

of the metropolitan area which are likely to be tapped to serve suburban areas. Any person who, or plant which, runs polluting effluent into this supply could cause a dramatic effect on thousands of people. So it is important to have legislation that will protect the population from such an occurrence. I support the Bill.

Debate adjourned, on motion by The Hon. L. A. Logan (Minister for Local Government.)

House adjourned at 10.5 p.m.

Legislative Assembly

Tuesday, the 14th April, 1970

The SPEAKER (Mr. Guthrie) took the Chair at 4.30 p.m., and read prayers.

ALBANY ELECTORATE

Seat Declared Vacant

THE SPEAKER: Before we proceed today, I wish to announce that I have received a letter which I am required to read to the House. Owing to the contents of the letter and the fact that this has not happened since 1951, I had occasion to look into the constitutional provisions and procedures relating to this matter. I must say that my investigation—which was indeed very short—disclosed a most unsatisfactory position which, I think, requires some legislative attention. The letter I received is dated the 10th April, 1970, and is addressed to me by Mr. J. Hall, the member for Albany. It reads as follows:—

The Hon. H. N. Guthrie, M.L.A.,
Speaker of the Legislative Assembly,
Parliament House,
PERTH. 6000

Dear Sir,

I hereby tender my resignation as member for Albany in the Legislative Assembly, to take effect from Monday, 13th April, 1970.

Yours faithfully,

J. HALL,
MEMBER FOR ALBANY

I would now draw the attention of members to the provisions of section 25 of the Constitution Acts Amendment Act, 1899. That section is to be found on page 52 of the booklet entitled *Acts, Etc., Relating to Parliament*, and reads as follows:—

25. Any member of the Legislative Assembly may resign his seat therein, by writing under his hand, addressed to the Speaker, or if there be no Speaker, or if the Speaker is absent from the State, to the Governor, and

upon the receipt of such resignation by the Speaker or the Governor, as the case may be, the seat of such member shall become vacant.

I think everybody would agree that that section is quite clear. The moment that the Speaker or the Governor—in this instance, as I was present, it would be me—receives such a letter the member's seat would become vacant if that section stood alone. Therefore I presume it is of some importance for the Speaker to announce it to the House when he receives such a letter.

I think I should explain that, in fact, I received two letters; one yesterday and one today. Unfortunately in the first letter written by Mr. Hall a slight error occurred and, as a result, a second letter was delivered to me this morning. Therefore I suppose I must treat the second letter as being the effective letter.

So it would seem to me, from section 25 of the Constitution Acts Amendment Act, that the resignation takes effect as at today. Members will notice that section 25 does not permit a member to state a day—whether it be prospective or retrospective—from whence he resigns. The resignation simply takes effect from the day the letter is received by the Speaker.

However, when we turn to section 67 of the Electoral Act—and this is on page 80 of the same booklet—we find a peculiar inconsistency. Subsection (1) of that section reads—

67. (1) Whenever a vacancy occurs in either House from any cause (otherwise than by effluxion of time in the case of a member of the Council), the President or Speaker, as the case may be, upon a resolution by the House declaring such vacancy and the cause thereof, shall by warrant under his hand, in the prescribed form, direct the Clerk of the Writs to issue a writ to supply the vacancy.

So members will see that I am not empowered to issue a warrant to the Clerk of the Writs unless there is a resolution of the House. Therefore we have a rather farcical situation; on the one hand the Constitution Acts Amendment Act declares that the member's seat is vacant, and, on the other hand, the House has the privilege of voting on a resolution. Of course, it must be remembered that if a resolution is moved and the House votes on that resolution, the House can reject it. I do not know what would be the situation if it did that.

However, it is of some interest to study the history of this particular section in the Electoral Act. As members know, the original Constitution Act was passed in the year 1889, and there was no provision at all made in that Act for a resolution of the House. It contained a provision very

much along the lines of section 25 of the Constitution Acts Amendment Act, that when a member tendered his resignation the resignation was effective upon receipt of the letter by the appropriate person—whether the Speaker or the Governor.

In the year 1893—and as far as I can ascertain in the short time at my disposal there is no reason given in *Hansard*—an amendment was made to the Constitution Acts Amendment Act of 1889, and a section somewhat along the lines of the present section 67 of the Electoral Act was inserted into the Constitution. However, in the year 1899—again without any apparent explanation—this provision was taken out for, I think, a fairly good reason. From 1899 until the passage of the present Electoral Act in 1907, there was no such provision. Then the provision was reinserted in the Electoral Act in 1907 more or less along the same lines as the present section 67, although not in identical terms.

The reason for all this and the legal effect of it is not for me to say; but I merely mention it in passing because I do feel this Parliament should give some attention to these two conflicting provisions and introduce some legislation to dovetail one into the other in some form or manner.

On the question of procedure which has appertained in the past, I found from my research—that is, as much research as I could make in the time available to me today—that there appears to have been to the knowledge of anybody here, only three resignations whilst the House has been sitting. If I might interpolate here, when the House is not sitting there is no requisite at all for a resolution of the House. However, in the year 1928, Mr. E. B. Johnston—later Senator Johnston—tendered his resignation, and in 1951 the then member for Boulder, Mr. Oliver, also tendered his resignation. In between those two dates—in 1942—Sir Charles Latham, then Mr. Latham, tendered his resignation in order to contest the Senate election.

On each of those occasions the tendering of the resignation was followed immediately by a motion by the Premier, without notice, for the House to declare the seat vacant. This in itself is peculiar, because there is no provision in our Standing Orders, while they are not suspended, for any motion to be moved without notice. Nevertheless the practice has been to permit such a motion to be moved there and then.

Consequently I feel that at such short notice members should not make any change and I trust no member will dissent if I permit the Premier today to move the normal motion. If there is any dissentient, things might be different. Again, I do feel, that dependent on the provisions of

the Constitution Act, continuing to provide for a resolution of the House, then the Standing Orders might also require a little attention. Perhaps there should be an amendment that such a motion could be moved without notice immediately upon receipt of the letter. But it seems to me incongruous that it should require a motion by the House at all, because if the House refuses the motion there will be a complete *impasse*.

It appears to me that it is the privilege of any member to resign at any time and the House should not have any say in the matter. I accordingly ask whether there is any dissentient to my accepting a motion now from the Premier?

There being no dissentient I will now call the Premier.

SIR DAVID BRAND (Greenough—Premier) [4.43 p.m.]: I move—

That owing to the resignation of Mr. Jack Hall, the seat of Albany be declared vacant.

I move this motion in consequence of the letter that has been received from Mr. Hall and, in doing so, I am sure I speak for all members of this House, and indeed for all members of this Parliament, when I say we regret very much indeed the circumstance of ill health which has caused Mr. Jack Hall, the past member for Albany—known to us as “Drummer”—to resign at this time.

I think we had all hoped that at least he would be able to see the full session of Parliament out, but things have happened otherwise and I am sure we all pay a great tribute to Jack Hall's conscientious representation of his seat in Parliament and to the very pleasant manner in which he went about doing the work of his electorate. There is no doubt that his attitude won him many personal votes during the years he represented Albany.

Jack Hall was a most congenial character, a great personality, and one who was liked by all of us. We wish him well and trust that he has a speedy recovery to good health which might enable him to enjoy the retirement on which he has now decided.

MR. TONKIN (Melville—Leader of the Opposition) [4.45 p.m.]: I would like to make a few remarks on this occasion, which is a very regrettable one for me and for those of us on this side of the House. Circumstances over which we have no possible control eventually led to this situation. The honourable member felt it desirable that he should make way for somebody else, not only in his own personal interests—because he recognised he had reached a stage of being unable to do

justice to the position he held—but in the interests of the people whom he represented.

I knew Jack Hall prior to the time he became the member for Albany and I have been very impressed by the diligent manner in which he applied himself to the various duties which befall a member of Parliament. He had not the very great advantage of a first-class education, but he surmounted that inadequacy very capably and was able to discharge his duties and responsibilities in a most admirable manner.

Over the years I have seen ample evidence of the way in which Mr. Hall gained support from those who ordinarily would have been his political opponents, because he never failed to direct himself assiduously to the various tasks entrusted to him in the course of his duties.

As was to be expected, when signs of the weakness which ultimately led to his resignation, became manifest, I gave him close personal attention in the hope that I might assist him over his difficulties. It is regrettable, however, that although there appeared to be, from time to time, some possibility of success in this direction this was short-lived and his illness subsequently completely got the better of him.

It was most remarkable to see the way in which the very large number of friends which he made over the years rallied to help him. They did their level best, at considerable personal inconvenience and loss, to assist Mr. Hall overcome this dreadful malady which appears to be too great for some people and which appears to require some special treatment in this state in order that men may be protected from something over which they themselves have no control.

This is not the first example of this sort of thing that we have had from this side of the House—and of course there have been some examples from the other side of the House as well. However, regrettable as it is, Mr. Hall felt his resignation was necessary, and I accordingly support the motion.

MR. NALDER (Katanning—Minister for Agriculture) [4.48 p.m.]: I wish to support the remarks already made by the Premier and the Leader of the Opposition with reference to Mr. Jack Hall.

I very much regret the circumstances that have made it necessary for Mr. Hall to tender his resignation. He certainly had a personality all his own and there is no doubt he got on well with every member of this House. He endeavoured in every way to carry out his responsibilities as a member of Parliament, and I recall on many occasions going into the old reading room where Mr. Hall used to sit and try to carry out his correspondence by

typewriter. I know many members will recall this aspect. Mr. Hall certainly endeavoured to do all he possibly could to represent his electorate adequately.

We regret the situation which has made it necessary for him to submit his resignation, and I am sure that we all trust he has a speedy recovery. I extend my very best wishes to him and hope he recovers completely and has the opportunity to spend some part of his life in retirement as a reward for the work he did for his electorate and for the State.

Question put and passed.

FACTORIES AND SHOPS ACT AMENDMENT BILL

Motor Trade Firms: Petition

MR. BERTRAM (Mt. Hawthorn) [4.50 p.m.]: I have a petition which is directed to the Speaker and the members of the Legislative Assembly of the Parliament of Western Australia, in Parliament assembled. It is a petition which has come about because of the initiative taken by as many as 98 motor trade firms, and it relates to the Bill which is before the House to amend the Factories and Shops Act.

A summary of the petition may be that the signatories to the petition support the increased financial penalties to discourage after-hours trading. Only with great reluctance do they accept the proposition that there should be trading on a Wednesday night until 10 p.m. They do that by way of a compromise only, and they say the proposal to extend trading on a Saturday is definitely not wanted by them. Finally they point out and draw attention to the hardships which will result to all persons involved and to the fact that there will be an increase in the price of vehicles as the result of higher costs involved by the extension of the hours of trading.

The petition bears the date of the 13th April and has a total of 1,393 signatures. Of these, 98 are motor trade proprietors and managers, and 1,295 are employees.

I have signed the necessary certificate to the effect that the petition conforms to the rules of the House.

The **SPEAKER**: I direct that the petition be brought to the Table of the House.

QUESTIONS (25): ON NOTICE

1. POLICE

Cadetships, and Reappointments

Mr. GRAHAM, to the Minister for Police:

- (1) What is the approximate cost of training and preparing a recruit through a four-year cadetship to

the point when he is appointed a constable?

- (2) Is it a fact that a member of the Police Force who freely retires will not be considered for re-employment in the force at any rank whatsoever, irrespective of age, experience, period since retiring, reasons for submitting resignation or any other consideration?
- (3) What are the reasons for this policy?
- (4) When was it decided upon and by whom?
- (5) In view of current circumstances particularly, will he institute action in order that good types, without any adverse report, who are at least in their twenties or thirties, and who have had good training and experience at the expense of the State will be given consideration for re-engagement?

Mr. CRAIG replied:

- (1) \$8,124, but it is considered that this sum can be said to be recouped by reason of work engaged in by cadets which, if not done by them, would require employment of others.
- (2) Yes.
- (3) Men who have left for supposed better employment are not considered suitable for re-employment by reason of possible similar action at a later date.
- (4) About 1947 by the then Commissioner of Police.
- (5) It is not intended the policy applying be altered whilst recruiting is as healthy as it has been.

2. CONTRACTORS LICENSING ACT OF CALIFORNIA

Tabling

Mr. GRAHAM, to the Minister for Works:

- (1) Has he a copy of the Contractors Licensing Act of California?
- (2) If so, will he lay it on the Table of the House for one week?

Mr. COURT (for Mr. Ross Hutchinson) replied:

- (1) and (2) I ask permission to table for one week some documents related to Californian Contractors' License Law which I assume is the Statute referred to by the honourable member.

It is not known whether this has since been amended, but Statutes of the State of California are held in the University Law Library and could no doubt be examined by interested parties for relevant information regarding this and other Californian Acts.

The Contractors' License Law of the State of California was tabled for one week.

3.

WATER SUPPLIES

Kalamunda

Mr. DUNN, to the Minister for Water Supplies:

Because of the rapid rate of growth in the Kalamunda Shire area, can he advise—

- (1) How long the present storage and reticulation facilities will be capable of meeting the demand?
- (2) The plans proposed to keep pace with the growth to ensure that it will not be inhibited through lack of adequate supplies of water?
- (3) The plans contemplated in regard to the use of the Bickley Valley or any portion of it?

Mr. COURT (for Mr. Ross Hutchinson) replied:

- (1) The existing storage and pumping facilities supplying the main business and residential area of the Kalamunda Shire will meet peak demands for approximately another four years. Some reticulation facilities are already inadequate, but improvements are being carried out progressively.
- (2) The Metropolitan Water Board has plans to meet normal growth of the urban area, but it is unable to plan for abnormal growth arising from changes in zoning or allotment sizes unless there is prior consultation and negotiations with the board.
- (3) Future plans envisage additional storage below the confluence of Bickley and Munday Brooks.

4.

WATER SUPPLIES

Piesse Brook: Damming

Mr. DUNN, to the Minister for Water Supplies:

- (1) Can he advise details of the proposal to dam Piesse Brook in order to supplement water storage to meet future demands?

(2) Could he give some idea as to— 7.

- (a) the timing of any proposed programme; and
- (b) the point at which any proposed dam is likely to be built and the number of properties likely to be affected?

Mr. COURT (for Mr. Ross Hutchinson) replied:

- (1) There are no proposals to dam Piesse Brook but it is planned to build a small dam on the Helena River approximately half a mile below the confluence of Helena River and Piesse Brook.
- (2) (a) A decision as to when the above dam will be built will be made towards the end of the coming winter.
- (b) Survey has not been completed, but not more than two properties will be affected by the reservoir and only to a very minor extent.

5.

WHEAT

Quotas

Mr. GRAHAM, to the Minister for Agriculture:

Adverting to his reply to question 37 on the 8th instant, will he define the term "new land farmers" in relation to wheat quotas?

Mr. NALDER replied:

A new land wheat farm is a property in the recognised wheat areas, which was—

Allocated by the Lands Department before the 1st April, 1964, and was substantially virgin at the 1st April, 1959, and has at least two wheat delivery seasons; or

Allocated by the Lands Department or purchased between the 1st April, 1964, and the 1st April, 1969, but was substantially virgin at the 1st April, 1964.

6.

LICENSING

Registered Clubs

Mr. GRAHAM, to the Minister representing the Minister for Justice:

How many registered clubs are there within 20 miles of Perth Town Hall?

Mr. COURT replied:

There are 113 clubs within 20 miles of the Perth Town Hall.

GAOLS

Weekend Gaoling

Mr. FLETCHER, to the Chief Secretary:

(1) Is he aware—

- (a) that the principle of week-end gaoling has been adopted in Britain and New Zealand—*The West Australian* the 19th November, 1969;
- (b) that legislation for a similar purpose is contemplated in Queensland and New South Wales?

(2) As this would permit those convicted of minor offences to—

- (a) continue working to support their families; and
- (b) during week ends give time and effort to community and charitable work,

will he have his officers investigate the practicability of emulating those who have implemented week end gaoling for the purpose—

- (i) of depleting the numbers of those in Fremantle and regional gaols, and
- (ii) of segregating the minor offender from the incorrigible offender?

Mr. CRAIG replied:

- (1) (a) Yes.
- (b) Yes.
- (2) This has been under consideration for some time and will be implemented when practicable.

8.

EDUCATION

Balga High School

Mr. GRAHAM, to the Minister for Education:

Concerning Balga High School—

- (1) What is the number of—
 - (a) classrooms;
 - (b) students;
 - (c) teachers?
- (2) What is the greatest number of students in any class?

Mr. LEWIS replied:

- (1) (a) 11.
- (b) 257.
- (c) 15.
- (2) 36.

9. MILK

Price per Gallon

Mr. H. D. EVANS, to the Minister for Agriculture:

- (1) What is the price per gallon received by dairymen who produce milk under license for sale as milk or cream on the liquid milk market?
- (2) What is the price per gallon received by dairymen who produce milk for manufacturing purposes?
- (3) What is the total number of dairymen in Western Australia who produce milk solely for manufacturing purposes?

Mr. NALDER replied:

- (1) (a) Minimum price to be paid to dairymen at treatment plants outside the metropolitan area at the rate of 40.734c per gallon.
(b) Minimum price to be paid to dairymen at treatment plants in the metropolitan area at the rate of 44.851c per gallon.
- (2) First-grade milk—43.7c/lb. butterfat.
Second-grade milk—42.9c/lb. butterfat.
- (3) Approximately 1,100.

10. EDUCATION

Primary Schools: Manning-Wilson-Bentley

Mr. MAY, to the Minister for Education:

- (1) In connection with the proposed State housing development at East Manning, will he advise where it is anticipated the children requiring primary education will be accommodated?
- (2) Is it anticipated any further primary schools will be required in the Manning-Wilson-Bentley areas within the next five years?
- (3) If so, where will they be located?

Mr. LEWIS replied:

- (1) It is anticipated that children from the East Manning area will be accommodated at the Koonawarra Primary School and a new school to be provided within the area.
- (2) Yes.
- (3) Location has not yet been determined.

11. RAILWAYS

Advertising Contract

Mr. MAY, to the Minister for Railways:

- (1) Have tenders closed in connection with railway advertising?
- (2) If so, what was the successful firm?
- (3) What were the names of the tenderers?
- (4) Will there be any extension with respect to the number of hoardings to be erected?
- (5) What is the duration of the contract?

Mr. O'CONNOR replied:

- (1) to (5) Yes, tenders have closed and are at present under consideration.

12. FREEWAY PROJECT

Hamilton Square

Mr. GRAHAM, to the Minister for Works:

Will he lay upon the Table of the House a copy of a plan showing the extent to which the freeway project will affect Hamilton Square?

Mr. COURT (for Mr. Ross Hutchinson) replied:

Yes. A copy of a plan prepared by the Main Roads Department showing the planned road system of the Hamilton Interchange with Hamilton Square marked in green is tabled herewith for two weeks.

A model of the Hamilton Interchange has recently been completed and is available for viewing at the Main Roads Department office.

The plan was tabled for two weeks.

13. ABATTOIRS

Inspections

Mr. BATEMAN, to the Minister representing the Minister for Health:

- (1) Are regular inspections made by Public Health Department officers at abattoirs or slaughterhouses at Morawa, Mingenew, Three Springs, Moora, Mullewa and other abattoirs or slaughterhouses in this area?
- (2) If so, how often are these inspections carried out?
- (3) When were the last inspections made at the abovementioned towns?

- (4) Were any adverse reports submitted by the inspecting officer?
- (5) If so, what towns received adverse reports and what subsequent action was taken?

Mr. COURT replied:

- (1) and (2) Inspections are carried out of this area by Public Health Department officers when considered necessary and when requested by the local authority.
- (3) The last inspections by the Public Health Department officer made of slaughterhouses of towns mentioned were—

Morawa—May, 1967.

Mullewa—March, 1968.

Mingenew—No slaughterhouse—town served by slaughterhouse in Carnamah which was inspected February, 1970.

Three Springs—April, 1970.

Moora—February, 1970.

- (4) Adverse reports have been submitted by the inspecting officers.
- (5) The towns mentioned to receive adverse reports were—

Mullewa.

Three Springs.

Moora.

Mullewa abattoir has closed down. Three Springs and Moora are about to rebuild.

14. ELECTRICITY SUPPLIES

Uniform Power Rate

Mr. TONKIN, to the Minister for Electricity:

As he has now estimated that the total annual additional cost involved in making rates uniform for city and country domestic consumers served by the State Electricity Commission will be \$1,050,000, why did he inform the south west Regional Council by letter on the 12th June, 1969, that the cost would be \$2,000,000 per annum?

Mr. NALDER replied:

The letter of the 12th June, 1969, did not refer to uniform rates for city and country domestic consumers served by the State Electricity Commission but to the wider issue of uniform rates for all State Electricity Commission industrial, commercial and domestic consumers south of Northampton.

15.

BRICKS

Price Rise

Mr. TONKIN, to the Premier:

- (1) Has the Government given any consideration to the effects of the price rise of \$1 per thousand which Mr. Ric New, managing director of Midland Brick Co. recently announced?
- (2) Has any estimate been made of the amount of additional profit which is expected to accrue to the company weekly from the proposed increase in price?
- (3) If "Yes" what is the amount?
- (4) Does he propose to take any action with a view to protecting the public from the proposed increase?
- (5) If "Yes" what action?

Sir DAVID BRAND replied:

- (1) to (5) Government policy does not favour price control. The Midland Brick Company is in a competitive industry in which the price of its products is a major sales factor. Information on the financial circumstances of the company is not available.

16.

AIR POLLUTION

Midland-Guildford

Mr. BRADY, to the Minister representing the Minister for Health:

- (1) Have any complaints been received of an obnoxious smell being wafted over the Midland-Guildford area during Tuesday and Wednesday evenings?
- (2) Is the Clean Air Committee still negotiating with the Abattoirs Board and the fertiliser works at Bushmead to reduce smells emanating from that area?

Mr. COURT replied:

- (1) Complaints have been received from time to time.
- (2) Improvements have been made and more are in progress. Close scrutiny is maintained by the inspection branch of the Public Health Department.

17.

TRAFFIC LIGHTS

Midland

Mr. BRADY, to the Minister for Works:

- (1) Is there any likelihood of Midland being supplied with flashing traffic lights or other safety devices on the main Great Eastern Highway or Great Northern Highway in the near future?
- (2) When will traffic lights be made available in the Midland area generally?

Mr. COURT (for Mr. Ross Hutchinson) replied:

- (1) Further discussion with the local authority is required to decide whether a one-way street system is to be implemented in the future, and consideration of any traffic light installation would need to await the outcome of this decision.
- (2) Installation of traffic signals is governed by traffic volumes and the type and number of accidents occurring at trouble spots. At this stage it is not possible to say when there will be need to install traffic lights in the Midland area.

18. **PINE PLANTING** *Purchase of Farms*

Mr. KITNEY, to the Minister for Forests:

- (1) When did the Forests Department commence its policy of purchasing farming properties for the purpose of pine planting?

- (2) How many farms have been purchased each year since this policy was adopted?
- (3) What is the locality, area of farm, date of purchase and price paid per acre for each individual property?

Mr. BOVELL replied:

- (1) The Forests Department first purchased land for pine planting in 1925.
- (2) and (3) Since 1925, the department has made 82 purchases of privately owned land for the purpose of pine planting. A number of these areas were undeveloped land and parts of farms. It is not possible to say how many were complete farms.

A schedule setting out the locality, shire, area, date of purchase and price per acre of the properties purchased is set out.

Locality	Shire	Area in Acres	Date of Purchase	Price Paid Per Acre to Nearest \$
Como	South Perth	2	3/2/1925	40
Harvey	Harvey	238	7/1/1926	7
Myalup	Harvey	3	12/8/1926	54
Pardelup	Plantagenet	7,382	2/8/1927	2
Harvey	Harvey	382	15/8/1930	5
Harvey	Harvey	148	24/8/1936	1
Margaret River	Augusta-Margaret River	289	20/5/1937	5
Margaret River	Augusta-Margaret River	100	26/1/1940	1
Myalup	Harvey	37	27/10/1947	1
Pinjar	Wanneroo	20	12/11/1948	1
Grimwade	Balingup	480	16/1/1953	3
Myalup	Harvey	160	22/2/1952	5
Nyamup	Manjimup	200	14/9/1950	5
Grimwade	Balingup	226	31/12/1952	10
Pinjar	Swan-Guildford	320	7/1/1952	1
Gnangara	Wanneroo	98	13/5/1952	6
Gnangara	Swan-Guildford	100	30/4/1954	5
Gnangara	Swan-Guildford	130	30/4/1954	5
Gnangara	Swan-Guildford	150	30/4/1954	1
Bussell Brook	Collie	626	24/6/1956	14
Nannup	Nannup	800	5/9/1957	4
Nannup	Nannup	136	16/4/1956	25
Nannup	Nannup	300	9/8/1955	25
Nannup	Nannup	854	7/3/1956	20
Nannup	Nannup	21	7/5/1957	20
Nannup	Nannup	300	9/8/1955	5
Nannup	Nannup	120	5/9/1957	10
Nannup	Nannup	1,082	11/11/1955	8
Nannup	Nannup	1,174	21/10/1955	20
Nannup	Nannup	405	21/10/1955	10
Balingup	Balingup	288	7/6/1956	7
Nannup	Nannup	571	23/6/1956	7
Nannup	Nannup	102	7/10/1958	2
Nannup	Nannup	340	26/3/1957	7
Nannup	Nannup	169	16/7/1958	6
Pinjar	Wanneroo	16	6/7/1956	60
Ellis Creek	Nannup	157	9/5/1957	6
Ellis Creek	Nannup	162	12/12/1956	2
Mundaring	Mundaring	10	22/3/1957	10
Ellis Creek	Nannup	412	10/4/1957	11
Harvey	Harvey	1,000	8/4/1957	11
Ellis Creek	Nannup	795	15/5/1957	31

Locality	Shire	Area in Acres	Date of Purchase	Price Paid Per Acre to Nearest \$
Ellis Creek	Nannup	431	25/9/1957	19
Southampton	Balingup	840	27/6/1958	8
Ellis Creek	Nannup	4	16/10/1958	40
Ellis Creek	Nannup	234	28/4/1958	13
Harvey Weir	Harvey	160	29/11/1957	12
Ellis Creek	Nannup	106	29/10/1957	10
Ellis Creek	Balingup	918	17/3/1958	8
Ellis Creek	Balingup	445	9/9/1959	26
Harvey	Harvey	160	6/6/1958	20
Ellis Creek	Balingup	660	28/2/1962	7
Dwellingup	Murray	125	14/12/1959	8
Ellis Creek	Balingup	462	27/11/1958	8
Southampton	Balingup	317	12/1/1959	4
Wellington	Collie	338	16/7/1957	6
Ellis Creek	Nannup	337	5/5/1959	6
Nannup	Nannup	112	3/4/1959	40
Nannup	Nannup	130	26/6/1959	8
Balingup	Balingup	172	29/1/1959	7
Wellington	Collie	435	3/9/1959	28
Bussell Brook	Collie	72	30/3/1961	1
Nannup	Nannup	93	4/10/1960	7
Balingup	Balingup	87	21/2/1961	7
Nannup	Nannup	93	8/12/1960	13
Southampton	Balingup	311	2/11/1961	26
Nannup	Nannup	71	23/8/1963	7
Balingup	Balingup	400	2/9/1965	15
Manjimup	Manjimup	160	15/3/1965	31
Balingup	Balingup	1,101	3/6/1966	38
Fernbrook	Harvey	1,457	15/5/1966	28
Southampton	Balingup	684	11/10/1966	38
Nannup	Nannup	546	5/12/1966	50
Balingup	Balingup	200	11/7/1967	40
Southampton	Balingup-Greenbushes	712	1/3/1967	31
Balingup	Balingup	1,072	29/11/1967	50
Manjimup	Manjimup	199	14/5/1968	57
Manjimup	Manjimup	934	9/10/1968	17
Balingup	Balingup	454	23/12/1968	53
Nannup	Nannup	20	24/6/1969	60
Nannup	Nannup	516	18/9/1969	27
Balingup	Balingup	2,841	21/1/1970	80
Total		38,714		

19. STATE ELECTRICITY COMMISSION

Staff and Vacancies

Mr. BURKE, to the Minister for Electricity:

(1) What is the total staff of the State Electricity Commission?

(2) What is the number of persons employed under each classification?

(3) How many positions, under each classification, are vacant at this date?

Mr. NALDER replied:

(1) Total staff—3,196.

(2) Professional officers 155
General staff 404

Clerical—

Males 288

Females 211

Tradesmen 450

Tradesmen's assistants 151

Linemen	228
Linemen's assistants	411
Labourers	176
Operating staff	237
Plant cleaners	88
Semi-skilled (gas)	33
Storemen	60
Apprentices	87
Sundry classifications	217

3,196

(3) Professional officers	9
Clerical (junior clerks)	6
Tradesmen	27
Plant cleaners	12
Linemen's assistants	18
Labourers	10

82

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20.

LAND

National Parks and Nature Reserves: Report

Mr. HARMAN, to the Minister for Lands:

In respect of his answer to question No. 13, the 7th April, 1970, will he name the six areas of vacant Crown land referred to in part (3) of his answer that are under current consideration to be reserved?

Mr. BOVELL replied:

Bremer Bay area.
Mount Manning Range area.
Drysdale River area.
Northern Nullabor area.
Queen Victoria Spring area.
Lake Disappointment area.

21. INDUSTRIAL DEVELOPMENT

Iron Ore Exports to Japan

Mr. MITCHELL, to the Minister for Industrial Development:

- (1) What is the average price for iron ore obtained by north-west companies who are shipping to Japan?
- (2) What is the total number of tons of ore contracted to be delivered under present contracts?
- (3) What percentage of the contract price is it expected will remain in Australia, by way of taxation, wages, supplies, etc.?
- (4) What percentage of the contract price will the Western Australian Government receive by way of royalties?

Mr. COURT replied:

- (1) The average f.o.b. prices per ton of iron ore—including fines, fine ore, lump ore and oxide pellets—under sales contracts with Japan by the three companies concerned are—

	Average Price
	\$
Hamersley	8.08
Goldsworthy	7.84
Newman	7.48
Total	7.82

It will be appreciated that there is a substantial difference between the prices of ore in the various forms mentioned above, and therefore the average prices stated reflect not only the differences in price negotiated by each company but also differences in the proportions of various types of ore and pellets that are contracted for delivery.

- (2) The combined tonnages contracted to date with Japan by the three companies is 555,000,000 tons.

Total export contracts by all companies—including Cliffs, Western Mining and Dampier Mining—to date are as follows:

	Million Tons
To Japan	685.8
To Europe and U.S.A.	13.4
Total	699.2

It has been assumed the honourable member is referring only to export trade by north-west companies. No figure has been included for ore to be supplied to the established Australian steel industry.

- (3) It is impracticable at this stage to be precise as to the percentage of the contract price that will remain in Australia by way of taxation, wages, supplies, etc., because the operating and financial structure of each company varies considerably. Also, changing conditions such as labour costs, varying incidence of taxation, dividend policy, etc. can vary substantially any calculations now made.

The position is further complicated by the fact that all of the established north-west iron ore projects are in the process of expansion and therefore there is further inflow to Australia of overseas funds for part of their expansion needs, which more than cuts out any repayments that had to be made overseas for earlier loans used in establishment of the projects.

However, it would be reasonable to work on the basis that the percentage that will remain in Australia during the contract periods will vary between 75 per cent and 90 per cent. This ignores current capital inflow for expansion programmes. Also, this percentage will of course, increase when overseas loans have been repaid.

- (4) Percentage represented by royalties = 6.5 per cent.

The estimated percentage in respect of the three companies referred to in (1) above, is 6.5 per cent. or the equivalent of approximately \$281,000,000. This percentage for future contracts could vary according to the proportions of fine ore, lump ore and pellets, and the amount of ore that is converted within Western Australia to other forms of material processed beyond oxide pellets.

22.

VEGETABLES*Production, Imports and Exports*

Mr. H. D. EVANS, to the Minister for Agriculture:

- (1) Would he indicate the quantity of frozen—
 - (a) peas;
 - (b) cauliflower;
 - (c) brussel sprouts;
 - (d) broccoli;
 - (e) beans;
 - (f) sweet corn on the cob;
 - (g) sweet corn kernels,
 consumed in each of the years between 1960 and 1970?
- (2) What quantities of each of these vegetables in acres, tons and values were grown in this State in this same period?
- (3) What quantities of each of the above listed frozen vegetables, in tons and monetary values, were imported into Western Australia in each of the years 1960 to 1970 and from where?
- (4) What is the present number of manufacturers or processors of frozen foods in Western Australia?
- (5) What quantities of fresh and frozen vegetables, listed above, were exported from Western Australia in the years mentioned?

Mr. NALDER replied:

- (1) Details of amounts of vegetables consumed in Western Australia are not compiled.
- (2) The information is tabled herewith.
- (3) Information on peas and beans is tabled herewith. No information is available for other vegetables specified.
- (4) The number of manufacturers or processors of frozen foods in Western Australia is not available. The number of processors of frozen vegetables at present is three.
- (5) Export data for peas, beans and cauliflower are tabled. Separate figures for the other vegetables specified are not available.

The balance of answers to (2), (3), and (5) were tabled.

23.

PUBLIC SERVICE*Number Employed*

Mr. BURKE, to the Premier:

- (1) What was the total work force of the State Public Service at the 31st December, 1969?
- (2) What was the total number of persons employed in each department?

Sir DAVID BRAND replied:

- (1) The total work force of the State Public Service as at the 31st January, 1970, was 8,012. The figure for the 31st December, 1969, would vary from this to only a minimal extent.
- (2) The total number of persons employed in each department as at the 31st January, 1970, was as follows:—

Department	No. of Officers
Agriculture	828
Audit	79
Chief Secretary's	221
Medical	56
Public Health	319
Mental Health	191
Child Welfare	175
Crown Law	749
Education	432
Electoral	31
Fisheries and Fauna	105
Forests	115
Industrial Development	59
Labour	129
Lands and Surveys	517
Local Government	42
Metropolitan Water Supply Board	580
Mines	363
Native Welfare	159
Police	322
Premier's	52
Tourist	60
Public Service Commissioner's Office ..	63
Public Works	1151
Harbour and Light	39
State Government Insurance Office	248
State Housing Commission	470
Town Planning	72
Treasury	203
Government Stores	141
Government Printing Office	33
Workers' Compensation Board	5
State Taxation	3
	<hr/> 8,012 <hr/>

24.

RAILWAY BARRACKS AND DEPOT*Manjimup*

Mr. H. D. EVANS, to the Minister for Railways:

- (1) Is it correct that a railway barracks and a depot is to be built at Manjimup?
- (2) If so, what will be the estimated strength of the depot in terms of—
 - (a) locomotives;
 - (b) train crews and shunting staff?

- (3) Has a suitable site for barracks, away from disturbance and distraction, been obtained; if so, where?
- (4) If contemplated, when will building commence and when is completion expected?

Mr. O'CONNOR replied:

- (1) to (4) This matter is under consideration with the development of the wood chip industry and dieselisation of the lower south-west.

Until a final determination is made on these important factors, no definite answers could be given as to ultimate location of barracks and depot and relative strength of locomotive and staff requirements.

25. TRAFFIC

Smoke from Diesels, and Closed Circuit Crank Case Ventilation

Mr. BERTRAM, to the Minister for Police:

- (1) In each of the last five statistical years how many convictions have occurred under the Traffic Act for emission of smoke from diesels?
- (2) When will legislation be introduced to require closed circuit crank case ventilation?

Mr. CRAIG replied:

- (1) There are no records of offences for the emission of smoke from diesels. However, minor offences recorded for the offence of emission of smoke are detailed hereunder—

Year 1964-65—No figures available.

1965-66—334

1966-67—549

1967-68—456

1968-69—787

- (2) Vehicle Standards Regulation 1202(3) provides—

A motor vehicle that is powered with a petrol engine and is first registered on or after the 1st July, 1970, shall be constructed or fitted so that the crank case gases do not escape into the atmosphere.

In a diesel engine, noxious gases do not escape from the crank case to the extent that a serious pollution problem is caused.

Control of pollution caused by fuel supply and exhaust systems is being investigated at a national level and, when practical means of control are found, this State will undoubtedly adopt appropriate legislation.

QUESTIONS (2): WITHOUT NOTICE

1. FACTORIES AND SHOPS ACT AMENDMENT BILL

Dealers: Practices

Mr. BERTRAM, to the Minister for Labour:

I should preface my remarks by pointing out that the question relates to the Factories and Shops Act Amendment Bill which may be called today for debate. I have advised the Minister of my intention to ask the question, and I now ask—

Relative to the Factories and Shops Act Amendment Bill—

- (a) Will he give precise details of each of the "additional costs" alleged by the 166 metropolitan car dealers' petition to be involved in an extension of trading hours?
- (b) Who will pay the "additional costs"?
- (c) How many more cars will be sold per week by reason of the additional hours?
- (d) What are each of the practices adopted by "many used car dealers to get around, or openly flout the closing provisions of the Factories and Shops Act"?
- (e) Will he name each of the motorcar dealers who use the aforesaid practices?
- (f) How long have the said practices been used?
- (g) Describe each of the steps taken to prevent the aforesaid practices being used?
- (h) How many inspectors have been used to prevent the aforesaid practices?
- (i) What weekly hours have been worked by each of the said inspectors?
- (j) How many prosecutions have occurred, in each of the last five statistical years, of used car dealers, for trading out of hours, giving their names, and the penalty imposed in each case?
- (k) What is the precise extent of the "public response" to the after-hours trading of motorcar dealers; and what have been the prime causes for this response?

- (l) Is it intended to increase motorcar dealers' trading time to a Sunday?
- (i) If "Yes," why, and for what hours?
 - (ii) If "No," why?
- (m) Is it intended to increase trading and/or working hours generally to include Saturdays and/or Sundays?
- (i) If "Yes," when and why?
 - (ii) If "No," why?
- (n) Is it intended that the purchasing public shall be able to complete purchase transactions on a Wednesday, between 6 p.m. and 10 p.m.; and on Saturday afternoons after 1 p.m.?
- (i) If "Yes" what steps are proposed to be taken to ensure that this shall occur?
- (o) From a practical and common-sense standpoint, and in the interests of survival of used car dealers, will it be merely "permissive" for used car dealers to extend their trading hours?
- (p) Describe each of the weaknesses in the provisions of the Factories and Shops Act which experience has disclosed?
- (q) Who are the present members of the Factory Welfare Board?
- (r) Was the said board consulted as to the proposed extension of trading hours?
- (i) If "Yes," with what result?
 - (ii) If "No," why?
- (s) Are any used car dealers' premises, or any portion thereof, factories within the meaning of the Factories and Shops Act?
- (i) If so, which ones?
- (t) (i) Who are the present members of the Retail Trade Advisory Control Committee?
- (ii) Was the said committee consulted as to the proposed extension of trading hours?
 - (iii) If "Yes" with what result?
 - (iv) If "No," why?
- (u) Have any used car dealers been treated as privileged shops or small shops under the relevant sections of the Factories and Shops Act?
- (i) If so, which ones, and for what reasons?
- (v) Have any used car dealers been prescribed as "exempted shops" under section 86 of the Factories and Shops Act?
- (w) How many persons, firms, or companies, trading, or acting in concert with used car dealers after hours, have been prosecuted either with, or alternatively to prosecuting used car dealers for after-hours trading in each of the last five statistical years?
- (i) If none, why?
- (x) During each of the last five statistical years, how many licenses have been cancelled pursuant to section 15 of the Used Car Dealers' Act, 1964, giving in each case the grounds for cancellation.

Mr. O'NEIL: Mr. Speaker, whilst acknowledging the fact that the honourable member gave notice to my department of his intention to ask this question, and in fact supplied the department with a copy of the question yesterday, and whilst appreciating the fact that this Bill was introduced on Thursday and therefore no opportunity presented itself to the honourable member for placing the question on the notice paper, I would like your guidance as to the propriety of asking the question, which contains matters which to a large extent can be taken up in the second reading debate. I would point out that the question contains a number of subquestions which quote references from my second reading speech, as well as a number of matters that were not covered by the speech.

I would ask you, Sir, to give some guidance as to whether I am required to answer the questions—answers to which I have, by the way—or whether, if this procedure is considered to be in order and perhaps eight, nine or 10 members desired to make a thorough study of the second reading speech and place up to 24 questions on the notice paper, we would not find the situation where question time became the main part of debates and second reading speeches would be dispensed with.

The SPEAKER: I would say that the Minister did contact the Clerk during the day, but owing to my

preoccupation with another matter I did not have as much time as I would have liked to give consideration to this question. A very quick glance at the authorities seems to indicate that there can be no reason for objecting to this question as such, although I must say that an interrogation of this nature is not to be commended and may possibly lead some day to the Standing Orders Committee being compelled to introduce Standing Orders to prevent its repetition. Members must remember that questions are a very precious privilege and when it has been abused in many other Parliaments the members have lost that privilege. I strike that note of warning. At this point of time I could not rule the question out of order on the ground that the Minister mentions because, although this may be answered in the second reading debate, I would observe that the honourable member would have to speak before the Minister and would not know in advance what the material was. Therefore he would be at a disadvantage. If the Minister wishes, he may ask that the question be put on the next day's notice paper. If he did that possibly he would have to agree to the Bill not coming on today.

Mr. O'NEIL: I shall not ask that the question be put on the notice paper because it is likely that the Bill will be debated before the next day's notice paper is produced. I therefore propose to answer the question—

- (a) I am unable to give precise details of each of the additional costs alleged by the 166 metropolitan car dealers' petition to be involved in an extension of trading hours. It is suggested that this question would best be directed to the used vehicle division of the Automobile Chamber of Commerce.
- (b) As answered in (a), this is a matter which should be referred to the used vehicle division of the Automobile Chamber of Commerce.
- (c) I am unable to say whether or not more cars will be sold each week if additional trading hours are approved.
- (d) It is difficult to be specific about the practices adopted by "many used car dealers to get around, or openly flout the closing provisions of the

Factories and Shops Act". However, in general terms, many used car dealers staff their yards with salesmen at a time when the premises should be closed, particularly at weekends, and attract custom by means of advertising which suggests or states that the premises are open for trading when they should be closed.

- (e) No; it would be most inappropriate to disclose details of motor car dealers who are suspected of getting around or flouting the closing provisions of the Factories and Shops Act, unless appropriate action at law can be taken against them.
- (f) It would appear that these practices have occurred ever since the development of the used car motor vehicle business.
- (g) Action taken by the Department to endeavour to prevent the aforesaid practices includes inspection, warning and prosecution.
- (h) As many as eight inspectors at any one time have been used to detect breaches of the closing provisions of the Factories and Shops Act.
- (i) The normal weekly hours of the inspectors of the Factories and Shops Department are 37½ hours. Where these inspectors carry out their duties outside normal hours, they are allowed time off in lieu of the hours worked.

(j) —

1965: Total prosecutions, 20		
Name.		Penalty.
		£
Atwill B. P. ....	....	33.08
McDonald E. P. ....	....	32.00
Lampard W. H. ....	....	27.20
Sixth Avenue Motors Pty. Ltd. ....	....	17.20
Sixth Avenue Motors Pty. Ltd. ....	....	19.20
Bee Motors Pty. Ltd. ....	....	20.90
Bee Motors Pty. Ltd. ....	....	47.20
Bee Motors Pty. Ltd. ....	....	20.90
Bee Motors Pty. Ltd. ....	....	51.50
Independent Motors ....	....	33.50
Cavanagh W. J. ....	....	60.10
Nyhvis H. ....	....	27.30
Nyhvis H. ....	....	37.56
Independent Motors ....	....	42.60
Brennan V. R. & Brember N. E. ....	....	21.30
Elson S. M. & Stawell T. D. ....	....	21.30
Ayers H. E. ....	....	20.90
T. J. Motor Co. Pty. Ltd. ....	....	20.90
Master Motors Pty. Ltd. ....	....	29.70

Elson S. M. & Stawell	
T. D.	31.50
1966: Total prosecutions, 1	
T. J. Motor Co. Pty. Ltd.	20.90
1967: Total prosecutions, 9	
Annert H. L. & Pollock	
G. L.	40.10
Motorama Pty. Ltd.	39.40
Motorama Pty. Ltd.	83.40
Heelan R. F.	31.40
Heelan R. F.	41.40
Annert H. L. & Pollock	
G. L.	75.90
Heelan R. F.	19.40
Bee Motors Pty. Ltd.	30.90
Bee Motors Pty. Ltd.	25.90
1968: Total prosecutions, 12	
Independent Motors Pty.	
Ltd.	85.20
Independent Motors Pty.	
Ltd.	85.20
Fremantle Auto Centre	
Pty. Ltd.	20.90
Heelan R. F.	30.90
Heelan R. F.	30.90
Heelan R. F.	30.90
Heelan R. F.	30.90
Heelan R. F.	30.90
Independent Motors Pty.	
Ltd.	109.30
James Clay Motors Pty.	
Ltd.	30.90
Motorways Pty. Ltd.	31.30
City Motors Pty. Ltd.	49.30
1969: Total prosecutions, 29	
Youngs (W.A.) Pty. Ltd.	9.30
Youngs (W.A.) Pty. Ltd.	38.50
Bee Motors Pty. Ltd.	Cautioned
Annert H. L. & Pollock	
G. L.	40.00
Stott Motors Pty. Ltd.	21.40
Motorama Pty. Ltd.	13.50
Edgerton J. W. & Stock-	
den M.P.	30.90
Gregory's Pty. Ltd.	62.20
Motorama Pty. Ltd.	34.30
Nyhius J. P. & Pavlovich	
M. L.	Charge dismissed
City Motors Pty. Ltd.	81.80
City Motors Pty. Ltd.	109.30
Fremantle Auto Centre	
Pty. Ltd.	30.90
Motorama Pty. Ltd.	50.90
Pavlovich M. L. & Nyhius	
J. P.	29.40
Arthur Daff Motors Pty.	
Ltd.	10.90
Youngs (W.A.) Pty. Ltd.	
—Charge withdrawn	
Melville Motors (1960) Pty.	
Ltd.	20.90
Westline Motors Pty Ltd.	20.90
Duncan Motors Co. Pty.	
Ltd.	62.90
Paramotors (Inglewood)	
Pty. Ltd.	62.90
Barbottis N. & Burnett	
B.	31.50
Kingston Motors Pty. Ltd.	60.90

John Mott Motors Pty.	
Ltd.	77.90
John Mott Motors Pty.	
Ltd.	32.90
Heelan R. F.	89.40
Heelan R. F.	29.40
Caspi Motors Pty. Ltd.	22.90
John Mott Motors Pty.	
Ltd.	51.40

(k) The precise extent of the public response to after-hours trading of motor car dealers is not known, but general experience and inspection indicates that a considerable number of used car dealers advertise the availability of service and staff their premises during hours when the premises are required by the Act to be closed. As to the prime causes of this response, it would seem likely that the indication of willingness on the part of the used car dealers to meet public demand outside normal trading hours would be responsible.

(l) (i) and (ii) The present Bill to which this question refers contains no proposal to extend motor car dealers' trading hours to a Sunday. Apart from the Wednesday evening agreed to by the Chamber of Automotive Industries and the Automobile Chamber of Commerce, daylight hours of Saturday should give persons, including husbands and wives, sufficient opportunity to view, inspect and select a new or second hand vehicle.

(m) (i) and (ii) There is no proposal in the Bill currently before Parliament to extend trading or working hours generally. At the present time it appears that the public is receiving adequate service from other classes of traders.

(n) The Factories and Shops Act is concerned only with the time at which premises may be opened to the public. Matters relating to the completion of purchase transactions are essentially matters between the purchaser and seller. One might well ask the question as to how these matters are currently negotiated when vehicles are being sold outside the currently recognised trading hours.

- (o) Trading hours provisions of the Factories and Shops Act merely permit and do not compel shops to open for certain periods with the exception that service stations on roster are required to remain open during their roster period.
- (p) A comparison between the provisions in the Bill currently before Parliament and the Act as it now stands clearly indicates the areas where weaknesses have been found.
- (q) The Factory Welfare Board comprises the Secretary for Labour as Chairman, Mr. Francis Joseph Malone representing the Western Australian Employers Federation and the Western Australian Chamber of Manufactures, and Mr. James William Coleman representing the Trades and Labour Council of Western Australia.
- (r) (i) and (ii) The powers and duties of the Factory Welfare Board relate to factories and not to shops.
- (s) Because factory premises and shop premises are dealt with separately as regards registration and not combined, it is not possible to provide an answer to this question.
- (t) (i) The present members of the Retail Trades Advisory and Control Committee are the Secretary for Labour, Chairman, Mr. Neil Hutchison Baird, a joint nominee of the Retail Traders Association of W.A., the Retail Grocers and Storekeepers of W.A. and the Perth Chamber of Commerce appointed to represent the occupiers of shops, and Mr. Reginald Thomas Ashworth, a member appointed by the Minister to represent the purchasers of goods from shops.
- (ii) No.
- (iii) See answer to (t) (ii).
- (iv) This matter was discussed with representatives of the Automobile Chamber of Commerce and the Chamber of Automotive Industries.
- (u) No used car dealers have been treated as privileged shops or small shops under the relevant sections of the Factories and Shops Act.
- (v) No used car dealers have been prescribed as exempted shops under section 86 of the Factories and Shops Act.
- (w) The import of this question is not clearly understood; however, action is taken only against the registered occupiers of shops concerned.
- (x) According to information supplied by the Police Department, there have been three cancellations of licenses under the Used Car Dealers Act, 1964, two for unsuitable premises and one for financial reasons. The specific details as to each case in the years in which cancellation has occurred are not available to my officers.

2.

IRON ORE LEASES*Shire Rating*

Mr. BICKERTON, to the Minister for Industrial Development:

- (1) When is shire rating to commence on iron ore leases held by companies in the Pilbara?
- (2) What is the rate to be struck?
- (3) What arrangements are being made for back payment of rates?
- (4) Will he table a copy of the report of the committee which investigated this matter?

Mr. COURT replied:

- (1) to (3) The answers to these questions are subject to the decisions of each municipal council in the area.
- (4) The report of the committee which investigated the valuation of leases under special Acts will be tabled.

The report was tabled.

BILLS (2): INTRODUCTION AND FIRST READING

1. Superannuation and Family Benefits Act Amendment Bill.
Bill introduced, on motion by Sir David Brand (Treasurer), and read a first time.
2. Bunbury Harbour (East Perth-Bunbury) Railway Bill.
Bill introduced, on motion by Mr. O'Connor (Minister for Railways), and read a first time.

BILLS (3): THIRD READING**1. Taxation (Staff Arrangements) Act Amendment Bill.**

Bill read a third time, on motion by Sir David Brand (Premier), and transmitted to the Council.

2. Acts Amendment (Commissioner of State Taxation) Bill.

Bill read a third time, on motion by Sir David Brand (Treasurer), and transmitted to the Council.

3. Statute Law Revision Bill.

Bill read a third time, on motion by Mr. Court (Minister for Industrial Development), and passed.

WILLS BILL*Second Reading*

MR. COURT (Nedlands—Minister for Industrial Development) [5.35 p.m.]: I move—

That the Bill be now read a second time.

In doing so, I advise that the Minister for Justice, when introducing this measure to Parliament, expressed his appreciation to Mr. P. R. Adams, Q.C., who supplied the draft of this Bill, which brings together and codifies much of the existing law relating to wills, and I introduce the Bill in this House on the Minister's behalf.

Members may recall that this is not the first time Mr. Adams has assisted in the provision of new law, for it will be remembered that he was responsible for the Property Law Bill introduced in the preceding session.

The draft of this Bill to amend the laws relating to wills has been examined and amended where necessary by the Chief Parliamentary Draftsman, following its delivery to the Minister for Justice. The provisions in the Bill, which contains laws mainly for lawyers, have been considered by the Law Society, the Law Reform Committee, and the Public Trustee. Suggestions made by those three bodies have been incorporated in the Bill.

If members would refer to the explanatory memorandum distributed with this measure, it will become evident that the object of the Bill is twofold. In the first place, it is thought that the Wills Act of 1837 is long overdue for revision and should be put in modern and more comprehensive language. It will be remembered that two or three years ago the Minister for Justice introduced a Bill dealing with the law of wills. On that occasion, it was Sir Keith Watson who commented in another place that he thought it was about time the law relating to wills was codified and made more modern.

At that time, without altering the law in any way, a Bill was actually prepared and introduced. However, the Minister did not proceed with the Bill because of certain objections raised by the Law Society. That society did not think the approach was modern enough. At the time, it was not intended to do anything but simply bring all the laws relating to wills under one heading. The laws were not altered in any form but, nevertheless, in the circumstances then existing, the Bill was not proceeded with.

The Wills Bill of 1837 was passed in England and adopted in Western Australia shortly afterwards. Owing to the passage of time, many references and provisions in it now relate to obsolete laws and customs, some of which never applied in this State at all. There is therefore much "dead wood" in it which requires removal. The memorandum contains a reference to Halsbury's *The Laws of England*, second edition, in this regard, and I believe this aspect was taken up in another place, though the second edition is not available in State Parliament. Some members may feel disposed to pursue this in the third edition, which is available.

The second objective of this Bill is to draw together and codify in one Bill much of the existing law relating to wills now to be found in various Acts and, to some degree, in the common law. The Acts referred to here are those set out in the schedule to the Bill and it is proposed that these will now be repealed.

The reference which I have made to the common law relates to the making of what are known as privileged wills; namely, wills of servicemen and seamen. The Bill proposes to clarify the circumstances in which such a will may be made and so put an end not only to the uncertainty surrounding the subject, some of which appears to have resulted in the passing of the Wills (Soldiers, Sailors and Airmen) Act of 1941, but also to the confused state of judicial authority as related in the case of Wingham deceased (1948) 2 All E. R. 908.

I think I might pause here to read from the explanatory memorandum some matter which deals with this reference. Under part VI, Privileged Wills, the memorandum reads as follows:—

Clauses 17, 18 and 19 deal with the persons entitled to make privileged wills, and also with the manner of making and revocation of such wills. Clause 17 will replace the 1941 Wills Act and section 11 of the 1837 Act and will also replace the confused state of the law which surrounds those enactments, with a short statement of the persons who may make a privileged will and the time when the privilege is to be available. As to the

occasion when a privileged will may be made the new statement conforms with the common law as expressed by the Court of Appeal in *Re Wingham* deceased (1948) 2 All E. R. 908. In that case it was said that the Roman test of "in expeditione" was no longer applicable and that such a will could be made, not only during military operations, but before they had begun, or after they had been completed.

The rest of the explanatory memorandum goes on to give a detailed analysis of the Bill itself. I do not propose to read the whole memorandum because that is available for study by members who feel disposed to do so. Members may agree that it can be quite a useful exercise to have a memorandum attached to a Bill, but I am not sure of the practicability of doing this in every case.

The Minister for Justice (The Hon. A. F. Griffith) indicated to the Committee in another place that he would like an opportunity to consider further a move projected by the Leader of the Opposition (The Hon. W. F. Willesee) in that Chamber, in relation to the age at which a person should be able to make a valid will. The Minister had earlier made the point that, because the Law Reform Committee in New South Wales was coming forward with various suggestions in relation to the age of responsibility, he thought it might be as well to consider this sort of thing at that time. Mr. Griffith had clearly indicated that he was not opposed to the proposition, because a person of 18 years of age may be just as capable and competent of making a will as a person over that age. Having since considered the matter and consulted a number of his colleagues, the Minister indicated to the Committee that he was prepared to support Mr. Willesee's move, and if the honourable member wished him to do so, he himself would move to that effect.

As a consequence, the Legislative Council agreed to an amendment which in effect reduced the legal age for the making of a will to 18 years.

The Bill was further amended on the motion of the Minister with a view to clarifying the application of the Act to ensure it would be clearly understood that it would apply to the will of any person dying on or after the date of its proclamation. I commend the Bill to the House.

Debate adjourned, on motion by Mr. T. D. Evans.

METROPOLITAN REGION TOWN PLANNING SCHEME ACT AMENDMENT BILL, 1970

Second Reading

MR. LEWIS (Moore—Minister for Education) (5.43 p.m.): I move—

That the Bill be now read a second time.

Prior to 1965 the powers of acquisition of the Metropolitan Region Planning Authority appeared in general and largely unconnected terms in the Town Planning and Development Act and the Metropolitan Region Town Planning Scheme Act.

However, in 1965 a new section—section 37A—of the Metropolitan Region Town Planning Scheme Act was enacted to encompass in one comprehensive provision a precise expression of the authority's powers of land acquisition. None of these powers was new to the authority, the intention of the legislation being simply to set them out clearly in one section of the Act.

Briefly, the new section provided for the acquisition of land by the Metropolitan Region Planning Authority where an improvement plan had been approved and for the development and disposal of the land so acquired. Until recently these provisions have proved to be quite adequate, but with the advent of the Kelmscott improvement plan No. 4 certain weaknesses have become evident.

In Kelmscott, where it is planned that the owners be invited to join with the authority in carrying out the objects of the scheme, there is little point in the authority acquiring the land. It is therefore proposed that the area be developed by the Metropolitan Region Planning Authority under an agreement with the owners who will share the cost of development.

At present the majority of owners involved in the first stage of the development plan have indicated their agreement to the proposal that they should retain ownership and join with the authority in giving effect to the plan. Despite the fact that this process does involve the Town Planning Department in some very considerable administrative problems, it does have some major advantages.

Firstly, it leaves the title with the owners, thus avoiding the problems associated with raising mortgages and legal difficulties and expenses connected with transfers of title; secondly, it would avoid the outlay of the very substantial public funds which would be required to acquire the land from the present owners; and, thirdly, provided the objectives can be obtained in this way it would be a more economic process for both the owners and the Government.

However, the existing legislation makes no provision for the use of public funds on the improvement of privately owned land despite the fact that by agreement it is recoverable from the owners. The Bill is designed to rectify this omission. Although the proposed scheme is practicable in the case of the Kelmscott improvement plan it is very doubtful that this would be so in every plan handled by the authority. Therefore, while the Government will give consideration to adopting

it wherever it is practicable to do so, there will be times when acquisition will be necessary.

Debate adjourned, on motion by Mr. Jamieson.

INTERPRETATION ACT AMENDMENT BILL

Second Reading

MR. COURT (Nedlands—Minister for Industrial Development) [5.47 p.m.]: I move—

That the Bill be now read a second time.

In handling the introduction of this measure on behalf of the Minister for Justice, I would remind members that during the 1968 session of Parliament, we amended the Stamp Act by inserting a severability section. This action was prompted by the prospect of litigation challenging the validity of the receipt duty imposed under the Stamp Act.

The effect of that measure was to preserve the general validity and operation of the Stamp Act, notwithstanding that some part of it may, at some point of time, be held by a court to be beyond the legislative power of the State.

If such protection to the unchallenged part of the legislation is not provided, a court is confronted with quite a difficult problem; namely, determination as to whether Parliament intended the remnant of the Act to continue in operation so far as it could. In fact, the value of the severability section in the Stamp Act was amply tested in the subsequent litigation.

It is quite unsatisfactory to wait until an Act is challenged before taking steps to protect legislation in this manner, and so it is now proposed to insert into the Interpretation Act itself an appropriate severability section.

Members are doubtless only too well aware of the quickening interest in the legal aspects of the constitutional relationship existing between the Commonwealth and the States. It is always possible that there will be further challenges in the High Court to the validity of State legislation. In these circumstances, the Minister for Justice considers it desirable that State legislation should be protected as far as is possible. By including the severability section in the Interpretation Act, we are assured of a safeguard that will apply to all Statutes, and by this means we avoid the necessity of including it in every piece of legislation introduced.

Before concluding, I think I should inform members that I am advised that provisions of this nature to cope with the possibility of constitutional challenges already exist in the legislation of both this and other States of the Commonwealth, and of the Commonwealth itself, where the legislation is of the type containing

provisions that in their application to certain persons or things could be held to be beyond the legislative power of the Parliament that passed the legislation. I commend the Bill to the House.

Debate adjourned, on motion by Mr. T. D. Evans.

COAL MINE WORKERS (PENSIONS) ACT AMENDMENT BILL

Second Reading

MR. BOVELL (Vasse—Minister for Lands) [5.50 p.m.]: I move—

That the Bill be now read a second time.

The purpose of this Bill is to liberalise the allowable earnings provisions affecting mineworkers, retired and over the age of 60 years, or their dependants. This relates to the Coal Mine Workers (Pensions) Act.

The Act, at present, restricts the amount of earnings of a retired worker or his dependant to an average amount of \$17 per week. It is now proposed that the earnings from employment during retirement will not, in any way, affect pension entitlement until such time as either the retired worker or his dependant, as the case may be, attains the age at which application may be made for a Commonwealth pension.

In other words, the Bill provides that until a retired worker who is compulsorily retired from the mining industry on attainment of age 60 years, or his dependant attains the age at which he or she would be entitled to apply for a Commonwealth Social Service benefit, any earnings from available employment would not detrimentally affect the coalminers pensions funds' resources.

As members know, the age at which the retired worker would be entitled to make application for a Commonwealth pension is 65 years, and for his female dependant the age is 60 years. I believe this is in the interests of those who are enjoying the benefits under the Coal Mine Workers (Pensions) Act. I commend the Bill to the House.

Debate adjourned, on motion by Mr. Jones.

BANK HOLIDAYS BILL

Second Reading

Debate resumed from the 7th April.

MR. BRADY (Swan) [5.53 p.m.]: In connection with the proposals before the House which deal with the Bank Holidays Act, the amendments are not of great moment. Their main objective is to assist the Crown Law Department, in preparing several volumes which give general application to certain Acts applicable throughout the State, to include those Acts in one

or two volumes; and that is preferable to dealing with several volumes containing Acts that have application to certain districts or localities. So, Acts which have general application will be placed together in one or two volumes.

As the Minister pointed out when he introduced the amendments, the Bill has been drafted to consolidate the law relating to bank holidays. It seems that since the bank officers were first granted holidays in about 1884 there have been no fewer than seven amending Bills. Now, when the law is being consolidated, it is sought to repeal these amending Acts and to place them in new volumes as one consolidated Act. I do not think anybody can object to that.

As I said on another occasion, one of the amendments is of a minor nature. Years ago Labour Day used to be held in May, but then it was decided to change it to March. Now March is the month in which Labour Day is held; but the change required an amending Act.

Under the Bill seven Acts are to be repealed, and one is to be amended. From the Opposition side I can see no objection to the Bill going through in its present form, but I do not think it would be right to allow its passage without making reference to the fact that, as I understand it, the bank officers are endeavouring to induce the banks to give them additional holidays at a certain time in the year. For example, if Christmas day or New Year's day falls on a Saturday they would lose that day as a holiday. The bank officers feel they should not be disadvantaged in that regard.

When the Bill was introduced I rang certain officers of the Bank Officials' Association, but they did not know the details of the measure, although I understand that a copy of the Bill was delivered to the office of the association the morning after it was introduced. Several of these officers came to the House one afternoon last week and sought the assistance of the Minister to have the debate on the Bill postponed in order to enable them to carry on with further negotiations. I do not know how far those negotiations have proved to be successful. However, at this point of time the Opposition has no directions to oppose the Bill or to move amendments in the interests of bank officers and the holidays due to them.

I do think the view of the bank officers whom we met one day last week was that if they could not have amendments to the Act included in the Bill on this occasion they would make efforts in the next session of Parliament to have the additional holidays granted by the introduction of further amendments to the Act. We on this side support the Bill and hope it will be passed.

MR. CRAIG (Toodyay—Chief Secretary) [5.58 p.m.]: I thank the member for Swan for his support of the Bill, and he has explained the reason for his support. In fairness I should say that the bank officers to whom he referred saw me on Thursday last, and they made a written request for inclusion in the Bill of the extra holiday that they are seeking over the Christmas period.

There is no need for me to go back to 1961 when an amendment was made to the Bank Holidays Act to grant bank officers a five-day working week. It was the understanding at the time that they would have to forgo the extra holiday over the Christmas period—a holiday which is enjoyed by, say, members of the Public Service. Might I point out that this extra holiday is not necessarily included in the Public Service Act. It is covered by the issue of a proclamation; and the same can apply in the case of the bank officers.

I might also point this out: on a number of occasions, since the amendment to bring into effect the five-day working week was passed in 1961, requests have come forward from the Bank Officials' Association seeking this additional day as a holiday. This matter was considered by the Government after the banks were consulted; but on each occasion the request was rejected.

So, as the member for Swan pointed out, this will be the pattern for the future. The bank officers can continue to make the request, and it will continue to be considered by the Government of the day; or, alternatively, the position can be covered by a separate amendment to the Act some time in the future. It is only fair that I should inform the member for Swan that this was the decision of Cabinet on Monday last, but I have not had time as yet to reply to the letter which I received from the Bank Officials' Association last Thursday.

The member for Swan raised a minor point, and said that the Bank Officials' Association only received a copy of the Bill on the day after it was introduced in this Chamber. Of course, that is the policy which I invariably follow; the House needs to be informed what is contained in a Bill before any other party. This is the procedure which is followed normally. It should also be borne in mind that the Bill deals with the consolidation of the Act.

I thank the member for Swan for his support of the Bill, and I commend it to the House.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

FACTORIES AND SHOPS ACT AMENDMENT BILL

Second Reading

Debate resumed from the 9th April.

MR. JAMIESON (Belmont) [6.2 p.m.] : It is hard to understand why this Bill is before the House. The Minister did give some explanation, but most of his remarks were, with perhaps one exception, opposing the Bill which is now before us. The exception was that the organisations which were affected by after hours trading did want increased penalties. Increased penalties would, perhaps, tend to reduce the long list of offenders which the Minister read out today.

I have been a member in this House for nearly 18 years and in all that time I have never heard of one person experiencing difficulty in buying a motorcar; and I would ask the Minister to produce the name of one person who has genuinely had trouble in buying a motorcar. This is the crux of the whole situation.

Mr. Dunn: People have trouble in paying for the motorcars.

Mr. JAMIESON: Yes, every one of us! However, if this legislation is passed there will be many more people having trouble paying for them. The Minister is quite silent and I suppose his experience has been the same as mine: he would not have had one complaint. The crocodile tears which have been shed regarding a family making a choice of a motorcar are so much eyewash.

I have never known such a weak case to be put up by a Minister for the purpose of extending trading hours. Further, customers apparently do not want the extra trading time because there are so many salesmen available who are trying to sell cars that one has only to suggest that one is in the market for a car and the place resembles a beehive. Salesmen are all around the place trying to sell one a car and, I should add, without contravening the provisions of the Act as it stands at present.

Just as an office worker might take home a file to deal with certain matters associated with his work, the used car salesman takes home a car so that he can give a demonstration during the evening, if necessary. The signing up of the contract can be carried out on a future occasion and not necessarily at the time of the demonstration. So it would appear to me that the customer is amply provided for at the present time.

Let us examine the situation regarding the motor trade. A petition was presented to you today, Mr. Speaker—a petition of considerable size—from both the proprietors and the employees in the trade clearly indicating that they have no desire for extended hours.

I have not looked at the petition but it will be interesting to see whether the firm of Motorama Pty. Ltd. has appended its signature. That firm appears to be the offender in this case and the firm on which the Government should be cracking down. That firm is in a most peculiar situation. It is associated with other firms handling new car sales such as Attwood Motors Pty. Ltd. and, to a lesser extent, probably, City Motors Pty. Ltd., Youngs W. A. Pty. Ltd., and others handling General Motors products. All of those firms do not want the proposed legislation but, I suggest, they are trading in secondhand cars through the firm of Motorama Pty. Ltd.

It seems more than passing strange that among the many names which were listed today as having been fined are some fairly well known managers of used car organisations. However, the fine is a mere pittance; a salesman would more than cover all his fines by selling one car. So it is ridiculous to think that the Government could police the law which prevails at the present time without the courts increasing fines.

That, and that alone, is the salient requirement of the community at the moment—to make sure the law is policed by the Government of the day. The Government has fallen down in its duty in this regard, and fallen down badly.

For a long time the various bodies associated with the automotive industry in this State have prevailed upon the Minister to increase penalties for after-hours trading. Those people have also prevailed on the Minister to transfer the control of the trading hours for used car dealers from the Factories and Shops Act to the Used Car Dealers Act, and have requested that dealers who break the law be deregistered. However, the Minister would not have a bar of the representations. No, he wanted to go along with some other reasoning. We would have to examine that other reasoning and the forces behind it. In other words—using the words which this Government used in its advertisements in respect of the school teachers when it was advertising—“who is pushing them”?

It appears very obvious “who is pushing them”. It is not passing strange that the newspapers derive most out of the used car business. Day after day pages and pages of used car advertisements appear in the newspapers, and the used car market is a very lucrative source of income. Indeed, what would happen to the income of the *Daily News* if used car trading were allowed on a Wednesday night? For a start, the size of the paper would increase by three or four pages containing advertisements for used cars.

Regarding the weekend papers, we have never seen so many editorials favouring a proposed move since the editorials attacking the Hawke Government in 1959.

Mr. Dunn: And that got defeated.

Mr. JAMIESON: I hope that remark indicates the thinking of the member for Darling Range. The weekend papers can see what is in the wind. The *Daily News* is falling behind with its circulation when compared with the evening newspapers in the Eastern States. At the moment the *Daily News* is not worth very much as an advertising medium and as a consequence West Australian Newspapers Ltd. has to do something to prop up the *Daily News*. Some pressure is being applied here, and also some pressure from the inside, with the possibility of some Sunday sales of used cars.

The Independent and *The Sunday Times* at present carry a small number of used car advertisements for obvious reasons. The yards quit their stocks on Saturdays, and advertising has to be reappraised before the next week day. The papers I have just mentioned, anticipating the lucrative advertising which would be available, naturally advocated extended trading to get a piece of the cake. This is exactly what occurred in both newspapers last weekend. They are after a slice of the cake. Those papers are not interested in the increased charges to the people who will buy the cars. The firms selling the cars will have to provide personnel to handle not only the sales of the cars, but all the other associated services.

It would be interesting to discover just how far one could go with the purchase of a car on a Saturday if the other organisations which are associated did not trade illegally. I refer to the insurance companies and the finance organisations. Until the dealer can get a clearance for credit for certain people he cannot sign them up. Until a dealer can get cover for insurance it would be very dangerous to sign up a buyer and let him take a car out of the yard.

The proposed legislation will not only force car dealers into Saturday and Wednesday evening trading, but it will force all other sections of commerce to operate at the same time. Saturday, of course, is the main day for social functions and sporting fixtures in the community.

I doubt whether a petition the size of the one presented today could normally be drawn up in the course of a day. I received one letter, through the member for Gascoyne, from the employees of Youngs W.A. Pty. Ltd. of Albany Highway, Victoria Park. The letter contains 68 signatures, and is dated the 10th April. Those employees are most alarmed because their normal way of life will be interfered with

by a foolish and reckless move on the part of the Government. Those employees have no desire for the change.

The Minister could not give any indication of where the push requiring the amendment to the Act was coming from. The only quarter to receive any benefit will be the newspaper world. It is passing strange, of course, that every time a few editorials are published regarding the removal of the Swan Brewery from its present site, the Swan Brewery—within the following week—starts to place more advertisements in the newspapers. I have noticed this pattern for a number of years; it is one of those things which occur.

It is a harsh world. The Minister wants those associated with the used car market to work on a Saturday as well as on a Wednesday evening. It is my understanding that, on a *quid pro quo* basis, the Western Australian Automobile Chamber of Commerce did agree to Wednesday evening trading on the understanding that there would be some tightening up of the penalties in connection with illegal trading. Well, that might be the choice of that organisation, but I think it was possibly a wrong move. I guess it was a case of half a loaf being better than none at all. If the Minister was prepared to go along with that organisation, and advise it accordingly, the organisation was prepared to accept that proposition for the time being.

Sitting suspended from 6.15 to 7.30 p.m.

Mr. JAMIESON: Mr. Acting Speaker (Mr. Mitchell) if members have not already gained the impression that I am opposed to this Bill, let me hasten to assure them that I am and that is the reason for my speaking in the way I have so far.

Mr. Tonkin: They must be pretty dull on comprehension if they have not done so.

Mr. JAMIESON: Often one has to make oneself clear in this place otherwise one is likely to be accused of not having said that one is opposed to something.

I was making the point that there would be many others, apart from those who are directly associated with the sale of motor vehicles, who could be involved in Saturday afternoon and Wednesday night trading. For instance, let me refer to a letter received from the employees of Youngs W.A. Pty. Ltd. In part, this is what they have to say on this point—

Members of the public affected are not only Executives, Sales Representatives, Cleaners, Tradesmen and Office Staff in the Motor Dealerships, but also those servicing the Motor

Trade, namely, Finance Representatives, Insurance Representatives, Sign-writers, Advertising Representatives, Caterers, etc., etc.

As many of those referred to in the letter would be working under award conditions they will have to be paid overtime if they work on Saturday afternoons or Wednesday nights. As a result, if overtime payments have to be made, additional servicing charges will have to be imposed by the firms who handle finance, sign-writing, advertising, and the like. This all adds up to the fact that a charge of \$10 or \$20 per car extra will, of necessity, be imposed, and this is a tax which the Government will be imposing on the public if this legislation becomes law and the extra service is provided. To my way of thinking the extra service will be about as useful to the public as a hole in the head. It will not be effective in any way.

Previously I said that I could not see where the present system was imposing any hardship on the public. To my knowledge nobody has any trouble in buying a motor-car—apart from financing the purchase of it. I suppose salesmen have a number of problems in trying to sell cars but the public, in general, is not put to any inconvenience in purchasing vehicles. My understanding is that salesmen are on a retainer of some \$30 a week and they are paid a commission for each car they sell. On this basis salesmen have to work long hours for the money they get and if the provisions of this Bill are agreed to it will be a further imposition on them.

Their earnings will not be appreciably more as I should not imagine many more cars will be sold in the metropolitan area than are being sold at the present time. In addition, these sales would take place over a greater number of hours and, as a result, the salesmen's hours would be appreciably longer than they are now and their families would suffer.

The Minister might ask about the question of penalties. In his own words, the present penalties are \$100 for a first offence and \$200 for a second or subsequent offence. If these penalties were applied to a greater extent than they are at present some results might be achieved. However, I understand that the penalties applied have been only \$20, \$30, or maybe \$40.

Mr. Bertram: Or a caution.

Mr. JAMIESON: Yes, as the member for Mt. Hawthorn said, on occasions people have been let off with a caution. If the penalties provided for were applied to the limit, and the Act was policed properly, illegal operations would soon be discontinued. In addition, the Minister could apply the provisions of the Criminal Code if he really wanted to do so, and have the Act policed properly. However, the

newspapers, radio stations, and the television networks repeatedly aid and abet people, through advertising, to operate outside the legal hours. Yet if the Minister really wanted to do so he could soon put a stop to this by applying the present law as it should be applied.

It is a question of where there is a will there is a way; but, obviously, there is no will on the part of this Government to overcome the difficulty in this connection. All the Government seems to want to do is get away from the problem by extending hours, and for the life of me I cannot see that this is necessary from anyone's point of view. It is true that the Minister will get a few people who agree with his ideas. However, the only one to whom I spoke who was in favour of the proposal was, strangely enough, an advertising executive for one of the firms involved. He seemed to be a little in favour of the proposal but when he found out that some of his seniors had already been in touch with me and had expressed their opposition to the measure he very quickly wanted to be hidden behind the veil of obscurity; he did not want to be quoted as an authority on this matter.

That shows how much the public are in favour of extending hours. We have received petitions, letters, and telephone calls from a great many people who are opposed to the Bill; as a matter of fact, I have never known of another case where the public have been so quick to express themselves against a proposal. This measure was introduced only last Thursday and there has not been a great deal of time for anybody to whip up any opposition to it. Therefore it is obvious from the letters that have been written and from inquiries that have been made that the reaction to the Bill has been spontaneous—people are against its proposals and are against the idea of their leisure time being taken from them by having to work extended hours.

The Minister said that the extended trading hours were not compulsory. We all know that and we realise that the present hours are not compulsory inasmuch as any trader can cut them in half if he so desires. There is no compulsion on these people as there is on those who operate under the Licensing Act. Under that Act premises have to be opened at a certain time and closed at a certain time. Those dealing in motor vehicles certainly cannot close at an hour later than that specified in the Act but, if they wish, they can open later than they do and so operate for fewer hours than they do at present. That is their own business.

However, what would be the position if the Bill were passed and the extended hours were not mandatory? The situation would be similar to that which operated with the petrol stations when a voluntary system of closing and rostering was applied. It needs only one operator to break

the chain and the whole system breaks down. To protect their own interests in trading, operators would have to match the other fellow, and if one opened they would all have to follow suit.

I suppose some people would quote the position in America and other countries. However, my understanding of the situation is that traders there are in the grip of an octopus and they would certainly get out of it tomorrow if they could possibly do so. They do not work these longer hours from choice; it is something they have inherited and because they cannot get concerted action among the various groups very little can be done. I have read a good deal about the experience of extended trading hours, including some comments in our local Press. I have read where people were able to buy shirts in New York at any hour of the day or night. The same applies to other commodities; but the sting in the tail is the fact that this involves increased prices to the buying public.

Therefore, if we want this sort of thing to happen in Western Australia in regard to motor vehicles, let us say so. Let us say we are imposing this tax on behalf of the people who will have to work the extra hours; on behalf of the newspapers who will run the additional advertisements for the after-hours sales of cars. But, at the same time, let us tell the public that those who buy cars will have to pay an extra \$10 or \$20 for each car because of this fact. We should level with the public and tell them what will really happen if this legislation becomes law. If that were done those who are inclined to agree to extended hours will have second thoughts about it.

To get back to the advertising executive to whom I have already referred, when I mentioned to him that I had not heard of one case of a person who had had difficulty in buying a motorcar under present conditions, and if he could give me the facts concerning one I would be very much obliged because I would probably be inclined to some other opinion, he said, "How soon do you want this one case?" Of course, he could not remember off hand one case where such a thing had occurred. No doubt one could present a trumped-up case but he could not think of one. Of course, as with every law in this State there are people who are disgruntled. One has only to read the daily newspapers to realise that there are many who are disgruntled about all sorts of things. However, the very crux of the system of democracy is that the minority must accede to the wishes of the majority. In this instance we have to go along with the wishes of the majority.

If there is any drive at all for extended hours in the motor trade then it has certainly come from a very small minority of the people. I have no desire to let the wishes of the majority of the people in

the community be overruled because of the desires of the minority who are advocating extended hours in this direction. I cannot see any advantage in extending the hours of the motor trade. However, every time the question of extended hours is raised the newspapers get on the bandwagon. They always publish editorials in favour of extending hours. However, they do not do anything about meeting the situation in their own case.

On the day after Christmas Day and the day after Good Friday they do not provide newspapers, and I miss it if I do not read the paper in the morning. However much I may dislike what some of the companies who produce the newspapers do I am of the opinion that a daily newspaper is a necessity in our modern life. On the days to which I have just referred the newspapers allow their staff to have the day off—and the staff are entitled to have those holidays. However, there is no doubt that there would be a public demand for newspapers on those days, probably a much greater public demand than there would be for extended hours for the motor trade.

The newspaper companies are not prepared to set an example in this regard because they do the right thing by their employees, and I hope they will continue to do so despite the fact that the public are at a disadvantage in not having a news-sheet on the two days I mentioned. Therefore, why should the newspaper companies want to inflict longer hours on other sections of industry?

There is very little more I can say about the legislation. All it does is to extend hours for the selling of vehicles, and increased penalties are proposed for those who offend against the section. I think I have said enough about both those aspects.

I feel this House ought to get rid of this piece of proposed legislation as quickly as possible, and when the question, that the Bill be now read a second time, is put, the Bill should be voted right out of this building.

MR. DUNN (Darling Range) [7.46 p.m.] : I could not for one moment agree with the last statement of the member for Belmont, because I am firmly convinced that this is not a bad piece of legislation. It is certainly legislation which, with the exception of one part, of which I will speak later, has been required for some time. I think all of us will acknowledge that anybody who gives thought at all to sane government will agree that the situation which has obtained in the used car business over the past couple of years has not been satisfactory to the people, and has certainly not been satisfactory to the dealers themselves.

The dealers have indicated this quite clearly, and with the exception of one or two they have been prepared to work in co-operation with those who are trying to enforce the existing conditions of the Factories and Shops Act. It is quite clear that some dealers have chosen to flagrantly disregard the law and have forced other members of the trade into doing the same thing. It seems, on investigation and discussion with all those who are vitally concerned with these matters, that the Act as it stands at the moment does provide some difficult problems for those who are required to police it.

For that reason, I think we should be thankful indeed that the Government has seen fit to bring to this Chamber suitable amending legislation which will provide for the proper policing of the intention clearly demonstrated in the Act as it stands. I am very happy indeed to support this measure. However, as I said, there is one part of it with which I do not agree and I will explain my reasons as I proceed.

First of all, it seems to me to be a retrograde step to introduce legislation which will extend the working week into the weekend, bearing in mind that we have already passed legislation in this Chamber, during my term of office, anyway, cutting out bank trading on Saturday, thus giving bank officers the advantage of Saturday morning off.

The Commonwealth Government, in its wisdom, has curtailed the operations of the Post Office on Saturday morning. I remember well, back in 1933 when I was in the employ of an oil company, that all the oil companies decided to do away with Saturday morning work. The office staff was advised of this and everybody within the industry said it would cause the collapse of the industry—it would fail completely. The oil companies were induced to keep skeleton staffs operating on Saturday morning; those staffs lasted for three weeks and then everybody was allowed to have Saturday morning off. So this question of freeing people to enjoy more leisure time on the weekend is nothing new; it stretches over a long period of time and has been a gradual but positive development. Therefore I do not think we are really advancing if we now say to the used car trade, "You open on Saturday afternoons."

For some two years now I have been approached by a number of people in the used car business expressing the fear that there was a possibility that their trading hours would be extended into Saturday afternoon. I know, as a number of members in this Chamber would know, that this is not the first occasion on which the matter has been raised, and the last time it did not get as far as this Cham-

ber. I have also been advised over the past two years by those people who are vitally concerned with this industry that under no circumstances do they feel the necessity for this development.

Some people will argue that this runs directly across the principles of the party which I have the honour to represent. I do not agree with this for one moment. I think we are, and always have been, ready to tackle rationally all problems which affect the public, and all problems which affect the people who serve the public. So it does not seem to me to be strange that I, as a representative of that party, should be standing up now raising an objection to a matter about which I feel very strongly.

Therefore I do not propose to support this measure in its entirety. I believe that to go along with the extension of the hours for trading in used cars into Saturday afternoon will bring with it many problems. I think everybody in this Chamber has already been addressed by the administrative staffs or the administrative directors of the industry as to what these problems are. But if we have just a brief look at these problems we realise that it is not merely a question of opening up used car saleyards for Saturday afternoon trading.

I interpolate here to say that I, personally, have never been approached by anybody to do something about giving people the opportunity to buy a car on Saturday afternoon. Nobody has ever complained to me that the car sales yards should be opened, and I cannot understand why anyone should. However, if we do open these saleyards, then it seems to me to be fairly reasonable that the new car firms, which are vitally interested and are almost an integral part of the business—in fact, the used car trade would be an integral part of the new car trade—will also have to open. It seems to me that to facilitate the sale of a car—if it is to be done properly—the service staff and the staff for handling other matters in the sale should also be brought back.

It has already been mentioned that when buying a car one has to go into the question of insurance. Perhaps one of the most important matters of all is that it is incumbent upon anybody taking a trade-in to assure himself completely and positively that the car which is offered to him for trade-in is in fact, part of the assets—if one likes to put it that way—of the person desiring to make the car available as a trade-in.

Now, this is not just a joke, because it is a serious matter. If a person cannot prove that he is the owner of a car, or if it happens to be under hire purchase, or if the car does not belong to the person

who is trading it in, then the dealer accepting the trade-in becomes the bunny, and I cannot imagine too many people wanting that to happen.

I have some idea of the problems involved because at one stage I was acting as an auctioneer for a group of people who were endeavouring to sell secondhand cars. One of the greatest problems involved in this process was that of establishing the *bona fides* of the people bringing in cars for sale, and a second problem was that of making suitable banking arrangements.

I could go on and demonstrate more and more the problems which will develop if we proceed to the point of forcing the trade to open on Saturday afternoon. I know many people will say, "It is only permitted; you don't have to do it"; but surely we would be living in a world of make-believe if we did not know full well that if Jack opens for business on Saturday afternoon, Bill will also open; and if Bill opens, Charlie will follow suit. So we run the whole gamut of opening on Saturday afternoon with the resultant effects on the people involved in the trade.

We all know that our way of life today is such that we enjoy our sport and our family associations mostly from Saturday morning until Monday—but in some instances from midday Saturday until Monday—and that, indeed, has been the case almost since time immemorial. So it would seem that we will force a section of the community into the situation where they have to give away their enjoyment of the company of their families and friends. What is the purpose of it; to sell more cars? Does anybody complain about the number of cars already being sold? I do not suppose anybody would deny that it is the really big boys in the game who are endeavouring to push their wares continually; and I do not suppose anybody can blame them for it.

However, I do feel that when it comes to subjecting a certain section of the community to the privation of having to forgo their normal way of life with their families on the weekend, then we are not making a step forward; we are going backwards.

Mr. Graham: You told us that no approaches have been made to you for Saturday afternoon opening. How many approaches have you had for Wednesday night trading?

Mr. DUNN: I have had no approaches made to me from the public for straight-out opening on Wednesday night, but I have had approaches made to me from members of the trade on a condition; namely, that the trade as a whole was prepared to accept Wednesday night trading. The trade was not happy about Wednesday night trading, but it certainly did not want Saturday afternoon trading.

Mr. Graham: I meant so far as the general public is concerned.

Mr. DUNN: I have never had any person whatsoever ask me about the matter or complain about being unable to buy a car outside the normal hours of trading.

Mr. Graham: That has been my experience, too.

Mr. DUNN: We all know that cars are sold outside trading hours; but this Bill does not propose to prevent that. As I understand the position, the Bill proposes to stop dealers from opening their yards, and this is the vital point because once a person opens his yard he has to bring back his staff.

I cannot see anything wrong with anybody taking out a car at night on his way home for demonstration purposes and then completing the sale the next day when the yard is open. In fact, it would be unusual indeed if this was not the normal, standard practice. However, I feel that we are on the wrong track if we bring people back to work on the weekend, especially when we have clearly demonstrated that very fact.

The member for Belmont made the point that there could not have been much substance in the petition which went around, because it was open for a matter of only 24 hours. However I would rather think that the case is the opposite; it indicates clearly the willingness of the people concerned to support the petition in such a short time.

Mr. Bertram: You misunderstood him completely.

Mr. DUNN: I hope I did, because I cannot imagine him saying it. However, that is the way I heard it and if I did misunderstand him at least I have explained the point as I see it.

One can well imagine the reasons set out by the member for Belmont for *The West Australian* coming out with its article this morning, which definitely gives whole-hearted support to the opening of used car premises on Saturday afternoons. It is quite obvious, and I have long since learned, that the Press does not always do what it purports to do. Whilst I do not want to be accused of using the Press when I want to and abusing it when it suits me, I would not regard this morning's article in *The West Australian* as being true. The paper is speaking with the voice of vested interests; it is definitely speaking with an idea of promoting advertising and its own well-being, rather than the interests of the public.

Mr. Toms: It would not be the first time.

Mr. DUNN: And I do not suppose it will be the last, because the Press acts in a manner similar to the honourable member, or myself, or everyone else, in many ways.

I think I made it clear that I do not approve of this provision in the Bill of opening on Saturday and in the

Committee stage it will be my intention to move to delete all the words from the word "on" in line 20 down to the word "noon" in line 23. Apart from that I support the measure.

MR. BURKE (Perth) [8.1 p.m.]: The member for Darling Range is to be congratulated for a very good argument for not extending the hours of trading on Saturday afternoon. The same argument could quite easily be applied to Wednesday evening.

The objectives of this Bill are to extend the hours of trading to 10 p.m. on Wednesday evening and to 6 p.m. on Saturday evening, and to increase penalties for breaches of the Act. The legislation is obviously prompted by the fact—and this was made explicit this afternoon in a question asked by the member for Mt. Hawthorn—that the penalties at present being imposed for breaches of the Act are proving ineffective.

I am not convinced that great thought has gone into this measure. If what we are seeking to do is to enforce those involved in the industry to conform, we should have looked more closely at the application of the Act as it stands without going off at a tangent and, in my opinion, only complicating the issue.

The extended hours will be of very limited advantage, if of any advantage at all, to the buying public. They will increase the burden of hours on those employed in the industry. The member for Darling Range said it was not a bad piece of legislation, but that does not make it good legislation.

In my opinion it is bad legislation, and that is unequivocal. The extension of hours is not mandatory, but as the member for Darling Range said, and I agree, if one is allowed to open we should force them all to open. The used car industry is most competitive.

As I have already said, it is proposed to extend the hours to 10 p.m. on Wednesday, which will mean that it will be midnight before those involved in the industry will be able to get home or away from the premises. An extension to 6 p.m. on Saturday evening will mean that they will not get away before 8 p.m.

In my opinion the move will interfere with the leisure time of the people involved; it will interfere with those involved in the motor industry who happen to be interested in sport. It is a well known fact that quite a number of sporting identities are employed in the motor-car industry. I believe that the effect of forcing people to work—and we will be forcing them to work on Saturday evening and on Wednesday evening—will cause social problems. We in this House should be legislating to avoid creating social problems; we should not promote them.

In his second reading speech the Minister did not have a great deal to say on the Bill. In my opinion he did not submit a convincing case for what is provided in the measure. The member for Belmont elucidated the point of increased costs. He said that those involved in the extended hours would certainly increase their costs. We must not underestimate this aspect. Any advantage to the buying public—and I would certainly debate the question of any such advantage existing at all—would be far outweighed by the disadvantage of increased costs of motor vehicles. We should not kid ourselves. Any increase in costs which might affect the used car and the new car industry will certainly be passed on to the buying public. There are no two ways about that.

As we all know, used car lots around the metropolitan area are almost as prevalent as service stations. Apart from those on the sales floor and on the management side there are innumerable other people involved in the used car business—there are cleaners, mechanics, and others.

I have no figure of the number of people involved in the motorcar industry but, like the rest of us, they should be permitted their leisure time and their social life; they should be allowed and encouraged to enjoy their leisure. This should not be curtailed by any Act of this Parliament, particularly by the extension of trading hours. We should not, I submit, agree to legislation in this day and age which will in fact curtail the leisure time of those involved in the industry. It will curtail their leisure on Saturday afternoon as much as it will in relation to Wednesday evening.

It is submitted—and I suggest that this is the real reason for this Bill—that the motor industry wanted the legislation because of the feeling that the inspectors of the shops and factories were impotent in their policing as the penalties being imposed were not severe enough. It was made obvious in the Minister's reply to the member for Mt. Hawthorn that this was the case. I do not think we can make out a case for increased penalties when it is quite obvious that the penalties at present applicable are not being imposed.

I think we should look more to a proper use of the Act as it at present exists before rushing in and increasing penalties. I am convinced that an increase in penalties is not the answer. I feel the answer is a proper use of the penalties that exist, together with the proper control of advertising—which is the only part of the legislation I can support—which in fact implies that a shop will be open for business at a time when it is required to be closed. If we can achieve these two objectives we will meet what originally prompted this legislation. The only part of the measure that I can support is that dealing with the control of advertising.

MR. W. A. MANNING (Narrogin) [8.10 p.m.]: Consideration of a measure like this requires some balance between the demands of the public, which are to be catered for, and the proper control of trading hours, so there will not be too great a burden on those responsible.

In this particular case there appear to be some peculiar circumstances which are difficult to interpret. The member for Belmont said there was no demand for the extra hours of work on Saturday and Wednesday; yet a little later he contradicted himself by saying the papers were advocating these longer hours of trading because of the advertising they would bring in.

Mr. Jamieson: You are putting the wrong words into the right mouth now.

MR. W. A. MANNING: It seemed a very confused argument to me, but I agree the situation is confused.

Mr. Bertram: It is not; it is perfectly clear.

MR. W. A. MANNING: There are certain aspects which are quite definite. One is that there is some demand for the sale of used cars after hours. This afternoon the Minister said there were 29 prosecutions for after-hours trading.

Mr. Bertram: In how many years?

MR. W. A. MANNING: In one year.

Mr. Bertram: What is the average?

MR. W. A. MANNING: I am not concerned with the average. I notice the tide of prosecutions is rising.

Mr. Toms: What about the fines?

MR. W. A. MANNING: That is the beauty of the Bill before us; it does rectify the fines that can be imposed and that is why I support that aspect.

Mr. Jamieson: They have never imposed the fines that exist now; how can you get them to impose the others?

MR. W. A. MANNING: There must be some demand or the industry would not be working extra hours. If it is trading during the extra hours there must be a demand. If members look at this evening's issue of the *Daily News* they will find advertisement after advertisement suggesting that we phone so-and-so after 10 p.m. tonight.

Mr. Tonkin: How much notice did the Government take of the demand for banking facilities on Saturday morning?

MR. W. A. MANNING: We are not talking about banking but about motorcars and I suggest that the honourable member look at the *Daily News* to see the number of advertisements in that paper.

Mr. Jamieson: The *Daily News* is breaking the law. It is breaching the Criminal Code and helping people to break the law.

MR. W. A. MANNING: I am merely indicating that there is some demand for this aspect, but how big it is I do not

know. I do not suppose anybody knows how big it is. It means that somebody is taking advantage of the position, otherwise the people concerned would not bother to advertise that they are open for 24 hours.

Mr. Jamieson: Have you ever had somebody say he has had trouble buying a motorcar.

Mr. O'Neil: Of course they will have no trouble if they are open 24 hours a day.

Mr. Jamieson: They will use a public convenience if it is open 24 hours a day.

MR. W. A. MANNING: I am merely illustrating the fact that there is obviously a demand for used cars after hours. If this were not so, there would not be so many advertisements; there would not be prosecutions for trading after hours. There must be some demand.

I do believe, however, that we should have some balance in this situation. The people conducting the saleyards in question should not be forced into doing something—though perhaps I should not use the word "forced" because the Minister would say they are not being forced since the whole thing is optional.

The used car business is highly competitive and if one sale yard is open and the one opposite is not, the latter will be discredited. Although the law does not compel these people to work after hours, the state of business makes this necessary. I do not think the used car dealers should be deprived of using all the hours they can to their own benefit, but there must be some balance in these things.

Mr. Jamieson: You had better be careful and watch your words because the liquor legislation will be coming up shortly.

MR. W. A. MANNING: I will not retract anything I have said, but I do think there should be some balance in the situation. To ask traders and their staff to work the widely extended hours—which include Saturday afternoon—proposed in the Bill is certainly not justified.

I am right with the member for Darling Range, strangely enough, in that I support the amendments concerning the increased fines and, to partly meet the demands of the public for sales after hours, I agree that the Wednesday night amendment could be included.

However, at this stage at any rate, I oppose the inclusion of the Saturday afternoon extended hours. I feel that the present provisions, plus the Wednesday night extension, would be sufficient to satisfy the needs of the public. We should at least give such provisions a fair trial and ascertain whether there is any demand for any further extended hours.

MR. GRAYDEN (South Perth) [8.16 p.m.]: Most of the arguments in respect of this particular measure have been submitted on a number of occasions. All members are familiar with them and in those circumstances I will not reiterate what has already been said.

I rise simply to say that I, too, support the member for Darling Range. I am delighted to hear that the member for Narrogin is also opposed to the clause dealing with Saturday afternoon trading. I support the Bill, generally, because it contains provisions which will enable the Act to be policed effectively. However, as I have said I oppose the provision relating to the opening of these establishments on Saturday afternoons. I believe that this amendment would be an unwarranted intrusion into the family lives of the many hundreds of individuals concerned in the motor industry. In addition to that, of course, it would be an unwarranted burden on the motor industry itself.

Today we are going out of our way to suggest to those engaged in industry that they economise, while at the same time we are intending to burden this particular industry by providing that these establishments open on Saturday afternoon. If this clause were passed we would very soon find that every establishment would be forced to open in order to compete with others engaged in the industry.

This is an extraordinary state of affairs. This amendment would not result in a single additional car being sold. It would simply result in a far greater work force being necessary, and in those circumstances I think the provision is a ridiculous one. I sincerely hope that when the Bill reaches the Committee stage, this particular clause will be deleted.

MR. FLETCHER (Fremantle) [8.19 p.m.]: I did not intend to join in this debate, but I find it necessary to do so. As distinct from those who have just resumed their seats I oppose any extension of hours, on both Wednesday and Saturday.

The only phone calls I have received from secondhand saleyards have been from those who oppose this legislation, and as a consequence I believe that the majority of car saleyard proprietors are opposed to the extended hours. I have seen correspondence containing 68 signatures in opposition to this legislation. I do not know whether the member for Belmont made that point but I believe the correspondence is in his possession. Having seen it and having had no requests for extended hours, I must oppose the legislation.

I also oppose it on the basis that it is a breaking-down of industrial conditions. Those on this side of the House in particular have, over the years, fought for a 40-hour week. I know that in many instances this has been broken down because

prices and charges have risen to such an extent that longer hours must be worked in order that people might earn sufficient on which to live. However, I do not see why employees of secondhand car saleyards should have to indulge in unnecessary overtime. I will fight for the retention of the 40-hour week as will others on this side of the House.

Another contention of mine is that a limited amount of finance is available for the purchase of secondhand cars. That being so, the existing trading hours are quite adequate. If the trading hours are extended it will not make more finance available for the purchase of more cars. The vehicles which are available for purchase can be sold during the existing hours.

Newspapers, particularly, have stated that the purchase of a car is a family affair. However, cars are on display 24 hours a day, and this includes the weekends. Those desiring to purchase a car can indulge in what is popularly known as "window shopping". Having seen a car of their choice, they can the next day get in touch with the firm concerned and indicate that they have taken a fancy to a particular car in its yard. The car will still be there the next day. As a matter of fact, as someone has already said, it is necessary at times to almost kick salesmen off the doorstep. Has anyone here ever had difficulty in buying a car during the existing trading hours? I am certain no-one has. As a matter of fact as soon as a person even so much as hints that he is interested in purchasing another car, he is practically persecuted by salesmen.

In all these circumstances why is there any necessity to extend trading hours? Has anyone here given thought to the repercussions which will flow from the opening of secondhand car saleyards on Saturdays and Wednesdays after the existing hours? To my way of thinking hire-purchase complications will arise if facilities are not readily available for the arrangement of finance. The insurance of the car is also involved. Will staff be made available to provide this service? Licensing is another factor. Will the police be expected to be available to license vehicles at all hours? The police, in Fremantle at any rate, are having trouble enough now in regard to this matter. If these cars are to be sold on Wednesday evening and Saturday afternoon, I believe that other complications will arise.

The Press, for example, has advocated a 24-hour service for petrol sales, and sales of other commodities. Members have only to study the situation at their local service stations to realise that the staff might be able to go off at a reasonable hour, but the proprietor cannot; he has to keep his doors open for 12 hours a day. If the 24-hour service were to be instituted, these service stations would not take enough during the off-period hours to pay an employee's

wages. I assume the same would apply to the sale of secondhand cars. The yards would be kept open despite the fact that no additional sales would be made. Staff would have to man premises unnecessarily. Of course, this does not worry certain newspapers. The point has been made that they would receive much profit in the way of advertising.

I think it was the member for Narrogin who said that the Minister had stated it would not be incumbent upon anyone to open a secondhand car saleyard during the extended hours. However, I submit the point, as it was submitted to me by those who contacted me, that if it is a case of one in, it will be a case of all in, simply because of the competition.

For the reasons I have stated, but principally because it would constitute a breakdown of industrial conditions, I oppose the legislation in its entirety.

MR. BERTRAM (Mt. Hawthorn) [8.25 p.m.]: I oppose the measure. If there was ever a time I might not have opposed it, it would have been before I asked the Minister a number of questions without notice today. Because of his poor performance in answering those questions I am left with no alternative but to oppose the measure.

If this Parliament were functioning as a Parliament instead of functioning as it does with the Government having the numbers, this Bill would go out. I say it should go out in its entirety.

If we intend to do something worth while about this Act, which we should have done half a decade ago, we should introduce a Bill and include what is necessary, and no more. We could use the proper methods to place the Act in order rather than administer a *coup de grâce*—a 25-pounder variety—quite unnecessarily.

I find it very hard to believe that the Minister for Labour was the initiator of this measure. I believe it emanated from some other source. It is always very interesting to know just where a Bill starts, just as it is important to know where a person stands before we start weighing up how much credence or weight we can attach to what he says. The Minister's lack of heart for the measure was apparent in the second-reading speech. It told us nothing to justify the introduction of a Bill of this nature, which seeks to turn the clock backward by 100 years or thereabouts.

In 1870 the battle began—although it could perhaps have been going on for some time before then—by people of Labor persuasion in the main, to do something about the working conditions to which people were subjected at that time. The battle was started to determine how many

hours people should work. At the time the argument was that a limit should be placed upon the number. It was also felt that the working conditions for women, juveniles, and children should be radically improved.

As I said this battle was raging in 1870 and various Acts have been passed since then to give effect to those laudable aims. In 1904 the Factories and Shops Act, which is the one now under discussion, came into existence; and now the Government is seeking to reverse the position.

Just as those with Labor convictions were concerned in 1870 to protect young people and women, so today we are. Yet the Government desires to turn the clock back because under these amendments the parents of young people will not be at home with their children. We will find that the Children's Court, the Local Court, and the Criminal Court will be inundated with cases because parents will not be in a position to give attention to their children. This situation has already arisen to a certain extent because it is necessary for there to be two wage earners in a family instead of one. However, under this Bill a 65-hour week will be involved. If this sort of amendment is to be made, a case and a half must be submitted in its favour. However, no case has been submitted: no attempt whatever has been made to submit one.

Let us have a look at a few points in respect of the Bill.

Perhaps I should make one further comment before I go into the various items. When a worker goes to arbitration, to his employer, or to some other body which determines wages, he is told that the industry cannot afford an increased wage. The usual cry is, "How are we going to keep exports up? How will we do this, and how will we do that?"

On this occasion it does not seem to concern the Government who will meet the inevitable increase in costs on new and used cars. Surely the answer is that it will cost \$100 a car and the people should not be saddled with that extra expense. Surely, if the Government has a different idea it should state what it considers the cost will be.

My information is that it will cost as much as \$100 per car, and there is no argument to the contrary. What will this extra cost entitle people to do? A person will be able to walk in at 9.30 p.m. on a wintry night and start looking at used cars. Of course, at such an hour his wife, children, and perhaps his mother-in-law—whoever is involved in buying the car—may go along too, but my information is that people do not buy cars in this way. This would be an exception to the rule to say the very least.

However, the Minister when introducing the Bill did not say that the idea was to enable people to buy cars on Saturday afternoons or Wednesday nights. We try to take notice of what the Minister says and, on that occasion, his words were—

... by providing additionally for Saturday afternoon, will allow more hours of daylight for the purchasing public to inspect used vehicles.

He has not mentioned new vehicles and seems to have forgotten them. New car dealers will be caught up in this, too.

The proposition is not to allow more hours of daylight for the purchasing of used vehicles but for inspecting them. In fact, that is all the public will be able to do; namely, inspect used vehicles. People will be able to inspect used vehicles on Saturday afternoons so that they can consummate the purchase at some indefinite future time, if at all.

We know the reason for this, because it is quite obvious. If used car premises—and let us not forget new car premises—are to operate, then all sorts of ancillary services will be necessary in order that they may operate effectively. For instance, it will be necessary to have on hand a mechanic, a switchboard operator, and clerks, for these people are all part of the infrastructure of the used car set-up. Additionally, insurance representatives outside of the organisation would be involved as well as finance officers in the used car organisation and finance companies outside of it. People will want to obtain meals from somewhere. Who will provide these on a Saturday afternoon? Further, the Trade Protection Association has a very important role to play in the used car business because, as members well know, it gives information on the ability of people to pay and their reliability in business transactions.

Presumably, too, it would be necessary to license cars after hours. I do not know what the Police Traffic Branch would do about that, because, as far as I know, the branch is not open on Saturday afternoons or until 10 p.m. on Wednesday. Signwriters, too, would be part of the work force. To be a going concern, it would be necessary to have signs such as "Stock For Sale" placed on vehicles, together with any other gimmicks which are used by the dealers.

It should be remembered that a 40-hour working week is written into the Factories and Shops Act. On the one hand, that principle is expressed but, on the other, the legislation which is now before the House expresses a different principle. We are turning the Act around in the same way as we turned around another Act in recent times; namely, the Trade Descriptions and False Advertisements Act. That Act was supposed to be for the protection of the purchasing public but, in

recent times, we turned the Act around so that it will defeat its purpose of protecting those purchasing goods and will create a trap. Similarly, we are turning this Act around. Instead of legislating to bring the hours down we will, in effect, push them up.

I do not know what the member for Narrogin meant, because he went backwards and forwards when he spoke. However, his last comment was concerned with whether it would be permissive or mandatory for used car dealers to open if the Bill becomes law. Eventually, he finished up agreeing that it will be mandatory for them to open. Of course it will be mandatory. It is useless to say that it is not laid down in the law, because it will become law. The law will establish a set of circumstances which will make it inevitable for used car dealers to open and trade on Saturday afternoon. There will be only rare exceptions to the rule.

Saturday afternoon is a time when people should be out with their families, either relaxing or enjoying sport. Also, they will have to be on the premises on Wednesday until 10 p.m. if only to sit around, frozen, on a winter's night. They will know that they will not sell more cars, because the odd additional car that will be sold under this scheme can be discounted. I think all members are agreed on this point. Nevertheless, every used car dealer will have to remain open, because there is only a certain turnover to be absorbed and it will be necessary for all to remain open to ensure that they obtain their share.

This is the state of affairs which will occur through this amending Bill and not through any accident. It will occur purely because of the passing of this measure, which will have the force of compulsion because it will make people work when they do not wish to work. This statement is borne out by the 90 per cent. who signed a petition in record time—in fact, in 24 hours. All the petitioners placed on record that they do not want this Bill. They will be forced to work and that is why they do not want it. It is not a case of giving them the right to work; that is not the point at all. They will be compelled to work when they do not want to and when they know it will be quite unnecessary for them to work.

On the other hand, we are told that if we look around we will see that used car dealers are operating on Saturday afternoon, Saturday night, and on Monday, Tuesday, Wednesday, Thursday and every other night. If this is so, we have to do something about it. They are operating because the law, as it stands, has not been enforced and no real attempt has been made to enforce it. The position has been created. Used car dealers have seen that the law has not been enforced and they have been pushed into the situation of

having to break the law to survive and to obtain their share of business. That is what has happened. If the law had been enforced, this position would simply not have occurred.

In answer to a question which I asked the Minister, I find that there has been a total of 70-odd convictions over a five-year period, which is an average of 14 a year. Is that justification for bringing in monstrous provisions which will belt the trade into submission? That is the evidence before us, if one can call it that. Do we have to go to these lengths on the strength of it?

An amendment should be brought down to overcome the position. The people in the industries concerned would be completely in favour of it, because they say that the remedy really hinges on two points. I think everyone who knows anything would know that this is true. The two points are, firstly, law enforcement and, secondly, effective fining machinery. This was pointed out in the petition which was presented to the House earlier today.

The petitioners urge that there be much stiffer penalties on a graduated scale of something like \$300, \$400, and \$500. They are not urging that those figures be the maximum, but a flat fine. The penalty for a repetition of the offence should become \$500, whether the repeated offence occurs within a certain space of time from a first offence or at any time subsequent to a first offence.

Let us look at the penalties which are proposed in the legislation. They will offer no deterrent whatsoever and will only provide a revenue-raising exercise. The penalties mentioned are \$25, \$30, and \$40. I have before me the instance of a dealer who was fined five times at \$30 a time. Probably the fines were imposed on the same day. This kind of money is deducted from petty cash. Penalties like this achieve nothing. An organisation would regard it as purely routine business expenditure. To lay down penalties of this sort indicates to the used and new car dealers that the Government is not serious. All it does is urge the dealer to carry on in the same way because he knows—if he knows anything at all—that it is not a serious attempt to do something about the law.

What is wanted is law enforcement in a proper and efficient manner as well as proper fining machinery. That is all that is necessary if some experimental legislation is necessary. The Government should not go from the sublime to the truly ridiculous. It should not go to the lengths of compelling people to work 65 hours a week because of a situation which has arisen. It is only necessary to exercise a little common sense and to say, "We shall alter the penalties and enforce the law."

Used and new car dealers who are trading out of hours are doing so because the law has virtually pushed them into that situation. The Government then places the blame at their door and brings in an amending Bill. The Government should blame itself and do something about it. Of course, it is easy to blame the other man, and there is nothing new about this practice. Surely members of Parliament are sufficiently grown-up to realise that we do not need to use that technique and that, if we do use it, we will not get from the people of the community the credit which should flow to the Parliament.

I asked the Minister in my question—

Will he give precise details of each of the "additional costs" alleged by the 166 metropolitan car dealers' petition to be involved in an extension of trading hours?

Evidently used car dealers told the Minister that additional costs would be involved and that this would be bad because the public could not stand it. In any event, I hope this was said, because the public cannot stand it. In answer to my question the Minister said—

I am unable to give the precise details of each of the additional costs alleged by the 166 metropolitan car dealers' petition to be involved in an extension of trading hours.

It is suggested that this question would best be directed to the used vehicle division of the Automobile Chamber of Commerce.

I am not a member of that august body. As a member of Parliament, I think my duty starts and finishes by asking a proper question at the proper time of the proper Minister, which I did. It is quite evident to me that the Minister has not acquainted himself with what the additional costs will be; but surely we are entitled to know this information, because it is so important. Members of the public, when deciding whether the legislation is good or bad, will not be disinterested in the question of costs and will want to know whether a car which costs \$900 today will cost \$1,000 tomorrow. This is a highly relevant factor.

I submit that the Minister should have found out what the cost will be when he received the petition. The Minister should know this information if he is doing his job and treating the Bill on its merits and has not introduced it for some other reason which has been suggested by various members but upon which I do not propose to comment, because the ground has already been canvassed.

My next question was—

Who will pay the "additional costs"?

The Minister replied—

This is a matter which should be referred to the used vehicle division of the Automobile Chamber of Commerce.

Why? As we have no answer, I am left in the position where I must put my own proposition. As I have intimated, clearly the people who will pay the additional cost are the usual ones—the public. I asked the question—

How many more cars will be sold per week by reason of the additional hours?

The answer was—

I am unable to say whether or not more cars will be sold each week if additional trading hours are approved.

Once again we are not given the proper kind of evidence on which to make a determination as to what we should do with the measure, but I would say that the sales of cars will not increase in a perceptible manner at all. I draw a very real distinction between the sale of cars and the sale of ice cream and drinks. They are completely different things. If one is dry, one can walk into a shop, if it is open, on a hot Saturday afternoon; but the same thing does not apply in the motor vehicle business.

I said earlier that something should have been done to give the used car dealers and the new car dealers a fair go on this matter, and in my question I asked—

How long have the said practices been used?

The answer was—

It would appear that these practices have occurred ever since the development of the used car motor vehicle business.

So we are really on the move here. I do not know how long the development has been going on, but it is now 1970, and I suggest we have taken a long time to move. Perhaps the Minister would be good enough to explain why we have moved in 1970. It is an election year; I do not know whether that is relevant. Why did we not move in, say, 1968?

Section 83 of the Factories and Shops Act sets up what is known as the Retail Trade Advisory and Control Committee, which consists of three members. If members are interested, they will ascertain who those three members are at the present time by looking at the answer to a question which was asked earlier today. What does that committee do? What are its powers and duties? Section 84 (1) reads—

The Committee shall—

- (a) investigate and make recommendations to the Minister on such matters relating to shops and in particular with regard to the business carried on in shops, the type of goods sold

therein, the hours of trading therein, the number of persons employed therein—

The hours of trading therein; I should have thought that had this Bill really—

Mr. O'Neil: Would you read to the very end? It requires that they do this all the time. The very last line.

Mr. BERTRAM: I would not argue about that.

Mr. O'Neil: It says, "... as the Minister may refer to it for the purpose;"

Mr. Lapham: Why didn't you refer it?

Mr. O'Neil: That is my business. The speaker is implying that this is their job. It is not.

Mr. BERTRAM: It makes no difference to the case. It strengthens it. The point of it is that this committee is there for this purpose. This Parliament has said it is there to examine such things as trading hours. On this occasion we have snubbed the committee. Why did we do that? In the second reading speech no reference was made to this. They are the experts put there to do a job; to examine, as I see it, the very type of proposition that we have before us at this moment. They made no recommendation, and indeed, as the Minister was kind enough to point out to me, they were not even asked to express an opinion. I am able to say that because, as I have said, the answer was given to a question earlier today.

I do not think it is irrelevant to mention that there is a section in the Used Car Dealers Act which the Minister could have invoked if he had really been serious. He could have cancelled licenses under section 15 if he had seriously wanted to do something about this Bill. He would have done it with very grave misgivings. I do not encourage this type of thing. If he were serious about after-hours trading he could have invoked that; he could have taken the license away.

As it goes to the livelihood of people, one certainly would not use it very often, but it is worth while remembering because if we are going to have laws and we are really determined to make them operate, we should let the people concerned and the public know that we mean business.

I asked another question as to who the people were. The Minister had some difficulty in understanding what I was getting at. There may have been some justification for that—but it does not concern me greatly. What has emerged from the answer to that question or another question is that only the operators have been prosecuted. I am a bit puzzled as to why the people who have been going there, and who have offended equally as much as the operators, have not been dealt with. If a few people had been prosecuted in this way, the problem that is said to exist

now, the situation that the Government has inflicted upon itself, might not have occurred.

Members who mentioned the Criminal Code were probably referring to section 7 of the Criminal Code, concerning people who aid and abet others to carry on unlawfully. They are just as blameworthy and are dealt with on that basis. As the law now stands, no serious attempt has been made to make it work. I wonder why.

The member for Darling Range made the comment that something has been required by way of amendment to the Bill for some time. He referred to the situation in the used car business. I suppose he is aware that it applies to new car dealers also. I mention that in case there is some misunderstanding about the real position.

I think it is very unfair that when members of a trade—used car dealers, in this case—press for something to be done by way of amendment to the Act, no weight is given to their wishes, and no apparent effect is given to their wishes. They are the people who are more directly concerned than anybody else. They earn their living from the occupation they are working at for at least 55 hours a week. They know the problem. They are the experts. Generally, I think one takes the advice of experts. In this case, as I see it, the experts have been disregarded.

The member for Narrogin sought to take advantage of something that was said by the member for Belmont, that there must be some public demand. My submission to this House is that if this Act were put to work in the way that it could be put to work, if there were merely an amendment by way of penalties, and at the very most something done in respect of advertising, that is as much as need be done at this stage, because there simply would not be any demand at all. If there is no advertising, where will the people go? The advertising is the real basis, the prime cause of the situation, other than law enforcement, of the disinclination of the Government to enforce the existing law. Advertising stimulates and aggravates the whole situation and has been allowed to continue. Even in today's newspaper there is ample evidence of this advertising.

I think the Minister in another place indicated that some of these provisions in the amendment were derived from other States. I regret that in view of the fact that the Bill was introduced only last Thursday I have been unable to obtain information which I believe would show that in the other States this system is not working well. In the official publication of the Western Australian Automobile Chamber of Commerce (Inc.), *Motor Indus-*

try, there is some information from the United States on this matter of extended trading hours. It states—

It is significant that one of the strongest expressions made to Australian Storekeepers by their American counterparts during overseas educational tours arranged by NARGA—

I understand that is the North American Retail Grocers Association, or something of the sort. To continue—

—in recent years, has been this type of comment:

"Retain your sensible approach to Trading Hours in Australia. We (U.S.A. Storekeepers) would give anything to get back to conditions that do not require us to trade 6 and 7 days a week for inordinately long hours — 12, 16, hours per day. It is physically and mentally killing to the storekeeper, who gains nothing like a commensurate return for his capital investment, risk, and personal effort. Such long trading hours are not justified, even in heavily populated cities. It is one of the mistakes made in the name of maximum "liberalisation" in some aspects of American democracy".

Mr. Lapham: You will have to send the editor of *The West Australian* over.

Mr. BERTRAM: I certainly hope that we have not reached a stage in which our lives consist of spending almost all of our time earning money so that we can then proceed to spend it.

There is a great deal more in life than that. We should turn our attention to quality in life rather than to quantity; that is quality of services and quality of goods. Wherever one turns these days one has poor quality served up. The garments that we bought years ago would last a couple of years, but now they fall apart after a couple of weeks. The containers that we now buy are continually shrinking in size despite the fact that the price continues to rise. If we want to do something for the public let us turn our attention to the quality of life, the quality of goods, and the quality of services rather than waste our time in the way we are doing with this legislation. I oppose the Bill.

MR. O'NEIL (East Melbourne—Minister for Labour) [9.1 p.m.]: One does not need to be a mathematician to work out the likely fate of at least some parts of this measure when it reaches the Committee stage. It has been clearly indicated by members of the Opposition that they intend to oppose all the provisions contained in the legislation; at least, the principal speaker for the Opposition has given this indication, although I sense that there are some members of the Opposition who consider that certain parts of the Bill do have merit.

I also realise that although there are certain members on my side of the House who agree with the broad principle of the Bill, they are likely to take some action to have the Bill amended in Committee. Be that as it may, I think that, firstly, we should take a look at the principles that brought about the introduction of the factories and shops legislation. The member for Mt. Hawthorn has said that at least a decade ago—

Mr. Bertram: Half a decade ago.

Mr. O'NEIL: Very well. He said that at least half a decade ago we should have had a good look at the factories and shops legislation in this State. I would point out to him that not much more than half a decade ago—in fact, in 1963—a piece of legislation was introduced to consolidate and amend the law relating to the control of factories and shops. So, in fact, this is a new piece of legislation. The schedule to this particular Act lists a considerable number of amending Factories and Shops Acts that were repealed, and it also indicates that the initial approach relative to the control of the health and welfare of workers in factories and shops was made about 1920.

I think we should have regard to the fact that the reason for this piece of legislation was to limit working hours; it was not for the purpose of controlling trade. It never was at that time. In 1920 the Government of the day desired that certain minimum standards be laid down relative to the health, welfare, and safety of workers in shops and factories, and so the minimum standards relative to the hours during which these places could operate were laid down in the law so that workers would not be required to work outside the hours stipulated which, from time to time, have been gradually reduced until, as members realise, we now generally recognise and accept the concept of a 40-hour week.

However, the purpose of the provisions relating to trading hours in this law is not to regulate trade, but to ensure that where a worker is not covered adequately by an industrial award or agreement the law shall stipulate the hours he may be required to work without the payment of penalty rates. The member for Mt. Hawthorn made some criticism about laws being designed for one purpose and then being used for another. Surely we have one example here. The law relating to the control of trading hours was designed for the purpose of protecting the interests of the worker. It is now being used to regulate trade on an entirely different basis.

Bearing that in mind, we now must come to the argument about permissive legislation, or the fact that if the Bill I have introduced becomes law it will become mandatory, because of competition, for car yards to remain open for the

maximum time permitted under the law. However, I think it is well known that retail stores in Perth at the present time do not remain open for the maximum time permitted under the Factories and Shops Act. The Act permits shops to remain open from 8 a.m. to 6 p.m., but many of them open at 8 a.m. and close at 5.30 p.m. Therefore, this gives the lie to any statement that the law provides that shops must open during the hours stipulated in the Act.

Mr. Jamieson: But employers operate under a different set of circumstances, and you know it.

Mr. O'NEIL: I thank the honourable member for his interjection, because in my opinion, these provisions should, in view of the fact that this law controls the working hours of employees, be incorporated in the Industrial Arbitration Act, which covers the interests of workers and their unions.

I know that in Tasmania, which is under a Labor Administration—by accident I must admit, and not by design—trading hours are not controlled, with the exception of trading hours for the sale of petrol. Every member who has been to Tasmania knows this. I also know from inquiries I have made and from some observations I made some little time ago that in that State trading is not conducted for 24 hours of the day. I know it is extremely difficult to get even a meal in Hobart on a Sunday despite the fact that there is no control of trading hours in that State's factories and shops legislation. I merely make that point because during this debate it has been said so often that if we allow certain classes of traders to trade for longer hours then they must. That is patently untrue.

Mr. Lapham: It is a legal requirement, though.

Mr. O'NEIL: Why has not that happened in Tasmania? Why do not the retail stores in that State open during the maximum number of hours they are permitted to trade? Why is it that housewives in the Perth metropolitan area cannot buy meat from many shops after midday on a Saturday when the butchers may remain open until 1 p.m.? It is not because of any provisions in the factories and shops legislation; the reason is merely that the person giving the service is closing his premises at the hour he wishes to close them. I think the Opposition admits there is no answer to the issue of permissiveness and mandatory requirements.

Mr. Jamieson: You know very well that this is a matter of the hours they are allowed to work without being paid overtime rates.

Mr. O'NEIL: Of course it is. The hours of a man's employment are controlled by the awards and agreements which are

registered by his organisation and by his employer under the Industrial Arbitration Act, and not under the provisions of the Factories and Shops Act.

Mr. Jamieson: It is the same in Tasmania. That is why the shops open in Hobart and do not open in Launceston.

Mr. O'NEIL: Of course! In other words, I could repeal the provisions relating to the trading hours in this Act and nothing would happen.

Mr. Jamieson: The reason for that being the position in Tasmania is that there are certain laws in regard to trading hours in Launceston that cannot be used in another part of the State.

Mr. O'NEIL: There are no laws regulating trading hours in Tasmania. The only restrictions in regard to trading hours apply to the sale of petrol.

Mr. Jamieson: Because that is the desire of the employers.

Mr. O'NEIL: Yes, and that is why the position should be covered under the industrial law and not under the factories and shops' law.

Mr. Bertram: Does the court write certain provisions into the award?

Mr. O'NEIL: Yes. The honourable member suggested that we need a new Act, but, as I have said, the original Act was designed in 1920 for the purpose of looking after the health and welfare of employees and not for the purpose of regulating hours.

Mr. Lapham: Are you trying to argue that you do not expect all traders to operate under the provisions relating to Wednesday and Saturday?

Mr. O'NEIL: I am not arguing on this issue at all. I am simply stating that this Act should not be used to regulate trading hours as such, because originally it was designed to look after the health and safety of workers.

Mr. Lapham: There would not be an Act on the Statute book that would be used purely for the purpose for which it was originally introduced.

Mr. O'NEIL: I thank the honourable member for that interjection, because I think that answers the member for Mt. Hawthorn and strengthens my argument. I think all the arguments for and against have been canvassed adequately by members on both sides of the House. I indicated earlier that one did not have to be a mathematician to have some indication of the fate of this piece of legislation.

I want to make it clear—and I think members will agree—that I was quite fair in introducing this Bill by giving a clear indication that those in the trade did not want extended hours. Early in the debate comments were quoted about a petition being presented to the Government

requesting additional hours, but also requesting a substantial tightening up of enforcement provisions.

Mr. Lapham: Can you tell us who wants them? It would only be *The West Australian*.

Mr. O'NEIL: The implication by the honourable member that I take much notice of *The West Australian* when introducing legislation indicates that he does not know much of the experience I have had in my dealings with the Press. If he talked with the member for Belmont he would appreciate that I am not much impressed with the editorial comment of any newspaper.

Mr. Jamieson: Do you still have the same suit?

Mr. O'NEIL: I still have the same suit and they still have the same photograph.

Mr. Jamieson: I thought you might have burnt it after that.

Mr. O'NEIL: That is quite a pleasant interjection, but I am certain that no-one will accept a statement to the effect that I am obliged to do anything following the publication of an editorial in any newspaper.

Mr. Lapham: No-one wants this legislation, not even your political party is asking for this.

Mr. O'NEIL: I can tell the honourable member that it is. He has asked me to give him some reasons and now I have given him one.

Mr. Jamieson: Now we know! This is the first time you have done something that has been asked of you.

Mr. O'NEIL: The honourable member, surely, does not watch TV or does not listen to the radio, because if he did he would surely know that members who are subject to being telephoned, written to, and spoken to are not orphans. The Minister is subject to much the same sort of procedure and a lot more. It is the general policy of the free enterprise parties that there should be a liberalisation. The party recognises that there is a need, in specific circumstances, to regulate trading in the interests of all concerned, but when there is a clear indication of public demand and an equally clear indication that there are people prepared to service and meet that demand, we consider we should have a look at the position with a view to seeing if something can be done.

It has been said that no-one finds any trouble in purchasing a car after hours during the week, on Saturday afternoon, or on Sunday. Surely no-one will deny that. If there are people who are prepared to give that service, then what are they serving? Are they serving an area where there is no demand? Surely it follows that there must be some demand which encourages the provision of such a

service; encourages it to such a point that the law is broken in order to render it. Also, this question has been asked: If we make used car dealers stay open, how will they be able to obtain insurance and finance? That question can be answered by asking: How do they do it now? We know it is done. Therefore, such a statement is absolute rubbish.

There are still some members in this House who will recall that some time ago used car dealers, as an organisation, complained that the State Government Insurance Office was pinging on them to the Factories and Shops Department—which happened to be in the same building—because the State Government Insurance Office had an after-hours telephone number which car dealers could call in order to arrange cover for vehicles sold after hours. The accusation of the traders was that this officer of the State Government Insurance Office, who was acting quite legally, was passing on information relative to the sale of used cars to the Factories and Shops inspectors, thus enabling them to prosecute the dealers. So members opposite should not tell me that that cannot be done.

Mr. Bertram: They are not acting illegally.

Mr. O'NEIL: Of course they are not. There is nothing to prevent an insurance company from operating 24 hours of the day, and similarly there is nothing to stop banks and other institutions from doing likewise.

Mr. Jamieson: I hope you showed that the State Government Insurance Office was cleared of this action.

Mr. O'NEIL: It was absolutely cleared. To people who say this sort of thing does not happen, I give this example: Many insurance companies have after-hours telephone numbers which people can call to obtain insurance coverage. I have done this myself when I have had to make a quick air trip. One can telephone an after-hours number, and tell the insurance company what one is doing, and without documents or anything else one can be given the necessary coverage.

Mr. Bertram: You can do it with banks.

Mr. O'NEIL: I do not know about banks. I do not know whether a certain amount of finance is made available to used car dealers to carry on their operations, or whether in the case of cars the insurance company has a plan to cover the vehicles on the floor. It is patently foolish to say that this sort of thing cannot be done when, in fact, it is being done. This is one of the reasons why the trade itself is requesting stiff penalties in order to control the after-hours trading which is going on.

Mr. Dunn: This only applies to the opening of the yard.

Mr. O'NEIL: I will get on to that issue. Members have been so concerned with the provisions relating to trading on Saturday afternoon and Wednesday evening that they have not read the other provisions relating to the control and the elimination of wrongful trading.

When the Act was amended in 1963, I well recall, although I was not the Minister at the time, used car dealers, electrical traders, and a number of others, requesting permission to remain on their premises for the purpose of taking orders over the telephone for goods which they vowed they would not deliver other than in the normal trading hours on the following day or in the following week. I think the amendment was made quite intelligently, particularly as it applied to the sale of television sets when they were first introduced in this State. These sets had to be demonstrated at night, because there were then no television programmes in the daytime.

The Bill before us denies this right, because the fact that a person could remain on his premises for any purpose whatsoever made it extremely difficult to police the provisions of the Act; and one opinion had it that the inspectors of the department were required to actually witness a sale taking place and the changing of documents and money from one person to another. This provision is being removed from the Act, but it does not mean that people cannot take used cars home for the purpose of demonstrations. However, the Act in respect of advertising clearly bans advertisements by any means whatsoever—other than advertising by smoke signals—to indicate that a shop is open when, in fact, the laws says it should not be open.

These requests for the very strong tightening up of trading have come from the trade essentially and, to some extent, the technical arrangements have come from the department which is responsible for policing the Act.

Mr. Lapham: We agree with that.

Mr. O'NEIL: This is another indication by a member of the Opposition of agreement. In general terms many members opposite agree to the tightening up of the provisions, but the principal speaker for the Opposition says that his party is opposed to the Bill.

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

Ayes—24

Mr. Bovell	Mr. McPhailin
Mr. Burt	Mr. Mensaros
Mr. Cash	Mr. Mitchell
Mr. Court	Mr. Nalder
Mr. Craig	Mr. O'Neill
Mr. Dunn	Mr. Ridge
Mr. Gayfer	Mr. Runciman
Mr. Grayden	Mr. Rushon
Dr. Henn	Mr. Stewart
Mr. Kitney	Mr. Williams
Mr. Lewis	Mr. Young
Mr. W. A. Manning	Mr. I. W. Manning

(Teller 1)

Noes—19

Mr. Bateman	Mr. Jones
Mr. Bertram	Mr. Lapham
Mr. Bickerton	Mr. May
Mr. Burke	Mr. McIver
Mr. H. D. Evans	Mr. Molt
Mr. T. D. Evans	Mr. Taylor
Mr. Fletcher	Mr. Toms
Mr. Graham	Mr. Tonkin
Mr. Harman	Mr. Norton
Mr. Jamieson	

(Teller)

Pairs

Ayes	Noes
Sir David Brand	Mr. Davies
Mr. Hutchinson	Mr. Sewell
Mr. O'Connor	Mr. Brady

Question thus passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr. W. A. Manning) in the Chair; Mr. O'Neill (Minister for Labour) in charge of the Bill.

Clauses 1 and 2 put and passed.

Clause 3: Addition of section 91A—

Mr. DUNN: I move an amendment—

Page 2, lines 19 to 21 and 22—
Delete all words and symbols after the word "afternoon" down to and including the word "afternoon."

If passed, this amendment will make the Bill more acceptable. The Bill will still allow for the extension of trading hours on Wednesdays, but it will cut out the undesirable feature of members of the trade having to work on Saturday afternoons.

While this amendment will affect the trading outside the premises, it will serve to give protection to people who are engaged in the used car yards in that they will not have to extend their activities to the whole of their premises in order to comply with the provisions of the Act and with the requirement forced upon them by the activities of those who seize the opportunity to take advantage of the provision which allows them to trade on Saturday afternoons.

If the amendment does nothing else it gives to the used car trade and those who are concerned with these activities—the Factories and Shops Inspection Branch, for instance—a chance to see how the new provisions and the extended trading hours on Wednesday evening will operate.

The other provisions in the Bill are appropriate and necessary. They will enable those who are charged with the responsibility of administering the Act to do so with a reasonable degree of efficiency.

Mr. O'NEIL: I oppose the amendment, although it is a relatively simple one. This amendment will take out of the Act the facilities which dealers in new and used cars will be able to make available to the public on Saturday afternoon. I indicated in the second reading that these two additional trading periods were proposed.

Mr. JAMIESON: I support the amendment. I take this opportunity of reminding the Minister that he has let down the organisations which he mentioned when he made his original statement that extended trading hours on Wednesday was the basis of the Bill and that the extension of trading hours on Saturday afternoon was an afterthought. In the negotiations which took place earlier an amicable arrangement was arrived at between the two parties concerned, but it is to be altered. Because of that I am forced into the position of supporting the amendment, because half a loaf is better than none. I suggest that members could support the amendment, because by doing so they would, to a degree, make sure that the people about whom the Minister is concerned are given some protection.

I support the amendment because I believe this was the original intention but something went wrong along the line, and the Minister included the Saturday provision.

Mr. O'NEIL: I take exception to the comments just made by the member for Belmont. I assure the Committee that as far as I am concerned there is still an amicable relationship between myself and the two organisations which will be affected by this Bill. At all times I have been prepared to listen to their arguments, and at all times they have been prepared to concede that we have a different point of view.

Mr. Jamieson: Was there not a gentlemen's agreement?

Mr. O'NEIL: I suggest the member for Belmont talk to the gentlemen concerned because in my view there was no firm agreement. There was no firm agreement with regard to the other provisions. There were discussions between the two organisations and myself.

Mr. LAPHAM: I support the member for Darling Range in his amendment, purely because the amendment is far preferable to the clause as it stands. If the amendment is passed I want to make it perfectly clear I will oppose the clause. This will give the member for Darling Range and others who do not like the Saturday provision, an opportunity to get rid of the whole clause including Wednesday trading.

Whilst on my feet I would like to clear up an interjection I made to the Minister when he said that it was Liberal policy to introduce the question of Saturday and Wednesday trading. With your indulgence, Mr. Chairman—

Mr. O'Neil: He would have to be very indulgent.

Mr. LAPHAM:—I would like to quote a report. It is not a case of the view of *The West Australian*, but a report of the W.A. division of the Liberal Party.

On the 15th December, 1969, the factual report of the Liberal Party read as follows:—

The W.A. division of the Liberal Party has proposed that an independent commission be established to investigate the laws governing retail trading hours in the State.

The proposal was one of four recommendations in a policy statement on retail trading.

Mr. O'Neill: That statement has been repudiated.

Mr. LAPHAM: Further on the report read as follows:—

It accepted the need for laws to control trading hours where it could be demonstrated that regulated trading hours were needed for the good of the community.

We all agree with that; it will be found in Labor policy. To continue—

It recognised the need to keep the laws under review so that they could be kept up to date and in accordance with good service and public demand, particularly in specialised trades.

No-one would disagree with that. To continue—

The Government should consider legislation to set up a commission independent of trading interests before which any interested parties, including the public, could appear.

That is the object: that is something which is really worth while. There was an opportunity for the Minister to set up an independent authority to look into the question, but he did not do that. To continue—

Provisions should be made in the Factories and Shops Act for any retailer to serve a customer with anything in an emergency.

Mr. Lathby said the division decided that what constituted an emergency should be decided by the courts rather than be a rigid definition by regulation.

The object was to let the retailers serve, and if action was taken it would be in accordance with what the court decided. It would be found that there would not be a great number of emergency dealings in those circumstances. At that time the Minister said he could not see that the idea was a practical one. The report continues—

Mr. R. E. Packington, secretary of the Retail Traders' Association, said last night—

The CHAIRMAN: I do not think I can allow you to go on quoting from that report.

Mr. LAPHAM: I am only quoting a factual report, and not the opinion of the newspaper. However, I will not quote

further but state that Mr. Packington made it perfectly clear that, in his opinion and in the opinion of his association, it was not necessary to alter trading hours. The Minister and the Liberal Party are interfering with free enterprise, and free enterprise has asked that it be left alone.

Amendment put and a division taken with the following result.

Ayes—27

Mr. Bateman	Mr. Kitney
Mr. Bertram	Mr. Lapham
Mr. Bickerton	Mr. May
Mr. Burke	Mr. McIver
Mr. Dunn	Mr. McPharlin
Mr. H. D. Evans	Mr. Mitchell
Mr. T. D. Evans	Mr. Moir
Mr. Fletcher	Mr. Stewart
Mr. Gayfer	Mr. Taylor
Mr. Graham	Mr. Toms
Mr. Grayden	Mr. Tonkin
Mr. Harman	Mr. Young
Mr. Jamieson	Mr. Norton
Mr. Jones	

(Teller)

Noes—15

Mr. Bovell	Mr. Mensaros
Mr. Burt	Mr. Nalder
Mr. Cash	Mr. O'Neill
Mr. Court	Mr. Ridge
Mr. Craig	Mr. Runciman
Dr. Henn	Mr. Rushton
Mr. Lewis	Mr. Williams
	Mr. I. W. Manning

(Teller)

Pairs

Ayes	Noes
Mr. Davies	Mr. David Brand
Mr. Sewell	Mr. Hutchinson
Mr. Brady	Mr. O'Connor

Amendment thus passed.

Progress

Progress reported and leave given to sit again, on motion by Mr. I. W. Manning.

House adjourned at 9.43 p.m.

Legislative Council

Wednesday, the 15th April, 1970

The PRESIDENT (The Hon. L. C. Diver) took the Chair at 4.30 p.m., and read prayers.

MINING TENEMENTS ON CROWN LAND

Banning of Applications; Petition

THE HON. R. H. C. STUBBS (South-East) [4.32 p.m.]: I wish to present a petition from the residents of Western Australia concerning the banning of applications for mining tenements on Crown land. I move—

That the petition be received.

Question put and passed.