

Legislative Council,

Wednesday, 14th December, 1938.

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

BILL—RESERVES.

Second Reading.

Debate resumed from the previous day.

HON. J. NICHOLSON (Metropolitan) [4.37]: The Honorary Minister explained fully last night the provisions of this Bill, which is a kind of winding-up measure introduced at the end of each session. When it appears on the notice paper, we realise that Christmas is near.

Hon. A. Thomson: We are nearing the end of the session.

Hon. J. NICHOLSON: Yes. Certain provisions in the Bill affect the city of Perth, but one provision is outstanding and concerns every member. Other provisions relate to various districts. That happens each year, and I leave it to members whose districts are affected to make such comments as they may think proper in respect to those provisions.

The first provision deals with the reserve in the vicinity of Riverside-drive. Members will agree with me when I say that we are under a debt of gratitude to the city of Perth for what it has done to beautify that particular portion of the city. Formed out of reclaimed land, in the course of a few years it will be one of the most beautiful and attractive spots to be found in any city. The object of the provision is to excise from the Class A reserve those portions of land which form a continuation of certain roads leading down to Riverside-drive. The roads in question are Bennett-street, Hill-street and Plain-street. The Bill, when passed, will

vest in the City Council those particular roads, which the council has formed. We may pass that provision by, feeling assured that we may well leave to the city of Perth the further work of beautification in which it is engaged. This work of beautification is being done by the ratepayers of Perth, not by the general taxpayers.

Hon. W. J. Mann: That is a change.

Hon. J. NICHOLSON: Members representing country provinces will thus understand that the ratepayers are doing something that everyone will appreciate.

Hon. A. Thomson: We congratulate them upon meeting their responsibilities.

Hon. J. NICHOLSON: Clause 10 deals with the excision of portion of the Government House domain.

Hon. A. Thomson: Would that commit us to the erection of Government offices there?

Hon. J. NICHOLSON: If the House passed the clause, we could not object to the erection of Government offices upon that site. I wish to register my protest against the clause, and in Committee will vote against its retention. About two acres of the area are in question. The use of that space for Government offices would destroy the amenities of the district. In the interests of the Government officers themselves, they should not be housed in such a position. Ultimately it may be found that two acres are insufficient, and a gradual encroachment upon the area in general will result to meet the growing needs. This space should be preserved for all time.

Ample land is available around Parliament House upon which to erect Government offices. The position is central, and has the added advantage of being convenient to Parliament House. It is a good thing to concentrate departmental staffs in the vicinity of Parliament instead of having them scattered in various parts of the city distant from this building. An extensive frontage along Malcolm-street and Harvest-terrace is available for Government offices, and there is also the area fronting Hay-street that is now used for gardens and lawns. This could be adorned with a beautiful building.

Hon. J. Cornell: What about the Observatory site?

Hon. J. NICHOLSON: That also might be utilised.

Hon. W. J. Mann: Are you referring to the gardens around Parliament House?

Hon. J. NICHOLSON: I am referring to our gardens facing Hay-street.

Hon. J. J. Holmes: Plenty of land is available without using that.

Hon. J. NICHOLSON: I am not anxious to have it used for building purposes, but would point out that Hay-street is the main thoroughfare of the city and that a frontage to it must be regarded as important. Upon that site could be erected a building that would be an ornament to the city, should it be necessary to house Government officers there.

Hon. J. J. Holmes: You had better confine your remarks to the Observatory and the Barracks sites.

Hon. J. NICHOLSON: Should it not be the desire of the Government to erect buildings along the Malcolm-street and Harvest-terrace frontages, the height of the existing buildings bordering St. George's-terrace and Barrack-street, opposite the Government Gardens, could be increased.

The PRESIDENT: The clauses of the Bill can best be discussed in Committee. The hon. member is, of course, entitled, at this stage, to deal with the general principles contained in the measure.

Hon. J. NICHOLSON: That is so. The buildings opposite Government Gardens could be increased to eight or ten storeys, and the departmental staffs housed there. I support the second reading, but reserve my right to vote against Clause 10.

HON. L. B. BOLTON (Metropolitan) [4.45]: I join with Mr. Nicholson in an emphatic protest against the attempt to acquire two acres of land from the Government House domain. Before I became a member of this Chamber, I opposed the giving away of a square foot of ground that had been set aside in the city for the use of the people. Especially am I opposed to this particular area being utilised for the purpose suggested.

Hon. L. Craig: What site do you suggest for Government offices?

Hon. L. B. BOLTON: An ideal position for Government offices would be the site now occupied by the Barracks, which is centrally situated, is close to Parliament House, and affords ample room for buildings many storeys in height. These structures would be an ornament to the city. I support the

second reading, but in Committee will vote against Clause 10.

HON. J. CORNELL (South) [4.48]: I, too, am opposed to the excision of any portion of the Government House grounds for public offices. Last session this House made one of its greatest mistakes in passing a Bill giving to the Government power to lease public buildings. Be that as it may, the site we are now discussing would not be suitable for Government offices. The desirability of having Ministers located close to Parliament House raises no new question. In fact, in most of the prairie provinces of Canada Ministers are located close to the Houses of Parliament. The best site for Government buildings, in my opinion, would be the one occupied by Hale School, which is no site at all for a high school. I consider that a grave mistake was made in ever building the school there, and before it is too late negotiations should be entered into with the school authorities to take over that block. If the Government showed any vision, it would, independently of taking over the Hale School block, also resume the land fronting Hay-street, between Harvest-terrace and Havelock-street.

Hon. J. M. Macfarlane: Where would the Government get the money?

Hon. J. CORNELL: Where was the money obtained with which to resume the land in Oxford-street, Sydney? If we had a King O'Malley in the present Government he would get the money and it would be repaid tenfold. People laughed at King O'Malley when he bought the present post office site, but they do not laugh at him today. Even the Prime Minister asked him why he had bought so much land for the Commonwealth Bank in Sydney and his reply was, "We will sell what we do not want and it will pay for the rest." The ground rent over 30 years, I should say, would pay for the building on that site. The Hay-street block between Harvest-terrace and Havelock-street is the most commanding site in Perth and should be resumed for Government purposes.

Hon. J. J. Holmes: What about the Observatory site?

Hon. J. CORNELL: That also could be used. We should not agree to the excision of two acres from Government House domain.

Hon. W. J. Mann: An area of two acres would be of no use at all.

Hon. J. CORNELL: I understand that negotiations are being conducted with a view to taking over the site of the Christian Brothers' College.

Hon. G. W. Miles: That has been denied.

Hon. H. Tuckey: It will be only a question of time before that block is taken over.

Hon. J. CORNELL: Yes. I am totally opposed to the excision of the area of two acres from the Government House grounds, and if any vote of mine can delete that provision from the Bill, it will be cast in that direction.

HON. H. TUCKEY (South-West) [4.53]: I cannot understand why there should be any objection to taking two acres out of the north-eastern corner of Government House grounds. The gardens there comprise an area of about 40 acres and this portion has never been used in connection with Government House. To me it has always appeared to be more or less an eyesore. If public offices were built there they would be convenient to Government House and the Supreme Court buildings.

Hon. L. B. Bolton: But not close to Parliament House.

Hon. H. TUCKEY: In my opinion it would be a good site for public offices. A new drive has been constructed along the river bank, and one has to admit that the land in question is a very fine site. I agree with Mr. Cornell's suggestion that the Hale School site should be acquired by the Government. I do not say that it should be used for public offices, but if there is an opportunity to buy the land with an eye to future requirements, there is no time like the present for making the purchase. I consider that that block, added to the Observatory block, would make an area of 17 acres, and I believe it could be purchased at a reasonable price. To acquire and hold it for future use would be good business, and a sum of £40,000 would be a mere bagatelle in a deal of that kind. The Government would be well advised to acquire the site while it is still available. There is certainly no better site in Perth. I support the second reading.

The PRESIDENT: I again remind members that discussion of particular clauses of the Bill is a matter for the Committee stage. I have allowed Mr. Cornell to speak on this

question because he, being Chairman of Committees, will not have an opportunity to express his views when in the Chair. I hope that other members will defer the discussion of particular clauses until the Committee stage is reached.

HON. H. SEDDON (North-East) [4.56]: Perth is certainly one of the most beautiful cities in the southern hemisphere and the reserves play a very important part in adding to its beauty. There is a very serious danger in the policy of alienating reserves comprising some of the beauty spots of the city. Members have referred to other sites for public offices and I think it would be the policy of a far-sighted Government to retain these beauty spots as reserves and improve them so that they might continue to be breathing spaces for our people. When we deal with the question of a site for public offices we might well bear in mind that D. and W. Murray's large building on the corner of Barrack-street and Murray-street has been on the market for the last 18 months at any rate. There is a site that would be eminently suitable for Government offices and the use of it would assist to relieve the present congestion until the whole scheme of office accommodation is reorganised. I hold that the attitude of Parliament should be to give first consideration to the preservation of those very valuable reserves that could be improved. There are not more valuable sites in Perth and it is my intention in Committee to oppose Clause 10.

HON. J. M. MACFARLANE (Metropolitan-Suburban) [4.58]: Regarding the proposed excision of a small portion from Class A reserve 3617 at South Perth, I made investigations to-day to ascertain whether there was any objection to the proposal. I ascertained that the road board has taken the whole matter into consideration and has the full support of the ratepayers in the proposal to erect an infant health clinic there.

THE HONORARY MINISTER (Hon. E. H. Gray—West—in reply [4.59]: As only one clause in the Bill has been the subject of criticism, I shall reserve my remarks till the Committee stage.

Question put and passed.

Bill read a second time.

In Committee.

Hon. J. Cornell in the Chair; the Honorary Minister in charge of the Bill.

Clauses 1, 2—agreed to.

Clause 3—Reserve A 7691:

Hon. W. J. MANN: I support the clause, but wish to register a protest against what I consider vandalism on the Pemberton-Nanup road close to the Pemberton mill. Some time ago some of the most beautiful karri trees that existed in the State were removed for milling purposes from both sides of the road for some distance. That was one of the show drives on the run from Busselton through Pemberton and around to Bridgetown. When I passed along the road and saw that the timber had been cut, I was very annoyed indeed. Such actions show a lack of interest in the scenic beauties of the State on the part of those responsible. I protested to the proper authorities, and I understand that that kind of thing will not be permitted to recur.

Clause put and passed.

Clauses 4 to 9—agreed to.

Clause 10—Reserve A 1149:

Hon. A. THOMSON: I should like some explanation of the Fourth Schedule.

The HONORARY MINISTER: I thought we had already agreed that public buildings should be erected on the site proposed in the clause. The subject has been one of careful inquiry by an expert committee. I cannot approve of the suggestion that Parliament House should be crowded out with public buildings. Neither can I approve of the Barracks being dismantled in order to erect a block of public offices on that site. Parliament House should be completed on the original lines, and the Public Works Department should be pulled down in order that Parliament House might be viewed in proper perspective. At some future time the Observatory site might be used for the community hospital that must eventually be built in Perth.

Hon. L. B. Bolton: Has the hospital question been decided?

The HONORARY MINISTER: It has been decided for the time being.

Hon. L. B. Bolton: Who decided it?

The HONORARY MINISTER: A policy has been agreed upon by almost everybody.

Hon. L. B. Bolton: I did not agree with it.

The HONORARY MINISTER: I am looking to the future, and I consider the Observatory site would be ideal for a community hospital. I do not agree that the beauty of the surroundings of the site referred to in the clause will be destroyed by the erection of public buildings. The ground comprises more than 40 acres, and a building erected on modern lines would improve the appearance of the locality. The site is very convenient, being in a central position. Business men of the Chamber would not agree that the site on which Murray's building is erected would be suitable for public offices. Both that site and the present Treasury Building block would be too expensive for that purpose. The Treasury Buildings could be sold and the money used for the erection of a fine set of modern offices on the site proposed in the clause. This matter has been discussed by the Perth City Council, at public meetings and in this House, and an agreement has been reached. The site has been decided upon by a committee of experts.

Hon. L. B. Bolton: Who were they?

The HONORARY MINISTER: Several public men, including Mr. Clare, the Principal Architect, Mr. Tindale, the Director of Works, and Mr. Munt.

Hon. C. F. BAXTER: My objection to the site is that there is no foundation for a building.

Hon. A. Thomson: What about the Supreme Court and other buildings in the vicinity?

Hon. C. F. BAXTER: Recently money was allocated for the extension of the Technical School buildings. The extension was very badly needed, and I commend the Government on its decision. The matter, however, was not proceeded with because the building would have to be put on piles. The same would apply to the erection of public buildings on the site mentioned in the clause. Other sites are available, and if any of them was used, thousands of pounds would not be required on the expenditure of piles. If between £25,000 and £30,000 could be saved, it should be saved.

The Chief Secretary: Who says piles will be necessary?

Hon. C. F. BAXTER: Buildings cannot be erected along the foreshore without piles. An inspection of the Technical School site

should have convinced the Government of that.

Hon. W. J. MANN: I shall vote against the clause. To interfere with the area mentioned is unnecessary. The statement was made that an area of 40 acres of land is available, but what is 40 acres? Members who know Melbourne will recollect the site of the public buildings in that city and will readily realise what a pocket handkerchief patch 40 acres would be. Melbourne provides an illustration of what can be done in the matter of public buildings. The example is one that this State could well follow. The area on the other side of Hay-street somewhere between George-street and Havelock-street, should be resumed for this purpose. The buildings would then be in close proximity to Parliament House and easy of access to the city, and their establishment on that site would obviate the awful possibility, suggested by Mr. Nicholson, of their being erected between Parliament House and Hay-street. The land on which Mr. Macfarlane lives would be the best site we could get.

Hon. J. J. HOLMES: I am entirely opposed to using any of the land adjacent to Government House for the purpose. Reference has been made to the future. We must remember that Perth can extend only west and north. On the south and east extension is blocked by the river. Public buildings should be erected somewhere on the north side of the railway line.

Hon. L. CRAIG: There seems to be a great difference of opinion as to where the proposed new buildings should be erected. Nobody here knows the proposed site as well as I do. I lived there for a great part of my life. I have jumped over the adjoining wall and stolen sugar cane. For many years the place has been nothing but a cow paddock. We used to catch gilgies there. That site is in almost the same condition as it was in those days. The suggestion of Mr. Baxter that all that ground must have piles driven in to carry buildings is not correct. The wet portion of the area is at the bottom, but it is not proposed to erect the buildings there. Along St. George's-terrace the ground is high and dry and half way down to the river it is still high and of solid sand.

Hon. A. Thomson: Do you know how high the buildings will be?

Hon. L. CRAIG: I do not care whether they are to be 50 storeys high. Sand is a solid foundation. Regarding the objection to piles, I point out that the post office is erected on piles, as are nearly all the buildings on low ground between the terrace and the river. I regard the proposed site as ideal. It is central—closer to the centre of Perth than Parliament House is. The whole of the business section of Perth is tending westward, and the erection of large public buildings in that area will tend to pull more business down that way. That section of Perth should be built over, the land at present having little value. To me it is an amazing suggestion that the beautiful site of the Observatory should be spoilt with huge blocks of buildings. The same remark applies to the site of Parliament House. Having public offices near Parliament House has proved a great detriment in other countries. The heads of departments, if close to the legislative building, are too easy of access for members. The Government House site is get-at-able from almost any part of the city, and is close to the river and to the eastward and northward sections. The alternatives are to purchase an expensive site, or to build on a beauty spot which ought not to be spoiled.

Hon. J. M. MACFARLANE: I shall vote against the clause. For many years, I believe, Governors have expressed the view that they could reside better and more advantageously elsewhere than on the present site of Government House. However, that site is an admirable civic site, and should be constituted a civil centre for all time.

Hon. A. THOMSON: If the Government were about to proceed immediately with the erection of public buildings, I could understand the vehement support given to the clause by Mr. Craig. However, the land belongs to the Government, and there is nothing to prevent the Government later from asking for an excision from the reserve for the purpose of Government offices. If the Chamber agrees to the clause, we shall commit ourselves to the erection of Government offices on the site in question. Where is the money for the buildings to come from? No funds have been appropriated for them. Plans have been prepared for Government offices, but plans have also been prepared for a new public hospital for Perth.

The HONORARY MINISTER: Plans have been prepared for the proposed build-

ings, as the Chief Secretary stated here last session. Mr. Thomson as a country representative must be impressed with the need for doing something on behalf of the Department of Agriculture, and that is to be the commencement of the building scheme. Surely Mr. Baxter would not pit his knowledge against that of architects and engineers.

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

Ayes	8
Noes	19

Majority against	11
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AYES.

Hon. L. Craig	Hon. T. Moore
Hon. G. Fraser	Hon. H. Tuckey
Hon. E. H. Gray	Hon. C. B. Williams
Hon. W. H. Kitson	Hon. E. M. Heenan

(Teller.)

NOES

Hon. E. H. Angelo	Hon. W. J. Mann
Hon. C. F. Baxter	Hon. G. W. Miles
Hon. L. B. Bolton	Hon. J. Nicholson
Hon. J. A. Dimmitt	Hon. H. S. W. Parker
Hon. J. M. Drew	Hon. H. V. Piesse
Hon. J. T. Franklin	Hon. H. Seiden
Hon. E. H. H. Hall	Hon. A. Thomson
Hon. V. Hamersley	Hon. C. H. Wittenoom
Hon. J. J. Holmes	Hon. G. B. Wood
Hon. J. M. Macfarlane	

(Teller.)

Clause thus negatived.

Clauses 11, 12, First, Second and Third Schedules—agreed to.

Fourth Schedule—negatived.

Title—agreed to.

Bill reported with amendments and the report adopted.

Third Reading.

Bill read a third time and returned to the Assembly with amendments.

BILL—LOTTERIES (CONTROL) ACT AMENDMENT.

Returned from the Assembly with an amendment.

BILL—MUNICIPAL CORPORATIONS ACT AMENDMENT (No. 2).

First Reading.

Received from the Assembly and read a first time.

Second Reading.

THE CHIEF SECRETARY (Hon. W. H. Kitson—West) [5.32] in moving the second reading said: The Municipal Cor-

porations Act has not been substantially revised since it was first enacted in 1906, although various minor amendments have been made from time to time. As members familiar with local government matters are aware, the original Act has been out of print for a number of years, and to-day members of municipal councils are unable to procure copies of the statute under which they work.

Last year, in response to the representations of the various municipalities, the Government brought down an amending Bill which, had it become law, would have been incorporated with the principal Act and its amendments in the one reprint. The Bill, however, contained contentious provisions relating to the abolition of plural voting and restraint for unpaid rates, and eventually it was referred to a conference of managers which failed to arrive at an agreement. The provisions I have mentioned are absent from the present Bill, which, with the exception of certain proposals inserted to comply with recommendations by the recent Royal Commission on Civic Administration, is otherwise substantially similar to the measure that received the consideration of this Chamber last session.

I should again like to remind members that the comparatively recent revision of the Road Districts Act has, to some extent, formed a basis for many of the amendments proposed in this Bill. For example, the Government has decided that municipal councils should have the extended powers given to road boards under their Act to make by-laws relating to—

Fencing, hawkers, stall-holders, lawns and gardens in streets, noises in streets, and the erection of verandahs.

Then the Bill proposes to enable the councils to value rateable property on the unimproved value as well as the annual value. This proposal appears in the Road Districts Act and the inclusion of a similar provision in the Municipal Corporations Act has been advocated for many years by the municipalities.

If agreed to, municipal councils will have the option of making their valuation either on the unimproved or on the annual value, or on both. The Bill also provides for the repeal of the present sections dealing with the distribution of proceeds of sale of land for unpaid rates, and the insertion of new provisions similar to those appearing in the Road Districts Act.

The provision in the Road Districts Act, which enables the redemption of loans by half-yearly payments, has also been included in the Bill. At present Section 453 of the Municipal Corporations Act provides that a sinking fund shall be formed to liquidate a loan. The alternative method of redemption provided for in the Bill will enable municipalities to effect considerable savings in interest charges, since they will no longer be under the necessity to pay interest on the full amount of principal involved until the date of maturity of the loan.

Section 476 deals with the power of a council to expend its income. We propose to amplify the existing power by providing that a council may, with the approval of the Governor, spend a sum not exceeding in the aggregate 10 per cent. of its ordinary revenue on certain improvements and tourist propaganda outside the boundaries of its own district. Municipal councils will also be authorised to subsidise any adjoining municipality or road board in respect of improvements that are to the benefit of residents in their own districts. An amendment proposed in respect of Section 218 will enable councils to sell materials from their quarries to the Government and other local authorities. It was their desire to sell to contractors and others, but that request has not been acceded to.

The Bill contains a number of alterations to the machinery sections that deal with the electoral roll and the election of councillors. An important new provision is proposed in respect of preferential voting. The principal Act provides for preferential voting in the case of an election for mayor, or for councillors where the district is divided into wards. In any other election for a councillor, the elector is required to indicate his vote by making a cross on his ballot paper in the square opposite the name of the person for whom he desires to vote. The proposal now is to abolish this dual system, which is considered obsolete, and to substitute provisions similar to those obtaining in the case of State and Federal elections. With regard to absentee votes, the Bill sets out that if a person is unable for certain specified reasons to attend a polling booth on the day of an election, he may vote in absence before the returning officer, a town clerk, road board secretary, or other person appointed for the purpose by the Minister. This amendment will bring the Act into line

with the provisions of the Road Districts Act, which does not provide for a magistrate or justice of the peace taking absentee votes.

A number of important amendments have been included in the Bill to give effect to certain recommendations made by the Royal Commission which recently inquired into the administration of the City of Perth. The first of these provides that the owner of a proposed building shall deposit with the council concerned a statement of the purpose for which it is being erected. Any person who permits the purpose of the building to be subsequently altered, unless by the written consent of the council, will be liable to a penalty of £100.

Another of these amendments seeks to enlarge the provision of Section 311, which provides that a council may at any time during, or after, the erection of a building give notice to the owner or builder of any defects which tend to render it unsafe. Whereupon the person concerned shall pull down or alter the building in order to remove the ground of objection, failing an appeal under Section 333. The Bill empowers a council to give notice of required alterations in relation to anything in the construction of a building which is a non-compliance with or departure from the approved plans and specifications. It also gives the building surveyor power to issue a certificate stating that a building has been erected or altered in accordance with the council's requirements.

A further proposal consequential upon the amplification of Section 311 extends the existing provisions relating to entry to and inspection of buildings, to buildings in the course of construction. There is a great number of other amendments contained in the Bill, all of which are considered desirable for the better working of the Act. Amongst these are proposals relating to—

- (a) Definitions.
- (b) Power of the Governor to describe the existing boundaries of municipal districts.
- (c) The revision of the electoral list.
- (d) Time of holding elections, nomination day, spoilt ballot papers, ascertainment of the poll, and other electoral matters.
- (e) General and special meetings of ratepayers, and other proceedings of the council.
- (f) Payment of expenses of delegates to municipal conferences.
- (g) Building by-laws (including a provision increasing the penalty for breaches from £20 to £100).

(h) Power to expend money for the erection of camps, and so on, near pleasure or health resorts.

(i) The setting aside of land for children's playgrounds.

(j) The mode of arriving at the unimproved value of land, and the valuation of land on the annual value.

(k) The manner of making up the rate book.

(l) Power to amend valuations and adjust rates in certain cases.

(m) Appeals to the local court.

(n) Owner's liability for rates.

(o) Repeal of Section 411, which provides that unpaid rates shall carry interest.

(p) The amplification of Section 438, which stipulates the permanent works and undertakings that shall be deemed as such for the purpose of Part XXIV. (Borrowing Powers).

(q) The striking of a special loan rate.

(r) Election of auditors.

These matters can be dealt with more satisfactorily in Committee. In addition, there are four other amendments that I shall move when the Bill is considered in Committee. I have not had an opportunity to place those amendments on the notice paper, but I have had them typed with a view to members being supplied with copies. They involve nothing contentious. Two paragraphs appear in the Bill that should not have been included, and the other two amendments deal with minor matters that can easily be explained in Committee.

There is no need for me to spend time in an endeavour to convince the House of the necessity to amend the Act. As a member of a municipal council, I appreciate the difficulties such bodies experience from time to time. The Act is comprehensive and contains hundreds of sections. That some should be amended is highly desirable. The Act should certainly be overhauled and reprinted so that municipal councils may know where they stand in matters affecting the administration of local governing bodies. I feel sure that this House, having agreed to most of the amendments on a previous occasion, will be quite prepared to do so again, and I believe that any new amendments included in the Bill will meet with the approval of members. I move—

That the Bill be now read a second time.

HON. H. SEDDON (North-East) [5.46]: This is a very formidable Bill on which to start operations straight away. In view of the lateness of the session, however, I am agreeable to its being taken into Committee, because obviously it is essentially a Com-

mittee Bill, provided the Minister will refrain from hurrying matters and will give us time to consider each clause carefully. Very few copies of the original Act are available to members and the Bill refers to numbers of sections. Therefore, unless we have time to consider each clause carefully, great difficulty will be experienced in following the amendments. Provided the Minister meets members in this way I certainly have no objection to going into Committee straight away. The Bill contains 59 clauses and some of them deal with proposals to which this House has previously taken exception, but of other proposals we might well approve. An amendment of the Municipal Corporations Act is long overdue, and we may well hope that as a result of our efforts on this occasion, the municipal authorities will be able to secure copies of the Act and see the conditions under which they are working. I have pleasure in supporting the second reading.

HON. H. TUCKEY (South-West) [5.47]: As this is one of the most important Bills of the session I suggest that consideration in Committee be deferred until to-morrow evening. The Bill contains 59 clauses and members have had no opportunity to give them any consideration. To endeavour to rush the measure through to-night would be regrettable, and I hope the Minister will allow the time I have suggested in order that we might consider the various clauses in a proper manner.

THE CHIEF SECRETARY (Hon. W. H. Kitson—West-in reply) [5.48]: I appreciate the disabilities under which members feel they will be working, but I do not think there is any need to delay consideration of the measure in Committee for any length of time. I suggest that the Committee stage be entered upon after order of the day No. 3 has been dealt with, which would mean after tea to-night. Though the Bill contains 59 clauses, I believe that 45 to 50 of them have been agreed to by this Chamber on more occasions than one.

Hon. J. Nicholson: Still it is difficult to follow the amendments.

Hon. J. Cornell: And we will need a little time to find them.

THE CHIEF SECRETARY: I am prepared to give members all the details they

can possibly desire upon each clause. The information I have is complete.

Hon. J. Nicholson: We are all anxious to help you.

The CHIEF SECRETARY: And I am desirous of facilitating members as far as possible to understand what is proposed. I am anxious on this occasion to get an amendment of the Act. No one knows better than I do how necessary that is. I hope the second reading will be agreed to and then I shall defer the Committee stage as suggested.

Question put and passed.

Bill read a second time.

BILL—MINES REGULATION ACT AMENDMENT.

Assembly's Message.

Message from the Assembly received and read notifying that it had agreed to the Council's amendment.

BILL—MIDLAND JUNCTION LAND (RIGHTS TERMINATION).

Second Reading.

Debate resumed from the previous day.

HON. J. M. MACFARLANE Metropolitan-Suburban) [5.51]: I moved the adjournment of the debate in order to permit of my making inquiries as to the purpose for which the land would be used after the closing of the right-of-way and the cancellation of two drainage reserves. The mayor and council of Midland Junction have submitted plans showing the proposal to re-subdivide a portion of the location in order to provide a children's playground. The ratepayers are fully in favour of the proposal, and I am prepared to give members this assurance, having received the information this morning.

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.

Bill read a third time and passed.

BILL—PROFITEERING PREVENTION.

Second Reading—Defeated.

THE HONORARY MINISTER (Hon. E. H. Gray—West) [5.54] in moving the second reading said: The principles underlying legislation of this kind have been discussed fairly often and will, I think, appeal to most members after I have explained the measure.

Members: Oh, oh!

The HONORARY MINISTER: It will not take long—

Hon. L. B. Bolton: To vote the Bill out.

The HONORARY MINISTER: The Bill, although a fairly lengthy measure, can be summarised shortly. It seeks to authorise the appointment of a commissioner of prices, who will be charged with the investigation of commodity prices. Where his investigations show that action should be taken to protect the public from profiteering, the Governor will have power to declare a maximum price at which the commodity concerned shall be sold. Sales at prices higher than those declared in the proclamation will then be unlawful. From the very earliest days the purchasing public has been exploited by unscrupulous traders.

Hon. L. B. Bolton: In what direction?

The HONORARY MINISTER: While the doctrine of the common law, which regards restraint of trade as unlawful, protected the public to some degree in the past, the stage has long since been passed when this safeguard is of much avail against the technique of the modern price fixer. In the United States of America, where the courts applied the common law rule with exceptional severity, legislation was found necessary to check the activities of combines and trusts and to keep the activities of price fixers within reasonable limits. In effect, the position in the United States to-day is that any combination—whether it takes the form of a corporation, trust, pool or simple agreement—the necessary result of which is directly or indirectly to control prices, or restrict the freedom of exchange to the detriment of the public, is illegal. This rule is most strictly applied in relation to the necessities of life or public utilities. The various anti-trust laws that were enacted in America early in the century were all aimed at protecting the public from the exploitation of combinations that sought to maintain prices at unreasonable levels.

There is no doubt that in Australia to-day there exists a number of organisations whose activities would not be tolerated by the American courts for one moment. I refer to every combination of business units and every organisation that seeks to exploit the public by controlling the output, distribution or sale of goods or the provision of services.

Hon. H. Seddon: What about all your boards?

The HONORARY MINISTER: Not many commodities are controlled by boards. We have a board for wheat and a board for milk, but various other commodities are not so controlled. Those organisations take many forms. They may consist of a number of separate businesses operating under a gentleman's agreement, or comprise nominally independent companies whose interests are consolidated either through a single holding company or through an interlocking directorate. In all cases their purpose is the same, namely, the elimination of competitors and the maintenance of prices at an artificial level. I do not contend that they have always been successful in their efforts to exploit the public. The Tariff Board, for example, has been able to check some of the more impudent attempts at price fixing. Most members could probably quote instances where, by the use of boycotts, deferred rebates and other reprehensible devices for killing competition, these concerns have been able to exploit not only the public, but industry as well.

Activities of the kind furnish a very strong justification for the introduction of this measure. Under our system of wage fixation, profiteering bears with unusual severity on all classes of industry where the prices of necessities are involved. In this, as in the other States of the Commonwealth, we have a system of wage fixation based upon the requirements of a working man, his wife and two children. The prices of necessities are reflected in the cost of living figure used by the Arbitration Court in adjusting the wages of workers governed by awards or industrial agreements.

From this it follows that wherever the prices of goods included in the cost of living regimen contain an element of excess cost due to the activities of the price fixer,

then an impost is placed on industry that must in the long run restrict employment. The worker's position is unchanged—his purchasing power remains the same.

Where industry can possibly pass on the excess cost, it will adjust prices accordingly. In the long run, of course, the greater proportion of the burden falls on unprotected export industry. For that reason, I anticipate that country members will give this measure the support it deserves.

Hon. A. Thomson: You know what that means.

The HONORARY MINISTER: Most members agree upon the necessity for fixing the price of bread. We have passed a Bill giving a board power to do that.

In Queensland a Profiteering Prevention Act has been operating successfully since 1920. Under the authority of that Act, a Commissioner of Prices regulates the retail prices of staple foodstuffs not under the control of commodity boards, and of other commodities such as bricks, farm machinery, spare parts, fertilisers, sawn timber and pharmaceutical goods. Although some misgivings were voiced by the anti-Labour opposition at the time, that Act became law and the legislation has proved so successful that it now has the support of all parties in the Queensland Parliament.

According to an item that appeared in the Press a little over a week ago, the Parliament of New South Wales is keenly interested in the subject of commodity prices. The report, which indicates that the New South Wales Government intends to introduce legislation for the investigation and regulation of prices in that State, reads as follows:—

Commodity Prices.

Alleged Brick Combine.

Inquiry Promised in New South Wales.

Sydney, Nov. 29.—After a complaint had been made in the Legislative Assembly to-day in regard to the increased price of bricks and the operations of an alleged brick combine, the Premier, Mr. Stevens, said that a Bill would be introduced to enable the Industrial Commission to inquire into these and other matters concerning the prices of commodities.

The Government was defeated when it opposed a motion by Mr. J. C. Ross (U.A.P., Kogarah), that the House should discuss the question as a "matter of urgency" several U.A.P. members and one Independent voting with the Opposition. The motion was carried by 36 to 32 votes. Labour members called upon Mr. Stevens to resign and there was much

hilarity among the Opposition. The move had come as a complete surprise to Ministers.

Mr. Ross then moved the suspension of the sessional orders to enable a motion to be debated. The Government did not call for a division, and the motion was agreed to on the voices. Mr. Ross then moved, "That in the opinion of the House, proceedings should be instituted forthwith against any price-fixing or other combine and that in this connection, particular regard should be paid to the activities of the Metropolitan Brick Co., Ltd., or any person connected with arrangements for the purpose of unreasonably enhancing the price of bricks beyond the price they would be under conditions of fair and reasonable competition."

After a long debate and an assurance by Mr. Stevens that a Bill would be introduced this week, the Speaker ruled Mr. Ross's motion out of order.

Hon. L. B. Bolton: Are not the State Brickworks in the combine?

The HONORARY MINISTER: No. The State Brickworks police the industry, to the great benefit of the public of Western Australia.

Hon. J. M. Macfarlane: They charge a high price, too.

The HONORARY MINISTER: Any member who will take the trouble to inspect the State Brickworks will leave the works quite proud of this Government activity.

Hon. L. B. Bolton: What about the State Sawmills?

The HONORARY MINISTER: The State Sawmills police the timber industry. If it were not for the State Sawmills, the public would be at the mercy of the other timber companies.

Hon. L. B. Bolton: The State Sawmills are in the combine and charge the same price for timber as that charged by the other companies.

The HONORARY MINISTER: The other companies come down to the price level of the State Sawmills.

Members: Oh!

The HONORARY MINISTER: Apparently hon. members are criticising this State activity on account of its being successful.

Both Houses in this State have already approved the principle of price control. A week or so ago legislation was passed by Parliament for the control of flour, bread and other wheat products prices. Members realised at the time that the legislation was justified because artificial conditions were shortly to operate in fixing the price of wheat. The Bill now before the House can

be similarly justified. It, too, seeks to control prices where artificial conditions obtain as regards supply and demand. It proposes to authorise a commissioner of prices, appointed under the Act, to investigate the price of almost every commodity that can be reasonably regarded as a necessity.

The term "commodity" includes food or drink, exclusive of flour or wheat products; coal and other fuel; apparel and attire; the raw materials used in the manufacture of the foregoing goods; agricultural implements, fertilisers and seeds; any public utility, particularly the supply of light, heat and power; freight and transport charges, and all goods or services declared commodities by proclamation. The commissioner will be empowered either at his own discretion, or when required by the Minister, to inquire into and report to the Minister on all matters connected with the price of commodities. His investigations will cover the price of any commodity at any particular time, and its quantity, demand and supply. Other duties of the commissioner will include investigations into the activities of combines or persons endeavouring to maintain prices at artificial levels.

The Bill provides for the declaration of the maximum price at which any commodity may be sold. Prices will be declared by the Governor on the report and advice of the commissioner. They may be varied in different parts of the State. Sales at prices higher than those declared will be unlawful, and it will be illegal for a trader to refuse to sell at the declared price when he is not understocked. To prevent the cornering of the market in any particular commodity, we are providing that the commissioner shall have authority to demand returns from traders relating to stocks in their possession. Commodities which, in the opinion of the commissioner, should be distributed for public use, but which are being withheld from sale, may be seized and sold at the declared price. The moneys realised from such sale will be paid to the trader concerned after a deduction has been made to cover expenses.

The Bill seeks to prevent restraint of trade. Deferred rebates, boycotts, and gentlemen's agreements as to the sale, purchase or supply of any commodity will be illegal. Combines aimed at the control or monopoly of supply or demand of any commodity will be illegal, where the control or

monopoly is of such a nature as to be contrary to the public interest. Persons committing offences against the proposed Act will be liable to heavy penalties. The Bill also provides that the commissioner shall have all the powers of a Royal Commission for the purpose of carrying out any inquiry or investigation.

I hope members will give this measure careful consideration. Every member who believes that the public should be asked to pay no more than a fair price for the necessities of life will support the Bill. I therefore commend the measure and move—

That the Bill be now read a second time.

HON. L. B. BOLTON (Metropolitan) [6.12]: I have only a few remarks to offer on the Bill, although I do not expect to finish before tea. Towards the close of each session, members may expect some piece of legislation to be introduced in the hope that it will be hurried through, because very often that is the only chance of securing the passage of certain kinds of measures. We are faced to-day with what I consider to be the most iniquitous piece of legislation introduced this session.

Members: Hear, hear!

Hon. L. B. BOLTON: The Bill is brought forward on the day before we expect the session to conclude. I listened carefully to the Honorary Minister when introducing the Bill to find some reason why the Government should introduce such a measure. Queensland has been quoted to the House, but perhaps the Minister will be surprised to learn that prices for general commodities are lower in this State than in Queensland, notwithstanding that Queensland has a prices commission. The basic wage is lower on that account not only in Brisbane, but also in Sydney and Melbourne. Prices of essential foodstuffs and articles are lower in this State. If Queensland has made such a conspicuous success of a measure of this kind, why is it that prices are not lower in that State?

Hon. G. W. Miles: The Honorary Minister quoted America, which has about 14,000,000 unemployed.

Hon. L. B. BOLTON: I cannot for the life of me understand what argument induced the Government to bring down such a measure at this stage of the session.

Hon. L. B. BOLTON: I fail to understand why a Government that professes a desire to help local industries should from time to time bring down measures that absolutely contradict that objective. How could a Bill such as this assist our industries? Has any measure come before this House that would more greatly interfere with the general trade of the community than this would? How could the Government expect our industries or our business to expand under legislation such as this? Would any additional capital come to Western Australia under the conditions that appertain, such conditions being so opposed to industry generally? State trading concerns have for years constituted a menace to industry, and have been the means of preventing new industries from becoming established in Western Australia. There is a suggestion in the Bill that the prices of most commodities would be fixed by the commissioner. No business would be free from that sort of thing. Similar legislation was introduced during the early part of the depression, but it met a fate that I feel sure awaits this Bill.

Not only will the measure prevent new industries from being established in the State, but it will retard those already in existence. The Bill represents one of the last-minute hopes of the Government that it will be able to get something through Parliament in the interests of those who stand behind it. I draw attention to one or two of the powers that are, by Clause 11, to be given to the commissioner. A member of the public has only to complain that some commodity in which he is interested stands at too high a price and the commissioner will at once be obliged to report to the Minister and investigate the complaint. The commissioner will then have power to fix what, in his opinion, is a fair price for the commodity.

Hon. J. Cornell: The maximum price.

Hon. L. B. BOLTON: How can the Government reconcile that principle with the measure that was recently passed for the fixation of bread prices? In that instance a board of three persons was appointed. In this case one commissioner is to be appointed to fix the price of any commodity at the request of any member of the public.

Hon. H. V. Piesse: The board you speak of has also power to fix the price of flour, etc.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. L. B. BOLTON: Yes. Members have had very little opportunity to study the Bill, but those who have been able to glance through it will doubtless agree that, in the best interests of the State, it should be rejected on the second reading. Such a piece of legislation should not find a place on the statute-book.

HON. V. HAMERSLEY (East) [7.37]: Although I am aware that unreasonable profits are sometimes made on lines required by the public, I do not think we are justified in passing this measure at such short notice. The Government has held up Bills until this month, and then rushed them down without giving us an opportunity to inquire into them. The Minister failed to give any urgent reason why this Bill should be passed.

For some years people have complained about the price of bread. There was a time when millers paid 5s. a bushel for their wheat, but when the price fell bread was still sold at about the same old figure. The assumption was that millers were making undue profits. The Federal Government has recently passed a measure to increase the price of flour so that farmers may obtain a better price for their wheat. The cost of bread to the consumer immediately rose to a figure somewhat in advance of that which appertained when wheat was selling at 5s. a bushel.

Butchers are now charging a high price for meat. In that trade a different system is followed compared with that of earlier times. More people are engaged in the distribution of meat than was the case some years ago. If the commissioner, whose appointment is suggested in this Bill, endeavoured to fix meat prices at a lower figure, those in the trade could readily prove that their charges were based on increased costs, increased rents, etc., and that they were not making undue profits. I fail to see that we would get anywhere by passing the measure; neither can I understand why the Government should have brought it down at the last minute.

Hon. H. V. Piesse: Might it not have been brought down for electioneering purposes?

Hon. V. HAMERSLEY: I would not be surprised. The general election will be held in a few months, and I presume candidates will commence their campaign so

soon as the House rises. The Bill may constitute part of the propaganda of the Government, and use will probably be made of it by showing that this House threw it out. I am not perturbed by that kind of thing because—

Hon. H. S. W. Parker: You are not standing for election next year?

Hon. V. HAMERSLEY: I shall be going up for re-election at no distant date. Members are asked not to occupy too much time in debating measures because of the desire of the Government to get on with the business. We are told that the Assembly is awaiting measures from the Council, and that the Government wishes to finish the business to-morrow night.

Hon. J. Cornell: Or the following morning.

Hon. V. HAMERSLEY: It has come to be a practice of Governments to keep back legislation until the last few hours of the session, when the Standing Orders have been suspended. Without giving measures due consideration, we are asked to pass them through all stages at one sitting. This Bill deserves very close and careful scrutiny, and should be the subject of full inquiry before it is passed. Undoubtedly it will mean further expenditure. The measure was introduced in another place I think on the 1st December, and a fortnight later we are asked to pass it without consideration. The Bill is of major importance to the community.

There is room for close inquiry into the prices charged for various articles, including machinery, and into the cost of building. When the Minister was moving the second reading of the Bill, I thought that if we could get an inquiry into the scandalous prices charged for agricultural machinery fittings, it would be very helpful to the farmers. The machines are appallingly expensive in the first instance, but that is a mere bagatelle in comparison with the prices charged for fittings. I have been farming for about 40 years, and I say that in all that time the manufacturers have made no attempt to ease the burden for farmers as they have done for users of motor cars. All the bearings of agricultural machinery are exposed to dust and grit that grind them out speedily, but with motor cars, the wheels are effectively encased and protected against the ingress of dust. Makers of agricultural machinery are turning out the

same article as they did 40 years ago and are charging about 40 times as much for it. If we had time to investigate the matter we might be able to approve the measure and appoint someone who would bring some relief in this direction.

The manufacturers simply plead that wages costs are higher because the cost of buildings is greater than before. The Minister mentioned that bricks would be dearer but for the existence of the State Brickworks. That statement is wrong. I am not in a position to give recent figures, but I understand that the State Brickworks are associated with the combine. In days gone by bricks cost about 19s. per thousand.

Hon. C. B. Williams: What wages were paid in brickworks in those days?

Hon. V. HAMERSLEY: I cannot say, but that was the price of bricks, and many of those bricks form part of substantial buildings in the city to-day. To purchase bricks from the State Brickworks at present, however, costs £3 to £4 per thousand. I cannot say what the actual price is. I have not had time to inquire. Similar remarks apply to timber. The State Sawmills are associated with the timber combine, and I assume that if we had a commissioner to inquire into prices, he would find that the charges were legitimate. For a long time, the cost of producing and selling our wool has been increasing, and we are receiving less for it than we obtained 40 years ago. What with heavy taxation, we are all heading for bankruptcy, and I presume the State will soon experience increased difficulty in extracting much revenue from producers who, in the past, have been considered fair game for the Taxation Department. I cannot do other than oppose the second reading. I object to measures of such importance to the whole community being thrown into the Chamber so late in the session, only to be used for political propaganda at the forthcoming election.

HON. G. FRASER (West) [7.51]: I welcome the Bill, because some months ago, when I was speaking on the Address-in-reply, I requested the Government to introduce a measure of this kind.

Hon. L. B. Bolton: Then you are behind it?

Hon. J. Cornell: You knew it was coming?

Hon. G. FRASER: I did not know it was coming until it appeared on the notice paper. Still, I welcome it, though it has been introduced so late in the session.

Hon. V. Hamersley: Why did not you speak before I did? I wanted some reason for the Bill.

Hon. G. FRASER: Only a couple of members have spoken, and I did not get an opportunity earlier to address the House. When I made my request to the Government, I told the House there had been an increase in the basic wage, and that it was useless to give an increase to the basic wage-earner unless we also afforded protection to ensure that the prices of commodities remained fairly stable. The increase in the basic wage I attribute to the rise in the price of commodities. An increase in the price of commodities always precedes a rise in the basic wage, and in some years the workers are two or three months late in receiving an advance in wages commensurate with the increase in prices.

Hon. L. B. Bolton: That is not my experience.

Hon. G. FRASER: As a result of prices having increased, the court awards a basic wage on prices that have been ruling for two or three months. Then, within a few days, prices go up again, and until the time comes for the court once more to consider the basic wage, the workers are so much the worse off.

Hon. V. Hamersley: And then the workers go to the court and get more.

Hon. G. FRASER: Unless legislation of this kind is passed, the worker will not receive the wages to which he is entitled. If this measure were placed on the statute-book, there would not be the fluctuations in the basic wage that are experienced at present, because the prices of commodities would be stabilised. Under existing conditions there is a check on what the worker shall receive under the basic wage, but there is no check upon the prices he has to pay for the commodities he requires. Consequently, immediately an employer is compelled by award of the Arbitration Court to raise the wages of his workers, he increases his prices to recoup himself for the extra outlay under that heading. This raising of the basic wage to meet the increased prices of commodities savours of a dog chasing its tail, and that must continue

until such time as a measure of this kind is made law. During the war years we had a price-fixing commission.

Hon. J. Cornell: And after the war years.

Hon. G. FRASER: At any rate, we had a commission operating for some years at about that time.

Hon. J. Cornell: We had one in 1914-15 and one in 1919-20.

Hon. V. Hamersley: What good did they do?

Hon. G. FRASER: A tremendous amount of good. They stabilised prices, and ensured that everybody received a fair deal. That is all this Bill sets out to accomplish.

Hon. V. Hamersley: A big job for one man.

Hon. G. FRASER: It is rather a big job, but I believe that one man can do it. Not every trader in this State could be accused of profiteering. A majority of the traders are honest men, satisfied with a fair return. This measure sets out to catch only the man who is overstepping the mark. What objection can be raised to that?

Hon. L. B. Bolton: You have not given us one instance.

Hon. G. FRASER: The hon. member said this was an iniquitous Bill.

Hon. L. B. Bolton: There is not the slightest doubt about that.

Hon. G. FRASER: If the placing of this measure on the statute-book to prevent traders from profiteering would be iniquitous, it is a new version of iniquity to me. That is all the Bill aims to do. Mr. Bolton, however, was so blind in his opposition to the Bill that he did not read the clause. He said the commissioner could step in at the request of one person.

Hon. J. Nicholson: Yes.

Hon. G. FRASER: The clause says nothing of the kind.

Hon. J. Nicholson: The clause says "any member of the public."

Hon. G. FRASER: But the hon. member did not read the rest of the clause.

Hon. L. B. Bolton: There was no need to do so. Read it for yourself.

Hon. J. Cornell: Better still, deal with it in Committee.

Hon. G. FRASER: Clause 11 reads—

The commissioner may at his own discretion, or at the request of any member of the public—

Hon. L. B. Bolton: "Any member of the public."

Hon. G. FRASER: But the clause continues—

—upon good cause shown and shall—

Hon. L. B. Bolton: Still "any member of the public."

Hon. G. FRASER: Let me finish reading the clause—

—upon good cause shown and shall, when required so to do by the Minister, investigate, etc.

Hon. L. B. Bolton: Still "any member of the public"; one only.

Hon. G. FRASER: But with certain safeguards. The safeguards are "upon good cause shown" and "when required so to do by the Minister." That is quite a different interpretation from the hon. member's, who said that any member of the public could cause the commissioner to step in.

Hon. J. Nicholson: I do not think it is different.

Hon. G. FRASER: Of course it is. Any member of the public would not be able to walk into the commissioner's office and demand an inquiry. He would first of all have to show good cause why an inquiry should be held.

Hon. L. B. Bolton: Any member of the public can request the commissioner to do it; that is what I said.

Hon. G. FRASER: And it must be on the request of the Minister. Surely ample safeguards are provided in the clause. At any rate, the clause is entirely different from what the hon. member would lead the House to believe.

Hon. L. B. Bolton: Evidently you do not understand it.

Hon. G. FRASER: During certain periods we had a price-fixing commission, and I know of no occasion when it had to enforce the law. The commissioner convened round table conferences with manufacturers, and reasonable prices were agreed upon. The fact of the commissioner being there was sufficient to ensure the people of the State receiving a fair deal. That is all this Bill sets out to do, and I cannot see why any objection should be raised to it. If there is no profiteering in this State there will be no need to enforce the law, but if there is profiteering, with this measure on the statute-book, the public will have protection. Surely no member can object to that protection being accorded the public.

Hon. L. B. Bolton: I am afraid some members will object.

Hon. G. FRASER: Then the hon. member must be afraid that profiteering is being indulged in. If not, I cannot understand his objection to the Bill. If profiteering is not being indulged in, no one has any need to be afraid. Notwithstanding the comparisons drawn between the basic wage in this State and in other States, I have yet to be convinced that profiteering is not being practised in certain lines.

Hon. L. B. Bolton: You have not given us one instance.

Hon. G. B. Wood: Mention one line.

Hon. J. Cornell: Beer, for one.

Hon. G. FRASER: If the hon. member wishes to discuss that phase, he may do so in Committee, but on the second reading, we have to discuss general principles, and that is all I am dealing with. We are dealing with the general principle of preventing profiteering in the State. There is no necessity to consider individual cases. We all know that merchants throughout the State charge the general public certain prices for goods, but if one happens to be an employee of a merchant or is in that particular line of business, he is able to buy the commodity at a price $33\frac{1}{3}$ per cent. lower than that ordinarily charged.

Hon. H. V. Piesse: That is for groceries.

Hon. G. FRASER: Not merely for groceries, but for quite a number of commodities.

Hon. T. Moore: For wireless sets, too.

Hon. G. FRASER: A price $33\frac{1}{3}$ per cent. lower than that charged to the public is fixed for people in the trade. I assume that even then the merchant will make something out of the sale, and if he charges $33\frac{1}{3}$ per cent. more to the ordinary purchaser, he must make a handsome profit. If that is not profiteering, I do not know what is.

Hon. C. F. Baxter: Do you think there is need for a minimum price?

Hon. G. FRASER: No, I am satisfied with the maximum price.

The PRESIDENT: I understood the hon. member to say that he was dealing only with the general principles of the Bill and not with details.

Hon. G. FRASER: That is so. That is why I am prepared to accept the maximum price because the Bill deals only with a maximum price, and if we discuss the fixing of a minimum price, we shall have to consider the matter in greater detail. I

am satisfied with the Bill as it stands. Certain sections of the public will be protected from exploitation and I cannot see that any objection can be raised to a measure framed with that object. Mr. Hamersley quoted a case, but said his only objection was that there was no time to discuss it, because an endeavour was being made to finish the session to-morrow. There is, however, no need for us to finish to-morrow. We have all next week before us if members wish to discuss the matter. When we finish rests with us.

Member: It rests with you.

Hon. G. FRASER: It is for us to say when we shall finish.

Hon. J. Nicholson: Quite right.

Hon. G. FRASER: If this legislation needs further discussion, time can be made available for its consideration. I hope the measure will be agreed to and would ask those opposing it whether they have any reasonable objection to a Bill designed to prevent profiteering.

HON. H. S. W. PARKER (Metropolitan-Suburban) [8.4]: I agree with Mr. Fraser that no one could object to a measure to prevent profiteering, but the only reference in the Bill to profiteering appears in the title. This is a price-fixing Bill and not a profiteering prevention Bill. The aim is merely to fix prices.

Hon. G. Fraser: Tweedledum and Tweedledee.

Hon. H. S. W. PARKER: I do not know which the hon. member is. The Bill proposes to appoint a commissioner to fix prices, and then proceeds to say that if a man sells at prices beyond those fixed he commits an offence. That is not profiteering. If the contention was that people were making an exorbitant profit on various commodities in some illegitimate way, and the Bill was designed to put an end to that, then it would be an anti-profiteering measure. For the Government to attempt to release the grip of some individual or individuals on an essential commodity would be quite right. This measure does not provide for that; it is a price-fixing Bill. Only incidentally is it an anti-profiteering measure and scarcely even incidentally.

The trouble throughout the world to-day is that nations are impoverished because they will not or cannot trade. Yet we, in a

small primary producing country that imports virtually all of its commodities, say that we are going to fix prices. We ask people to come here, start manufactories, invest their money in the State and give a fillip to trade. In the same breath we say, "We are going to keep a strong hand on you and restrict your profits." Naturally the capitalist says, "If I am to be hedged about in this way, I shall not accept the risk of starting a business. I am not going to set out to serve people, giving them what they need and making a reasonable profit if the Government is going to say I cannot have what I have made; while at the same time, if I fail, the Government will not accept the responsibility of bearing my losses." The position actually is that if a business is started and big profits are made, the manufacturer will have plenty of opposition that will bring prices down. Originally the State trading concerns were inaugurated with the object of preventing profiteering; but what is the position? The Honorary Minister says this Bill is to prevent profiteering in timber. The Government has had the whole resources of the country in its hands for years—

Hon. V. Hamersley: And no taxation to meet.

Hon. J. Cornell: There is a gentlemen's agreement with the other companies.

Hon. H. S. W. PARKER: The Government says that there is no gentlemen's agreement. The State trading concern has had the whole of the resources of the country at its disposal, and yet the Government says that the Bill is needed in order to prevent profiteering in timber. The Minister gave striking facts also regarding the supply of bricks. The Government has had all the financial resources of the State behind it in the establishment of State Brickworks; yet this Bill is said to be necessary to prevent profiteering in bricks.

Hon. T. Moore: Did the Minister say that?

Hon. H. S. W. PARKER: Yes.

Hon. T. Moore: I did not hear him say it.

Hon. H. S. W. PARKER: Not in those words. He smothered them up very well, but that was the effect of his speech. He was referring to bricks continually.

Hon. T. Moore: Not at all.

Hon. H. S. W. PARKER: Now I am throwing them back at him.

Hon. T. Moore: You are manufacturing bricks out of straw.

Hon. H. S. W. PARKER: I sincerely trust the bricks manufactured by the State Brickworks are good ones; I believe they are. But why did the Honorary Minister mention them during his second reading speech? Time and again allegations are made of dumping in Western Australia. I believe that dumping takes place, but what will this Bill do? It will provide for the fixation of prices. Will such prices be higher than those we are paying? What would be the use of that? Have members read the Bill and realised what the effect will be if it becomes law? In the first place, it will entirely eliminate the Public Service Commissioner because the price-fixing commissioner will have the power to decide what price shall be paid for all services to the Crown. So the Public Service Commissioner will be wiped out. In the second place the Commissioner of Railways will be eliminated because the price-fixing commissioner will determine the freights to be charged. He will fix the prices for all Government contracts. Who is likely to contract for supplies to the Government if the commissioner is able to do that? He will be empowered to fix the price of everything.

A few years ago I was a member of a select committee in another place that inquired into the price of bread, and the evidence submitted conclusively proved that even if the flour had been given to the bakers the cost price of the bread must have been 4½d. or 5½d. a loaf. The price of flour had nothing to do—or at all events very little to do—with the price of bread. I was not satisfied that those were the true facts, but figures were supplied to prove conclusively that such was the position. Anyone who has had anything to do with accounts and accountants is aware that figures can be made to prove almost anything. We have had experience of that from time to time in our public accounts. What the result will be depends upon the manner in which the figures are presented.

Hon. J. Cornell: Which side of the book they are on determines the matter.

Hon. H. S. W. PARKER: Exactly. Furthermore, when one comes to deal with percentages one becomes involved in a

hopeless mess. When a man interested in a particular commodity appears before a price-fixing commissioner, he can produce figures to demonstrate almost anything. Ask some of the traders what happened when the previous price-fixing commission was appointed, and they will reply that they never had such a good time in their lives as when prices were fixed.

Again, prices cannot be fixed on the basis of the best managed and most successful manufactory. Prices must be established on the basis of those at which the article can be produced by a reasonably managed concern with reasonable facilities. An exceptionally well-conducted business will make profits far greater than those received by competitors and, under existing conditions, a well-managed business will automatically wipe out an ill-managed concern.

How futile is the fixing of prices when the goods can be purchased from the Eastern States if need be! Suppose the price of a suit of clothes is fixed on the basis that a working tailor must receive so much in wages. If I consider the price too high, there is nothing to prevent my ordering a suit from the Eastern States. What is the use of this Bill? Apart from being bad, and being unable to give effect to what is desired, it is not even required. We have already decided on many occasions that we will not allow rents to be fixed, but the Bill gives the commissioner power to fix rents. As a matter of fact, he can fix the price of anything he likes. This Bill is said to be an anti-profitsteering measure but it is nothing of the kind. I have no hesitation in opposing the second reading.

HON. J. CORNELL (South) [8.14]: I wish to offer a few remarks concerning the Bill because, if it comes into operation, the effect will be felt in the constituency that I and other members represent. Like Mr. Parker, I object to the title of the Bill. I thought profiteering was one of the evils that arose out of the war. A better title for the Bill, in view of the forthcoming election, would be "A Bill for an Act for Prospecting for Votes." If one makes a calm and dispassionate review of the attempts at price-fixing in Australia, he must arrive at the conclusion reached by the rule; that is to say, it had nothing to thank its ancestors for and had nothing to give to

posterity. So far back as 1914 an attempt was made at price-fixing under the War Precautions Act. Then, in 1919, this Parliament passed a Prices Regulation Act of 23 sections. If members will compare those sections with the clauses of this Bill, they will find that they are practically identical in fundamentals. There were, however, three commissioners in place of one. It was then thought that undue profits were being made from the sale of commodities. The idea of the Prices Regulation Act was that the commissioners could fix prices. And that is exactly the idea of this Bill. The same identical object is being sought now. The currency of the Prices Regulation Act was one year. In 1920 the Act was extended by ten sections, including a section continuing its operation to the end of 1921. The close of 1921 saw the end of the experiment in prices regulation. I think Mr. Baxter was Honorary Minister at the time.

Three years went by, and the first Collier Government came into power. That Government, during its first term of office, got a select committee appointed, and the select committee was turned into an honorary Royal Commission to inquire into the question of price-fixing. Members may say I have a long memory, but it is well to have a long memory at times. What was the result of the exhaustive inquiry that was made? A report was presented, and that report was averse to interference with prices, inasmuch as the previous experiment had proved that the result was, instead of reducing prices, to increase them and eliminate competition. The Collier Government had two terms of office, and then a term out of office, and eventually came back again. That is about ten or 12 years ago. Three or four months ago I heard from a valued member of the Labour Party that an attempt at price-fixing would be made once more, that the Government intended to bring down a Bill for regulation of prices before the session ended. If that was known three or four months ago, surely the Bill could have come before this Chamber at an earlier date.

Such is the history of prices regulation. It was tried by one particular brand of Government. It was inquired into by one particular brand of Government. The final result was that no further effort was made to fix prices. My experience shows me that there is no overdue raising of prices. I think

Mr. Williams and Mr. Heenan will bear me out in saying that on the Eastern Goldfields there are too many traders, too many people in the business, more than the business can carry. As regards prices, however, Kalgoorlie and Boulder, except for green-groceries, compare favourably with other parts of the State.

Hon. E. M. Heenan: I cannot bear out that statement.

Hon. J. CORNELL: I mean that business is overdone. I will admit that there is one visible form of, I will not say profiteering but of, "disappearing." That is in connection with the brewery trade. It has been going on for the last few years. In the liquor trade a man gets only a sniff of a thing.

Hon. E. M. Heenan: That shows what monopoly is doing.

Hon. J. CORNELL: Yes, but I have yet to learn that this Bill will have a bearing on that aspect. Beer was declared a food during the War. I cannot and will not support the Bill. It has been said by Mr. Fraser, and also by the gentleman who three and a half months ago told me this Bill was to be introduced, that the effort is futile, because as the basic wage rises the cost of living rises with it. However, that is no new discovery among old Labourites. It was pointed out by them 25 years ago. If there is anything in the contention, the proper tribunal to control the prices of commodities upon which wages are fixed is the Arbitration Court. We could not have two bodies coming into price-fixing. We have been told that the Bill is practically a recapitulation of legislation current in Queensland.

Hon. T. Moore: And in New South Wales.

Hon. J. CORNELL: As the old woman said, "Comparisons are odorous." Still, they do get us somewhere sometimes. Taking statistics of the rise and fall of the cost of living and the rise and fall of the basic wage, one finds practically no relative difference between States that have anti-profiteering legislation and States that have not. All things considered, in the States that have no anti-profiteering legislation there is no difference so far as the wage-earning community is concerned. Therefore, I oppose the second reading.

HON. E. H. ANGELO (North) [8.21]: When a Government finds it incumbent to bring down a measure like this, it is also incumbent on the Government to prove the

necessity for such legislation. We have heard the Honorary Minister's speech, which failed to give one single instance of profiteering being practised in Western Australia. All the observations of the Honorary Minister were generalities. There was nothing whatever concrete. The only commodity he instanced was located in New South Wales and referred to bricks. Here, as has been pointed out, we have the Government policing the cost of bricks. The Government has done that at some cost to the taxpayer. The year before last the State Brickworks made a loss of over £4,000. Last year they made another loss. Surely if they are making losses, the private brickmakers are not overcharging. I mention bricks because they are the only commodity mentioned by the Minister and he quoted New South Wales.

In reply to an interjection the hon. gentleman said, "Yes, there is profiteering going on"; but he did not give one instance where it was occurring. That being the case, I do not think the Honorary Minister has shown sufficient warrant for the passing of the Bill. My advice to the Government is to withdraw the measure, and if it finds that profiteering is being carried on, it should thoroughly investigate the question before next session. Then, when bringing down another anti-profiteering Bill, concrete instances should be given to prove the need for it. If the Government can prove that there is profiteering, that the public is being exploited, it will probably get my assistance in checking the practice. Meanwhile, I cannot support the second reading.

HON. H. V. PIESSE (South-East) [8.25]: Were it not for the high respect in which I hold the Honorary Minister who introduced the Bill, and the statements he made in moving the second reading, I would not have risen to speak, because in my opinion this is purely a political Bill. It is a Bill introduced for the purpose of being thrown out by this Chamber, so that statements may be made similar to those uttered after the last session, "Look how the Legislative Council deals with our Labour legislation!" While listening to the Honorary Minister and Mr. Fraser I was more and more impressed with some information that was furnished to me this morning by an association in Perth—the Grocers' Association. A special point is this: I was shown a

copy of a journal printed in Queensland and also a copy of one printed in Western Australia. Both papers had taken 40 articles listed, and the prices quoted in Queensland to-day are shown to be $11\frac{1}{2}$ per cent. higher than current prices of the same articles in Western Australia. I do wish to emphasise that fact.

Hon. J. Cornell: That is reflected in the basic wage.

Hon. H. V. PIESSE: I was just going to mention that; it is reflected in the basic wage. In our metropolitan area the basic wage is £4 1s. 1d., and in Brisbane it is now only 1d. less. Under the Factories and Shops Act the basic wage for male adults is £4 17s. 10d. in Perth and £4 16s. in Brisbane. The wages awarded in Brisbane provide for male adults between 21 and 23 years of age and are £4 1s. 1d., £4 8s. 6d., and £4 16s., while the wage paid in our metropolitan area to all male adults is £4 17s. 10d. Though our basic rate is so much higher, the cost of 40 articles of groceries is $11\frac{1}{2}$ per cent. lower. I ask, what need for this anti-profiteering Bill? Its introduction is absurd. I merely mention these few points. I feel sure that once the Council has finished with the Bill, the measure will go into the scrapheap again, as it thoroughly deserves.

HON. E. M. HEENAN (North-East) [8.30]: I had not intended speaking on the second reading, but certain inaccurate statements have been made that should be corrected. In the first place, exception has been taken to the title of the Bill. For the life of me I cannot see what is wrong with it. I assume the Bill has been introduced to provide that exorbitant and unfair prices shall not be charged for standard commodities. Any person who levies unfair or exorbitant prices is, to my mind, profiteering. That is obviously the meaning of the term. I am sorry the Bill has been introduced so late in the session and that it will not receive the treatment its merits deserve. Judging by remarks I have heard, obviously the Bill will be defeated.

Hon. G. B. Wood: You never know.

Hon. E. M. HEENAN: Nevertheless, the merits of the Bill should be pointed out. I am sorry the Honorary Minister did not supply facts and figures.

Hon. A. Thomson: He could not do so.

Hon. E. M. HEENAN: Facts and figures could be supplied. Of that I am confident.

Hon. A. Thomson: Why not supply them yourself?

Hon. E. M. HEENAN: I will give one instance that is within my own knowledge. In Perth, I purchased a standard article—a bottle of palarino—for 2s. 6d. The members of my household in Kalgoorlie are in the habit of purchasing that type of drink for use at home and have to pay 4s. per bottle.

Hon. V. Hamersley: Blame the railways for that.

Hon. E. M. HEENAN: To my mind such a high charge is wrong and unjust. A law should be passed against practices of the kind. Mr. Piesse stated that the prices of groceries in Western Australia were lower than those in Queensland. I accept his statement, but he cannot speak regarding prices charged at centres such as Beria, Norseman, Lancefield and so on. The House would be surprised if information were furnished of prices charged at such centres for standard commodities.

Hon. H. V. Piesse: Are the shopkeepers always paid for those commodities?

Hon. E. M. HEENAN: That is beside the point. Even so, we know that traders very often increase prices to cover bad debts, and that practice should not be tolerated.

Hon. G. Fraser: Those who pay are made to pay for those who do not.

Hon. E. M. HEENAN: Mr. Bolton took great exception to the fact that the commissioner could investigate the price of any commodity on the application of one member of the public. What is wrong with that? If a member of the public takes sufficient interest in the welfare of the people generally and points out that an excessive price is being charged for a specified commodity, why should that be regarded as wrong? Does Mr. Bolton require a petition signed by a hundred or a thousand people? That is not a weakness of the Bill. Then again, the commissioner will not fix prices; the Governor will do that.

Hon. J. Cornell: That is what was done in 1920.

Hon. E. M. HEENAN: The argument advanced by Mr. Parker that the commissioner would replace the Public Service Commissioner was quite wrong. I defy anyone who reads the Bill to support that contention.

Hon. G. Fraser: Any stick with which to beat a dog.

Hon. E. M. HEENAN: I regard the Bill as one of much intrinsic merit, and I regret it is not to receive more adequate consideration. I do not mind if it is defeated, but it should at least be considered carefully. The measure contains provisions that are not nearly as obnoxious as some members have represented.

HON. T. MOORE (Central) [8.36]: The argument that the Bill should be rejected on the ground that members have not sufficient time to consider it is very weak. What does that amount to? One clause really constitutes the whole Bill, the remaining being merely machinery provisions. The main clause is the one setting out that the prices of commodities may be fixed. Do members believe in that principle or do they not? No other point is in dispute.

Hon. V. Hamersley: Is it a matter of price-fixing, not of profiteering?

Hon. T. MOORE: Little time is required for members to make up their minds on that point. Two or three days are not required to enable business people to say whether they approve of the principle. I do not find fault with members who argued against the Bill, but I do deprecate the attitude of those whose opposition was based on the presentation of the Bill at this stage of the session. Mr. Hamersley had good ground for his remarks. Representatives of country districts, particularly those where people are engaged in farming operations, appreciate the point made by Mr. Hamersley about the exorbitant prices charged for agricultural machinery and parts. If for that purpose alone a price-fixing commission is necessary.

Hon. J. Cornell: You had one concern to deal with that phase and it went bung.

Hon. T. MOORE: Because one failed is no reason why the farmers should be bled white by the charges imposed upon them. Those who have been engaged in farming operations for 10 or 20 years know how expensive machinery becomes, and how soon the plant wears out. Year by year new parts are put in with the object of building up the machines, but by the end of 10 years or so that plant has to be scrapped. Members will see that the list of commodities with which the commissioner could deal in-

cludes agricultural machinery and spare parts. Mr. Piesse said that no charge could lie against grocers. I do not find fault with that statement; nor do I take exception to the position with regard to prices for wearing apparel. If no charge of profiteering could lie against persons engaged in selling groceries or wearing apparel, well and good. They have nothing to worry about. In such circumstances Mr. Piesse need not be alarmed. When Mr. Hamersley made such a good point regarding the Bill, I thought that Mr. Piesse and others who represent country districts would be with the Government in supporting the legislation. In fact, Mr. Piesse is generally sound in his views when dealing with matters affecting the agricultural industry. If there is nothing to fear from the standpoint of the grocers, why should Mr. Piesse bring the matter up?

Hon. H. V. Piesse: Because the Honorary Minister and Mr. Fraser referred to that phase.

Hon. T. MOORE: Mr. Parker said that the only two matters the Honorary Minister mentioned related to bricks and timber. Members know that Mr. Parker put into the Honorary Minister's mouth words that he did not utter. Probably the Minister mentioned those two particular lines because the State is prepared to present to the commissioner the actual costs involved in the manufacture of bricks and the production of timber. To advance such an argument against the Honorary Minister showed how hard up Mr. Parker was to find grounds upon which to oppose the Bill.

Hon. L. B. Bolton: The Honorary Minister was hard put to it to find arguments in favour of the Bill.

Hon. T. MOORE: I am not worrying about the position of grocers or of those engaged in the soft goods trade. In those particular avenues I think prices are kept fairly low. In respect to some of the lines in which I am interested, plenty of complaints may be heard. Mr. Bolton hears similar complaints when he visits the country districts, and he knows what he has to pay for his agricultural machinery.

Hon. G. B. Wood: How can we control those prices seeing that the machinery comes from the Eastern States?

Hon. T. MOORE: The commission would ascertain the facts. An attempt was made locally to provide spare parts for agricul-

tural machinery, but the fact was quickly demonstrated that different types of machinery are utilised throughout the country districts. The machinery firms see to that. Once a farmer has purchased a machine the firm has the business of supplying spare parts.

Hon. G. B. Wood: I agree with you there.

Hon. T. MOORE: Farmers quickly find out that spare parts are difficult to procure because of the different types of machines that are sold. An inquiry should be held into that phase.

Hon. H. V. Piesse: That would be the only object?

Hon. T. MOORE: That is one object.

Hon. A. Thomson: Surely it is merely a matter of standardising parts.

Hon. T. MOORE: In consequence of the inquiry that could be held, that might be the result.

Hon. G. B. Wood: That should be subject matter of another Bill.

Hon. T. MOORE: I claim that matter could be investigated. I would be prepared to appear before the commission and provide proof of profiteering in respect of many commodities, and Mr. Bolton could do likewise. He could satisfy the commissioner about the prices charged for agricultural machinery. Take the position regarding mills: A firm may have the sole agency rights, and once a farmer buys a mill from that firm, he is compelled to get his parts from it. The men in the back country are keeping the State going; they are hard hit and would welcome the Bill for that reason alone.

Hon. J. J. Holmes: If an unprofitable price for spare parts were fixed, where would you be? Your machines would be of no use.

Hon. T. MOORE: The time has arrived when attention should be drawn to the fact that exorbitant charges are levied for spare parts.

Hon. L. Craig: But those charges are fixed in the Eastern States and we could have no control over that phase.

Hon. T. MOORE: If we had an inquiry here, and could show that exorbitant rates were being charged, something might be achieved. If it could be shown that prices in the Eastern States were lower than those being charged here, we would have a good case against the companies. Once we could prove to the companies that we were

waking up and were sick of paying exorbitant prices, we should be on the road to getting somewhere. I want members to face the issue. We have been told that this measure cannot be passed by the House to-night. I appeal to members to take a broad view—there is ample time—and say whether it is not fair that we should be protected against the charging of unreasonable prices, particularly for the goods mentioned by Mr. Hamersley.

HON. C. H. WITTENOOM (South-East) [8.46]: As everyone else seems to be having a word, I may as well join in the debate. I intend to oppose the second reading, and for my part would leave the matter of profiteering to be rectified by ordinary business competition.

HON. E. H. H. HALL (Central) [8.47]: Let us all be in the debate. I was in very grave doubt as to how to cast my vote on the second reading until I heard the speech from the father of the House; I refer to Mr. Hamersley, who convinced me that I ought to vote for the second reading. We are all aware of the sad and sorry plight of our farmers. From time immemorial we have been told that they produce their goods and have to place them on the markets of the world and accept whatever price is offered for them. Any consideration or assistance we can give the farmers ought to be made available. I do not wish to indulge in a panegyric of the valiant efforts they are making. There is no doubt that every year their numbers are becoming fewer. The two members representing the North Province who are in their places at the moment can refute or support my statement that there are fewer people in our great North-West to-day than there were 10 or 20 years ago. Why?

Member: Owing to droughts.

Hon. E. H. H. HALL: And also owing to want of sympathetic consideration in their efforts to develop that great expanse of territory. For the same reason, our agricultural areas are being gradually but surely depopulated. If we can by any means give those producers a fighting chance—

Hon. A. Thomson: The Government introduced the transport Bill and made conditions more difficult for them.

Hon. E. H. H. HALL: If we can assist those people by any means, our bounden

duty is to do so. Even the poor efforts of Mr. Hamersley and myself might achieve what appears to be the impossible. If the second reading be passed, there are many clauses of the Bill with which I am not at all satisfied. However, I do not wish to deal with the clauses at this stage. The Honorary Minister has laid himself open to attack by those members who, with good reason, complain that he has not given any specific instances. I am heartened to support the second reading by the statement of the Minister that a similar measure has been enacted in Queensland, and that it is giving satisfaction.

I could give instances of profiteering, but that is not my duty. Proof that profiteering is being indulged in in this State has been supplied by one of the departments. Perhaps I may as well come out into the open. The Medical Department has proved beyond doubt that it has succeeded in saving some thousands of pounds by establishing a drug store. That is a matter which could be investigated. Rumour has been described as a lying jade, but people who are of opinion that they are being charged too dearly for certain drugs could go to the commissioner and, from the point of view of the Government, that would be something attempted something done. The present Ministry cannot claim to have accomplished too much during its period of office. If, even at this late hour in the Government's career, a commissioner could, after impartial inquiry, satisfy the people that unduly high prices were not being charged for the drugs so necessary to health, something would have been accomplished.

Supporters of the party in power have a pertinent question to answer when asked why, if the Labour Government is sincere in bringing down this Bill, it did not introduce a measure of such importance earlier in the session. I am not putting that up as a reason why the Bill should not be dealt with. I am prepared to sit until Christmas, and even in the New Year, to finish the business. The question I have mentioned, however, is one for supporters of the Government.

HON. G. B. WOOD (East) [8.51]: I had no intention of speaking on this Bill—

Hon. G. Fraser: You need not alter your mind.

Hon. G. B. WOOD: Mr. Hall spoke about the pastoralists and farmers. If there are

any firms that I should like to see brought to book, they are those like H. V. McKay for the way in which they have robbed the farmers over a period of years.

Hon. T. Moore: And that is not the only one.

Hon. G. B. WOOD: I mention that firm because I know more about it than about the others. I do not think a measure of this kind would have any effect at all upon those people.

Hon. J. Nicholson: None at all.

Hon. G. B. WOOD: Australia-wide price-fixing would be necessary to reach them. But for that consideration, I should feel inclined to vote for the second reading, but it would be futile to attempt to bring to book those manufacturers who are fleecing our farmers in the matter of machinery parts. Very often farmers are told that they cannot get parts for a certain machine. I bought an old machine thinking I would be able to use the parts for my machine, but I found they would not fit. I should like to see some measure placed on the statute-book to deal with such people and relieve the farmers of the undoubted victimisation to which they have been subjected. I oppose the second reading, because I honestly believe it would be futile to accomplish what Mr. Moore hopes.

HON. J. A. DIMMITT (Metropolitan-Suburban) [8.53]: Following the remarks of Mr. Wood, I should like to point out how totally ineffective this Bill would be to deal with the situation outlined by Mr. Moore.

Hon. T. Moore: Will it do any harm?

Hon. J. A. DIMMITT: Let me assure the hon. member that I am not interested in the merchandising of agricultural machinery parts, but it is a fact that the parts referred to, whether bought in Perth, Brisbane, Melbourne or Sydney, are exactly the same price at each centre. The merchant handling them here is making only a merchant's profit, and that is not a profiteering one.

Hon. T. Moore: We are not sure of that.

Hon. J. A. DIMMITT: I am sure of it. Mr. Moore told the House that this matter could be reduced to a very simple issue—do we favour governmental price fixation or do we not? I wish to say most emphatically that I do not favour governmental price-fixation. Therefore I propose to vote against the second reading.

Hon. T. Moore: That is a better way of putting it.

THE HONORARY MINISTER (Hon. E. H. Gray—West—in reply) [8.54]: I do not intend to reply to the hostile criticism levelled at the Bill.

Hon. T. Moore: Oh, it had a good reception!

The HONORARY MINISTER: What the Bill seeks to do is to establish a principle, one for which the Labour Party has stood in this House, to my knowledge, for the last 15 years. All that the Government requires is the power to interfere and fix prices when indulgence in profiteering can be proved. Two or three members have mentioned instances—Mr. Hammersley mentioned machinery parts, and Mr. Hall mentioned drugs. There are quite a lot of articles we could mention in respect of which we believe there is profiteering. Contrary to the opinion expressed by Mr. Bolton, I believe that the measure would assist local production. Certainly it would not have a retarding effect. A capable commissioner would make inquiries and would be able to suggest many ideas to manufacturers for adoption in the producing of their commodities, and perhaps for the cheapening of their production. In every department of industry, especially in factory production, ideas do not always originate with the people employed in the industry. Very often they are received from outside. In that respect the work of the commissioner would be of great assistance to the traders. The Government is perfectly sincere in bringing the Bill before the House.

Hon. J. J. Holmes: The Government has been six years in making up its mind.

The HONORARY MINISTER: This is part of the policy of the Labour Party; it has proved a success in Queensland, and we say that it is worth a trial here.

Hon. H. Seddon: Why did not you bring it in before?

The HONORARY MINISTER: We have been bringing in measures ever since Parliament assembled.

Hon. J. J. Holmes: You have had six years to think about this Bill.

The HONORARY MINISTER: The Government cannot be blamed if members of both Houses occupy the time on other matters. If we are behind with our work this

session, the fault lies with members of both Houses.

Members who watch closely the announcements of the Premier are aware that profiteering prevention is a plank of our platform that we announced at the last election. We told the electors that we would try to place a measure of this kind on the statute-book for the good of the people. We consider it is time we had legislation to protect the public against profiteering. If there is one part of the State that needs such protection, it is the goldfields. Possibly and probably, on many of the goldfields, occasions may arise when goods are charged for at higher prices than are considered reasonable. The commissioner could say what was a fair price to the public. Apparently the second reading of the Bill will not be passed. I regret the hostility that has been shown to the measure. The Government has done its duty by introducing the Bill, and the responsibility for its rejection will rest upon this Chamber.

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

Ayes	8
Noes	19
Majority against ..	11

AYES.	
Hon. J. M. Drew	Hon. E. M. Heenan
Hon. G. Fraser	Hon. W. H. Kitchin
Hon. E. H. Gray	Hon. T. Moore
Hon. E. H. Hall	Hon. C. B. Williams
	(Teller.)
NOES.	
Hon. E. H. Angelo	Hon. W. J. Mann
Hon. C. F. Baxter	Hon. G. W. Miles
Hon. L. B. Bolton	Hon. J. Nicholson
Hon. J. Cornell	Hon. H. V. Piesse
Hon. L. Craig	Hon. A. Thomson
Hon. J. A. Dimmitt	Hon. H. Tuckey
Hon. J. T. Franklin	Hon. C. H. Wittenoom
Hon. V. Hammersley	Hon. G. B. Wood
Hon. J. J. Holmes	Hon. H. S. W. Parker
Hon. J. M. Macfarlane	(Teller.)

Question thus negatived.

Bill defeated.

BILL—MUNICIPAL CORPORATIONS ACT AMENDMENT (No. 2).

In Committee.

Hon. J. Cornell in the Chair; the Chief Secretary in charge of the Bill.

Clauses 1, 2—agreed to.

Clause 3—Amendment of Section 6:

Hon. H. SEDDON: The definition of "officer" is new. Will the definition include a person holding a key position in the coun-

eil? Presumably the definition of "owner" is to bring the Act into line with the Road Districts Act.

The CHIEF SECRETARY: "Officer" is not defined in Section 3 of the principal Act. The amendment is desirable, as some difficulty has been experienced in determining the status of employees for the purpose of Arbitration Court awards. The definition of "owner" is consequential upon the repeal of Section 407 of the Act. The passing of Clause 45 of the Bill will be the deciding factor as to whether Clause 3 will be agreed to in its entirety. I move—

That further consideration of Clause 8 be postponed.

Motion put and passed.

Clause 4—Amendment of Section 12:

The CHIEF SECRETARY: This clause will enable the boundaries of existing municipalities to be described from time to time. Boundaries of municipal districts are altered from time to time as certain portions are transferred either to road boards or to other councils. An example in point is the land on the foreshore of the river, which has been included within the boundaries of the Perth City Council.

Clause put and passed.

Clause 5—Amendment of Section 25:

The CHIEF SECRETARY: This clause provides for the procedure to be adopted in re-describing the boundaries of a municipality.

Hon. H. Seddon: Is not a petition necessary?

The CHIEF SECRETARY: Yes, under Section 25 of the principal Act.

Hon. H. S. W. Parker: This clause is necessary to implement the previous clause.

Clause put and passed.

Clause 6—Amendment of Section 55:

The CHIEF SECRETARY: This clause is consequential upon the insertion of proposed new Section 62A. The Committee can agree to the amendment, as no opposition will be offered to Clause 9, which provides that a revision court need not be held if no claim or objection is lodged against the electoral list.

Clause put and passed.

Clause 7—Amendment of Section 60:

Hon. J. NICHOLSON: The clause proposes to delete Subsection (7) of Section 60, which deals with the revision court.

The CHIEF SECRETARY: The hon. member overlooks the fact that Sections 49 and 52 of the principal Act were amended by Act No. 42 of 1919. At the time that amending Act was passed, Subsection 7 should have been deleted, but was overlooked.

Hon. J. Nicholson: Many amendments have been made to the Act.

Clause put and passed.

Clause 8—Amendment of Section 62:

The CHIEF SECRETARY: The object of this clause is to give power to the mayor to delegate his authority to an officer of the council to sign the certificate of revision.

Hon. J. Nicholson: It is a necessary amendment.

Clause put and passed.

Clause 9—New section:

The CHIEF SECRETARY: Under this clause, when no application or objection under Section 55 is received within the specified time it will not be necessary to hold a revision court, and the mayor, or officer authorised by him, and two members of the council may sign and certify the electoral list as prepared by the town clerk in accordance with the provisions of Section 62, and such list shall be deemed to have been duly certified within the meaning of and for the purpose of Section 62.

Clause put and passed.

Clause 10—Amendment of Section 66; repeal and new section:

The CHIEF SECRETARY: This deals with the supplementary list, and is designed to prevent unnecessary work being placed upon municipal officers.

Clause put and passed.

Clause 11—Amendment of Section 76:

Hon. L. B. BOLTON: I have been asked by one municipality to request that Wednesday be retained as election day. My personal view is that Saturday is the better day.

Clause put and passed.

Clause 12—Amendment of Section 80:

The CHIEF SECRETARY: This amendment will impose an obligation upon the council as a whole to decide the date for an extraordinary election, whereas the Act provides that the mayor shall decide the date.

Hon. H. S. W. PARKER: I oppose the clause. A vacancy may occur on a Friday and the town clerk would not be notified until the following day. He could not call a special meeting of the council until the following Tuesday or Wednesday, and in some municipalities insufficient time would be afforded to candidates. I prefer to see the law remain as it stands.

The CHIEF SECRETARY: I understand that the municipalities have no objection to this amendment and that it will create no difficulty.

Clause put and negatived.

Clause 13—Amendment of Section 91:

The CHIEF SECRETARY: The effect of this amendment will be to provide a longer period between the day of nomination and the day of election.

Clause put and passed.

Clause 14—Amendment of Section 96:

The CHIEF SECRETARY: This deals with ballot papers, and will prevent the secrecy of the ballot from being violated.

Clause put and passed.

Clause 15—Amendment of Section 102:

The CHIEF SECRETARY: By this clause the hours of polling will be altered to the 12 hours between 8 a.m. and 8 p.m.

Clause put and passed.

Clause 16—Amendment of Section 105; repeal and new section:

The CHIEF SECRETARY: The clause provides that the principle of preferential voting shall apply at every election.

Clause put and passed.

Clause 17—agreed to.

Clause 18—Amendment of Section 109; repeal and new section:

The CHIEF SECRETARY: The principle involved here is that of voting in absence. The clause provides that a voter wishing to vote in absence shall apply to a returning officer, town clerk, road board secretary, or other person appointed by the Minister. This will bring the Act into line with the Road Districts Act.

Clause put and passed.

Clause 19—Amendment of Section 110:

The CHIEF SECRETARY: This is consequential upon the adoption of the preferential system of voting. It provides the

method by which the ballot papers shall be counted.

Clause put and passed.

Clause 20—agreed to.

Clause 21—Amendment of Section 112:

The CHIEF SECRETARY: The Act provides that when ballot papers are destroyed by the town clerk, it shall be done in the presence of three councillors. That number is considered to be unnecessarily high and has been reduced to two.

Clause put and passed.

Clause 22—Amendment of Section 155:

Hon. J. NICHOLSON: I suggest that the clause be postponed to permit of further consideration.

The CHIEF SECRETARY: There is really no necessity for postponement as I am sure there will be no objection to the definition of "officer" in Clause 3. This clause will bring the Act into line with the Road Districts Act, which includes employees on wages as well as officers on salaries in the event of a local authority granting a gratuity.

Hon. J. Nicholson: A measure was passed a year or two ago for the City of Perth but I cannot recall the effect of it.

The CHIEF SECRETARY: In deference to the hon. member's request, I move—

That further consideration of the clause be postponed.

Motion put and passed.

Clause 23—Amendment of Section 156:

The CHIEF SECRETARY: This clause reduces the number of ratepayers' meetings each year. The Act provides for two and the clause proposes one. It also stipulates that longer notice of the meeting shall be given. Most ratepayers' meetings are poorly attended; frequently nobody attends.

Hon. J. Nicholson: Often one man and a dog.

Clause put and passed.

Clause 24—agreed to.

Clause 25—Amendment of Section 161:

The CHIEF SECRETARY: I move an amendment.

That the following paragraphs be added:—

(c) by inserting after the word "partner," in line 5 of the section, the words "or in which any person of whom he is an employee has."

(d) by adding after the word "interest," in line 5 of the section, the words "apart from any interest in common with the public."

The Act provides for the disqualification of a councillor if he votes or takes part in any matter in which he is directly or indirectly interested pecuniarily. The Bill proposes to bring the mayor within the same disqualification. The new paragraphs are in accordance with the clause.

Hon. J. Nicholson: Yes, the usual thing.

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

Clauses 26, 27—agreed to.

Clause 28—Amendment of Section 179:

The CHIEF SECRETARY: Section 179 provides what by-laws may be made. The clause includes other matters upon which by-laws may be made. Paragraph (a) deals with fencing. This amendment was requested by the City of Perth, which considers that it should have a freer hand. The present provision is regarded as too restrictive. Paragraph (b) deals with hawkers. We have spent much time in discussing that subject. The details differ from the amendment agreed to yesterday, but I do not think there can be any objection to the proposal. The wording in the Bill coincides with that in the Road Districts Act.

Hon. J. Nicholson: To a certain extent.

The CHIEF SECRETARY: I have not checked it word for word. Reference is made in the clause to stalls. I am advised that although the principal Act makes provision for the regulation of stalls and stall-keepers, municipal councils are of opinion that the provision is too restricted in regard to the commodities that may be sold at the stalls. As this class of trade is steadily increasing, the need has arisen for a new provision to give wider powers to the councils. The clause speaks for itself. There is also a reference to quarries. In view of the numerous accidents that have occurred through carelessness, power is sought to enable the council to prohibit blasting.

Hon. A. Thomson: To quarry without blasting would be difficult.

The CHIEF SECRETARY: It is considered that councils should have power to make by-laws in this regard. Another provision relates to the prohibition of various noises that cause annoyance—noises such as

are made by gramophones, radios, musical instruments, and so on.

Hon. C. F. Baxter: Is the noise made by motor bicycles included? Some prohibition in that direction is badly needed.

The CHIEF SECRETARY: The Bill does not specifically provide for noises made by motor cycles, but such a provision can be inserted.

Hon. L. B. Bolton: They are governed by the Traffic Act.

The CHIEF SECRETARY: Another paragraph relates to the planting of lawns and gardens in streets by the owners or occupiers of premises abutting on the streets. Power is also sought to regulate the construction of verandahs. The aim is gradually to eliminate verandahs supported by pillars and to substitute those of the cantilever type. All that the clause does is to empower municipalities to make by-laws in regard to these matters, in addition to the matters mentioned in Section 179.

Hon. H. S. W. PARKER: I move an amendment—

That in line 1 of paragraph (b) the words "paragraphs (18) and" be strick out, and the word "paragraph" inserted in lieu.

My object is to have the position relating to hawkers left as at present. Hawkers should be supervised by the police force throughout the State.

Hon. J. M. DREW: Before Mr. Parker's amendment is put, I should like an explanation of the definition of "hawker" in paragraph (f). I regard the definition as absolute nonsense. I spent three days and three nights with a wet towel around my head endeavouring to interpret it. After that I decided to consult a solicitor. He made confusion worse confounded. The Bill was drafted by the Crown Law Department and should be intelligible, but certainly is not.

The CHIEF SECRETARY: The aim of this provision is to give wider powers to control hawkers. The Road Districts Act has a provision of this kind, and it was thought that if road boards had power to deal with the matter there was no reason why municipalities should not be given similar power.

Hon. J. J. Holmes: I understood that prosecutions were not possible under the Road Districts Act.

The CHIEF SECRETARY: The interpretation of the clause is left to the individual. Many members do not seem to agree

with the interpretation of the Crown Law Department, but the department will have to determine whether any action should be taken.

Hon. H. S. W. Parker: The magistrates will decide the matter.

Hon. J. Nicholson: The magistrates will have a cruel time.

The CHIEF SECRETARY: The magistrates will not decide whether action is to be taken. Mr. Drew mentioned that he spent three days and nights with a wet towel around his head trying to ascertain the meaning of the paragraph. I wonder how many days and nights he spent under the same conditions in determining the meaning of a similar amendment he introduced last week. Members spent much time in debating that amendment, and I think that without exception they finished in a bigger quandary than when they started. However, my duty is to submit the clause that has been drawn up by the Crown Law Department and is supposed to be satisfactory. The clause certainly gives greater powers to municipalities than they possessed previously. Hawking has assumed bigger proportions than ever and a greater variety of merchandise is being hawked.

Hon. C. F. BAXTER: If this provision is omitted road boards will be able to control hawkers and municipalities will not have the power.

Hon. H. S. W. PARKER: Mr. Baxter's statement is not correct. If the words proposed to be deleted are struck out the Act will remain as at present. Subsection 18 of Section 179 provides that by-laws may be made—

(a) For regulating the hawking of fruit, fish, meat, poultry, game or vegetables or any articles of merchandise; and prohibiting such hawking in prescribed streets, ways and public places.

(b) Enforcing the obligation of hawkers and traders to carry scales.

The Act is infinitely clearer than the proposed provision.

Hon. G. FRASER: I feel inclined to follow Mr. Parker's advice and vote against the clause, since every member seems to have a different interpretation of it.

Hon. J. NICHOLSON: Mr. Parker's suggestion is well worth considering. He seeks to attain the relegation to one comprehensive Bill of the whole subject. Power already exists in Subsection 18 of Section 179 to

deal with hawkers. This Bill should be brought into line with the amendment made yesterday to the Road Districts Act.

Hon. H. TUCKEY: I am sorry there is so little sympathy for the business people who asked for legislation to check hawking. Various members have said that the Act as it stands meets the case. It does nothing of the kind. The word "merchandise" does not meet the requirements of business people. This is no new thing. On a recent evening the commercial traveller was the red herring. The object is to protect people who have a stake in the country.

Hon. H. S. W. PARKER: If the words are deleted as is proposed by paragraph (b), it will be utterly and entirely impossible to do anything with regard to hawkers. If the provision in the Act is retained, there will be a chance.

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

Ayes	..	..	..	..	7
Noes	..	..	..	..	17

Majority against 10

AYES.

Hon. J. M. Drew
Hon. G. Fraser
Hon. J. J. Holmes
Hon. J. Nicholson

Hon. H. S. W. Parker
Hon. H. Seddon
Hon. J. A. Dimmitt
(Teller.)

NOES.

Hon. E. H. Angelo
Hon. C. F. Baxter
Hon. L. B. Bolton
Hon. J. T. Franklin
Hon. E. H. Gray
Hon. V. Hamersley
Hon. E. M. Heenan
Hon. W. H. Kitson
Hon. W. J. Mann

Hon. G. W. Miles
Hon. T. Moore
Hon. H. V. Piesse
Hon. A. Thomson
Hon. H. Tuckey
Hon. C. B. Williams
Hon. C. H. Wittenoom
Hon. E. H. H. Hall
(Teller.)

Amendment thus negatived.

The CHAIRMAN: I wish to make an observation. If, in future, members who are just outside the Chamber will vote on the voices, it will help the Chairman of Committees to arrive at a conclusion.

Hon. J. NICHOLSON: The definition of hawker should be deleted with a view to adopting the one agreed upon yesterday. I move an amendment—

That in paragraph (f) the words "For the purposes of this paragraph the term 'hawker' means any hawker, pedlar or other persons who with or without any horse or other beast bearing or drawing burden or with or without any vehicle of any kind travels and trades and goes from town to town or to other men's houses there soliciting orders for or carrying to sell or exposing for sale any goods, wares, or merchandise which are either the property of him-

self or of some other person who does not carry on the business of selling goods, wares, or merchandise in a shop or other permanent place of business situated within the State" be struck out.

If the words are struck out I propose to move the insertion of the definition adopted yesterday.

Hon. H. Tuckey: What would be the advantage?

Hon. J. NICHOLSON: Uniformity.

Hon. A. Thomson: But you have no guarantee that your proposal will be accepted by another place.

Hon. J. NICHOLSON: In the Road Districts Bill we struck out a provision similar to that under discussion and inserted a new one, which I have read.

Hon. H. Tuckey: And it has killed the Bill.

Hon. J. NICHOLSON: The Bill is now before another place, and when this measure is sent there the two definitions of "hawker" will be identical.

Hon. T. Moore: The Bill will go forward but will never come back.

Hon. C. F. Baxter: Where does Mr. Moore get that information from?

Hon. T. Moore: You know whence it came.

Hon. J. NICHOLSON: I do not know what will be the result of the Assembly's consideration.

Hon. T. Moore: The man that does not want to know will not know.

Hon. J. NICHOLSON: That is no reason for destroying the Bill.

Hon. J. J. Holmes: Let the definition stop as it is.

Hon. C. F. BAXTER: I have followed Mr. Nicholson closely. There is no difference between the definition in the Bill and what Mr. Nicholson proposes, apart from mere phraseology. The meaning is quite clear, and is the same as the provision inserted in the Road Districts Bill.

Hon. H. TUCKEY: I hope the definition will be left as it stands. We have debated this matter for hours.

The CHAIRMAN: I remind the Committee that I am always jealous of the prestige of this Chamber, and I have yet to discover that another place lacks intelligence. A previous Committee amended the definition of "hawker" when dealing with the Road Districts Act Amendment Bill (No. 1), the wording of which Mr. Nicholson has just

indicated. That measure has gone to the Assembly. If we accept the clause with this definition of "hawker" embodied in it, the Assembly can arrive at its own conclusion as to the intelligence of this House.

Hon. G. Fraser: If we agree to the definition in the Bill it will mean that we shall forward to the Assembly two definitions of "hawker."

Hon. J. Nicholson: That is so.

Hon. C. F. Baxter: The meanings of the two definitions are exactly the same.

Hon. H. Tuckey: The previous trouble arose over the position of commercial travellers.

The CHAIRMAN: I am merely pointing out the position to the Committee.

Hon. J. M. DREW: Mr. Nicholson's amendment is perfectly clear. He says what he means and means what he says, and I was defeated on that point last night. I do not agree with the principle of his amendment. The only qualification embodied by Mr. Nicholson in his proposal is that the hawker or his employer must own a shop. That will intensify considerably the present trouble in the country districts. Rather than see the definition in the Bill go to the Assembly, in which event, if agreed to, litigation at some future date might result in ridicule being heaped upon Parliament, I shall support Mr. Nicholson's amendment, although it is not in conformity with my views. Later on I may take steps to further the object I have in view. I believe the provision is pure nonsense, but I shall support clear English, which means exactly what a majority no doubt accept.

Hon. T. MOORE: This House could be quite consistent in adhering to the definition in the Bill. The amendment to the Road Districts Act Amendment Bill was agreed to because of the fear entertained regarding the position of travellers for machinery firms. The principals of those travellers have shops in the city so there is not the necessity to make similar provision for hawkers who do not have shops. However, members know quite well that the other Bill will not become an Act.

Hon. J. NICHOLSON: I wish to impress upon Mr. Moore—

Hon. T. Moore: It is wasted on me.

Hon. J. NICHOLSON: Rather than accomplish consistency, if his view prevailed we would achieve inconsistency of the

gravest description. If a claim arose under the Road Districts Act the court would have one interpretation of a hawker, and if a claim arose under the Municipal Corporations Act the court would be confronted with another interpretation.

Hon. J. J. Holmes: Let us arrive at a decision.

The CHAIRMAN: If Mr. Nicholson's amendment is agreed to there will be consistency.

Hon. J. J. Holmes: We know that.

The CHAIRMAN: If the Assembly disagrees to the amendments to the two Bills under discussion, members of this Chamber will then have the option of accepting one or other of those definitions.

Hon. H. TUCKEY: When the Road Districts Act Amendment Bill was dealt with in Committee, after the first amendment moved by Mr. Nicholson was agreed to, Mr. Drew did not take any further action and the remaining amendments went through without any discussion. That explains why the definition in the Bill appears in its present form.

Hon. J. Nicholson: The remaining amendments were merely consequential.

Amendment (to strike out words) put and a division taken with the following result:—

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

AYES.			
Hon. E. H. Angele		Hon. J. J. Holmes	
Hon. C. P. Baxter		Hon. W. H. Kitson	
Hon. L. B. Bolton		Hon. J. M. Macfarlane	
Hon. J. A. Dimmitt		Hon. W. J. Mann	
Hon. J. M. Drew		Hon. J. Nicholson	
Hon. J. T. Franklin		Hon. H. S. W. Parker	
Hon. G. Fraser		Hon. H. Seddon	
Hon. E. H. Gray		Hon. A. Thomson	
Hon. E. H. H. Hall		Hon. G. B. Wood	
Hon. V. Hamersley		Hon. C. B. Williams	
		(Teller.)	
NOES.			
Hon. G. W. Miles		Hon. T. Moore	
Hon. H. V. Piesse		(Teller.)	
Hon. H. Tuckey			

Amendment thus passed.

Hon. J. NICHOLSON: I move an amendment—

That the following be inserted in lieu of the words struck out:—

For the purposes of this paragraph the term "hawker" means any person who travels and trades and goes from place to place or to other men's houses or places of business, soliciting orders from or carrying to sell or exposing for

sale any goods, wares or merchandise to any person who does not in the ordinary course of business buy and sell the same. Provided that the term does not mean any person who (or if he is a servant, whose employer) carries on the business of selling or producing goods, wares, or merchandise in a shop or permanent place of business within Western Australia.

In the foregoing definition of the word "hawker" the term "Shop or permanent place of business" means an established or permanent place of business of substantial construction within Western Australia and wherein goods, wares or merchandise of the kind being hawked are made, produced or sold, and when the article hawked is a primary product includes the farm or place where the same was produced.

Amendment put and passed.

Hon. H. SEDDON: I move an amendment—

That after the word "of," in line 4 of paragraph (d) (i), the words "motor cycles" be inserted.

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

Clause 29—agreed to.

Clause 30—Amendment of Section 218:

The CHIEF SECRETARY: This amendment has been the subject of considerable discussion on previous occasions. The object is to allow a municipal council owning a quarry to sell stone and materials to any Government department or other statutory body or to any person for use in the construction, maintenance or repair of footpaths and streets in the district of the council.

Hon. H. S. W. PARKER: I move an amendment—

That the words "obtained from quarries belonging to it to any Government department or other statutory body for such purposes as it or they may require, and to any other person who requires such stone or materials for use in the construction, maintenance, or repair of the footpaths, streets, roads, or ways in the district of the council" be struck out, and the following words inserted in lieu:—"for use in the construction, maintenance or repair of the footpaths, streets, roads or ways in the district of the council. Provided that any municipal council outside the metropolitan area as defined under the Road Districts Act may sell or dispose of stone or material to any person for any purpose."

Under the Bill the material could be disposed of to other municipalities and thus compete with private enterprise in the metropolitan area. That would be tanta-

mount to creating a trading concern amongst municipalities.

Hon. H. Tuckey: In other words, unfair competition.

Hon. H. S. W. PARKER: Yes. I am not in favour of municipalities trading, though councils should be able to use the material for their own purposes. On more than one occasion the Perth City Council has refused to sell an interest in its quarries to other local governing bodies. As late as September, 1936, a proposal to co-operate with other local authorities was defeated by an overwhelming majority, because the Perth City Council was not agreeable to other municipalities sharing the profits. Evidently, the City Council desires to trade as would an ordinary quarry owner. To that I object.

Hon. L. B. BOLTON: I support the amendment. I object to municipalities entering into competition with private enterprise.

The CHIEF SECRETARY: An objection is raised to the Perth municipality being allowed to sell the products of its quarry to other municipalities because the council would be in competition with private enterprise. On the other hand, the Perth municipality is to be free to treat with anybody outside the metropolitan area.

Hon. H. S. W. Parker: There is not trade for two quarries outside the metropolitan area.

The CHIEF SECRETARY: Very few municipalities own quarries.

Hon. H. S. W. Parker: Geraldton and Bunbury do.

The CHIEF SECRETARY: The hon. member's objection is that municipalities should not be trading concerns.

Hon. H. S. W. Parker: Does the Minister know of private quarries outside the metropolitan area? That is the reason for the amendment.

The CHIEF SECRETARY: The State quarry has been in competition with quarries outside the metropolitan area. What is there to object to in the clause as printed? The quarry is being worked in the interests of the ratepayers.

Hon. H. S. W. Parker: Municipalities should govern, not trade.

The CHIEF SECRETARY: Why should not municipalities adjoining Perth have the right to purchase material from the muni-

cipal quarry? Why should preference be given to private enterprise 20 miles away from Perth? If it is wrong for the Perth municipality to trade in this way, then it would also be wrong for the Geraldton and Bunbury municipalities so to trade.

Hon. H. S. W. Parker: It would be.

The CHIEF SECRETARY: The argument is illogical.

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

Ayes	9
Noes	13
Majority against	4

AYES.	
Hon. L. B. Bolton	Hon. H. V. Piesse
Hon. J. J. Holmes	Hon. A. Thomson
Hon. J. M. Macfarlane	Hon. C. H. Wittenoom
Hon. W. J. Mann	Hon. T. Moore
Hon. H. S. W. Parker	(Teller.)
NOES.	
Hon. E. H. Angelo	Hon. W. H. Kitson
Hon. J. A. Dimmitt	Hon. J. Nicholson
Hon. J. M. Drew	Hon. H. Seddon
Hon. J. T. Franklin	Hon. C. F. Williams
Hon. G. Fraser	Hon. G. B. Wood
Hon. E. H. Gray	Hon. E. M. Heenan
Hon. E. H. H. Hall	(Teller.)

Amendment thus negatived.

Clause put and passed.

Clause 31—New section:

Hon. J. NICHOLSON: Would the Minister explain the provisions of the proposed new section? A person furnishes the council with a statement in writing setting out the purpose for which a building is to be used; such purpose cannot be varied, except by leave. The restriction is too great.

The CHIEF SECRETARY: The Royal Commission on civic affairs is responsible for this clause, which requires no explanation but means what it says. Should a person desire to use a building for a purpose other than the one for which its construction was authorised the permission of the council must first be obtained.

Hon. J. Nicholson: A landlord may lose a good tenant by reason of such permission being refused.

The CHIEF SECRETARY: The Royal Commission must have had good reason for recommending this amendment. A municipal council is not likely to be dogmatic in its attitude. The clause, by the way, would apply to any building, not to houses only.

Hon. J. Nicholson: So that it would apply to a warehouse that the owner might desire to convert into offices.

The CHIEF SECRETARY: The permission of the local authority would be required in such a case, but would not be unreasonably withheld.

Hon. E. H. ANGELO: The clause might be postponed for further consideration. It appears from the evidence given before the Royal Commission that the owner of a city building altered the structure after the plans had been approved. In such cases the council should be able to exercise control.

Hon. L. B. BOLTON: When a man uses a garage in which to store his furniture during a trip abroad, it should not be necessary for him first to obtain the approval of the local authority.

Hon. H. S. W. PARKER: Something should be done to prevent people from erecting a small bathroom and subsequently converting it into a bedroom.

Hon. H. TUCKEY: I hope further consideration of the clause will be postponed. The penalty provided is too severe.

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

Ayes	..	..	..	8
Noes	..	..	..	14

Majority against .. 6

Ayes.

Hon. E. H. Angelo	Hon. E. M. Heenan
Hon. J. T. Franklin	Hon. W. H. Kitson
Hon. E. H. Gray	Hon. C. B. Williams
Hon. E. H. H. Hall	Hon. G. B. Wood

(Teller.)

Noes.

Hon. J. A. Dimmitt	Hon. H. S. W. Parker
Hon. J. M. Drew	Hon. H. V. Piesse
Hon. G. Fraser	Hon. H. Seddon
Hon. J. J. Holmes	Hon. A. Thomson
Hon. J. M. Macfarlane	Hon. H. Tuckey
Hon. W. J. Mann	Hon. C. H. Wittenoom
Hon. J. Nicholson	Hon. L. B. Bolton

(Teller.)

Clause thus negatived.

Clause 32—Amendment of Section 311; repeal and new section:

The CHIEF SECRETARY: The municipal council by this clause will be given power to instruct a builder to rectify defects or alterations made in the plans originally approved. This clause was suggested by the Royal Commission.

Hon. J. Nicholson: It is unobjectionable.

Clause put and passed.

Clauses 33 to 37—agreed to.

Clause 38—Amendment of Section 377; repeal and new sections:

The CHIEF SECRETARY: I move an amendment—

That sub-paragraph (c) of paragraph (i) of the proviso be struck out.

The subparagraph should not appear in the Bill. It conflicts with Sections 380 and 381.

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

Clause 39—Amendment of Section 378:

The CHIEF SECRETARY: I move an amendment—

That paragraph (a) be struck out.

This provision also should not be included in the Bill.

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

Clause 40—Amendment of Section 386:

Hon. J. NICHOLSON: This and some subsequent clauses have relation to the elimination of the occupier as a person liable for the payment of rates. Under Section 407 the rates are payable in the first instance by the occupier, and may also be recovered from the owner. The good reason for inserting that provision in the original Act still exists. If an owner is absent the council has to rely upon the occupier to pay the rates.

Hon. G. Fraser: Who collects the rent?

Hon. H. S. W. Parker: It might be paid into a bank.

Hon. J. NICHOLSON: Perhaps an agent would collect it.

Hon. G. Fraser: Then the agent should pay the rates.

Hon. J. NICHOLSON: The proviso to Section 407 stipulates that the rates paid by an occupier shall be recoverable from the owner and shall be an offset against the rent. Therefore the position of the occupier is safeguarded. Another reason why the occupier should have this responsibility is that he is entitled to a vote.

Hon. J. J. Holmes: Often under a lease provision is made for the occupier to pay the rates.

Hon. J. NICHOLSON: Yes, and if he is relieved of the responsibility, he will be disfranchised. I suggest that paragraph (a) be struck out.

The CHIEF SECRETARY: This paragraph depends upon the passing of Clause

45, and Clauses 41 and 43 will be consequential. I move—

That further consideration of the clause be postponed.

Motion put and passed.

Clause 41—Amendment of Section 388:

On motion by the Chief Secretary, clause postponed.

Clause 42—agreed to.

Clause 43—Amendment of Section 390:

On motion by the Chief Secretary, clause postponed.

Clause 44—agreed to.

[Hon. G. Fraser took the Chair.]

Clause 45—Amendment of Section 407; repeal and new section:

The CHIEF SECRETARY: This clause will decide who is to be liable for the payment of rates. The Act provides that the occupier in the first instance shall be liable for the rates. As it is the land that is rated, this provision is deemed to be unjust and inequitable, more especially if the rates have fallen into arrears, in which case the occupier is liable to suffer by the loss of his goods and chattels. The clause will make the owner responsible and release the occupier from liability. The owner reaps any benefit from the property.

Hon. H. S. W. Parker: As a rule the occupier reaps the benefit.

Hon. J. Nicholson: He has the benefit of the occupancy. That is the main thing.

The CHIEF SECRETARY: The occupier pays for it, and the owner gets the benefit. It should be the owner's responsibility to pay the rates.

Hon. H. S. W. PARKER: I quite agree with the Chief Secretary that the owner derives benefit from the property, but there is no hardship in requiring the occupier to pay his rent to the municipality, which is equivalent to paying his rent to the owner. If the law is altered, the municipality will have a far harder task in collecting money. Not all landlords are prosperous; a great many are very impecunious. The landlord may get his rent but need not pay rates for five years and the municipality must wait all that time before being able to sell the land in order to recover rates. An absentee landlord of an undesirable type who does not wish to pay rates can refrain from doing

so and cannot be proceeded against because he is an absentee, and a long period must elapse before the council can dispose of the land. At present the town clerk informs the occupier that he must pay the rent to the council, and the law provides that the payment of the rent is a full discharge of the man's liability to the landlord. The only occupier that could be adversely affected by the law would be the one who did not pay his rent.

Hon. J. J. HOLMES: I have had considerable experience of leasing premises in the city. Many years ago I leased big premises in Hay-street from the owner who was in London. At the end of each month I used to pay rent to his credit at the bank. If during the month he became liable for rates, I simply deducted the amount from the cheque and paid the balance to his credit. That suited the municipality and everybody else. Often a tenant under a lease agrees to pay the rates. What will happen to him if this clause is agreed to?

The CHIEF SECRETARY: That many agreements provide that the occupier shall pay the rates is true. The position would not be affected by the amendment. With regard to Mr. Parker's suggestion that an owner of an undesirable type—

Hon. J. J. Holmes: My landlord was not undesirable.

The CHIEF SECRETARY: Mr. Parker referred to an undesirable type of landlord. The occupier should not suffer for the landlord's shortcomings.

Hon. H. S. W. Parker: He would not suffer.

The CHIEF SECRETARY: He would, if proceedings were taken against him for the payment of a large amount of accumulated arrears of rates of which he may know nothing until he has been in occupancy for a considerable period. Extreme hardship could thus be caused.

Hon. H. S. W. Parker: Do you know of such an instance having occurred?

The CHIEF SECRETARY: I cannot quote instances. I can only give the advice tendered to me. A principle is involved. The land, not the building, is rated and the occupier should not be held responsible.

Hon. J. Nicholson: Did you say the land, not the building, was rated?

The CHIEF SECRETARY: Yes.

Hon. J. Nicholson: That is not so. The building on the land is rated.

The CHIEF SECRETARY: The hon. member can have it that way if he likes. I do not see why an occupier should be responsible for current rates and arrears of rates.

Hon. J. NICHOLSON: Under Section 49 of the Act the right is given to an occupier to be enrolled in preference to the owner. If a man has the right of voting, that right carries with it the obligation of ensuring that the rates are paid. If the rates are not paid, other ratepayers in the district are compelled to pay more to make up the shortage. The occupier is placed at no disadvantage under the Act. I hope the Committee will delete the clause.

Clause put and a division called for.

The CHAIRMAN: Before tellers are appointed I give my vote with the Ayes on account of the hardship imposed on the occupier.

Division resulted as follows:—

Ayes	..	..	..	7
Noes	..	..	..	16

Majority against .. 9

AYES.

Hon. J. M. Drew	Hon. W. H. Kitson
Hon. G. Fraser	Hon. C. B. Williams
Hon. E. H. Gray	Hon. E. M. Heenan
Hon. E. H. H. Hall	(Teller.)

NOES

Hon. E. H. Angelo	Hon. G. W. Miles
Hon. C. F. Baxter	Hon. J. Nicholson
Hon. L. B. Bolton	Hon. H. S. W. Parker
Hon. J. T. Franklin	Hon. H. V. Picsee
Hon. V. Hamersley	Hon. H. Seddon
Hon. J. J. Holmes	Hon. A. Thomson
Hon. J. M. Macfarlane	Hon. H. Tuckey
Hon. W. J. Mann	Hon. J. A. Dimmitt
	(Teller.)

Clause thus negatived.

Clause 46—negatived.

[Hon. J. Cornell took the Chair.]

Clause 47—Repeal of Section 411:

The CHIEF SECRETARY: Section 411 provides that any rates remaining unpaid for a period of 12 months shall bear interest at the rate of 5 per cent. per annum. The clause proposes to repeal that section on the ground that it is difficult enough for ratepayers to find the rates—otherwise they would not be in arrears—and that to add a burden of 5 per cent. only makes the position more difficult. The clause shows a little consideration to the ratepayer who has fallen on hard times.

Hon. J. J. Holmes: Your suggestion would not be fair to those who do pay.

The CHIEF SECRETARY: In the great majority of cases it is the small ratepayer who, as the result of unemployment, finds it impossible to pay his debt to the local authority. The clause merely does away with the burden of interest.

Hon. G. FRASER: I support the clause. The person who has money will still have a 5 per cent. advantage over other people.

Hon. H. S. W. Parker: Why?

Hon. G. FRASER: Because there is a 5 per cent. allowance for payment within 30 days. Generally speaking, the person who does not pay his rates has not the money to do so.

Hon. H. S. W. PARKER: The supporters of the clause should realise what it means. The ratepayer they refer to pays only about 5s. a year. The repeal of Section 411 will encourage persons who under compulsion are large payers of rates, to avoid payment as long as possible.

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

Ayes	..	..	..	7
Noes	..	..	..	19

Majority against .. 12

AYES

Hon. J. M. Drew	Hon. W. H. Kitson
Hon. G. Fraser	Hon. T. Moore
Hon. E. H. Gray	Hon. C. B. Williams
Hon. E. H. H. Hall	(Teller.)

NOES.

Hon. E. H. Angelo	Hon. W. J. Mann
Hon. C. F. Baxter	Hon. G. W. Miles
Hon. L. B. Bolton	Hon. J. Nicholson
Hon. L. Craik	Hon. H. S. W. Parker
Hon. J. A. Dimmitt	Hon. H. V. Picsee
Hon. J. T. Franklin	Hon. H. Seddon
Hon. V. Hamersley	Hon. A. Thomson
Hon. E. M. Heenan	Hon. H. Tuckey
Hon. J. J. Holmes	Hon. C. H. Wittenoom
Hon. J. M. Macfarlane	(Teller.)

Clause thus negatived.

Midnight.

Clause 48—Repeal of Sections 429 and 430, and new section:

Hon. J. NICHOLSON: The clause deals with the application of proceeds arising from the sale of land. The clause provides that the first application of the money shall be in payment of the costs and expenses of the clerk of the local court of and incidental to proceedings in the local court for the sale of land. There is some confusion. The clerk of the local court has no direct

expenses in the matter. They are really all council expenses. The practice is for the clerk of the local court to inform the council that a certain sum is required for advertising, postages and costs, and a cheque is given to him at once. Thus he is never at any time out of pocket, and accordingly the clause should be amended by inserting after "local court" in line 2 of Subsection 1 of proposed new Section 429 the words "in payment of the costs and expenses of the local court and of the council." The suggestion regarding the second payment was that the municipal rates should first be met and thereafter water rates and other rates as owing. The municipal councils are put to all the expense in connection with the recovery of rates and unless adequate provision is made in the "secondly" paragraph, for the payment of all rates due to a council, the local governing authority will merely share on a pro rata basis. I move an amendment—

That after the word "court" in line 2 of the "firstly" paragraph the words "and of the council" be inserted.

The CHIEF SECRETARY: If what Mr. Nicholson says is correct, there is nothing to be afraid of in this part of the proposed new section. I can hardly imagine such a provision being included unless other expenditure than that mentioned by Mr. Nicholson were incurred.

Hon. H. S. W. PARKER: Various expenses are incurred by the clerk of courts, but I think Mr. Nicholson's amendment is reasonable.

Amendment put and passed.

Hon. J. NICHOLSON: In the paragraph commencing with the word "secondly" there is need for an amendment in order to safeguard the position of municipal councils. Perhaps the provision should be re-cast.

The CHIEF SECRETARY: The reason for repealing the section and inserting another in lieu is to embody in the Municipal Corporations Act a provision similar to one in the Road Districts Act. The provision in the latter is regarded as more equitable. In effect, it provides that after the costs of the clerk of courts have been met the municipal council and the Government departments shall share pro rata in the balance. If more is available than is required to meet those liabilities, then others share in the distribution. That provides for a more equi-

table distribution of the proceeds of the sale. Mr. Nicholson has succeeded with an amendment the effect of which is that the expenses of the clerk of courts and council shall be met in the first instance. Surely Mr. Nicholson does not now wish to go on and say that the council shall have first preference all the time and shall be paid the full amount of the rates, and no one else is to receive anything. That both the council and the Government should share on a pro rata basis should be regarded as satisfactory.

Hon. G. FRASER: I support the attitude adopted by Mr. Nicholson. When land is sold for the non-payment of rates, that is the only opportunity the council has to be recouped for outstanding dues. Once the sale is effected, if insufficient money is forthcoming to cover the outstanding rates, the council stands to lose because the indebtedness does not carry on. On the other hand, water rates and land tax are liabilities on the land and have to be assumed by the new owner. In those circumstances the claim on behalf of the local governing authority is justified.

Hon. J. NICHOLSON: I think this part of the proposed new section should be recast. The council should have priority.

Hon. J. J. Holmes: Does it not receive priority under the Bill?

Hon. J. NICHOLSON: No, the Crown debts are a first charge.

Hon. J. J. Holmes: What is the use of trying to draft an amendment at this hour of the morning?

Hon. J. NICHOLSON: Perhaps it would be better to negative the clause and retain the old provision. I shall vote against the clause.

Hon. H. TUCKEY: This is an important matter to local governing bodies, and we should endeavour to retain the clause. To strike it out would be regrettable and some effort should be made to redraft it.

Clause, as previously amended, put and negatived.

Clause 49—Amendment of Section 438:

Hon. J. NICHOLSON: Certain things are specified as being undertakings within the meaning of the Act, and money cannot be borrowed unless the particular class of undertaking is specified in the clause. In order to cover new machinery that might be required, I move an amendment—

That after the word "works" in the proposed new paragraph (22) the words "plant or machinery" be inserted.

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

Clauses 50 to 53—agreed to.

Clause 54—Amendment of Section 477:

Hon. H. TUCKEY: I move an amendment—

That after the word "by" in line 2 the following words be inserted:—"(i) deleting the word 'who' in the second line of subsection (1) and substituting the words 'one of whom,' (ii) adding after the word 'being' in the third line of subsection (1) the words 'and the other shall be appointed by the Minister.'"

This deals with the question of auditors. Under the Act a ratepayers' auditor only is responsible for auditing the books. If the amendment is passed the Government will be represented by one auditor. This was the practice under the Road Districts Act until the recent zone system was adopted, under which one auditor does the work. I do not know whether this was an oversight or whether it was desired to allow a council to have an auditor.

Hon. J. J. Holmes: Is it necessary to have two auditors?

The CHIEF SECRETARY: I cannot follow the reasoning that prompted the amendment. Under the Act, a qualification for an auditor is that he shall be a ratepayer of the district. Difficulty has been experienced in finding suitable ratepayers in the district capable of accepting the position of auditor. The clause will obviate the difficulty. The Committee would be well advised to reject the amendment.

Hon. H. V. PIESSE: Personally, I am glad the amendment was moved, because two or three days ago I received a letter from a well-known auditor in Albany, Mr. Leash. He has acted as auditor for the Albany council for many years and said in his letter that he had acted for the last time as auditor. I could not understand the reason; but, after having listened to the Chief Secretary, and having read this provision in the Bill, I gather that possibly Mr. Leash's credentials are not sufficient. Nevertheless, he has acted as auditor for the Albany council for 20 years and his services have been quite satisfactory. Why should not he be permitted to carry on the work?

The CHIEF SECRETARY: The Bill provides that an auditor seeking election must be qualified; he must hold a certificate from a recognised institute of account-

ants; or he must be a person approved by the Minister. Mr. Leash would have no difficulty in obtaining that approval. Of course, as new appointments are made, qualified auditors will be chosen.

Amendment put and negatived.

Clause put and passed.

Clauses 55 to 59—agreed to.

Postponed Clause 3—Amendment of Section 6:

Hon. J. NICHOLSON: I move an amendment—

That in the definition of "officer" the words "pound-keeper, inspector, ranger, constable," be struck out.

Hon. A. THOMSON: The clause as it stands is quite satisfactory.

Amendment put and negatived.

Clause put and passed.

Postponed Clause 22 put and passed.

Postponed Clause 40—Amendment of Section 386:

Hon. J. NICHOLSON: I move an amendment—

That paragraph (a) be struck out.

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

Postponed Clauses 41 and 43 consequentially negatived.

Title—agreed to.

Bill reported with amendments and the report adopted.

BILL—STATE TRANSPORT CO-ORDINATION ACT AMENDMENT.

Assembly's Message.

Message from the Assembly received and read notifying that it had agreed to the amendments made by the Council.

House adjourned at 12.11 a.m. (Thursday).