Legislative Council

Thursday, 7th November, 1957.

CONTENTS.

The PRESIDENT took the Chair at 2.15 p.m., and read prayers.

ASSENT TO BILLS.

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

1, Junior Farmers' Movement Act Amendment.

2, Roman Catholic Vicariate of the Kimberleys.

3, Jetties Act Amendment.

4, Interpretation Act Amendment (No. 2).

5, Bush Fires Act Amendment.

6, Supply (No. 2), £18,000,000.

QUESTIONS.

WATER SUPPLIES.

Cost of Mundaring Weir and Kalgoorlie Pipeline.

Hon. F. J. S. WISE asked the Chief Secretary:

(1) What was the original cost of the Mundaring Weir and the pipeline to Kalgoorlie?

(2) What have been the additional capital costs associated with the raising of the weir and the new works since the original weir was constructed?

(3) What is the total capital cost to date appearing as a capital asset of the State?

(4) What is the value of such works based on today's construction costs?

(5) Does the Government write up the value of such assets in accordance with present-day values?

(6) Does the Government raise charges for services or commodities in such cases as the Goldfields Water Supply in the light of enhanced value of the assets?

The CHIEF SECRETARY replied:

(1) £2,866,454.

(2) £8,098,483 which includes £1,233,327 Commonwealth contribution.

(3) £6,258,644.

(4) No detailed information is readily available that would enable a reasonable assessment to be made.

(5) No.

(6) No.

HIGH SCHOOLS.

Intake at Mt. Lawley, Kent-st. and Belmont.

Hon. A. F. GRIFFITH asked the Chief Secretary:

(1) What is the anticipated intake in the following high schools for the year 1958—

(a) Mt. Lawley;

(b) Kent-st.;

(c) Belmont?

(2) Will there be sufficient classroom accommodation available to meet this intake?

(3) If the answer to No. (2) is "No," what alternative plans are being formulated to accommodate this intake in places other than the high schools mentioned?

The CHIEF SECRETARY replied:

(1) (a) Mt. Lawley 440
(b) Kent-st. 504
(c) Belmont 325

(2) Yes, except in the case of Belmont.

(3) Most of the first year students of Belmont will be housed in the former Midland Junction High School, until the Belmont building, second stage, is complete.

COLLIE INDUSTRIAL DEVELOPMENT.

Availability of Forestry Reserves, and Disposal of Effluent.

Hon. G. C. MacKINNON asked the Chief Secretary:

(1) In the event of a large manufacturing concern requiring from 50 to 100 acres of land in the Collie district, would the

Government be prepared to make available the necessary area from forest reserves adjacent to Collie?

(2) In the event of such industry as envisaged in question No. (1) being established, would the Government be prepared to—

(a) assist in the treatment and disposal of effluent in order to minimise pollution of Wellington Weir; or,

(b) allow such effluent to be piped to a point below Wellington Weir; or,

(c) allow such effluent to be piped out of the Collie basin and into the Preston basin?

The CHIEF SECRETARY replied:

(1) Any such case would have to be decided on its merits, e.g., suitable private land might be available. It is most unlikely that such an industry would be unable to secure necessary land.

(2) The steps to be taken on effluent disposal could only be decided when the nature of the effluent was known, as some effluents are more serious than others. The Government could be relied on, however, to co-operate to the limit towards the establishment of a worth-while new industry.

TRANSPORT.

Replacement of Buses, Eastern Goldfields.

Hon. W. R. HALL asked the Minister for Railways:

(1) Has he given any consideration to the request of a deputation which waited on him on the 25th September, 1957, comprising representatives of the Eastern Goldfields Transport Board, local governing bodies and parliamentary members for the district, in connection with the provision or replacement of buses for the Eastern Goldfields Transport Board?

(2) As the matter is urgent in view of the rapid deterioration and age of the board's present buses, will he inform the deputation when a decision and reply can be expected?

The MINISTER replied:

(1) Yes. Arrangements are being made for the Tramway Department to make available to the Eastern Goldfields Transport Board seven buses in good repair.

(2) I will advise those concerned at an early date of the conditions under which these vehicles can be made available.

TRAFFIC ACT REGULATION.

Postponement of Disallowance Motion.

Order of the Day read for consideration of the following notice of motion by Hon. A. F. Griffith:—

> That Regulation No. 352A, as subsequently amended, made under the Traffic Act, 1919-1955, published in the "Government Gazette" on the 21st December, 1956, and the 1st July, 1957, and laid on the Table of the House on the 9th July, 1957, and the 16th July, 1957, be and is hereby disallowed.

HON. A. F. GRIFFITH (Suburban) [2.24]: I desire to ask for permission to postpone this notice of motion till the 14th November. Have I your permission, Mr. President, to make an explanation?

The PRESIDENT: Yes; make it brief.

Hon. A. F. GRIFFITH: Briefly, the Minister for Transport—as you have no doubt gleaned from the questions without notice that I have been asking—has made certain recommendations in connection with 35 to 36 properties in the city block concerning the difficulties occupants have in respect of backing their cars into such premises.

The notice of motion deals with disallowance of a regulation in this connection; but I have no desire to move for such disallowance if the recommendations by the Minister are satisfactory to the people concerned. I hope that between now and next Thursday it will be possible to view the recommendations; and if they are acceptable, I will ask permission to withdraw the motion altogether.

Notice of motion, by leave, postponed.

BILL—COMPANIES ACT AMENDMENT.

Recommittal.

On motion by Hon. W. F. Willesee, Bill recommitted for the further consideration of Clause 12.

In Committee.

Hon. W. R. Hall in the Chair; Hon. W. F. Willesee in charge of the Bill.

Clause 12—Section 370A inserted:

Hon. W. F. WILLESEE: I move an amendment—

> That the following words be added to the proviso inserted by a previous Committee:—
>
> nor may any person inspect it, except for some reasonable and proper purpose and with the sanction in writing of the Registrar.

In Committee last Thursday, we amended this clause with regard to information being supplied to the Companies Office on behalf of unit trust companies. I find upon examination that the amendment does not go quite far enough towards fulfilling the purpose desired. I have been advised that it would be undesirable to leave in the Bill Subsection (9) as it appears in its present form, since it is most likely that the list could not be inspected even by interested holders in the unit trust.

The words "shall not be open for public inspection" contained in the subsection have the same effect as "shall not be open for inspection." Therefore the list could not be made available by the registrar for any proper search; nor could any information be disclosed by the registrar or his officers. Under the clause, this list would be deposited by the company, but would have no useful purpose.

There are several other types of search that would be made under this provision apart from that by the actual unit trust holder. A reasonable and proper search would be one whereby any executor of a deceased person's estate might seek to ascertain particulars of the assets of that estate. A solicitor would require, perhaps, to search a list on behalf of a client to obtain evidence for a court action. There could be an inquiry by the Criminal Investigation Branch with regard to a criminal offence; a search by a Treasury official concerning a probate assessment; or a search by the taxation people. There are many other searches that could be made under this subsection, and it is imperative that inspection be allowed for a proper cause.

It might be fair to mention that the unit trust managers would be quite prepared to make this information available if called upon to do so; but it is not strictly within their province to have to give such information, and if they refused there is nothing in the Act to compel them. Similarly, as all these provisions apply to companies, searches conducted under the Companies Act are controlled from the Companies Office; and it is only reasonable that there should be unit trust information available in the same office so that searches could be conducted under the one roof. . .

In order to give effect to this it is necessary to add the words to the clause. It will then read "nor may any person inspect it except for some reasonable and proper purpose and with the sanction in writing of the Registrar."

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

Bill again reported with a further amendment.

BILL—TRAFFIC ACT AMENDMENT (No. 1).

Read a third time and returned to the Assembly with amendments.

BILL—NURSES REGISTRATION ACT AMENDMENT (No. 2).

Second Reading.

THE CHIEF SECRETARY (Hon. G. Fraser—West) [2.34] in moving the second reading said: This small Bill seeks to give effect to a unanimous recommendation of the Nurses Registration Board that the Principal Matron of the Public Health Department be appointed to the Board.

At present, the Act provides that the board shall comprise nine members, of whom the Commissioner of Public Health is ex officio a member and is chairman; and the Inspector General of Mental Health Services is ex officio a member. Other members are two medical practitioners nominated by the British Medical Association, of whom one is a practising obstetrician; two senior registered nurses on the staff of a nursing training school or hospital, one of whom shall be trained and experienced in midwifery and infant welfare nursing; and a general trained nurse, a mental nurse, and a midwifery nurse, who are nominated by the nursing profession.

The position of Principal Matron of the Public Health Department was established in 1944, subsequent to the insertion in the Act of the provision relating to the constitution of the board. The Principal Matron is responsible for advising the department and the Government on all professional matters concerning nursing. The present occupant of the position is a senior nurse of wide hospital and other nursing experience. She has recently returned from abroad, where she spent 16 months under the auspices of the Florence Nightingale Committee.

During this time she studied nursing organisations and procedures widely in Great Britain, Europe, the United States of America and the Eastern States of Australia. Her knowledge and counsel would be of great assistance to the Nurses Registration Board in its deliberations. She, however, would not be able to be appointed to the board as one of the nursing representatives until the next vacancy falls due in about three years' time, provided she was nominated for the vacancy.

The unanimous view of the board, is that the Principal Matron should be a statutory member of the board. The Bill, therefore, proposes to increase the number of members of the board from nine to ten, and to make the Principal Matron a member ex officio. I move—

> That the Bill be now read a second time.

On motion by Hon. J. G. Hislop, debate adjourned.

BILL—BASIL MURRAY CO-OPERATIVE MEMORIAL SCHOLARSHIP FUND ACT AMENDMENT.

Second Reading.

THE CHIEF SECRETARY (Hon. G. Fraser—West) [2.37] in moving the second reading said: This Bill is the result of a request from the Co-operative Federation of Western Australia. The Basil Murray Co-operative Scholarship Fund

was established in 1926 for the purpose of administering moneys subscribed for the purpose of perpetuating the late Basil Murray's association with the co-operative movement. An amount of £1,189 12s. was collected and was vested in trustees to provide scholarships at Muresk Agricultural College for the sons of qualified members of any co-operative society or company affiliated with the Co-operative Federation of Western Australia. The rules of the fund provided that the scholarships might not exceed an annual value of £70, nor be for a term of more than three years.

In course of time the trustees became of the opinion that the services of scholarship holders were not being utilised to the best advantage of the co-operative movement. With the support of all the subscribers to the fund that could be traced the trustees in 1938 submitted a memorial to the Government requesting that legislation be introduced to alter the purpose of the fund.

The Government agreed to this, and Parliament approved of the principal Act which provides that, notwithstanding the purposes for which the fund was originally established, the trustees are authorised to apply the moneys in the fund for the purpose of providing training and education in co-operative principles and business practice for the sons of qualified members of any co-operative society or sons of shareholders in any company affiliated with the Co-operative Federation of Western Australia.

Following a unanimous resolution carried at the federation's congress in April this year, at which 41 co-operative companies and societies were represented, the trustees of the fund requested that the principal Act be amended to allow the fund to be also used for the purpose of training and educating in the principles laid down in the Act employees of any co-operative company and society affiliated with the federation.

The trustees stated they and the executive council of the federation were anxious that the fund should be used in the best possible way to perpetuate the memory of the late Basil Murray; and they felt the proposal which is contained in the Bill would help to achieve this in a practical manner.

For the information of members I would advise that the present trustees of the fund are Messrs. E. T. Loton, chairman of Westralian Farmers Co-operative Ltd., E. P. Roberts, chairman, Meckering Co-operative Co. Ltd., and W. Blackwell, secretary, Co-operative Federation of Western Australia. I move—

That the Bill be now read a second time.

On motion by Hon. L. A. Logan, debate adjourned.

BILL—CATTLE TRESPASS, FENCING AND IMPOUNDING ACT AMENDMENT.

Second Reading.

THE CHIEF SECRETARY (Hon. G. Fraser—West) [2.14] in moving the second reading said: The purpose of this Bill is to give local authorities the power to make regulations to define what shall be a "sufficient fence." The principal Act refers to the term "sufficient fence", and Section 30 states the term shall be construed to mean any substantial fence deemed reasonably sufficient to risist the trespass of great and small stock, including sheep, but excluding goats and pigs. Any dispute as to the sufficiency of any fence shall be decided by a court.

This very vague definition as to what is a "sufficient fence" has caused a great deal of bother, as well as difficulty for courts in trying to decide what a "sufficient fence" should be. It would not be practicable to insert a detailed definition of "sufficient fence" in the Act, as fence requirements vary widely throughout the State. What might be a "sufficient fence" to keep out stock and vermin around Perth or Bunbury, for instance, would probably prove most unsuitable for the farming and pastoral areas.

After careful consideration, it was decided the best plan would be to authorise each local authority to make its own "sufficient fence" by-laws. It will be noticed the Bill provides that, if necessary, a local authority can make by-laws for different classes of fences within its district, in order to meet varying circumstances. I move—

That the Bill be now read a second time.

On motion by Hon. N. E. Baxter, debate adjourned.

BILL—LAND AGENTS.

Second Reading.

Debate resumed from the 5th November.

HON. G. C. MacKINNON (South-West) [2.42]: It is somewhat unusual for us to be debating this measure in that it constitutes more or less a voluntary submission by the participants in a particular line of business to legislation which must by its nature have certain restrictive elements; and their aim is to cleanse the particular activity of certain undesirable aspects.

The original legislation dealing with land agents was passed in 1922. Since that time amendments have been made—first in 1931, then in 1948, and later in 1952 and 1953, the amending Bill in 1953 being a very extensive one; and really the one out of which the present legislation has arisen. At that time a committee was set up; and it is through the activities of that committee and through its investigations into various aspects of the working

and activities of land and estate agents that this measure has arisen. The amendments in the Bill are designed to repeal and re-enact the legislation. In short, the aim is to clean it up.

When we start to debate this measure, it would be well to bear in mind that the very many good and honest businesses run throughout this State have agreed to accept a great many restrictions and legal impediments to the free flow of their business in order that some control can be brought to bear over the more undesirable elements in this particular business. They have agreed to many things which a reputable concern would no doubt find irksome.

There are in this Bill a number of requirements as between agent and principal that sometimes involve explanation. Very often we have the type of principal who approaches an agent and says, "I want you to do so-and-so"; and when the agent replies, "Just a minute! Under the provisions of this Act I will have to have that in writing", the principal says, "My word is good enough; I have told you and I will abide by it." But people are prepared to accept that somewhat annoying condition although they say, "It is in the Act and I must have all this in writing."

There are a great number of conditions in this legislation; and I think it will bear repeating that in the main the land agents and the Real Estate Institute are prepared to accept them for the purpose of putting their affairs on a solid and substantial footing. Indeed I think—despite the fact that the defalcations of some land agents had become very public and are fairly well known—it is well to remember that their record in comparison with quite a number of other organisations of trust is not, in fact, a bad one.

I am told that in New South Wales, there are two professions—one of which is the land agents—which set up of their own volition a fund to cover defalcations. The land agents' fund was on a contributory basis for a few years. When there was sufficient money to cover possible trouble, further contributions were stopped.

The other was started by a body, equally solidly established in the community, but it went broke in the same period of time. So in actual fact experience shows that the land agents are not all that deserving of being singled out among the various activities for this type of legislation, and I hope it will be remembered during the discussions that they do require this type of legislation.

However, by the very nature of such legislation we find there is a tendency to exaggerate. There is a tendency to go beyond the limits in an endeavour to protect the public against outright fraud and get-rich-quick tactics to a point where all the responsibility of the person buying or selling is taken away; and where the requirements of a particular Act become not only burdensome but in some cases utterly and completely impracticable.

I hope I will be able at some subsequent time to prove to this House that such is indeed the case in some aspects of this legislation. I hope then that the House will bear in mind the co-operative attitude of the Real Estate Institute in this matter, and that members will give serious consideration to the removal of some of the more irksome points in this particular legislation.

One other aspect which would bear mention at this time is that under this measure it is proposed to confer certain judicial functions upon the committee. It will take over some activities in the issuing of licences, which have, heretofore, been the prerogative of magistrates in the courts; and that calls for a re-examination of the committee as such. Again, that is a matter which will bear some serious consideration.

I have referred to some provisions which are unnecessarily irksome and some which are impracticable; and there are one or two others which are just straight-out redundancies. I have handed in some amendments today and they should appear on the notice paper for next Tuesday and members will be able to examine them.

One comes to my mind in regard to page 23 of the Bill, which deals with the cancellation of a licence. There are two clauses on that page following each other; and, with the exception of one word—each clause is about four or five lines long—they are identical. In these circumstances I should imagine that we can tidy this matter up by either inserting a word in one or deleting all the words in the other.

There are other provisions in the Bill which are quite impracticable. One clause is copied from Victorian legislation, and it demands that before a land agent takes any action, he must have from the principals a written appointment of the transaction. That sounds quite reasonable on the face of it, but we have the case of a person, wishing to buy a property in a given locality, who goes to an agent and says, "I want to buy a house in Floreat Park." More than likely he would say, "My wife wants me to buy a house in Floreat Park." Be that as it may, the agent then can have a written appointment with the buyer and go to someone in Floreat Park and say, "I have a buyer for your home at so much. Are you prepared to sell?"

In doing that, he is immediately breaking the law in accordance with this particular section of the Act. Yet it is done—we all know it is done every day—and indeed there is no reason why it should not be done. That has been the experience in Victoria; the section has been found to be unworkable, and they are in the process of amending it at the present time. I

think we would be well advised not to repeat the Victorian experience, but take out the provisions before the trouble starts.

There is another provision which demands that the rate or the actual amount of commission shall be stated in the written appointment. Very often a person will approach an agent with a request that a property be sold for, say, £10,000. In most of these cases the price realised is not £10,000, but generally some lesser amount. It is advertised and put on the market, and the buyer inspects it. After inspection he decides it might be worth £8,500. Some bargaining proceeds and the final price arrived at might be £9,200.

Therefore, the amount of commission as stated in the written appointment would, of course, be wrong, because it would be based on the desired selling price of £10,000 and not on the actual price of £9,200. So it would seem to be quite impracticable to ask that the actual amount should be inserted; but it would be quite reasonable to ask that the rate be inserted, because rates follow the prices of the property and could be stated on the appointment.

Hon. N. E. Baxter: On the authority to sell?

Hon. G. C. MacKINNON: Yes; the rate but not the amount. The authority is referred to as an appointment. There is another matter which I am quite sure is an oversight. On such a written agreement between the buyer and the agent amounts or rates of reimbursement are to be shown and signed by the parties. That immediately constitutes that particular document as an agreement subject to stamp duty, which of course is not intended.

If members read the Bill, they will see it is not intended that an agreement shall be subject to stamp duty, but it makes no specific mention that it shall not be so subject. I have placed an amendment on the notice paper to exempt agreements from stamp duty, because I think that in the drafting of this Bill the matter was overlooked.

Hon. N. E. Baxter: Not the contract of sale?

Hon. G. C. MacKINNON: No. It is purely and simply a preliminary letter to set the whole process in motion, and I have taken steps to submit an amendment which will clarify that position so that the rate of exemption may be shown without the agreement being subject to stamp duty.

I made reference earlier to the annoying and unnecessary actions which have to be taken under this Bill as it stands at present. I feel I should give one example. Quite a good one is Clause 65 where it states that—

> A land agent who obtains the signature of any person to a document which relates to a land transaction, including his appointment mentioned in subsection (1) of section 64 of this Act as agent of the signatory . . . . shall . . . . deliver a true copy of the document to the signatory.

If we examine the first part of the Bill we will find that "property transaction" means the disposal or acquisition, however effected whether by sale, purchase, or exchange, or otherwise, of any estate or interest in land; of any trading business, including a hotel, boarding-house, storekeeping or manufacturing business —and there follows a terrific list.

In Clause 65 we find that virtually anything at all signed by either party must be in triplicate. Three copies of the appointment are required together with three copies of the contract of sale or any intermediate agreements, and three copies of the transfer. The transfer is a particularly involved document which the Titles Office demands shall be meticulously correct in every detail, and it is invariably drawn up by a solicitor. That has to be in triplicate, with a copy for each person and so on.

That would appear to be quite unnecessary. It is new. It has not been done for years, and the operations have been carried out very nicely. I would be quite happy to see that a copy of the appointment is supplied but not of all the documents; so I shall move in that connection also.

Hon. J. D. Teahan: If in triplicate, it is costly.

Hon. G. C. MacKINNON: Yes. One last example occurs in that portion of the Bill which sets out to make it impossible for any agent to ask the buyer or seller to waive any rights that he might have at law, but it goes—as much of this sort of legislation tends to—just a bit too far when it says—

> A covenant, agreement, or condition whereby any person agrees to pay or allow to a land agent any amount by way of commission or otherwise which is in excess of, or not included in, the appropriate maximum commission or rate so prescribed or set out.

It then refers to waiving or surrendering any right or remedy. I do not think anybody should have the right to ask another person to waive a right or remedy at law. I think that is quite immoral. But the situation could easily arise, that a person, knowing he has to move from the State, goes to a land agent and says, "Will you sell the house for me? I will give you vacant possession at the end of January."

The agent takes his time; but a couple of days later the owner comes along again and says, "I now have to go within one month. Could you put all your staff on to this and really push it along for me? If I have it cleaned up in a month

I am prepared to pay you a bonus of £50." That is a legitimate deal. Provided he sits down and writes a note to that effect, and both parties agree on it, I can see nothing morally wrong with it; but it would contravene this provision in the Bill.

We can take another example—that of a man owning a business in a country town who thinks he would do better by placing the business in the hands of a city agent. Under this provision he could not make an agreement with the agent whereby the added cost of running prospective purchasers to the country town to inspect the building could be recouped by the agent. The effect of this would probably be that the agent—a reputable one—would decline the business. But that is not what the Bill seeks to achieve. I feel that is a matter in which those who drafted the Bill were misled in their zeal to protect the public from the undesirable land agent.

I must again impress upon the House that the Real Estate Institute is as anxious as anyone that this should be done. But we must leave the agents as much freedom as possible to run their business. Odd matters like that we can well do without, because we cannot go around and blow everybody's nose. We must leave some right of self-protection to the individual concerned. I hope that the House will sympathetically consider the amendments I have put on the notice paper. I support the second reading.

HON. J. D. TEAHAN (North-East) [3.5]: I am glad the Government has seen fit to seek to amend the Act because in the last several years quite a number of land agents have defaulted.

Hon. G. Bennetts: They are still doing it.

Hon. J. D. TEAHAN: Generally it is admitted that most of the agents are reputable and have been in business for years; but is a line of business that has attracted some people who are not overimbued with the virtue of honesty. We have read where agents have defaulted to the extent of several thousands of pounds, and in doing so have affected several buyers. The ones who have suffered have generally been those who have made small deals, and they are the ones least able to sustain loss.

We can picture that a person has probably saved for the best part of his life to acquire that which everyone hopes to own—his own home. Having raised the necessary cash by hard work, he proceeds to an agent to secure a house, and achieve that cherished desire; and is then happy in the knowledge that he has his own home—only to find that the agent has defaulted. Someone has to lose, and generally it is the purchaser.

A year or two ago we read of a case where both the vendor and the purchaser, who were people who could ill afford to lose anything, were involved. From the facts we read in the paper, the person who owned the humble home, and needed the cash for it, sold it to another person who, I understand, was a pensioner. So we can understand that the seller badly needed the £1,500 which was involved and which the pensioner had scraped together in order to acquire the home.

However, the agent defaulted; and the subsequent litigation, I suppose, used up quite a bit of the amount involved. The point which finally arose was: For whom was that individual the agent—the buyer or the seller? I would say it did not matter whom he was the agent for; he was not entitled to default.

It is reasonable to assume that a person who is buying a home for the first time is not aware of the many pitfalls before him or of the necessity for tied agreements; or the wording of them; and very often he is not aware of the intricacies of title deeds and so on. He is therefore easy prey for the agent who sets out to trap him. It has occurred to me that the best way to protect those who were deprived of their homes would have been by a bigger bond.

At present the bond is about £2,000 which is barely the price of a small home. The Bill seeks to increase this amount; and with this I am in full agreement, because if we have other defaulters there will be in the trust an amount that will at least recoup the unfortunate people.

Some years ago action was taken to appoint an advisory committee to have a look at some of these transactions; and the experience of that committee has borne fruit, because most of the recommendations which appear in the Bill have emanated from that experience. I trust that the measure will receive favourable consideration in the House and that the small buyer will get the protection he badly needs but has not had in the past. It appears that the bigger ones can look after themselves or have had so many deals that they are aware of the pitfalls. I support the second reading.

HON. G. BENNETTS (South-East) [3.10]: I support the Bill which seeks to provide protection for a person who is purchasing a home. I would like included an amendment by which a land agent, when he sells property, shall notify the purchaser that he is in possession of the title deeds. I know of a returned soldier—a person not in very good health and who has a very large family—who purchased a home through a land agent. But the agent did not have the title deeds at the time of the sale. I understand that the person from whom the land was bought has died, and that one of the relations has put the land in the hands of an agent to

sell. I expect there was a will, because otherwise this person could not have put put the land into an agent's hands.

The returned soldier has got the property, but he cannot get the title deeds. The agent has told him that he will have to do the best he can to get them. I have had the matter in hand, and according to my advice it will have to be passed on to a solicitor. In my opinion the title deeds should be in the hands of the agent before he sells the property; otherwise the purchaser can be involved in added expense and trouble.

Many blocks of land at Esperance, without titles, were sold by an Adelaide company. Mr. Cunningham knows of many of them. Some provision should be put into the Bill to deal with this position; and if the agent has not the title deeds, he should notify the purchaser, before the sale takes place, that they are not available.

On motion by Hon. N. E. Baxter, debate adjourned.

BILLS (2)—FIRST READING.

1, Housing Loan Guarantee.

2, Noxious Weeds Act Amendment.

Received from the Assembly.

BILL—COAL MINE WORKERS (PENSIONS) ACT AMENDMENT.

Personal Explanation.

Hon. C. H. SIMPSON: Mr. President, I desire to make a personal explanation in connection with this Bill. Quite inadvertently I gave the House some wrong information yesterday. I had been advised that the pension payable to the New South Wales miners with respect to dependents under 16 was 15s. each. I have now been advised that that information was wrong, and I desire to place on record that the amount is a maximum of 15s. in respect of all dependents. The reason why no larger sum was granted was because it would have interfered with the amount paid under the social service benefits. I understand that embargo has now been removed and the amount is not so taken into account. I wish to make that explanation because the information I gave yesterday, through no fault of my own, was not correct.

Second Reading.

Debate resumed from the previous day.

THE MINISTER FOR RAILWAYS (Hon. H. C. Strickland—North—in reply) [3.18]: Mr. Simpson's statement is quite correct. One query was raised by two speakers, Mr. Simpson and Mr. MacKinnon. They wanted to know why the payment to be made exceeded the 15s. now paid in New South Wales; and they mentioned that there was a desire for reciprocity between the States. That is so; there has been a desire on the part of Western Australia for reciprocity, and many attempts have been made to achieve it since 1950. It is through no fault of Western Australia that agreement has not been reached in connection with this matter.

Hon. C. H. Simpson: I believe they are identical in regard to the actual adult pensioners.

The MINISTER FOR RAILWAYS: That could be. The fact is that there is quite a difference in the state of the two funds. In New South Wales, where the contributions are about to be increased, the fund is financially embarrassed, even under existing conditions. But in Western Australia the fund is in an exceedingly healthy state.

Hon. C. H. Simpson: It is actuarially sound.

The MINISTER FOR RAILWAYS: Yes; it is financially sound, and we can afford to pay the pensions proposed. The rate mentioned is the one desired by those who contribute to the fund; and, as Mr. MacKinnon said, the beneficiaries are very small in number. Mr. Simpson also pointed out that none become entitled to it until they are 60 years of age; and, at that age, very few people have children under 16 years of age. Therefore, the call on the fund in that respect would be very small. The actuary is convinced that the fund can stand any future call that may be made upon it; and therefore in some degree to compensate the under-payments that have occurred over the years, everybody is agreed that the payment should be £1 in future.

Question put and passed.

Bill read a second time.

In Committee.

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

BILLS (2)—REPORT.

1, Licensing Act Amendment (No. 1).

2, Traffic Act Amendment (No. 3.).

Adopted.

BILL—FACTORIES AND SHOPS ACT AMENDMENT.

Second Reading.

Debate resumed from the previous day.

HON. L. C. DIVER (Central) [3.25]: This Bill follows an amendment to the principal Act which was dealt with in the very late stages of last session when every member of this Chamber was, to say the least of it, tired and nervy. When the Minister introduced the Bill last year he said that certain all-night operators would be exempt from its provisions. It was patent to those of us who had closely

followed the question that if the Government abided by the Minister's statement the Bill would be inoperative.

Those of us who were connected with the inquiry into petrol stations knew full well that once we conceded something for one oil company, one by one each of the other major oil companies which operate in Western Australia would demand an equal privilege. That in itself would make the amendment to the Act inoperative. I do not blame the Minister for his statement because he was wrongly advised. As the Government has introduced this Bill to amend that phase, and to correct other obvious weaknesses that were in last year's legislation, I have nothing but admiration for it. It has kept faith with this House, even though those who are desirous of these conditions have been kept in suspense in the meantime.

I say that because I want to disabuse the minds of those, both here and outside, who wish the world to believe that the Bill was passed last year because of the promise made by the Minister. Those of us who were aware of the position knew that that statement weakened rather than strengthened the legislation. I therefore think that the charges are untenable and have no basis.

I therefore think that the charges are untenable and have no basis.

It is obvious, for the reasons which I have mentioned, that all garages must be included in the legally scheduled hours for ordinary trading. Only the establishments whose proprietors wish to trade during extraordinary hours, if this measure is passed, will keep open on nominated days as agreed upon under the roster system to be operated by the Automobile Chamber of Commerce under the direction of the Minister.

This Bill is very realistic, as compared with last year's measure, in that it makes provision for the supply of petrol to ambulances at all times. It is inconceivable that any Act of Parliament should prohibit an ambulance from obtaining its requirements in an emergency, and I have no doubt that no inspector in this State will ever prosecute a driver of an ambulance for obtaining petrol outside of ordinary hours.

There is also provision in the Bill to increase the penalty which can be imposed against a person who continues to break the law after three convictions. It is intended to increase the penalty to £50. That is highly desirable. Members of this House who inquired into this industry will be aware of the system of rebates which are granted to service stations because of certain disadvantages that exist in their locality. We must look at this aspect in a sensible manner. If a major oil company has a client who can do a substantial business in after-hour trading, it can, by adopting that practice, facilitate the efforts of that client in breaking the law. Consequently the amendment in the Bill is very desirable.

The Bill also makes provision for safeguarding the needs of the motoring public. Of late I have even heard in this House that on some runs a motorist cannot rely on being able to obtain petrol supplies in the outer suburban area after 7 p.m. If the Bill is agreed to, the motorist will never be placed in such a position, even up to 1 a.m. Not only will service stations sell petrol up to 7 p.m., but in that zone there will always be a service station rostered and obliged to serve petrol on any day.

Hon. J. McI. Thomson: Is there a penalty for non-supply?

Hon. L. C. DIVER: I think so. Provision is made for the R.A.C. to supply petrol during emergencies. I cannot see such a situation arising, and it would be very rare indeed. Considering the capacity of a modern vehicle and the mileage it can travel on a tank full of fuel, it seems remarkable that we have to debate a measure like this.

In the whole of this State there is only a fixed amount of petrol sold each day. The amount sold does not depend on the number of petrol outlets. The quantity remains static and only increases when new vehicles come on to the roads. So it does not matter whether or not every service station in this State remains open for 24 hours. No greater quantity of petrol will be sold. If we were to follow the practice of other States of regulating the hours for the sale of petrol, no greater and no less quantity would be sold in this State.

Referring to the other States, this would be an appropriate juncture for me to read a news item that appeared in "The West Australian" of the 2nd November, 1957, which states—

> Queensland Petrol on Sundays.
>
> Brisbane, Friday; Petrol will be sold legally in Brisbane on Saturday afternoons and Sundays from next week-end. Garages will give the new system a three-month trial.
>
> This follows the State Industrial Court's decision today to extend petrol-selling hours in the metropolitan area. There is no compulsion in the new system.

It will be seen that the news item indicates that hours have been extended generally; but this is not the case, and I have information which will show that the extraordinary hours by roster system proposed by the Western Australian Automobile Chamber of Commerce are much more extensive than the Brisbane proposal which adopts the principle of roster.

The PRESIDENT: Is that a comment from a newspaper in this State?

Hon. L. C. DIVER: The first statement was, but not what I am now putting forward. Firstly in this State there will be 69 ordinary hours of trading, including three on Sunday; whereas the normal trading hours applying in the greater Brisbane area are 62 hours; 6 p.m. closing instead of 7 p.m., on a week night; and no general Sunday trading. However, the proposal which led to the Press comment follows in principle the roster system envisaged by the Act at present before the Legislative Council in this State.

Brisbane has been split up into nine zones and the Department of Labour in that State has been instructed to roster one station, or not more than two stations in each of the zones for week-end trading. The important consideration is that the hours of trading at the week-ends are: Saturdays, 2 p.m. to 6 p.m.; Sundays, 7 a.m. to 6 p.m.

It is not intended to roster stations for extra trading on a week day; and therefore the extra hours applicable in Brisbane per week are 15, as against a proposed 48 to 55 in the roster proposed by our Chamber last year. It should be noted that the greater Brisbane area constitutes one of the largest city areas in the world. Incidentally there is no compulsion for the rostered stations to remain open as is intended in our own Act.

There is a certain amount of background to the decision to adopt a roster for week-ends in the greater Brisbane area. Following the election of the Liberal-Country Party coalition government in Queensland, their Minister for Labour indicated he would examine the question of service-station trading hours, and subsequently he called a conference of the interested parties, including the traders, retail organisations, and the consumers' representatives.

The Minister proposed in the first place, the principle for adopting a roster for week-end trading and has undertaken otherwise to see the Act is strictly enforced including increasing the penalties for after-hour trading.

Sitting suspended from 3.45 to 4.5 p.m.

Hon. L. C. DIVER: In general it will be seen that petrol is available by virtue of our Act and the roster is for up to 124 hours per week as against 77 hours in the greater Brisbane area. The fact that consumers' representatives, the trade and the Government in Queensland have been content to obtain another 15 hours for week-end trading in their State shows that the proposals incorporated in our Act and the recommendations of the chamber are reasonable.

That is the position as it will operate in Queensland; and, broadly, as it will be here when this measure comes into force. The difficulties regarding petrol trading hours in Queensland are similar to those here. It will be recalled that some months ago, when the previous Queensland Government was in power, it passed some contentious legislation to control the marketing of petrol; but it is not the intention of the present Government of that State either to repeal that legislation or enact it, but simply to let it repose on the statute book. Evidently, although there has been a change of Government there, the present administration, having had a second look at the situation, has found that there is far more in it than some people would have us believe.

Even if the measure passed last year stood, I think that, apart from one individual, a reasonable arrangement could have been made by the motor industry representatives on the one hand and the motorists on the other. When we consider that a certain man owes the wealth that he now claims to possess to not having observed the law, it is obvious that individuals of that character cannot and should not receive serious consideration from those who are sent here to represent law-abiding people.

Hon. J. G. Hislop: Isn't that a libellous statement.

Hon. L. C. DIVER: I do not know about that. This man said that 75 per cent. of his petrol trading was done after hours. If the old Act had been properly policed and the inspectors had really been engaged to carry out the spirit and the letter of the law under Section 100, that man would not have had the benefit that has accrued to him through laxity in policing the law. Dr. Hislop proposes to move certain amendments when the Bill is in Committee but I see no merit in them and do not intend to support them.

There has been considerable opposition to the Bill because the machinery part of it is to be operated by the Automobile Chamber of Commerce. I see nothing wrong with that, however. Where there is a body representative of a trade or profession and it is desirous of law and order being enforced, who is there better than that body to regulate the trade or profession concerned?

Hon. G. C. MacKinnon: Don't most boards have a consumers' representative on them?

Hon. L. C. DIVER: They do; but provided that the interests of the consumer are safeguarded by Act of Parliament and these people do the right thing—as I have no doubt they will, because it is to their own advantage—the consumers will not be adversely affected. If a person does not like the service he gets at one garage, obviously he will go to another and the position will regulate itself. That will result in healthy competition between garages—

Hon. G. C. MacKinnon: But this introduces a new principle. There are no other boards constituted in this way.

Hon. L. C. DIVER: I am not foolish enough to say that it is not a novel suggestion. It is novel; but should we condemn it because of that fact? If we were to accept that line of reasoning then we would have no progress at all. The novelty of a suggestion is not sufficient ground for it to be condemned. If there are any shortcomings, they can be ironed out, because Parliament meets at least once a year.

Hon. H. K. Watson: Our views as to what constitute shortcomings differ materially.

Hon. L. C. DIVER: As well they may. We would all be like seeds in a pod if we were to have the same colour, and be of the same type, and have the same sense of satisfaction, etc. What a strange thing it would be if we lived in a world like that.

The people who oppose this measure are those who are violently opposed to the curtailing of trading hours in this industry. I would like to point out that Mr. Logan was very adamant as to his attitude when this position first arose. He would not concede the point that hours of trading for service stations should be regulated; but after having been a member of the Royal Commission and having sat on that commission for months, and having heard the experiences of witnesses who gave evidence on oath, the hon. member came to the conclusion that regulated trading hours were a must for this industry.

Hon. C. H. Simpson: That was covered by last year's Act.

Hon. L. C. DIVER: Mr. Simpson did an excellent job when he went into the various aspects of our report. They were substantially covered by last year's Act. I merely point out Mr. Logan's attitude before the appointment of the Royal Commission and his attitude now, in order to provide a guide for those people who are adamant that we should not regulate hours of trading.

It might be interesting to state the case of certain farmer friends of mine who possess motorcars and who may make provision for their petrol requirements and lubricating oil. If any member of the family of one of those farmers happens to be sick and needs a doctor's attention on Sunday, it is not possible for that attention to be obtained, even though the farmer may have a tank full of petrol, and even though his vehicle may be in running order. So it would seem there are other walks of life besides those concerned with petrol trading hours, to which some attention should be paid.

I am indeed sorry that the Government, even at this late stage, has not seen fit to bring forward a more comprehensive measure to deal with this industry. A lot of people would have us believe that the ills have all been solved; but that is far from being true. Through sheer frustration many of these establishments are being taken over by the oil companies, simply because the owners of them can see no future in continuing to operate them.

The situation is ridiculous, and I would hate to see non-regulation of hours spread over other industries, because that would bring about chaos. I will support this measure with all my might in order that a little sanity might return to this industry, and that commonsense might prevail.

HON. J. M. A. CUNNINGHAM (South-East) [4.22]: I do not intend to speak at length; but there is one point I would like to place before the House, because I believe it is one that has been neglected in the debate on this measure. Before doing so, however, I would like to say that so far as the actual hours for selling petrol are concerned we, on the Goldfields, for many years had no trouble whatever because of a voluntarily organised method of selling and trading at various hours. It is a roster system that has worked very well.

A large black notice board is displayed in front of every regular garage at the week-end; and, easily readable from the roadway, is the name and address of the duty station, or garage, that will be in operation at that week-end. A small notice is also placed in the local newspaper to the effect that a particular service station will be open on Saturday and Sunday.

Hon. G. Bennetts: There is one in Boulder, and one in Kalgoorlie.

Hon. J. M. A. CUNNINGHAM: The plan has been working smoothly for some years; and it is not only practicable, but it is also acceptable to the people. I do not like any sort of regulation by compulsion, but this is a voluntary effort by the local people. Incidentally, although the operators of legitimate garages, and also the Chamber of Commerce in Kalgoorlie, are in favour of this measure it would seem that the whole matter is rather mixed so far as the business people and the public of this State are concerned. There are various people in favour of, and others against this proposal.

The point I mentioned earlier is that there is no clear definition in this Bill as to what is actually a garage or service station. A man who has spent his life in building up a legitimate garage and service station is entitled to some protection; and this Bill does not provide that protection. The best way to illustrate my point is to give members a practical example of what took place in Boulder some 2 to 8½ years ago.

Up to that time there had been three regular service stations operating with all facilities available to the public in Boulder. These adequately served the district and the number of cars in that district. There is no great amount of through traffic in Boulder; it is nearly all localised. Then

we found that another company which did not have an outlet in Boulder, and which was seeking to secure one, was able to obtain for a small lolly shop a kerbside bowser. The company approached the council and sought permission for this bowser, and the council was very reluctant to give that permission. It did not want any new bowsers on the kerbside; but at the time there were no by-laws to prevent it. This man now has a lolly shop, a taxi service, and a bowser which was obtained in the first place to provide cheaper petrol.

That same company later applied to the municipal council for the right to erect a modern garage directly opposite one of the established service stations. The general feeling in the town was that it was not fair that after one man had built up a definitely recognised business another firm should establish premises opposite to him with a view to taking that business away.

At the time the council did its best to refuse permission to build but found it could not do so because it did not have the right in any way at that time to control any further applications that might be made, and steps were taken to remedy that position. The point is that a representative of this company attended a full meeting of the council and promised quite definitely that if and when this new garage was built the single outlet would be closed and cancelled. When it received approval for the construction of the garage it did not honour its promise.

The lolly shop outlet is giving no other service to the public than the sale of petrol in direct opposition to a regular and fully-established service station; and under this Bill it will have all the rights of a fully-established station. This means that we have the spectacle of people pulling up at this lolly-shop bowser and filling up with petrol; and when they ask for a supply of air for their tyres, they are told, "Sorry mate; you have to get that at the garage."

The Chief Secretary: I cannot see your point. You have always advocated free trade; now you want to stop them.

Hon. J. M. A. CUNNINGHAM: They are essential lines in every business which give them very little return. But every business also has what is generally recognised in the trade as bread-and-butter lines. That is the term generally applied to them. Bread-and-butter sales are normally items which provide a bigger return because of the greater amount of sales or show a greater margin of profit.

Hon. G. E. Jeffery: Petrol is becoming a bread-and-dripping line.

Hon. J. M. A. CUNNINGHAM: I want to be serious about this matter because it is important. Every business has its bread-and-butter lines. In the case of a garage or service station, the selling of petrol is one of the main bread-and-butter lines. That is where the best return comes from and it enables them, because of a better return, to give many of the free services, such as free air and the cleaning of windscreens.

Hon. F. R. H. Lavery: Where do you get that service now?

Hon. J. M. A. CUNNINGHAM: If the hon. member is living in a tight district I suggest he come to the Goldfields where every garage will do it.

Hon. F. D. Willmott: No free drink in his district.

Hon. F. R. H. Lavery: No.

Hon. J. M. A. CUNNINGHAM:. The point is this: One company in installing a bowser at a lolly shop is breaking into the legitimate trade of the service station which is giving full service to the people.

The Chief Secretary: You don't believe in restricting anyone.

Hon. J. M. A. CUNNINGHAM: I did not say that; I do not generally believe in restrictions.

The Chief Secretary: I am going on your votes in the House during the years.

Hon. J. M. A. CUNNINGHAM: I am trying to elaborate this matter so the Minister will get the point. The point is this: Whereas the normal and completely established service stations are seeking, in this case, to have their hours controlled or regulated satisfactorily to themselves and the public, the small station, or rather the small outlet which gives no other service—

The Chief Secretary: He should be closed.

Hon. J. M. A. CUNNINGHAM: —is going to take a great proportion of the trade away from the legitimate station. So far as the Bill is concerned, a single pump outlet will be in the same position as a garage which provides greasing, oil, car washing—the whole works.

Hon. E. M. Heenan: There are not many of them.

Hon. J. M. A. CUNNINGHAM: They are all on an equal footing. They are in existence and there are quite a few of them in Kalgoorlie with a bowser on the kerbside. It is not fair competition. I believe there should be in this measure some definition which more clearly defines a service station as against a single outlet. I know of a specific instance in my district where—if this Bill goes through and reasonable protection is given to the trade so they can have their week-ends off and the public not be inconvenienced in any way—it will result in a good service station being built on the site of an old one. However, without this protection, the person concerned will not be able to go ahead.

The Chief Secretary: Have you read the Bill?

Hon. J. M. A. CUNNINGHAM: Yes.

The Chief Secretary: That is an astounding statement to make.

The PRESIDENT: Order!

Hon. J. M. A. CUNNINGHAM: I brought this particular point up, Sir, so that the Chief Secretary will be able to elucidate and explain. Perhaps he will be able to explain why he was astounded at my remarks. If he can tell me the Bill covers the point I have raised, I will go further than at present in regard to the Bill.

HON. F. R. H. LAVERY (West) [4.34]: I do not usually get up in this Chamber to follow a speaker and continue his speech, but I think the question raised by Mr. Cunningham is one that is simply elucidated. All he has to do is take his copy of the Royal Commission's report—I presume he has one—and he will find that the definition of a service station is, "Premises from which motor spirit is sold at a margin of profit, but does not include depots or installations for bulk supply, nor non-trade sites."

For the information of Mr. Cunningham, I would like to tell him what a non-trade site means. It means a site where there is a master carrier with an industrial pump, such as Boans Ltd., which services its own vehicles from that pump. I could almost say that the little lolly shop referred to by him is a non-trade site so far as a service station is concerned. The second definition of retailer is defined in the Retailing of Motor Spirits Bill, 1955, attached as an annexe, No. 11.

In the evidence received by the Royal Commission from oil companies and retailers there was definitely a distinction between a garage and a service station, as recognised by these people. Evidence was brought before the commission as to what was a service station. When the Ampol people came into existence they built purely and simply a station to serve fuel to cars and to sell accessories.

Hon. G. C. MacKinnon: They have a lubritorium as well.

Hon. F. R. H. LAVERY: A garage has a workshop where extensive repairs are done; and to use the Ampol manager's own words—I can almost repeat word for word what he said—he said he would definitely not agree to a workshop in his service stations, but he did agree to what he called—I forget the word—

Hon. L. A. Logan: Driveway service.

Hon. F. R. H. LAVERY: Yes, driveway service.

Hon. H. L. Roche: He must have changed his mind since then.

Hon. F. R. H. LAVERY: There has been a change since then. Mr. Cunningham mentioned that there has been a happy relationship between garage proprietors in Kalgoorlie and country areas, inasmuch as one opened tonight and another the following night. I would point out that that is the desired effect of this Bill; it will bring that into being in the State.

I did not think I would have to speak to this Bill again after having spoken extensively on two previous occasions; and, like my co-members of the Royal Commission, after having listened for several months to evidence which had to be sifted in order to prepare a report—a report which I thought members would have read before speaking in opposition to this Bill. I do not think Mr. Cunningham could have read it, because he said that the general public had not been considered.

If the hon. member reads the report he will find that the Royal Commission was perturbed because only one person came and spoke on behalf of the general public, despite the fact that there had been advertisements in the Press inviting people to come forward and give evidence. The person I refer to is Mr. Mortimer of the Royal Automobile Club, who said he represented approximately 50,000 motorists.

Hon. G. C. MacKinnon: Wasn't that commission meant to inquire into one-brand service stations?

Hon. F. R. H. LAVERY: The hon. member should not make such a wild interjection, but should read the Royal Commission's report. If he read the terms of reference he would find they were as follows:—

> (a) the policy or policies of wholesalers in relation to the marketing by or through retailers of motor spirits within the State, including the erection or provision of service stations, petrol pumps (as defined in the said Bill) or other facilities for the sale by retail of motor spirits, and including the selection, appointment, financing and assisting of retailers;

Paragraph (b) deals with matters relating to the terms of reference, and (c) is in regard to individual items.

Hon. G. C. MacKinnon: There was no specific mention of petrol trading hours.

Hon. F. R. H. LAVERY: I think the hon. member is trying to waste time, because he knows the position as well as I do.

Hon. J. M. A. Cunningham: Don't do your quince!

The PRESIDENT: Order!

Hon. G. C. MacKinnon: I do not know what is in the report as well as the hon. member does because I had just come into the House at that time. I asked the hon. member a question because I wanted information. I was not a member of the commission.

The PRESIDENT: The hon. member may proceed.

Hon. F. R. H. LAVERY: I do not feel disposed to make myself a butt for the humour of the House by going into the details at this juncture. The hon. member can ask the Clerk for a copy of the Royal Commission's report and one will be brought to him, just as I received a copy a few moments ago. The position as I see it is this: We had a Bill before this House last year which is similar to the one being considered now. However, because of the fact that a working agreement had not been reached, another Bill had to be introduced.

Hon. G. C. MacKinnon: So far as the roster system was concerned the matter was held in abeyance last year.

Hon. F. R. H. LAVERY: The evidence before the Royal Commission gives me great impetus to support this Bill, and I do not think that there is any doubt in anyone's mind that trading hours are the No. 1 bugbear in the industry. There was not a retailer who came into this Chamber to give evidence who said that he disagreed with the one-brand system; but they did disagree with the restrictive provisions which went with one-brand marketing.

It seems at the present time that the Automobile Chamber of Commerce and the Royal Automobile Club have come to an agreement whereby a service can be rendered to the public after hours. Therefore, I feel that after their taking 12 months to reach this agreement it would be wrong for the members of this House not to give the retailers concerned—and as I interjected the other night, their families—some normal family life. If the Bill is agreed to, the proposal under the roster system will mean that for a week or a fortnight the public may be inconvenienced; but they will then drop into the way of it and will not be faced with the difficulties envisaged by those who spoke against the measure.

The need for petrol after a given time is normally brought about by two factors. One is carelessness on the part of the vehicle-owner, and the other is emergency. I have experienced this latter condition because on one occasion I was called to go to Ongerup, and I had to be served with petrol late at night. Dr. Hislop had an amendment on the notice paper dealing with the position within a mile of the centre of the city, but I think he has withdrawn it. The amendment would have caused a breakdown in the proposed roster system.

All the oil companies—not just one—will benefit by the controlled trading hours. Had Dr. Hislop's suggestion been embodied in the Bill, I believe one company would have had an advantage over the others, and this would have brought about a fresh rush to find new sites. That is the last thing the industry desires, and I believe it is the last thing the oil companies desire. I feel they have reached saturation point in regard to building service stations in the centre of the city.

I happened to be in Brisbane last March when certain legislation was before the Queensland Parliament and the Gair Government attempted to impose a restriction on the oil companies. I say without fear of contradiction—and I am using politics in this—that despite the so-called split in the Labour Party, that had as much to do with the defeat of the Gair Government as anything else. The oil companies went to no end of trouble to see that a strong protest was made by the general public against the proposed legislation. I travelled around and I saw that at the service stations the oil companies had placed employees whose job it was to get motorists to sign petitions. I am not arguing against that.

The point I am trying to make is that the oil companies have at times to be protected; and when they wish to be protected, they make every attempt to go out and work as they did in Queensland. The Gair Government went overboard as much on account of its proposed petrol legislation as anything else. I think it is many years since there have been standard trading hours in Queensland. As Mr. Diver said, greater Brisbane is the biggest city in the world in area—it is about 350sq. miles. I suggest that under our legislation the people in Western Australia will not be controlled as they are in Brisbane. Here I am referring to mileage.

Greater Brisbane goes out a long way from the centre of the city. The control that is proposed to be imposed on the trading hours there is in favour of the oil companies first, the public second, and the proprietors of the service stations third. There is no doubt that after the hours and days we members spent on this matter it became clear that control of trading hours was a must.

I think that Mr. Logan, in his address the other night, made the best speech that has been delivered in this Chamber since there has been talk of restricting trading hours. One of the hon. member's main points was that not only were a particular group of service-station owners to get some concession by shorter trading hours, but they were going to be protected from control by the companies. This was going to be achieved not by Act of Parliament but through something that has been brought about by the one-brand system whereby each company has had to preserve its gallonage. I do not differentiate between the companies.

If anyone likes to read the commission's report he will find that the evidence is conclusive that the oil companies will benefit by this control. The hours proposed are in excess of the Brisbane trading

hours. First of all the closing time in Brisbane is 6 p.m. In Melbourne and Sydney, petrol cannot be purchased after 1 o'clock on Saturdays; but anyone who goes 15 to 20 miles beyond the city can get it. If the Bill becomes law, the general public, for the first fortnight or three weeks might suffer to a small degree, but not afterwards; and I think that this legislation will, if passed, be most successful.

I point out that the Bill proposes that a person who commits a breach of these regulations will have a penalty of £20 imposed upon him. The resellers themselves have also decided that should any of their service stations, rostered to give a service, fail to give that service, a fine of £20 shall be imposed. That is an imposition that they have placed on themselves, and it is outside the law altogether.

Hon. H. K. Watson: How can it be enforced?

Hon. F. R. H. LAVERY: By the agreement they have all reached on the roster system. The Queensland Liberal Government has a copy of this agreement and has agreed to attempt to roster for some Saturday afternoon and Sunday trading that has not previously existed there. As Mr. Diver told us, a three months' trial by the Arbitration Court has been agreed to. If any member has a doubt as to whether this can work, I suggest he give the Bill the benefit of that doubt; because, as Mr. Diver said, we meet again next July or August.

Hon. H. L. Roche: How do you alter it?

Hon. F. R. H. LAVERY: The same as we alter other legislation. Plenty of Acts have been altered this year; and they are just Acts now and not very effective. Dr. Hislop read a letter from a taxi company. I suggest that Dr. Hislop is sufficiently educated to know that any taxi driver in the city or metropolitan area knows where he can get petrol—and plenty of it—after hours; because several taxi firms have their own industrial pumps. That letter, I suggest, is not worth the paper it is written on. I support the Bill.

On motion by Hon. H. L. Roche, debate adjourned.

House adjourned at 4.58 p.m.

Legislative Assembly

Thursday, 7th November, 1957.

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The SPEAKER took the Chair at 2.15 p.m., and read prayers.