

vision that any of the five members suggested should have experience of export business. One member should have experience of such business.

Hon. G. B. WOOD: I have no objection to Mr. Baxter's suggestion. The provision for one of the two members that are to be appointed by the Governor to be a chartered accountant could be omitted, and there could be a stipulation that one of the members should have export experience.

Hon. J. M. MACFARLANE: Why not accept my amendment? I wasted a lot of time last night explaining the difficulties. We are proposing to place the whole of the control of the egg business in the hands of the producers, but a man of business experience is needed.

Hon. G. B. WOOD: Mr. Macfarlane misses the point that the board aims to assist producers and not the agents. The manager of the board will no doubt be an expert in regard to a lot of the matters Mr. Macfarlane has in mind. I have no objection to Mr. Baxter's suggestion, and I wish he would move an amendment along those lines.

Hon. C. F. Baxter: I suggest that progress be reported.

Hon. G. B. WOOD: I object to any postponement. It is only a matter of altering the words "chartered accountant" to others that will meet Mr. Baxter's wishes.

Hon. L. CRAIG: As paragraph (b) is worded the Government will be able to appoint to the board a representative of the export interests.

Hon. C. F. Baxter: That should be laid down in hard and fast terms.

Hon. J. M. Macfarlane: I want upon the board a man with commercial and mercantile experience.

Hon. G. B. WOOD: I am not prepared to accept any amendment from Mr. Macfarlane on those lines. We can surely trust the Government to do the right thing and appoint an expert in the export trade if necessary.

Amendment put and negatived.

Clause put and passed.

Bill again reported with a further amendment and the report adopted.

House adjourned at 12.15 a.m. (Friday).

Legislative Assembly.

Thursday, 8th December, 1938.

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The DEPUTY SPEAKER took the Chair at 7.30 p.m., and read prayers.

GREAT SOUTHERN WATER SUPPLIES.

As to Urgency Motion—Deputy Speaker's Ruling.

THE DEPUTY SPEAKER [7.33]: I have received a letter from the member for Williams-Narrogin asking leave to move a motion for the adjournment of the House to discuss the question of the water supply of Narrogin and district. The hon. member had an opportunity on the discussion of the Loan Estimates on the 29th November to discuss this question, and he availed himself of it. He had also an opportunity on the Loan Bill and has had opportunities to question the Minister both by way of a written question and a question without notice on this subject. The Speaker, although he has surrendered certain powers as to urgency to seven members arising in their places, has still the right to determine whether a motion for the adjournment of the House is a definite matter of public importance—I stress the words "definite" and "public"—and has still the power to determine whether a motion is obviously not urgent. On the latter ground

I have determined not to read the letter to the House.

MR. DONEY (Williams - Narrogin) [7.35]: I am naturally disappointed, Sir, at the ruling you have just given concerning the request in my letter. With all respect to you I shall have to take exception to your ruling.

The **DEPUTY SPEAKER**: The matter cannot be discussed unless the hon. member moves to disagree with the ruling.

Dissent from Deputy Speaker's Ruling.

Mr. Doney: I move—

That the House dissent from the Deputy Speaker's ruling

In the margin alongside Standing Order 47A appears a reference to the Votes and Proceedings (1906), page 278 of the 19th September. Looking up that reference I found that it sets out that the question for debate on an urgency motion must definitely be a matter of urgent public importance. As I see it, your ruling implies that you consider the matter of an imminent water famine in quite a number of important towns along the Great Southern to be an indefinite matter or one of no urgency and no public importance. I take it that you, Sir, would not go outside of those three considerations. If you keep within them you will have a very small claim indeed to the ruling you have just given. I take it that you have read my letter and you must have found it quite plain on the question of definiteness or indefiniteness. I think the position was stated in quite clear and very precise terms, and I therefore gather that you are not basing your objections upon that aspect of the situation.

As to the question of urgency to which you referred, I cannot see your point of view. Suppose that in the Fremantle electorate, which you represent, or in the City of Perth, or in both districts, the people found themselves short of water for all purposes or for any purpose: suppose that they had no more than just a trickle of water of bad quality through the pipes, just as we have in my electorate. If that trickle of water came through for just one or two hours a week—not one or two hours a day, but one or two hours over seven days—and it was foreseen that by the end

or the middle of February that small supply of water would be denied to the people, would you not consider the matter was urgent? I feel sure, Sir, that that would be your opinion. If the matter would be urgent in the city or in Fremantle, surely by the same token it should be equally urgent in the country where such a situation has actually arisen, both in Narrogin and in other country towns.

The Premier: How has it become more urgent in the last fortnight?

Mr. Doney: I will deal with that particular point in a moment.

The Premier: If you are in order.

Mr. Doney: Every member realises, or should realise, that there can be no public questions, or, at any rate, few public questions more urgent than that connected with water supplies. When the scarcity of water supplies is considered, it is idle for anyone to deny that the matter is one of urgency. I have therefore concluded to my own satisfaction that you could hardly have rejected my proposal on the score of lack of urgency.

The Minister for Water Supplies will know that the Country Water Supply Department is doing its best to relieve the situation in Narrogin. I give him credit for that. For quite a long time the Minister has realised the urgency of the position in the Great Southern and, if I may be permitted to digress a little, I will say of Mr. Hutchinson, the senior water supply officer who is dealing with the work in Narrogin, that there is absolutely no fault to be found with him. He has been extremely useful, and one could wish for no better officer to deal with the situation that has arisen. The Country Water Supply Department has been responsible for putting down nine bores.

The Deputy Speaker: I think the hon. member is getting away from the motion. I have given him quite a lot of latitude because I did not want to be hard on him.

Mr. Doney: You are not hard on me, Sir. I am coming to the question of urgency. Nine bores have been put down in the district, five by the council—

Mr. Deputy Speaker: I cannot allow the member to proceed in that strain on the motion for disagreement with the Speaker's ruling.

Mr. Doney: I have given an undertaking that I am leading up to the question

of urgency. I was going to detail the results that have come from the work undertaken. I was about to say that that result was not very inspiring, and consequently the urgency of the position has increased. There remains only the question whether there are any considerations of public importance involved. In my opinion, there is quite a number of those considerations. There is, for instance, the question of retarding the progress of the Great Southern. Progress definitely has been retarded for reasons of the kind to which I have referred. Then, from the point of view of the Treasurer, a question of public importance is involved. The Treasurer will not receive, this year or next year, anything like the revenue from the Great Southern that has been obtained from that part of the State in the past.

Mr. Deputy Speaker: I do not think the Treasurer can be discussed under the motion.

Mr. Doney: I think the Treasurer might consider that he could be.

Mr. Deputy Speaker: The Treasurer does not come into the question of a disagreement with my ruling.

Mr. Doney: You, Sir, were expressing the opinion that the fact that this matter had been discussed previously on quite a number of occasions deprives it of the quality of urgency. I cannot agree with that. If a question is constantly being brought before the notice of the public or to the attention of this House, I consider that it must be a question of urgency. If, on the contrary, a situation had existed for a certain period but had not been mentioned at all either in this House or elsewhere, one might be justified in denying to it the quality of urgency. I am of the opinion, in spite of what you, Sir, have said, that this plea of mine should succeed on the ground of urgency as well as on the other two grounds I have mentioned. In moving to disagree with your ruling I will intimate that I have a few questions that I would like to put to the Minister for Works, without notice, when the debate on this matter is concluded.

Mr. Watts: My intention is to support the member for Williams-Narrogin in disagreeing with the ruling of the Deputy Speaker, because I am definitely sympathetic with the member in his opinion—which I think is a reasonable one—that the question of the lack of water supply in the town which is the centre of his district is a matter of urgency and public importance at the

present time. I do not think we can contemplate that the situation of a town of 3,000 inhabitants which, practically speaking, is without water at the present time and shortly, unless some very extraordinary event occurs, will be completely without water, is not one of urgency. We cannot argue that a matter of this kind is not urgent. The member for Williams-Narrogin undoubtedly had a good deal of information that he wished to place before members when he requested leave to move his motion for the adjournment of the House. I have no doubt that my opinion that the matter is one of urgency would be justified by what he was about to say.

I am not so well acquainted with the circumstances in Narrogin as I am with those of Katanning. Had the matter particular reference to the latter town, I would have no qualms in saying that it was one of the greatest urgency because the position at Katanning is, if that be possible, a little worse than the position in Narrogin. I do not think there will be any public water supply available in Katanning by the end of the session. When such a position is reached, with the long dry summer still to come, there will obviously be a complete deficiency of water, so that the whole matter does become one of extreme urgency.

Mr. Deputy Speaker: The hon. member is putting up a case for water supplies for the Great Southern districts rather than arguing against my ruling.

Mr. Watts: The determining factor must be whether a matter is urgent or not. I claim that this is distinctly an urgent matter. You said it was not of sufficient urgency, in view of recent debates in this House, to warrant further discussion along these lines. I am advancing reasons why I think this is an urgent question to the people concerned. It is more than urgent; it is of vital importance. As the session is drawing to a close those concerned think that the matter should be disposed of one way or the other without delay. The House might readily agree that this is a matter of sufficient urgency to be discussed to-night.

The Premier: On a point of order. Is not this discussion out of order under the Standing Order to which reference has been made? It is within the power of the Speaker to say whether he shall or shall not read a letter. You, Sir, considered that the motion the member for Williams-Narrogin desired to

move was not urgent, and therefore not in order. I contend that you have disposed of the matter and that it cannot now be discussed.

Mr. Doney: It is competent for the House to dispute the Speaker's ruling.

The Premier: The Speaker is in charge of the House, and of the rules and procedure of the House. The Standing Orders would be of no use if members could question the Speaker's ruling on a point such as this. Some members have discussed the proposed motion for the adjournment of the House, and have thus got behind the Speaker's ruling and behind the Standing Orders. The Standing Orders lay down that if the Speaker thinks any communication he receives is not in order he need not read it. The letter from the member for Williams-Narrogin has not been read, and there is therefore no motion for the adjournment of the House before members. Out of courtesy the Deputy Speaker informed the hon. member that the matter was not in order, and he could have ignored it thenceforward. If he had done so, the question would not have come before the House. He told the hon. member he would be out of order in attempting to move the motion, but irrespective of the Speaker's ruling the hon. member proceeded to discuss the exact thing he was told would be out of order.

Mr. Doney: Quite so!

The Premier: That was not the proper procedure to follow. The Deputy Speaker told the hon. member his motion would be out of order, and that should have been the end of the matter. The whole question was within the discretion of the Speaker. There can be no disagreement with the Speakers' ruling as to whether or not this matter should be before the House. Is it in order for the hon. member to bring forward a motion for the adjournment of the House when the Speaker in his discretion has ruled such a motion out of order? In my opinion the entire discussion is out of order and I ask your ruling on that point.

The Deputy Speaker: I rule it is competent for any member to disagree with the Speaker's ruling. At the same time, I think the discussion has gone beyond disputing the Speaker's ruling. The member for Williams-Narrogin and the member for Katanning have both gone beyond the point immediately at issue. Whilst I rule it is competent for any member to disagree with

the Speaker's ruling, I hold that it is not competent for him to discuss the matter as has been done.

Mr. Watts: The particular point that seems to be in dispute concerning your ruling, Sir, is whether or not this matter is urgent. I was offering some observations to show that it was an urgent matter, and with that I will rest content.

Mr. Seward: I support the remarks of the member for Williams-Narrogin. Two events have occurred which rendered this an urgent matter and prevented it from being discussed before. Instructions have been given further to curtail the supply of water available in towns, and because of the approaching end of the session it does not appear that we shall receive the report that has been promised to us. For these reasons I maintain that the matter is definitely an urgent one.

Question put and negatived.

QUESTION—STATE SHIPPING SERVICE.

Purchase Price, m.v. "Kangaroo."

Mr. McDONALD asked the Premier: Into what fund at the Treasury was paid the purchase price of m.v. "Kangaroo"?

The PREMIER replied: The amount is held in the State Shipping Service banking account until such time as the destination of the net amount is determined.

QUESTION—LOTTERIES COMMISSION.

Receipts, Distribution.

Mr. SHEARN asked the Minister representing the Minister for Police: Since the Lotteries Commission was established what have been—(a) the gross receipts each year; (b) the aggregate sums paid in prizes each year; (c) the amount available for charitable purposes last year?

The MINISTER FOR AGRICULTURE replied: (a) 1933, £124,709 17s. 6d.; 1934, £206,298 7s. 6d.; 1935, £234,523 5s.; 1936, £250,739 15s.; 1937, £254,662 5s. (b) 1933, £52,464 18s. 3d.; 1934, £89,812 10s.; 1935, £112,628 10s.; 1936, £125,372; 1937, £131,454 12s. 6d. (c) 1937, £87,455 13s. 8d.

QUESTION—HEATHCOTE MENTAL HOME.

Reception Villa, etc., Architecture.

Mr. SAMPSON asked the Minister for Health: 1. Is he aware that the original recommendation, as submitted by the Select Committee on the Claremont Hospital which sat in 1919, was that if erected the then proposed Mental Reception Home should be built on homely lines, similar to the Reception Home at Enfield, South Australia? 2, Having in mind the excessive cost which was entailed in erecting the institution-like building, including a costly tower at Heathcote, will the Minister require—should the recommendations submitted by Commissioner H. D. Moseley be adopted—that the proposed reception villa, and other buildings now urgently required at Heathcote, be constructed without unnecessary elaboration, thus providing, so far as possible, economy in construction, and an absence of that hard impressiveness which marks the style of building already erected at Heathcote?

The MINISTER FOR HEALTH replied: (1) No. But I understand a recommendation was made on similar lines. (2) Any future building will be built on the advice of experts and in accordance with the requirements of the patients.

QUESTION—UNEMPLOYMENT.

Relief Workers and Christmas Holidays.

Mr. RAPHAEL (without notice) asked the Minister for Employment: Is it the intention of the Government to transport relief workers from their jobs to their homes and return during and after the Christmas holidays, respectively?

The MINISTER FOR EMPLOYMENT replied: Yes.

QUESTION—WATER SUPPLY, GREAT SOUTHERN.

Shortage at Narrogin.

Mr. DONEY (without notice) asked the Minister for Water Supplies: 1, Does he know that the present ration of water to the townspeople of Narrogin is represented by a slow trickle through the pipes of approximately one to four hours per week? 2, Will he agree that this water (on account of the heavy admixture of certain well waters) is, although the best obtainable at

present, a low grade mixture for drinking and general domestic purposes? 3, Does he know that the present reservoir supply, even though drawn upon so very sparingly, will exhaust itself by the middle of February? 4, Assuming he is aware that yesterday, in an interview between the deputy mayor of Narrogin, and senior officer of the Country Water Supply Department and me, the matter of an installation by his department of a number of 5,000 gallon tanks for the storage and use of an auxiliary supply of drinking water for Narrogin (the necessary funds having been found) was mentioned, will he undertake that no obstacle whatever is placed in the way of concluding the installation by an earlier date than that now intended, so that the town may have access to good drinking water with as little delay as possible? 5, Is he yet in a position to say whether the scheme now under consideration as a result of the recent hydraulic survey is applicable to the needs of Great Southern towns? If, fortunately, it is applicable, and remembering the Premier's advice to me that to meet cases of special urgency it can be installed in sections, what is the shortest period that must elapse before water from the scheme can be supplied to the towns likely to be concerned? 6, In respect of this scheme, has he any further information to offer that is likely to be of use to Great Southern members?

The MINISTER FOR WATER SUPPLIES replied: 1, The supply is rationed at the rate of 10 gallons per head per day. 2, Yes. 3, Yes, failing an exceptional rain storm. 4, The tanks, etc., will be installed as soon as practicable. 5 and 6, The report of the Director of Works is nearing completion.

BILLS (2)—FIRST READING.

1. Reserves.
2. Midland Junction Land (Rights Termination).

Introduced by the Minister for Lands.

MOTION—STATE FORESTS.

To Revoke Dedication.

THE PREMIER (Hon. J. C. Willecock—Geraldton) [7.58]: I move—

That the proposal for the partial revocation of State Forests Nos. 14, 15, 22, 24, 29, 30, 37, 38, 39, 49 and 54, laid on the Table of the

Legislative Assembly by command of His Excellency the Lieutenant-Governor on the 7th December, 1938, be carried out.

This is the usual motion that is brought down towards the end of the session. Parliament may determine by resolution its approval of excisions that are sometimes made from forestry reserves when certain small areas are allotted to other purposes. When the Forests Act was passed, and all land under the Forests Act was reserved to the Forests Department. Nothing within the area could be disposed of or alienated for any other purpose without the express permission of both Houses of Parliament. Whenever any necessity arises for small areas of forest land to be excised from the forest reserve, a resolution is brought down after the papers and plans of the proposed excisions have been laid upon the Table. Those plans and papers may be inspected, and a description of the land to be excised read by members. The Conservator of Forests is very jealous about seeing that the reserves made under the Forests Act are retained for forestry purposes. Unless such excisions are made, either to assist some settler or do something else that is in the general interests of the State, the Conservator of Forests is opposed to the alienation of any part of the general reserve. The Forests Department has no desire to give land away. The desire of the conservator as well as Parliament is to reserve all forest areas. Thus when the conservator recommends that particular areas be excised, we can depend upon it there is good reason for doing so. All the particulars in connection with the applications were laid on the Table of the House yesterday. I submit the motion.

HON. C. G. LATHAM (York) [8.1]: I have had an opportunity of going through the file, but there is some further information I should like to have before the motion is agreed to. It relates to a very large area of land south-west of Pemberton. It is State Forest 39, and from what I can understand the area in question is adjoining a national park which is Class A Reserve 7691. There is no objection, so far as I can see, to the revocation of the forest, but I would like to know whether it is proposed to exchange that piece of land for part of the Class A reserve. If so, a special Act of Parliament will be required. There is nothing to prevent the motion being agreed to, but I hope the Premier does not take it

that we are setting aside Parliament's rights in connection with Class A reserves.

THE PREMIER (Hon. J. C. Willcock—Geraldton—in reply) [8.2]: As the Leader of the Opposition has stated, if we wish to excise any portion of land from a Class A reserve, it can only be done by Act of Parliament. In this particular excision, the Lands Department concurs.

Hon. C. G. Latham: No. 19 is the one I refer to.

The PREMIER: I do not think the Forests Department has the right to cut timber on a Class A reserve.

Hon. C. G. Latham: Will the Premier give an undertaking that he will not set aside any part of that Class A reserve?

The PREMIER: Yes. Anyway, the reserve will be referred to in the Bill dealing with reserves that will be introduced by the Minister for Lands at a later stage.

Question put and passed.

On motion by the Premier, resolution transmitted to the Council and its concurrence desired therein.

BILLS (2)—THIRD READING.

1. Superannuation and Family Benefits.
2. State Transport Co-ordination Act Amendment.

Transmitted to the Council.

BILL—WAGIN WATER BOARD (RESERVE).

Second Reading.

THE MINISTER FOR RAILWAYS

(Hon. F. C. L. Smith—Brown Hill—Ivanhoe) [8.8] in moving in the second reading: This is a small measure to enable portion of a reserve in the Wagin district to be excised from the whole reserve and to compensate the Wagin Water Board in connection with it. The reserve is No. 14979, and was vested in the Wagin Water Board under Section 42 of the Land Act, 1898, and gazetted on the 6th February, 1914. After it was gazetted, owing to expenditure in connection with the dam and the necessary pipe line, it was found that the water was unsuitable for household use. Investigations were made by the Railway Department, and it was shown

that whilst it was unsuitable for household purposes, it was quite good for railway needs, and the department entered into an agreement with the Wagin Water Board for the right to use the water from the dam built on the reserve. The agreement contained not only provisions with respect to the price that was to be charged to the department for the water during the currency of the agreement, but also contained a provision for the purchase of the dam by the Commissioner of Railways subject to the confirmation of Parliament, as under the Land Act, the board had no power to sell any part of the reserve. Both the Wagin Water Board and the Commissioner of Railways will be mutually interested to have the dam transferred to the Railway Department, and the Commissioner is anxious to have control of the dam. It is for this purpose that the Bill seeks to ask Parliament to exise that particular portion of the reserve from the total reserve No. 14979. When that is done, that portion may then be vested—as provision is made in the Bill—in the Minister for Railways for the purposes of and incidental to the railway water supply. The Bill provides that the Commissioner is to pay the sum of £3,339 9s. 6d. to the Wagin Water Board as compensation for the excision of that portion of the land. This amount was calculated in accordance with the terms of the original agreement. It has been agreed to by the Wagin Water Board and the Commissioner of Railways as being the correct amount to be paid. The Bill also provides that the money in question shall be applied by the Wagin Water Board towards the redemption of the debentures issued by the board in relation to the moneys borrowed and used by the board in financing the construction of the dam and pipe line in connection therewith. Members will see that the Schedule to the Bill gives the boundary line of the area it is proposed to exise. The details, descriptive of the land, have been supplied by the railway engineers, and the survey made has been checked by the Titles Office. Both the Titles Office and the railway engineers are in agreement with the description as shown in the Schedule. I move—

That the Bill be now read a second time.

On motion by Mr. Stubbs, debate adjourned.

BILL—LOTTERIES (CONTROL) ACT AMENDMENT.

Received from the Council and read a first time.

BILL—INSPECTION OF SCAFFOLDING ACT AMENDMENT.

Returned from the Council with amendments.

BILL—BREAD ACT AMENDMENT.

First Reading.

Received from the Council and read a first time.

Second Reading.

THE MINISTER FOR EMPLOYMENT

(Hon. A. R. G. Hawke—Northam) [8.16] in moving the second reading said: This Bill is rendered necessary owing to anomalies discovered in the principal Act, and I am desirous of making the second reading speech on the Bill this evening in order that members may have an opportunity to study the measure over the week-end. Those anomalies disclosed themselves during the operation of the measure in the last 10 months. The present Act contains no definition of "bakehouse." Such a definition is considered necessary by the Chief Inspector of Factories, and is included in the Bill. A definition of "baker" in relation to employees and employers is included, and is considered an essential amendment. An amendment to Section 4 of the principal Act relating to dough weights is included. This provides for a maximum and minimum weight of dough. The Bill provides that the Act shall be administered by the Chief Inspector, the object being for the inspectors of local authorities and the departmental inspectors to co-operate with each other, arrange efficient inspections, and prevent irritating overlapping. The Chief Inspector will be in the same relative position to local authority inspectors as the Commissioner of Public Health is to local health inspectors. This will be welcomed by local authorities, and will result in efficient and well organised administration of the Act. There have been in the past instances of duplication of inspections, which is wasteful and irritating.

An amendment of Section 6 of the principal Act is inserted to encourage the use

of bread improvers. A great amount of research and experiment is being undertaken to increase the palatability and nutritious qualities of white bread. Progressive bakers entertain high hopes that the time will come when it will be possible to produce a white loaf with a vitamin content regained which is lost in the milling of white flour. An important amendment provides for the registration of all bakeries. This is a natural implementation of the wheat and flour fixation price legislation. Under this provision, bakehouses will have to be kept in a hygienic condition, as the license will be issued annually. There are approximately 300 bakeries in Western Australia, 125 of them being in the metropolitan district. Registration will assist in methodical and efficient inspection, and will provide funds for the payment of inspectors under the Act. A sound argument can be advanced that the baking trade should provide for the payment of inspectors under the Act. Provision is made in the Bill for the transfer of a license; also for an appeal to a stipendiary magistrate in the event of a license being refused.

An error occurred in the days mentioned in the Act for the baking of Vienna bread on double days, etc. At present Fridays are omitted, but this is rectified in the Bill. There is also an error in the starting time for double days for baking bread. Ordinary days are fixed at 1 a.m. in the Act, but 3 a.m. for double days. This is also rectified in the Bill. Another amendment provides for the delivery of bread on a baker's holiday when it falls on a Saturday. If unforeseen circumstances arise, the Minister may, at his discretion, prescribe an alteration. There has been trouble in this respect, and now we have provided for the Minister to act in an emergency of that kind. The Bill will also make it lawful for Fourth Schedule shops to retail bread after 7 p.m.

The polling provisions of the Act are incomplete, and the Bill declares that one person only shall be allowed to vote on behalf of the partners, association, society, or corporation conducting a bakery business. Under the old law, two or three persons associated with the one firm could vote for the filling of a vacancy. That, however, will now be rectified. When an equal number of votes was recorded at a poll, there was no machinery authorising any-

body to declare what should be done. The Bill provides that in the event of the voting in a country town being equal, the Chief Inspector shall decide the issue.

Provision is also made that all conveyances used for the delivery of bread shall have the proprietor's name and address conspicuously marked on the vehicle. The practice has grown up—frequently the matter is reported upon by health authorities—of persons using insanitary vehicles and motor cars for delivery of bread. This is definitely against the interests of the community and should be prevented. Members will appreciate that it is contrary to the interests of public health for ordinary motor cars or carts, in which people have been riding, to be used for the delivery of bread, especially when the loaves are stacked on the floor of the vehicle. Complaints regarding this practice have been received from various sources, and in order to end the practice we have provided that the conveyance shall bear the name of the proprietor.

The Bill extends the time for taking action against defaulters. Under the Act the time limit was one month, but this Bill stipulates three months. The extension has been made because in the country particularly, when an inspector makes a report to his council recommending prosecution of a defaulting baker, the report is often referred to the health committee for consideration. The committee might not meet until a fortnight later: and when the meeting is eventually held, the time for taking action has expired. The time limit usually provided in industrial Acts is six months, but in this Bill we are suggesting three months. I move—

That the Bill be now read a second time.

On motion by Hon. C. G. Latham, debate adjourned.

BILL—SUPREME COURT ACT AMENDMENT.

Received from the Council and, on motion by Mr. Watts, read a first time.

BILLS (3)—RETURNED.

1. York Cemeteries Act Amendment.
2. Financial Emergency Act Amendment.
Without amendment.
3. Marketing of Onions.
With an amendment.

BILL—PROFITEERING PREVENTION.*Second Reading.*

Debate resumed from the 6th December.

MR. MARSHALL (Murchison) [8.26]: The Bill has my support. It is one of the most important measures brought down during this session. I contend that an Act of this nature should have been on the statute-book of every State of the Commonwealth years ago. Various members have contended that there is no need for legislation of this kind, because, they argue, as is usually argued, competition at all times adjusts the prices of commodities. Such arguments, however, are completely out of touch with happenings in the Commonwealth and elsewhere during the last decade or two. There was a time when one could declare with every certainty that competition existed in the commercial life of all countries. That was the case at one time; but members should know—and I think most of them do know—that to-day practically every industry is thoroughly organised, as the term goes. Such organisation has not brought about a desirable effect from the consumer's point of view. I notice that the Leader of the Opposition has left his seat. The hon. gentleman claimed that the Minister who fathered this measure did not bring forward cases to prove that the cost of living in Western Australia was disproportionately high. When the Leader of the Opposition makes such a statement, those who have watched the gradual increase in the basic wage must realise that he does not, as Leader of His Majesty's Opposition, observe very closely the effects of inflation, which have a material bearing upon the standard of living and the economic life of countries. I respectfully suggest that this is one of the features which the Leader of any Opposition should closely study, because it is a barometer indicating what is taking place in the country's commercial life.

For a considerable number of years—owing to the fact that no legislation of this kind has been in existence—we have observed the vicious circle of wages and salaries chasing the upward trend of prices, and also the reverse process, during deflation, wages and salaries continually falling with declining prices. For many years past people obliged to live on fixed money incomes have derived no material advantage from increased wages paid to them, because

higher wages are of no more value when commodity prices are at their maximum than lower wages are when commodity prices are at their minimum. Because of the lack of legislation in the nature of the Bill before the House, the turning of the vicious circle continues without intermission, numerous persons taking the opportunity to raise prices unnecessarily. Such persons have been emboldened to do so by the fact that Legislatures have never recognised the great injustice done to the community by such machinations. We have had a glaring instance even to-day. The price of bread has been raised by one half-penny per 2lb. loaf. I am not suggesting that the persons who take part in the distribution of the necessities of life in this city, or in any other town of the State, are making unduly high profits. I do suggest, however, that by virtue of their organisation and solid combination, they are maintaining prices above the level necessary for the economic distribution of the necessities of life. They do it in a way I shall explain. Members, particularly metropolitan members, will understand the position. Since the cessation of the war, there has been an inclination for people to enter into the business of distribution of commodities, so much so that we have now reached the stage where the number is too great for the service to be rendered. All forms of distribution are over-capitalised. People enter into the business and afterwards find that the trade offering in a district must be allocated. They then consult with other distributors and decide upon an allocation of the business, which has the effect of reducing the turn-over of each distributor. In that way it is impossible for each to make a reasonable profit. What these people fail to realise, however, is that the means of distribution has been over-capitalised and that the consumer must suffer in consequence.

I suggest that really the only person who profits from the over-capitalisation I have mentioned is the landlord, because he gets his rent under all conditions. Distributors are able, through their organisation, to increase prices of commodities and to do so justifiably. We have reached the breaking point in that regard. Whether this Bill will prove effectual to check the upward trend of prices, I do not know. The authorities should, however, make a strict investigation into the regimentation of distribution.

A Railway Commission, presided over by Sir Herbert Gepp, investigated this matter. Evidence was taken from reliable people directly interested in the means of distribution. The Commission arrived at a logical decision, but did not investigate the causes of the over-capitalisation of means of distribution of commodities. The Commission did, however, make recommendations upon the evidence submitted to it.

That there is overcrowding of persons in the business of distribution of foodstuffs is strikingly apparent. We see traders in Fremantle running to serve customers in Perth; and on the other hand we see traders in Perth going to serve customers in Fremantle.

Mr. Sampson: That does not suggest absence of competition.

Mr. MARSHALL: No. I agree with the hon. member. I am not, however, arguing about absence of competition. I am dealing with the overlapping of means of distribution.

Mr. Patrick: There is no competition in price.

Mr. MARSHALL: No, there never is. The underwriters meet and decide to have no competition. They arrange the price.

Mr. Sampson: Some underwriters do; not all.

Mr. MARSHALL: The hon. member must admit that a baker in Fremantle should not be delivering bread in Perth.

Mr. Patrick: The business ought to be divided into zones.

Mr. MARSHALL: Nor is there necessity for a butcher in Perth to deliver meat in Fremantle. The member for Swan should be aware of that.

Mr. Sampson: Are you sure that takes place?

Mr. MARSHALL: I can believe the evidence of my own eyes. I have seen at Midland Junction a delivery van with the name of "Watson" painted on it, notwithstanding that Foggitt Jones & Co. are operating there in the same line of business.

Hon. N. Keenan: How will this Bill stop that?

Mr. MARSHALL: Unless the authority to be created under the Bill will recognise the over-capitalisation of means of distribution of our foodstuffs, I am afraid the Bill will not afford us much benefit.

Mr. Hegney: F. Lange & Co. pack dripping in cases which are disposed of to Foggitt Jones & Co., Watson and Macfarlane,

and those firms put their names on the cases.

Mr. MARSHALL: I do not know whether the Bill will adjust that. I again repeat that I do not think traders are making undue profits. The prices of our commodities are, however, as high as the consumer can afford to pay. I shall quote figures in a few moments which will show that the profits of traders are regulated by the capacity of the people to pay. In other words, prices of commodities are raised from time to time until the people show their resentment by refusing to buy. We have had such instances. During the war period, when this country was struggling to retain its identity as a portion of the British Empire, when the pick of Australian youth was spilling its blood on foreign battlefields, traders did not hesitate to exploit the people remaining at home, and even those dependent upon the men who were sacrificing their lives abroad. We have it on record that even during the war period traders would go to any lengths to increase their profits. I am not making that accusation against the small traders; they have not the opportunity to do what the bigger firms can do. Those firms have now practically become monopolies, or a ring or combine. Being in possession of key industries they have a stranglehold on the people. Nor will they relax that hold until they realise they are killing the goose that lays the golden eggs. They will come close to doing that in their keen desire to make exorbitant profits out of the sheer necessities of life. I suppose such a rotten system will endure so long as the necessities of life are the subject of profit-making, and not of use only. While that system prevails, we shall have this form of greed and inconsiderateness. We shall have people ravenous to obtain as much as they humanly can at the expense of unfortunate people who cannot defend themselves. Legislation of the kind proposed might be of some benefit to the country.

Mr. North: Will the Bill affect prices fixed by the Milk Board?

Mr. MARSHALL: I cannot say. Certain boards will no doubt remain in operation, such as the Milk, Butter and Bread Boards. I do not suppose the authority to be created under this measure would interfere with the functions of those boards.

Mr. Hegney interjected.

Mr. MARSHALL: That may be so. The discretion that will be vested in the authority to be created under the Bill would imply

that the authority could interfere with the operations of those boards.

Mr. North: If the boards fixed an exorbitant price, then the authority to be created under the Bill could interfere.

Mr. MARSHALL: We should then have two authorities in conflict. Just exactly what would happen in those circumstances I cannot say. The matter would be left to the Minister; power is given to him under the Bill to take action in that event. The Minister will be able to explain that point better than I, as I am giving my opinion only on the generalities of the measure. The great danger of the present control of the distribution of the necessities of life must be apparent to everyone. It is now on record that not in any circumstances will those so in control relax their hold. People, in order to live, must purchase the necessities of life. That being so, we should have some form of control over the means of distribution. I would never ask that any individual should take part in the distribution of commodities without being given a fair reward for his services. No one, however, should be permitted to over-capitalise an industry and thus deny the consumer on the lower rung the right to exist with any degree of comfort. So the Bill is necessary from that viewpoint and I welcome its introduction. The Leader of the Opposition said that no doubt profits were being extracted by traders. He may be right, but when we take the financial position of individuals and look at the earnings of combinations, if they are prepared to over-capitalise the production and distribution of commodities they are not entitled to extract any excess above the normal figure from the unfortunate poor and humble in the State. The only person that is getting large profits is the landlord. Even bakers, due to their organisation, can take action to prevent competition. I do not blame them for that. In one instance they got possession of a baker's oven rather than permit it to be rented and thus have another competitor. They preferred to pay rent for it, negotiated a long lease and allowed the oven to remain out of commission. In that way competition to that extent was stifled. This kind of thing applies in many instances. Because of over-capitalisation and the lack of purchasing power on the part of the people, big combinations find that they cannot exist. Competition is of no benefit to the economic life

of the country to-day because of the charges that are arranged through organisation. The only competition is the competition for the business itself. The Leader of the Opposition dealt with the basic wage. I have the pocket year book which shows that from the 1st July, 1936, to the 26th July, 1937, the basic wage rose 11s. 6d. The rate does not rise until the advocate in the court can prove that the cost of living has increased.

Hon. C. G. Latham: You know that 5s. of that amount was due to the fact that the wrong basis was taken.

Mr. MARSHALL: That still leaves an increase of 6s. 6d. The cost of living must go up before the basic wage rate increases. Will the Leader of the Opposition argue that during that same period the cost of production increased to the extent of 6s. 6d. per unit? Of course not.

Hon. C. G. Latham: Building material in that time went up 15 per cent.

Mr. MARSHALL: The hon. member would make a comparison between the waves of the ocean and the tides. I suggest that for the last two years the producer has not applied himself to the possibility of reducing the cost of production. If he is lackadaisical and wishes to carry on in his own way and not take advantage of modern methods that are being introduced to facilitate the production of goods and services he is not entitled to any benefit.

Mr. Watts: What is he going to use for money?

Mr. MARSHALL: I am not particularly concerned about that; it is his job. The Leader of the Opposition appeared to be afraid that legislation of this kind would have a bad effect upon industry in Western Australia and particularly on the industries already established, as well as on new industries. One State has had this form of legislation for many years. The other States have had it only temporarily. I suggest to the Leader of the Opposition that if his fears are not capable of realisation, and if they were, the State that has had this legislation should be now at a particularly low ebb, commercially, industrially and socially. That State is Queensland. We had this legislation in existence for a short period just after the war. Let us compare our figures with those of Queensland say for the years 1923 to 1927, taking the index figure of 1,000. I shall

refer to houses in the two capital cities.

Hon. C. G. Latham: Don't forget, wooden houses in Queensland as against brick houses in this State.

Mr. MARSHALL: That is a paltry argument to advance. Instead I will take groceries, spirits and houses and compare them in the various States, the index figure being 1,000. The Sydney figure is 878, Melbourne 835, Queensland 781, Adelaide 796, Perth 849 and Hobart 856. Now let us look at wages.

Hon. C. G. Latham: Do you intend to refer to the State or the Federal basic wage?

Mr. MARSHALL: I intend to refer to the average normal weekly rate of wages.

Hon. C. G. Latham: The State or the Federal basic wage; there are two?

Mr. MARSHALL: I am giving the weighted average of the normal weekly wage, taking the basic rate, margins and everything else. They represent the average weekly earnings of an adult, and the figures for the several States are as follows:—New South Wales, 85s. 5d.; Victoria, 83s. 1d.; Queensland, 88s. 7d.; South Australia, 79s. 6d.; Western Australia, 88s. 6d.; Tasmania, 83s. 3d. Members will see that Queensland has the lowest index figure for the cost of living, but the highest rate of wages.

Hon. C. G. Latham: A tremendous number of men are employed in tropical pursuits.

Mr. MARSHALL: Let us look at the weekly hours of labour, a factor that always frightens the Leader of the Opposition. The weekly hours of labour for adults work out as follows:—New South Wales, 44.08; Victoria, 46.41; Queensland, 43.69; South Australia, 46.55; Western Australia, 45.30. Queensland, therefore, has the shortest working week. That is the State where a profiteering prevention Act has been in operation for many years. Now we come to the most important factor to be considered in any country, namely, the real effective wage, upon which it is possible for people to live in some degree of comfort. That pans out, taking the weighted average wage in 1911 with an index figure of 1000, as follows:—New South Wales, 1090; Victoria, 1075; Queensland, 1261; South Australia, 1143; Western Australia, 1094; Tasmania, 1119. Again, Queensland easily comes out on top with regard to the effective wage. I suppose the Leader of the Opposition would

suggest that, in such circumstances, there should be more unemployed in Queensland, so we shall look at that phase. Percentages are given in the Commonwealth Year Book for all States for the years 1932 to 1936 inclusive, but I will give the figures for 1936, which show that in the several States the percentage of unemployment was as follows:—New South Wales, 15.4; Victoria, 10.7; Queensland, 7.8; South Australia, 10.8; Western Australia, 8.1; Tasmania, 12.7. Again Queensland is in the most favourable position.

Hon. C. G. Latham: But Queensland's unemployed went to New South Wales, where they are better treated.

Mr. MARSHALL: Is that the hon. member's excuse?

Hon. C. G. Latham: It is not an excuse at all.

Mr. MARSHALL: The Leader of the Opposition expressed fear about what might happen respecting the establishment of factories. Let us consider that phase. The Year Book presents figures for the years 1932 to 1936 inclusive, and I shall deal only with the comparison between Western Australia and Queensland. In Victoria, of course, more industries have been established during the past few years than in any other State; but let us compare the position in Western Australia where no legislation exists, with that of Queensland where an Act is in operation. Between 1932 and 1936 the number of industries established in Queensland increased from 2,013 to 2,482, while in Western Australia during the same period the increase was from 1,490 to 1,946. In other words, in Queensland 469 more factories were established, whereas in Western Australia, over the same period, 456 industries were established. So again Queensland is on top of Western Australia.

Hon. C. G. Latham: You should take into consideration the population of both States.

Mr. MARSHALL: What has population to do with it? We are dealing with legislation.

Hon. C. G. Latham: Where you have a more dense population, you naturally expect to have more factories.

Mr. MARSHALL: Does the Leader of the Opposition suggest that the population of Queensland has increased more rapidly than that of Western Australia?

Hon. C. G. Latham: Yes.

Mr. MARSHALL: It has not.

Hon. C. G. Latham: Of course it has. Look at the statistics.

Mr. MARSHALL: The Leader of the Opposition advanced the argument that legislation of the type under discussion would have the effect of preventing the establishment of new industries. He did not argue on the basis of population, but suggested that the fear of legislation of this type would prevent factories from being established. That is the argument to which I shall hold him. I do not care what basis may be resorted to, although I admit that in individual instances Queensland may fail by comparison with other States, but on the whole the position is most favourable for the northern State.

As to what may possibly happen, I suggest that what can be accomplished during a war period when a nation is struggling for its existence should, with greater justification, be expected to happen in times of peace. Magnates of industry, more particularly those enjoying a monopoly, have never hesitated to indulge in exploitation, given the opportunity. I shall quote from a pamphlet written by D. J. Amos, F.A.I.S., who compiled a history of the Commonwealth fleet, in the course of which he referred to statements made by shipping magnates in America and England. He wrote—

In order to keep up these freights, Lord Incheape formed his famous "Shipping Conference," which governs British shipping, while Morgan formed the trust which controls American vessels, and by 1921 both were working in unison and owning most of the shipping plying on the Australian coast. Said Morgan, with grim humour, at a banquet tendered him by business magnates on his completion of the trust, "We are the advanced socialists; we have discovered that combination, not competition, means success in trade, and we are going to take the profits of combination until the people are sufficiently intelligent to take the profits for themselves."

And so those two magnates took the profits. The history of the Commonwealth Shipping Line, which is on record, shows what those magnates could accomplish during the war period. The Commonwealth had to build ships in order to meet the requirements of the producers. The Leader of the Opposition knows that during the war period freight charges were raised from 15s. or 30s. a ton to £25 per ton.

Mr. Needham: And when the Commonwealth ships were doing good work, the Government gave them away.

Mr. MARSHALL: Yes, as they did the Commonwealth Woollen Mills, which were showing a splendid profit and doing excellent work in equipping our soldiers with fine uniforms. Those mills were positively given away to one of the Government's supporters. It was a most cruel and iniquitous thing to put over the taxpayers, who have been tolerant of such actions for so long. Until the people are sufficiently intelligent to prevent that sort of thing, I suppose it will continue, for the people are still tolerant. Then we have the comments of Senator Foll. No member will dispute that he is by no means a wonderful Labour man. He had something to say about the Commonwealth Woollen Mills, and Mr. Amos, in a pamphlet he wrote outlining the story of that undertaking, quotes Senator Foll's comments following upon a visit to the mills. He also refers to "Hansard" in confirmation of that legislator's viewpoint. Mr. Amos quoted Senator Foll as remarking—

What impressed me was the fact that these mills (combined with the factory) could turn out a good three-piece suit and cap for 30s. It behoves the Minister to ascertain why the public have to pay £7 7s., £8 8s. and £9 9s. for their suits. There must be some big profiteering going on somewhere when the public have to pay such high prices for their clothing.

Hon. C. G. Latham: Tell us the position of the Albany Woollen Mills and ask the Minister what financial assistance the State has rendered to that concern.

Mr. MARSHALL: I am not talking about the Albany mills and will not allow that to enter into the argument.

Hon. C. G. Latham: You should know the position.

Mr. MARSHALL: If the Leader of the Opposition is aware of the facts, he can present them to the House. Then we have Senator Guthrie, who ultimately got the Commonwealth woollen mills for his company. He was a follower of the Bruce-Page Government and no one will dispute that he is an authority on matters affecting the textile trade. I understand he knew what he was about when he got control of the mills. Speaking in the Senate on the 10th September, 1920, Senator Guthrie said—

During the years 1915, 1916 and 1917, the existing woollen mills of Australia made a total

net profit of £1,197,000 upon a total capital of £1,144,000—that is, slightly over 100 per cent; some mills, however, averaged as low as 33 per cent. on capital invested. On April 16, 1920, the Central Wool Committee reported that the Colonial Combing, Spinning and Weaving Company made a net profit of 303.2 per cent. out of a sale of wool to them by the Government.

This was going on while the country was struggling in the midst of a war during the course of which the rich, warm blood of our young men was being spilt on foreign battlefields. That is our reward for permitting combines and trusts to secure a grip upon the key industries of Australia.

Hon. C. G. Latham: I do not think you are right about Senator Guthrie.

Mr. MARSHALL: I am.

Hon. C. G. Latham: I do not think he had anything to do with it. He was associated with Dalgety & Company and I do not think he had anything to do with the business regarding the mills.

Mr. MARSHALL Now: let me give the House some figures presented by a Royal Commission appointed to inquire into the administration of the Defence Department. Members will recollect that when men began to return from the war and were being repatriated, they formed a Returned Soldiers and Sailors' Imperial League, and they had to do something to defend themselves. They had to obtain some concession from the Federal Government in order to prevent the exploitation by private industry that was taking place. The figures I shall submit indicate the extent to which private industry will go when it is unchecked. They show the price of soldiers' clothing under social enterprise and the price of civilians' clothing under private enterprise, and are as follows:—

Price of Soldiers' Clothing under Social Enterprise.

£ s. d.

The woolgrower sold 7 lbs. of wool (1 suit length of 3½ yards) to the Commonwealth Mills at 14.23d. per lb. Price of the wool therefore was

0 8 3

The Commonwealth Mills sold one suit length of 3½ yards to the Returned Soldiers' Association at 7s. 6d. per yard. Wholesale price of cloth therefore was

1 6 3

The Returned Soldiers' Association sold one suit length of 3½ yards to the soldier consumer at 9s. per yard. Retail price of cloth therefore was

1 11 6

The retailer charged for making the suit

4 4 0

The soldier consumer paid for the suit

5 15 6

Price of Civilians' Clothing under Private Enterprise.

£ s. d.

The woolgrower sold 7 lb. of wool (1 suit length of 3½ yards) to the manufacturer at 14.23d. per lb. Price of wool therefore was

0 8 3

The manufacturer sold one suit length of 3½ yards to the wholesaler at 15s. per yard. Cost price of cloth therefore was

2 12 6

The wholesaler sold one suit length of 3½ yards to the retailer at 30s. per yard. Wholesale price of cloth therefore was

5 5 0

The retailer sold one suit length of 3½ yards to civilian consumer for the retail price of

7 7 0

Plus charges for making suit

4 4 0

The civilian consumer paid for the suit

11 11 0

Hon. P. D. Ferguson: There is a great difference between the price of wheat and the price of bread.

Mr. MARSHALL: Those two mills operate side by side.

Hon. P. D. Ferguson: And there are two bakers operating side by side.

Mr. MARSHALL: Is there any paltry excuse that the hon. gentleman will not offer for this form of profiteering? He should be the last to do so because he represents a section of the community that suffers from exploitation. Here is wool that costs 7d. a lb. and I think there is about 8 lbs. of wool in a suit of clothes. That is all the producer gets out of it. Yet when the cloth reaches the consuming public the person on the lower income has no possibility of buying it. The unfortunate wheatgrowers are nothing but serfs and the woolgrowers are shepherds for the banks. Yet the hon. member would defend this exploitation, without compunction or hesitation.

I am glad that such a measure has been introduced. It is long overdue. I hope it will be passed and that it will be effectively

operated. If it is put into effect, no fears need be entertained by any retailer or producer who is looking for a fair return on his capital; on the other hand, it should have the effect of materially reducing the cost of living and affording those on the lower incomes an opportunity of being provided with more comfort than they have to-day. I support the second reading.

MR. SHEARN (Maylands) [9.20]: Like the member for Murchison, I entertain no idea that, if this legislation is passed, the consuming public will find itself in a state of Utopia. I suggest that much of the subject matter with which the hon. member dealt to-night affords an indication of the problems that will confront the commissioner—who will be appointed if the Bill is passed—in endeavouring to achieve the object apparently in the mind of the Minister and in the minds of those supporting the proposed legislation. Many of the details referred to by the member for Murchison are controversial and I will not suggest that I am sufficiently au fait with the various aspects to which he has drawn attention to endeavour to convince members of the House that what he stated represents the actual position that will obtain or does obtain at the present time. Nevertheless, members will readily concede that it is absolutely desirable that the consuming public should be protected against potential extortion on the part of those selling commodities.

The system suggested in the Bill, if properly applied, will achieve at least a measure of success. If it does only that, its introduction will have been justified. We have the experience of other States to indicate the possible effect of this legislation. Those States have found that the people affected by the operations of similar Acts—people such as manufacturers and traders—have not been detrimentally affected, and there has been no outcry against statutes of this kind. On the other hand, judging from my own reading and observations of those with whom I have discussed this measure, the consuming public in other States has every reason to be thankful for the introduction of such legislation.

It is unfortunate that the term “profiteering” has to be used, because there is no reputable firm in this State so far as

I am able to judge that would set out to profiteer in the generally accepted sense of the word. Nevertheless, there does not appear to be any valid reason why this House should not seek to give a measure of protection against the possible encroachment upon the spending powers particularly of those on whose behalf the legislation has been introduced, namely, the working class. The appointment of a competent and expert commissioner should be of immense service to the State as a whole, and particularly to the consuming public. The appointment of the commissioner is a matter that must be left to the Minister and Cabinet. If a suitable man is not selected the position might become somewhat chaotic. A heavy responsibility thus devolves upon the Government to ensure that the man chosen will be thoroughly expert and will have a deep sense of impartiality in the discharge of the onerous duties conferred upon him.

Complaints have been raised by sections of the consuming public from time to time concerning the efforts of certain traders within the State to exploit them. Prices are said to be unfair. Under the provisions of the Bill the Commissioner will have an opportunity thoroughly to investigate such complaints and through his analysis of the situation will be able to prove or disprove the existence of the suggested disabilities. In that respect the commissioner will be of material service to the general public. He will, as has been suggested, be a kind of policeman. I cannot agree, from my own knowledge, with the suggestion of the member for Murchison that absolute exploitation occurs in this State. I do not know of any firm or firms that have exploited the consuming public. Nor did the Minister give any specific instances of such exploitation. Perhaps in his reply he may indicate instances. If he does I shall be interested to hear of them. No legitimate firms trading in the State need have any fear of the legislation. I think that if the Bill becomes law the Minister will find that there does not exist at the moment the necessity for such legislation to the same extent that it existed in another State I could mention. The prices charged by trading firms in this State compare very favourably, taking all conditions into account, with those of firms in States where legislation similar to this

operates at present. I agree with the member for Murchison that no firm is entitled to charge the public more than a fair price for what might legitimately be regarded as household necessities. The measure will afford potential protection to the consumers. Housewives whose husbands are in receipt of the basic wage—and there are many thousands of them in this State—are entitled to every consideration from members of this House. If the Bill becomes law and it is then found that there are only a few articles that should be the subject of investigation, the passing of the measure will have been justified.

I trust that in Committee we shall have an opportunity of amending provisions that may have a detrimental effect upon the development of industry in this State. We should guard against the possibility of the Bill preventing the establishment of new enterprises which the State so sorely needs. One could say quite a lot about the Bill, but many of the provisions are of an experimental character, and many more of them could be discussed only by an expert. It would therefore be presumption and an utter waste of time for lay members like myself to dilate upon the possible influences of those provisions. I am prepared to support the desire to try out this legislation, feeling that even if it is not actually required at the moment—and I am not sure that it is—it will be a sort of watch dog in the interests of the consumers of the State and will thus be of service to the community.

MR. HEGNEY (Middle Swan) [9.29]: I congratulate the Minister on having introduced such a good piece of legislation. As he pointed out in his second reading speech the Bill is the logical sequence of the fact that workers enjoy wages that are fixed by a tribunal. Parliament has passed an Arbitration Act and the terms and conditions under which wages shall be fixed have been stated. What wages men shall receive for the service they render are decided by arbitration. The points that are taken into consideration are the prices of foodstuffs, clothing, and other commodities required by the worker. Wages are fixed in accordance with the ruling prices. It has been said that when the worker receives an increase in wages prices go up, and the individual becomes no better off.

Mr. Marshall: Prices will go up before wages do.

Mr. HEGNEY: Immediately prices are increased the effective wage is reduced. Everything goes round in a vicious circle. Workers have continually to approach the court so that their earnings may be increased and their ordinary standard of living maintained. The Bill is a logical sequence of the arbitrary fixation of wages. Because of that it is long overdue. The measure will ensure that the workers, who constitute 85 per cent. of the community, shall receive a fair deal. With the worker it is the effective wage that counts.

The Leader of the Opposition said the worker is no better off on a higher income when prices rise. Industrialists are compelled by economic necessity to seek an increase in their wages when the prices of commodities advance. Very often prices are increased to a greater extent than is warranted by economic factors. That is one reason why workers have to agitate continually for better conditions. Those who control the price of commodities and services are able to offset the giving of such improved conditions. Combines and trusts in Australia indulge in profiteering. The balance sheets of many companies and organisations within the Commonwealth show that they are making more profit to-day than ever before. We find them in Western Australia as well as in the other States.

The Minister said that Queensland had appointed an industrial commission with power to inquire into the fixation of prices, etc. That is what the Bill before us proposes to bring about. He also pointed out that in New South Wales, where a National-Country Party Government has been in power for six years, the Premier had agreed to refer to an industrial commission the question of commodity prices. A few days ago I noticed that the State Brickworks in New South Wales had been sold. They were immediately closed, and the price of bricks was increased by nearly 20s. per thousand with a consequent effect upon the cost of building materials generally. What applies to the brickworks applies also to the metal works in that State. Blue metal is used there for grading and road work. This undertaking was sold at a knock-down price to the metal combine, and the price of road material immediately rose. The same thing applied

to the sale of the reinforced concrete works that belonged to the State.

An attempt was made to pass a Fair Rents Bill, but the measure was rejected in another place. New South Wales is in the same predicament as is Western Australia. Because of the exorbitant rents charged there the industrial commission has been asked to conduct an investigation. If this Bill be passed a similar inquiry can be made in this State. The prices of various commodities can also be investigated. The Bill does not lay down that unfair prices for commodities or services shall be fixed, but states that all factors shall be taken into consideration. If prices unfair to the consumer are charged, the commission will have power to investigate them and determine what they should be. The Bill will constitute a safeguard against undue increases in the cost of commodities.

The worker will welcome this legislation. It will ensure some semblance of stability for him. The people are determined to raise their standard of living. If wages are fixed as for the maintenance of a man, his wife and two children in reasonable comfort, and individuals outside the court say, "We intend to offset that by increasing the price of commodities and by raising rents," the standard of living will immediately drop. It is what a man can purchase out of his wages that determines his living standard. Parliament should endeavour to uplift the people and improve their conditions. The object of the Bill is to see that unfair exploitation of the consumers in general does not take place.

Members have said there is no evidence of profiteering. We know of many machinations due to the attempt to regulate the law of supply and demand. In many industries no such thing is apparent, but it is evident in other instances. Farmers are engaged in a serious economic struggle. A few weeks ago a Bill was passed to fix the price of flour so that a fair price might be paid to the wheatgrower for his grain. Notwithstanding that the Bill before us provides that prices to the worker shall be fair and reasonable, the Leader of the Opposition opposes it. He maintains that it will not be as effective as has been suggested by the Minister. Some time ago we tried to prevent the establishment of backyard factories in the desire to see that proper conditions prevailed in all industrial enterprises. What

would the Leader of the Opposition say if we suggested that the wheat industry should be allowed to exist under the same conditions as would a backyard factory? When dealing with the farming community, the hon. member adopts a different attitude, although he knows our motive is to ensure a fair and reasonable price for the necessities of life to workers and consumers. I am pleased that the Bill has been brought down and congratulate the Minister on his speech. Parliament should have no hesitation in passing the measure. Similar legislation exists in New South Wales, and an industrial commission has been established there for several years. Legislation of this type has already had a fair trial and is operating reasonably well. I feel sure that the commission to be appointed under this Bill will exercise its powers in a commonsense manner, and that nothing will be done to interfere either with the establishment of new industries or with the conduct of those already in existence. The object is to restrict profiteering and to prevent any undue increase in prices. I support the Bill.

THE MINISTER FOR EMPLOYMENT

(Hon. A. R. G. Hawke—Northam—in reply) [9.43]: The Leader of the Opposition said that no reason had been advanced for this Bill and that none existed to justify its introduction. That was a remarkable statement to come from the Leader of the Country Party. I am convinced that most of the other members of the Country Party know of 101 instances of exploitation suffered by farmers in the matter of goods and materials they have had to buy. Had the Leader of the Opposition taken the trouble to consult farmers engaged in actual production I am sure he could have obtained from them not one but many instances of how prices had been inflated in connection with many of the necessities they had to buy. Had he consulted housewives he would probably have found that they had a suspicion, probably a well-founded one, that many of the articles they have to buy are sold at prices that could be considered well above what was fair and reasonable.

It is reasonable to suggest that prices charged for petrol are higher than they should be. I have a recollection of the Federal Government three or four years ago appointing a special commission to inquire into petrol prices in Australia. That Commission ex-

haustively investigated the question and forwarded to the Commonwealth Government a report in connection with the matter. It is significant that while the investigation was going on all the companies in Australia brought about a substantial reduction in the price being charged.

Mr. Marshall: Up to 6d. or 7d. a gallon.

The MINISTER FOR EMPLOYMENT: I do not know what the figure was, but I know the reduction was substantial.

Hon. C. G. Latham: It was nothing like 6d. or 7d. a gallon.

The MINISTER FOR EMPLOYMENT: It was, I think, as much as 4d. a gallon. I am quite content to say that it was 4d. in every State. After the Federal Government received the Commission's report that Government did, as it has done with most reports, and as it has done with the Banking Commission's report—nothing at all. Evidently the companies learnt that the Federal Government did not intend to do anything about the matter and in a short space of time up went the price again.

Hon. C. G. Latham: What excuse has your Government for not taking notice of Royal Commissions' reports?

The MINISTER FOR EMPLOYMENT: It might be reasonable to suggest that the prices of fertilisers and agricultural implements and spare parts charged to the farmer are too high and should be investigated exhaustively.

Mr. Patrick: Superphosphate is as low as it ever has been.

The MINISTER FOR EMPLOYMENT: Those prices should be investigated for the purpose of giving protection to the people engaged in farming activities in Western Australia. It is reasonable to suggest that the prices of many articles of clothing are too high.

Hon. C. G. Latham: Despite the fact, and you know it, that the Albany Woollen Mills are still showing a loss.

The MINISTER FOR EMPLOYMENT: There may be many reasons why that position exists. I do not claim to know all the reasons for the failure of the Albany Woollen Mills to make a profit.

Hon. C. G. Latham: You know your Government has been assisting the mills financially.

The MINISTER FOR EMPLOYMENT: I know that every Government since the mills have been established has rendered assistance. With the alterations that

are contemplated, it may be possible for the mills to overcome the losses that have been sustained ever since they were established. The fact that sales are so frequently held in connection with articles of clothing and the additional fact that prices are allegedly reduced at those sales from anything ranging between five and 75 per cent., would seem to indicate that the sales are either not genuine or the prices charged to the public in ordinary times are altogether excessive. I think the prices charged to the public from time to time are such as to warrant the justifiable belief that some of the prices charged at different periods are far higher than they should be.

Hon. C. G. Latham: What about reducing the charges at the abattoirs where a profit of £15,000 was made last year?

The MINISTER FOR EMPLOYMENT: The abattoirs are not making a charge that cannot be substantiated. The price of flour and the price of bread to the public over the last few years have been higher than they should have been. Evidently this Parliament believed that the prices charged for flour and bread were too high because recently we passed legislation to set up a special authority to deal with, among other things, the prices to be charged for flour, bread and other wheat products in Western Australia.

Hon. C. G. Latham: I think the present Minister for Works was chairman of a committee that investigated the matter.

The MINISTER FOR EMPLOYMENT: That does not prove anything. The committee ceased to operate as far back as 15 or 20 years ago.

Hon. C. G. Latham: Not nearly so long ago.

The MINISTER FOR EMPLOYMENT: Then ten years ago.

Hon. C. G. Latham: No.

The MINISTER FOR EMPLOYMENT: Then the hon. member can nominate his own period. I know it was a considerable time ago.

Hon. C. G. Latham: It was when we were on this side of the House.

The Minister for Mines: That was a long time ago.

The MINISTER FOR EMPLOYMENT: The prices of wheat and flour fell not so many months ago, but the master bakers made no move to bring about a corresponding reduction in the price of bread. The

Government commenced inquiries and when the master bakers found what was being done, they reduced the price of bread $1\frac{1}{2}$ d. per loaf.

Hon. C. G. Latham: When was that?

The MINISTER FOR EMPLOYMENT: About six or nine months ago. It was some months after Dr. Sutton's investigation. Similar legislation to this has been successful in Queensland. It has been in operation there for 18 years, and irrespective of the political complexion of the Governments that have been in power. I handed to the Leader of the Opposition last year's report from Queensland covering the activities of the Prices Commission in that State. That report showed that the Commission had been very active and prices of several commodities have been declared with the result that the public were entitled to purchase those commodities at figures not above those prices. I think also what has happened in New South Wales lately is sufficient justification for this legislation. Complaints were made there about the price of bricks in particular, and prices of other commodities. In the early stages of the debate in that State the Government opposed any move to fix prices. Subsequently, as a result of the strong support given to the suggestion that prices should be controlled, the Government gave an undertaking to bring down a Bill last week. That Bill was brought down and is now being debated in the New South Wales Parliament. It was suggested by the Leader of the Opposition and the Leader of the National Party as well, that it was rather strange this Government should bring down such legislation in view of the fact that a few weeks ago we brought before Parliament a Bill to establish a bureau of economic research. The object of that Bill was to encourage the establishment of industries and to assist in the establishment of new industries in this State. I see nothing strange in the introduction of that legislation and subsequently the introduction of the Bill now before us. The Leader of the National Party suggested that the passing of this legislation would discourage the expansion of our existing manufacturing industries and also discourage the establishment of new industries. How he arrived at that conclusion is not possible for me to say. Surely it is not necessary to broadcast that any price at all may be charged for com-

modities in this State in order further to develop our existing secondary industries and to establish new industries here. We made the statement that secondary industries, whether they are already operating, or are about to be established in the future, have no right at all to charge more than a fair price for the goods they produce. If we have to offer an inducement to manufacturers to extend their existing activities, and to others to establish new industries, an inducement which means that they may charge more than a fair price without control or regulation, it is better that they should not exist at all. The Leader of the National Party said the Bill gave tremendous power to the Commissioner. The Bill must do that if the legislation is to be effective. The powers proposed to be given to the Commissioner are no greater than are necessary to enable him to carry out the duties that the Act will place on his shoulders. The powers given are no more important than the question of prices with which he will have to deal. There are few questions more important to the public of any country than the question of prices. So these powers that are to be given to the Commissioner are great and numerous, but no greater and no more numerous than are necessary in the circumstances. The Leader of the National Party told us that Parliament would be prepared to intervene at any time if extortionate prices were being charged to the public. That may sound very well in theory, but in practice it would not be logical. Over the years there have been instances of extortionate charges being made to the public and Parliament has never intervened. If we wait for Parliament to intervene in connection with any particular commodity then I think we shall never have any intervention. What Parliament should do in this matter is to pass the necessary legislation, set up the required machinery, have the necessary investigations carried out, and where it is proven that unfair prices are being charged to the public, then the authority set up by Parliament will take the necessary action to have fair prices declared. The Leader of the National Party dealt with the position of other sections of the community but had nothing at all to say regarding the position of the consumers, certainly the most important section covered by the Bill, and their interest and welfare are deserving of para-

mount consideration. In conclusion I say this legislation is long overdue. It may not achieve all that we expect, but it certainly will lead to the declaration of fair prices for many important and even vital commodities. That result will be all to the good, and to the special benefit of the public generally. In addition, the fact that legislation of this nature is on the statute-book, and the further fact that a special commissioner will be operating, must have a strong deterrent effect upon traders and business people who might be inclined to charge more than fair prices for the goods they have to sell to the public. On those two particular grounds, I submit, this legislation is deserving of the unanimous approval of members of this House and, subsequently, of members of another place.

Question put and passed.

Bill read a second time.

In Committee.

Mr. Withers in the Chair; the Minister for Employment in charge of the Bill.

Clauses 1 to 18—agreed to.

Clause 19—Powers of commissioner:

Hon. C. G. LATHAM: I move an amendment—

That Subclause 7 be struck out.

The clause gives to the commissioner the powers of a Royal Commissioner, to make inspections, receive evidence on affidavit, take evidence either in public or in private, and in fact do almost anything he likes. Subclause 7 authorises him to delegate those powers. To that I will not agree. The delegation of the powers of a Royal Commissioner is the prerogative of the Governor-in-Council. If the commissioner under the Bill desires assistance of any kind, let the Government appoint an additional Royal Commissioner.

The MINISTER FOR EMPLOYMENT: I would not raise objection to the deletion of the second portion of the subclause, but I think the commissioner should be permitted to let other persons take evidence on his behalf.

Hon. C. G. Latham: He has that power already in being permitted to take evidence on affidavit.

The MINISTER FOR EMPLOYMENT: The second part of the subclause says that the deputy commissioner shall have all the

powers of the commissioner. I am prepared to accept an amendment deleting the second part of the subclause.

Hon. C. G. LATHAM: The Minister is not reasonable. The commissioner may either by himself or by a deputy exercise the very wide powers set forth. If a person is to take evidence on behalf of the commissioner under the Bill, he takes evidence as a Royal Commissioner; and to that I object strongly. The Governor-in-Council, in fact, is the proper authority to appoint a Royal Commissioner.

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

Ayes	..	..	..	16
Noes	..	..	..	18

Majority against .. 2

AYES.

Mr. Boyle
Mrs. Cardell-Oliver
Mr. Ferguson
Mr. Hill
Mr. Hughes
Mr. Latham
Mr. McDonald
Mr. McLarty

Mr. North
Mr. Sampson
Mr. Seward
Mr. Thorn
Mr. Warner
Mr. Watts
Mr. Willmott
Mr. Patrick

(Teller.)

NOES.

Mr. Coverley
Mr. Hawke
Mr. Hegney
Miss Holman
Mr. Lambert
Mr. Marshall
Mr. Millington
Mr. Needham
Mr. Nulsen

Mr. Fenton
Mr. Raphael
Mr. Sleeman
Mr. F. C. L. Smith
Mr. Tonkin
Mr. Troy
Mr. Willcock
Mr. Wise
Mr. Wilson

(Teller.)

PAIRS.

AYES.

Mr. Welsh
Mr. Doney
Mr. Mann
Mr. Stubbs
Mr. Keenan
Mr. J. M. Smith

NOES.

Mr. Fox
Mr. Johnson
Mr. Styants
Mr. Leahy
Mr. Collier
Mr. Rodoreda

Amendment thus negatived.

Clause put and passed.

Clauses 20, 21—agreed to.

Clause 22—Power to publish information:

Hon. C. G. LATHAM: The commissioner should not be given power to publish information obtained by him in the exercise of his duties. In what way will he publish the information? Will he send for a reporter from a newspaper and give him the information, or will he publish it in the public notices column? The clause should be deleted.

The MINISTER FOR EMPLOYMENT: The person who will be appointed commissioner will have as much balance, com-

mon sense and judgment as has the Leader of the Opposition. He would not be likely to act in the way suggested by the Leader of the Opposition.

Hon. C. G. Latham: What is the object of the clause?

The MINISTER FOR EMPLOYMENT: To give the commissioner power to publish information which he may deem to be in the public interest. I regard the clause as necessary.

Hon. C. G. LATHAM: The Minister should be reasonable. He should not put legislation of this kind on the statute-book. What benefit would the public derive from the publication of the information?

The Minister for Mines: Workers applying to the Arbitration Court for increased wages and better conditions of employment must give evidence in open court and that evidence is published in the Press.

Hon. C. G. LATHAM: But this clause has nothing to do with the Arbitration Court. The Industrial Arbitration Act does not confer upon the President of the Court power to publish all the information given to the court.

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

Ayes 18

Noes 16

Majority for .. 2

AYES.

Mr. Coverley	Mr. Raphael
Mr. Hawke	Mr. Rodoreda
Mr. Hegney	Mr. Sleeman
Miss Holman	Mr. F. C. L. Smith
Mr. Marshall	Mr. Tonkin
Mr. Millington	Mr. Troy
Mr. Needham	Mr. Willcock
Mr. Nulsen	Mr. Wise
Mr. Pantou	Mr. Wilson

(Teller.)

NOES.

Mr. Boyle	Mr. North
Mrs. Cardell-Oliver	Mr. Patrick
Mr. Ferguson	Mr. Sampson
Mr. Hill	Mr. Seward
Mr. Hughes	Mr. Warner
Mr. Latham	Mr. Watts
Mr. McDonald	Mr. Willmott
Mr. McLarty	Mr. Thorne

(Teller.)

PAIRS.

AYES.	NOES.
Mr. Collier	Mr. Keenan
Mr. Fox	Mr. Welsh
Mr. Johnson	Mr. Doney
Mr. Leahy	Mr. Stubbs
Mr. Styants	Mr. Mann
Mr. Lambert	Mr. J. M. Smith

Clause thus passed.

Clause 23—Power of entry and seizure in certain cases:

Mr. WATTS: The powers of search, seizure, detention and carrying away given to the commissioner on mere suspicion seem to me to be too great. Is the Minister prepared to amend the clause in any way or to strike it out altogether?

The MINISTER FOR EMPLOYMENT: I cannot agree to the deletion of the clause. The powers would be used very seldom.

Hon. C. G. Latham: Then why not delete the clause?

The MINISTER FOR EMPLOYMENT: Because it may be necessary for the commissioner to avail himself of the powers in circumstances where it is necessary to take very prompt action. Similar powers are contained in other Acts already on the statute-book, notably the Act dealing with false trade descriptions. If the member for Katanning has a reasonable amendment to suggest, I am prepared to consider it.

Hon. C. G. LATHAM: Why should we permit the commissioner to use the powers contained in this clause if he merely suspects a person? The Minister should be reasonable and agree to strike out the clause. We should introduce reasonable legislation and not leave it to another place to knock it into shape for us. I hope the Committee will be reasonable and not support such unfair proposals.

Mr. McDONALD: I should like to see the clause amended, and I suggest it could be amended simply enough. The clause now says that the commissioner may by an order authorise any State officer to seize, take possession of, carry away and detain any commodity. We could alter that by saying that a stipendiary magistrate could, on the application of the commissioner, authorise a State officer to do what is set out. By the subsequent clause power is given to make regulations, and by simple machinery the facts could be placed before a stipendiary magistrate to secure the order to take possession of the commodities concerned. The Bill gives the commissioner great powers indeed. He will have not only judicial powers but also police powers, and it is a recognised principle in our Constitution that those powers are separated. The Bill, however, proposes to clothe the commissioner with both powers. I notice by a subsequent clause that any person who insults the com-

missioner or any officer or person in the performance of his duties is liable to a penalty of £200, or to be sent to gaol for six months.

Mr. WATTS: I should like to correct the statement made by the Minister regarding the trade descriptions and false advertisements Act, which he compared with the Bill before the Committee. There is a great difference between the two. In the former an inspector has to find that the goods are not in accordance with the description set out in the Act, and when he has so found them he can detain them not longer than a month. Then he must get an order from the resident magistrate before the goods can be forfeited to the Crown. He must also take good care of them and he is not allowed to search premises. That is quite a different proposition from the Bill before us. I would be prepared to amend the clause under discussion rather than see it go through in its present form. I move an amendment—

That in line 10 the words "an order" be struck out with a view to inserting "application as may be prescribed apply to any stipendiary magistrate to."

The clause would then read "If the commissioner has at any time reason to suspect . . . he may, by application as may be prescribed apply to any stipendiary magistrate to authorise any State officer to seize, take possession of," etc. That would certainly improve the clause.

The MINISTER FOR EMPLOYMENT: At an earlier stage I intimated that I would have no objection to any reasonable amendment. I consider the hon. member's amendment is quite reasonable, and therefore I will accept it.

Hon. C. G. LATHAM: I intend to oppose the amendment. I am not going to allow anyone to take away any articles belonging to a person without making provision to return them. There has never been such a proposal submitted to the House. The Minister is willing that the member for Kataning should draft the legislation for him, but that does not make the legislation right.

The Premier: There is no fear of our appointing any silly person to the position of commissioner.

Hon. C. G. LATHAM: I am complaining that very little thought has been given to the Bill. On suspicion the commissioner can authorise the seizure of a man's goods, and

there is no provision for the return of those goods.

Mr. Needham: Yes there is; in the following clause.

Hon. C. G. LATHAM: Nothing of the sort. Not even a judge or a magistrate can exercise the powers with which the commissioner is to be vested.

The Premier: Well, move an amendment!

Hon. C. G. LATHAM: The Premier has the Crown law officers behind him, and he should deal with that phase.

The Minister for Employment: You have had the Bill before you for a long time. Why did not you have one drafted?

Hon. C. G. LATHAM: In the circumstances I have outlined, it is not my duty to put the Government's legislation in order. The clause should be deleted, and another substituted that would be reasonable. Members opposite should remember that the principle involved may be applied in other directions, and I regard the whole thing as unfair.

Mr. Tonkin: Have not Customs officers this power?

Mr. Hughes: No.

Hon. C. G. LATHAM: And moreover the Customs officers must prefer a charge.

The Premier: If the police go to a sly grog shop they take the beer away.

Hon. C. G. LATHAM: But they must have a warrant before they go there, and then they must lay a charge. If the charge is sustained, the court, and not the police, confiscates the beer. Even so, the police are in a position quite different from the commissioner to be appointed under the Bill.

The Premier: The commissioner will act wisely. He will be expected to exercise commonsense.

Hon. C. G. LATHAM: We should frame our laws so that they will be clearly understandable. The Government must recognise that there is no hope of legislation of this type being passed, unless amended. The Minister should report progress and reconsider the matter. I want to be fair to all sections of the community, and this particular provision is wrong.

Mr. MARSHALL: I would be inclined to support the Leader of the Opposition if I could find justification for his attitude. I am at a loss to know what prompted his objection. If this legislation is to be effective, the commissioner must have extensive powers. Obviously the Leader of the Op-

position has not studied the Bill. In the first place the commissioner must have grounds for suspicion before taking action.

Mr. Sampson: But he may merely have a bad liver!

Mr. MARSHALL: He must have good cause for suspicion that a person has been guilty of an offence or has not sent in a correct return. Whoever may be appointed as commissioner will not act along the lines suggested by the Leader of the Opposition.

The Minister for Employment: A similar provision has appeared in the Queensland Act for over 18 years.

Mr. MARSHALL: These powers are necessary not for the purpose of interfering with the great majority but to deal with the few that will evade their responsibilities.

Hon. N. KEENAN: The member for Murchison has not been fair to the Leader of the Opposition, because the burden of the latter's complaint was not that certain powers have been given to the commissioner, but that the clause does not contain any provision making it necessary for the commissioner, after he has made his entry and seizure, to proceed and lay a charge, and, in the event of a charge not being sustained, for the goods being returned to the owner.

Mr. Marshall: Would not the commissioner order their return?

Hon. N. KEENAN: There is no necessity for a charge to be laid at all. The commissioner may simply authorise some person to enter upon premises and seize goods. There is no provision for the return of the goods at all. The clause does not say how long the commissioner may retain the goods. A later clause sets out that, on conviction, goods shall be forfeited, and no one would object to that. As the clause stands, the owner of goods that are seized may whistle for them. That is not fair.

Mr. TONKIN: Some amendment to the clause is necessary because the goods seized may be perishable and if no provision is made for them to be sold and the proceeds paid to the owner, a dead loss will be sustained. Very wide powers are essential. It is ridiculous to say that the commissioner must go to a magistrate and obtain a warrant before he can do anything, because he might as well send a notification to the person that his premises are to be searched, knowing full well that when the officer got there, nothing would be found. By interjection I asked the Leader of the Opposition whether it was not a fact that Customs

officers had wide powers. He said they did not have the powers set out in the Bill. Upon examining the Customs Act, I find that they have practically similar powers. Section 186 of the Customs Act provides power for an officer to enter premises, break open packages, and ascertain what they contain, and seal the packages again. That is what is provided for in this Bill. Clause 23 of the Bill states that if the commissioner has any reason to believe that a person has been guilty of an offence against the Act, with respect to any commodity under investigation, or that any such commodity is kept, stored or had in possession, and has not been duly included in any prescribed return, he may by an order authorise any State officer to seize, take possession of, carry away and detain such commodity. It provides that the officer may enter a place and search for the commodity, and open any chests, packages or other things in which the commodity is or is supposed to be.

Hon. C. G. Latham: A Customs officer would need to have more authority than a commissioner who is merely fixing prices.

Mr. TONKIN: The fixation of prices is not the only thing to be considered. A manufacturer is required to declare the quantity of goods on his premises, and he might make a false declaration.

Hon. C. G. Latham: Then action should be taken against him.

Mr. TONKIN: If the commissioner has reason to believe a false declaration has been made, he can authorise his officer to enter the man's premises.

Hon. C. G. Latham: And seize and take away goods.

Mr. TONKIN: The officer may examine the goods there, and if he finds his suspicions have been well founded, he may seize them.

Hon. C. G. Latham: It does not say that. He seizes them and takes them away.

Mr. TONKIN: Only if he is satisfied that the grounds for suspicion have proved well-founded.

Hon. C. G. Latham: The Bill does not say so.

Mr. TONKIN: No; but I think that is a reasonable inference.

Mr. Watts: It is not done on an order of the court.

Mr. TONKIN: If the commissioner waited for that, the goods might be taken 500 miles away in the meantime.

Mr. HUGHES: An order could be obtained from the court in a quarter of an hour.

Mr. TONKIN: That would be far too long. In these days, three minutes is sufficient to get information to people to enable them to cover up their tracks. There is not the slightest doubt that a good deal of contraband is disposed of now, because people are warned of the approach of Customs officers. Why make the position more difficult still by putting every obstacle in the way of the officers doing their duty? I think power is very essential, but there should be some provision for the return of goods, and for dealing with goods that are perishable. The commissioner should be able to sell the goods and hand the proceeds to the owner so that there may be no loss, or else they should be returned in a reasonable time to the owner in order that he may dispose of them.

Mr. HUGHES: The commissioner is given power under the clause to enter an innocent man's premises, break open packages, smash up things generally and walk out leaving all that wreckage, and the owner has no redress because of the last five words in the subclause—"or is supposed to be." If the commissioner had to apply to a magistrate, I do not think the magistrate would be likely to ring up the person whose premises were going to be searched, and the information could not get out in any other way. I suggest that the clause should be amended as follows:—The words after "if" in line 1 should be deleted, paragraph (a) should be retained, and paragraph (b) should be amended to read, "Any person has in his possession any commodity that has not been included in any return, a stipendiary magistrate may, for cause shown, authorise the commissioner or any State officer to seize," etc. To test the feeling of the Committee, I move an amendment—

That in lines 1 and 2—

The CHAIRMAN: Order! We are now dealing with line 4 of paragraph (b). The hon. member cannot return to words in a previous line. The amendment is to strike out the words "an order."

Mr. HUGHES: Well, thank God for the Upper House!

Amendment put and passed.

Mr. WATTS: I move an amendment—

That the following words be inserted in lieu of those struck out:—"application as may be

prescribed apply to a stipendiary magistrate to."

The MINISTER FOR EMPLOYMENT: I am prepared to accept the amendment.

Amendment put and passed.

Hon. N. KEENAN: I move an amendment—

That all the words after the word "telegram" in line 2 of subclause 2 be struck out.

In view of the amendment just agreed to, the Commissioner will not have power to make an order under his hand. He will have to apply to a magistrate. Consequently the words the deletion of which I am seeking are meaningless.

The MINISTER FOR EMPLOYMENT: The contention of the hon. member is correct and I shall not oppose the amendment.

Amendment put and passed.

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

Ayes	..	..	..	..	20
Noes	..	..	..	..	16
Majority for					4

AYES.	
Mr. Coverley	Mr. Pantou
Mr. Cross	Mr. Raphael
Mr. Hawke	Mr. Rodoreda
Mr. Hegney	Mr. Sleeman
Miss Holman	Mr. F. C. L. Smith
Mr. Lambert	Mr. Tonkin
Mr. Marshall	Mr. Troy
Mr. Millington	Mr. Willcock
Mr. Needham	Mr. Wise
Mr. Nuisen	Mr. Wilson

(Teller.)

NOES.	
Mr. Boyle	Mr. McLarty
Mrs. Cardell-Oliver	Mr. North
Mr. Doust	Mr. Patrick
Mr. Ferguson	Mr. Sampson
Mr. Hill	Mr. Thorn
Mr. Hughes	Mr. Warner
Mr. Latham	Mr. Watts
Mr. McDonald	Mr. Seward

(Teller.)

AYES.		PAYRS.		NOES.	
Mr. Oollier				Mr. Keenan	
Mr. Fox				Mr. Welsh	
Mr. Johnson				Mr. Doney	
Mr. Styants				Mr. Mann	
Mr. Leahy				Mr. Stubbs	

Clause, as amended, thus passed.

Clause 24—Obstructing officers and similar offences:

Hon. C. G. LATHAM: I move an amendment—

That in paragraph (a) the words "or insults" be struck out.

Should the commissioner be insulted, he has recourse at law under existing legislation. Why permit a penalty of £200 with or with-

out hard labour to be imposed because a person pulls a face at the commissioner?

THE MINISTER FOR EMPLOYMENT: In a spirit of sweet reasonableness, I accept the amendment in the hope that the commissioner may be able to take all the insults meted out to him.

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

Clause 25—Punishment for false evidence;

MR. SAMPSON: This clause is the literary gem of the Bill. It cannot be necessary to provide that anyone who gives false evidence on oath commits perjury, because that is already provided for under other legislation. In the interests of the measure, the clause should be struck out.

THE MINISTER FOR EMPLOYMENT: Evidence given by persons to the commissioner, in the manner set out in the Bill, would not be evidence of a nature that would bring them under the Criminal Code. Such evidence would only constitute perjury under the provisions of the Criminal Code if it were given in judicial proceedings. The clause should, therefore, remain in the Bill.

HON. C. G. LATHAM: The commissioner will have all the powers of a Royal Commissioner, and can take any action that may be deemed necessary without the powers contained in this clause.

Clause put and passed.

Clause 26—Bribery of witness:

HON. P. D. FERGUSON: I move an amendment—

That subclause (2) be struck out.

For nearly an hour last night we discussed the question of the onus being cast upon the defendant to prove that he was not guilty of the charge levelled against him. We now find the same principle embodied in this measure.

THE MINISTER FOR EMPLOYMENT: Had the hon. member sufficient experience in industrial matters, he would know how difficult it is to prove victimisation. In cases of this kind victimisation may readily occur, and the employer should be called upon to show that the worker has not been dismissed because of evidence he may have given concerning the activities of his employer.

HON. P. D. FERGUSON: Cannot that be proved?

THE MINISTER FOR EMPLOYMENT: Many attempts have been made to prove victimisation, but I know of no instance in which success has been attained. If it were not for the difficulty of proving such a state of affairs, this clause would not have been inserted in the Bill.

Amendment put and negatived.

Clause put and passed.

Clauses 27 to 29—agreed to.

Clause 30—Protection of the Crown and its officers:

HON. C. G. LATHAM: Great powers have been given to the commissioner, but notwithstanding the discretion that is also given to him, no action, according to this clause, can lie against him. This official may ruin someone, or deprive him of his rights or his property. The individual so affected should be able to take action against someone, in the event of a mistake having been made in his case, for the recovery of what he has lost. The commissioner should not be secured against any such act he may commit.

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

Ayes	..	..	..	..	20
Noes	..	..	..	..	15

Majority for 5

AYES.

Mr. Coverley	Mr. Panton
Mr. Cross	Mr. Raphael
Mr. Hawke	Mr. Rodoreda
Mr. Hognoy	Mr. Sleeman
Miss Holman	Mr. F. C. L. Smith
Mr. Lambert	Mr. Tonkin
Mr. Marshall	Mr. Troy
Mr. Millington	Mr. Willcock
Mr. Needham	Mr. Wise
Mr. Nulsen	Mr. Wilson

(Teller.)

NOES.

Mr. Boyle	Mr. North
Mrs. Cardell-Oliver	Mr. Patrick
Mr. Doust	Mr. Sampson
Mr. Ferguson	Mr. Thorn
Mr. Hughes	Mr. Warner
Mr. Latham	Mr. Watts
Mr. McDonald	Mr. Seward
Mr. McLarty	

(Teller.)

PAIRS.

AYES.	NOES.
Mr. Collier	Mr. Keenan
Mr. Fox	Mr. Welsh
Mr. Johnson	Mr. Doney
Mr. Stvants	Mr. Mann
Mr. Leahy	Mr. Stubbs

Clause thus passed.

Clauses 31, 32, Title—agreed to.

Bill reported with amendments, and the report adopted.

RESOLUTION—STATE FORESTS.*Council's Message.*

Message from the Council received and read notifying that it had concurred in the Assembly's resolution.

BILL—WORKERS' COMPENSATION ACT AMENDMENT.*Council's Message.*

Messages from the Council received and read notifying that it insisted on its amendments Nos. 2, 3, 4, 6, 7, 9, 10, 11, and 12, and disagreed with the further amendment made by the Assembly to amendment No. 5.

House adjourned at 11.35 p.m.

BILL—ROAD DISTRICTS ACT AMENDMENT (No. 3).

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

BILL—ROAD DISTRICTS ACT AMENDMENT (No. 1).*As to Recommittal*

HON. J. NICHOLSON (Metropolitan)

[4.35]: I move—

That the Bill be recommitted for the further consideration of Clause 2.

Point of Order.

Hon. J. Cornell: On a point of order, this is the first occasion on which there has been a motion for the recommitment of a Bill at the third reading stage since the adoption of Standing Order 204a, which reads—

No amendment shall be made in, and no new clauses shall be added to, any Bill recommitted on the third reading, unless notice thereof has been previously given.

I may be wrong, but I submit that the motion for suspension of Standing Orders carried yesterday did not suspend this Standing Order 204a. Members will recollect that that Standing Order was passed for the purpose of ensuring that a Bill should not be recommitted on the third reading unless the member who desired its recommitment had put his proposed amendments on the notice paper.

The President: Does Mr. Miles wish to speak?

Hon. G. W. Miles: I saw Mr. Nicholson rise, and I did not wish the hon. member to close the debate without Mr. Drew and perhaps other senior members having an opportunity to speak. Irrespective of the Standing Order referred to, the House considered the Bill very fully yesterday, and the measure is going to another place, where, if any amendment is needed, it can be made. I think the Bill should now be read a third time.

Hon. J. M. Drew: I agree with Mr. Miles. There will be ample time in another place to deal with the matter and cure any defect in the Bill. I can see no positive defect. Mr. Nicholson yesterday referred to commercial travellers for agricultural machinery calling for orders. If such travellers are debared under the Bill, probably that would be so only if it could be proved that they were

Legislative Council.

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

LEAVE OF ABSENCE.

On motion by Hon. H. Seddon, leave of absence for six consecutive sittings granted to Hon. W. R. Hall (North-East) on the ground of ill-health.