officers.

Mr. RUSHTON: I know what went on.

Mr. Graham: And your fight was with the Liberal Party.

The CHAIRMAN: Order!

Mr. RUSHTON: This disclosure is quite amazing. When I was asked to speak for the Opposition on this occasion, I did not expect to be involved in this argument. To me, it is fantastic that the Minister has the gall to state on this occasion that he had no regard for what he told me previously. He did not even inform the industry that this was to be imposed upon it, and in this Chamber he says he thinks its members should have paid for it. He has no understanding whatsoever of the industry.

Mr. W. A. MANNING: I think someone should pour some oil on troubled waters. A storm seems to have arisen over next to nothing. I do not know whether the member for Dale thinks he will be a bank officer later on.

I thank the Minister for arranging for the amendment he promised me would be moved in the other Chamber. This arrangement was made when I was speaking to the Bill.

As I have the opportunity to do so, I will make another remark in regard to the closing time of banks on the Thursday before Easter. When the amendment for Saturday morning closing and late opening on Friday went through, it was overlooked that the banks would close at 3 o'clock on the Thursday before Easter. As there is a four-day break over Easter, it has been overlooked that the 5 o'clock closing should apply to the Thursday before Easter. It is ridiculous that the banks are open until 5 o'clock prior to a weekend but they close at 3 o'clock on the Thursday before Easter when a four-day break follows.

Mr. Taylor: You are agreeing with my point?

Mr. W. A. MANNING: I entirely agree with the point. This matter needed adjustment. I disagree with the member for Dale

Mr. RUSHTON: As the Minister does not wish to reply, I must answer the member for Narrogin and say that to me he is off the beam. I agree with him that it is acceptable to amend legislation when adequate notice of the change is given, but I cannot understand the member for Narrogin agreeing to the principle that this Chamber should amend legislation without referring to an industry which will be affected by it. My main point is that whatever the change was to be—and it is now obvious that the Government intended to make the change—it should have been referred to the industry. I hope the member for Narrogin agrees with me.

Mr. W. A. Manning: I do not.

Mr. RUSHTON: I think employees are just as important as employers and customers. They are human beings like everyone else, and on this occasion the employees warranted the courtesy of having the matter referred to them. If that is a principle we are giving away, it is not one I will give away. As far as I am concerned, this is a very vital matter of principle. I think the employees had the right to have the matter referred to them.

Mr. TAYLOR: To clear the matter up, the decision of the Government simply was that if there were to be a consolidation of holidays, particularly as they relate to country towns where the special holidays

invariably arise, either all the establishments would be open or all the establishments would be closed. In the amalgamation of the Public and Bank Holidays Bill and the Factories and Shops Act, it is not desirable to have two separate sections dealing with two separate parts. A decision would have had to be made by whichever Government was in office as to whether shops would be open or shut all day in line with banks, or whether banks would have half-holidays in line with shops.

There are three interested sections: firstly, the banks and bank officers; secondly, the commercial enterprises in the town or district; and thirdly, the people.

Mr. Rushton: What about the Public Service?

Mr. TAYLOR: A choice had to be made. From the remarks of the member for Dale, it appears on this occasion the Government has come down solidly on the side of the bulk of the people in allowing the continuation of the half-holiday and ignoring the banks.

Mr. Rushton: That is a lot of rot.

Mr. TAYLOR: By courtesy of the Legislative Council, we have a full holiday where perhaps a half-holiday was requested, so all are affected by the intercession of the bank officers. I have no objection to the full holiday remaining. The Government made a deliberate choice; it was not a question of an error being checked in another place.

Mr. RUSHTON: Mr. Chairman—

The CHAIRMAN: Order! The honourable member has already spoken three times.

Question put and passed; the Council's amendments agreed to.

Report

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

INTERPRETATION ACT AMENDMENT BILL

Council's Amendments

Amendments made by the Council now considered.

In Committee

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

The amendments made by the Council were as follows:—

No. 1.

Clause 3, page 2, line 6—Delete the word "interpretations" and substitute the words "an interpretation".

No. 2.

Clause 3, page 2—Delete the passage commencing with the words "Bank half-holiday" in line 7 to and including the figures "1972" in line 10.

Mr. TAYLOR: I move—

That amendments Nos. 1 and 2 made by the Council be agreed to.

Without going into detail, I advise the Chamber that these amendments are consequential upon those agreed to in the previous Bill.

Mr. RUSHTON: This gives me an opportunity to refer to what the Minister said in regard to the previous legislation. When employees and employers work together to bring about conditions in the industry which will provide for the customers and the employees, if the Minister is prepared to destroy this goodwill I would say he has no interest whatsoever in employees. The Minister has created a farce and a sham with this legislation.

Mr. Jamieson: You will have a stroke in a minute.

Mr. Brown: What a scurrilous attack!

Mr. RUSHTON: The Minister is indicating to the public that he is looking after the interests of the employees; but it is laughable for him to say that when he is prepared to impose such measures upon a group of people who over the years have worked out conditions by negotiation with their staffs. The Minister is prepared by stealth and deceit to impose this measure upon those people. That is totally unacceptable to me. I think the Minister has highlighted the fact that this Government is capable of unlimited action. He professes to be looking after the interests of the workers, but you, Mr. Chairman, having been in the industry at one time, would know that his actions today clearly indicate to the Chamber, the industry, and the people of Western Australia that he has very little regard for the practical application of a fair go.

Question put and passed; the Council's amendments agreed to.

Report

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

HAIRDRESSERS REGISTRATION ACT AMENDMENT BILL

Council's Amendment

Amendment made by the Council now considered.

In Committee

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

The amendment made by the Council was as follows:—

Clause 2, page 3, line 14—Insert a new paragraph (f) as follows:—

(f) by adding after the word "members" in subsection (13) the words "and a question arising at any meeting of the Board shall be determined by a majority of the valid votes of members present at that meeting."; and .

Mr. TAYLOR: The Council's amendment refers to a provision in the Bill which provides for proxy members of the board. The Act, which was enacted in 1946, from memory, included a section which laid down certain procedures in regard to voting on the board. The board has equal representation of master hairdressers and employees of hairdressers.

In the redrafting of that section the Parliamentary Counsel and the advisers of the Government considered the provision to be superfluous, because under modern conditions it is now accepted that certain principles apply in legislation, and need not be written into it.

The matter was raised by the member for Bunbury who asked why the provision had been deleted, and I explained to him at the time. However, members in another place also noted the deletion and decided that the provision should be reinserted. They have requested that an amendment be made. We have been advised that the amendment is superfluous, but we have no objection to it. We do not believe it was a drafting error. I move—

That the amendment made by the Council be agreed to.

Mr. WILLIAMS: I thank the Minister for accepting the amendment. When the second reading took place in this Chamber he was not present, and the Minister for Housing handled the Bill. I raised the query which resulted in this amendment with the Minister for Housing, and he replied at the third reading. His comments may be found on page 2734 of the current *Hansard*. He presented, as a suggested amendment, the amendment we are now dealing with. It clarifies the procedure at meetings of the board, and it will make some people happier.

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

Report

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

PREVENTION OF EXCESSIVE PRICES BILL

In Committee

The Chairman of Committees (Mr. Bateman) in the Chair; Mr. Taylor (Minister for Prices Control) in charge of the Bill.

Clause 1 put and passed.

Clause 2: Commencement—

Sir CHARLES COURT: I think this is an appropriate clause upon which to make clear the attitude of the Opposition in connection with the Committee stage of the Bill. I want to avoid the situation whereby it could be said at a later date that the Opposition was not very interested in the Bill because it did not fight each clause. If that is the desire of the Government, it need only extend an invitation by a nod of the head and we will oblige it. One could really have the time of one's life dealing with all the clauses. However, I wish to make it clear that we are opposed to the Bill.

We have no intention of trying to play around with the clauses, to improve the obnoxious nature of this legislation, or in some other way to lessen its effect. The old saying that is appropriate on this occasion is that one cannot shake hands with a cobra. I said this at the time we were dealing with the unfair trading legislation during the term of office of the Hawke Government. The saying is equally appropriate on this occasion.

I have looked at the amendments which the Minister has placed on the notice paper. They do not appear to change in any way the basic character or philosophy so far as the Government is concerned. They might make the legislation more workable from the Government's point of view, but they do not change the Government's philosophy to which we take exception.

There is not much purpose to be served by arguing about a word being here or there. The important thing is that at the beginning of the Committee stage we want to make it clear that we are opposed to the Bill in its entirety, as evidenced by the way we reacted during the division on the second reading yesterday.

During the Committee stage we may enter into comment and discussion on the various amendments that will be moved. For instance, the member for Narrogin has one amendment which is independent of that proposed by the Minister, and he has given notice of that amendment for an entirely different purpose. We will be merely commenting and discussing the clauses to facilitate progress, and not because we are in any way giving our blessing to the Bill or to the amendments. We will be able to save a lot of time, so long as that is understood. I gather from the Minister's reaction to my comments that he wants the Bill to be dealt with in that way.

Clause put and passed.

Clause 3 put and passed.

Clause 4: Definitions—

Mr. W. A. MANNING: I move an amendment—

Page 3, line 17—Delete the words "not being".

On this occasion it is the turn of the Minister to agree to my amendment.

I am sure members are fully aware of the reason for this amendment. If the Government has a genuine desire to control prices then it should be prepared to control the price of services provided by an employee in his capacity as such to his employer. Yesterday I pointed out that prices fixed by the prices tribunal will be in accordance with profits, wages, or such costs as are determined by the commissioner. The exclusion of this particular item will have an adverse effect in restraining price rises. If the Minister is genuine in his desire he has no option but to agree to my amendment. Little use is served in controlling a portion of the price structure; we must control the whole lot in order to achieve anything worth while.

There seems to be an idea among some sections of the community that when they are granted a pay rise other sections need not be granted similar rises. They forget if their particular sections receive an increase in wages and salaries, then other sections have to receive corresponding increases.

This aspect becomes evident when we hear people complaining about increases in local government rates. When some sections of the community receive pay increases, the people concerned forget that the employees of local authorities must also receive pay increases, as a consequence of which the local authority rates have to be increased. Price control cannot be effective when only one part of the cost structure is taken into account. For the reasons I have given I hope the Minister will agree to the amendment.

Mr. TAYLOR: During the second reading debate I indicated that as a general principle I did not oppose this amendment. However, I wonder what will happen if it is passed. If basically we are a nation which controls our own affairs and not a State there may be something in the amendment. If this amendment were included in some Statutes I am sure the commissioner would be requested to make inquiries.

Parliament in its wisdom has arranged under various Acts for committees or bodies to be appointed for various purposes, and this is what the Bill before us seeks to do. One of the functions of a particular Statute is to review wages. The power is not left to members of Parliament to determine their own wages; neither is it left to the workers in the milk or bread manufacturing industries to do likewise. In each case the worker, whether he be a member of Parliament, a bank officer, or in some other category, has to take a case before a tribunal.

The Bill provides for the appointment of a committee as is done within the Commonwealth field. This generally comprises a representative of the worker or consumer, a representative of the Government or a producer or provider of services, and an independent chairman. After it hears a case it has to make a determination as to what the wage or salary shall be.

Mr. Lewis: As to the minimum salary.

Mr. TAYLOR: Certainly. It sets down the guideline. If such a committee lays down a minimum then perhaps there is reason for changing the particular Statute. If there is something at fault in that regard the particular Acts ought to be changed, and not the legislation before us. The Industrial Arbitration Act deals with the functions mentioned by the member for Narrogin.

Mr. Williams: If you fix prices you should fix the charges.

Mr. TAYLOR: This legislation seeks to set up committees for the purpose of looking into excessive price increases, and such increases will be examined from an industry's point of view. We have in this State a bread committee which is appointed under the Wheat Products (Prices Fixation) Act. I have made the point that this committee has made a determination, with which the Government agrees, that the price of bread would be increased when the cost of the ingredients and wages have increased. These are factors beyond the control of the industry.

If the cost of wages is too much we must look elsewhere for the remedy, but this is not the case with bread which is being examined at this time. So it was agreed that the price of bread should go up, I presume, taking into account such things as wage increases, etc., which were determined by a separate tribunal under a separate Act of Parliament. If this is not the correct machinery we should change the other Act rather than attempt to place a provision in this Act which will only conflict with what has been set up by Statute and practice.

Mr. R. L. YOUNG: I wondered when the Minister would finally get around to saying he opposed it. I must come down in support of the member for Narrogin and the amendment he has moved.

During the second reading debate I made it clear that I did not wish to get involved in this Bill for reasons which were spelt out by the Leader of the Opposition. The member for Narrogin's point is a valid one and anyone who has any knowledge of prices and wages will agree that the solution will never be obtained while it is possible to fix prices under any system, no matter how reasonable—if we try to lay this down—unless some form of control of prices is mentioned.

The Minister pointed to certain circumstances where minimum wages are fixed. If the amendment of the member for Narrogin were agreed to we would have a situation where maximum wages were fixed. We could not approach anyone and negotiate; nor could we go on strike.

Mr. Taylor: Though I feel like it sometimes.

Mr. R. L. YOUNG: So do I. The Minister is caught in a cleft stick. He would like to see the amendment go through and I think during his second reading speech he said he agreed with it. If we consider clause 25 we will see what will occur if we allow the amendment to go through, and this is why it will not be permitted to go through. Can anyone imagine an employee being subjected to a penalty of $500 if he fails to supply on demand the service for which he has been paid a price?

Obviously that will not wash with the Labor Party philosophy which is opposed to sanctions of any kind. That is why the amendment will not go through. There is nothing wrong with it, except that the philosophy of the Labor Party, of the Government, and of the people who control it—a philosophy on which wages and prices are based—does not work when we get to the crunch.

Mr. W. A. MANNING: I am sorry the Minister does not agree with my amendment, which rightly points out that the Industrial Commission fixes charges and so on, but it fixes a minimum while the prices commission will fix a maximum. Accordingly there would be no conflict. We would have a minimum fixed by the Industrial Commission and a maximum fixed by the prices control commission. We would thus achieve a satisfactory answer in relation to the fixing of wages, and the prices of goods.

I do not need to raise the differentiation there will be between a tradesman who is self employed and one who is employed by somebody else. It is monstrous to think that one can do as he likes and demand this, that, and the other, while the man who is self employed is to be placed under the restriction of price fixing. If he does not observe this and supply his service he will be up for a penalty. I implore the Minister to change his mind because I can assure him there will be no conflict.

Mr. McPHARLIN: I support the amendment moved by the member for Narrogin. The reasons he gave clearly indicate why it should be included in the Bill. The Bill seeks power to embrace control of every aspect of industry, commerce, and professional activity. The provision which the member for Narrogin seeks to amend includes professional practice as well as the other businesses named. This will, of course, involve doctors, lawyers, and anybody else who is in professional practice. The member for Mt. Hawthorn did not appear to understand this.

Mr. Bertram: Is there not an amendment on the notice paper to do that?

Mr. McPHARLIN: I cannot find one. Does the honourable member mean an amendment to take out legal practitioners? Is there any reason for this?

Mr. Bertram: Because you want it out.

Mr. McPHARLIN: Not at all. I want to know why the Minister has seen fit to propose an amendment to exclude legal practitioners from the Bill.

Mr. Taylor: All those areas are considered and covered in our Statutes, and invariably a committee or a group sets the rates as required in the Statute concerned. It is included because it is the Statute which has the provision within it to set the rate and accordingly it is for Parliament to do what it will with that rate.

Mr. McPHARLIN: What about the other professions?

Mr. Taylor: That is not within the province of Parliament.

Mr. McPHARLIN: The Minister is taking out the other services as well as the medical practitioners.

The CHAIRMAN: Order! There is too much conversation and it is impossible for the *Hansard* reporter to hear what is being said.

Mr. McPHARLIN: I do not think the Minister's explanation is satisfactory. Perhaps he can enlarge on this matter should he speak again. This Bill does not exclude anybody—neither goods sellers, farmers, manufacturers, professional men, nor any of the others listed.

Mr. Taylor: Any goods the price of which for the time being is not controlled by an order made under the Act.

Mr. McPHARLIN: That means any of the goods or services that can be brought under the Act. Nobody engaged in the industries mentioned can escape the control suggested.

Wages are a vital part of any proposal when a business undertaking is working out what it is necessary for it to charge for the goods or services it is obliged to supply in order that the industry in question may continue to work in a viable form and to maintain a reasonable profit and a reasonable standard of living for its employees. One of the biggest factors when working out the cost and the charges to be made is the wages that are paid.

I think it is essential for this amendment to be agreed to. The Minister has said he is not prepared to accept it, but I support the amendment and I think it must be considered in the light of the legislation in order to give those who are

engaged in the services of the industries mentioned at least the opportunity to manage their businesses, and to give service to the people and to their employees. If we control prices without controlling wages we will not keep prices down. Wages will increase as they are doing now, through the continual increases which are granted under our arbitration system. We will find there will be no reduction at all in prices. I am strongly in favour of the amendment which has been moved by my colleague.

Mr. TAYLOR: I do not intend to add very much to what I have said before, except to answer a couple of points. There is to be an amendment to clause 5 to add, "District Court of Western Australia Act, 1969." As I understand it provision is made for judges to set itemised costs as far as legal practitioners are concerned. If members care to read the list of Acts mentioned in clause 5, they will see that each one is a Statute of this Parliament and each sets out certain procedures for the setting of costs in some place or other.

I make the point once again that these are excluded because Parliament itself decides how certain costs or charges will be examined and how they will be arrived at. That is the only reason for their exclusion. Conversely, this is the reason for everything else, which is not specified in this clause, being included.

Sir CHARLES COURT: The arguments put forward by the member for Narrogin are quite pertinent and they expose the fallacy in the reasoning which was advanced, by way of interjection, when I spoke to the second reading of this measure.

The great problem of our times so far as inflation is concerned is the fact that wages and salaries have gone ahead at a rate out of all proportion to the improvement in productivity. Anyone who denies that is flying in the face of economics.

Mr. Hartrey: They have not been in proportion to the rise in the cost of living.

Sir CHARLES COURT: I ask the member for Boulder-Dundas to listen to my explanation. A year ago there was a rise in the rate of salaries and wages which was approximately 3½ times the increase in the rate of productivity in some industries. In other words, the whole nation was heading for bankruptcy if this situation continued. The Government of the day which tried to take some action in connection with inflation naturally had to do certain things which are unpleasant. Any Government, regardless of its political colour, which tries to curb inflation runs into problems. Everyone wants inflation control but no-one wants to take the medicine the doctor gives. It is a fact the rate of increase in salaries and wages in some industries was 3½ times the rate of the increase in productivity. The nation could not go on like this and remain solvent.

The member for Boulder-Dundas has said that the cost of living went up. Of course it did; but, strangely enough, not quite as fast as one would have expected had the projection in the increases of salaries and wages been manifested in the cost of living. The reason is somebody has to pay.

As I understand it, the basic philosophy and the reasoning of the member for Narrogin in respect of this amendment is that everyone else will find that maximum prices are fixed—not minimum prices as fixed by the Industrial Commission and other bodies. In doing this, the commissioner—or whatever authority makes the determination—will be taking into account all the submissions made in respect of costs, including wages and salaries at award rates, before fixing a price. In my experience when price fixing tribunals operated previously they would not have a bar of one factor; namely, taking overaward payments into the cost structure. That was not so bad in those times because the overaward payments were quite minimal.

Sitting suspended from 3.45 to 4.04 p.m.

Sir CHARLES COURT: I had reached the stage in my comments of explaining the great difference between bodies such as the Industrial Commission which fixes minimums, and prices authorities which fix maximums. In the days of full-scale price control the commissioner, or the responsible price fixing authority, always looked closely to see if an employer was paying overaward wages. In those days, overaward payments were in their infancy. An employer paying a few shillings a week over the official industrial award was regarded as doing something quite dramatic. Of course today overaward payments are completely out of hand. With the flexing of industrial muscles in recent times, it is not unusual to find quite astronomical amounts being paid over awards.

Mr. Taylor: All by agreement and invariably countenanced by a commission—an independent body.

Sir CHARLES COURT: Unfortunately many of these were not achieved by agreement in the ordinary negotiated way. They were achieved at the end of a barrel. A gun is pointed at the industry concerned and it then faces the choice of completely shutting down, sustaining a crippling strike, or making some concessions. Because of this, and to a far greater extent than is deemed wise in the national interest, many employers and many industries have caved in. It is only a matter of time until the industrial tribunal accepts this system is a fact of life, a *fait accompli*, and legalises it. It is one of the tragedies of our time that there is insufficient flexibility in the wage fixing structure and arbitration machinery to ensure that we

are getting value when increases occur in wages and salaries. This would work in the interests of the employees themselves because they would be paid in proper dollars and not phoney dollars.

What will the commissioner do when an employer declares his costs? Will he accept award rates only, or will he accept overaward rates? If he follows the traditional pattern of wage fixing tribunals, he will insist on official award rates. He will not accept unofficial rates which have been negotiated within the industry. Many such rates have not yet been condoned or made formal by an industrial commission. What are we to do? Will the commissioner say, "I will accept the legal minimum wage declared by the Industrial Commission"?

Mr. Bertram: He is not likely to do that.

Sir CHARLES COURT: During and after the war, prices control was very strict. At one time we had wages control as well, and it would have been illegal for the commissioner to condone anything in excess of the legal wage. After a time the wage structure was not so tightly controlled and the commissioner was then quite within his rights to look at overaward payments. However, to my knowledge, he rarely allowed any of these as part of the cost structure.

The member for Narrogin, in moving this amendment, is stating a principle. The people who are to have their goods and services subjected to prices control will themselves be subject to maximums and not minimums. The employer will carry the risk of goods perishing, as well as the risk of losses or pilferings. In other words, within the total structure of their business, manufacturers have to make a profit within the maximum prices fixed by the commissioner. There is an unkown factor, and I think it is proper that the Minister should be challenged on this issue. Will the Minister declare that as a matter of Government policy the commissioner will apply the wage-cost structure put forward, whether it is the legal wage or a negotiated wage? My guess is that the Minister is not prepared to say that whatever wage is paid by employers will be a *bona fide* cost. I will be amazed if he gives this assurance.

Mr. Taylor: It will be out of my jurisdiction.

Sir CHARLES COURT: The Minister is now resisting the amendment which he told us he would accept during his second reading speech. It is important that we know his basic approach to the question of cost fixation.

Let us take a simple case. A manufacturer who produces garments presents his case to the commissioner. He sets out the cost of the material, cotton, buttons, and the labour cost assessed at so much per garment. I know that manufacturers in the textile industry producing what appear to be the same garments may pay quite different wages to their employees. One manufacturer may have an efficient staff and a harmonious arrangement with his work force. He includes a certain amount of incentive in his employees' wages. By mutual arrangement he is paying in excess of the award. This manufacturer is happy with the arrangement because of the increased productivity.

Another manufacturer may pay strictly according to the award. What wage factor will the commissioner accept when these two manufacturers present different cost structures for almost identical garments? Will he say to the first manufacturer, "You will only get the cost of the award wage—no more and no less"? This illustrates one of the evils of price control. The manufacturer who is efficient, provides incentives for his employees, and aims at greater productivity, will say, "What is the use?" We will see the same situation develop as in the days of price control—the manufacturer will go for the maximum price all the time. He will not need to use incentives because the prices will be fixed by the commissioner using an outmoded system.

It is very important, as a matter of basic principle, that the Minister should clarify this point. The member for Narrogin has probably touched on an issue which is more important than he originally thought. We are looking at this today in a totally different atmosphere from that of 1946-1948 when we did not have overaward payments.

Mr. Bertram: You are not arguing on that basis.

Sir CHARLES COURT: Of course I am.

Mr. Bertram: You are gearing your debate to the 1946 situation.

Sir CHARLES COURT: No, I am gearing it to the present situation. The Minister should assure us that the actual wage paid will be allowed as a legitimate cost. If he believes that this will be so, we should be told now because it may alter the attitude of some members toward the Bill and the amendment. It will not change my attitude, but other members may be happy with the assurance. I know that many manufacturers are interested in this point, particularly those who are old enough to have suffered under the previous system, when there was no inducement for a person to be efficient and to improve his position generally. As soon as the manufacturer increased productivity and his profits went up, the commissioner said, "You are making too much profit." In some cases certain manufacturers were selling things at a cheaper price than their competitors and yet making a greater profit.

Mr. Bertram: You are speaking about price fixing.

Sir CHARLES COURT: The member for Mt. Hawthorn says I am speaking about price fixing.

Mr. Bertram: Yes, this is to do with excessive prices.

Sir CHARLES COURT: Do not let us be fooled by words. This will be price fixing.

Mr. Bertram: Of excessive prices.

Sir CHARLES COURT: No, it will be price fixing. Whether it is called excessive prices or excessive profits it is the same thing. In the final analysis the price fixing authority will come along and say, "Let us look at your costs." The commissioner will look at the costs, add a margin of profit, and say, "That is your price."

Mr. Hartrey: What about the worker? His wages are fixed by the Industrial Commission.

Mr. Bertram: That is, if the existing prices are excessive.

Sir CHARLES COURT: The member for Boulder-Dundas raises the question of the worker having his wages fixed by the Industrial Commission, but we are dealing with an entirely different fact. The Industrial Commission is fixing a minimum.

Mr. Hartrey: The worker has only his services to sell.

Sir CHARLES COURT: The Industrial Commission fixes the minimum, but when a person goes to the prices commissioner he fixes the maximum.

Mr. Jamieson: You have a thing about that. It is all right if you fix it one way but not another.

Sir CHARLES COURT: Also, if the public does not like the design of any article, the manufacturer has to carry the risk.

Mr. Hartrey: The worker is a criminal when he goes on strike.

Sir CHARLES COURT: The worker is guaranteed a minimum wage.

Mr. T. D. Evans: Yes, when he can get a job.

Sir CHARLES COURT: The Minister for Education has put his foot into it now if he says, "if the worker can get a job." Under his Government, of course, he is really battling to get a job.

Mr. T. D. Evans: There were thousands of people out of work in 1970 under your Government.

Mr. Jamieson: "It is all right for you as long as you do as you are told."

The CHAIRMAN: Order! The Leader of the Opposition's time has expired.

Mr. FLETCHER: Let us have a little bit of "shush" and listen to some reasoned argument—

Mr. Stephens: Are you going to leave the Chamber?

Mr. FLETCHER:—in opposition to the amendment moved by the member for Narrogin. I oppose the amendment. It is expected I would, but so should every other member oppose it for the reason that the member for Narrogin is attempting to impose further controls on those that already exist.

Insistence on this has been based on the fact that the Industrial Commission establishes a minimum wage for the worker, but I maintain that the Industrial Commission establishes a price at which an employee can sell the only commodity he has to sell; namely, his labour.

Mr. Hartrey: Hear, hear!

Mr. FLETCHER: The commission does that on a State and Commonwealth basis. It performs that duty for the Public Service of the Commonwealth and of the State. We have this huge machinery already existing to establish the price at which an employee, whether a member of the Commonwealth Public Service, the State Public Service, or the community generally, can sell his labour. However, this is done after a great deal of research to demonstrate that prices have reached such a level that some increase is justified in the price at which an employee can sell his labour.

That is quite elementary to me, but not just because I am on this side of the Chamber; it must be just as elementary to members on the other side. To me it is fundamental justice that if controls are imposed on one section of the community they should be justifiably imposed, under this legislation, on others who have a different commodity to sell.

Mr. Hutchinson: I will remind you of what you have said when we are debating the Noise Abatement Bill.

Mr. FLETCHER: I know that interjection is not meant to be unkind and I am pleased to hear it. I do not know whether members are implying that I am making a noise. I hope I am speaking to some advantage.

Mr. Hutchinson: No, I just want you to stick to the principle you have just enunciated.

Sir Charles Court: Does the noisy scrub bird get a mention under the Bill you have just mentioned?

Mr. FLETCHER: I just wish to emphasise that I take exception to the amendment on the grounds that if it is justifiable that controls should be imposed on the working community it is equally justifiable that there should be some control over excessive prices, where it is proved that they are excessive, by some alternative authority which the Government is attempting to establish.

Mr. R. L. YOUNG: With all due respect to the member for Fremantle, he is starting to meddle with the facts. Quite

clearly, the function of the Industrial Commission is to set a minimum wage for the worker, and everyone knows that once wages are set they are the absolute minimum. From then on a person who has labour to sell can negotiate with his employer to get a higher price, and invariably if he is not successful in that at some later stage he will go on strike to get that higher price. I am not suggesting that what I am about to say implies there is anything grossly unfair about that.

This legislation clearly sets out to fix a maximum price for the sale of goods and services. The point I made earlier in this Committee debate was that under clause 25, if any member of a trade union refused to supply his labour no-one in this country would work for the next three years, because he would be under a penalty of $500 if he refused to sell his services at the price demanded—that is, if any price were demanded under this commission proposed to be set up.

By way of interjection some interesting comments have been made on the cost of living. It has been fairly demonstrated by speakers in this debate that the cost of living in this country has certainly gone up at a rate, on a percentage basis, much less than the increase in the price of wages. When we start talking about the standard of living it is interesting to note that the cost of living and the standard of living are tied together by production and the whole price-wage problem is based on whether production keeps pace. Quite clearly, in Australia last year it did not. The gross national product went ahead by less than 1 per cent., but wages went ahead by about 13 per cent.

Mr. Hartrey: And prices went ahead by 15 per cent.

Mr. R. L. YOUNG: Let us keep to the facts. I know the cost of living is increasing, but we have to look at the cost of living by making a comparison with the cost of wages.

It is interesting to note that at the end of the debate between the Leader of the Opposition and the President of the A.C.T.U. (Mr. Bob Hawke), Mr. Hawke confronted the Leader of the Opposition with the fact that Australia was running in position number 21 out of 24 countries in the western world as far as the standard of living was concerned. All evening the President of the A.C.T.U. complained how greedy the capitalist was and how hard he was striving to increase his profits. That was the whole premise of his argument. On the other hand, he put the point of view that it was the worker who was the most important cog in the production machine.

Let us face the facts. If a capitalist wants to make a profit he has to produce and in free enterprise production it is more likely that he can produce and sell more goods. During the whole of that debate with the Leader of the Opposition, Mr. Hawke made those two points; the greedy capitalist pushing like mad to get his production and profits up, and the fact that the worker was the most important cog in the production machine. If we accept those two premises, surely it follows that if the gross national product is going ahead at less than 1 per cent., with the greedy capitalist extremely anxious to increase his production to make greater profits, and if we also accept that the worker is the most important cog in the production machine, whose fault is it that prices are going up at such a fast rate when wages are increased by twice and sometimes three times the increases in the price of basic commodities? It is as simple as that.

I have no fault to find with people who are seeking a higher standard of living. We should all seek that, because a nation becomes stronger when we strive in this direction.

Mr. Hartrey: Is the worker's family supposed to live on bread and jam while that happens?

Mr. R. L. YOUNG: At some point in history we would be able to say, "O.K., if the standard of living is to increase, the only way for it to do so is to increase production, and the only way we can increase production is for people to purchase the type of goods that are produced in this country instead of overseas." It will not be obtained by people demanding a higher standard of living based on goods and commodities obtained from overseas. That is where the inflationary spiral started. It was at that point that demand started to get out of kilter with the production level in this country.

It was at that point, also, that wages started to rise. When people started to demand a higher standard of living, increased wages produced higher prices. Wages do not chase prices; prices in the main, chase wages.

Mr. Hartrey: Rubbish! Everybody knows that wages chase prices.

Mr. R. L. YOUNG: It is all tied to the question of supply and demand. If we return to a situation where a person is producing something and also consuming something the position would be reasonable, but immediately a person starts to want more than that which he is already producing, he has to have more wages to pay for the extra goods he desires. If he is successful in obtaining that wage increase without a corresponding increase in production it is that which causes an inflationary spiral, and that is what happened 20 years ago.

Mr. Jamieson: You are only a theorist.

Mr. R. L. YOUNG: Everything said in the debate today on this question is of vital interest to the country, and it is extremely interesting that it was raised

on a "try-out" amendment by the member for Narrogin, because it will now involve a philosophical economic discussion. If we are to peg prices and set a maximum price for any goods or service, but we are not prepared to impose corresponding restrictions on wages, the system will not work. It has never worked in the history of the world. It is simple to trick uneducated people by saying, "We have reduced prices by this legislation" when we know full well it cannot be done. If we were to reduce prices—

Mr. Bertram: It would eliminate that person who is not satisfied with a reasonable price.

Mr. R. L. YOUNG: What is suggested by this legislation is that prices will be fixed. That is the whole purpose of the Bill—if we are to fix prices we will fix wages. But this system has never worked in the history of the world. If anyone can demonstrate to me that prices can be maintained at a certain level without wages being fixed, I will be happy to see it. However, that will not happen, and that is the point that has been overlooked by members of the Government today.

The CHAIRMAN: The honourable member has one minute left.

Mr. R. L. YOUNG: I would be interested to hear the Government experts on economics giving their points of view.

Mr. J. T. TONKIN: I have listened with a good deal of interest, and indeed with no little amusement, to the view expressed by the member for Wembley about the fixation of prices and the fixation of wages.

Until 1930 the Arbitration Court in this State was allowed to fix wages only once a year. In 1930 prices kept falling and it was very disturbing to the Liberal Government that because prices were falling and wages could not be altered except once every 12 months the workers were enjoying a higher standard of living than that to which they had been accustomed —their wages bought more commodities owing to the falling prices. So what did the Government of the day do? It introduced a Bill enabling the Arbitration Court to fix wages whenever it felt it was necessary to ensure there was no improvement in the standard of living. Consequently when each successive fall in prices occurred the court was able to fix wages quarterly and not wait for 12 months, thus bringing wages down following a fall in prices.

Mr. Hutchinson: What year was that?

Mr. J. T. TONKIN: It was 1930.

Mr. Hutchinson: What was the name of the Bill?

Mr. J. T. TONKIN: The Industrial Arbitration Act Amendment Bill. The Minister concerned was Mr. Lindsay and it was a coalition Government. The argument was that the work force should not be permitted to enjoy a higher standard of living than the Arbitration Court determined on the cost of living, and as prices were falling, wages should be made to follow them down. So it was too long to have to wait 12 months for the court to vary the wage downward and the Government of the day amended the Act to permit of more frequent declarations. For what purpose?

Mr. Hutchinson: Charlie Court did not have any hand in that!

Mr. Jamieson: It was about the only thing.

Mr. J. T. TONKIN: The purpose was to relate wages to prices. Surely to goodness the Liberals cannot have it both ways. At a time when prices are rising, surely it is reasonable that wages should follow prices up if it is reasonable they should follow them down.

I read a short time ago that the manager of a supermarket said he could not keep pace with the alterations of prices which were being forced upon him as a result of action taken by manufacturers in increasing their prices. However, no provision was made for wages to rise. We have heard so much talk about fixing maximum wages or maximum prices. Do we fix a maximum price for stock feed wheat, or do we fix a minimum price below which it cannot be sold? So, when it suits we fix a minimum price for a product in order to ensure it cannot be bought more cheaply. Then why should we not have power to control prices in order to ensure the wage which has been fixed retains its relativity to prices?

I read in this evening's paper that we can expect a fall in the retail price of petrol in all States except South Australia very shortly, because the Government there previously allowed wholesalers of petrol in their method of selling to charge their losses against the commodity. This refers to those instances where they are permitting certain reductions in the cost of petrol in order to gain the business.

While I was in Victoria a few months ago I noticed the advertisements at the petrol stations. At one the price of petrol was reduced by 6c a gallon; at another, 8c; and at yet another, 10c. These voluntary reductions in price were aimed at getting the business, and the losses sustained were charged as expenses and had the effect of keeping retail prices up.

Apparently that is no longer to obtain and steps will be taken under the price fixing powers in South Australia to control this sort of practice. The immediate result, as is foreshadowed, is a fall in the price of petrol in all States except South Australia. If that is not an argument for price fixation, I have not seen one.

Mr. R. L. Young: That is the worst argument I have ever heard. When they are reducing it voluntarily the price fixing authority says they must increase it.

Mr. J. T. TONKIN: According to the paper—I do not know whether or not it is true, but I do not believe everything I read in the paper—

Mr. O'Connor: That's good.

Mr. Hartrey: Who does?

Mr. R. L. Young: You do when it is convenient.

Mr. J. T. TONKIN: As I was saying, according to the paper it appears we can anticipate a fall in the retail price of petrol in all States except South Australia—

Mr. R. L. Young: Which has price fixing.

Mr. J. T. TONKIN: —because of the powers of price control which exist in South Australia. That is the reason given. Surely then, if the price control powers in one State can result in a fall in price in all other States, it demonstrates that in certain circumstances it is desirable to have the power to control prices.

Mr. Lewis: You could argue the other way; that is, that because there is price control there, the price is up there.

Mr. J. T. TONKIN: I am arguing that it is ridiculous to say in some circumstances when prices are falling that the wages should follow them quickly all the way down; whereas when prices are rising no steps are taken at all to ensure no reduction occurs in the standard of living. That is what the whole argument is about and our philosophy is that we want to maintain the relativity decided by the court as to what the standard of living ought to be, having regard for the cost of commodities. If the cost of commodities continues to rise immediately the wage is fixed, then there is no real standard at all. As a matter of fact an immediate reduction in the standard of living occurs.

If—and it is a fact—it served the Government of the day in 1930 to maintain the standard of living determined by the court, and because prices were falling resulting in an increase in the standard of living, wages should be brought down, surely in common fairness it ought to operate the other way when prices are rising.

I conclude by reading the last part of the debate in 1930. I quote from page 2020 of *Hansard* No. 2 of 1930-31, as follows:—

> In this instance the member for East Perth is at least fair. The Government do not ask the House to say to the Arbitration Court, "You shall do this" or "You shall do that." All we say to the court is we shall remove the restriction from you which determines that you can only fix the basic wage once in 12 months, and we shall give the court the right to say that when a fluctuation occurs in the cost of living that increases the value of wages paid, the wage may be brought back to a point in accord with the cost of living.

Mr. Lewis: Who said that?

Mr. J. T. TONKIN: Mr. Lindsay, the Minister for Labour in the Government of the day which was responsible for amending the Industrial Arbitration Act in order to maintain the relativity between prices and wages.

Sir Charles Court: What has that to do with the amendment?

Mr. J. T. TONKIN: I repeat that the Liberals change their philosophy to suit the times—when it suits them.

Several members interjected.

The CHAIRMAN: Order!

Mr. Williams: That was 40 years ago.

Mr. J. T. TONKIN: It would not matter if it were 100 years ago. The principle is the same. It is the same Liberal philosophy whether the year be 1930 or 1970.

Mr. Williams: We have progressed and you have not.

Mr. J. T. TONKIN: Now it is operating in reverse.

Sir Charles Court: As a matter of interest, could you tell me what this has to do with the amendment?

Mr. J. T. TONKIN: The stand the Government takes is that in a situation where prices are rising faster than managers of supermarkets can change them, some control should be exercised over prices in order to retain a proper ratio between wages and the cost of living; and that is the reason the Government has introduced the legislation.

Mr. O'Connor: That is what the amendment seeks.

Mr. HARTREY: I sincerely hope that the wage-earning people of Western Australia become conversant with the nature of the debate taking place this afternoon, because if we could always count on the support of the wage earners our distinguished friends on the front bench opposite would continue to grace those benches for a very long time to come.

At first sight the battle today has apparently been a pitched battle between the party which is so sorry for the people whose prices might possibly be reduced and the party which is concerned with the interests of the wage earners who have to buy the commodities the prices of which are not fixed in any way at all and over which the wage earners have no control.

I do not want to close my eyes to two other important factors which have a great bearing upon both prices and the standard of living of the wage earner.

Those factors, of course, are not the ones to which the member for Narrogin has referred or to which any member of the Opposition has referred. However, I am not afraid to refer to them.

Four factors must be considered in any attempt to maintain the equilibrium of the standard of living. Retail prices of goods and the wages paid are only two of those factors. Rent is a very important factor and interest is another very important one.

Mr. R. L. Young: And the interest rates have increased at a greater pace than wages.

Mr. HARTREY: Interest rates and rents fall very heavily upon retailers as well as upon wage earners, but no-one, concerned as he may be about the interests of retailers when talking about the prices retailers may charge, will say a word about defending the retailer against monstrous increases in interest rates and rents.

Mr. R. L. Young: Do you think all charges should come under this?

Mr. HARTREY: Undoubtedly. What is the good of a society in which the real capitalists—that is to say, the landowners and the big financiers—can own—

Mr. R. L. Young: Are you a landowner?

Mr. HARTREY: I do not own anything except the clothes I stand up in, my profession, and my law books. However let me continue. My personal details I give to the Taxation Department, although I will obtain a dossier if members would like one. Nevertheless I would rather continue on the line of general public interest instead of concerning members with my private affairs.

Mr. R. L. Young: Can you tell me how much the interest rate has increased in the last three years?

Mr. HARTREY: It is exorbitant.

Mr. R. L. Young: How much has it increased?

Mr. HARTREY: That depends on how much can be extorted from people. What about the interest charges on hire-purchase agreements, mortgages of chattels, and so on? I could make a speech lasting for hours on that subject, but I do not have the time.

Those on the Opposition side making all the song and dance against price fixing have the impudence to say that if we stuck to basic lines like bread and butter, an egg a week, and a pound of meat every day, we could still battle along, and they ask what the grizzle is about.

If it will clear the air for me to say that I do not agree with any of the arguments put forward by the Opposition, I will say so. If it is found that someone is getting a low rate of interest he may be ordered to sell his goods at a lower price. If someone else is being extortionately treated by a landlord, or a mortgagee, perhaps he will be allowed to charge a higher price. However, people will not buy goods from that person. It would be a waste of time to create a war between the wage earners and the retailers because both are victims of the capitalist system.

It is necessary to strike at the root of the four factors of interest, rent, prices, and wages. Any of those four factors can get out of kilter. It is conceivable that if the wage earners always voted for the one party even wages might get so high, and so out of kilter, that they would be too high to be an economic proposition.

So long as the land and the country are owned by the land-owning class—and a vast majority of us do not own land—so long as people have to pay rent to sleep in houses which they cannot afford to buy; so long as people pay extortionate rates of interest for money which they simply have to have in order to buy furniture; and so long as the capitalist system is so repressive we can only put a patch on it. At least this Bill is a patch.

Members opposite do not want to do anything because they belong to a conservative party. It was said a short while ago that in 1930 there was no Liberal Party. There was a Liberal Party before the Labor Party, and they are the same people who are the Labor Party today. There was a so-called Liberal Party in 1921.

Several members interjected.

The CHAIRMAN: Order!

Mr. HARTREY: If members care to refer to *Hansard* they will find that the Conservative Government was once opposed by the Liberal Party.

The CHAIRMAN: Order! Would the honourable member please relate his remarks to the Bill now before us.

Mr. HARTREY: I have listened to a lot of hypocrisy and a lot of nonsense which always comes from Opposition members. They seem to be so concerned about industry and about productivity, but the items I have mentioned are the gravest hindrances to productivity.

Members opposite should find out for themselves what is involved in setting up a small manufacturing business which requires some capital. They will find out what sort of bill of sale one has to sign in order to obtain finance, and they will find out what interest has to be paid. They will find out what insurance company they have to deal with, and what insurance premiums they have to pay. They will become familiar with all the tags and chains attaching to such a venture.

The farmers' representatives who are sitting opposite know something about what I am saying and they should not

sit there grinning at me. The farmers who have been putting up with drought conditions and falling prices know what the capitalist system is all about. The Bill before us is an attempt to put a patch on the capitalist system, and I will vote for the measure with great enthusiasm because I would rather see a patch on it than see the present situation continue.

The CHAIRMAN: Order! Would the honourable member please address himself to the Chair.

Mr. HARTREY: The honourable member thanks the Chair for the courtesy shown to him, and will sit down.

Mr. R. L. YOUNG: The Premier has a way of making things sound quite simple, and quite often he almost convinces me with his arguments. However, when one starts to listen to him his arguments become a little frayed around the edges. The Premier drew the attention of the Committee to an amendment to the Industrial Arbitration Act in this State which gave the Industrial Commission the right to reduce wages to follow prices. He also made the point that instead of an annual adjustment, there was to be a quarterly adjustment. We on this side do not say there is anything particularly good or bad about that. The fact is that the situation which obtains today is that instead of prices going down they are going up. So there is no difference between the attitude in 1930 and the attitude today.

Mr. J. T. Tonkin: Not much!

Mr. R. L. YOUNG: Can members imagine the situation which would have prevailed in 1930 if wages had not followed prices down? Had wages not followed prices down nobody would have been working.

Mr. Hartrey: Some people were receiving only seven bob a week.

Mr. R. L. YOUNG: If wages had not followed prices down they would have received nothing. That is a plain fact of economics. The situation is that wages certainly follow prices down, but in 1972 they are following prices up. Or, at least, prices are following wages up.

Several members interjected.

The CHAIRMAN: Order!

Mr. R. L. YOUNG: It is all very well for everybody to latch onto that slip of the tongue. Let us be honest: In the two speeches which I have made on this subject I have gone into great detail regarding the present situation. Members should not get carried away simply because I make a slip of the tongue; they know what I mean.

The Premier made a point about the Prices Control Commissioner in South Australia, and he raised the instance of where people retailing petrol are voluntarily bringing down the price. The law of supply and demand was forcing retailers to sell petrol cheaper.

Mr. J. T. Tonkin: No, that was not the case. They were not depending on the law of supply and demand at all. It was marketing strategy on the part of the wholesalers.

Mr. R. L. YOUNG: It had nothing to do with selling more petrol; they were bringing the price down voluntarily.

Mr. J. T. Tonkin: No, they were instructed by the wholesalers.

Mr. R. L. YOUNG: Somebody was making a profit by selling petrol, and whoever it was was bringing the price down without any Government control. Yet, that is an excuse for price control! That is the most incredible argument I have heard. At some point a claim was being made for the costs involved, and because of the loss involved the prices would come down. That seems illogical.

Mr. J. T. Tonkin: When the member for Wembley sits down he should read his newspaper.

Mr. R. L. YOUNG: That does not make sense.

Mr. Jamieson: Nor does your contribution.

Mr. R. L. YOUNG: If the Minister desires to make a contribution the easiest way to do so would be to leave the Chamber.

Mr. Jamieson: That could well be emulated by yourself.

The CHAIRMAN: Order! The member for Wembley.

Mr. R. L. YOUNG: To answer some of the points raised—

Mr. Jamieson: You are still rude; you are pointing again.

The CHAIRMAN: Order! The Minister will refrain from interjecting. The member for Wembley.

Mr. R. L. YOUNG: I agree with the member for Boulder-Dundas that interest rates are too high, and I have made that comment previously. However, today we are talking about what happens in cases of rising and falling prices. The fact of the matter is that according to the consumer price index prices increased by 11.3 per cent. Rents increased by 12½ per cent., and interest over that period actually decreased. Wages went up by 27.5 per cent. We are talking about increases, but every time we mention a percentage figure we are told that percentages do not mean anything. The Premier will not accept percentages and he talks about numbers. We can only examine increases as they pertain to previous figures, and that can be referred to as a percentage.

Mr. Hartrey: If a man is 95 per cent. dead, he is still alive.

Mr. R. L. YOUNG: All I can say to the member for Boulder-Dundas is that he knows. His comment is an insult to his great intelligence.

The Premier has not answered the point which has been raised. The 1930 situation had the same effect on wages as does the Industrial Commission today. The point made in regard to the selling of petrol does not mean a thing because prices were lowered voluntarily.

Mr. Lapham: Under pressure.

Mr. R. L. YOUNG: Perhaps under pressure from the people involved in the price structure. We have now been told by the Premier that the price of petrol may be decreased right across the country, with the exception of South Australia where the whole thing started. That is no argument against the amendment proposed by the member for Narrogin.

I know that the member for Boulder-Dundas puts forward his points genuinely and the fact that they are wrong does not interest him greatly. He talks about these things and gets them out of context. Prices, wages, rent, and interest, are great factors in the standard of living. However, under the provisions of the Bill now before us we are discussing price increases. It seems that the increase in prices has been nowhere near the increase in wages. So when we talk about price fixing we must also talk about wage fixing. That is why I support the amendment.

Mr. RUSHTON: As I said earlier, the Bill concerns an issue which we would prefer to put through without having to amend the legislation. The legislation we now have before us does not warrant amendment because it is obnoxious.

I would like the Minister to comment on the discrimination which could occur in the case of the two technicians I referred to earlier. For instance, a subcontractor will be subject to this legislation whereas an employee will not be subject to it.

Mr. Bertram: What type of subcontractor?

Mr. RUSHTON: I am referring to a building subcontractor.

Mr. Bertram: Why will he be subject to the legislation?

Mr. Williams: He is self employed and will charge for his goods and services.

Mr. RUSHTON: I would like the Minister to clarify the situation I am prepared to outline. A building for the Government was being erected in my area by day labour, and the foreman on the job was being driven to distraction because he was trying to keep up to time and also to keep within certain costs. He was at great pains to give me an exercise on paper regarding the relative costs for some window frames. Those costs were quite remarkable. He could have subcontracted out those frames or had them made by a factory. On the face of it, it seemed an incredibly high price, but he costed them out on the man hours and wages and it was far above what they would have cost had they been subcontracted out.

Mr. Taylor: So there was no excessive charge.

Mr. RUSHTON: There was. We would have had a more economic building for the Government had subcontractors been used.

Mr. Taylor: Therefore, there would be no complaint.

Mr. RUSHTON: In this instance, day labour was employed, and that is the cost the Government intends to use.

Mr. Jamieson: For the two schools to which you refer, the ultimate costs were almost identical.

Mr. RUSHTON: I was not referring to the school building; that is another issue. As regards the building to which I was referring, it was only a small matter, but it illustrates where we are going with this legislation which discriminates against the small independent contractor who comes under it.

Mr. Bertram: He comes under it if he charges excessively.

Mr. RUSHTON: Who will decide whether his charges are excessive? In that instance a man was giving of his best and producing an item.

Mr. Bertram: The courts are deciding these matters every day of the week.

Mr. RUSHTON: We are not taking the whole of our economy back to courts.

Mr. Bertram: They decide these matters, nevertheless, and nobody complains about it.

Mr. RUSHTON: I do not think we want to run our economy in that way.

Mr. W. A. Manning: That provides work for lawyers.

Mr. RUSHTON: I suggest the case I quoted illustrates that we have a day labour situation in which the cost of goods is far in excess of the cost that results when the work is done by subcontractors, and this legislation will control the subcontractor who gives us the benefit of his enthusiasm and skills. The legislation will work the other way. I think that is why the member for Narrogin has proposed this amendment.

I do not think the legislation should be amended. We will end up with increased costs as we did previously when there was a shortage of labour and materials. If a shortage of labour and materials existed, the legislation might apply. It could see us through a crisis as it did in wartime. However, that situation no longer exists, and this legislation for the control of prices is pure politicking. That is all it is.

Sir CHARLES COURT: I did not hear the first part of the Premier's comment, although I heard most of his speech. I heard what the member for Boulder-Dundas said and I thought the member for Narrogin must have withdrawn his amendment and that we had returned to the second reading!

I want to come back to the point I was making when my time expired. I was dealing with the proposition put forward by the member for Narrogin. Somehow or other it seems to have been lost in the mass of words. He was putting forward a very important principle on which we were seeking an enunciation of policy by the Government. My point relates to the question whether services in the form of wages and salaries paid to employees will in fact be subject to control. I gather from the Minister's comments today that he will not have a bar of that and that he is strongly opposing the amendment, as are his colleagues.

The member for Boulder-Dundas mentioned the four factors which he regarded as being important in the economy and in the cost structure—labour, prices, rent, and interest. I suggest that the arguments he put forward have no relationship at all to the arguments advanced by the member for Narrogin and those who support him, because the argument entirely surrounds the question whether the price of labour will be subject to the same scrutiny, restrictions, and approvals as will other services. The Bill as drawn at the present time excludes them, presumably on the basis that they are already covered by other Statutes. We have gone over that argument and the question of those Statutes fixing minimums for wages whereas price control is essentially directed to maximums.

Mr. Bertram: Other Statutes set maximums.

Sir CHARLES COURT: But they deal with specific services which are different from wages. The member for Mt. Hawthorn is referring to legal practitioners, for instance. One would not put a legal practitioner in the same category as a wage earner.

Mr. Bertram: We certainly would.

Mr. Jamieson: He also has to live.

Sir CHARLES COURT: A legal practitioner receives a fee for a service, which is completely different from the situation of an employee who provides nothing but his tools of trade.

Mr. Bertram: The Legal Practitioners Act fixes maximums.

Sir CHARLES COURT: It is an inclusive charge.

Mr. Jamieson: Nothing but a lot of nonsense!

Sir CHARLES COURT: That is the fee he receives for his services in running a business. After all, "running a profession" is only a more refined way of saying "running a business." If one sells lollies or steel one is running a business. If one runs a practice one is running a business. Salaries are a different matter from the fixing of legal fees. Of course, there is a form of price fixing in respect of legal fees.

I want to deal with the attitude of the prices commissioner or the prices tribunal to the amount of wages that can lawfully be included in the cost structure. This point has not been answered. The member for Narrogin has sought to bring it within the same system of review and control that applies to all other services. This will not in any way impinge on the amount the Industrial Commission can fix. As I understand it from a study of the legislation, if this amendment were accepted it would in no way interfere with the legal wage which the Industrial Commission can fix.

Mr. Taylor: Of course it could. It must invariably come into conflict. If the industrial commissioner sets a rate and the prices commissioner sets a different rate, there must be a conflict.

Sir CHARLES COURT: We are at cross-purposes. The Industrial Commission sets a rate. It would be a very foolish prices commissioner who ignored that rate if it had been struck in accordance with the law but, as I have mentioned earlier, in these modern times that is often not the rate that is paid. I have given instances and I do not want to keep reiterating them because of limited time, but additional money is paid in many cases. Under the old system of price fixation those extra amounts were disallowed. They were not regarded as legal wages because the prices commissioner wanted to fix the price for all the people in each industry using approximately the same yardstick; so he hit upon the basis of using the same legal wage for an industry right through the whole structure. The additional amount paid by anyone who wanted to pay more than that because of internal arrangements, even if it was incentive pay, was disallowed.

Another factor comes into this issue which is pertinent to what the member for Boulder-Dundas said; that is, the attitude of the price fixing tribunal to the assessment of finance costs. In fixing costs and finally arriving at a cost structure, he does not take interest in accounts at its face value. He assesses the funds employed, and he assesses them for all people in comparable industries. He eliminates equity capital or borrowed money and says, "These are funds employed to earn this income and profit." If he does not do it that way a disparity arises between competitive businesses. One man might have 30

per cent. equity capital and 70 per cent. borrowed money. A more conservative man might have 60 per cent. capital and 40 per cent. borrowed money. The interest bill in each of those cases would be entirely different for two reasons. There would be a different quantum of borrowed money on the one hand, and, secondly, the fact that the conservative man had 60 per cent. equity would enable him to borrow his money cheaper. Without the "funds employed" test, there is a complete disparity in the cost structure.

These are problems that confront prices tribunals. This is one of the basic reasons for their not being able to fix prices which are spot on and which will give an incentive to industry. In the final result, everyone is put into the straight jacket and brought back to the same level, which reacts against the worker because everyone is reduced to mediocrity.

Mr. Jamieson: You cry for the worker every night.

Sir CHARLES COURT: We have done more for the worker than this Government has done or ever will do.

Mr. Jamieson: More talking.

Sir CHARLES COURT: A worker likes nothing better than 52 weeks' pay a year.

Mr. Jamieson: He likes a crack of the whip, too.

Mr. Hutchinson: The worker had more opportunities under the Brand Government.

The CHAIRMAN: Order!

Sir CHARLES COURT: I mentioned earlier the question of cost absorption in industry. I also mentioned the problem of the steep escalation in wage costs over recent years which was out of all proportion to the rise in productivity. In some cases the increases in wages and salaries in Australia were 3½ times greater than the increase in productivity. There is no future for industry that way. It must produce inflation. In spite of all the stresses and strains, it is interesting to look at the figures for Western Australia for the years 1970-71 to 1971-72, without price control and with all the pressures that were on us. This is very pertinent to the argument I have been trying to get across to the Minister.

In the period from June, 1971, to June, 1972, the average weekly award wage in Western Australia increased by 9.1 per cent. The average weekly earnings increased by 10.6 per cent. In other words, there was 1.5 per cent. which was completely outside of the award payments, which are what a prices tribunal would call the legal wages.

In that period, without price control—and in spite of wage cost pressure unrelated to productivity increases which is the greatest single cause of inflation—the consumer price index increased by only 5.8 per cent. I would hazard a guess, based on my own experience on both sides of the fence in connection with price fixing, that had there been a prices tribunal in operation in that time the consumer price index would have gone up by nearly as much as the wage increase. It is human nature to go along to the prices commissioner with everything one can load into the cart and ask for a rise.

The CHAIRMAN: The Leader of the Opposition has one minute more.

Sir CHARLES COURT: People who go to the prices commission load up the cart with everything they can think of, hoping the commissioner will give them at least two-thirds of what they ask for. I believe the amendment moved by the member for Narrogin has sound logic behind it, and it has not yet been answered by the Minister or the Government.

Mr. TAYLOR: This has developed into a second reading debate, but a most interesting one. If I may, Mr. Chairman, I would like to spread my remarks a little because you have permitted others to do so. I am glad the Leader of the Opposition returned to his point of inflation and the effect of wages, salaries, and overaward payments on the escalation of prices. He was generous enough to link his own Government with attempts to keep inflation down towards the end of its period of office.

Some months ago, when it was suggested that the wages worker was pushing up prices and causing escalation and inflation, I took out figures of the average wage and salary increases for the 12-year period from January, 1960, to March, 1972. I tried to pick typical areas of employment, both Government and non-Government.

The first three instances I am about to give are controlled by the Industrial Commission. Firstly, fitters' wages increased by 75 per cent., and there would be overaward payments on top of that. The wages of shop assistants increased by 82 per cent., and the wages of cleaners increased by 79 per cent.

I come now to the Government sector. Senior firemen—now Firemen "A" Grade—received an increase of 106 per cent. The salary of police constables with five years' service increased by 110 per cent. In regard to school teachers, 3-year trained teachers' salaries increased by 104 per cent.; the salary of 4-year trained teachers increased by 132 per cent.; and at the top of the scale the salaries of teachers increased by from 100 to 118 per cent. The salary of a State public servant on the top of the automatic range increased by 116 per cent., and the salary of an under-secretary increased by 158 per cent.

I am not questioning those increases in the Government sector, but one can hardly criticise fitters and accuse them—in the

words of the Leader of the Opposition—of causing an escalation of wages and salaries without a comparable increase in productivity, when their wages increased by 75 per cent., compared with an increase of 158 per cent. for public servants. I have not any figures for academics, and I have not mentioned the figures for members of Parliament. Bear in mind that when we receive more money presumably we should increase our productivity. I think members on the other side should consider their own situation carefully when casting aspersions that wages tribunals and increases in wages assist in creating inflation.

Sir Charles Court: I could not quite follow you. Did you say those percentages represented an increase in productivity?

Mr. TAYLOR: No, increases of 79, 82, and 75 per cent. were granted by the Industrial Commission. I am pointing out that in some instances Government employees received salary increases of almost double those percentages during the same period. I am attempting to point out to the Leader of the Opposition that those increases occurred during the period his Government was in office. If anything could be done to prevent them, it was certainly within the ambit of his Government to do so.

Mr. Williams: Many people receive over-award payments and incentives.

Mr. TAYLOR: The second point to which I would refer was made by the Premier. It refers to the comment in the Press this afternoon that—

> Petrol retailers today tipped a fall in the price of petrol in all States except South Australia.

This point was also raised by the member for Wembley. The newspaper article indicates that the price of petrol will drop in all States except that which has price control. I think the member for Wembley has read the article now.

Mr. R. L. Young: Yes, it was at the behest of the Automobile Chamber of Commerce.

Mr. TAYLOR: I made the point last night that the local Automobile Chamber of Commerce believes the petrol industry could do just that.

Mr. R. L. Young: Voluntarily reduce the price?

Mr. TAYLOR: No; that is not the case. This is where the argument advanced by those opposite has gone astray. Members opposite say that the ordinary economic situation should control the level of prices. However, with regard to petrol we have a situation in which all companies charge the same price. They have done so for many years, and yet we have not had price control over that commodity.

According to the argument of the member for Wembley and others opposite, because the petrol companies are in competition there should be a constant movement of prices as they try to compete with each other. But that is not so.

Mr. W. G. Young: They do that.

Mr. TAYLOR: They might adjust the price, but only to a few selected people. To the average person the price remains fixed at all times.

Mr. W. G. Young: Only to the casual buyer from the bowser, perhaps.

Mr. TAYLOR: The casual buyers happen to be the great bulk of the population. The honourable member has provided another reason for prices to be investigated. I understand the Government itself is the largest purchaser of petrol, but when it calls for tenders the quotes received from the companies are invariably identical.

Mr. Blaikie: Are you suggesting the quotes are identical to the price paid by the general public?

Mr. TAYLOR: No, not necessarily. The point made by the Opposition was that economic conditions are such that movements within the market and ordinary competition will keep prices at the lowest level. However, that does not appear to be the case where there is no price control at all.

Sir Charles Court: You could not have picked a worse case than petrol, because it happens to be a commodity that is governed by price control.

Mr. TAYLOR: Is the price of petrol controlled?

Sir Charles Court: It has always been subject to the South Australian prices commissioner.

Mr. TAYLOR: The Leader of the Opposition is completely wrong. Petrol companies in this State and all other States except South Australia and New South Wales—which have price control over petrol—can set whatever price they wish, and the Government can do nothing about it.

Sir Charles Court: But they do not ignore the South Australian rulings.

Mr. TAYLOR: They compete by keeping their prices identical.

Mr. R. L. Young: Are you denying your statement in the Press wherein you said price control was working effectively in Australia and that the whole country accepted the judgment of the South Australian prices commissioner on petrol?

Mr. TAYLOR: I was wrong in using the word "effectively"; but the tenor of my remarks is perfectly correct. Because South Australia controls the price petrol companies voluntarily do not differentiate in the other States.

Perhaps I may take another example. Let us consider bread, the price of which has been controlled for only 12 months. Yet

the price of bread produced by all bakers, no matter what the size of their operations may be, is exactly the same. Prior to that the price of bread remained the same at all bakeries, and whenever it rose all bakers put up their prices simultaneously. Since the Government instituted price control on bread 12 months ago the price has moved as requested by bread manufacturers. They have submitted a request which has been examined, and the requested increase was found to be reasonable. So price control is not affecting the price of bread one iota. Therefore, it is just not correct to say that competition moves prices up and down.

Mr. R. L. Young: When you approved the increase, what were the reasons given by the committee?

Mr. TAYLOR: Wages, the cost of malt and other products, motor vehicle charges for carriers, etc.

Mr. R. L. Young: It boils down to wages.

Mr. TAYLOR: The price of beer has been mentioned. Of course, there is no competition in that field because we have only one brewery which sets its own price. If the member for Stirling wishes to purchase a part for his tractor he finds there is no competition because the company concerned makes the parts for its own tractors. This would apply in connection with certain pharmaceuticals prescribed by doctors, timber, motor vehicles, cement, and to certain other products produced by only one group.

The Bill is aimed at selective price control and at controlling excessive prices. Members opposite say that the free flow of the market will allow competition to keep prices at a reasonable level; but upon considering the very points they raised we find that does not apply. These are the very areas in which the Government wants the right to exercise some control.

I come back to the point I made previously during the second reading debate: We are a State. We cannot in any way attempt to control wages and prices on a national basis as was done during the war. We are concerned only with excessive prices within our own sphere of jurisdiction. Therefore, we have to accept price increases made elsewhere. If we import petrol from overseas and the price of petrol overseas rises, we could not do anything about it. If, for example the price of malt rises presumably we could not do anything about it. As long as we have a commission to set wages and tribunals to set Government wages, the fixation of wages will be outside the ambit of this Bill.

Committees, such as that in connection with bread, are set up to examine all factors and to ensure that an excessive price increase does not occur. Such committees are beyond the scope of the Bill. Wages and materials imported from overseas or interstate are also beyond the competence of the proposed commissioner. Whilst the amendment would have merit in an overall national policy, it has no place in this legislation, and I oppose it.

Mr. W. A. MANNING: Mr. Chairman, I think during the last three quarters of an hour or so you must have had some doubt in your mind about what subject members were debating.

I think the trouble started when the Premier introduced into the debate a matter which has nothing whatever to do with the amendment I moved. He went back 42 years to provide information on something we were not debating. Up till then the debate was most interesting. The Premier was followed by the member for Boulder-Dundas. I think he supported the amendment, although I am not sure. I would like to thank the member for Fremantle because most of his argument was in favour of the amendment, even though he said he opposed it.

The Government has presented us with a Bill, which, I presume, it thinks will control prices. All that my amendment seeks to achieve is to extend the application of this legislation to all sections of the community. If it is a fair Bill then its provisions should apply to everyone. It seems that the provisions of the Bill will bear adversely on those who are engaged in trade and business. If we are to control prices we should apply the control to everybody.

Mr. J. T. Tonkin: Does your amendment intend to control the fees of doctors?

Mr. W. A. MANNING: I have no objection to including lawyers' fees.

Mr. J. T. Tonkin: I was referring to the fees of doctors, not those of lawyers.

Mr. W. A. MANNING: I am mentioning the lawyers' fees first. The fees paid to doctors are payments for their services. I have no objection to including the payments for services, provided it applies to doctors who are self employed as well as those employed by the Government. This remark also applies to lawyers. It seems that self-employed people are to be controlled by legislation, but not those who are employed by others.

Mr. Bertram: The fees of lawyers are fixed.

Mr. Jamieson: What about the storekeeper and the fixing of his prices?

Mr. W. A. MANNING: I do not mind if the salaries of members of Parliament are fixed. We should accept the decision of the Industrial Commission as to the minimum rates of pay. However, this piece of legislation fixes the maximum payments for certain services. In respect of businesses it also fixes a maximum, but I would not suggest that a maximum be fixed, because if a manufacturer produces an article that is not fairly priced he will not be able to sell it.

Mr. Jamieson: If you set a minimum for goods you would be contravening the Commonwealth legislation.

Mr. W. A. MANNING: I have no desire to do that, because to do so would be to set a standard for inefficiency. A person who goes into business puts his money into it, and if he does not know how to produce the goods he suffers a loss.

The principle contained in my amendment is vital to the community. If it is agreed to it will be the means of ironing out many of the difficulties that now exist in industry. I hope the Committee will support it.

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

Ayes—21

Mr. Blaikie	Mr. O'Connor
Sir Charles Court	Mr. Ridge
Mr. Coyne	Mr. Runciman
Dr. Dadour	Mr. Rushton
Mr. Gayfer	Mr. Stephens
Mr. Grayden	Mr. Thompson
Mr. Hutchinson	Mr. Williams
Mr. Lewis	Mr. R. L. Young
Mr. W. A. Manning	Mr. W. G. Young
Mr. McPharlin	Mr. I. W. Manning
Mr. Nalder	*(Teller)*

Noes—21

Mr. Bertram	Mr. Jamieson
Mr. Brady	Mr. Lapham
Mr. Brown	Mr. McIver
Mr. Bryce	Mr. Moiler
Mr. Burke	Mr. Norton
Mr. Cook	Mr. Sewell
Mr. Davies	Mr. Taylor
Mr. H. D. Evans	Mr. A. R. Tonkin
Mr. T. D. Evans	Mr. J. T. Tonkin
Mr. Fletcher	Mr. Harman
Mr. Hartrey	*(Teller)*

Pairs.

Ayes	Noes
Mr. O'Neil	Mr. Bickerton
Mr. Mensaros	Mr. May
Sir David Brand	Mr. Graham
Mr. Reid	Mr. Jones

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

Amendment thus negatived.

Clause put and passed.

Clause 5: Other Acts not affected—

Mr. TAYLOR: I indicate at this stage that I will be voting against the clause with a view to substituting another clause at a later stage.

Clause put and negatived.

Clause 6: Establishment and Constitution of prices advisory committees—

Mr. TAYLOR: I move an amendment—

Page 4—Delete subclause (3) with a view to substituting the following new subclauses to stand as subclauses (3), (4), (5), (6) and (7):—

(3) The Governor may from time to time—

(a) add any goods or service to;

(b) delete any goods or service from,

the goods and services in respect of which a committee is established.

(4) The Minister shall—

(a) within ten days of the establishment of a committee, publish notice in the *Gazette* of the establishment of that committee and the goods and services in respect of which it is established.

(b) within ten days of the making of any addition to, or deletion from the goods and services in respect of which a committee is established, publish notice in the *Gazette* of any goods or services so added or deleted.

(5) A committee shall consist of equal numbers of—

(a) trade representatives, and

(b) consumers' representatives,

appointed by the Governor, and a chairman appointed by the Governor in accordance with subsection (7) of this section.

(6) The trade and consumers' representatives appointed to a committee may, within twenty-one days—

(a) of the date of their appointment;

(b) of any vacancy subsequently occurring in the office of chairman of that committee,

submit to the Governor the name of a person who is willing to accept the office of chairman of that committee and who is, in the opinion of of all those representatives, suitable for appointment as chairman of that committee.

(7) If a person is nominated in accordance with subsection (6) of this section, that person shall be appointed chairman of the committee but if no such nomination is made the Governor shall appoint such person as he thinks fit to be chairman.

It is appropriate at this stage for me to deal with the comments made by the Leader of the Opposition when he spoke to clause 2. Under this clause the Government hopes to make more workable certain propositions contained therein. It seeks to add a provision which requires notice to be given in the *Government Gazette* before a committee is established so that the public will be aware of what is transpiring. It seeks to regulate the appointment of the members and chairmen of these committees.

Mr. Williams: Should this amendment be agreed to will the present subclause (4) be renumbered as subclause (8)?

Mr. TAYLOR: Yes, it will.

Mr. O'CONNOR: This is a wishy-washy amendment, and many parts of it leave much to be desired. It confers the authority for various committees to be set up. We should realise there are to be representatives of the consumers, representatives of the trade, and a chairman to be appointed. We could have the position where there are three members representing the trade and three the consumers. When the three vote one way and the other three vote the other way the question should be negatived. However, in such a case the chairman will decide the issue with his vote, despite the fact that three members may be against the question.

Mr. TAYLOR: I understand the point made by the honourable member. These committees are to be set up in a particular way for a particular purpose. They will have equal representation of the trade and the consumers, and such representation may comprise one to four members on each side, depending on the requirement of the case.

In the case of a committee dealing with newspapers, if there is only one daily newspaper then obviously only one representative from each side will be appointed to the committee. However, in the case of a committee dealing with petroleum products there may be a need to appoint four members from each side, together with an independent chairman. However, such representation does not preclude the members from the opposite sides from agreeing with one another. In the case of the committee dealing with the price of bread a unanimous decision was arrived at to increase the price.

In regard to the situation where there might be one consumer representative but four trade representatives present, the chairman might vote with the trade representatives. However, the question would be decided on the circumstances and the weight of the argument. Despite any accidents that might befall members of a committee, I am sure that those who are appointed will look after the areas they represent, so there will be no possible miscarriage of justice.

With the appointment of trade and consumer representatives an equality of votes is implied. I agree that this is somewhat unusual and that it does not apply in other legislation of which I am aware, including the Wheat Products (Prices Fixation) Act. I feel this is the best way to ensure that there will be no extraneous circumstance which may affect the result of the decision. The provision has merit and should remain in the Bill.

Mr. O'CONNOR: I understood the Minister to say that if there were four consumer and four trade representatives, and three of the trade representatives did not turn up at a meeting, in the event of the four consumer representatives voting one way, and the chairman of the committee the other, there would be four against two. This is not so. It is inaccurate.

Mr. Taylor: If you had your way this could be the situation; that is, if we deleted the provision.

Mr. O'CONNOR: If it is important enough to appoint a committee and to have members on the committee those members should be present at meetings or arrangements should be made for them to be represented by means of a proxy vote. I would ask members to read subclause (6) of this clause and tell me how on earth we can have four votes as being equal to one. Why have the four at all? The whole thing is a farce.

Mr. W. G. Young: Is this one-vote one-value?

Mr. O'CONNOR: This is a real beauty. We have the Government constantly telling us that we should have one-man one-vote as this relates to the Electoral Act, but in this case it is four against one, and yet the Government takes no notice of the position. Something should be done to rectify it.

Mr. TAYLOR: The representation on this board does constitute one-vote one-value. An equal number represents one section and an equal number represents the other. That is fair. It would be unfair if we made it four for one side—say from the trade representatives—and eight representing the consumers. That would not be one-vote one-value. These will obviously be the people who will argue the case and indirectly they will also be the judges in relation to the wages. That is the purpose of the Bill and the committee remains equal to the point of voting.

Mr. WILLIAMS: I cannot follow the Minister. He has his tongue in his cheek. I cannot see either the member for Mirrabooka or the member for Ascot supporting a proposition like this. In fact the Minister is saying there will be an X number of trade representatives and an X number of consumer representatives who will form the committee with a chairman.

Mr. R. L. Young: And thereby hangs a vote.

Mr. WILLIAMS: Why give the committee any voting power at all? Why not just say, "Put your case and walk out because the chairman will decide"? In most cases, and particularly where anything controversial is involved, the chairman will make the decision because the consumers' representatives will not agree with the trade representatives and vice versa. From what the Minister has said it would appear that if the consumers' representatives voted one way and the trade representatives the other, then irrespective of the numbers involved the voting will be equal, in which case the chairman will make the decision.

Mr. W. A. Manning: Why have a committee at all?

Mr. WILLIAMS: The chairman will make the decision on controversial issues. I fail to see how this conforms with the view expressed by some members on the other side of the Chamber, and I am sure they will vote against the provision. There is little doubt that the Minister had his tongue in his cheek when dealing with this provision in the Bill. I think he is just flying a kite and I cannot see how we can agree with the situation as outlined by him.

Mr. TAYLOR: The suggestion has been made that perhaps we should not have these people on the committee; that we may as well let the chairman decide what the position is to be.

Mr. Williams: I did not say we should not have them on the committee.

Mr. TAYLOR: Did you say it should be left to the chairman anyway? That is a good point because in South Australia this is just what applies. The prices commissioner sets the price without the help of any committee at all, as does the prices commissioner in New South Wales. But these two States have prices control legislation which we do not at the moment. Queensland has a committee consisting of three civil servants—the prices commissioner, the Secretary for Labour, and one other civil servant. There are no trade or consumer representatives.

Mr. Nalder: Do they each have a vote?

Mr. TAYLOR: Yes. But they are three completely independent people. So in two States there is no committee, and in a third State the committee is virtually independent. As a political decision we felt it would be preferable to have a committee as distinct from anything else; there will be representation from both sides and decisions will be made on both sides.

I agree that in many instances the decision will be made by the chairman, though I have already instanced earlier a decision having been made by the entire committee in the case of the Wheat Products (Prices Fixation) Act.

There are similar tribunals under the Public Service Act which hear appeals on behalf of civil servants; one person represents the Civil Service Association, a second represents the Government, and a third is the chairman.

Mr. Williams: Not on the price of commodities.

Mr. TAYLOR: It is a tribunal which listens to appeals from representatives of both sides who are quite often unanimous in their opinions. This also applies to the Workers' Compensation Act where employer and employee representatives come together and if there is a dispute the chairman has a vote.

I agree this is a political decision and it is possible that quite often the chairman will make the decision. But the Government believes this is preferable where there are an equal number of representatives from each side.

Mr. THOMPSON: I suggest this is not only a political decision but a political trick. What the Government is doing is setting up a committee which will deliberate upon a particular industry and having reached unanimity its members will be pleased with the decision they have made, because they have played a part in making the decision; but in a contentious matter the decision is ultimately made by the chairman. We should not tolerate such a situation.

If the Minister wants one man to make the decision the committee should consist of one man. Unless the Minister wants the committee to guide and advise him, why make provision for it? He should not try to kid the people that this will put a democratic system into operation because, in fact, it is not a democratic system at all. It actually means it will be the decision of one man.

Mr. NALDER: I am really amazed at the situation the Minister has put to us. I gave him more credit than that. To my knowledge such a system has never been introduced before. Why does he try to kid anybody that there is value in the type of committee he has explained to us tonight.

It would be far better to let the chairman make the decision or, as the Minister said, have the type of committee that is in operation in Queensland.

The CHAIRMAN: Order! There is far too much talking in the Chamber.

Mr. NALDER: The Government seeks to appoint a committee with no voting power, whereas it should have the right to decide on the decisions that should be made. I hope the Government will reconsider the matter because the proposal that has been outlined to us tonight is one of the strangest I have heard. Even though the chairman will have the authority surely provision should be made for evidence

to be given by persons and organisations when matters are to be considered and decisions made.

Mr. Taylor: The members of the committee can do that.

Mr. NALDER: From what the Minister said, in one situation the members can vote while in the other they cannot.

Mr. Taylor: In which situation cannot they vote?

Mr. NALDER: I took it that they could not unless there was an equal number of members present representing the two sections. We should endeavour to make laws that are reasonable; laws that can be enforced in the interests of those whom they are designed to protect. The Government should put forward something more practical than this.

Mr. Hutchinson: You are asking a lot of this Government.

Mr. NALDER: I hope good sense will prevail, though I cannot see how this is possible in a situation such as that outlined by the Minister. I am certain the Minister is not happy about the proposal. He keeps on saying it is a Government decision.

Mr. Taylor: You would not be happy if I said it was my decision.

Mr. NALDER: The provision is probably against what the Minister recommended.

Mr. Taylor: You are wrong.

Mr. NALDER: I am merely trying to help the Minister. I cannot understand the reason for this. I hope the purpose of the advisory committee will be to help the chairman to make a decision.

I would like to give an illustration. The Minister for Agriculture has introduced a Bill into this Chamber under which a number of committees will be appointed. The members of the committees all have voting rights or else they act in an advisory capacity. In other words, they give advice as to the reasons for a situation being carried out. In my view, this expresses the exact position in connection with this measure. The advisory committee should advise the chairman on the points at issue. If the chairman is quite satisfied that he can make a decision, he makes it and does not have to call on anyone else. It is plain sailing. On this aspect, I certainly cannot support the Bill.

Mr. WILLIAMS: No matter how long the Minister talks, he does not convince me at all. The Minister must have had this measure before Caucus on several occasions because at one time he stated that the measure would not be controversial and would not have wide powers, but the Bill before us has a great deal of power and some of the measures are extremely funny —I mean "funny, peculiar" not "funny, ha ha."

I would like to comment on the appointment of the chairman. I stress that I am only making a suggestion and not an accusation. How will the Government or the Minister appoint as chairman someone who is sufficiently impartial not to side one way or the other—either with the manufacturers or the consumers?

Mr. Taylor: The same applies with every judge who has to make a decision.

Mr. WILLIAMS: That is a fair comment. However, I assume that the chairman to be appointed under this legislation need not be trained in any way. Certainly a judge has been a lawyer at some stage and he knows the law.

Mr. Taylor: We appointed the Auditor-General to the only committee we have, and he is adequately qualified.

Mr. WILLIAMS: The Minister has said that various committees can be formed for various commodities. The Auditor-General will certainly be extremely busy if the committees go into all the items which are on sale to members of the public. If we are to appoint the Auditor-General to every committee, he will be extremely busy and will not have time for anything else.

Mr. Taylor: If no-one who is impartial can be found outside of Parliament we will take you on as chairman.

Mr. WILLIAMS: Members on both sides of the Chamber are politically biased.

Mr. Taylor: That is an honest statement.

Mr. WILLIAMS: The Minister's suggestion, even if it is said facetiously, is not wise. An even number of trade representatives and consumers' representatives are to be appointed to a committee. However, there is a let-out for these people if they cannot attend and weigh up a question in the event of there being disagreement between the two sides. We have seen a number of Bills brought forward this session containing amendments to allow for deputy members to be appointed to boards. The Hairdressers Registration Act Amendment Bill which we dealt with this afternoon is one example and I am sure there are several others.

The situation under this measure is that representatives are to be appointed. However, there is no provision for a representative to appoint a deputy in the same field as himself if he cannot attend.

I want to make myself perfectly clear to the Minister. In fact, I meant to do this when I spoke previously. I have no intention of voting for this clause or for any other. Even if the Minister were to adopt one of my suggestions I would still not vote for the measure. I am speaking from the point of view of trying to help him, now that the measure has passed the second reading. I believe members of the Opposition must do something to clear

up some of the anomalies in the measure and this is one which I firmly believe should be cleared up.

A provision should be incorporated to allow for the appointment of deputies. As I have said, I do not intend to vote for the clause or for the Bill, but I am trying to help the Minister.

Mr. THOMPSON: I wish to point out that there is a direct contradiction between subclauses (5) and (6). Subclause (5) reads—

> (5) The chairman of a committee does not have a deliberative vote on any matter before a meeting but where the votes for and against any such matter are equal the chairman has a casting vote and may so decide the matter or may adjourn the matter for consideration by a subsequent meeting of the committee.

Subclause (6) reads—

> (6) Without limiting the operation of subsection (5) of this section, where a vote is taken on any matter before a meeting and all the trade representatives present vote in a certain way—

I interpolate to point out that one person may be representing that group. To continue—

> —and all the consumers' representatives present vote in the opposite way—

I interpolate, once again, to say that four people could be involved in this group. To continue—

> —the votes for and against that matter shall, for the purposes of that subsection, be deemed to be equal.

I appeal to the Minister's sense of fair play, and I believe he is a fair person. I ask him to look at these provisions and agree that they are not equitable. The matter should be rectified forthwith.

Mr. O'CONNOR: I do not intend to delay the Committee for long. I merely wish to reiterate the point which has been made. The Minister has said that, say, four trade representatives and four consumers' representatives would have equal voting powers provided all are present. However, he has also admitted that, if four trade representatives attend and only one consumers' representative is in attendance, that one consumers' representative has equal voting power with the four trade representatives. The situation would be the same if one trade representative and four consumers' representatives attended.

If members of this Chamber do not attend, it is simply too bad when the vote is taken. This is the way it should be.

Mr. T. D. Evans: What about a pair?

Mr. Hartrey: We turn up.

Mr. O'CONNOR: I wish members of the Government would not turn up.

Mr. T. D. Evans: We allow pairs.

Mr. O'CONNOR: If the Minister moves in this direction, we on this side of the House will look at the suggestion. It would be much better to allow for proxies so that the representation on both sides is equal, if it is at all possible.

If the legislation passes on this basis, three members could say to the fourth member, "You go along; we do not need to go, because you can do all that we can do." I believe this is quite unfair.

Mr. McPHARLIN: I support the criticisms which have been voiced on this provision. The Bill refers to prices advisory committees. In other words, we are not talking about one committee, but the legislation could apply to half a dozen or more. In connection with representatives, a figure of four has been mentioned; however, more than four could be involved.

Mr. Taylor: The number could be 30.

Mr. McPHARLIN: If there were 10 trade representatives and one consumers' representative attending a meeting, this provision would give that one representative a great deal of power. The voting could be equal and the chairman would decide. I cannot go along with this provision.

Mr. HARTREY: It seems obvious the Minister's proposition is just and reasonable.

Mr. Thompson: That beats the band, coming from you.

Mr. HARTREY: The interests of the consumers and those of the trade representatives on this subject are both of great importance to the community. It would be rather ridiculous for one group to outweigh the other at a meeting, merely because someone were absent, perhaps because of a breakdown of a motorcar.

The Minister's proposition is just and reasonable and I support it with enthusiasm.

Mr. TAYLOR: Perhaps a little of the historical background may assist in this matter. Members will appreciate that it is sought to insert a new subclause into the Bill.

I had discussions with the Chamber of Manufactures on some of its objections to the Bill and on the propositions which were put to me. I would like to read the suggestion from the Chamber of Manufactures, if I may. It states—

> The Chairman who will in many cases be required to exercise his casting vote should not be a civil servant, or an employee of any Government board or institution, and should have considerable business experience in addition to economics, commerce or accounting qualifications.

From the point of view of the Chamber of Manufactures this would be reasonable. In discussion with that body I pointed out that this suggestion was not at all

acceptable. At the meeting I suggested that the words "and be a mutually acceptable person" should be added.

This is what the Chamber of Manufactures wants; it wants someone acceptable to that body—not so much someone with qualifications, but someone whom the chamber accepts as understanding its situation. It was this which prompted the amendment for a mutually acceptable person. I refer the Committee to proposed new subclause (6) which reads—

> (6) The trade and consumers' representatives appointed to a committee may, within twenty-one days—
>
> (a) of the date of their appointment;

A paragraph (b) then follows, which I think the Committee can overlook for the moment. To continue—

> submit to the Governor the name of a person who is willing to accept the office of chairman of that committee and who is, in the opinion of all those representatives, suitable for appointment as chairman of that committee.

Consequently, the Government is not appointing a chairman; it is not directly selecting a chairman. The question has been raised as to whether the Government would select someone suitable to its own interests.

Under most pieces of legislation a chairman is selected by the Government. The chairmen of the Industrial Commission and the Workers' Compensation Board are selected by the Government of the day. However, under this legislation, we are setting up a group and saying that if they can meet and, within 21 days, select someone who is mutually acceptable to be chairman, the Government will agree with this.

Mr. Nalder: What about the word "may"?

Mr. TAYLOR: The word "may" is a qualification. In the opinion of all the representatives the person must be suitable to be chairman. By the wording of the provision, the decision has to be unanimous. If a suitable person is not suggested to be chairman, the Governor selects the chairman.

Mr. Williams: Who advises the Governor?

Mr. TAYLOR: If the committee comes up with someone who is mutually acceptable to be chairman, that person will be chairman.

Mr. Williams: It has to be unanimous. One person representing trade or another representing the consumers could say, "I will not have this person" and he would be out.

Mr. TAYLOR: No, he would not be out, because the Governor could still select him. However, the option is given to both groups to nominate a person to be chairman—a person whom both groups mutually respect and consider has the right qualifications. That is outside the Government's ambit. The committee recommends to the Governor and the Minister of the day, if he has any sense, would select the person who is most acceptable to the majority. Having selected the chairman, the committee then meets. The number of representatives on both sides could be three, five, seven or nine—even more—but invariably the committee would be small.

Mr. Williams: One each!

Mr. TAYLOR: The situation under the consumer affairs legislation is that there are only three representatives from the general area of commerce, manufacturing, retailing, and advertising. In fact, I think five areas are involved, but there are only three positions. It is quite difficult to select the areas from which they will come because of the competing interests.

It could be in our interests to make provision for five representatives from retailing, manufacturing, and commerce and balance it on the other side with the same number of consumers. This may be suitable in some instances. There is a degree of flexibility.

However, the question under discussion is that of voting. Let us consider a situation where both groups have discussed a proposition and have generally agreed on a situation.

Sitting suspended from 6.15 to 7.30 p.m.

Mr. TAYLOR: Before the tea suspension I was discussing the Government's proposed amendment to clause 6 and I was attempting to explain the voting system and the constitution of the committees to be established. In particular I was attempting to answer criticism that the committees would be undemocratic or that the system would prevent justice being done in connection with prices.

I will recapitulate very briefly. When the price structure of a commodity is to be examined, the Government of the day will appoint a committee consisting of equal numbers of trade and consumer representatives. This may be one of each, two of each, and so on. Subclause (6) provides that the members of the committee, both trade and consumer representatives, may appoint a person as chairman of the committee. The chairman must be acceptable to the members of the committee—this seems to be a democratic approach. If the members of the committee cannot agree on an acceptable chairman, the Governor may nominate an independent person for the position.

The voting situation will remain as provided in the Bill—that the members of the committee will vote on any issue before them. If there are 30 representatives on

each side, the chairman would have a casting vote only if all representatives on one side voted for a measure and all on the other side voted against it. If only one representative turned up to vote for a measure and 30 representatives voted the other way, it would be an equal vote.

Mr. W. G. Young: If 30 arguments are presented to the chairman against a measure and only one argument is presented in favour of it, the chairman has to make a decision on 30 votes as against one.

Mr. TAYLOR: May I just round this off so the Committee may view it in perspective? If there is a division on either side, there will be a majority either for or against the measure and the chairman will not have to vote.

Mr. Williams: If there is a mixed vote the chairman does not get a vote?

Mr. TAYLOR: Yes.

Mr. Williams: If all one side is against a measure and all the other side is for it, irrespective of numbers, the chairman has a casting vote?

Mr. TAYLOR: The onus is on the representatives to reach agreement. These two groups of people are allowed to nominate their own chairman who will take no part in the voting unless the situation becomes very tight. This seems to be as fair as one could possibly wish. The Government of the day has no part in the appointment of the chairman. If the representatives can reach a decision on whether or not the cogs referred to by the member for Stirling are being produced at the right price there is no need for the chairman to cast a vote. The chairman has a casting vote when the parties are deadlocked.

Mr. O'Connor: Do you say 29 to one is a deadlock?

Mr. TAYLOR: In these circumstances it would be. The committee is allowed to arrive at its own decision and is therefore more likely to make a decision acceptable to all sections of the community as well as the parties involved.

Mr. THOMPSON: I submit that the chairman would have to cast a vote every time a contentious issue is raised.

Mr. Taylor: If there is unanimous contention, yes.

Mr. THOMPSON: If the committee consists of 60 members—

Mr. Taylor: I promise we will never appoint that many members.

Mr. THOMPSON: To say it is an equal vote when 10 people vote one way and one person votes another way is surely not democratic?

Mr. Taylor: Yes it is, when we take it a step further. The next step is that the independent chairman makes the decision.

Mr. THOMPSON: Why bother to give the members of the committee a vote?

Mr. Taylor: For the very reason I mentioned—so that they may reach a decision themselves.

Mr. THOMPSON: I fail to see that this is a democratic arrangement. How the Labor Party can run around saying it believes in one-man one-vote I will never know.

Amendment put and passed.

Mr. TAYLOR: I move an amendment—

Page 4—Substitute the following new subclauses to stand as subclauses (3), (4), (5), (6), and (7) for the subclause deleted:—

(3) The Governor may from time to time—

(a) add any goods or service to;

or

(b) delete any goods or service from,

the goods and services in respect of which a committee is established.

(4) The Minister shall—

(a) within ten days of the establishment of a committee, publish notice in the *Gazette* of the establishment of that committee and the goods and services in respect of which it is established;

(b) within ten days of the making of any addition to, or deletion from the goods and services in respect of which a committee is established, publish notice in the *Gazette* of any goods or services so added or deleted.

(5) A committee shall consist of equal numbers of—

(a) trade representatives, and

(b) consumers' representatives,

appointed by the Governor, and a chairman appointed by the Governor in accordance with subsection (7) of this section.

(6) The trade and consumers' representatives appointed to a committee may, within twenty-one days—

(a) of the date of their appointment;

(b) of any vacancy subsequently occurring in the office of chairman of that committee,

submit to the Governor the name of a person who is willing to accept the office of chairman of that committee and who is, in the opinion of all those representatives, suitable for appointment as chairman of that committee.

(7) If a person is nominated in accordance with subsection (6) of this section, that person shall be appointed chairman of the committee but if no such nomination is made the Governor shall appoint such person as he thinks fit to be chairman. .

Amendment put and passed.

Mr. TAYLOR: I move an amendment—

Page 5, lines 19 and 20—Add after the word "established", the passage "being a person who is or has been engaged in the business of manufacturing or selling those goods or similar goods or supplying those services or similar services, as the case may be".

This amendment was suggested by the trade representatives who felt that the definition contained in the clause may not lead to the right people being appointed. In other words, the amendment is a more precise definition of a "trade representative."

Amendment put and passed.

Clause, as amended, put and passed.

Clause 7 put and passed.

Clause 8: Functions of committees—

Mr. STEPHENS: Subclause (4) reads as follows:—

On the receipt by the Minister of a report made to him under this section he shall cause a copy thereof to be laid before each House of Parliament as soon as practicable after he receives the report.

I appreciate that the intention behind this clause is to show that the Minister's hands are clean—on receiving the report he has nothing to hide and he will make the report available. However, I believe this provision could do unnecessary harm to an innocent person. The commission may conduct an inquiry into the affairs of a firm or trade organisation and some of the information obtained could be confidential, and definitely would be of advantage to its competitors. Once the information is tabled, it will be freely available.

The Deputy Leader of the Opposition objected to this clause by way of interjection during the second reading debate. The member for Bunbury also pointed out the weakness. I believe the Government also has doubts about this provision because clauses relating to secrecy appear later in the Bill. The result of the latter provisions is that members involved are sworn to secrecy and it seems rather absurd that the documents they prepare may then be made public.

I believe that the amendment I propose to move will overcome the situation. It will enable the Minister to show that he has nothing to hide but at the same time it will afford protection to the organisations which have been investigated. I intend to move to delete subclause (4) with a view to substituting a new subclause, and I will take this opportunity to explain my amendment. The amendment standing in my name on the notice paper is to substitute the following paragraph:—

(a) On the receipt by the Minister of a report made to him under this section he shall submit a copy of the report to a Parliamentary committee, appointed by the Minister for the purpose, consisting of one member from each political party that is represented in Parliament by not less than five members.

When received, the report is submitted to this committee which will be appointed. Before moving the amendment I have on the notice paper I would like to amend paragraph (b) of subclause (4) which I seek to substitute for the subclause (4) that will be deleted. The first part of paragraph (b) of the subclause (4) I wish to insert reads as follows:—

(b) A member of a Parliamentary committee shall not divulge or communicate to any person the contents of any report either in whole or in part . . .

Up to that stage it is indicated that the members of the committee could make reports either to their parliamentary parties or to any other individual. However, instead of the words following the word "part" in the subclause appearing on the notice paper, I wish to substitute the words—

but shall communicate its deliberations to the Minister who shall then decide whether or not the request will be tabled.

In other words, after the parliamentary committee has deliberated it can advise the Minister of its deliberations and the final responsibility of deciding whether the report shall be tabled is left to the Minister. I think this will protect any innocent party from being affected in any way. I therefore move an amendment—

Page 7—Delete subclause (4) with a view to substituting the following:—

(4) (a) On the receipt by the Minister of a report made to him under this section he shall submit a copy of the report to a Parliamentary committee, appointed by the Minister for the purpose, consisting of one member from each political party that is represented in Parliament by not less than five members.

(b) A member of a Parliamentary committee shall not divulge or communicate to any person the

contents of any report either in whole or in part but shall communicate its deliberations to the Minister who shall then decide whether or not the request will be tabled.

Mr. O'CONNOR: I am not happy with the amendment, but I am less happy with the Bill. The member for Stirling has brought something forward which, whilst objectionable to me, is not quite as bad as the subclause in the Bill. The clause does not mean that anything in the report has to be factual on the full details when the results of any investigation into any person's property have to be laid on the Table of the House where the report will be open for public examination. When we look at the initial provisions of the clause we see that the investigation could be conducted for any purpose. It could be conducted into services as well and dossiers of certain individuals could be tabled in this Chamber. The clause in the Bill is not acceptable to us. Whilst we do not oppose the amendment we are not happy with it. We just wish to record our objection to the Bill as a whole.

Mr. TAYLOR: The amendment is one that requires some soul searching. Subclause (4) of clause 8 is a provision that follows normal tradition; it is fundamental to ministerial government. Certain matters have come to my attention concerning the policy of the party to which I belong and its Federal election aims, and they are in general accord with my own thinking on this situation. Therefore I am inclined to support the amendment. It does take from the Minister his complete right and allows an independent group to look at the report. Whilst I may be putting my neck out in regard to this, the amendment contains a sound principle. I am not happy with the drafting and further amendments may have to be made in another place. However, my thoughts are that the principle of allowing something to be researched so that it protects the Minister as well as the individual is quite sound and I am prepared to support the amendment on those grounds.

Sir CHARLES COURT: I did not hear the member for Stirling read the words he proposes to replace after the word "part" in paragraph (b) of the subclause (4) which he seeks to have substituted. I was wondering whether we could have from you, Mr. Chairman—if he has indicated this to you—what he intends in the amendment, because it could influence one's attitude towards it.

A rather delicate situation will arise if the report is referred to a committee of members of Parliament—one from each party—because it could contain all sorts of information that could be an embarrassment to the people who received it. The members of that committee may be the soul of honour and observe the secrecy provisions, but do not let us overlook the fact that many people may have seen the report before the members of the committee receive it. It is not beyond human frailty for information to be made public or to leak from some source before members of the parliamentary committee receive the report.

Mr. Taylor: That would not affect the members of the committee though, would it?

Sir CHARLES COURT: It would, because it would be impossible to pin the blame. It would always be assumed that members of Parliament were responsible. It is generally assumed that they are supposed to be more vulnerable in these matters than ordinary citizens.

What the member for Mt. Lawley has said reflects our views. We do not like the clause and we do not like subclause (4). We go along with the amendment moved by the member for Stirling, but we do not like that amendment particularly, either. We could be grasping a tiger by the tail. If members of Parliament have the responsibility of considering this report and are sworn to secrecy in respect of it, and there was a leakage from some source before it was received by the Minister, there could be some trouble.

We must not overlook the fact that the Minister long before will have the report handed to him by people who are not experienced in these things. I recall that there was some difficulty when the McLarty-Watts Government wanted to appoint a prices advisory committee comprising three people who were not public servants. Those three people were Messrs. Broomhall, Schnaars, and myself. The query was raised as to how we would be bound by the secrecy provisions as were all public servants, but this difficulty was overcome by the legislation. If we could have an indication of what the amendment is to be it would assist us considerably.

Mr. Taylor: Do you intend to support the amendment or will you support the Government?

Sir CHARLES COURT: I have told the Committee we do not like the clause any more than we like the Bill, but we find the proposal by the member for Stirling less objectionable than subclause (4) in the Bill.

Mr. McPHARLIN: In commenting on the amendment, I suggest to the Minister he looks at subclause (3) of clause 8 in which he has to request the committee to submit a report on the results of its investigations. The committee *may*—it is not mandatory—if it considers it desirable in the public interest, submit to the Minister a report on the results of its investigations.

Mr. Taylor: If the Minister does not request a report, the committee does not have to submit one.

Mr. McPHARLIN: Yes, and it is only after the Minister receives the report that he shall cause a copy of it to be laid before each House of Parliament. That provision is contained in subclause (4).

Mr. Taylor: Are you supporting the amendment or the clause?

Mr. McPHARLIN: I am not opposing the amendment. I think it is an improvement on subclause (4) in the Bill. However, if the Minister examines subclause (3) he will find that subclause (4) does not have the impact it appears to have.

Mr. Taylor: You feel subclause (4) in the Bill is not as objectionable as it would appear?

Mr. McPHARLIN: No. I would like to see the word "shall" deleted in line 2 of subclause (3) and the word "may" substituted.

Mr. Taylor: Would you like to move an amendment along those lines?

Mr. McPHARLIN: The amendment by the member for Stirling seeks to delete subclause (4) and substitute another subclause. I oppose the amendment but it is preferable to the subclause in the Bill.

Mr. LEWIS: I am sorry I was not present in the Chamber for the earlier part of the debate on this clause, but from my study of the Bill I pose this question to the Minister: Do we need subclause (4) at all? I would prefer that the subclause be deleted and I would be prepared to accept the amendment. I think the amendment is an improvement on subclause (4) in the Bill, but I do not see any need for it.

Mr. TAYLOR: I am amazed. Oppositions are traditionally suspicious of Ministers. In the debate on this Bill many things have been attributed to me as to what dealings I can perform as the Minister administering this legislation. The member for Stirling has put forward an amendment which suggests that a member of each party of this Parliament can see any report that comes forward, and the member for Mt. Marshall signified that he would like to see subclause (3) amended so that it shall not be obligatory upon the committee to submit a report to the Minister. If the Minister is not satisfied in regard to a certain position, and he asks for a report and receives it, under this clause he is obliged to place it before Parliament. Some people are suspicious of a Minister who receives a report and does not necessarily table it, because that report could not be public property, and the committee that divulges the contents of the report could be liable to prosecution. Therefore, the Minister would make the ultimate decision as to what was the best course to adopt. Whatever came forward, the Minister would make the decision. That is our system of government.

This clause reads the same as that provision which all parties have agreed to for quite some time. Once the Minister has received a report he is obliged to table it.

Mr. Blaikie: No, it is only if the committee makes a request to him to do so.

Mr. TAYLOR: Once the Minister asks for a report, under this clause he is obliged to table it. If the Committee feels that an injustice would be done to somebody and it deletes subclause (4), no matter who the Minister may be, he could be let down. The Minister could do something and nobody would be any the wiser.

The member for Stirling has moved an amendment whereby the contents of the report will be known at least to one member of each parliamentary party. From a sense of justice the amendment has a good deal of merit in it and I accept the thought behind it.

Mr. McPharlin: Then the committee reports to the Minister.

Mr. TAYLOR: Yes. Whatever the Minister decides there is someone in the Opposition parties who has seen what is in the report; at least someone apart from the Minister knows about it.

It is interesting to listen to the various comments. The Leader of the Opposition has some worries about it. The member for Moore would prefer the clause to be deleted altogether so that Parliament did not see the contents and the Minister had the report all to himself.

I am interested to know what the Committee really wants. It is obvious what the Minister wants because he has presented the legislation in printed form and this clause would remain as it is if no amendment were made. However the Opposition, which can see itself in the position of the Government as well, does not know what it wants.

Sir Charles Court: We would not have the Bill and therefore we would not have the problem.

Mr. Lewis: Is the report to be tabled so members can be aware of it?

Mr. TAYLOR: Yes. In this way Parliament would know what the committee decided and why. Is there an objection to that? There could be objection. The point has been made that this provision may offend or hurt some people. The alternative is that no-one knows what the committee recommends. If the committee recommends a price rise and the Minister rejects it, that is it—and vice versa.

The Committee cannot have it both ways. The Government has presented a clause which is the normal type of clause included. I am unhappy about some aspects of it because I will be in Opposition again at some far-distant future date. I would like some further comment from members opposite.

Mr. BLAIKIE: I draw the Minister's attention to the fact that my interpretation of subclause (3) is that there is no obligation on the part of the committee to lodge any report if it does not want to do so. I recall a similar instance in another Act in which this contingency is applied.

Mr. Hartrey: What is the Act?

Mr. BLAIKIE: The Land Agents Act. I would like the Minister to clarify the situation.

Mr. Hartrey: The member for Vasse is quite wrong.

Mr. O'CONNOR: I think I made my position quite clear, but I wish to reaffirm it. I pointed out that I did not like subclause (4). Many on this side of the Chamber would prefer it to be deleted.

Mr. Taylor: You are not supporting the amendment?

Mr. O'CONNOR: No. I do not like the Bill at all.

Mr. Taylor: You said you preferred the amendment to the subclause in the Bill.

Mr. O'CONNOR: I want the lot deleted.

Mr. Taylor: You do not want the amendment?

Mr. O'CONNOR: No. I do not want subclause (4) in at all. Is that clear?

Mr. HARTREY: All I want to say is that the member for Vasse is entirely misinterpreting the provision. The provisions in subclause (3) obviously allude to two different contingencies. If the Minister calls for a report, the committee shall submit one, and if the Minister does not call for a report the committee may submit one. It is absolutely impossible to read the words "shall" and "may" as referring to the same contingency.

Mr. WILLIAMS: I am a little surprised that subclause (4) was ever included in the Bill because I can recollect the debate on the borrowing powers for Wundowie. I proposed an amendment on the 4th May this year. It dealt with an investigation into the pros and cons of Wundowie borrowing money and then the amendment concluded by stipulating that the report was to be laid before each House of the Parliament. However, the Minister at the time said—

> . . . it would be completely wrong for the Wundowie iron and steel industry to be compelled to lay its cards on the table and make them available to other people with whom it is competing in business.

Yet this is precisely what is to be done under subclause (4) of the Bill now before us.

When dealing with the Wundowie Bill the Minister wanted to know how we could lay the cards of that particular business on the table for the public to look at them. I ask the Minister how he can recommend such a provision in legislation which deals with the structure of prices and, in many cases, the manufacture and selling conditions and suchlike of a particular business or industry.

To make my position quite clear, I believe that the amendment of the member for Stirling should be defeated and then subclause (4) should be deleted. Then it would be the responsibility of the Minister. Let us face it: the Ministers take this responsibility upon themselves when they accept the position and they must take any criticism which might result. It is up to them to say whether or not the report should be tabled. Of course this always creates some problems.

As I said earlier this evening, for my part I would not have a bar of the Bill in any case, but if it goes through I certainly do not want it to contain subclause (4).

Mr. FLETCHER: I apologise to the Minister for interfering again, but I do consider it necessary for me to make some comment. I believe subclause (4) should be retained for reasons I will outline.

Mr. Williams: The Minister for Development and Decentralisation would not agree with you.

Mr. FLETCHER: Leave me alone and I will be as brief as I can. I would like subclause (4) to be retained because I believe it would have a salutory effect on those who exploit the community. I can understand the Opposition not wanting the subclause because the Opposition is attempting to protect those it represents; that is, principally the business interests.

Sir Charles Court: You never grow up.

Mr. FLETCHER: I have attempted tonight to contemplate the subclause quietly and I want to make my opinion known to the Committee as quietly as I possibly can. This is how I interpret the attitude of the Opposition.

Several members interjected.

Mr. FLETCHER: The Opposition does not want subclause (4) included—

Several members interjected.

Mr. FLETCHER: Without any interjections please, let me make the point that if some unfortunate person indulges in petty theft that person is tried in court and a penalty is imposed. A report of the court actions appears in the Press to the shame of that person and his relatives. So the penalty is compounded to that extent.

On the other hand, if subclause (4) is not retained, people could be shamefully exploited by business interests over a period of years until such time as the penalty under this Bill could be imposed. Those on the other side want to exonerate those business interests by removing subclause (4). That is how I interpret the situation.

Mr. Stephens: You do not understand the Bill.

Mr. Williams: Under this Bill this will happen whether they are guilty or not.

Mr. FLETCHER: All the intelligence is not on that side of the Chamber.

Mr. Graham: Hear, hear!

Mr. FLETCHER: I think I have illustrated my point well. Members of the Opposition are attempting to protect the interests they represent, and I am trying to have the situation ventilated by the retention of subclause (4). I will admit that the amendment of the member for Stirling has a little merit. I do not want to offend him because he has assisted with the discussion on this Bill. If it is right for a petty theft to receive publicity it is right that a report under the circumstances we are discussing should be laid on the Table of the House. If some business interest has been indulging in some reprehensible activity of an anti-social nature, any report concerning it should be laid on the Table of this and another place.

Mr. LEWIS: The member for Stirling has given notice of an amendment, but he must first move to delete certain words, and I understand that is as much as he has moved at this stage. That is also as far as I will agree with him; that is, to delete subclause (4).

I go along with the Minister in his contention that this is a ministerial responsibility. If someone has transgressed the law under this legislation—and I say this for the member for Fremantle and I do not care whether I offend him in doing so—he will pay the penalty provided in the Bill. No reason exists therefore to plaster the fact all over the world and to paint on his front window, as it were, the fact that he is a transgressor. This is what the member for Fremantle desires. He believes that if this is not done we are exonerating the offender.

Mr. Bertram: It is done to other offenders.

Mr. Williams: But not to people who are not guilty. This does.

The CHAIRMAN: Order!

Mr. LEWIS: I agree with the Minister that this is a ministerial responsibility. If a member of Parliament suspects or learns that some injustice has been experienced, he can ask a question in the Chamber and can have the file concerned tabled or view it in the Minister's office at his discretion. In the meantime this is the responsibility of Ministers.

Mr. TAYLOR: This debate could obviously continue for quite a while and it is time to draw some of the threads together. I indicated I had considerable sympathy with the amendment of the member for Stirling. I believe there should be as little secrecy as possible in a Government, although I know this could be used to advantage.

The member for Fremantle has summed up the general attitude of the Government which is that there should be as little secrecy as possible. Members opposite and I myself now have expressed some doubts regarding subclause (4). It could harm to a certain degree, but at the same time it is a safeguard.

I propose to examine this matter further to see whether something can be substituted to better cover the situation. In the meantime, after hearing the debate, I believe the subclause should remain and I intend to oppose its deletion.

Mr. O'CONNOR: One becomes used to hearing the member for Fremantle having a shot at various business organisations. He said he believes organisations should be investigated for reprehensible business dealings. I wonder how he would feel if a person reported his union or any other union because it was felt it was not giving reasonable service for the dues paid and an investigation was made into the union's activities. How would he like all the papers to be tabled in this Chamber—

Mr. Fletcher: They are.

Mr. Williams: They are not.

Mr. O'CONNOR: —in connection with the investigation? How would he like a member not favourably inclined toward unions investigating those papers, which would happen in connection with a matter like this?

Mr. Fletcher: It is not relevant.

Mr. O'CONNOR: Not much, it is not. Members opposite are inclined to indicate a view which suits their attitude. Business interests are part and parcel of our community. Business people employ others and without them we would be in trouble. I would prefer to see the clause deleted.

Mr. WILLIAMS: Many people engaged in small businesses are workers in the same way as those who receive wages, and the member for Fremantle is aware of that fact. They have to be protected because under the provisions of this clause they could be investigated. The point overlooked by the member for Fremantle is that whether a person is guilty or innocent a report on his affairs will be placed on the Table of the House. A person who is not guilty of an offence could still have the whole of his affairs laid on the Table of the House for public scrutiny.

Mr. Fletcher: If he had nothing to hide he would not worry.

Mr. WILLIAMS: The member for Fremantle is much wiser than he makes out to be. A union is supposed to supply services to its members, and if sufficient members of a union complain I imagine the Minister would be obliged to ask for an investigation. There would then be a different outcry from the other side of

the Chamber because the papers of that union would be laid on the Table of the House. The same would apply to anyone else.

Mr. NALDER: When the Minister rose and spoke I thought he was going to report progress and have another look at subclause 4. He commenced to speak in that vein but before he sat down he agreed with the view expressed by the member for Fremantle. The member for Fremantle is very critical of the Opposition, but he always puts his foot in whatever he is discussing.

Mr. Fletcher: The Opposition gives me plenty on which to comment. I have difficulty in saying it.

Mr. NALDER: The point raised by the member for Fremantle will apply to everybody, and not only to a worker. Every person who commits an offence will be treated on the same basis so the member for Fremantle should not claim that one person will be treated differently from another. That is not a valid argument.

If the honourable member had not commented in that manner he would not have received any criticism from this side of the Chamber. He always seems to try to put the boot into someone else. If the Minister has a responsibility under an Act it should be up to him to decide what he does. That has been my own experience. If a ministerial decision goes astray then the public, members of Parliament, and the Opposition can request that the details be laid on the Table of the House. No Minister would deny a member of Parliament, under those circumstances, an opportunity to examine a file.

I see a terrible risk attached to this type of legislation being on the Statute book. It should be up to the Minister to make a decision on the information which is made available to him. Unless the Minister is prepared to withdraw what he said I certainly oppose the clause as it stands.

Mr. STEPHENS: I was quite heartened when the Minister first indicated that he would reluctantly accept my proposal. However, I am afraid there will be no smooth passage for any clause in this Bill. I do not know whether or not I should thank the speakers from this side of the House who have spoken. If we had kept quiet I think we might have been in a better position than we are now.

I felt that it would be better to delete subclause (4) but I did not think the Committee would accept that proposal. The alternative which I have outlined to the Committee is something I considered to be less objectionable, but which would still be acceptable. I ask the Minister to reconsider my amendment. He indicated in his second reading speech that if we had any ideas to improve the legislation he would give them sympathetic consideration. He started to give sympathetic consideration to my amendment, but it was short-lived.

Mr. Taylor: I was swayed to some extent by those on the other side of the Chamber.

Mr. STEPHENS: I am asking the Minister to be swayed by me. The Minister indicated last night that he was appreciative of the ideas behind my two amendments, but I would be much happier if instead of being appreciative he accepted my proposal.

Mr. TAYLOR: I rise to repeat what I said earlier: I oppose the deletion of subclause (4).

Sir CHARLES COURT: To put the record straight, and in view of the twist which has occurred following the speech made by the member for Fremantle, I want to make it clear that the only reason some of us were prepared to support the amendment moved by the member for Stirling was that it was better than the original subclause (4).

As has been suggested by the member for Stirling we had assumed the Minister intended to dig his toes in on subclause (4). However, he earlier indicated he would go along with the suggestion made by the member for Stirling—that half a cake was better than none. Now the Minister has swung in behind the member for Fremantle.

As far as I am concerned I can only vote for the deletion of subclause (4) because the member for Fremantle, and also the Minister, have disclosed the state of mind of the Government, which is similar to the attitude adopted from 1953 to 1959: industry beware; you will not be welcome here. We will hit you over the head with a big stick at every chance we get!

Mr. Jamieson: You went around doing that.

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

Ayes—21	
Mr. Blaikie	Mr. Reid
Sir David Brand	Mr. Ridge
Sir Charles Court	Mr. Runciman
Mr. Coyne	Mr. Rushton
Dr. Dadour	Mr. Stephens
Mr. Hutchinson	Mr. Thompson
Mr. Lewis	Mr. Williams
Mr. W. A. Manning	Mr. R. L. Young
Mr. McPharlin	Mr. W. G. Young
Mr. Nalder	Mr. I. W. Manning
Mr. O'Connor	*(Teller)*

Noes—21	
Mr. Bertram	Mr. Lapham
Mr. Brady	Mr. May
Mr. Brown	Mr. McIver
Mr. Bryce	Mr. Moiler
Mr. Burke	Mr. Norton
Mr. Cook	Mr. Sewell
Mr. H. D. Evans	Mr. Taylor
Mr. Fletcher	Mr. A. R. Tonkin
Mr. Graham	Mr. J. T. Tonkin
Mr. Hartrey	Mr. Harman
Mr. Jamieson	*(Teller)*

Pairs

Ayes	Noes
Mr. O'Neil	Mr. Bickerton
Mr. Grayden	Mr. T. D. Evans
Mr. Mensaros	Mr. Davies
Mr. Gayfer	Mr. Jones

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

Amendment thus negatived.

Clause put and passed.

Clause 9: Procedure on investigations—

Mr. O'CONNOR: This clause deals with the procedure on investigations, and I would like the Minister to comment. It appears that the commissioner will be able to act on hearsay. He will then be able to put in a report and that report will become valid. Surely we do not want that situation. Paragraph (a) of subclause (2), in part, reads as follows:—

> . . . that any members of the committee were not present at, or did not take part in, the doing of that thing does not invalidate any report, recommendation, or other thing done consequent upon the conduct of the investigation . . .

From that it would appear that if any member of the committee became aware of some details in connection with a certain matter those details could be recorded.

Mr. Taylor: I am not sure what the member for Mt. Lawley is getting at as far as hearsay is concerned. I do not see that it is relevant. It would be hearsay to the member who was not present.

Mr. O'CONNOR: The person need not be present, and what he hears need not necessarily be said in committee. It applies to anything that goes into a report. Is the Minister clear on that point?

Mr. Taylor: Yes and no. You are saying if no members were present and someone said something, it would still go into the report?

Mr. O'CONNOR: If one of the members heard something that was not correct, it could be recorded in a report and would be considered as being valid. I want the Minister to comment on that.

Mr. TAYLOR: As I understand it, it means that if a person wants to absent himself from the committee—by desire, or through illness, or something like that—the proceedings of the committee are not necessarily invalidated.

Mr. O'Connor: Does this refer specifically to committee meetings?

Mr. TAYLOR: It does not make the statement of hearsay valid and it does not invalidate the report. If a member says, "I was not present and I did not hear it," the report, *in toto*, is valid. A member who was absent for part of the proceedings cannot say, "Because I was not there and did not hear that, the report is not valid."

Mr. WILLIAMS: A person engaged in a particular field could be investigating a competitor, which could give rise to some form of commercial or industrial espionage. A manufacturer could be called in to investigate another manufacturer of the same line or lines of goods. There is a secrecy provision but there is nothing to prevent him from finding out all about his competitor and counteracting some of his ways and means of production—or selling in the case of a commercial enterprise.

No matter who is the Minister, he would need to be very careful about the persons whom he appointed. However, there is always the temptation for an individual to build up over a period a dossier—which seems to be the term of the day—on particular types of businesses and pass it on to an organisation of his own, irrespective of the secrecy provisions. The fine is about $500 or $1,000, but I can think of a number of cases in which that sum would be peanuts compared with the value of the information that could be passed on. I cannot find in the Bill any provision which would preclude a person from investigating a competitor in his field.

Mr. TAYLOR: I see what the honourable member is getting at but I cannot see how it can be clarified to his satisfaction. One would expect that a committee set up to investigate a product would investigate it, which implies that all members of the committee would investigate it. The committee could opt to select one of its members to carry out the investigation. That member may or may not be someone who will break the law in one way or another. In any case, if this provision were deleted and the committee did not have the power to direct one of its members to carry out an investigation, all the members would have to carry out the investigation, which would not prevent a member of the committee from finding out what he wanted to know.

Mr. Williams: The committee may direct any one or more of its members to conduct an investigation, so it may be one member, half a dozen members, or all the members.

Mr. TAYLOR: This would work in support of the point the honourable member is making. If the committee comprises two bread manufacturers and two consumer representatives, rather than the whole committee going along to investigate bakeries the committee can direct one of its members—conceivably the chairman or one of the consumer representatives—to conduct the investigation, thus keeping the manufacturers' representatives away from bakeries. Therefore, the very power to authorise one or more members to do the

work would in fact assist in keeping secrecy. If there were no such provision, the whole committee would have to go along.

Mr. Williams: I still think it could be clarified by spelling it out. If a situation arose where a person who had interests in a business of a similar nature were appointed, who knows what would happen?

Mr. TAYLOR: At the request of the Chamber of Manufactures and others, we included certain requirements in regard to those appointed as trade representatives. Those requirements would be complied with. If someone were interested in industrial espionage, I cannot see how we could overcome it except through the provision with regard to penalties. That person could be precluded from the investigation, but if this provision were deleted he could go along with everyone else. I think this clause makes sense.

Clause put and passed.

Clauses 10 and 11 put and passed.

Clause 12: Determination of maximum prices and rates—

Mr. TAYLOR: I move an amendment—

Page 9, line 20—Delete the word "The" and substitute the passage "Subject to subsection (4) of this section the".

Amendment put and passed.

Mr. TAYLOR: I move an amendment—

Page 10, lines 32 to 37, and page 11, lines 1 to 11—Delete subclause (4) and substitute the following:—

(4) The Commissioner shall not fix and declare the maximum price or rate at which any goods or service may be sold or supplied unless a committee has, pursuant to paragraph (a) of subsection (1) of section 8 advised the Commissioner that maximum prices or rates should be fixed and declared under this Act in respect of those goods or that service.

An outsider who looked at the Bill questioned whether this subclause allowed too much latitude. I agreed with the submission and the Parliamentary Draftsman has amalgamated the subclause in such a way as to make it perfectly clear.

Amendment put and passed.

Clause, as amended, put and passed.

The CHAIRMAN: If there are no amendments between clauses 13 and 28, I will put all those clauses together.

Point of Order

Mr. O'CONNOR: On a point of order, even though there are no amendments, surely we can speak to the clauses without moving amendments.

The CHAIRMAN: Very well.

Committee Resumed

Clause 13 put and passed.

Clause 14: Price to include cost of wrapping—

Mr. O'CONNOR: Clause 14 states that prices fixed will include the cost of wrapping the goods to which the prices apply. As far as I can see, in some cases this will increase the price of the goods concerned. Take, for instance, commodities that do not require wrapping, such as watermelons or brooms. If they happen to be controlled goods, the price of wrapping must be included. If we are to pass the legislation at all, clause 14 could increase the price of certain commodities. This point should be watched.

Mr. TAYLOR: I will note the comment of the honourable member. This legislation is designed for the investigation of excessive prices. It is not designed to set prices on all products, as has been claimed over and over again. I think clause 14 is reasonable. The cost of wrapping is included so that it cannot be said, "You have bought the contents only; now we will add the cost of wrapping." I cannot see any objection to it.

Clause put and passed.

Clauses 15 to 23 put and passed.

Clause 24: Refusal to sell goods at fixed price—

Mr. O'CONNOR: This is another clause with which we are not very happy. As far as I can see, we are not happy with any of the clauses in the Bill. At least I am being honest about it.

This clause states that a person can demand any quantity of goods on tender of payment at the price fixed for that quantity of the said goods, and the seller must sell the goods to him. A seller may have reasons for retaining a certain number of the goods for regular clients, and so on, but, in accordance with this clause, if he has 20 of those articles under his counter and someone who is not a regular client demands 10 of them, he would be bound to pass the 10 across the counter.

I do not like this clause at all. It can be abused considerably. A trader may be operating in a decent manner, yet someone who does not normally purchase from him can demand certain goods and he must hand them over. In my view, this clause is objectionable, as is most of the Bill.

Clause put and passed.

Clauses 25 to 28 put and passed.

Clause 29: Sufficient notice to be given to enable questions, etc. to be answered—

Mr. TAYLOR: I move an amendment—

Page 23, line 10—Delete the words "answer any question" and substitute the words "do so".

Amendment put and passed.

Mr. TAYLOR: I move an amendment—

Page 23, lines 13 and 14—Delete the words "the answer given by him shall not" and substitute the passage "no answer, information or document so given or produced by him shall".

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 30 and 31 put and passed.

Clause 32: Commissioner's power to require returns—

Mr. TAYLOR: I move an amendment—

Page 24, line 6—Delete the word "The" and substitute the passage "For the purposes of any investigation or inquiry conducted under section 28, the".

Amendment put and passed.

The clause was further amended, on motions by Mr. Taylor, as follows:—

Page 24, line 27—Insert after the word "particulars" the words "relating to those goods".

Page 25—Add the following new subclause to stand as subclause (6):—

(6) The powers conferred on the Commissioner by this section shall not be exercised in relation to any goods or service other than goods or a service in respect of which a committee is established under section 6.

Clause, as amended, put and passed.

Clause 33: Commissioner includes other officers—

Mr. O'CONNOR: The commissioner is to be given complete authority to request any information he desires from any organisation. We find that extremely objectionable. If the commissioner can call on an organisation to provide secret formulas and other details we may find that some organisations will terminate their operations in this State and move to other States.

Even more objectionable is the fact that the commissioner may authorise any person to act on his behalf. In other words, a person authorised by the commissioner may go to any organisation nominated by the commissioner and peruse the books of, and the ingredients of any formula used by, the organisation.

I know of a company which intends to establish itself at Northam and has purchased nine acres of land. It plans to employ 120 people—and I am sure the member for Northam would like the company to do that. Not only would it employ those people, but it would also be responsible for creating other activity in the area. The company uses a secret formula, and I am sure it would not be happy to hand it to anyone else in the State because it is worth money to the company.

We had the example in America of a vacuum cleaner company which had something it kept to itself. However, a prices commissioner investigated the company and learnt its secret. Subsequently, he resigned from the commission and set himself up as managing director of an opposition company. We oppose the clause.

Clause put and passed.

Clause 34: Secrecy—

Mr. TAYLOR: I move an amendment—

Page 26—Delete paragraph (a).

The paragraph proposed to be deleted states that if during an investigation the investigator finds information which relates to secret commissions—a term about which I have received some explanation, but hesitate to relate it to the Chamber because of its complexity—the commissioner has the right to acquaint the Attorney-General of the information so that possibly a prosecution may eventuate. I can see some objection to the provision, but I can also see why it should remain. I am prepared to delete it as it has been suggested that it is not a fair proposition.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 35 to 39 put and passed.

Schedule put and passed.

New clause 5—

Mr. TAYLOR: I move—

Page 3—Insert after clause 4 the following new clause to stand as clause 5:—

Powers under other Acts not affected.

5. Nothing in this Act shall be construed to affect the exercise by any person or body of any power to fix prices, charges or rates in accordance with any of the following Acts—

Dairy Products Marketing Regulation Act, 1934;

District Court of Western Australia Act, 1969;

Electricity Act, 1945;

Hospitals Act, 1927;

Legal Practitioners Act, 1893;

Local Courts Act, 1904;

Marketing of Eggs Act, 1945;

Metropolitan Water Supply, Sewerage, and Drainage Act, 1909;

Milk Act, 1946;

Motor Vehicle (Third Party Insurance) Act, 1943;

Rights in Water and Irrigation Act, 1914;

Supreme Court Act, 1935;

Taxi-cars (Co-ordination and Control) Act, 1963;

Transport Commission Act, 1966;

Wheat Industry Stabilization Act, 1968;

Wheat Products (Prices Fixation) Act, 1938;

Workers' Compensation Act, 1912;

or in accordance with any prescribed Act.

Mr. O'CONNOR: I oppose the new clause. I think it proves how farcical the Bill is. The Government seeks to control individual people, companies, and unions by the Bill, but it seeks to exclude itself. When we look through the list of Acts to be excluded, we find they deal with commodities which greatly affect the public.

First we have the Electricity Act, under which we have recently experienced a fantastic increase in charges.

Mr. May: We are the second lowest in the Commonwealth.

Mr. O'CONNOR: The S.E.C. is also the most profitable of the public utilities, and profits are not put back into it.

Mr. May: It made the same profits in 1968-69.

Mr. O'CONNOR: The Minister knows that in the metropolitan area the S.E.C. has made its greatest ever profit.

Mr. May: Surely it serves country areas as well as the metropolitan area.

Mr. O'CONNOR: The system has just been changed. The new charges drastically affect the pocket of the man in the street. Yet the Electricity Act is excluded from the provisions of the Bill and the S.E.C. cannot be investigated even if its charges are excessive.

Hospitals are also excluded. Recently we had a 50 per cent. increase in hospital fees. Why should not such charges be investigated? We also find that legal practitioners are to be excluded—I can understand that because the Government has three legal men in its ranks.

Mr. May: That is not fair.

Mr. O'CONNOR: Why should legal practitioners be excluded? Recently we saw in the Press that some people were quoted a fee of $300 for a certain case, but when they eventually received the account it was something like $2,800. Legal practitioners provide a service, and they should be investigated if necessary. I believe they do reasonably well, and most of them operate fairly. However, if one operates unfairly the commissioner should be entitled to investigate him.

We find it is proposed to exclude local courts, and also the Metropolitan Water Supply, Sewerage and Drainage Board; the Motor Vehicle Insurance Trust; and the Transport Commission. Surely those areas should be included because they provide a service to the community. The Minister cannot convince me that certain people should be investigated, whilst Government instrumentalities should not be investigated, whether or not they are overcharging. Once again, we have a law which applies to some but not to others. We have had talk of that principle applying in the Transport Commission.

Mr. Jamieson: I wondered when you would get to that.

Mr. O'CONNOR: The Minister for Works knows that is so. We have had indications that certain people are receiving preferential treatment, and we have not received complete denials. Why should not that department be investigated? I oppose the new clause.

Mr. McPHARLIN: I oppose the new clause which seeks to exclude the District Court of Western Australia Act, the Legal Practitioners Act, the Local Courts Act, the Supreme Court Act, and the Workers' Compensation Act. The legal practitioners provide a service to the community. If we exclude them from the provisions of this Bill then the other professional people should also be excluded.

The legal practitioners work under a system of agreed charges, as do accountants and architects; so one should not be excluded from the Bill while the others are embraced by this legislation. I have heard legal members of this House say that certain rates are prescribed for professional services. It seems that these rates are very flexible, because in conversation with my accountant recently he told me he had received an account from my solicitor. I had asked the solicitor for some advice on a share-farming agreement, and he wrote me a letter of five lines. For this he sent me an account for $80. I would like to be in a profession which worked at that prescribed rate per hour.

Sir Charles Court: They must work under the Waterside Workers' Federation award!

Mr. McPHARLIN: Their rates must be flexible if that is the sort of charge they make! I see no reason for the exclusion of legal practitioners.

Mr. HARTREY: From the observations made by the member for Mt. Lawley and the member for Mt. Marshall, it seems they know absolutely nothing about legal charges. We should credit members with some intelligence, but when the member for Mt. Marshall says he has received an account for $80 for five lines of advice contained in a letter dealing with a share-farming agreement—

Mr. W. G. Young: He objected to it.

Mr. HARTREY: All that he had to do was to call upon the lawyer who sent him the bill to give him an itemised account, and this account could then be taxed. He could apply to the Taxing Master of the Supreme Court to tax the bill, or to fix

what is a fair charge. I am sure the Taxing Master would reduce the $80 down to $10 or possibly $5. What is more, the cost of taxing the bill would be levied against the lawyer who sent the bill. It is time the public were told the truth about legal charges. I do not care what farmers, accountants, or persons with no knowledge of the intricacies of the legal profession say about the way legal practitioners charge for their services. We are the only profession which has had price fixing for generations. We are all officers of the Supreme Court, and we are responsible to that court for the proper conduct of our profession.

Our charges have always been under the control of the Supreme Court; and the same applies in other parts of the world where British law prevails. At the recent annual general meeting of the Law Society the question of the fixing of legal charges did not arise, but we did discuss the question of the people who fixed our charges in one particular direction. However, we have no power to alter that.

The judges of the Supreme Court fix our charges; and if we are guilty of overcharging we will not only have to pay the fees and expenses of the Taxing Master, but we are liable to be fined, suspended, or in extreme cases to be struck off the register.

Mr. W. G. Young: If that is so you should have no objection to coming under the provisions of the Bill.

Mr. HARTREY: We are under much more stringent conditions than those contained in the Bill, and our conditions are much more suitable to our clients. There would be no sense in having two parties to interfere with the fixing of our charges, because they might arrive at different results. If I were to send an account for $1,000 to a client for an undefended divorce case, and the matter was reported to the Barristers' Board, I would be in danger of being suspended from practice. If there is the other jurisdiction available I could go before it and it might decide that $500 was a fair charge. I would reduce the bill, but I would not be suspended. Is it fair that I should be able to thumb my nose at the Barristers' Board and the judges of the Supreme Court?

It is stupid to introduce a system to regulate the charges of the legal profession whereby those charges are determined by people who have no knowledge of legal matters. Our charges have always been regulated by the highest judicial authorities in the State.

Mr. W. A. Manning: Are you referring only to barristers?

Mr. HARTREY: There is no such thing as a barrister in this State, and the honourable member shows his ignorance when he says that. The ignorance and stupidity which some people display in regard to the legal profession is amazing. It seems that the lawyers have a bad image in our society, but that has resulted from ignorance of the people, including that of some of their elected members. The Abbi Sieges, in the days of the French Revolution, referred to the "limitless insolence of elected persons." The members to whom I refer have displayed not only limitless insolence but limitless ignorance as well.

All I want to say in conclusion is that in this State there is no distinction between a barrister and a solicitor. On the 19th July, 1938, I was admitted as a barrister, solicitor, and proctor of the Supreme Court. A proctor was described in *David Copperfield* as a sort or monkish attorney. This was a person who originally was given the right to practise in the church courts of England, but not in the Civil Courts. The expression is quite antique. Lawyers in this State are all of those three categories. If any legal man likes to call himself a barrister only he can do so, and he may think that gives him a higher status.

Mr. W. A. Manning: Who fixes the charges for administering the estate of a deceased person?

Mr. HARTREY: They are determined by the Supreme Court. They are related to the size of the estate and the amount of work done. If a lawyer were to overcharge, the Taxing Master of the Supreme Court would let him know all about it. One such officer was once offered life honorary membership of the Law Society, and the practitioner who made the proposal and conferred the distinction on him had this to say—

> It is very fitting that this gentleman should become an honorary member of our society. He has spent his life endeavouring to make us honorary members of our profession.

In my 35 years of legal experience I have found every Taxing Master to be extremely severe in taxing legal bills.

Mr. W. A. Manning: I have not noticed it.

Mr. HARTREY: The honourable member would not know if his boots were on fire! I hope what I have said will go on record, so that those who have displayed such a lamentable lack of knowledge of the legal profession, its charges, its duty to the community, and its strict enforcement of the ethical conduct of its members, will have second thoughts before they decide to talk such arrant nonsense, as some members have done.

Mr. O'CONNOR: The member for Boulder-Dundas has convinced me that I was on the right track initially, and he was on the wrong one. He has also convinced me that if the legal profession has nothing to worry about it would have no objection to coming within the provisions of the Bill.

He went on to say that if legal practitioners were guilty of misconduct they

remind the honourable member that the same applies to land agents. If a land agent charges fees above those prescribed he is liable to be struck off the register also. However, land agents are to be covered by the provisions of the Bill.

Mr. Bertram: They are completely different.

Mr. O'CONNOR: That is because the honourable member is in the legal profession. The member for Boulder-Dundas also displayed ignorance, because he asked why the legal profession should have to go before a board to determine the legal charges—a board which knows nothing about the legal profession. If I have read this legislation correctly there is to be a consumers' representative and a trade representative on the various committees to be appointed. The consumers' representative would be drawn from people who know something about the law, in a board which deals with legal charges; and the trade representative would be a member of the Barristers' Board or a judge. Yet, he has indicated that the trade representative would know nothing about legal matters!

I am sure the member for Boulder-Dundas has not read the Bill properly. What I said initially was correct. If legal practitioners have nothing to fear they should be prepared to come under this legislation. In my opinion the legal practitioners are in exactly the same category as land agents, accountants, and other professional men. I see no reason for legal practitioners to be excluded.

It riles me to hear the member for Boulder-Dundas say that everyone else but himself is ignorant of these matters. He should be aware that a member of the Barristers' Board or a judge would be appointed as the trade representative on a committee which dealt with legal charges. Maybe the honourable member is the only one who knows anything about these matters, and he should be appointed to such a committee, but I am not suggesting that he should be a nominee of ours.

The Government should not make any exception. It is quite obvious the members of the legal profession in the Government object to coming under the jurisdiction of the price fixing authority.

Mr. Bertram: They have their own body to fix their charges.

Mr. O'CONNOR: What about everyone else? Why should we exclude them? They provide services for people, and they charge. I am not suggesting that they should be, because quite frankly my opinion is that the legislation should not be passed. I believe everybody should be excluded. This is my honest opinion of this matter.

However, if the legislation is to pass I do not see why commodities which cause a person's weekly pay packet to be depleted considerably should not be included. I refer to electric light charges, hospital fees, and the like.

If the Government is running this cleanly and has nothing to hide it should be willing to include these in the legislation, as it claims it should apply to everyone else. I do not think it should apply to anybody at all. The legislation is terrible. However, if we are to have it on the Statute book, let us be fair. Let us include them all and let us not be selective. The Government could say, "Bill Jones is running something and is contributing to the A.L.P. funds. Therefore, he cannot be touched." This can be done and the Minister knows it. If the Minister wanted somebody to be excluded he could move that he be excluded.

With this Government we see too much of a law for one and another law for somebody else. Let us make laws which apply to the whole community. Let us treat all individuals alike. I ask the Government not to push somebody into the ground and to put somebody else on a pedestal. I oppose this.

Mr. LEWIS: I was interested to hear the comment made by the member for Boulder-Dundas. I am reminded of the quotation, "The lady doth protest too much, methinks." We are approaching the season of the year when gentlemen will don red gowns and flowing beards and be accepted amongst us as Father Christmas. The member for Boulder-Dundas said that legal fees are fixed.

Mr. Bertram: Is that not right?

Mr. LEWIS: I do not know whether the honourable member means that one fee is charged for all services regardless of the status of the solicitor concerned.

Mr. Bertram: The honourable member did not say that.

Mr. LEWIS: He did not say that but he said the fees were fixed.

Mr. Hartrey: That is what I said.

Mr. LEWIS: How can they be fixed? I am asking this question for my own edification. Are they fixed on the basis that a Queen's counsellor can charge a certain amount and a lawyer with only brief experience can charge a different amount?

Mr. Bertram: They are fixed by Statute.

Mr. LEWIS: For every service?

Mr. Bertram: The great mass of them. The Leader of the Opposition well knows this.

Mr. LEWIS: I have looked at the Legal Practitioners Act of 1893 and in the section which deals with solicitors' costs it has this to say—

> 29. A practitioner may make a written agreement with his client respecting the amount and manner of

payment for the whole or any part or parts of any past or future services, fees, charges, or disbursements in respect of business done or to be done by such practitioner, either by a gross sum or otherwise howsoever. Such an agreement shall exclude any future claim of the practitioner in respect of any services, fees, charges, or disbursements in relation to the conduct and completion of the business in reference to which the agreement is made, except such as are excepted by the agreement: Provided always, that the client who has entered into such agreement shall not be entitled to recover from any other person, under any order, judgment, or agreement for the payment of costs, any costs which are the subject of such first mentioned written agreement beyond the amount payable by the client to the said practitioner under the same. And provided, also, that no such agreement shall exempt the practitioner from liability for negligence. Any such agreement may be reviewed by the Supreme Court or a Judge thereof upon application by petition or summons,—

Mr. Hartrey: Exactly.

Mr. LEWIS: To continue—

—and if in the opinion of the Court or Judge the same is unreasonable the amount payable may be reduced or the agreement cancelled and the costs taxed in the ordinary way, and the Court or Judge may also make such order as to the costs of and relating to such review, and the proceedings thereon, . . .

I ask the Committee: How many citizens, when they receive a bill from a lawyer, would be familiar with the rigmarole of what they can or cannot do?

Mr. Hartrey: Very few.

Mr. LEWIS: I think this highlights the impracticability of the Bill. It is impractical for anyone to assess the value of a service. I do not suggest that every lawyer overcharges. I will be fair in this respect. We could talk of many other professions. For instance who could set a figure on the services rendered by a dentist? A dentist may have a particularly difficult patient. Who is to say whether the fee he charges is justified? I think this demonstrates the utter impracticability of anybody trying to determine what is an excessive price. Who is to determine what is excessive and on what criteria will he determine it? Is it to be a profit of 5, 10, 20, or 25 per cent.?

I said previously that the Bill was altruistically conceived, but I think it is impracticable.

Mr. BERTRAM: It goes without saying that I rise as the member for Mt. Hawthorn and not as a legal practitioner. I wish only to state the facts. This is all I need to do, because the facts are overwhelming as has been indicated by what has been said already by the Minister and the member for Boulder-Dundas. In fact, they have been stated more than adequately. The position at the moment is that members of the Opposition have decided they will continue the debate indefinitely, even if it is a pure waste of time.

The Leader of the Opposition knows that what has been said already is perfectly correct. Members of the Opposition want the Minister to provide, in this legislation, for something in connection with which ample legislation has existed since 1893, and possibly before that time. All members are well aware of the Legal Practitioners Act.

Mr. O'Connor: What about the Land Agents Act?

Mr. BERTRAM: I will come to that in a moment. It is a different case and I will state my reason for saying this. The member for Moore quoted part of the Legal Practitioners Act. He did something which we have seen quite often in this Chamber in recent times in slightly different circumstances; namely, he quoted portion of an Act which threw a little light but not the whole light on the truth.

Members of the Opposition were in Government from 1959 to 1971. If they thought the Legal Practitioners Act was wrong they could have done something about it.

Mr. O'Connor: We did not introduce the present legislation.

Mr. BERTRAM: Members opposite are complaining about the inadequacy of the Legal Practitioners Act.

Opposition members: No.

Mr. Graham: They do not know what they are doing.

Mr. BERTRAM: What a magnificent Government we would have, if members of the Opposition were to comprise the Government! At the moment we have the Legal Practitioners Act, the Supreme Court Act, the District Court of Western Australia Act, the Local Courts Act, to mention a few.

Mr. Hartrey: The Workers' Compensation Act.

Mr. BERTRAM: All of these set out scales of costs. They fix the prices which legal practitioners can charge, and have done so for years. Members opposite now want another Act. Why not have half a dozen more Acts instead of only one?

Mr. W. G. Young: Who are the people who set the figures?

Mr. BERTRAM: Parliament sets the figures. The Minister has told us that, as has the member for Boulder-Dundas. I, too, am telling the Committee. I suggest that members of the Opposition should

obtain the Acts and read them for themselves. In this way, they would not be wasting the time of the Committee.

I come now to the alleged logic of the member for Mt. Lawley who suggested that land agents do something and legal practitioners something else. Land agents may be registered under an Act but their scale of fees is not fixed under any Act of Parliament. They can charge what they like.

Mr. Taylor: That is the point.

Mr. BERTRAM: The member for Wembley knows that accountants can charge what they like, because there is no set charge. As a last resort, a person can always go to a local court or to the Supreme Court to ask that accountants' charges be fixed.

Mr. R. L. Young: We have a scale of fees.

Mr. BERTRAM: It is not an effective one. The member for Moore complains that the procedure in connection with legal practitioners' fees is not well known.

Mr. McPharlin: Accountants have a scale of fees.

Mr. BERTRAM: Yes, but it is worked out by themselves, not by this Parliament.

Several members interjected.

The CHAIRMAN: Order! Order! The Committee will come to order.

Mr. BERTRAM: To dispose of one of the interjections, which is completely wrong, lawyers do not fix their own fees. In almost all cases the Supreme Court Act sets out the scale. The top level is fixed.

Mr. R. L. Young: Determined by whom? By judges?

Mr. BERTRAM: It is determined by this Parliament.

Mr. Williams: At what rate per hour?

Mr. Taylor: Parliament has the say.

Mr. BERTRAM: Under this legislation the Minister intends to bring other segments of the populace into line and subject them to a law similar to the one to which legal practitioners have been subjected since 1893, or even before that. Is there anything wrong with that? Is that not a fair situation? There has been no complaint that the prices for legal practitioners have been fixed since that time.

Mr. Williams: You should not mind coming under this legislation.

Mr. BERTRAM: I will not worry about nonsensical interjections. Members opposite were in Government for long enough and could have done something about this, but they did not. The maximum price which legal practitioners can charge has been fixed for years. As a matter of fact, very often both the minimum and maximum prices are fixed, but certainly the maximum price is fixed. Accountants have certainly not been subjected to price fixing. Where is the fairness of that? The fees charged by a legal practitioner are fixed but those of an accountant are not fixed.

Mr. R. L. Young: They are both fixed by their own sectors.

Mr. BERTRAM: If the honourable member derives satisfaction from making false interjections, he may do so. I say, "Look at the law."

Mr. Williams: What is the rate per hour?

Mr. BERTRAM: I am not in a position to determine that.

Mr. Williams: You have said it is fixed. What is the rate per hour?

Mr. Hartrey: There is no rate per hour.

Mr. BERTRAM: I suggest the member for Bunbury should leave the Chamber and obtain a copy of the Local Courts Act.

Mr. Williams: You tell us a little about it. You should know.

Mr. BERTRAM: I am not speaking as a legal practitioner, but as the member for Mt. Hawthorn.

Mr. Williams: You are supposed to know what you are talking about.

Mr. BERTRAM: The honourable member does not know what he is talking about. I say that members of the Opposition are not serious on this clause and are merely wasting time.

Mr. Williams: You are doing the talking at the moment.

Mr. BERTRAM: The Leader of the Opposition knows that what I am saying is right.

Sir Charles Court: I have not accepted completely what you have said about legal charges.

Mr. BERTRAM: The Leader of the Opposition knows that the charges for real estate agents are not fixed but those for legal practitioners are.

Sir Charles Court: Real estate agents have a scale of charges to which they must adhere.

The CHAIRMAN: Order! The member for Mt. Hawthorn will address the Chair.

Mr. BERTRAM: Let us confine ourselves to the matter in issue. I happen to be an accountant as well as a legal practitioner. I have no axe to grind. I simply state the fact that accountants are not price fixed. I have no grievance about that. The Real Estate Institute of Western Australia fixes its own prices. Doctors fix their own prices and bury their mistakes.

Mr. Williams: You charge for your mistakes.

Mr. BERTRAM: I am debating this objectively. The minimum and maximum charges for legal practitioners are fixed for them, by this Parliament, by judges, and by magistrates. A legal practitioner's account may be taken item by item. The clerk of courts may strike off 5c here and 25c there. It may be decided that a solicitor wrote an unnecessary letter—a phone call would have been sufficient. I can tell the Committee from personal experience that a legal practitioner's account is subjected to the closest scrutiny.

Mr. Hartrey: That is perfectly true.

Mr. BERTRAM: This is called a taxing process, and is the strictest price fixing in the State.

Dr. Dadour: It needs to be.

Mr. BERTRAM: There is no secret about it. This Bill intends to bring other professions into line. However, the price fixing will not be nearly as strict as that applied to legal practitioners. I have no complaints about the law—I am simply comparing the positions. One profession is setting its own prices and the other is subject to price control.

It is somewhat astonishing that all these assertions and allegations should be made by the very people who passed the laws I am talking about. I refer members opposite to the Legal Practitioners Act, 1893, the Supreme Court Act, 1935, the Local Courts Act, 1904, the Workers' Compensation Act, 1912, the District Court of Western Australia Act, 1969, and the Motor Vehicle (Third Party Insurance) Act, 1943. I have not listed all the Acts in this category.

Mr. Lewis: Do the Acts refer to two-handed lawyers or one-handed lawyers?

Mr. BERTRAM: They refer to all lawyers.

Mr. McPharlin: You referred to a close scrutiny of the accounts. This would only take place after a complaint about a charge.

Mr. BERTRAM: If a person is satisfied with the legal practitioner's account, that is the end of it. However, if the client is not satisfied he may have the account investigated.

Mr. Stephens: Roughly how much does this taxing cost?

Mr. BERTRAM: Very little.

Mr. Stephens: Your idea of "very little" may be different from mine.

Mr. BERTRAM: The charge for taxing costs is not great.

Sir Charles Court: It is not peanuts.

Mr. BERTRAM: The public knows this provision exists. Any member who wished to visit the courts would have no difficulty in seeing this process in action.

The CHAIRMAN: Order! Visitors in the gallery must be seated.

Mr. BERTRAM: The Opposition says that legal practitioners should be subjected to rigid price control but other professions should not be controlled.

The CHAIRMAN: The member has one minute.

Mr. BERTRAM: The Minister is striving to bring other people into a similar category.

Mr. Hartrey: Hear, hear!

Mr. BERTRAM: The Minister knows that the Legal Practitioners Act works reasonably well and he cannot see why the principle will not work equally well for other practitioners.

Mr. O'CONNOR: The member for Mt. Hawthorn claimed that I believe the fees of legal practitioners should be controlled under this Bill. This is a distortion of fact and I wish to make myself clear. I do not support this legislation at all.

Sir Charles Court: That is the basic point the Government has overlooked.

Mr. Hartrey: You mentioned that before.

Mr. O'CONNOR: Yes, but the honourable member distorted my words. I want to make quite sure that he knows how I feel. He claimed that I supported the control of legal practitioners' fees and I do not. I do not support the legislation, but I feel if it is to be introduced it should apply to all. I do not believe in preferential treatment for some people. The members for Mt. Hawthorn and Boulder-Dundas have something to hide.

Mr. Bertram: Will you identify what that something is?

Mr. O'CONNOR: The members are protesting too much.

Mr. May: You are not doing too badly.

Mr. Bertram: You are simply wasting time.

Sir Charles Court: You did a fairly good job of it.

The CHAIRMAN: Order!

Mr. O'CONNOR: Just imagine a person living in a small town where only two solicitors practise. We will say that the solicitors' names are Mr. Bertram and Mr. Hartrey. Mr. Bertram undertakes a small job for that person and charges $100. I am sure members could understand how he would feel about going to Mr. Hartrey and saying, "Mr. Bertram overcharged me. What can you do about it?"

I point out that the members for Mt. Hawthorn and Boulder-Dundas have spoken on one subject alone. They did not speak about S.E.C. charges, hospital charges, water rates, or motor vehicle insurance. All these charges affect the public pocket. However, the members were concerned with their own little

sphere. This indicates that they wish to exclude themselves and are not worried about the inclusion of anyone else.

Mr. Bertram: You get up and waste the time of the Chamber on matters you support.

Mr. O'CONNOR: If the honourable member considers that attempting to obtain justice for the public is wasting the time of the Chamber, then I admit I am wasting it. S.E.C. charges have been exorbitantly increased by this Government. I know of householders whose electricity bills have jumped from $60 to over $100. What for?

Mr. May: Because they use too much electricity.

Mr. O'CONNOR: Because the rate is too high. In the metropolitan area the S.E.C. made a profit of $8,000,000 out of the taxpayers' pockets. The Premier says that is not a great profit with an investment of this size. The S.E.C. should not be making a profit—it should charge the public for the cost of the electricity only. B.H.P. would have an investment of something like $1,000,000,000. If it makes a $15,000,000 profit the Government says, "Look at the profit." It does not consider that it may be only 1 or 2 per cent. of the investment.

Mr. May: You have your head in the clouds.

Mr. O'CONNOR: I think the Government has something to hide in regard to S.E.C. charges. If this is not so, why is not the S.E.C. open to inquiry?

Mr. May: You do not believe in decentralisation.

Mr. O'CONNOR: Nothing can be done about suspected overcharging by the S.E.C. The public cannot investigate an account or ask for it to be investigated. The Government wants the S.E.C. excluded from the Act.

A person was quoted $300 for the costs of a legal case, and the final account was for $2,800. Admittedly the case went to court and the practitioner concerned has been in trouble over the account. I do not want anyone excluded. If the Bill is to apply to the community, industry, and manufacturers, let it apply to the Government and legal practitioners. The Government wants this legislation—let it come within the scope of inquiry.

Mr. RUSHTON: We are coming towards the end of this Bill, and because of the many wild statements which have been made by the Government I feel it warrants—

Mr. May: Even the former Premier is leaving.

The CHAIRMAN: Order!

Sir Charles Court: Any stonewalling on this Bill has been on your side.

Mr. May: Nobody is asking you. You will have your say.

The CHAIRMAN: Order! The member for Dale.

Sir Charles Court: Your own people were worried about how long you were taking.

The CHAIRMAN: Order!

Mr. RUSHTON: I wish to refer to the proposed exemption of the Electricity Act. The Minister handling this Bill has publicly stated that the Government has introduced four social measures to help the community—price fixing, consumer protection, and legislation relating to the Ombudsman, and environmental protection. The last measure is the only one I do not intend to discuss.

One of my constituents received an account from the S.E.C. for $167.21. An electrician estimated that his electrical appliances warranted an account of $30 to $40. Where does this person seek redress? I have contacted the Premier and the Minister for Electricity and there is no redress available. Possibly the next step for my constituent to take is to put his case to the Parliamentary Commissioner as he has no redress through normal channels. The Minister or the Premier should have intervened and said, "This is an injustice." The present legislation will not help in such a situation because the Electricity Act is to be excluded.

Mr. May: You do not know what you are talking about.

Mr. RUSHTON: I happen to know what I am talking about.

Mr. May: Your Government set up the present State Electricity Commission.

Mr. RUSHTON: An electrician will certify that the account should be for $30 to $40.

Mr. May: Do you want the people in the metropolitan area to pay more than those in the country?

Mr. RUSHTON: The Government recently announced relief of $200,000 for the country areas. This amounted to about $13 per head. It is costing about $100 per head a quarter now.

Mr. May: Did your Government give anything?

Mr. RUSHTON: The previous Government reduced electricity charges. During its term of office this State had its cheapest electricity.

Mr. May: Your Government made the same profit in 1968-69 as we did.

Sir Charles Court: And had we stayed in Government there would not have been the 21 per cent. increase in electricity charges, and when we go back it will be taken off.

Mr. May: How naive can you get?

The CHAIRMAN: Order! The member for Dale will proceed.

Mr. RUSHTON: I think this illustrates what this legislation means. I have quoted the case of a person who received a bill for $167 for the quarter when it should be something like $32 to $40 for the quarter, but he has no remedy. I am hoping the Parliamentary Commissioner will step in and do something.

Mr. May: What if he does not?

Mr. RUSHTON: It means that the legislation is not worth a pinch of salt.

Mr. May: Everybody is wrong except you.

Mr. RUSHTON: No they are not.

Mr. May: You say they are.

Mr. RUSHTON: The State Electricity Commission will certify—

Mr. May: They should certify you.

Mr. RUSHTON: —that it issued a bill for $167 when, in fact, it should have been for an amount of $32 to $40 only, but the person concerned has no remedy. This illustrates how weak the legislation is. It is not an act of integrity to say, "We are to provide for these exemptions" when the people concerned have no remedy. We believe that this legislation will not result in prices becoming lower; in fact it will tend to increase prices. We have, with a few illustrations, highlighted how farcical this legislation is.

New clause put and passed.

New clause 40—

Mr. STEPHENS: I move—

> Page 29—Add after clause 39 the following new clause to stand as clause 40:—
>
> 40. This Act shall continue in operation until the 31st day of December, 1974, and no longer.

I will not delay the Committee in speaking at length to the amendment, because the merit of it is quite obvious and I trust the Minister, in seeing the merit of it, will keep the debate very short.

Mr. Graham: I think you said you would agree to this legislation for a term of two years, but by the time the legislation is assented to it will be only one year.

Mr. STEPHENS: The amendment provides that the legislation shall remain in force until the 31st day of December, 1974. According to my mathematics that will be two years.

Mr. Graham: I apologise.

Mr. STEPHENS: I will be happy if the Minister adopts the same mathematics and that we will get rid of him within a year or two.

Mr. Graham: That is not likely.

Mr. STEPHENS: There are quite a few people who are prepared to give this legislation a trial despite the fact that they have some doubts about it. However some of their doubts will be dispelled if they know that the legislation will operate for only two years which will be ample time for it to be given a trial. This will prove whether it will need to be amended or whether it should be discarded altogether.

During the second reading debate and in the Committee stage the Minister has repeatedly referred to the merits of the South Australian prices legislation. As he is prepared to uphold the merits of that legislation I feel he should uphold the merit of this amendment, because it will bring about a situation similar to that which exists in South Australia. The legislation in that State has to come before Parliament regularly and I understand its term is extended every 12 months.

I would also draw the Minister's attention to the fact that a similar amendment appeared on the notice paper under his name. Admittedly that contained another subclause, but the Minister subsequently withdrew the amendment. Nevertheless, the fact that he had a similar amendment on the notice paper indicates that my amendment has some merit. I therefore hope the Minister will see his way clear, together with other members of the Committee, to support it.

Mr. TAYLOR: I will not accept the amendment. A similar amendment did appear under my name on the notice paper. I had indicated outside the Chamber that I had such an amendment prepared in case certain action was taken in another place. The Government feels the legislation should be placed on the Statute book as long as it serves a purpose.

The comment is made that the legislation should be given a two-year trial to test whether it will be accepted by the public. It is said this would determine whether or not the Bill is sound. The public should decide at the next election whether the Government shall continue with its legislation, or whether another Government shall be given an opportunity to remove it from the Statute book. That is the only limitation that should be put on this or any other Bill. The Government should stand by its legislation. If another Government were to take office it would be possible for that Government to repeal the legislation. We believe this legislation to be right, and that there is no need for any limiting provision.

Mr. O'CONNOR: I think this is a diabolical and disastrous piece of legislation. It will discourage industry and development, and encourage stagnation.

Mr. Graham: It will not encourage pregnancy.

Mr. O'CONNOR: The honourable member would know all about that.

Mr. Graham: Here is the champion bull talking.

Mr. O'CONNOR: We are used to the Minister making such interjections. That is not unusual of him. It is a wonder he has time to take the knife out of the back of his leader to attack me.

Mr. Graham: That is an unprincipled remark for you to make.

The CHAIRMAN: Order!

Mr. O'CONNOR: I have said that we are used to that sort of remark from some members opposite.

Mr. Graham: You are filthy through and through.

Mr. O'CONNOR: Fortunately some members do not use such tactics. It appears some can give it but not take it.

Mr. Graham: A contemptible cad; that is what you are.

Mr. O'CONNOR: As I have pointed out, we on this side of the House oppose this piece of legislation.

Mr. Graham: It was a filthy rotten thing you said.

Mr. O'CONNOR: It is true, and it hurts.

Mr. Graham: These are despicable, filthy utterances.

Mr. O'CONNOR: We are used to that sort of remark from the Minister. I do not mind if he continues to interject, and we are used to seeing him carry on in this manner. He likes to give it, but he cannot take it; and that applies inside and outside of this Chamber.

Mr. Graham: You can abuse me as much as you like, but

The CHAIRMAN: Order! Members will speak to the new clause which is before the Chamber. I will not permit personalities to be entered into under any circumstances while I sit in the Chair.

Mr. O'CONNOR: The amendment moved by the member for Stirling is more acceptable to me than is the Bill itself. Under the Bill the period of its operation is indefinite, but the member for Stirling desires a limit of two years for the legislation. For myself, I do not want any time limit to be placed on it; I would prefer to see the Bill defeated. However, a limitation of two years is better than an indefinite period.

It is unfortunate that under the Bill it is proposed that the commissioner be appointed for a seven-year period. If he is, and this legislation has only two years in which to operate, what will happen to him after that time? We do not like this legislation, but from our point of view we will support the amendment of the member for Stirling.

Mr. STEPHENS: I am disappointed the Minister could not see his way clear to agree to the amendment, as I understood he indicated that if this amendment were inserted in another place he would be prepared to accept it.

Mr. Taylor: I would have no opportunity to do anything else but accept it.

Mr. STEPHENS: That is my understanding of the Minister's attitude. I appeal to his magnanimity to agree to the amendment, without having it forced upon him.

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

Ayes—21

Mr. Blaikie	Mr. Reid
Sir David Brand	Mr. Ridge
Sir Charles Court	Mr. Runciman
Mr. Coyne	Mr. Rushton
Dr. Dadour	Mr. Stephens
Mr. Hutchinson	Mr. Thompson
Mr. Lewis	Mr. Williams
Mr. W. A. Manning	Mr. R. L. Young
Mr. McPharlin	Mr. W. G. Young
Mr. Nalder	Mr. I. W. Manning
Mr. O'Connor	*(Teller)*

Noes—21

Mr. Bertram	Mr. Jones
Mr. Brady	Mr. Lapham
Mr. Brown	Mr. May
Mr. Bryce	Mr. McIver
Mr. Cook	Mr. Moiler
Mr. Davies	Mr. Norton
Mr. H. D. Evans	Mr. Sewell
Mr. Fletcher	Mr. Taylor
Mr. Graham	Mr. A. R. Tonkin
Mr. Hartrey	Mr. Harman
Mr. Jamieson	*(Teller)*

Pairs

Ayes	Noes
Mr. O'Neil	Mr. Bickerton
Mr. Mensaros	Mr. T. D. Evans
Mr. Gayfer	Mr. Burke
Mr. Grayden	Mr. J. T. Tonkin

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

New clause thus negatived.

Title put and passed.

The CHAIRMAN: The question is that I do now report to the House. All those in favour say "Aye."

Government members: Aye.

The CHAIRMAN: All those against say "No."

Opposition members: No.

Sir Charles Court: What is the decision?

The CHAIRMAN: The Ayes have it.

Sir Charles Court: One famous Chairman did not give the decision.

Mr. Davies: Yes he did. You can read it if you want to.

Sir Charles Court: Don't you get nasty or we will start on you next.

Mr. Davies: He did give the decision.

Sir Charles Court: Not until I inquired.

Report

Bill reported, with amendments, and the report adopted.

BILLS (5): RETURNED

1. Environmental Protection Act Amendment Bill.

   Bill returned from the Council without amendment.

2. Companies Act Amendment Bill (No. 2).

   Bill returned from the Council with an amendment.

3. Country High School Hostels Authority Act Amendment Bill.

   Bill returned from the Council without amendment.

4. Land Drainage Act Amendment Bill.

   Bill returned from the Council with amendments.

5. Acts Amendment (Roman Catholic Church Lands) Bill.

   Bill returned from the Council without amendment.

RESERVES (UNIVERSITY LANDS) BILL

Third Reading

Bill read a third time, on motion by Mr. Graham (Minister for Development and Decentralisation), and transmitted to the Council.

INDECENT PUBLICATIONS ACT AMENDMENT BILL

Second Reading

Debate resumed from the 19th September.

DR. DADOUR (Subiaco) [10.05 p.m.]: I feel that on this Bill we will reach some unanimity and we will probably have a little more harmony in the Chamber than we have recently experienced. I sincerely hope so.

Those on this side of the House go along with the Bill, the purposes for which were outlined by the Minister when introducing the measure. To reiterate them, the first is to make legislative provisions in order to give restrictive control over certain publications getting into the hands of children; and the second is to set up a State advisory committee on publications.

The Bill contains a sensible approach which is of the utmost importance. In supporting the legislation I wish to make a few points and also to seek an explanation from the Minister on a number of others. The Bill will lessen the restrictions on adults in that certain types of literature considered suitable for adults only need not be banned or unnecessarily censored, but certain types of restrictions will be placed on them to prevent persons under the age of 18 years from readily obtaining them.

The SPEAKER: Order! There is too much talking in the Chamber.

Dr. DADOUR: This is necessary because the younger people are more impressionable than adults. In future instead of censorship catering for the community at large the provisions will be less restrictive on adults. Many of these restrictions have been necessary because it was felt that the publications involved could fall into the hands of the young. Certain restrictions will be imposed in order to ensure that the young do not have access to this type of publication. These restrictions are essential.

All members realise that adults—people of sufficient maturity—should be able to censor literature and publications for themselves, whereas the younger people are unable to do this and we must therefore help them a little by trying to prevent this form of publication, or rubbish, which it quite often is, from getting into their hands. Because they are impressionable they are more likely to suffer if it does.

If we lessen the restrictions on censorship for adults too much then we could possibly reach the stage where we would have no censorship on publications for adults, but we would have some safeguards for the younger people. This would be a dangerous situation if we attempted to draw an analogy with other social and moral issues such as drugs and violence.

With drugs a different position altogether exists. Drugs of both addiction and habituation can and do destroy the very moral fibre of our society whereas the best or worst that pornography will do is to whet the sexual appetite. The member for Boulder-Dundas is probably laughing about this because he says it does not do anything for him.

I do not feel that this type of publication on which we intend to place restrictions will in any way interfere with the adult way of life. Adults are able to discriminate and they can act as their own censors. However, if we do provide safeguards in our legislation the police will have something on which to take action in an endeavour to stop this sort of rubbish getting into the hands of younger people. This Bill, by restricting the distribution of certain types of publications, may achieve that end.

Some responsibility will be thrust upon the publisher, and some will be thrust upon the distributor. Last, but not least —and indirectly—I feel the legislation will throw some responsibility onto the parents of children to keep this sort of literature from them.

It will not be sufficient for a publisher simply to print across the top of the publication, "For sale strictly to adults

only." He will have to have other safeguards to stop the publications from getting into the hands of children. The distributor will also have to be responsible and he will not be allowed to sell or distribute publications to the younger members of our community. Offenders will be liable to prosecution.

We may come up against a problem as far as families are concerned. Most parents are responsible and will keep this sort of literature from their children, but some parents will no doubt feel that such literature is not harmful and will allow the children to obtain it. Other parents may be unaware of the fact that there is some form of restriction on certain publications. It will need only one child to get hold of such a publication and it would change hands 100 times in a very short time, and so the system could break down.

I have been able to ferret out a couple of definitions of "obscenity" and "indecency." Section 232 of the Danish Criminal Code states that any person who by obscene behaviour violates public decency, or gives public offence, shall be liable to imprisonment for a term not exceeding four years or, in extenuating circumstances, to lenient imprisonment or a fine.

The Indecent Publications Act which was introduced in New Zealand in 1964 defined "indecency" as "describing, depicting, expressing, or otherwise dealing with sex, horror, crime, cruelty, or violence in a manner that is injurious to the public."

I think the best definition of them all, for our purposes, is one published in Massachusetts in 1835, which stated that obscene works were deemed to be those which were manifestly tending to the corruption of the morals of youth. I think that is the best definition.

The general test in Australia follows the English test which was settled by the courts in 1868. That test is whether the tendency of the matter charged as obscenity is to deprave and corrupt those whose minds are open to such immoral influences and into whose hands a publication of this sort may fall.

I believe that the Bill we have before us is versatile and sensible. The need to approach the question of corruption, liberally, is of the utmost importance.

I also want to refer to hard-core pornography. One definition of hard-core pornography states that it is written exclusively with the intention to cause sexual pleasure for some people. In more simple terms, it incites their sexual appetites. That is as much as it does. I believe that we as adults can take or leave pornography and it is much better if we act as our own censors. It is impossible and stupid to imagine that we can impose morality on the community. We cannot do that.

I think it is only necessary for us to provide safeguards for the youngsters, and that is exactly what this Bill intends to do. On the 2nd August, this year, I asked the Premier a question as follows:—

(1) Has the sex shop been closed, as promised by him?

(2) If not, why the delay?

The Premier replied—

(1) No.

(2) The power to close orgy shops is not contained in existing legislation. All States and the Commonwealth have met and a decision was made that the Commonwealth would restrict the import of sex aids. It was considered that supplies would then dry up.

Amendments to the Obscene and Indecent Publications Act are being prepared to forbid the sale of these publications in sex shops.

Obviously, the Premier was off-beat because the conditions which have been imposed have had an entirely different effect. As a matter of fact, this Bill will open up the avenue for the sale of publications, generally speaking, to the adult community. I am not against that; I am for it. However, the Premier was off-beat if he thought that by stopping the importation of sex aids he would overcome the problem. The Premier did not realise the ingenuity of the backyard plastic manufacturer who will produce bigger and better aids. So the reply supplied by the Premier was quite ineffectual, and the Premier was way off-beat.

When considering restrictions on publications we must always bear in mind the accepted present-day standards which are completely different from those which existed 20 years ago. Approximately 12 years have elapsed since the introduction of the contraceptive pill, and that has caused sex to be discussed more and more, and much more openly. I am not against that open discussion; it is better than discussion behind closed doors.

Under the conditions of our way of life at present we are able to discuss many things in mixed company which we could not do 10 or 12 years ago. I think this attitude is accepted by most people in the community. It seems to me that more responsibility is now thrown onto the shoulders of the teenagers. The business world is thrusting the latest fashions onto the teenagers, and they have to cope with far more than we had to cope with when we were younger.

I always recall lecturing to a class of nurses, and I asked them how they coped with present-day living. Those nurses looked at me blankly, and one of them

asked me what I meant by present-day living. Of course, those nurses had grown up with present-day standards and they were able to cope. They knew what was right and what was wrong.

I do feel we need to help the youngsters more, and this Bill is a step in the right direction. At the same time I believe it will open the door and give the adult population greater access to obscene publications if they desire to read them. I do not think that is bad. We must look at this matter liberally. I know that some people want access to adult publications, and I do not think that will be injurious to them. People will be able to discriminate for themselves, and this is exactly what the Bill intends to allow.

The purpose of the measure is twofold; it will provide safeguards for those who need them and it will open up the law for those who do not. I believe we can help teenagers and youngsters generally much more by education, encouragement, and example. As we all know, education can be extremely difficult. These days there is great talk about sex education and this subject comes into a discussion on this measure. Sex education is an extremely difficult subject upon which to speak. Usually a person must speak to a group of youngsters aged between 12 and 15 years. Although they are of almost the same chronological age, they are at different levels of maturity. For this reason it can be difficult.

I remember the only occasion on which I was trapped and I do not wish it to occur again. I was speaking on sex education to a group from the Subiaco Police Boys Club. For days afterwards I lived in fear and trembling that some of them would go home and misconstrue to their parents what I had tried to tell them.

Mr. Davies: Sometimes we learn from them.

Dr. DADOUR: Some of the questions asked by the 12-year-olds were peculiar. One asked me, "How old must a girl be before a boy could get her pregnant?" I swallowed hard and eventually came up with the right answer. The next question was, "Do males have a change of life?" That is a rather difficult question to answer. I finished up by saying that some do and some do not.

Mr. Blaikie: You would have to speak for yourself.

Dr. DADOUR: I know the answer to this question. When it occurs in an adult it can be most pathetic, because the gentleman concerned becomes neurothenic; he is unable to do his work and becomes an old man long before his time. Thank God we do not see this often.

As the Minister for Health has said, some of the questions asked can be educational. It puts one onto the wavelength of the youngsters. Certainly some of the questions are difficult to answer. I will not tell of my own experiences in general practice in connection with some of the questions that have been asked of me.

Mr. Hartrey: Tell us in the bar afterwards.

Dr. DADOUR: All right. We talk about problems with the youngsters, but they think we are the problems, and probably we are. However, in fear of being branded a conservative, I believe the real answer to the problems which face us today in connection with youngsters lies in the preservation of the family unit as the basis of our society. If we do everything we can to maintain this, good will eventually win out. However, I suppose this remains to be seen.

I do not think I should delay the House for longer than is necessary, but I have one or two questions to ask of the Minister. If he does not answer them when he replies to the second reading I will ask them again at the Committee stage.

Under the clause which deals with the powers and functions of the committee, the committee should have the power to exempt on its own initiative. As the Bill reads the Minister is the only person allowed to refer matters to the committee. I do not think this is right, but the committee should be allowed to examine on its own initiative and it should, if possible, be able to receive complaints. I believe it should examine these complaints and make a report to the Minister.

Another point is that I believe the word "immorality" should be included in the clause which deals with the powers and functions of the committee. I suppose the expression "any other reason" covers this, but I think the word "immorality" should be specifically included. I am addressing my questions to the Minister, Mr. Speaker, but I would like to know who is the Minister in charge of this Bill.

Mr. Davies: The Minister for Labour.

Mr. Taylor: As with every other matter that has been discussed this evening.

Dr. DADOUR: Why does the Bill contain a provision for an individual member of the committee to report? The committee as a whole should make a report but, under this measure, the Minister is willing to receive a submission from any member of the committee. I believe this is wrong. As I have said, it is a committee, and there should be no provision for individuals to make reports. A collective report should be given to the Minister.

The clause which deals with restricted publications gives the Minister a discretionary power. Why have a committee if the Minister has the discretion? This means that some item may be referred to the Minister who, in turn, refers it to the committee if he deems that it should be so referred. When the committee makes

its recommendation, the Minister may exercise his own discretionary power and not accept the recommendation. I think ministerial discretion stinks; there is no other word for it. I do not think it is right for the Minister to have this discretionary power. Perhaps the Minister will answer me on this point later on.

Mr. Taylor: I was thinking of the last Bill. We debated this point at length.

Dr. DADOUR: I listened intently to that debate. In connection with this measure I believe the Minister should listen to his committee and take heed of it rather than waver towards this or that. I think I realise the reason for the discretionary power being included, because mention is made of this later on in the Bill.

Another point is that there is no right of appeal by the persons affected, even though the publication may not be obscene or indecent, and no prosecution is launched under the legislation.

I believe the inclusion of a woman on the committee is a very good move. It is important for females to be represented on the committee to give the female point of view of what is or is not pornography or what should or should not be restricted.

Under the clause which deals with offences in relation to restricted publications, it is not an offence to sell a restricted publication, say, in a house—or to distribute one in a house. This is probably the way in which restricted publications could be distributed. It also says that it is an offence to exhibit a restricted publication to public view in the window or doorway of any shop. Why is a house *not* included? A restricted publication could easily be placed in the front window of a house. We must remember that a house is not, by definition, a street, a public place, or shop, as stated in the Bill.

I ask the Minister to look at this. Perhaps the provision about viewing in a public place generally which is incorporated in the Contraceptives Act could also well be incorporated in this measure.

Mr. Hartrey: A house can be a shop.

Dr. DADOUR: As far as this measure is concerned it is not. The Bill specifically states "shop." So far as offences are concerned, why should they vary for a company? Why vary a fine for a company as against a fine for an individual?

A further clause deals with certain publications the publishers of which are not to be liable to prosecution. I ask the Minister: Why not exempt publications other than books? Some pictures may be of such a nature as to deserve exemption. This could also apply to paintings. For these reasons I believe the Minister should be able to exempt publications other than books. In the case of books why must proceedings under the Act be taken with the Minister's approval? Members of the public may find a book indecent, but the Minister himself may not think it is indecent. What then? He becomes the committee in relation to a book. I have asked a few questions of the Minister in this regard.

I have here some of the newspapers that first issued indecent publications. They are becoming rather tattered and torn. Most members have had a look at some of these publications. I do not find them very objectionable as far as adults are concerned. I can see the comical side of many of them.

One stands out a litle more than others; that is the *Pelican*. One particular issue was intended to shock, of course. The model on the front of it leaves much to be desired. He has pock marks on his legs. I think he was probably chosen with the idea of shocking the community. I find nothing obnoxious in the paper. Although it is written in language which I would not like to be used every day in the home, it has some literary and scientific value, and some of it is quite educational. However, it was put out to shock the community; everybody read it, and that was that.

There is nothing in any of the other papers. Somebody has put copies of *The Western Sun* amongst my indecent publications. I would like members to see the comic strip on the back of *Ribald*. It is all about lesbians and Pussy Willow, but it is also quite educational. As I say, this material is not really so obscene. If people want it, it is available to them and we cannot stop it.

Mr. Hartrey: Will *Hansard* become a restricted publication—the way you are speaking?

Dr. DADOUR: I beg the honourable member's pardon! I am speaking on a very high plane. I have not said one word that is out of place. I could have said a few things to the member for Boulder-Dundas but I refrained from doing so although the temptation was really great.

Mr. Hartrey: I thought it would be.

Dr. DADOUR: Generally speaking, I support the Bill, if the Minister can answer the queries I have brought to his notice. I believe this is a step in the right direction and that the need to approach the question of corruption liberally is of the utmost importance.

MR. STEPHENS (Stirling) [10.34 p.m.]: I find myself very much in sympathy with the sentiments expressed by the member for Subiaco. The Minister made it quite clear in his second reading speech that the proposed amendment to the Indecent Publications Act is not intended in any way to increase the scope

of censorship but to make provisions which will enable publications to be restricted and thus precluded from getting into the hands of children under the age of 18. I do not know why the age of 18 was chosen, unless it was to bring this Act into line with the "R" certificate for films.

Since making my notes and raising this query about the choice of the age of 18, I noticed in *The West Australian* of the 18th October a hint that the censor may lower the age limit for "R" certificate films from 18 to 16. Therefore, consideration has apparently been given to this situation.

In today's society there is an increasing tendency to consider the adult should be free to become his own censor. I think that is generally accepted in the community. Experts have written books on censorship, obscenity, and public morality, and there appears to be a wide divergence of opinion as to whether obscenity or pornography corrupts. Personally, I am inclined to the view that obscenity does not corrupt but that it may appeal to the corrupt.

The experience in Denmark, where the laws have been extensively liberalised, suggests that complete relaxation of the laws may serve a useful purpose in giving some form of satisfaction to the unfortunate people who are perverted or who at least deviate from the accepted or normal pattern of behaviour. I would like to refer to a report by Bert Kutschinsky in *Law and Order in Australia*. The report is entitled, "Studies on Pornography and Sex Crimes in Denmark—A Report to the U.S. Presidential Commission on Obscenity and Pornography," and it states, in part—

> Indecency towards girls. The most important conclusion of the whole study was that the large decrease in physical offences against girls (including children) seems also to be a real decrease, not explicable by altered reporting habits.

Further on it says—

> It seems to us that the implications of the Danish studies in general (and in particular, of the finding concerning offences against female children) are of tremendous importance. Certainly, as we have said, these conclusions are tentative and subject to the qualifications we expressed before. But if in fact it appears possible to reduce substantially the incidence of sexual offences against children by legalizing pornography, then serious thought must be given to this possibility by any government.

Of course, it becomes a problem of definition. How does one define the difference between obscenity, pornography, and hard-core pornography? If hard-core pornography is the type of film that parliamentarians recently saw at a special screening, I, for one, would oppose that type of film or literature being made freely available under any circumstances.

I agree generally with the remarks made by the Minister for Customs (Mr. Chipp) which were reported in the *Daily News* of the 20th September. Among other things, he said—

> We are trying to give adults their own choice except in three cases—pornography—

I take that to mean hard-core pornography. He continued—

> —excessive violence and drug abuse.

As the Minister for Labour pointed out that the Bill is not intended to increase the scope of censorship in relation to adults, I will not delve further into the pros and cons of this subject. However, I feel it is one in which some serious research could be undertaken in this State. Irrespective of our views on the effect on the adult mind, there would be general agreement that it is undesirable for the young to have access to material that could at least be regarded as questionable.

I have already said that I doubt whether obscenity corrupts an adult mind. However, I believe it could be detrimental to a developing, impressionable mind. I therefore support the Bill.

The Minister has pointed out that the legislation is mainly aimed at Australian publications which are not subject to import controls. This is a very necessary provision because of the type of material becoming available, especially certain magazines and newspapers. The member for Subiaco indicated that he had quite a list of such publications and he mentioned one or two of them. I have another one here which I feel goes even further than those he showed to the House. I will not mention its name as it may provide the publishers with free publicity. I feel it is most undesirable that literature of this type should fall into the hands of young people.

Mr. Davies: Is it an Australian publication?

Mr. STEPHENS: I understand it is. Yes, it is published by Ribald Publications.

Such publications are available and are selling freely. This indicates to me that there is a great demand for this literature from those who grew up in a period of strict censorship laws. These people obviously did not acquire the habit of reading literature such as this in their youth. I do not know whether they developed an interest in it in their youth. I discussed the sale of such literature with two booksellers in Albany, both of whom indicated there was a considerable demand for the literature, from the young working adult up to 70 and 80-year-old people from all walks of life. The literature was in demand by a complete cross-section of the

community—the labourers, the middle-class, and people who may be considered well-to-do. Obviously if we restrict the sale of the literature to adults, we will not prevent the young people from being interested in it when they mature. However, we should attempt to see that children reach maturity without being exposed to the risk of moral corruption.

The proposed legislation will make it difficult for young people to obtain the literature and so they will be able to develop a morality and conscience without adverse influences.

That is all I wish to say to the Bill generally, but I would like to make one or two particular references. I hope in his reply the Minister will answer the queries I propose to raise.

The Bill provides for the establishment of an advisory committee to consist of not less than three nor more than seven persons. The Bill clearly sets out the qualifications required for three of the members, but there is no indication as to the qualifications of the remaining four members. With a majority decision, the four members who are not described may well constitute the majority on this committee.

Mr. Davies: Do you have any suggestion as to the qualifications required by the other members?

Mr. STEPHENS: No, I merely ask the Minister why he has defined the qualifications for three members only.

Mr. Davies: I appreciate the point you make, but I thought you may have had a suggestion.

Mr. STEPHENS: The Bill states that one member is to be a woman. I agree with this provision, but no qualifications are prescribed for this woman.

Mr. Taylor: Surely this is the very qualification she should have.

Mr. STEPHENS: Perhaps she should be a member of women's lib.! The second member is to be a recognised expert in literature, art, or science; and the third member is to be a practitioner as defined by section 3 of the Legal Practitioners Act. I feel that the woman to be appointed to the committee should have some special qualifications.

By way of interjection the Minister for Health asked if I had a suggestion. My suggestion is that consideration should be given to the appointment of a psychologist to the committee. We are still learning about the effects of pornography on the mind and I feel that a psychologist would greatly assist the workings of the committee.

Mr. Davies: What about a young person—an 18- or 19-year-old?

Mr. STEPHENS: I would have no objection to that.

Proposed new section 9 (1) reads as follows:—

> The Minister may refer any publication or class of publication to the Committee for consideration of the publication or class of publication with the object of reporting to the Minister whether or not in the opinion of the Committee the publication or class of publication—
>
> (a) by reason of the nature or extent of references therein to sex, drug addiction, crime, violence, gross cruelty or horror, or for any other reason, is undesirable reading for children under the age of eighteen years and should be classified as a restricted publication or class of publication;

It should be fairly easy for the committee to arrive at a definite conclusion on any particular publication. However, the committee is also charged with the responsibility to say whether or not action should be taken under secion 2 of the parent Act which provides that the publisher or vendor of such material shall be liable to prosecution under the Act.

It may be rather more difficult for the committee to arrive at a conclusion under this section. The committee members will have different personalities and outlooks and it is difficult to define what is obscene, indecent, or pornographic.

I agree with the comments of the member for Subiaco when he referred to the provision concerning the sale of a restricted publication by any person in the street or a public place not being a shop. I want to make the comment that a house is not covered in the provision. Some consideration should be given to this as my interpretation of the provision is that a sly operator, an adult person, may legitimately purchase a publication and then sell it to a youth.

Subclause (2) of clause 8 of the Bill reads as follows:—

> Any person who—
>
> (a) exhibits any restricted publication to public view in the window or doorway of any shop;

This provision is most desirable. I referred earlier to the publications I purchased when I was researching this legislation. One of the publications was hanging in the doorway of a shop and I was able to browse through it. A person under the age of 18 could easily have looked at the publication and I feel it is desirable that such publications are kept away from doorways and windows. In fact, I feel that a certain part of the shop should be set aside for them. In some shops I was able to read publications before I purchased

them. A minor could browse through these publications also, and this would defeat the purpose of the Bill.

I would like the Minister to answer a question relating to paragraph (b) of the same subclause which reads as follows:—

> Any person who—
>
> (b) in any street or public place, including a shop, advertises, or publishes, distributes or exhibits any advertising material in such a manner as to inform any person—
>
> (i) that a publication is a restricted publication;

How will that provision be interpreted? One can walk into shops and see books which are marked as restricted publications. My interpretation is that the shopkeeper is advertising such books as restricted publications, and could be liable to prosecution.

Mr. Taylor: No, because he is doing it as prescribed in the Bill.

Mr. STEPHENS: But he is publicising that the publications are restricted. Anyhow, the Minister might care to comment on that when he replies. My interpretation is that the shopkeeper would be liable to prosecution.

I feel clause 9 is more or less a case of two bob each way, inasmuch as proposed new section 12 (1) states—

> The Minister, upon the recommendation of the Committee, may determine that any book proposed to be published, sold or distributed shall not be the subject of proceedings under section 2 of this Act.

I take that to mean that a person who proposes to publish a book would submit it to the Minister, who would submit it to the advisory committee. Subsequently it could be decided that no action should be taken under section 2 of the Act. So the publisher then goes ahead and has the book printed at considerable expense, and places it on the market. The book may upset somebody, and the Minister may be deluged with letters or telephone calls.

Mr. Taylor: The whole—

Mr. STEPHENS: Wait a minute. Proposed new subsection (2) then states—

> (2) A determination made by the Minister pursuant to subsection (1) of this section may be revoked by the Minister.

After the publisher has done the right thing and had the book cleared by the committee, the Minister, possibly as a result of pressure placed upon him, could turn around and revoke the decision. In my opinion the proposed provision achieves no purpose.

The publisher has tried to do the right thing, and has gone to the expense of having the book printed, published, and placed on sale, but for some reason or other objections are raised to which the Minister accedes, and he turns around and revokes his previous action. In that case the publisher would not advance his cause whatsoever. Perhaps the Minister may care to comment on my interpretation of that proposed section. With those few remarks, I support the Bill.

MR. R. L. YOUNG (Wembley) [10.53 p.m.]: The comments of the member for Subiaco and the member for Stirling were most timely and traversed much of the Bill. I think it is fair to say that both speakers adopted a very responsible attitude to the measure, and I hope I will be able to follow the pattern they set.

The Bill sets out to establish a State advisory committee on publications which, as I see it, is designed to do little more than assist the Minister and the police officers who are charged with an onerous responsibility under the Indecent Publications Act. As far as I am concerned any help which can be extended to those officers and, in turn, to the public so that they will know exactly where they stand, is a step in the right direction.

Some comments have been expressed in connection with the constitution of the proposed committee, and it has been pointed out that at least one of the members of the committee shall be a woman, one shall be a recognised expert in literature, art, or science, and one shall be a legal practitioner. I intended to suggest to the Minister that at least one of the other members should be a psychiatrist or somebody trained in the habits of people and their reactions in different situations. I think that is what the final determination of the committee will be all about.

I am rather interested in the qualifications applying to the office of a member of the committee which becomes vacant, as set out in proposed new section 7 (5). I note that the time-honoured tradition remains of forcing a person who is insolvent out of his job. I know that in almost every other piece of legislation I have seen, one of the reasons that a member of a committee or board may be forced to vacate his office is if he becomes insolvent.

When we are talking about a committee which is to deal with the matters set out in the Bill before us, it does not really matter a fig whether or not a person is solvent. In fact, it could well be that the type of person required on the proposed committee will certainly have interests other than monetary interests. I can imagine a situation where a person who is not at all interested in making a dollar for himself could well be a person we would like on the committee. He could

be an absent minded professor, a way-out hippie, or an expert in literature; and if he happens to be insolvent that is his bad luck. But it should not be the State's bad luck. I think that old chestnut should be removed from the Bill.

I am perturbed about the fact that section 2 of the 1902 Act will remain in force unless the Minister takes it into his head to ask the advisory committee to make a determination as to whether or not a matter should be dealt with under section 2. That section in the original Act of 1902 sets out what is an offence in regard to the publication of certain things.

Perhaps I am more disturbed at the fact that sections 3 and 4 of the original Act remain fairly intact. Section 3 states—

> Information for offences against this Act may be heard and determined summarily by any Resident or Police Magistrate in Petty Sessions.

I will go into that in more detail later. The ancient and out-of-date section 4, which seems to me to be in need of overhaul, states—

> Any advertisement, picture, or printed or written matter relating to any complaint or infirmity arising from or relating to sexual intercourse, or to nervous debility or female irregularities, or which might reasonably be construed as relating to any illegal medical treatment or illegal operation, shall be deemed to be indecent within the meaning of the Act.

It would seem to me that if anybody referred to the fact, in any book or printed or written matter, that a woman was pregnant, it could be determined to be a debility or female irregularity. Certainly it could be determined to be an infirmity arising from or relating to sexual intercourse.

I think in today's society many things are accepted and referred to without blushes, and they could well be cut out of that provision. So whilst we are cleaning up the Act it would be a good idea to clean up section 4 also.

In order to set in motion machinery that will eventually make a publication a restricted publication, the Minister may firstly refer it to the committee and obtain the committee's report as to whether or not the publication should be restricted. Where the committee so recommends, the Minister may determine the publication to be a restricted publication.

As previous speakers have said, the Bill refers to a restricted publication as one which is, in the opinion of the committee, and subsequently in the opinion of the Minister, undesirable reading for children under the age of 18 years by reason of the nature or extent of references therein to sex, drug addiction, crime, violence, gross cruelty, or horror, or for any other reason. With all due respect, I think so far we have dealt with the sex aspect, and no mention has been made of other things which, to my way of thinking, could be a lot more harmful to a child under the age of 18 years than the mere portrayal of sex, in whatever form it may be portrayed.

I refer to books containing references to drug addiction, crime, violence, cruelty and horror; and I think it is well that those words are included as a guide to the committee as to what it should consider. I believe it is reasonable that the age of 18 has been stipulated; it may well be that in time another age may be set. That is a lower age resulting from a change in community standards.

However, I am of the opinion, as other speakers have said, that adults are unlikely to be depraved or corrupted by most literature that is circulated in the community, or for that matter by hard-core pornography. There are highly intelligent children who, once they reach the age of reason are unlikely to be depraved or corrupted by such literature, either. Nevertheless, my objection to children under the age of 18 being placed in a position to see or read such publications is not that they are likely to become depraved or corrupt, but that they are entitled to their childhood and not to be subjected to something that will turn them into cynics, at an age when they are too young to have their childhood spoilt by becoming part of the cynical adult world.

Mr. May: Do you not think that 18-year-olds are as well informed as we are in these matters?

Mr. R. L. YOUNG: I agree with the Minister for Mines that many of them have a wider and better outlook towards these matters than most people of my generation, and that certainly would apply to people who are older than I am.

If the Minister determines that a certain publication shall be restricted, the proposed section 11 shall apply. This is the section that will catch people who attempt to sell any restricted publication in a public place; if they exhibit any restricted publication to public view in the window or doorway of any shop; if they display any advertisement relating to restricted publications, and so on. However, what is absolutely essential in the Bill is to provide that if a person sells a restricted publication in a shop to someone under the age of 18 he commits an offence under this legislation. It seemed to me that that was what the Bill set out to do, but that is not what the Bill will do. So for that purpose I have an amendment on the notice paper which will cover that aspect.

The Minister may refer a matter to the committee as to whether proceedings should be taken under section 2 which is the untouched part of the Act, and if the committee so recommends the Minister may determine that section 2(1) does not apply to the matter and if he so determines

no action may then be taken under section 2. There are too many "mays" in the Act.

Mr. May: I beg your pardon!

Mr. R. L. YOUNG: With all due respect to the Minister for Mines, I repeat there are too many "mays" in the Act. If the Minister does not refer the matter to the committee the police can still take action under section 2. We have a tendency at the moment to leave it to a magistrate to determine what is likely to deprave or corrupt some person. With all due respect to a magistrate, despite the fact that he may try ever so hard, it is most unlikely that we can find that sort of individual who can reasonably make such a determination.

In his speech the member for Stirling mentioned the fact that recently members of this Parliament were invited—

The SPEAKER: There is too much audible conversation.

Mr. R. L. YOUNG: —to the showing of a certain film that had been banned. I think it would be fair to say that those members who saw the banned film did not become depraved or corrupt as a result; that is, if they were not already depraved or corrupt before they attended the showing of the film. I think I should say that the films that were banned were considered by the censors to be films that would be likely to corrupt or deprave. If we accept the fact that members of Parliament are only human beings and represent a good cross-section of the community, we begin to realise that what the censor says may not necessarily be so.

I defy any individual, as an individual, to say what may tend to deprave or corrupt another individual. If we set up a committee under the Bill there will be a better chance of getting a representation of opinion across the board that will give a fair assessment of what may or may not be an indecent publication. That is why, in my opinion, all matters dealt with under section 2 should be referred by the Minister to the advisory committee; because if action is taken under section 2 without a matter being referred to the committee the Minister will be losing an opportunity to obtain a fair assessment of the situation and the responsibility will be thrown onto the police officer making the charge or the magistrate making the determination by their being asked to decide what they consider is likely to deprave or corrupt. Sometimes they win and sometimes they lose. I will say that sometimes they win or lose on the most incredible evidence I have ever seen.

Mr. Taylor: The Minister may recommend to the committee and you are saying—

Mr. R. L. YOUNG: I am saying that no action should be taken under section 2 of the Act unless the Minister recommends to the committee that it submits to him a report on that particular aspect and says that in its opinion the publication should be restricted.

Mr. Taylor: So it means that if something on display is objectionable the Minister asks the committee to examine it, but until it makes a recommendation to the Minister the sale of the publication on display can continue. In the end, if the Minister suggests that the committee should examine the publication and it does, it could be removed and its sale discontinued. However, in the interim some time may have elapsed and the publication could remain on display and be sold without any action being taken.

Mr. R. L. YOUNG: Let us say a book is distributed to bookshops for sale. The committee will have to read the whole book and discuss it. The Minister is talking about the exhibition of pictures or posters. I think they could be left to a police officer to refer to the Minister who may refer the publication to the committee and the committee could deal with the matter in the space of a morning.

Mr. Taylor: A picture is something that could be on display for sale.

Mr. R. L. YOUNG: I think that both arguments put forward by the Minister and myself are sound. I think it would be reasonable for the Minister to consider my suggestion if only to take the responsibility off the shoulders of the police and the magistrates, if possible, and so make members of the public aware of where they stand, if it is possible for this to be done.

I do not intend to move an amendment along these lines; I am merely putting this forward as a suggestion. Briefly running through the Bill, I intend to move an amendment to clause 3 in regard to what appears to be a typographical error. I also intend to move another amendment to clause 6 to change the word "children" to "persons," because when the age of majority legislation becomes law in this State there will be no children over the age of 18, and the word "children" could be confusing.

I would like to have the Minister's attention for a moment to make another comment. This is in relation to clause 7 on page 5 of the Bill. That clause seeks to provide that the National Literature Board of Review constituted under the Customs (National Literature Board of Review) Regulations of the Commonwealth may, under this particular provision, review any publication, but in lines 19 and 20 the words, "in respect of a publication or class of publication referred to it" appear. However, nowhere in the Bill can I find that we refer such a publication to the National Literature Board of Review.

Mr. Taylor: You would have to refer to the Commonwealth legislation. The clause merely states that you would obtain a report from the National Literature Board of Review. It would not be the function of the State Minister to refer a particular publication to that board. The Commonwealth Minister or some Commonwealth authority would be available to do that.

Mr. R. L. YOUNG: The Minister's answer could be right. I was looking at the matter from the point of view of this Bill.

I am worried about a provision in clause 7 on page 6 of the Bill. Once a publication has been classified as restricted it will remain restricted for all subsequent issues of that magazine, for want of a better expression. It seems that all subsequent issues will become restricted for the sins of the one issue. This is a very easy way to handle the situation. I know the board will deem it to be a restricted publication, in the case of some of the magazines we have seen; but I cannot see why every subsequent issue of the publication should also be restricted. The Minister should give serious consideration to that aspect.

I might be able to answer the query that has been raised by the member for Stirling. He referred to the situation in respect of which the Minister may make a determination, and then have the power to revoke it. However, a determination made under proposed section 10 (2) is only a determination made by the Minister actually to declare a publication to be restricted; therefore if he revokes that he would put the person concerned in a better position than he was in. The only determination the Minister can make under this provision is one to the detriment of the publication, and that is to classify it as restricted; therefore an order to revoke the determination will put the person concerned in a better position.

I have referred to the amendments that I intend to move to clause 11, to ensure that no person may sell in a shop a restricted publication to any person under the age of 18 years, and also to ensure that restricted publications are not given away in any place not being a shop. The reason for this is that while such publications may not be given away, distributed, or sold in a public place; from now on they may not be sold in a shop to a person under the age of 18 years. This amendment will also ensure that a person will not be able to sell a restricted publication in, say, a home.

There is nothing to prevent a person handing a restricted publication to his younger brother, his son, or another person under the age of 18 years. That is beyond the control of the law. With those comments I advise the Minister that I support the Bill with the reservations I have made.

MR. W. A. MANNING (Narrogin) [11.13 p.m.]: It is a little difficult to know what to do with this Bill. It may contain some advantageous provisions, but if it is a necessary piece of legislation then this does not speak too highly for the moral standards of the community. It seems to me that we have to examine the conditions under which we live today, and we should realise that standards which should be set have not been set.

If pornographic literature is so much in demand it indicates the people have not enough to do in their leisure time, and have not sufficient objectives in life. Not only does the publication of this indecent literature provide a profitable field for many people, because these things are not sold cheaply, but it also lowers our moral standards.

One of the aims of the Bill is to prevent the distribution of pornographic literature among young people. It is difficult to legislate to prevent immorality and the publication of pornographic literature. These are more the standards of human existence. If we, the adults, really wished to keep these things from the children we should ensure that they are not available at all. That is the whole essence of the matter. No useful purpose is served by prescribing in a law that certain publications shall not be distributed among children. What is the use of that? That is why I think our standards are sinking lower and lower. We have declared that we will not be corrupted by such literature, and we claim that we are above that sort of thing; yet we are making these publications available to the young people who are affected by them.

Mr. Graham: Did not your Government introduce legislation to do that very thing in motion pictures? It is the same principle.

Mr. W. A. MANNING: The Minister is referring to what some past Government did or failed to do.

Mr. Graham: I am dealing with the question of consistency.

Mr. W. A. MANNING: Let us deal with the Bill before us so that we will not be confused. I am concerned about the young people of today. I have before me an envelope which was addressed to a girl in Australia under the age of 13 years, and contained in that envelope was this book.

Mr. Hutchinson: What is it called?

Mr. W. A. MANNING: *Swingers Weekly*. This is intended to promote the sale of the magazine, and the subscription is $17 for 12 months.

Mr. Nalder: Where is it published?

Mr. W. A. MANNING: In Australia. This was sent to a young girl.

Mr. May: Could the address be an inaccurate address? Could it not be addressed to a Miss So-and-so, without the sender being aware of the age of the girl?

Mr. W. A. MANNING: It reached the girl. It was given to me by her mother.

Mr. Graham: How do you know that the girl did not order it herself?

Mr. Nalder: That is no argument.

Mr. May: That is an isolated case.

Mr. W. A. MANNING: If this publication was received by that girl it would be received by other young girls. This illustrates that some people will do anything to make money. The profit motive is the sole reason for the distribution of pornographic literature.

Mr. A. R. Tonkin: This is a capitalistic society.

Mr. W. A. MANNING: It does not worry a socialist government to introduce this Bill. I now refer to a publication entitled *Why is Lawlessness Increasing?* It states—

> The growing philosophy of our day is that there is no fixed principle for moral conduct.

Further on the following appears:—

> When the moral law is not recognised, man, being selfish by nature, frames laws to suit his own rule of conduct. He judges what is right and wrong according to what is agreeable to himself—and it is this kind of philosophy which results in law breaking.
>
> The moral law is not only a deterrent from crime, it puts the administration of justice in its true perspective.

An organisation was brought into being in the United States of America following a recommendation made by a commission. It recommended that all laws restricting the sale and display of pornographic material be abolished. A meeting was called, and Montgomery, the capital city of Alabama, was chosen for the first statewide meeting of "Dads Against Dirt," shortly after the group was incorporated to fight pornography. A president was elected at the meeting. The objective of the "Dads Against Dirt" organisation is to inform the public, to educate the public, and to prevent the spread of pornography to children.

Mr. A. R. Tonkin: Were negroes allowed to become members of that organisation?

Mr. Bertram: Who called the meeting?

Mr. W. A. MANNING: The second objective was to educate the public concerning the damage being done by the pornographic material; and the third was to prevent the spread of pornography by assisting local, State, and national Governments. This reveals the situation which has arisen in America and it is pretty bad in many respects. An organisation called "D.A.D." has been established to prevent the literature getting into the hands of so many people.

One dissenting member of the commission said—

> The problem of pornography in every state has reached critical proportions. The country is right where it was when the Commission was appointed—in the midst of a storm of pornography, a disgusting glut of smut.

Another said—

> One of the greatest evils in our land today is pollution of the mind.

In recent years legislation has been introduced to prevent pollution of the atmosphere, but we do not consider that the pollution of the mind is important. In fact we try to encourage it. It seems to be something which is desired in the community. Pollution of the mind is to be encouraged, but pollution of the atmosphere is discouraged. This illustrates that we are not heading in a very favourable direction.

Another point I am concerned about is the fate of the decisions. When the committee deals with the literature and decides whether or not it is to be made available, is such a decision to be made public? Will the Press advertise it like it did the orgy shop? That establishment obtained thousands of dollars' worth of free advertising.

Mr. Taylor: Oh, no.

Mr. W. A. MANNING: Is the Minister intending to prevent the papers doing this?

Mr. Taylor: The provision in clause 8(2) on page 7 covers advertising by a newspaper.

Mr. W. A. MANNING: But a news item is not an advertisement.

Mr. Taylor: True.

Mr. W. A. MANNING: This is just my point.

Mr. Hutchinson: I thought you said it was advertising.

Mr. W. A. MANNING: Yes, but it is not defined as advertising. This is the whole basis of my objection.

Mr. Taylor: I agree with you about the news item.

Mr. W. A. MANNING: Does the Minister imply that newspapers will not be permitted to publish a news item indicating that a certain book is to be sold or is prohibited from being sold?

Mr. Taylor: This very evening this Chamber agreed to delete a clause in the Factories and Shops Act Amendment Bill which the other place would not accept; and it dealt with this very point. In answer to your query, as you know, no-one can prevent a newspaper from doing this, even though we tried it in another Bill.

Mr. W. A. MANNING: This is the point I am raising. Clause 8 is useless if the newspapers will publish the information as a news item.

Mr. Taylor: Tell me, are you for or against the clause and the Bill?

Mr. W. A. MANNING: I am not voting against it because I feel it may be of some benefit, but I am not very happy with the situation which gives rise to legislation of this kind. Some principles are far beyond legislative control and should be dealt with by individuals. Although I do not oppose the legislation, I am not very happy about the fact that it is thought to be necessary.

MR. TAYLOR (Cockburn—Minister for Labour) [11.24 p.m.]: I thank those members who have spoken on the measure. They all gave it qualified support and asked only for explanation on several points they raised. Generally they indicated they agree with the measure because they see in it some merit—although it is perhaps limited. They are prepared to support it provided they receive answers to their queries.

I will attempt to answer some of the points made, errors and omissions excepted. Consequently, if, during the Committee stage, members would like to again raise some of their points, I will attempt to correct or add to any explanation I give now.

The member for Subiaco made several points, three of which came roughly within the same category. He referred to the fact that the committee could report only on literature referred to it and he wondered why the committee could not act on its own accord. He was also concerned about the Minister's power to reject a report, and about the final determination being with the Minister.

We debated at length on the previous Bill the question as to whether the Minister, as the person responsible for the legislation, should have the final say. In this instance it is thought that the Minister should be the determining authority, as he is under the Act. The Bill establishes a committee to guide the Minister, but it leaves the final determination to the Minister and not to the committee. This is the normal procedure.

The member for Subiaco referred to the fact that no right of appeal exists in the Act, but to a certain extent a report will help mitigate against any injustice.

He also stated that no mention was made of the display of indecent literature in the doorway or window of a private home. I can only make the comment that we would be going a long way if we attempted to prevent people from displaying such literature on private property which was not in a public place. This would be going too far and would possibly be open to abuse. I see no reason at all to include such a provision.

Mr. W. A. Manning: What if such literature were being sold from a private home?

Mr. TAYLOR: Again a home is not a public place. A person can buy indecent literature in a shop and can pass it on to a person under 18 years, and there is no law against such action. It is difficult to legislate about all places such as the back room or kitchen of a home.

Dr. Dadour: But literature displayed in a private home could be seen from a public place such as a street.

Mr. TAYLOR: This legislation does not ban such displays. It merely prevents the literature from being displayed at a public place. The member for Subiaco desires an amendment to be made to prevent the literature being sold in a public place, thus enabling it to get into the hands of those under 18 years of age. This Bill will prevent any material being displayed in the doorway or window of a shop or in a public place. It does not prevent the material being displayed on a shelf inside the shop, so to try to prevent its being displayed in a private home would be going a little too far.

Dr. Dadour: I do not think so.

Mr. TAYLOR: Well, the honourable member is quite at liberty in Committee to move any amendment he considers necessary.

The member for Subiaco also asked for an explanation concerning the penalties. A penalty of $200 is to be imposed on a corporate body, but a penalty of half that amount, but also imprisonment, is to be imposed on an individual. I doubt whether a corporate body could be imprisoned or even the members of it. Usually a corporate body is in business and normally the publicity would be adverse and this would be a penalty in addition to the fine. On the other hand the effect of the publicity on an individual may not be as great. However, I will check and try to ascertain the reason a gaol sentence is to be imposed on an individual and not on a corporate body.

The member for Stirling referred to the composition of the committee, and to the possible inclusion of a psychiatrist.

The clause suggests that the committee comprise no more than seven persons, but it is to have some balance. It is to have a minimum of three people who have certain attributes. One of these is to be a woman and this is specifically mentioned in this case because usually it is not. It is intended to include a woman to ensure that at least one person will be present who may have a different interpretation on matters under discussion.

Mr. Hartrey: Under the clause only one member can be a woman.

Mr. TAYLOR: I take the point. The provision does preclude more than one woman being appointed. This is something I am not too happy about and an amendment could perhaps be made. The intention is that at least one will be a woman. That is the intention, although the wording of the clause does not indicate this.

One shall have the qualifications of a lawyer. At least, he will understand the requirements of the Act and I think that is fair enough. One, of course, shall have some knowledge of literature and obviously this is of importance also. Up to three members of the committee will have sufficient knowledge to be deemed competent to draw conclusions.

The question has also been raised as to why a psychiatrist should not be appointed. I agree there could be some value in having a psychiatrist. If the honourable member feels that this is important then perhaps that is so, but the psychiatrist will be a specialist. I am not sure that the suggestion put forward by the member is necessary.

The next point raised was that the Minister may refer any material to the committee and the committee reports back to the Minister and suggests whether or not the material should be subject to proceedings. The honourable member asks why there should be any differentiation. I believe the point raised by the honourable member was whether the determination would rest with the Minister, or whether the committee would be able to make a decision. The Minister might be unsure as to whether the material should be prescribed, and in his determination he will have some information from the committee on which to reach a decision. That information could influence him considerably. The Minister will ask for the information in the report.

Clause 9 of the Bill will add a new section 12 to the principal Act. Proposed new subsections (1) and (2) read as follows:—

> 12. (1) The Minister, upon the recommendation of the Committee, may determine that any book proposed to be published, sold or distributed shall not be the subject of proceedings under section 2 of this Act.
>
> (2) A determination made by the Minister pursuant to subsection (1) of this section may be revoked by the Minister.

I think the honourable member asked why this would be so, particularly after the Minister has, perhaps, prescribed a publication and allowed it to be published. Conversely, he may say that the publication cannot be published as a result of subsequently changing his mind. I suggest that if the Minister should change his mind he could be open to some censure, and subject to some questioning in this House. However, I think the honourable member would agree it would not be wise not to have an alternative available. If the Minister made a decision, and that decision was wrong, he should not be forced to remain with it.

An outside body may make a recommendation to the Minister, and he could be caught with his own order with the result that a certain publication may remain on sale. Alternatively, the Minister may be faced with the reverse position. I think it would be wrong to force the Minister to continue with his recommendation. It should be possible for the Minister to change his mind in the light of different circumstances, or what may occur later. At least, the public will be protected. There may be some avenue through which an aggrieved person can take up the matter.

Mr. Stephens: Perhaps there should be some provision for compensation.

Mr. TAYLOR: If the honourable member suggests that compensation should be written into the legislation we could look into that. However, I think he should leave the interpretation as I suggested.

The member for Wembley also mentioned the psychiatrist and, again, I will leave it to him to suggest what should be done. His second point concerned insolvency. That always seems to be included in legislation and I am not prepared to express an opinion because I am handling this Bill for another Minister. If the Minister feels that the provision should remain, then remain it will.

The honourable member referred to the amending of the original Act of 1902. It seemed to me that he made some good points concerning the Act as it now stands. This measure will only amend the parent Act in certain directions.

Members will know from listening to or reading my second reading speech that the purpose of this Bill is to overcome a particular set of circumstances. Publications coming into the country from overseas can be checked by the Commonwealth, but the publications which are printed in Australia cannot be checked. This Bill seeks to cover this aspect, and it will also make it possible for the State to utilise the provisions of the Commonwealth Act upon the recommendations of the Commonwealth committee.

If the points raised by the honourable member are correct it may be necessary to review the whole of the parent Act. However, the present Bill seeks to establish one or two definite provisions. That is as far as it attempts to go. If there is a need to review the whole of the parent Act, I do not think this is the time to do it.

The honourable member also mentioned the sale of various items in private homes, and he also suggested that all items should be examined by the committee before they are prescribed. I think I covered that point by my interjection. Such a provision would allow items which could be very objectionable to remain on sale until the committee could meet and the Minister could publish his reaction in the *Government Gazette*. I believe the proposed powers are the right ones. If the Minister is in doubt he will refer to the committee. The honourable member also questioned clause 7 of the Bill which will add a new section 10. I think I also covered that point by interjection. The Minister may accept a recommendation of the Commonwealth committee rather than await the outcome of a recommendation made to him by the State committee.

The honourable member also queried the provision to restrict a publication or class of publication. I think that if paragraph (b) of proposed new section 10 is studied the situation will become clear. The provision states that if a publication is changed, whether by way of alteration to the title, change of subject, characters, story or other features it shall remain restricted. I do not think that point was understood but the purpose is to prevent alterations being made in an effort to continue a publication.

Mr. R. L. Young: No, I do not think that is right.

Mr. TAYLOR: I will quickly give my interpretation of this provision, although I will also have the matter checked. As I understand it, it seeks to prevent a periodical, for example, which may be prescribed from changing its title and putting out exactly the same thing. Alternatively if it is a story of which certain sections are not acceptable, it seeks to prevent the names of the characters being changed or details being varied, thus purporting to be something entirely different. I think this is set out clearly.

Mr. R. L. Young: The point is, it states that the Minister, if he so determines, can extend this particular restriction to any future publication. The words which are important are "Notwithstanding any reconstruction."

Mr. TAYLOR: The Minister can extend it, but subclause (2) provides that the Minister may revoke it at any time.

The intention still remains. When a Minister prescribes an article in a book or periodical he seeks to do so for all time, no matter in what shape or form that article may reappear. It is the article which is objected to which is the question, and not the periodical or paper which may be a going concern for a long time. He seeks to prevent that issue from reappearing, no matter how it is represented. This is my interpretation and the Minister can revoke it if he so desires.

I can only go on my reading of the provision. The honourable member has a different view. I will check this out and when the Bill is in Committee we can look at it again.

The other points raised relate to amendments and doubtless these will be discussed in full at the Committee stage. The member for Narrogin made some pertinent comments and while his points may have relevance they do not affect the content of the Bill under discussion.

I thank members for their contribution and for their limited support of the Bill, which I commend to the House.

Question put and passed.

Bill read a second time.

CONTRACEPTIVES ACT AMENDMENT BILL

Council's Message

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

NOISE ABATEMENT BILL

Second Reading

Debate resumed from the 19th October.

MR. RUSHTON (Dale) [11.43 p.m.]: This is important legislation—

Sir Charles Court: Is the Deputy Premier going on with this Bill?

Mr. Graham: Yes.

Sir Charles Court: What time will you sit tomorrow? Your Ministers have been stonewalling the Bills all evening.

Mr. Graham: Read *Hansard* to see who has been stonewalling.

The SPEAKER: Order!

Sir Charles Court: This will not get you anywhere.

Mr. RUSHTON: This is important legislation. Two members of the Opposition have spoken to the measure and have indicated they accept the legislation in principle. However they had some comments to make on the Bill itself. In fact the member for Cottesloe, who was handling this legislation on our behalf, indicated that it has not been drafted successfully or acceptably.

I wish to make a few comments, one of which relates to departmental control. It is well for us to consider that local government will have a big responsibility and a big say in connection with this legislation. Therefore, the Minister for Local Government could be the Minister who will administer the legislation.

The Minister who introduced the Bill did not give us much proof as to why the Public Health Department should handle the

legislation. To my mind, under this legislation a big responsibility will fall on local government and, as I have said, perhaps this should be the department to handle it. I think this is worth considering.

Of course this legislation is only a beginning. When we look at the legislation we realise that so much more needs to be done.

This subject causes all kinds of concern. The legislation does not spell out anything in detail. We heard the Minister say it is related to community noise and to difficulties experienced by individuals.

An authority will be set up to investigate noise and to make recommendations. Certain personnel will be appointed to the committee. Members will note that a number of amendments appear on the notice paper. One of them, relating to local government, is under my name.

I wish to refer briefly to the responsibility of local government and why I think consideration—indeed, approval—should be given to my amendment.

I would like to mention some of the items in the legislation which cause concern. I submit that, as local government will have a major part to play under this legislation, thought should be given to the question of costs. The fact is, the taxpayer will bear the burden of the departmental administration. Some provision or subsidy in the way of finance should be given to local government under this measure.

The hour is late and we will have the opportunity to debate various clauses when the Bill is in Committee. At this stage I will refer to some of the items which I think warrant further consideration and comment by the Minister when he replies. I refer to the criteria for laying down some of the guidelines. I think the Minister should give us an understanding of what could apply. I refer to "Part II—Offences and Remedies" and I relate my comments particularly to clause 7. We find that no definition is given of what is an acceptable noise level or what is injurious to health. I consider we are entitled to more information on these points so that people can know what is expected.

So many different circumstances can apply. Disabilities from noise can vary from day to night and in different sections of the community. For example, they certainly vary in different parts of the city. What is to be the measure? What are to be the guidelines upon which people can work? These are points upon which we need more information. We need to know what is the acceptable limit. What does the Government have in mind? The Minister should tell us this, because no real objectives have been stated in connection with the legislation which has been introduced. The Minister has a responsibility, when he replies, to give us some understanding of the general aims.

We would all agree that the noise disability would vary in different circumstances, at different times of the day, or at varying distances from the object creating the noise. This issue has so many ramifications that one can certainly believe it is very difficult legislation.

I now refer to subclause (3) of clause 7, which makes the defendant basically guilty and places on him the onus of proving he is not guilty. This is totally contrary to the manner of law enforcement under which we have grown up and I think it warrants further consideration. The plaintiff should have to prove the disabilities and the defendant should not be held guilty until such time as he proves himself innocent. This provision is contrary to the Australian way of life and the system of fair play under which we work.

Mr. Bertram: To which clause are you referring?

Mr. RUSHTON: Subclause (3) of clause 7. Does the member for Mt. Hawthorn agree that the defendant should not have to prove he is innocent?

Mr. Bertram: I will reserve comment on that.

Mr. RUSHTON: I suggest it is contrary to normal justice and is worthy of further consideration when the Minister is replying to our suggestions. Our amendment might be acceptable.

As I said before, we certainly need to know what the Government intends to do in relation to establishing acceptable noise levels. An understanding is needed of the effects of vibration. Industry and local government will have a big part to play and those sectors of the community need to know very early where they stand.

There are on the notice paper amendments relating to the advisory committee. The present suggestion is that all members of the advisory committee should be scientifically or professionally qualified in this field. Because of the involvement of industry and local government, I believe they should be represented on the advisory committee. Local government will have to bear a great cost in administering the legislation. Industry will be involved from time to time because of its activities. We need the goodwill and co-operation of those two sectors to ensure we make sensible headway with this legislation.

Clause 32 refers to a number of local authorities and states that one local authority could have the responsibility of administering the legislation should an offence affect the area of another local authority. I suggest a number of local authorities could be involved in one offence, which could result in considerable litigation. This matter needs clarifying at the outset to ensure that people are not involved in unnecessary expense. There needs to be a clear understanding in order to avoid people being placed in a difficult

position purely because of an administrative practice which could be cleared up at the outset.

The SPEAKER: Order! There is too much audible conversation.

Mr. RUSHTON: Clause 35 contains provisions for the appointment by the Minister of any person as an inspector. These provisions need further consideration. An inspector should have some special qualities. As the Bill stands at the present time, the Minister may appoint any person. When the involvement of people, industry, local government, and the whole community is considered, the appointment of inspectorial staff requires special consideration and should be spelt out in greater detail when this Bill is debated in the Committee stage.

Clause 36 gives to an inspector and any person he may think competent the unqualified right to enter any premises. This has a bearing on the question of trade secrets and should be further considered in the Committee stage. It adds up to the fact that many clauses of this Bill need attention. I am touching briefly on only a few of them.

The question of who administers this legislation could possibly be further considered. Local Government has a big part to play, and we could be splitting the responsibility by having the Minister for Health administer the legislation when local government is more involved in it.

The next matter I wish to mention is the gazettal of various areas. Clarification is needed of the industries that will come under the legislation. It is necessary that this be known at the outset so that we have some understanding of what is to take place. The qualifications of the inspector should be designated and we should be told who will be employed in this very responsible task. A declaration should be made of what is and what is not acceptable noise. The Minister will argue that this will be worked out by the professional people, but surely the objectives should be spelt out in the legislation in more detail than they are at the present time.

We will move amendments in regard to the advisory committee. We will see what the Government has to say about them. Obviously, the advisory committee should be orientated more towards the practical. People will be involved in research and there may be considerable changes. We should have a positive approach towards this very important issue. We should think very carefully about the rights of the inspector and what he will be doing. These matters can be sorted out in the Committee stage.

The clause dealing with trade secrets is very weak and indicates that the Government treats this matter rather lightly. I think the penalty under this clause is $500. An industry that has a very important trade secret could be at a tremendous disadvantage when one considers the qualifications required of an inspector and what will take place in connection with this legislation. By and large, we need to think very deeply about this issue. Local government has been pressing for this legislation. It will need a great deal of goodwill to get the legislation off the ground. All concerned should have a clear understanding of it; otherwise it will bog down at the very outset.

I hope that the Minister handling this legislation will give consideration to the points I have raised. I also hope he treats the amendments we have on the notice paper with tolerance because our objective is legislation which is acceptable, workable, and of benefit to the community. As I said at the outset, my only intention is to indicate my support for this legislation during the second reading debate. I trust that during the Committee stage the Minister will give every consideration to our amendments.

Debate adjourned, on motion by Mr. Harman.

House adjourned at 12.01 a.m. (Thursday).

Legislative Council

Thursday, the 26th October, 1972

The PRESIDENT (The Hon. L. C. Diver) took the Chair at 2.30 p.m., and read prayers.

QUESTIONS ON NOTICE

Postponement

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the House) [2.33 p.m.]: Mr. President, I ask permission to postpone questions on notice and any questions without notice until a later stage of the sitting.

The PRESIDENT: Permission is granted.

BILLS (2): RECEIPT AND FIRST READING

1. Reserves (University Lands) Bill.
   Bill received from the Assembly; and, on motion by The Hon. J. Dolan (Minister for Police), read a first time.
2. Gold Buyers Act Amendment Bill.
   Bill received from the Assembly; and, on motion by The Hon. R. H. C. Stubbs (Minister for Local Government), read a first time.