

# Legislative Assembly.

Tuesday, 24th August, 1948

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

## CONDOLENCE—LETTER IN REPLY.

*The late Hon. W. D. Johnson, M.L.A.*

Mr. SPEAKER: I have received the following letter:—

The Honourable the Speaker,  
Parliament House, Perth.

Dear Mr. Speaker,

My family and I were deeply moved by your letter telling us of the resolution agreed to by the House expressing your profound sense of loss over the death of my husband. It was very kind of the Honourable the Premier to move the resolution and of the Leader of the Opposition to support it, and we would like you to thank them and all other members of the House for their thoughtfulness. We are also most grateful to you for conveying your personal expression of sympathy. It is extremely comforting to us to have this assurance that my husband's services and personal qualities were held in high regard by all members of an institution the membership of which played such an important part in his life. Yours sincerely, Jessie Johnson.

## QUESTIONS.

### TRAFFIC.

*As to Alteration of Taxi Stands, etc.*

Mr. NEEDHAM asked the Minister for Local Government:

(1) Is it a fact that arrangements have been made to alter the taxi stands in Perth?

(2) What is the reason for this change of operative methods?

(3) What qualifications have the members on the Traffic Advisory Committee to pass such a major regulation to alter the taxi industry?

(4) Is it a fact that an independent authority reported to him re the taxi industry and present stands?

(5) Will this report be tabled?

(6) Is there a representative of taxi owners or drivers on the Traffic Advisory Committee?

(7) If not, why not?

The MINISTER replied:

(1) and (2) A resolution under Section 251 of the Municipal Corporations Act was passed by the Perth City Council and published in the "Government Gazette" on the 31st October, 1947. Subsequently, this resolution was amended in February and April. It is not a by-law or regulation and is not subject to approval or disallowance. The hon. member would be well advised to peruse the section of the Act in question.

(3) The Traffic Advisory Committee, as its name implies, merely gives advice. It consists of men representing both Government departments and private enterprise who have had years of experience in traffic matters.

(4) Yes, at the request of the Minister for Transport.

(5) It can be made available to the hon. member.

(6) and (7) No. The number of the Committee's personnel is already somewhat unwieldy.

## WHEAT AND SUPERPHOSPHATE.

*As to Subsidies for Road Cartage.*

Mr. GRAHAM asked the Minister for Transport:

(1) What was the cost of subsidies paid for the carting of (a) wheat and (b) superphosphate by road for the year ended the 30th June, 1948?

(2) What was the quantity of each?

The MINISTER FOR WORKS replied:

(1) (a) No subsidy was paid in respect of wheat transport. All charges were paid

by the Australian Wheat Board on behalf of the Commonwealth Government. (b) £48,668 19s. 1d.

(2) Wheat, 216,773 tons were transported by road. Superphosphate, 49,533 tons.

### RAILWAYS.

#### *As to Engines Undergoing Overhaul.*

Mr. GRAHAM asked the Minister for Transport:

(1) What was the number of locomotives out of traffic for overhaul at the 30th June, 1948?

(2) What percentage of all locomotives does this represent?

(3) What action does the Government propose taking in order to remedy this position?

The MINISTER FOR WORKS replied:

(1) (a) Under repair, 70; (b) waiting repair, 59. Total, 129.

(2) 30.7 per cent.

(3) Every avenue is being explored to secure additional manpower and material for the purpose of accelerating repairs.

In addition, a committee on which the Government, Commissioner, Chief Mechanical Engineer, Locomotive Engine Drivers' Union, Metal Trades Council, will be represented, with Mr. Wallwork as chairman, is being formed, whose duty will be to promote and assist the work of repair in any way possible.

### MILK.

#### *As to Licenses for Treatment Plants.*

Hon. J. T. TONKIN asked the Minister for Lands:

(1) How many applications for licenses for milk treatment plants have been made to the Milk Board?

(2) What is the number of licenses for milk treatment plants which have been issued?

(3) How many applications for licenses for milk treatment plants have been refused?

(4) How many milk treatment plants now operating satisfy the requirements of the Milk Board?

The MINISTER replied:

(1) 21 (13 in the metropolitan area and eight in the country).

(2) 15 (nine in the metropolitan area and six in the country).

(3) One.

(4) Actually, none. Four plants are in process of reconstruction and re-equippping to comply with the Board's requirements.

### FAIR RENTS.

#### *As to Inspection and Investigation Fees.*

Mr. GRAHAM asked the Minister representing the Chief Secretary:

(1) Is it a fact that a fee is charged by the Fair Rents Department when an inspection and investigation are required by any person complaining of excessive rental charges?

(2) If not, for what service is a charge made?

(3) What is the amount of such fee or fees?

(4) Since when has this fee been levied?

(5) In how many cases have fees been paid, and what is the total amount so received?

(6) Will he give consideration to the charge being waived, particularly in the cases of people of limited means?

The MINISTER FOR LANDS replied:

(1) and (2) An application fee is charged for the determination by the Rent Inspector of a fair rent for shared accommodation.

(3) 10s. when rental does not exceed £2 per week; 20s. when exceeding £2 per week.

(4) Upon the commencement of operation of the shared accommodation amendment—May, 1948.

(5) 106; £59 10s.

(6) Yes.

### HOSPITALS.

#### *As to New Building at Lake Grace.*

Mr. NALDER asked the Minister for Health:

(1) Has any recent consideration been given to the urgent need for a new hospital at Lake Grace?

(2) If so, could he advise as to when it is intended to call tenders for the erection of the new building?

The MINISTER replied:

(1) Yes.

(2) The Principal Architect has been instructed to complete plan and call tenders. This work will occupy some little time.

## BILL—PRICES CONTROL.

### *Second Reading.*

Debate resumed from the 18th August.

**MR. WILD** (Swan) [4.39]: I listened with a great amount of interest last week to dissertations by the Leader of the Opposition and, in reply, the Minister for Housing; the Leader of the Opposition for what I thought to be an extremely fair exposition as to why the Profiteering Prevention Bill should be proclaimed instead of the legislation that is now before us, and the Minister for Housing for the excellent way in which I thought he explained to the House Section 92 of the Constitution. This, as we all know, is a section which, may I say, has been interpreted in many different ways, going back to the Duncan case in Queensland in 1916, and one which will, without doubt, affect this proposed legislation when it becomes law. On the other hand, we listened to other speakers referring to skeletons and skeleton Bills, and using other verbal garbage which, quite frankly, I thought had little or nothing to do with the Bill.

In the first place, I feel that we can say without fear of contradiction that everybody in this House agrees it is necessary that price control should be continued, and we therefore have two things to decide: Firstly, are we going to continue price control; and, secondly, if so, is this Bill the best means of implementing that control? The only people who, I feel, do not want price control in Australia today are Australia's public enemies No. 1, some of whom were in this House one evening last week when the Bill was being debated.

**Mr. Hegney:** Who were they?

**Mr. WILD:** I refer to the Communist Party, or some of their satellites who travel with them. I am not going into details on this matter, because I hope, when I am speaking on the Address-in-reply, to say much more about this insidious organisation, which is trying to white-ant its way throughout Australia. But I want to quote one or two extracts from a document I

have before me. It was alleged to be confidential, but I have obtained a copy. It was sent after the last Federal election from Marx House, Sydney, to Mr. Thornton.

**Mr. SPEAKER:** Does it deal with price control?

**Mr. WILD:** Yes, Sir. Here are two of the instructions sent to Mr. Thornton—

Work for inflation: Nothing would cause more active discontent than a rapid upsurge of prices. We have an excellent basic situation where money is plentiful and goods are in short supply. We must do everything to expose to the masses the fundamental contradictions of Capitalism by building on this existing situation.

Get all controls removed: Outwardly we must pursue the policy that we are in favour of all controls; and to clamour publicly for their retention.

However, as I said before, I intend to have considerably more to say on the subject of Communism on the Address-in-reply, and I will leave the matter there. The second point to be discussed is whether this Bill meets the need. I feel that that is the crux of the whole situation. The Leader of the Opposition gave us many specific reasons why we should carry on with the Profiteering Prevention Act that has been on the statute book since 1939. On looking into it fairly closely, I am of opinion that it would need to be amended—as a matter of fact, it would have to be just cut to pieces—to bring it into operation today, seeing that we are taking over so many regulations from the Commonwealth in regard to price control.

I think the Minister took the wisest course possible when he introduced this legislation, because I have no doubt that in his wisdom he must have consulted Mr. Mathea, a man with years of experience, and the Parliamentary Draftsman. Together, they have decided that this Bill is the best way to implement the decision to take over price control from the Commonwealth. I admit that, with many others on this side of the House, when I spoke on the referendum campaign in favour of the "No" vote, I said that the Profiteering Prevention Act was on the statute-book and ready to be put into operation at a moment's notice. But I feel that a Minister would be a man of very small mind if, on good advice being given to him, he were not big enough to be

able to change his mind. Concerning the taking over of the Commonwealth regulations and the placing on the statute book of State regulations, I think that the Deputy Premier gave us a very sound reason when he said there would be no hiatus in this regard, and that there would be a good overlapping so that no regulation would become void until there was another to take its place.

Hon. J. B. Sleeman: And rely on the Legislative Council to throw them out.

Mr. WILD: With regard to the member for Fremantle and this Legislative Council business about which we have heard such a lot lately, I felt it would be a good idea were I to ascertain how many Bills had been thrown out by this dreadful "other place."

Hon. J. B. Sleeman: Tell us what they did with the franchise Bill for the Legislative Council last year.

Mr. WILD: From 1930 to 1947, there has never been a year in the history of this Parliament in which more than seven Bills have been thrown out by the Legislative Council. In 1932, none was rejected at all.

Several Opposition members interjected.

Hon. A. A. M. Coverley: But what were the Bills that were thrown out!

Mr. SPEAKER: Order!

Mr. WILD: If some members opposite would continue with their speaking, I might be able to continue with my interjecting! I want to say a word or two about the referendum campaign in connection with price control. Much has been said by members on both sides of the House with regard to the attitude adopted by the Prime Minister on this question when, with only two months' notice, he threw price control back on the States. I feel that there was much more behind the very adverse vote against the Commonwealth at the referendum—the greatest in the history of referendums in Western Australia—than a mere desire to have price control revert to the States. To use a colloquial expression, I think that the people of Western Australia—and Australia, for that matter—had "had" Chifley, and that was the reason for such a terrific "No" vote. He was asking for permanent powers of price control; but if

one looks into the little referendum pamphlet which everybody received, one finds a few statements which are rather contradictory, statements made by members when they said we were not in favour of price control. In the pamphlet, under the heading "The Case for No," appears the following:—

A "No" vote does not mean a vote against temporary controls. It is simply a vote against new permanent controls at Canberra. In other words, we do not advocate the sudden overnight termination of needed controls, but we do believe that, as the need ends, so the controls should end.

The people on that occasion were asked to give Mr. Chifley permanent powers. I think their memories could not go back very much further than this business of taxation in which members on both sides of the House are interested. Some years ago—I was not here but there are those in the House who have great knowledge of the matter—it was agreed by the Premiers that taxation should be handed over to the Commonwealth Government on the understanding that it would be handed back to the States at the end of the war.

Mr. Graham: That was opposed by every Premier in the Commonwealth, and you know it.

Mr. WILD: I quite agree. But is Mr. Chifley now prepared to give back the power?

Mr. Graham: No, of course he is not!

Mr. WILD: Not long after that, he endeavoured to socialise the banks. More far-reaching in its effect than either of these things has been his inability to control the undesirable Communist element that is absolutely white-anting the coalmines, the wharves, the seamen's union, and everything else in the Eastern States, and which is slowly strangling Western Australia. Those were the reasons why there was such a preponderance of the electors of Australia in favour of the "No" vote. Had he not attempted to ride roughshod over the people, I feel certain they would have been much more temperate when they went to the poll that day. I am not going to delay the House on this question, as I know exactly where I stand. I feel that the Bill, subject to the State regulations being brought in without any hiatus, as promised by the

Deputy Premier, is the best in the interests of Western Australia. I support the measure.

**MR. SMITH** (Brown Hill—Ivanhoe) [4.51]: I think the previous speaker is somewhat unsophisticated politically because of the reasons he gave and the opinions he expressed in connection with the recent referendum on prices. That referendum followed the course and was the same in its result as every referendum that has been held in connection with amendments of the Commonwealth Constitution, when one political party or the other opposed it. All future ones are likely to share the same fate. Every referendum that has been opposed by one political party or the other, has been defeated. But it might have been assumed that in such a simple and personal matter as prices control—a matter affecting the lives and living conditions of the people—they would not have been so easily fooled. It does seem pretty clear now that if sufficient money and opposition are thrown into a referendum campaign, by one party or the other—both parties have been equally guilty in this connection—it will be defeated. So I do not take much notice of the people's opinion on this question of prices control.

The probability is that within a few months of the various States trying to control prices, the opinion of the people, inflamed during the referendum campaign, by propaganda, will be very different as a result of their personal experience. This particular measure which has been brought down is, we are told by "The West Australian," and right out of the horse's mouth from the Liberal stable at that centre, merely a stop-gap, and, further, this particular source has directed members of the parties opposite, both in this House and the Legislative Council, that the Bill must not be regarded as anything else. I am satisfied, so far as the Legislative Council is concerned, that there is not much need for "The West Australian" to worry itself on that score.

Although this is a stop-gap measure, and some of those introduced by other State Parliaments in connection with price control are, too, it is clear to me that it is something more. In my opinion, it is a

superstructure of deceit purposely designed to fool the people into believing, firstly, that the States can effectively control prices, and, secondly, that all of them are equally determined to control prices effectively. I think the States have as much hope of controlling prices effectively as the Commonwealth and States had of controlling a gentleman named James as to where and for how much he would sell his dried fruits. We are told that there is a transition period to be attended to. So there is. That period is one in which it is hoped that the people will forget what the States said they could do in connection with prices control.

I remember, during the referendum campaign, the assurances given by the Premier and the Deputy Premier when they must have known that, as a Government controlled by a Legislative Council in respect to its legislation and the passing of it, they could give no such assurances. I have here an advertisement in which the Premier of this State waves a very reassuring finger and says—

Hon. F. J. S. Wise: He looks as sly as a Shylock in that photo!

Mr. SMITH: I am surprised at the Premier lending himself to such an advertisement. He went down very much in my estimation when he did so. He had this to say—

I say this to you now! . . . A "No" vote will not end price and rent control. The State Government has always controlled rents and will control prices when the Canberra control ceases.

When did the State Government always control rents? Did it control them in 1932 up to 1939 when hundreds of men were returning to the mining industry in this State? Hundreds of houses had been taken away from the mining areas during a depression in the mining industry, and in consequence there was a shortage of houses on the Goldfields and men were being charged £2 and £3 a week rent for humpies. Did the State Government control rents then? Every time a Labour Government brought down a fair rents Bill—that happened on four or five different occasions in this House—the measure was thrown out by the Legislative Council, notwithstanding the fact that those honest workers in the goldmining industry were being exploited by landlords. Yet the

Premier lent himself to an advertisement of that kind in which he said the State Government had always controlled rents and would control prices when Canberra control ceased.

Hon. F. J. S. Wise: Who authorised that advertisement?

Mr. SMITH: It was authorised by Mr. C. Palmer of 115 St. George's Terrace, Perth.

Mr. Marshall: He is well named.

Mr. SMITH: Below the Premier's signature in that advertisement there is an admonition to say, "No" to power-hungry Canberra—an admonition from this representative of the Liberal Party. When the uniform taxation legislation was before the Federal House the Leader of the Liberal Party, Mr. R. G. Menzies said—

After years of experience in Federal and State politics and after much thinking on the whole question I have come to the conclusion that four things are desirable:—

(1) A new Commonwealth Constitution on the South African model, with centralised powers and decentralised functions.

(2) An enlarged Commonwealth Parliament, producing greater reserves of authority and administrative talent.

(3) The fullest access by the Commonwealth Parliament to the financial resources of all Australians, wherever they may live.

(4) Uniform taxation for uniform purposes.

The Attorney General: Are you speaking to the Bill?

Mr. SMITH: That was what Mr. Menzies said on the question of power-hungry Canberra, and yet Mr. Palmer has the audacity to publish this advertisement under the signature of the present Premier. The Attorney General has asked me to speak to the Bill, but he did not give members much information on it. He told the House that there was a conference of State Premiers held at Canberra on the 23rd of June, and that that conference had decided that the closest co-ordination should take place between the States in the matter of price control. He then outlined a number of resolutions that were carried at the conference, the first of them being—

If the economic stability of Australia is to be maintained it is vital that an effective system of price control be continued.

There were five other resolutions, in which the need for uniformity was emphasised and

fear was expressed and shown by individual States that their interests might be jeopardised. A desire was expressed to remove all existing controls when such a course would not interfere with the economic stability of the States concerned or of other States. Then a co-ordinating authority to attain uniformity was to be set up, New South Wales being the convener. The Attorney General told the House about the resolutions that were carried, but I might mention that Lord Riddell, noted for his aphorisms, once said that "carrying resolutions is one of the weaknesses of democracy." After telling the House that those resolutions were carried the Attorney General said he was gratified—and so were all the Ministers—that the serious difficulties in co-ordinating the policies had been overcome. How could they possibly have been overcome when they have not yet been begun? I do not know whether the Attorney General is aware of the fact—he talks about uniformity being necessary—that the State Governments have not uniformity in the Bills that they have brought down to deal with this matter.

Hon. F. J. S. Wise: The Bills are different in each State.

The Attorney General: On principle.

Hon. A. H. Panton: How do you spell it?

Mr. SMITH: On what principle?

The Attorney General: On the general principles that are necessary.

Mr. SMITH: Some of the Bills introduced by the States have made provision for the commodities to be controlled to be declared by proclamation. One State has brought down a Bill for a blanket control somewhat similar to that provided in the Bill now before us. Queensland is going to use its profiteering prevention legislation for the purpose. Under that legislation Queensland has already tried and failed to control the prices of goods moving inter-State. There is no uniformity, even in the legislation being brought down by the various States to deal with the matter.

During the referendum campaign the people were told that the State Governments were wonderful, and could fix up the business of price control; yet they are already running to the Commonwealth for help in connection with the prices of lead, zinc and

other exportable commodities. They are also much concerned about certain commodities on which the Commonwealth Government was paying subsidies. From the wishes that the State Governments have expressed, they would apparently like the Commonwealth Government to go on collecting the money with which it pays the subsidies and hand it over to the States for distribution. That, of course, would be against all the principles of good government.

The Attorney General: They would not have to hand it over to the States. They could pay the subsidies without handing the money over to State Governments.

Mr. SMITH: I do not think so. The Commonwealth can handle it much better, so that the consumer gets the benefit. If it were handed over to the States, with wool and cotton goods and other textiles we would not be sure that the consumer would get the benefit of the subsidy.

The Attorney General: The subsidy on tea, for instance.

Hon. F. J. S. Wise: And potatoes.

Mr. SMITH: It would apply even to potatoes, which frequently are moved inter-State. Under this Bill power is taken to make regulations to prevent undue increases in prices of goods and services that are essential to the life of the community, and goods and services in general use which are in short supply. I would like to know from the Attorney General who is to decide which are those goods and services that are essential to the life of the community, and which are the goods that are supposed to be in short supply. There is nothing in the Bill to indicate who is to make the decision in those matters and nothing to indicate whether the goods, the prices of which are to be controlled, are to be proclaimed and published in the "Government Gazette" or to come before this House and another place by way of regulations. Those are things that this House should know and on which it should receive some advice from the Minister. We have no information at all on that particular subject.

When speaking to the Address-in-reply I referred to the situation that cropped up in South Australia where the Government brought down a Bill in which commodities subject to price control were to be declared by proclamation. The Legislative Council put up an amendment to the effect that

these commodities should be declared by regulations.

The Attorney General: But it was not carried.

Mr. SMITH: It may not have been carried but it was an attempt on the part of the Legislative Council to do something that the South Australian Government did not desire and, if the Council had not received its instructions from the "Adelaide Advertiser," it would probably have insisted on that particular amendment. However, it is clear to me that the States cannot possibly do very much with price control. With all their vaunted attempts at uniformity and conferences on the subject, once the control gets under way there will be no such thing as uniformity. There are three Labour Governments and three Liberal Governments connected with this set-up and it is asking too much to expect uniformity of opinion in respect of price control amongst Governments so constituted. It is almost impossible even to hope for.

The Attorney General: The New South Wales Labour Government does not think so.

Mr. SMITH: There is a conflict of opinion and there is a driving force behind the Liberal Party to do away with controls.

Hon. F. J. S. Wise: That is the trouble.

Mr. SMITH: The commission set up under the Victorian Bill is called a decontrol commission and its objective is to bring about decontrol of prices, not the control of prices. Why have we not a commission under this particular measure in view of the fact that they have a commission in Victoria to deal with the subject? With prices generally there is going to be a drive on the part of those who put Liberal Governments into office in this and other States, to see that price control is done away with as soon as possible, irrespective of the interests of the people.

A gentleman named Professor Bland was in this State quite recently. Apparently he is bland by name and bland by nature. He addressed a gathering of the Citizens' Rights Association while in Perth and he is chairman of a section of the Liberal Party that goes under the alias of the New South Wales Constitutional League. Quite recently the Constitutional Leagues of the various States held a conference in Melbourne and the only State

not represented was Queensland. A Liberal production in the form of a paper called "Hard Comment" which is aiming at the defeat of the Labour Government in the Federal sphere, talking about this representative conference, had this to say—

Attention was given to the efforts of some States to retain the majority of price and other controls renounced by the Commonwealth. It was noted that in Victoria the new State authority is to be known as the Decontrol Commission. The conference believed that this was the best approach since it would be flouting the will of the people were the States merely to assume what the Commonwealth had divested itself of or were the States to endeavour to maintain uniform control throughout Australia.

What has the Minister to say about that? The report goes on to state—

People need to be reminded that before the war controls were at a minimum and that there can never be a return to competitive trading until there is competition as between traders as well as between the several States.

What has the Minister to say about that expression of opinion from a branch of the Liberal Party?

The Attorney General: It is not a branch of the Liberal Party.

Mr. SMITH: The conference was representative of all the States with the exception of Queensland.

The Attorney General: It is a separate organisation and you know it.

Mr. SMITH: I do not know anything of the kind.

The Minister for Lands: You do not know that it belongs to the Liberal Party.

Hon. J. B. Sleeman: What about the Country Party?

Mr. SMITH: It might be communistic in character for all I know.

The Minister for Lands: Why do you say it is a branch of the Liberal Party?

Hon. J. T. Tonkin: It gets its funds from the same source.

Mr. SMITH: Both the Attorney General and the Minister for Lands object to my associating it with the Liberal Party.

The Attorney General: It does not happen to be the Liberal Party.

Mr. SMITH: I am entitled to be suspicious of the Liberal Party—

The Minister for Lands: We are only trying to put you on the rails.

Mr. SMITH: —because quite recently the Federal member for Bendigo, Mr. Rankin, at a conference of the Australian Country Party, said that that party was the only party that did not have communistic cells in it.

Hon. J. B. Sleeman: And spring onions.

Mr. SMITH: Apparently all the other parties have communistic cells in them. Evidently the Liberal and C.D.L. Parties do, as I understand the C.D.L. Party is not affiliated with the Australian Country Party.

Mr. SPEAKER: The hon. member is getting away from the Bill.

Mr. SMITH: The Minister for Lands ought to be very careful in his expressions of opinion because if I went down to the dried fruits section of the Westralian Farmers, members of that organisation might suggest that the Minister had communistic tendencies because, the other evening he facetiously said, when the member for Forrest was speaking, that the personnel of Westralian Farmers were great co-operators.

The Minister for Lands: That is a plank in the platform of my party.

Mr. SMITH: There can be no question that this publication known as "Hard Comment" is anti-Labour and pro-Liberal and there is also no doubt that the West Australian Constitutional League is only a branch of the Liberal Party masquerading under another name.

The Attorney General: I might say that the Communist Party is pro-Labour, might I not?

Mr. SMITH: The Minister has often done that, but it does not make it any more true for him to say it.

Mr. SPEAKER: The hon. member is still getting away from the Bill.

Mr. SMITH: Organisations such as the West Australian Constitutional League guide members of the Liberal Party as to how they should act in connection with price control and some organisations think that price control should be done away with altogether.

Hon. J. B. Sleeman: Do not tell the Attorney General what to do.



Mr. SMITH: I would like to know what is going to happen with business moving between the States. While in Victoria I was able to purchase biscuits made in this State that were without rival in Victoria. They were made in Subiaco. How is the Minister going to control the price of such biscuits both here and in other States? Is the Minister going to say that the price of the biscuits here is a shilling a packet and that they should be sold in Victoria at that price plus the cost of the freight?

The Attorney General: Probably that would be quite legal.

Mr. SMITH: Is that what the Minister proposes to tell the people?

The Attorney General: But it would probably be legal.

Mr. SMITH: I propose to get away from the question as to whether or not it is legal. Take the position of the firm in Western Australia that can put out an article that is without a rival in any part of the Commonwealth! Is it proposed that the Minister will be the person to tell the Ministers in the other States that so much shall be the price charged there for biscuits that are of a standard that is without competition in those States? The biscuits I refer to are made at the Renco factory at Subiaco.

In my opinion, this legislation is just a superstructure of deceit. I do not believe that the Government of this State or any other State Government honestly believes it can control prices. If the Government desires to control prices, it has already legislation on the statute-book for the purpose. That measure contains provisions that the people can understand, that we can all understand, provisions that have been debated and thrashed out by both Houses of Parliament and cover all the necessities for the control of prices—with need, possibly, for merely a few slight amendments. It is a measure that appealed to the Attorney General himself, as the member for North-East Fremantle mentioned, when he referred to an occasion when the Minister had expressed satisfaction with it and had said it was a measure that should be used for the purpose of controlling prices. It is a measure that, I think, is along lines similar to the Queensland Act which the Government of that State is using for the purpose of price control.

Why is this State not making use of its Profiteering Prevention Act for the same purpose? There is no excuse for not doing so on the ground of uniformity. The Minister tried to prevail upon the House, and endeavoured to persuade members, to regard the Bill as necessary for the purpose of securing uniformity. On the other hand, we have proved from the Minister's own utterances, that there is no such thing as uniformity in connection with this type of legislation. I think the Profiteering Prevention Act should have been availed of, and I feel so strongly on the point that I intend to move an amendment to the motion, which is "That the Bill be now read a second time." I move an amendment—

That the word "now" be struck out and after the word "time" the following words be added:—"after the Government has considered the advisability of making the necessary amendments to the Profiteering Prevention Act, 1939-1941, for the purpose of controlling prices by that Act."

**THE ATTORNEY GENERAL** (Hon. A. V. R. Abbott—North Perth—on amendment) [5.25]: The member for Brown Hill-vanhoe may feel that the Profiteering Prevention Act would meet the situation equally as well as the Bill that is before the House. I suggest that he is quite wrong. I do not offer that suggestion entirely on my own authority, because I did what any responsible Minister would do in similar circumstances. Mr. Mathea was at the conference of Ministers; he heard what was said and knew what undertakings were given. On my return, I naturally asked for his advice and also for that of the Parliamentary Draftsman as to what would be the best means of carrying out the intentions of the Government and acting in accordance with the arrangements made at the conference of Ministers. On their advice, the Profiteering Prevention Act was not amended. I was told that if any attempt were made to amend the Act, nothing would be left in the measure but the amendments themselves.

Hon. J. B. Sleeman: You must accept the responsibility.

The ATTORNEY GENERAL: It was regarded as much more efficient and much simpler to carry through with the changed authority on the basis of what had been tried not only in this State but in each of

the States of the Commonwealth over a number of years. The procedure I refer to had been tried and the necessary alterations made from time to time as the need arose and the occasion demanded.

I will admit that the Queensland Government decided to use its own Act. I am not in a position to say how closely the provisions of that measure follow the Commonwealth enactment and its regulations. On the other hand, I know that at the conference the Queensland Minister undertook to have the Act amended, if necessary, to follow closely along the lines agreed upon. I know, too, that Mr. Playford gave a similar undertaking on behalf of the South Australian Government. Thus, in adopting the attitude I have, I followed the course that any responsible Minister dealing with a highly technical matter would have pursued, and I certainly must rely upon the advice tendered by experienced servants of the Crown. I took their advice and the Bill was drafted in the fashion members have noted. I must certainly oppose the amendment.

**HON. A. H. PANTON** (Leederville—on amendment) [5.28]: I support the amendment and make no apology for doing so. I thought the Attorney General was going to give the House some reasons why the amendment should not be agreed to.

**Hon. J. B. Sleeman**: He gave some excuses.

**Hon. A. H. PANTON**: The Minister gave some reasons why he made a certain statement to which the member for North-East Fremantle had drawn the attention of the House the other evening. I tell the Attorney General that any argument he may use now with respect to the regulations—it is no good talking about the Bill and forgetting about the regulations, seeing that the regulations really constitute the Bill—hardly meets the situation when we remember that he has argued that for a number of years the Act has operated smoothly and was made operative when found necessary. His suggestion seems simply ridiculous to me. During the whole of the referendum campaign—I do not make any complaint about the Minister or his party in that respect—they talked about the attitude of the Commonwealth and said that its regulations were an absolute failure.

The Attorney General: That is not correct.

**Hon. A. H. PANTON**: I took a very active part in the referendum campaign and read as much as I could of the arguments advanced by opponents. The great argument was that government by regulation from Canberra had failed and that it was essential that this control should revert to the States. There can be no question about that.

The Attorney General: It was a question of the Commonwealth's having permanent control.

**Hon. A. H. PANTON**: It is of little use trying to argue at this stage that the difference lay between shifting control from Canberra and giving the Commonwealth permanent control.

The Attorney General: That was a vital point.

**Hon. A. H. PANTON**: It is a fine point to take at this stage.

The Attorney General: Not at all. This Government had agreed to give the Commonwealth temporary control.

**Hon. A. H. PANTON**: This Government fell into line with the Governments of other States, which were opposed to these regulations and to government from Canberra. There is no doubt about that. Almost daily a portrait of the Premier was published in "The Daily News" showing him trying to look intelligent and in the accompanying advertisement, stating clearly what he stood for; and the Government parties went to the country on that policy.

I believe in majority rule and I think I can say, after having taken an interest in previous referendums, that the decision of the people on this occasion was without precedent in the Commonwealth. By an overwhelming majority, the people of Australia said, in effect, "We have finished with government from Canberra and the regulations under the Commonwealth Act." Having been reared to observe majority rule, I accept the decision of the people and have no fault to find with it.

The Minister for Lands: Because a lot of those people were your friends.

**Hon. A. H. PANTON**: If this is so, I feel sorry for them, because they will presently find out who their real friends were. One

member the other evening, throwing his chest well out, told the House that he had voted "No". I voted "Yes", and did my best to induce others to vote in the same way, but we fell in miserably.

The Attorney General: Were not you glad?

Hon. A. H. PANTON: No, and the Attorney General will not be glad, either.

Hon. F. J. S. Wise: He is not looking over-pleased.

Hon. A. H. PANTON: He has my sympathy. The people of Australia gave their decision that prices control should be returned to the States, just as the State Governments had requested. Well, we have had control handed back to us, and what are we doing about it? The Government has glibly presented a Bill containing a few clauses that in reality mean nothing, and we have been calmly told that the regulations under the measure are to be those that had been operating for a number of years, regulations which the Government told the people were of no value, a statement that a large majority of the people believed. I propose to support—and I hope the House will support—a measure of our own. I intend to be a real State-righter for once with the object of getting on our statute-book a piece of legislation for prices control. I cannot see anything wrong with that, but I can see quite a lot wrong with this Bill.

One day, while attending the Perth Police Court, I heard a price-fixing case dealt with. An eminent lawyer argued before the magistrate that there was not a legal man in the State, let alone a layman, that knew very much about the price-fixing regulations, because they were being promulgated in such numbers. With all due respect to the Attorney General, I venture to say that, if he were put on the stand and cross-examined on the regulations, he would find himself in the same difficulty. Mr. Mathea, who has grown up, as it were, with the regulations, might know something about them, but the public should be able to understand them and members should be able to put inquirers on the right track.

I dare say that other members have the same experience as I do of people asking all sorts of questions about housing and other things. If I have inquiries of this

sort about price-fixing, I shall send those people to the Attorney General. I hope that the Minister will set up a bureau where questions on the subject can be answered. Business people might have some knowledge of the regulations, but doubtless they are put to great expense to obtain rulings from the legal fraternity. To say that ignorance of the regulations is no excuse is quite unfair. If we pass legislation such as this Bill and the regulations, we shall be acting unfairly to members, to the business community and to the people generally. A simple set of regulations could be introduced.

The Attorney General: No more simple than these.

Hon. A. H. PANTON: During the 20 odd years I have been a member of this House, much more complicated measures have been introduced and passed, and the regulations have been sufficiently simple to be understood and adequate to give effect to the Act. Judging from the reports of the proceedings at Canberra, we may find that certain controls are to be lifted, but we do not know which controls will be lifted.

The Attorney General: You would not expect us to provide for that in the Bill, would you?

Hon. A. H. PANTON: No, but I would expect to find quite a lot of regulations which have already been lifted and about which we know nothing. The Attorney General will wake up one morning to find that he is enforcing in this State regulations that have been lifted elsewhere. That is what will happen under this measure. We shall find that a set of regulations has been lifted in New South Wales without our knowing anything about it. If the Government wishes to secure a statute that will be of some value, it should stick to our own legislation. If, on the other hand, it wishes to make as big a failure of prices control as opponents alleged during the referendum had been made, we had better adopt the Attorney General's proposal.

Apparently the Attorney General has much faith in the Legislative Council. He seems to think that once he has introduced a Bill here, it has as good as reached the statute-book. I point out to the Minister that the Council is more likely to deal with the regulations. During the refer-

endum campaign, there were no more bitter opponents of the proposal than some members of the Council, and they will be the men who will be dealing with the regulations under this measure. Knowing something of how that House has acted in the past, I venture to say that little will be left of the regulations by the time it has finished with them. I hope that the amendment will be passed. I listened carefully and with considerable interest to the speeches made last week by the Minister for Housing and the Minister for Education because they are usually quite logical in their arguments, but on this occasion they were both, to use an Australian colloquialism, scratching gravel. They were making a great fight to prove—unsuccessfully, as far as I am concerned—that this was the best way of going about it.

The Minister would do well to go back on his previous statement that the legislation now on our statute-book is not the best. If he does, he will save himself a tremendous amount of worry and he will give members an opportunity to tell the public just what they are in for. At present, we have to go to the public and say, "We are sorry. We are paid a reasonable salary to know what is going on, but now the Government has put something on to us and we have to take a few months to study the regulations in order to ascertain what they actually mean."

**HON. A. R. G. HAWKE** (Northam—on amendment) [5.41]: I think we can take it for granted that every member is anxious to see an effective system of price control continued in this State. The question which the amendment now before the House brings before us for decision is whether that purpose can be better achieved by the Profiteering Prevention Act than by the Bill now being considered by us. As far as I am able to understand the Commonwealth regulations governing price control, some of them have been built almost entirely upon sections of our own Profiteering Prevention Act. It is clear, therefore, that the Commonwealth legal officers, when drawing up the Commonwealth regulations in 1942, found that Act a valuable guide to them in many respects. The fact that those officers did frame some of the more vital regulations upon our existing State legislation,

and the further fact that the Commonwealth Government of that day approved of those regulations indicate, I think, the value and effectiveness of the Act which this Parliament passed as far back as September, 1939, for the control of prices and the prevention of profiteering in this State.

I listened very carefully to the speeches made by the Deputy Premier and the Attorney General when they explained to the House the reasons which prompted the Government to decide to introduce the Bill now before us, as against taking up the Profiteering Prevention Act already on the statute-book and using it for the purpose of controlling prices in the future. I think the case they presented was not nearly strong enough to convince members that the Bill should be accepted in preference to the Act. Most members are aware that our own Act was in force in this State for more than two years.

**The Attorney General:** And not very well, according to Mr. Mathea; that is his statement.

**Hon. A. R. G. HAWKE:** In reply to the Attorney General, I would like to have that statement from Mr. Mathea himself, because during the whole of that period I happened to be the Minister in control of the State Act. Mr. Mathea used to report to me regularly and his reports were always satisfactory. I think the test as to whether the State Act operated effectively in 1939-40 and 1940-41 is in the actual experience as to price increases which occurred during that period. There is no more effective measure than that one, and if members will take their minds back to that period, they will recollect that prices in this State did not move upward to any great extent, when it is recalled that war conditions were then upon us. I would be indeed surprised, therefore, to learn from Mr. Mathea himself that the statement which the Attorney General now offers on his behalf is one which he, Mr. Mathea, faithfully believes in. Any member who studies the Profiteering Prevention Act will immediately realise that its provisions are such as to enable it to be administered effectively for the purpose of achieving the objectives of the legislation.

**The Attorney General:** In that case, you do not think the Commonwealth should have continued with price-fixing.

Hon. A. R. G. HAWKE: I do not propose, Mr. Speaker, to be drawn away from the point I am dealing with at the moment by the Attorney General's interjection, which is not relevant to the point I am now discussing but, if he would like that point discussed later on, I invite him to make his interjection again. Members will see, if they study the State Act, that it is particularly well constructed and that in almost every necessary respect it sets up a well-ordered system for the purpose of giving to those charged with the administration nearly all the power, if not all, they would require to protect the people of the State against unfair increases in price and against profiteering of any description. I have sufficient faith in Mr. Mathea to believe that if he were called upon to administer this Act he would be able to do so as effectively as he could administer the Commonwealth regulations, and I would add, administer the Act more easily than he could the Commonwealth regulations.

There is this important point to be considered also: The consumers generally are entitled to be able to understand any price control system in such a way as to know what the system is and how it operates, and to ascertain what their rights are. In that connection, I suggest there is no shadow of doubt that the average consumer could very much better understand the Profiteering Prevention Act and the comparatively few regulations which might be required under it than the mass of Commonwealth regulations which would become the law in this State if the Bill now before us were passed. As a matter of fact, I think that in the field of price control consumers can exercise a great deal of influence in assisting in the more effective administration of any system if they know what that system is; if they know how it is constructed and how it is operated.

In speaking to the second reading I think I said that the people are very conscious of the vital nature of price control in this period in which we are living. I think I said then that every man and woman in the State, almost without exception, is worried about the possibility of further increases in the cost of living and because of that I believe that the person or persons who control the price-fixing system in this State can harness a very great power in

their favour if the legislation under which they are to operate is sufficiently well understood by the average consumer to enable him to co-operate in the many ways in which it would be possible to assist the administrators of the legislation. So I commend to the most earnest consideration of the Minister particularly, and members of the Government, the amendment moved by the member for Brown Hill-Ivanhoe, because I still think that the Profiteering Prevention Act is a much better legislative vehicle to use in connection with the control of prices in this State than are the mass of Commonwealth regulations which the Minister and the Government would have us pass into law for use in the control of prices within this State.

It may very well be that the Commonwealth regulations are effective. I think they have been reasonably effective over the years and have saved Australia from a much greater instalment of inflation than the nation has already suffered. That, however, is not the point. At any rate, it is not the vital point. The vital point is whether the State Profiteering Prevention Act is not a better method of dealing with the problem in the future than the Bill which the Government has brought before us. In my opinion, because the State Act sets out clearly and briefly an effective system for the control of prices, it is to be preferred; and I hope that the Minister and his colleagues will be able to see the situation in that light and support the amendment.

Amendment put and negatived.

**THE ATTORNEY GENERAL** (Hon. A. V. R. Abbott—North Perth—in reply) [5.55]: I do not propose to delay the House very long, because members on both sides have gone into the Bill very thoroughly. I listened attentively to those who spoke on the measure. I certainly gave the speech of the Leader of the Opposition careful thought because I considered it a very able speech indeed. But after reading it very carefully, as well as listening to it, I had a feeling, firstly, that he may, to some extent, have been influenced by the fact that he did believe the States could not do the job; and, secondly, that he was to some extent influenced by the fact that his Government had previously introduced another

measure. However, be that as it may, I cannot entirely agree with all the criticism he expressed.

I have already mentioned, when speaking to the amendment, why the Bill was introduced in this form, and I do not propose to make that explanation again. But I can assure the House that most careful consideration was given to the matter, not only by the experts of the Government but by the Government itself, before it was decided to introduce this Bill rather than one to amend the Profiteering Prevention Act.

Hon. F. J. S. Wise: At what exact period did you change your mind?

The ATTORNEY GENERAL: After I had the advice of my experts.

Hon. F. J. S. Wise: It was a complete change, was it not?

The ATTORNEY GENERAL: Yes.

Hon. F. J. S. Wise: You keep your mind clean if you change it like that.

Mr. Hegney: What guarantee have we that you will not re-change it?

MR. SPEAKER: Order! The Minister will take no notice of interjections.

The ATTORNEY GENERAL: The Leader of the Opposition advanced the opinion that it was surprising, after the public had expressed its views in unmistakable terms, to see the perplexed attitude of the Governments over price control. I think the Leader of the Opposition is mistaken in assuming that the Governments were perplexed. Certainly it was not expected that the Prime Minister would suddenly decide to shelve all responsibility when he had already asked the Parliament of Australia to give him authority to carry on this legislation to the end of the year. One would have thought that he would have carried it on for that period. Had he done that, no doubt it would have made the task of the States a little simpler. But that does not mean to say that the States were perplexed. When the Prime Minister made his wish quite clear, the States at once took on the task. As a result, the Premier has been to Melbourne once, and I have been there twice in the last two months and have to go again tomorrow. That has been the only result of the sudden move by the Prime Minister.

There has been a good deal of comment to the effect that the States felt this task could not be successfully carried out. I can only say that not one Minister from any State—whether a representative of a Liberal or of a Labour Government—has at any time expressed that point of view and Mr. Finnan, who represents the senior State in Australia, when introducing his Bill to the New South Wales Parliament said—

I am pleased to say that the major difficulties necessarily associated with such an important changeover have been ironed out, and that there is no reason whatever to fear that any differences will arise between the States over matters of policy or administration.

I think that Mr. Finnan is a very sincere man.

Hon. A. H. Panton: Be careful! It might be used in evidence against you.

The ATTORNEY GENERAL: I think he was giving the opinion of his Government in his statement to the House, and he had no fear that the Ministers who have this severe responsibility would not, whatever their party views, successfully carry out the duty placed upon them and the States. I quite agree with the Leader of the Opposition that controls should be lifted, or at least tapered off, as opportunity offers and the supply of goods is found to be comparable with the demand for them. Quite a number of members of the Opposition have expressed that point of view. I can only say that it entirely expresses the views of the Government. No one wants restrictions and controls if they can be done without. It is the intention of the Government, as soon as it is convinced that the community will not suffer as a result, to dispense with as many controls as possible.

Hon. A. H. Panton: That is a bed-time story, that is.

The ATTORNEY GENERAL: It might be, but it is true.

Hon. A. H. Panton: You will do what the Liberals tell you to do.

The ATTORNEY GENERAL: The hon. member does not agree with his leader, that is all.

Hon. A. H. Panton: I cannot help that. Great minds do not always think alike.

The ATTORNEY GENERAL: There was some little comment about the small secretariat of two people that has been set up in New South Wales. They are to have no administrative duties at all in connection with prices control.

Hon. A. H. Panton: You did not honestly think that two people were going to control the whole of Australia, did you?

The ATTORNEY GENERAL: They are not going to control at all, but merely act as liaison officers. That is their duty and purpose. There is no suggestion that a department should be set up in New South Wales for general control or administration.

Hon. J. T. Tonkin: What happens if those two disagree on any point?

The ATTORNEY GENERAL: They are not asked to agree, but only for information. They are liaison officers.

Hon. F. J. S. Wise: How often do you think the State Ministers will have to meet to iron out the already ironed-out difficulties?

The ATTORNEY GENERAL: They will meet as often as is necessary.

Hon. F. J. S. Wise: That will be often.

The ATTORNEY GENERAL: If it is necessary, they will have to meet often.

Hon. J. T. Tonkin: And if requisite, at some additional times.

The ATTORNEY GENERAL: The Leader of the Opposition also expressed some doubt as to certain powers of delegation which exist under the Commonwealth legislation. Those powers are contained in the Wartime (Transitional Provisions) Act, or the regulations and they are not, I can assure him, being taken over. The hon. gentleman also raised the point that if regulations were amended and disallowed by either House we might have none operating. It was never intended that this Government should be placed in such a situation because, as members are aware, there are two methods of bringing in regulations. They can, under the Interpretation Act, be operative when gazetted, or at any time fixed by the regulation. The intention was that such a time would be fixed as would enable these regulations to be either approved by the House or disallowed.

I am quite in agreement with the views of the Leader of the Opposition, however, that it would be advisable to place provisions in the Act to bring about what I said I would do administratively. I propose to move an amendment to see that that is carried into effect. There has been a good deal of comment about Section 92. The Minister for Housing has dealt with this question. I do not think it presents great difficulty. There is to be the closest co-operation between the States, and it has yet to be decided that the States have not power to fix a price at which goods can be sold within the State, although for the purpose of being transported outside the State.

Hon. F. J. S. Wise: How will you get over the difficulty of a manufacturer in Sydney refusing to abide by a State prices law because he wishes to export his commodity?

The ATTORNEY GENERAL: I think it can be enforced on the vendor within the State. We are doing it every day in the week.

Hon. F. J. S. Wise: But he can fix the price himself for export.

The ATTORNEY GENERAL: I doubt that very much. We still have and constantly utilise a somewhat similar provision with regard to plants which we sometimes say may not be imported into the State.

Hon. F. J. S. Wise: That is under the quarantine laws.

The ATTORNEY GENERAL: It is a State law which operates to prevent the interchange of plants between the States.

Hon. J. T. Tonkin: I believe the lawyers are not certain that that law would stand testing.

The ATTORNEY GENERAL: It has lasted a long time without being challenged and I suggest that this measure will not be contested. I do not think members need fear that the system of co-ordination between the States will fail in any way because of Section 92.

Question put and passed.

Bill read a second time.

*In Committee.*

Mr. Perkins in the Chair; the Attorney General in charge of the Bill.

Clauses 1 to 5—agreed to.

Clause 6—Appointment of Commissioner:

Hon. J. B. SLEEMAN: I move an amendment—

That in line 1 of paragraph (a) the word "a" be struck out and the word "three" inserted in lieu.

The ATTORNEY GENERAL: I cannot agree to the amendment. No explanation of it has been given and I do not propose to give an explanation as to why I cannot agree.

Hon. J. B. Sleeman: The explanation is that this is an important measure in which the consumers of the country are vitally interested. They have the right, as have also the producers, to be represented on such a commission.

The ATTORNEY GENERAL: With close co-ordination between the States, responsibility will fall largely on the Ministers concerned, each of whom will on all occasions have the advice of his experts. There is provision under the regulations for an advisory committee to be set up. That committee will be composed of highly skilled and qualified persons.

Mr. Marshall: Who is the committee to advise?

The ATTORNEY GENERAL: The Minister, who has the final responsibility.

Mr. Rodoreda: Then why have a commission at all?

Mr. Smith: What are they going to do in Victoria?

The ATTORNEY GENERAL: I do not know. I feel a board of three members would be cumbersome and less efficient than a single commissioner under the control of the Minister.

Hon. F. J. S. WISE: The member for Fremantle is anxious that there should be a board of commissioners with opportunity of weighing the pros and cons for both consumer and manufacturer. There will be a lot of differences of opinion in this State about the respective values of locally manufactured and imported goods. I intend at a later stage to discuss the question of inter-State price control. A single com-

missioner could easily give a decision, as between a locally-manufactured and an imported article, that would be unfair to local manufacturing interests. The amendment is obviously to the advantage of this State's interests. It would ensure firstly a value appropriate to cost and then a true value of the locally manufactured commodity. It would ensure proper representation of both manufacturing and consuming interests.

*Sitting suspended from 6.15 to 7.30 p.m.*

Mr. MARSHALL: I regret that the Minister will not agree to the amendment. Had the Minister had the experience of the administration of these regulations by an individual under the Commonwealth regime, as have some members, he would have been more sympathetically disposed towards it. I assume that the same officer or officers will be appointed to administer the regulations under State jurisdiction, and will follow the same procedure as in the past.

Hon. F. J. S. Wise: That is what the Minister wants them to do; to follow that policy.

Mr. MARSHALL: The Government damned controls in years gone by, but I want to see some degree of justice now that control is to be a State function. When speaking on the second reading, I claimed that the administration was reeking with anomalies. In the clothing industry we have manufacturers who make a sample dress and, having received orders on that sample, manufacture such garments by the hundreds and thousands, and are permitted to enjoy the same margin as an ordinary dressmaker who has to make a different dress on each occasion. If that state of affairs is to prevail, we will have combines, trusts and monopolies because the small manufacturer will not be able to compete. The amendment will lend itself to a more equitable way of dealing with the regulations.

I had occasion to refer some anomalies to the present Deputy Commissioner of Prices, but I am afraid I received little redress. I asked him why it was that those who conducted cafes and that type of business in 1942 could charge a certain price for a specific meal as against another individual who had a similar business but, because he was charging 6d. or 1s. less, was obliged to retain that figure. Foreigners, who ex-



exploited the people in 1942, are able to retain their margin of profit even though the price of the goods served to the public has risen.

The Attorney General: I suggest you see me after the 20th September.

Mr. MARSHALL: I have looked at the Attorney General ever since he has been a member, and he has not impressed me. We have people conducting restaurants and charging 1s. 9d. for a meal, yet the foreigner is permitted to charge 2s. 6d. Because they cannot get an increase in price, these people are being forced to close, even though they are rendering a valuable service to the community. Boans, Woolworth's and other institutions conduct cafes as a sideline, even though such business may not be profitable.

The CHAIRMAN: I hope the hon. member is going to connect his remarks with the amendment.

Mr. MARSHALL: I want to see representatives on the commission of the consumer and the producer rather than have the regulations continuing as they have in the past. I am not prepared to allow this State to become a complete monopoly for a few, particularly foreigners, and the amendment will make for more equity and justice. If we do not accept it, the same personnel will be in charge, and the same state of affairs will continue.

Mr. HEGNEY: There is a great deal of merit in the amendment. The criticism levelled at the Commonwealth Government and its regulations by members of the State Government was such that the Committee should lend an ear to the arguments in support of the proposal. It appears to me that since the Minister submitted this legislation, there has been a tendency on his part to follow blindly the position that obtained under the Commonwealth regulations.

The Attorney General: That is not so at all.

Mr. HEGNEY: That is my opinion.

Mr. Marshall: Why, the Minister admitted this afternoon that he took the advice of Commonwealth officials in framing this legislation!

The CHAIRMAN: Order!

Mr. HEGNEY: The Bill before us is probably one of the most important that

Parliament will deal with this session. We have had an assurance from the Government that every attempt will be made effectively to administer the price-fixing laws. I hope I am wrong, but the indications at present are that the Government will be hard put to it to obtain the requisite number of competent inspectors thoroughly to administer the provisions of the Act, unless conditions are made sufficiently attractive to prospective officials. There is a tendency on the part of many people to regard Western Australia as the area within a radius of 10 or 12 miles of the G.P.O., but I would remind the Minister that even though roughly 50 per cent. of the population reside within that radius, there are 250,000 people living outside that restricted area. There are towns like Geraldton, Northam, Albany, Manjimup, L'Ember-ton, Marble Bar—

The Attorney General: Carnarvon.

Mr. HEGNEY: Yes, and Collie, as well as a great many other places. Anybody administering a law of this description should be able to travel throughout the State periodically to gain first-hand knowledge of the position in the outlying districts. The Government has a precedent to guide it inasmuch as last session when the Government Railways Act Amendment Bill was before the House, it included a provision for the appointment of a workers' representative on the board of directors. If three commissioners were to be appointed under this legislation, one should be the representative of the Employers' Federation, the Chamber of Commerce or the Chamber of Manufacturers, as the Government might decide, and, from the consumers' standpoint, the industrial unions should be consulted and asked to submit the name of a suitable nominee for the second position as commissioner. If the Minister were to approach the industrial unions, I can assure him that the individual nominated for the position of commissioner would be very competent and able.

If those two commissioners were appointed, they could separately visit various parts of the State and so assist their fellow commissioner who would be the chairman. If the amendment were agreed to, the two commissioners I refer to could not only visit various parts of the State separately but would act in collaboration with

the inspectors. That system would greatly assist the Government in ensuring that the provisions of the Act were effectively carried out. I am under no delusion about the situation that will arise if one commissioner only is appointed with his head office in Perth and with a limited number of inspectors. In such circumstances this legislation will be to a large extent a dead letter as regards the outlying districts. Under the Commonwealth regime with a deputy commissioner for Western Australia, the regulations in many instances did not work to the benefit of the consumers. That is one of the main points I want to impress on the Minister.

I am convinced that strong influences in this State will be at work very quickly with a view to sabotaging this legislation. I believe that to be true, and I make the statement without any equivocation. I believe that as soon as the Bill is passed, attempts will be made to sidestep its provisions. Should the Government appoint three commissioners, one of whom will be a representative of the Labour movement, which is representative of a large number of working people throughout Western Australia, the trade union movement, acting in sincere collaboration through its representative, will materially assist the Government in preventing black-marketing and in curbing the activities of those who would levy undue prices on the community. I trust the Minister will not be adamant regarding the Bill and refuse to allow any alteration. Such an attitude would be unreasonable. If his opposition is on the score of increased expense to the State, such a contention will not hold water. If the two extra commissioners are appointed, they will be able to assist the public in many directions. I appeal to the Minister to reconsider his attitude regarding the amendment. I was surprised that he did not attempt to put forward any effective argument against the proposition submitted by the member for Fremantle.

Mr. NEEDHAM: Having stated on the Address-in-reply and on the second reading of the Bill that I favoured a board of three commissioners, I support the amendment. I am amazed at the attitude of the Attorney General. In 1919 legislation was passed for the fixing of prices and three commissioners were provided for, one representing

the business community, one the consumers and an independent chairman. Consequently there is nothing new in the proposal contained in the amendment. This is the most vital clause of the Bill, having in mind the power to be vested in the commissioner or commissioners. One might talk glibly of the need for controlling prices, but unless the control is effective, the whole system must break down.

We are living in abnormal times when people have to pay very high prices for the necessities of life, and these conditions will continue. I have no intention of reflecting upon the gentlemen who have been responsible for the control of prices under the Commonwealth regime, but I support the amendment because there is not the same guarantee of effective control being exercised by the States as there was under the Commonwealth.

Mention has been made of the attitude that will probably be adopted by the Legislative Council. When the Commonwealth exercised the power, there was no such danger. True, the regulations could be disallowed by either House of the Commonwealth Parliament, but both those Houses are elected on an adult franchise, whereas the Legislative Council is elected by only one-sixth of the State's population and may refuse to pass any legislation approved by this Chamber. More effective control would be secured by having representatives of the business community and the consumers on the board.

The Attorney General: That is not provided for in our Profiteering Prevention Act.

Mr. NEEDHAM: A board of three would also be more effective because, with the change-over to State control, the Commonwealth intends to abolish all subsidies. The Commonwealth was requested to continue the subsidies on certain commodities, but the Prime Minister has refused. He also stated that there were goods in stock upon which subsidies had been paid and that there was a danger of those goods being sold at higher prices. Steps should certainly be taken to ensure that increased prices are not charged for goods upon which the Commonwealth has paid subsidies. The amendment does not go as far as I would desire.

I have mentioned previously in this Chamber that I would prefer a board of three commissioners and also that all inquiries into prices administration be held in public. When the consumer—the worker—upon whom the load will eventually fall, desires to better his conditions of labour or to receive a higher monetary award, he cannot get what he wants done behind closed doors. He must go to the Arbitration Court, the industrial court or to a conciliation commissioner, and, through his union, give all the information required by any such authority before he can succeed in his application. The Bill should be amended in such a way as to provide for public inquiry into all matters connected with prices. I have mentioned in this Chamber the fact that from January of last year up to, I think, June or July, there were applications for increases in prices amounting in value to £60,000,000. That indicates the necessity for care and caution. I hope the Attorney General will see the value of the amendment and agree to it.

#### *Point of Order.*

Mr. Leslie: Mr. Chairman, I wish to know whether the amendment is in order and properly before the Committee. Standing Order No. 391 reads—

It shall not be competent for a private member to move the House into a Committee of Supply, or of Ways and Means, nor into a Committee of the whole House, for imposing any tax, indent, or impost, nor shall it be competent for a private member in any such Committee to propose increases on the amounts proposed therein.

I particularly draw your attention to the latter part of the Standing Order. The Bill proposes a prices control commissioner; the amendment proposes to increase the number to three. I suggest that that would involve an increase in the amount proposed to be expended under the Bill.

Hon. J. B. Sleeman: No amount is mentioned in the Bill.

Mr. Leslie: I agree. If more than one commissioner is to be appointed, an increased amount will have to be provided and paid. I refer you, sir, to "Hansard" 1945, Vol. 2, page 2694, where a similar amendment was moved by the member for Perth to the Milk Bill. He proposed to increase the number of the board from five to six. The then Chairman of Committees, Mr.

Rodoreda, ruled the amendment out of order because of the Standing Order I have quoted. He said—

I cannot accept this amendment. Clause 17 provides that the fund for the carrying out of the provisions of the Act shall include, among other contributions, moneys to be appropriated by Parliament. For that reason this Bill was recommended by a Message from the Lieut.-Governor.

No amounts had been stated.

As the amendment might, at some future date, impose an added burden on the Government funds, I must rule it out of order.

I submit that the amendment will impose an added burden upon the Government, whether or not an amount has been stipulated in the Message from the Lieut.-Governor. It might involve an amount over and above that which the Government proposes by the Bill, an amount which at this stage is not definitely specified. The amendment should therefore be ruled out of order.

The Chairman: The member for Mt. Marshall has raised a point of order as to whether the amendment moved by the member for Fremantle is in order. I am extremely doubtful whether Standing Order 391 covers the exact point, because it refers rather to the Committee for imposing any tax, indent or impost. In any case, our Standing Orders are not very clear on the point. I propose to read to members an extract from May's "Parliamentary Practice," which is referred to when our Standing Orders are not specific on a particular point. I quote from the Fourteenth Edition, page 717, as follows:—

(b). Proposals by way of amendment.—Amendments must be judged in relation to existing law for the purpose of determining whether they involve charges in the same way as provisions contained in a bill as introduced. But in practice, once a financial resolution in connection with a bill is passed, the important standard of reference for judging amendments is the resolution itself. The terms of a financial resolution are of the greatest importance in this connection. If they are drawn in general terms they will cover amendments which would be out of order if the terms were drawn in precise detail. This is a matter which has given the House some concern in recent times. The relation between a financial resolution and amendments to a bill is a very technical subject which is dealt with in the section on procedure in committee on a bill.

The message from the Lieut.-Governor in connection with the Bill reads—

In accordance with the provisions of section 46 of the Constitution Acts Amendment Act, 1899, the Lieutenant-Governor recommends that appropriations be made for the purposes of a Bill for "An Act to provide for the control of prices and rates of certain goods and services and for other purposes."

The wording of the Message is very wide and must be interpreted to cover the Bill in whatever form it leaves this Chamber. The Bill is, therefore, in the custody of the Committee and, whatever amendment may be made to it, I think the appropriation in the Message will cover the point. The member for Mt. Marshall has quoted a previous ruling in this Chamber. I have not had time to examine it, but it seems to me that "May" and the Standing Orders must be the guide which I, as Chairman, must follow. I therefore rule that the amendment of the member for Fremantle is in order.

*Debaté Resumed.*

Mr. SMITH: I support the amendment. I am somewhat surprised at the Minister's opposition to it.

Hon. F. J. S. Wise: I think his silence gives consent.

Mr. SMITH: I should have thought, if he were sincere in his desire to make a success of the Bill, that he would be prepared to accept any proposal for strengthening the commission.

The Attorney General: I would if I thought it was, but I do not agree with your contention.

Mr. SMITH: It seems to follow the decisions of this Parliament in connection with many other activities of a similar kind. It has seemed to be necessary because of the particular classes of commodities dealt with by various boards that there should be representatives of the producers on such boards so that they might give expert opinion. It is all very well to speak about Mr. Mathea and his experience! Most of those who have held positions under Commonwealth price-fixing regulations have been told to get out, and the probability is that Mr. Mathea will be thinking of taking a similar course. I do not know who is going to be appointed commissioner. The Minister might find it necessary very early to replace Mr. Mathea by somebody else who has had much less experience. But whether a gentleman with the experience of

Mr. Mathea is appointed or someone else, no-one can have the same experience and bring to the problems that will confront him the same capacity for making reliable and proper decisions as would be possessed by producer and consumer representatives on such a commission. Although he has been to several conferences in connection with this measure, the Minister is not in a position to tell us what other States are doing in this connection.

The Attorney General: Yes, I can.

Mr. SMITH: The Minister told me that he did not know what they were doing in Victoria when I said they were appointing a decontrol commission. A decontrol commission seems to postulate a commission of more than one.

The Attorney General: No.

Mr. SMITH: They would not say a decontrol commission if it were to be a decontrol commissioner.

The Attorney General: There is only one commissioner.

Mr. SMITH: There might be only one commission, but I want to know how many members are on it.

The Attorney General: One.

Mr. SMITH: The Minister has not even told us, not in an intelligible way—

Hon. F. J. S. Wise: You are expecting a lot!

Mr. SMITH: Whatever I might be expecting, the Minister has not told us exactly what the powers of this commission are; and I will defy anyone, having regard to the Minister's speech, to tell from this Bill just what those powers are. There is a provision dealing with the powers which refers to such powers as are prescribed by the Bill and regulations made under it. But there is nothing prescribed in the measure, apart from the regulations, that deals with prices or goods that shall be subject to price control. When the Minister was introducing it he said that the Commonwealth regulations would be taken over by and large, because the regulations did not deal with the price of goods or the decontrol of goods, but dealt with general principles. So what part of the measure is going to deal with the price of goods or the decontrol of goods if the regulations are not going to do so? That is what this

Committee is entitled to know before it agrees to a commission of this kind which will be under control of the Minister, the commissioner having no powers under the Act so far as anyone can see, and being unable to deal with prices of goods through the medium of the proposed regulations.

The work of this commission, if the Bill were rightly drafted, should be to make decisions as to which goods should be controlled, and in respect of the prices of such goods; then subsequently to make decisions in respect of what goods might be decontrolled, and, as a result of subsequent experience, what goods might be re-controlled. But I defy any member of this Committee to tell me what this commission has to do under this measure if the regulations have no relation to the price of goods or the decontrol or control of goods. These are a few points the Minister might clear up. Quite apart from that it is obvious that this commission is going to have a very difficult job in front of it and would be much more fitted for the task it has to undertake if the proposal were altered in accordance with the amendment.

Mr. GRAHAM: This appears to be another case where, because something appears in print before us, the Minister is determined that every word of it shall stand. Therefore he is going to fight any amendment to the bitter end; against which, of course, we might contrast the position when a Bill enters the holy of holies, the Legislative Council. Then suddenly amendments are endowed with virtue, and the Minister begs this Chamber to accept them. There has been much criticism of and dissatisfaction with price control. Perhaps a great deal of it has been unwarranted, because everyone will agree it is a most unenviable task to deal with a matter such as this which affects the income and the economic well-being of so many people in such an intimate way. Surely the Minister should be realistic and accept proposals, emanating in this instance from this side, which would in some way tend to increase the confidence of the people in the Tribunal or the instrumentality responsible for controlling prices and decontrolling them.

The Minister told us that the present Bill was framed to a very great extent in accordance with the desires of the present controlling officer, which suggests that the Minister is becoming very department-

ridden, since he is apparently in the frame of mind wherein whatever is said by his departmental officer must be accepted as being right. But it would require an officer with a great deal of courage to pass a vote of no confidence in himself. In effect, he would have to say, "Whilst I have been Deputy Prices Commissioner, under Commonwealth control, I have not, for certain reasons, been able to perform my duties as satisfactorily as I might have done." It would be illogical for an officer to condemn his own administration. I therefore suggest a broadening of the commission. Perhaps the most efficient tribunal operating in Western Australia, one which deals with the most vexed and complicated questions, is the State Arbitration Court. There we have what is envisaged by the amendment, namely, an independent chairman, a representative of business people and a representative of the consumers, or the community generally.

The other evening I quoted several examples which would have satisfied any plain-minded person that the truth of any proposition is very seldom arrived at because of the impossibility of one man undertaking the task. I need not weary the Committee again by quoting the examples I previously gave. Members know that what I said with regard to hotel tariffs applies in greater or lesser degree to the majority of commodities manufactured and offered for sale. Notwithstanding that very definite instance of where prices control administration is not working satisfactorily, we have the position of the Minister remaining adamant and refusing to consider seriously or sympathetically the suggestion made by the member for Fremantle in the amendment now before us. The members of the public should have someone whom they could regard as a colleague, in whom they could confide and to whom they could submit the information of which they are aware. No-one knows the position with regard to hotels better than the lodgers, and yet they are not consulted in any way.

With regard to the manufacture of commodities, there would probably be numbers of revealing points if the workers in those establishments had some medium through whom they could express themselves. If they endeavoured to go to the Prices Commissioner, they would probably be confronted by some clerk at the counter. In any event,

if the details submitted did actually reach the commissioner himself, they would be cluttered up with a whole lot of papers, financial statements and other details submitted by the firm making the application for an increase in price. We have an obligation to the consumers who, after all, constitute in the ultimate every single person in the community; yet these people are not questioned in any way, and so have no chance of stating their point of view or submitting evidence of which they are aware and which the commissioner could not possibly be expected to know. It is so logical to me that there should be a tribunal of the nature envisaged in the amendment, that the Minister should have no hesitation in accepting it.

One could be generous and assert, broadly, that the members of all parties agree that there should be some measure of prices control. One could say that with reservations because, after all, if I were sponsored, financed and assisted by the large manufacturing and industrial establishments so that they were responsible for my existence here as a member of Parliament, I would naturally feel I owed them something. Accordingly, I would, to some degree be susceptible to argument or pressure on their part. As the great majority of members of the Legislative Council are elected by those selfsame interests, there is likely to be this trend towards a relaxation of control of prices, and a tremendous influence by the industrial concerns that I have mentioned. It is not too late for the Minister to change his mind. After all, the amendment, which provides for three commissioners, in no way weakens the legislation. The only effect it can have is to strengthen it because it does allow of information being made available to the commissioner, which is not the case at the moment.

When it comes to arriving at the actual price, that would to a great degree still be in the hands of the accountants or the chairman of the proposed commission. But the important factor is the evidence which is placed before the tribunal so that it can determine whether an increase in prices shall be allowed or not. I suggest to the Attorney General that he is—and I say this without any party political feeling—leaving himself open to the charge—and this goes for his supporters, because they, too, seem pigheaded regarding the matter—that he wants the

administration to be as loose as possible so that there will be additional opportunities for him and his friends to win favours that they might otherwise not be able to gain. If the Attorney General demonstrated to me, and to members on this side, that the proposed enlargement of the commission would in any way weaken prices or control, or reduce the effectiveness of the administration, we would have some sympathy with his point of view.

Apparently the only objection of the Attorney General is that one commissioner is mentioned in the Bill and he wants that provision to remain. The present Commonwealth prices administration has only one such officer, and the Profiteering Prevention Act also makes provision for only one responsible officer. After nine years' operation of the State and Commonwealth Acts we should be ready to appreciate their weaknesses and benefit from our experience during the war years, and so strengthen the legislation under which future price control is to operate. When a decision on prices is to be made every opportunity should be given to those interested to be represented. I would like to know in how many cases, out of the thousands where price increases have been permitted, the public have tendered any evidence. Such instances, if any, are few indeed. The producer desires the maximum price for each product and the consumer wishes to secure it for the lowest possible price. There is a direct conflict of interest, and we should not allow to continue a state of affairs where one side only is allowed to submit its case to the tribunal.

I am surprised to find the Attorney General so unrelenting in this matter. If amendments to the Bill are suggested by the Legislative Council I feel sure he will ask this Committee to accept them, as did the Minister for Housing recently, simply because they were suggested by the undemocratically appointed members of another place. During the tea adjournment tonight a deputation from my own electorate waited on me with regard to price control. They were fearful of the Legislative Council—

The CHAIRMAN: This must be related to the amendment before the Committee.

Mr. GRAHAM: They emphasised to me that, in the opinion of a public meeting held within the last few days, there should

be a representative of the housewives on the commission. That should appeal to the Honorary Minister. On many occasions she advocated certain things being done but, on taking her ministerial seat, she turned a complete political somersault, and therefore I would not be surprised if she voted against this proposition.

The Minister for Lands: Was that meeting held in your electorate?

Mr. GRAHAM: Yes. This proposition should be dealt with by the Committee on its merits. I see nothing but good coming from a commission so constituted as to provide for representation of the conflicting interests, as envisaged in this and subsequent amendments.

The ATTORNEY GENERAL: I cannot see that the amendment will be helpful. I have already explained to the Committee that there is authority under the Bill to set up a committee to assist the Minister, who after all is to have the final control and who, under the Profiteering Prevention Act and other Acts dealing with price-fixing, has control. It is the intention that that committee should be composed of highly qualified people. There will be a representative of the consumers on that body, and therefore I feel that that will have the support of this Committee. There will also be persons qualified to look after the interests of the manufacturer as well as the producer, merchant and others.

Hon. A. A. M. Coverley: Then let us put it in the Bill.

The ATTORNEY GENERAL: It is in the Bill under the regulations.

Hon. A. H. Panton: We have not seen them.

The ATTORNEY GENERAL: They can be found in the library. I have already shown them to the hon. member.

Hon. A. H. Panton: You have done nothing of the sort.

The ATTORNEY GENERAL: I have shown them to the Leader of the Opposition.

The CHAIRMAN: Order!

The ATTORNEY GENERAL: If the amendment is passed there would have to be a great number of people on the board. There would have to be a butcher, a green-grocer and all other types of retailers if

there were to be proper representation. It would not be advisable to have such a large number of committees and certainly would not be efficient. The proposed advisory body will be much more efficient and will give consumers an opportunity to put their views before it. In that case any party who is interested in a decision will have the right of appeal from the decision of the commissioner if necessary.

Hon. J. B. SLEEMAN: I want to know why there is all this secrecy. It seems to me that the Minister wants to be the big Pooh-bah and take over the control now exercised by the commissioner. When the member for Murchison, as Minister for Railways, introduced a measure to make the Commissioner of Railways subservient to the Minister the Bill was defeated. The Attorney General wants to block the consumers from having a representative. This department is not a branch of the Masonic Lodge or the Antidiluvian Order of Buffaloes, but is a department in which every consumer is vitally interested. My amendment does not prevent the producer from having a say, as I think he should, but I also think the consumer should be entitled to representation. The commission cannot do its job properly unless all representatives have a say in its policy. I hope the Minister will agree to the amendment.

Mr. READ: I consider this amendment is worthy of acceptance. The essence of the Bill is the control of prices, which is most vital to the well being of every family in the State and to the countering of inflation. If three men are appointed they will have sufficient knowledge and experience to give fair and impartial judgment, which cannot be done by one man. The taking over and administering of the Bill and regulations by the State is not quite as simple as it looks. The Commonwealth Government has many officers in the various States with whom the local commissioner could consult. In the interests of the control of prices I consider that three men would make a better job of it than the one commissioner proposed in the Bill.

Mr. BRADY: I would be failing in my duty to the industrialists and basic wage workers if I did not support the amendment. Whilst the real wealth of this country has gone up anything from 100 to 200 per cent. the purchasing power of

the basic wage has only risen by about 10 per cent. The workers in my electorate and in other parts of the State are losing considerably by the existing price control as administered by the Commonwealth Government, and anything I can do to improve the system and to prevent black marketing and racketeering, I will do. The appointment of an extra commissioner to represent the consumers will help in that respect. We see exploitation everywhere and also indications that the wholesale and retail merchants are not satisfied with their profits which are now considerably higher than before the war.

Some firms in the metropolitan area are paying dividends of anything from 12 to 15 per cent., and they supply the average worker with goods that are required. About two years ago I went to a butcher to buy some hogget and paid 11d. a lb. for it. On arriving home my wife advised me that the price was high and I rang up three other butchers to see what they were charging. I was told that the price was 7d., 8d. and 9d. lb. I went back to the butcher from whom I had bought the meat and he tried to cover up by saying that he had sold me prime mutton. I said that I had come for hogget at 8d. per pound.

Hon. F. J. S. Wise: You must have been the lamb.

Mr. BRADY: He evidently took me for a lamb but soon found out that I was not. I secured a rebate of 4d. a pound and I am sure that he gave me the same meat that he had supplied previously. I was not satisfied and on the Monday morning I rang the office of the Deputy Commissioner, Prices Branch, and asked for the price of hogget at Midland Junction on the previous Saturday morning. The officer to whom I spoke said he could not tell me. I related my experience and I was informed that the only way the price-fixing officers could check the price was to ascertain what meat the man had in his freezers at the time, what he had paid, what he had got for skins and what he had got for the offal. It will be seen that the position must be tightened up from that standpoint, and certainly housewives should be able to know at a glance what the price of an article really is.

I can cite another instance. A suit of clothes was taken to a cleaner at Midland

Junction. I want to be fair and make it clear that I am not referring to the cleaner who is now in business there. The price in the window for cleaning a suit was 4s. 6d. When the suit was collected the charge levied was 6s. 6d. Here again I rang up the Deputy Commissioner and asked for the price for such work, and I was told that it all depended on how the cleaning was done. He also informed me that if I had not indicated whether the suit was to be dry-cleaned or spot-cleaned, the man could charge according to the work that was done.

The CHAIRMAN: Order! I hope the hon. member will connect his remarks with the amendment.

Mr. BRADY: It is necessary that there should be two or three commissioners in order that proper inquiries may be conducted into prices and a decision arrived at as to what is a fair charge. Under the existing system with the Commonwealth regulations in force, that does not apply. If the consumers have a commissioner as their representative, he will protect their interests and the difficulties I mention will be overcome. There is another angle that should appeal to the Government, and it has relation to the export trade. If the Government is not careful the price for the exported article will be such that the market will fall off. In its own interests it should protect the State against increased prices that would adversely affect the export market. In reading the debates in "Hansard" for last session, I was pleased to note that one Minister said he was in favour of prices being reduced. So far there has been very little indication of price reduction. I was very pleased to receive a notice from the State Government Insurance Office, intimating that the cost of workers' compensation insurance had been reduced, and if a State department can do that, I think the private insurance companies should also reduce their charges.

The CHAIRMAN: I am afraid the hon. member is well away from the amendment now.

Mr. BRADY: Recently there was a first-class dispute in the milk industry, the retailers considering that the price they received was inadequate. I am out to see social justice done. If three commissioners were appointed, they could inquire into



such grievances, and if warranted they could grant increases. On the other hand, if the position were such that decreased prices for commodities were justified, they should be able to alter the charges accordingly.

Mr. WILD: I have listened to speeches by members opposite who are trying to force down our throats the idea that three commissioners would be better than one. I have a feeling that they do not know what happens at the Prices Branch.

Mr. Reynolds: Do you know?

Mr. WILD: I have possibly been to the Price Fixing Commissioner many more times than has the hon. member. I shall endeavour to explain the procedure that is followed. If one desires to ascertain the price of an article, one goes to the front counter and from there is taken to the particular section dealing with the article concerned. An investigation is made and it is a very protracted business. There would seem to be a lot of procrastination about it, but in the end the information is forthcoming, possibly in two or three months' time. Under the regulations, investigators have the right to look at an individual's books to find out exactly what an article cost f.o.b., into store, whether it was procured interstate or otherwise. The information is then taken back to the office and the investigator confers with his section leader. Frequently this is followed by an interview by the section leader in order to carry out a check. I think I am right in saying that the Deputy Commissioner in this State does not see one per cent. of the cases when prices are fixed.

Hon. A. H. PANTON: Who fixes them?

Mr. WILD: The Deputy Commissioner is merely an administrator and administers the policy of the Government or of the Minister. If we have three commissioners, I do not think they will see any more than Mr. Mathea does today. The only occasion on which Mr. Mathea might have knowledge of such matters is when appeals are made and the details go before him. I feel that one commissioner is quite sufficient and I cannot see how three would do any better than one, because I am certain the commissioner, or commissioners, would not know of the prices fixed by the officer lower down the ladder. I am just as keen as anyone else to see prices reduced because I

have to dip my hands into my pocket just the same as Bill Jones. I oppose the amendment.

Hon. A. H. PANTON: It appears that at last we have some information as to how prices are fixed. The Bill states that the commissioner who is appointed shall be subject to the Minister, but neither will know anything about the matter if what the member for Swan says is correct. Someone fixes prices, we are told, but we do not know who it is.

Hon. J. B. Sleeman: Some understrapper.

Hon. A. H. PANTON: It would seem that a business man or a grower may go to the Price Fixing Commissioner and he is conducted by some young blonde at the counter to someone else to whom the visitor states his case. In three months' time the individual is told what price he can charge for a particular article. In the meantime, the consumer is paying whatever price the grower or retailer likes to charge.

Mr. Wild: He is not entitled to do that until he is told what price he can charge.

Hon. A. H. PANTON: I am assuming that no price has been fixed. At the end of three months the price is determined—we do not know by whom. I suggest in all sincerity that if, as we are told, the commissioner himself does not know very much about prices when they are fixed, the Minister will not know anything either. Are we to assume that some junior officer in the commissioner's office will decide the price and then take it to the Minister who will know nothing more about the matter than what is set out on paper? The Minister will then approve or disagree. At any rate, I congratulate the Honorary Minister who has done such a wonderful job.

The CHAIRMAN: I hope the hon. member will connect his remarks up with the amendment.

Hon. A. H. PANTON: I will do so, and there will be no somersaulting about it! Now she has converted the Government and the party to the idea of having only one man who, according to the member for Swan, knows very little about prices. Assuming that a price is fixed for an article and that an appeal is lodged, to whom will the appeal be made? Who is to be the final arbiter? Is it to be the commissioner, the

Minister, or this mythical advisory committee of which the Minister spoke? The issue is becoming more and more clouded. We have a Bill that contains little or nothing and a huge number of regulations that we have not seen, though we have been told there is a copy in the library.

Mr. Hegney: It ought to be here.

Hon. A. H. PANTON: The further we proceed, the greater appears the need to have three commissioners.

Mr. Wild: There are thousands of items to be dealt with.

Hon. A. H. PANTON: That is an argument in favour of three commissioners.

Mr. Wild: The commissioner is responsible for the price structure.

Hon. A. H. PANTON: Then he lays the foundation and somebody else builds the wood and asbestos on top? I am amazed that the Honorary Minister has not only Ministers, but also the bright boys of the party corralled up. The wives of those bright boys will be asking presently why commodity prices have increased, so presumably there will be much matrimonial trouble unless we are very careful.

The CHAIRMAN: Order! The hon. member is departing from the amendment.

Hon. A. H. PANTON: If you, Mr. Chairman, lived in Perth—

The CHAIRMAN: The hon. member must keep to the amendment.

Hon. A. H. PANTON: If there was any doubt in my mind that three commissioners should be appointed, the member for Swan has removed it.

Hon. A. R. G. HAWKE: Where a committee is necessary, I favour a body of two with one member permanently absent, but price-fixing is so vital to the community that what might apply generally does not apply in this case. The psychological aspect of price-fixing as it affects business men and consumers generally deserves consideration. If a fair degree of faith can be established in the system of price control, that system will be more acceptable to the public and will operate more smoothly, while the economic situation will be the better for it. The advisory committee offered by the Attorney General will be quite unable to render practical assistance. One of his objections

to the amendment is that there would have to be a butcher for butchers, a baker for bakers and a candlestick-maker for candlestick-makers, but I assume that that would be the basis upon which the advisory committee would be established, and if that is so, such a body would be quite useless. Once its numbers became large it would be unwieldy and the beneficial results would be nil.

Several weeks ago a meeting of trade union representatives in Northam unanimously agreed that there was not the faith in the price-fixing system that there ought to be. Workers and their wives felt that the system operated unfairly because every now and then an increase in prices was granted, followed later by a smaller increase in wages, followed again by a further increase in prices, and so the vicious circle continued. The meeting requested the Commonwealth to appoint a workers' or consumers' representative to act with the Deputy Commissioner of Prices in each State so that the consumers would be able to obtain more information as to how the system operated and the justification for such increases as were sanctioned. I suggest that the train of thought in the minds of those workers and their wives is in the minds of most consumers throughout Australia.

Why should not we, in shaping this legislation, do all in our power to ensure that the consumers shall, by having direct representation on the commission, be in a position to feel more satisfied when increased prices are approved? I think it was the member for East Perth who pointed out that we had an Arbitration Court which fixed wages and salaries. That court is composed of an independent President, a representative of the workers and a representative of the employers. If it is good enough to have those various interests represented on a wage and salary-fixing tribunal, is it not equally logical to have the same interests represented in the same way on a tribunal to fix and control prices?

The Attorney General: Of course, such a tribunal could not control prices of manufactured goods in the Eastern States.

Hon. A. R. G. HAWKE: It is strange how the Attorney General always wants to break away from the point under discussion.

Hon. F. J. S. Wise: That is the legal mind.

Hon. A. R. G. HAWKE: A workers' representative on a prices commission would have as much authority and power to control prices of goods coming into the State from other States as would a single prices commissioner. The degree of power and authority in that direction would be no less and no more on the shoulders of three commissioners than it would be on the shoulders of one. If workers are not given direct representation, they will continue to be suspicious and to feel that the system is being operated unjustly in favour of the manufacturer, the wholesaler and the retailer. I ask the Attorney General to consider where thinking of that kind would lead. Can he not readily see that it would be likely to create dissatisfaction and so lead to industrial trouble, with all the loss and inconvenience associated with it? A workers' representative might not go into every detail of all applications, but he will be there to put forward the view of the working people and consumers generally and make sure that every appeal is not decided purely and simply on departmental lines.

Take the case put forward by the member for Swan! He suggested, in effect, that the commissioner might be a person who would decide appeals made against prices fixed by officers working under him. I suggest to the Attorney General and to the member for Swan that the commissioner in those instances would largely be inclined to agree with the decisions made by his officers. To avoid that, and in order to ensure that the appeal should be properly decided, there should be someone else considering the appeals with the commissioner, so that the best interests of the consumers, and probably the best interests of the business men, would be protected. I suggest to the Attorney General that there is much merit in the amendment, which would lead to control in a way acceptable to the people. I do not know what the Attorney General thinks will be the movement of prices during the ensuing two or three years, but my firm opinion is that they will continue in an upward direction. That will lead consumers, especially those with smaller incomes, to form the opinion that price control is being carried out by the com-

missioner in the interests of the large business community and not in the interests of the working people or of the farmers, who form no inconsiderable section of our consumers. I hope Ministers will not brush the amendment aside as being something which is inconvenient to the Government.

Mr. MANN: I have listened with interest to the debate and have not heard such rubbish for many years. I have always had respect for the member for Northam, but I was surprised at the balderdash he spoke tonight. The whole idea of the amendment seems to me to be to rouse the Government, which seems determined not to accept any amendment at all. Why all this hypocrisy on the part of members opposite? If they were on the front bench tonight, we would have before us a Bill the same as this.

Hon. A. H. Panton: Not on your life.

Mr. MANN: It is a sad reflection on the great Labour Party that I saw years ago on this side of the Chamber under the leadership of Hon. P. Collier. To think that that party has got down to this stage! I could understand the harangue coming from some of the lesser mortals on the Opposition side, but not from ex-Ministers of the Crown who know their job and know how vital this legislation is. To treat the Bill as it has been treated by the Opposition is a disgrace. I hope the Minister will refuse to accept any amendment. This is a hopeless move on the part of a dying party to embarrass the Government.

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

|              |    |    |    |    |
|--------------|----|----|----|----|
| Ayes         | .. | .. | .. | 22 |
| Noes         | .. | .. | .. | 19 |
|              |    |    |    | —  |
| Majority for | .. | .. | .. | 3  |
|              |    |    |    | —  |

# AYES.

|              |              |
|--------------|--------------|
| Mr. Brady    | Mr. Needham  |
| Mr. Cornell  | Mr. Nulsen   |
| Mr. Coverley | Mr. Panton   |
| Mr. Fox      | Mr. Read     |
| Mr. Graham   | Mr. Reynolds |
| Mr. Hawke    | Mr. Shearn   |
| Mr. Eiegney  | Mr. Sleeman  |
| Mr. Hoar     | Mr. Smith    |
| Mr. Kelly    | Mr. Tonkin   |
| Mr. Marshall | Mr. Wise     |
| Mr. May      | Mr. Rodoreda |

(Teller.)

## NOES.

Mr. Abbott  
Mr. Ackland  
Mr. Bovell  
Mrs. Cardell-Oliver  
Mr. Doney  
Mr. Grayden  
Mr. Hall  
Mr. Hill  
Mr. Leslie  
Mr. Mann

Mr. Murray  
Mr. Nalder  
Mr. Nimmo  
Mr. North  
Mr. Thorn  
Mr. Watts  
Mr. Wild  
Mr. Yates  
Mr. Brand

(Teller.)

## PAIRS.

## AYES.

Mr. Styants  
Mr. Collier  
Mr. Leahy  
Mr. Triat

## NOES.

Mr. Seward  
Mr. Keenan  
Mr. McLarty  
Mr. McDonald

Amendment thus passed.

On motion by Hon. J. B. Sleeman, paragraph (a) further amended by striking out the word "Commissioner" in line 2 and substituting the word "Commissioners" in lieu.

Hon. J. B. SLEEMAN: I move an amendment—

That at the end of paragraph (a) the following words be added:—"one to be representative of the consumers selected from a panel of names submitted by the State Executive of the Labour Party, and one to be a representative of manufacturing and commercial interests, to be selected from a panel of names to be submitted by the Chamber of Commerce and the Chamber of Manufactures. The Government-appointed Commissioner to be chairman."

Amendment put and passed.

On motion by Hon. J. B. Sleeman, paragraph (b) amended by striking out the word "a" in line 2 and substituting the word "three" in lieu.

Clause, as amended, put and passed.

The CHAIRMAN: I point out that in view of the decisions of the Committee on Clause 8 the remaining clauses of the Bill will be amended consequentially wherever that is necessary.

Clauses 7 to 9—agreed to.

Clause 10—General powers of Commissioner:

Hon. F. J. S. WISE: This clause is dependent upon the regulations drafted under the measure to confer the authority upon the commissioners. My objection is that all these authorities are conferred by regulation. It is my desire that the Bill should be more specific than to have the authorities and functions conferred on the commissioners by regulations which may from time to time be disallowed. My objection to

the Bill in the main centres around that point—that is, that the authorities under which the commissioners are to assume the responsibility are not specified in the law itself. When the regulations which we are to adopt—which are in existence as Commonwealth law—as State regulations become operative, such matters as I wish to insert in the Bill may also be disallowed. It is my intention to move an amendment to ensure that there shall be specific functions for the commissioners and that there shall be no opportunity for those functions to be disallowed when regulations are subsequently tabled. I move an amendment—

That in lines 1 to 5 the words "Commissioner shall have and may exercise such powers and functions and be entitled to such immunities as are prescribed by this Act and the regulations in operation from time to time pursuant to the provisions of this Act," be struck out with a view to inserting other words.

The words which I wish to insert appear on the addendum to notice paper No. 12.

The ATTORNEY GENERAL: The provisions which the Leader of the Opposition wants included in the measure were incorporated into it by the adoption of the regulations. However, I have no objection to their being placed in the Bill. I have consulted the Parliamentary Draftsman about this amendment, and he says it would be inadvisable to insert it as it appears here. If the amendment is not carried, I propose to move an amendment that a subclause—it will be Subclause (2)—be added which will include the provisions that are now suggested.

Hon. F. J. S. WISE: I take it that the objection of the Attorney General to my amendment is that the authority would come from the Governor rather than from the commissioner.

The Attorney General: Yes.

Hon. F. J. S. WISE: I assume it is the Attorney General's intention to move identical provisions to stand as Subclause (2).

The Attorney General: That is the position, with that one amendment.

Hon. F. J. S. WISE: That being so, I am prepared to withdraw my amendment.

Amendment, by leave, withdrawn.

Mr. GRAHAM: I move an amendment—

That at the end of the clause the words "and they may, if they think proper, take evidence in public or private," be added.

I have previously set out the reasons for this amendment. I have taken the verbiage from Subsection (4) of Section 20 of the Profiteering Prevention Act. It is something that has already been agreed to by both Houses of this Parliament, so there can be no violent objection to it. It can be regarded more or less as a compromise, because it is very vague and wide open. Personally I would prefer to see that all proceedings were held in public, with the exception of enquiries into detailed accounts and other such matters as might be regarded as being purely private and pertinent to the particular business concerned.

The CHAIRMAN: Is the Attorney General satisfied that this amendment comes in before his?

The ATTORNEY GENERAL: Yes. I cannot agree to the amendment because it is not in line with what was agreed at the conference should be the tenor of the legislation. It has been agreed that all price-fixers shall have the right to all information within the power and control of any other State commissioner. The commissioner in Victoria, having had furnished to him confidential accounts and information, would not feel inclined to pass them on to the commissioner here if they were then to be made public.

Mr. Graham: The commissioner would have discretion and use it.

The ATTORNEY GENERAL: It would be unreasonable to the price-fixing organisations of other States if information supplied to them in confidence had to be given to this State with the possibility of its being made public here. The men appointed as commissioners could be trusted with confidential information just as the Taxation Department is entrusted with it. No-one would want the Taxation Department to hold all its inquiries in public. To do their duty, the commissioners would require highly confidential information.

Mr. Graham: There is that provision in the State Act.

The ATTORNEY GENERAL: There it was not intended that price-fixing commissioners should exchange confidential information. At that stage the State was acting on its own. I cannot agree to the amendment.

Mr. GRAHAM: If the Minister cannot agree to this amendment he might later move an amendment to insert a proviso that any information obtained from commissioners in other States should not be made public. As only a very small percentage of the information submitted would be confidential, I do not understand the Minister's desire for secrecy.

The ATTORNEY GENERAL: Authority is given to the Price Fixing Commissioner to call for confidential balance sheets and information from any firm, just as the taxation officers have that authority. I cannot accept the amendment.

Amendment put and negatived.

The ATTORNEY GENERAL: I move an amendment—

That a subclause be added as follows:—

Cf. C'th Regn. No. 23, subregulation 1A.

(2) In particular but without limiting the generality of the last preceding subsection the Commissioners in the exercise of their powers under that subsection may fix and declare—

(a) different maximum prices according to differences in quality or description or in the quantity sold, or in respect of different forms, modes, conditions, terms, or localities of trade, commerce, sale, or supply;

(b) different maximum prices for different parts of Western Australia, or in different proclaimed areas;

(c) maximum prices on a sliding scale;

(d) maximum prices on a condition or conditions;

(e) maximum prices for cash, delivery or otherwise, and in any such case inclusive or exclusive of the cost of packing or delivery;

(f) maximum prices on landed or other cost, together with a percentage thereon or a specified amount, or both;

(g) maximum prices according to or upon any principle or condition specified by the Commissioners, and

(h) maximum prices relative to such standards of measurement, weight, capacity, or otherwise howsoever as they think proper, or relative to prices charged by individual traders on any date specified by the Commissioners, with such variations (if any) as in the special circumstances of the case the Commissioners think fit, or so that such prices shall vary in accordance with a standard, or time or other circumstance, or shall vary with profits or wages, or with such costs as are determined by the Commissioners.

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

Clause 11—agreed to.

Clause 12—Secrecy:

Hon. F. J. S. WISE: I move an amendment—

That in paragraph (1) of subparagraph (i) of paragraph (d) the words "Attorney General" be struck out and the words "the Minister" inserted in lieu.

I am quite aware that in a subsequent clause of the Bill it is necessary for the Attorney General to be the Minister particularly mentioned because in that case it deals with offencess. In this instance the commissioner is being asked to communicate with the Attorney General and advise him of certain things that are happening. In my view it should be reported to the Minister to whom the commissioner is responsible, because he is the person to whom such complaints should be made.

The ATTORNEY GENERAL: I have discussed the proposed amendment with the Parliamentary Draftsman who stated that the provision is in the Commonwealth Act in order that the Attorney General may be supplied with information with a view to advising the Minister as well as the Price Fixing Commissioner as to whether a prosecution should be launched.

The Acting Premier: Why not make it both the Attorney General and the Minister?

The ATTORNEY GENERAL: I consider it is unnecessary.

Hon. F. J. S. Wise: I think the Minister should know of the proceedings.

The ATTORNEY GENERAL: I think he would. If the Minister thought there should be a prosecution, the fact would have to be disclosed to the Attorney General. The clause is for the purpose of getting advice from the Attorney General as to whether any prosecution should be launched and I suggest it remain as printed.

Amendment put and negatived.

Hon. F. J. S. WISE: I move an amendment—

That in line 2 of paragraph (1) of subparagraph (i) of paragraph (d) after the word "General" the words "and the Minister" be added.

The ATTORNEY GENERAL: I have no objection to the amendment although I consider it is unnecessary, and that it is dangerous to interfere with the clause as it stands. My own view is that the Minister

is entitled to full information on these matters.

Amendment put and passed.

Hon. F. J. S. WISE: I move an amendment—

That in lines 1 and 2 of paragraph (II) of subparagraph (i) of paragraph (d) after the words "Attorney General," the words "and the Minister" be inserted.

Amendment put and passed.

Mr. MARSHALL: Subparagraph (iii) provides that nothing in the section shall be deemed to prohibit—

the Commissioner, or any person so authorised by the Commissioner from communicating to the Commissioner of Taxation, or a Deputy Commissioner of Taxation, any information for the purpose of the administration of any law relating to taxation.

Why this benevolent disposition on the part of the Government to give to the Commissioner of Taxation exclusive rights in this respect? I do not know why we should assist the Taxation Department in any way, seeing that it is at present far too great a burden on the taxpayers.

The Attorney General: Are you moving to delete the subparagraph?

Mr. MARSHALL: I want to know why the provision is included in the Bill.

Mr. HEGNEY: I would like to refer to the subparagraph from a different angle. Hitherto, the price-fixing regulations have been operative under Commonwealth law and in the Federal Income Tax Act definite provision was made in 1941 setting out that the Commissioner of Taxation or a Deputy Commissioner of Taxation should be empowered to supply to the Price Fixing Commissioner any information of a relevant character to enable the latter effectively to administer the price-fixing legislation. Now that legislation is to be administered by the State. The subparagraph under discussion provides for information being given to the Commissioner of Taxation. I would like to know whether at the last conference of Ministers there was any discussion on the necessity for the Commonwealth income tax law being amended to provide that the Commissioner of Taxation shall supply all relevant information to the State price fixing commissioners. If that is not done, the State commissioners will work at a distinct

disadvantage compared with the position of the Commonwealth Price Fixing Commissioner hitherto. If that has not already been discussed by the conference, it should receive early attention.

The ATTORNEY GENERAL: The subparagraph was inserted by the Parliamentary Draftsman but, in my opinion, authority is already vested in the Commonwealth by virtue of its own Act. I have no love for the subparagraph, which I do not think cuts any ice at all. As to the suggestion advanced by the member for Pilbara, the Prime Minister has stated that he would do everything within his power to assist the States in this matter, but whether he will go as far as the hon. member suggested, I do not know. I will submit the suggestion to him.

Mr. MARSHALL: I move an amendment—

That subparagraph (iii) of paragraph (d) be struck out.

Mr. GRAHAM: I am amazed that a member on this side of the Chamber should move such an amendment. When there is a law, irrespective of whether it is State or Federal, everybody should conform to it. Taxation is an important matter, and if some persons are evading their responsibilities, there is no reason why any information available in the prices office should not be passed on to the Taxation Department.

Mr. MARSHALL: The Taxation Department officials have very wide powers and should do their own work. I am tired of the harassing tactics made possible under the taxation laws and am not prepared to give the department any further assistance. This is the first time I have seen such a provision inserted in our legislation. Many of the hon. member's constituents are being harassed by the Taxation Department and are being compelled to employ accountants to supply the information required.

Mr. LESLIE: I agree with the member for Murchison. This measure is not designed to detect offences against the taxation laws. If the Prime Minister were prepared to make available to the State any amount recovered as a result of information supplied by the prices department, there might be some virtue in the provision.

If prices officials are required to keep a lookout for taxation offences, this will become part and parcel of their duties, and I think better work will be done if they have to deal with prices only. I take it that if an official found evidence of possible taxation evasion, he might inform the Taxation Department.

Mr. Fox: How would he know?

Mr. LESLIE: From his examination of the books.

Mr. Fox: He would not know what the profits were.

Mr. LESLIE: I agree that the provision should be struck out.

Amendment put and negatived.

Clause, as previously amended, put and passed.

Clause 13—agreed to.

Clause 14—Regulations:

Hon. F. J. S. WISE: Subclause (1) (a) contains the words "prevention of undue increases in prices," which are ambiguous and might permit of profiteering to a terrific extent, in spite of the measure's being one for the control of prices. In order to clarify the provision, I move an amendment—

That in line 1 of Subclause (1) (a) the words "prevention of undue increases in" be struck out and the words "control of" inserted in lieu.

Amendment put and passed.

Mr. HEGNEY: I would like an interpretation from the Attorney General of the word "services" in paragraphs (a) and (b). I know I am not entitled to refer at the moment to paragraph (b). I mentioned this matter on the second reading, as did also the member for East Perth, who quoted a dictionary definition of the word. As I understand the word "services," it establishes the relationship of master and servant, or employer and employee. I might be putting a wrong construction on the word, but it might be possible for the prices commissioner to fix the wages of a bricklayer, a timberman or a brickyard employee in the event of shortages in the ranks of those workers. I am aware, of course, that the power to fix wages is reposed in the Arbitration Court. It may be, of course, that there is no nigger in the wood pile, but I would like the point clari-

fixed now so that there may be no misunderstanding if the Bill passes with this word in it. Will the Attorney General give the Committee his assurance that the prices commissioner will not usurp the functions of the Arbitration Court? I would also like the Attorney General to inform the Committee whether any discussion took place at the conference of Premiers with respect to this word.

Mr. GRAHAM: You may recall, Mr. Chairman, that I raised this point on the second reading. I then stated that the dictionary meaning of the word "services" was "the performance of labour for the benefit of another." That is definite. I also referred to the meaning of the word "charges" which was given during the course of the referendum campaign. Surely, the word "service" or the word "services" must be construed as having relationship to payment for services, in other words, to wages. In order to place the point beyond dispute, I move an amendment—

That in line 2 of paragraph (a) of Sub-clause (1) after the word "services" the words "excluding salaries and wages" be inserted.

The ATTORNEY GENERAL: A very eminent lawyer, Dr. Evatt, has expressed the opinion that the word in question would not interfere with the functions of the Arbitration Court in any way. I assure the Committee that it is not the intention of the Government to try in any way to control wages or interfere with the Arbitration Court. This clause was drawn by the Federal legal authorities and its wording has been followed by the State law officers, both considering the wording to be necessary. It may be most difficult to define what the word "wage" means. A person who cleans clothes, a dry cleaner, may say, "I will charge you so much." That amount would come within the word "services" and it may come within the definition of "wage." Similarly a bootmaker may say, "I will repair your boots." His charge might be a wage, notwithstanding that he does the work for a price. Similar examples might be given in connection with salaries. I give an undertaking that it is not the intention to interfere with the functions of the Arbitration Court and I suggest to the Committee that, as the law officers of both the Commonwealth and the State have considered the wording of this clause to be

necessary, it would be inadvisable to interfere with it.

Hon. F. J. S. WISE: By that explanation it becomes obvious that the Minister in charge of the Bill is among the many in this Committee who do not know what is in the Bill or the regulations. I appear to be one of the few who have copies of the regulations, and among them appears a definition of "service." I think that is the answer the Minister should have given: that "service" is defined. There are several prescribed charges or services which come within the definition. I think it is unnecessary, therefore, for the member for East Perth to press his amendment because the services are specified and therefore limited.

Mr. GRAHAM: This is another illustration of how handicapped we are, because we do not know what legislation we are passing or are expected to pass. I appreciate what the Leader of the Opposition has stated, but would point out that the regulations may be superseded at any time. However, the Minister has given an undertaking that salaries and wages, as I appreciate them, at any rate, will be excluded from these provisions; and that is the undertaking I wanted. Accordingly I seek leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Mr. NEEDHAM: I would like some information with regard to paragraph (d) of Clause 14. What is meant by co-operation with the Commonwealth Government? During the referendum campaign the present Government of this State said, "No more control by the Commonwealth." Now we find that we are to solicit the co-operation of the Commonwealth in carrying out the provisions of this measure. To what extent are we to expect co-operation from the Commonwealth Government which the Minister in charge of the Bill said, during the referendum campaign, should not control prices? Again, what are we to understand from the reference to co-operation between the State and any other State of the Commonwealth?

The ATTORNEY GENERAL: There must be a certain co-operation between the State and the Commonwealth because the Commonwealth controls exports. The Australian prices for some commodities solely depend on the fact that those commodities cannot be exported except by license. I refer



to such goods as lead, leather, tallow, copper etc. It is therefore necessary to co-operate with the Commonwealth with regard to the control of the prices of those commodities. The Commonwealth has stated that it is prepared to continue to assist in that way if the States are willing to co-operate, and the States have notified the Commonwealth that they are prepared to do so. It has been arranged that there shall be an exchange of information necessary to enable the State commissioners to carry out their duties, and that is an example of the co-operation that will take place between the States.

Mr. MARSHALL: I do not like the words "which are in short supply" appearing in paragraph (b) of Clause 14. Surely the Minister does not imagine that a business man controls his business solely on the basis of supply and demand! That is not so. Very frequently, even when goods are in ample supply, the price is far in excess of what it should be simply because the purchasing power of the community affords the business man an opportunity to increase his price, without any justification. Under this provision, so long as anyone could argue there was an ample supply of certain goods, control would cease over those goods. I do not think we should tie the hands of the commission to the extent of saying, "Immediately you consider there is an ample supply of goods, irrespective of the purchasing power of the community, you will no longer have control over the price." I move an amendment—

That in lines 4 and 5 of paragraph (b) of Subclause (1) the words "which are in short supply" be struck out.

The ATTORNEY GENERAL: This paragraph, I admit, is very wide. The Leader of the Opposition has suggested that when goods are no longer in short supply, but there is competition, there is no necessity for de-control. The policy enunciated by the Leader of the Opposition is that of the Government, namely, that where goods are not in short supply there is no need for control. I see no merit in the amendment.

Amendment put and negatived.

The ATTORNEY GENERAL: It has been suggested that it would be advisable to insert in the Bill a clause to provide that any regulations to be made shall not oper-

ate until they have been laid on the Table of the House and not disallowed. The reason is, as suggested by the Leader of the Opposition, that if regulations were made and became operative, and were then disallowed by either House, there would be no regulations in existence. I therefore, propose to move to delete Subclause (2) and insert in its place a provision that any regulations hereinafter made shall not operate until laid on the Table of the House and are not disallowed. I move an amendment—

That Subclause (2) be struck out with a view to inserting another subclause.

Hon. F. J. S. WISE: Certain words in this subclause gave me great concern, particularly because of the attitude of the Attorney General's opposite number in the Legislative Council. When that Chamber dealt with the control of rents Bill, the Minister in charge of the Bill made it perfectly clear that the reason why the regulations would be subsequently tabled would be for members to have the opportunity of moving for their disallowance. He said they would have no opportunity to amend them, but they would to disallow them. In other words, he invited them, as soon as the State regulations were drawn and tabled in both Houses, to move for their disallowance. That is something about which I expressed my fears at the second reading stage of this Bill. Unless Subclause (2) is violently amended to prevent such a happening, a very serious set of conditions could be brought about. The Attorney General has given me the opportunity of seeing what he intends to move to replace this subclause, if it is deleted. Because of that I support the amendment.

Amendment (to strike out words) put and passed.

The ATTORNEY GENERAL: I move an amendment—

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

"(2) (a) Until regulations relating to any matter—

(i) are made pursuant to the provisions of the last preceding subsection; and

(ii) are published in the "Gazette"; and

(iii) are laid before both Houses of Parliament as required by section thirty-six of the Interpretation Act, 1918-1938; and

(iv) are no longer liable to be disallowed. The Commonwealth Regulations with appro-

private adaptations shall, subject to the provisions of and by force of this Act take effect and have the force of law relating to that matter from and after the commencement of this Act as if they were regulations made under the provisions of the last preceding subsection and validly promulgated and not disallowed.

(b) No regulation made under the provisions of the last preceding subsection shall take effect and have the force of law until validly promulgated and no longer liable to be disallowed.

Provided that, for the purposes of evidence in proceedings before any court or person acting judicially, any regulation made under those provisions and published and laid before both Houses of Parliament as aforesaid shall be regarded as having effect and the force of law at all material times unless the contrary is proved."

Mr. HEGNEY: I do not intend to oppose the amendment, but, as far as I can see, it will amply cover the position that might arise under paragraph (c) in connection with regulations for the progressive removal of controls of prices and rates. The appropriate regulations would have to be tabled before there could be any progressive removal. The reason I make reference to this now is that the Minister, a few moments ago, said that when commodities were in full and ample supply and there was competition, there was no necessity for price control. I know this, that although on the surface there may be competition in certain industries—the meat industry for example—there may actually be no competition. There would be a combination of wholesalers who would make available ample supplies of meat to the public at a price. There would be an understanding amongst the wholesalers, and also the retailers who would be told at what price to sell the commodities. There might be a general agreement, with perhaps nothing in writing, as to the price to be charged for a commodity—meat, for example.

Mr. Marshall: Or fish.

Mr. HEGNEY: There might be ample supplies of meat available and surface competition. The public could be led to believe that competition existed but, where there was a meat ring with an understanding as to the selling price it would be a sorry day for the people if regulations were tabled for the control of that commodity. In delivering his decision for an increase of 5s. in the basic wage last year, the President of the Arbitration Court said that it was the first

effective rise in the history of wage control, as wages almost invariably chased prices. He indicated clearly in his judgment that as price-fixing was to a large extent running concurrently with the fixation of wages by the tribunal, that 5s. was an effective increase.

I believe that price-fixing for certain commodities must remain permanently on the statute-book if we are to preserve industrial peace in the future. The workers will not be prepared to accept a basic wage with a certain margin if sufficient prosperity exists to justify their receiving more. If their effective wages are reduced in purchasing power, industrial unrest will result. As with rent control, some degree of price-fixation must remain, for the protection of the workers. If, within the next five years, there is undue haste on the part of the Government in removing controls progressively from the statute-book, thus allowing a reduction in the purchasing power of wages, the workers will not stand for it.

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

Clause 15—agreed to.

Clause 16—Offences by corporations:

Hon. J. B. SLEEMAN: I hope the Committee will not agree to this clause, which should never have been contained in the Bill. In effect, it provides that if a company is prosecuted the directors can be asked to prove their innocence. That would apply to the director of a company or to the humblest man in the land.

The ATTORNEY GENERAL: I rather agree with the member for Fremantle in this matter, but the provision was contained in the price-fixing legislation that I said we would take over in its entirety. Though I did not regard this clause favourably, I accepted it in fairness to the administrative authorities who, I felt, should have such control as they deemed necessary for the efficient administration of their departments. I will leave the clause in the hands of the Committee.

Hon. J. T. TONKIN: I am surprised that the clause found its way into the Bill, and, though my reasons are different from those advanced by the member for Fremantle, I agree with what he said. The clause states that if a body corporate is convicted of an

offence, every person who is a director or officer of the company shall be deemed to be guilty unless he can prove his innocence. That is too sweeping a provision to be included in a measure such as this.

The Acting Premier: Each might say that the other man was guilty.

Hon. J. T. TONKIN: That is no justification for such a sweeping provision. In some circumstances, I believe it is possible to serve the ends of justice only by placing the onus of proof on the defendant, but such cases are limited in number. Where there is likelihood of justice being done only by placing the onus of proof on the defendant, as in the case of gold stealing, the provision may be acceptable. During last session an amendment was made to the Child Welfare Act when it was considered necessary to place the onus of proof on the defendant. Under limited circumstances it might be necessary but not under this Bill. I am glad to hear the Minister say that he is leaving the matter to the Committee to decide, because he has no option. I am glad that he does not intend to adhere to his original intention to have the Bill and nothing but the Bill, or words to that effect.

The Attorney General: I never said that.

Hon. J. T. TONKIN: If the Attorney General did not say them, some member from the cross benches did so.

Mr. LESLIE: I agree with the member for Fremantle that a man should not be deemed guilty in these circumstances, but I can see a reason for the clause being included. Most corporate bodies have a public officer who is liable for actions taken against such corporations.

Hon. J. T. Tonkin: It lies against the directors who are jointly and severally liable.

Mr. LESLIE: The public officer is the person responsible and it may be that an employee of the corporation is the one who is to be held up because of the offence being committed. I think the Committee should strike out the words "shall be deemed to be guilty" and insert the words "shall be liable to be charged for an offence under the Act" in lieu. If that is done it should satisfy the requirements of the member for Fremantle.

Clause put and negatived.

Clause 17—agreed to.

#### Clause 18—Duration:—

Hon. F. J. S. WISE: I hope this clause does not remain in the Bill. There is no reason to suggest that the Bill will need only to have a prescribed life or life of a set period. There is already authority in the measure to render it innocuous as time goes on and for the decontrolling as and when it is considered necessary. The Bill will be possible of amendment on any occasion when it comes before Parliament and there is no need to have a time limit imposed. I intend to vote against the clause, and I hope it will be struck out of the Bill.

The ATTORNEY GENERAL: I cannot accept the suggestion of the Leader of the Opposition in this matter. It is admitted that this legislation should exist only so long as it is necessary, but it is the class of legislation that should come before Parliament year by year so that there may be an opportunity to review it.

Hon. J. T. TONKIN: That is the weakest argument I have ever heard. The Attorney General states that it is not desirable that this legislation should continue any longer than is necessary. If the Committee agrees to the Bill as worded will the Minister continue the legislation up to 1949, if prior to that date he thinks it is no longer necessary? Of course he will not! He will cancel the regulations and will not wait until the end of 1949 to bring the Bill before the House.

The Attorney General: Regulations must be brought before the House.

Hon. J. T. TONKIN: The Attorney General will discontinue price control before that date if the Government believes it is necessary so to do.

The Attorney General: Yes, but the regulations must be agreed to by Parliament.

Hon. J. T. TONKIN. The Government will continue with price control only as long as it considers it necessary. The Attorney General cannot ask the Committee to believe that the date is inserted in order that Parliament may have opportunity to review the legislation. The real purpose has already been disclosed and that is the reason given by the Attorney General when he attended the conference on price control.

The Attorney General: Do not make that statement again; I have already denied it.

Hon. J. T. TONKIN: It was published in a newspaper called "The Wheatgrower" and that is not the only place I have seen it.

Mr. Leslie: It was not in a reputable newspaper.

Hon. J. T. TONKIN: Will the Minister deny that he had reason to believe that the Legislative Council would not agree to the Bill unless it contained this provision?

The Attorney General: I have never given that point any consideration. I think it should be extended only to the end of 1949 as provided for in the Bill.

Hon. J. T. TONKIN: The Attorney General denies having stated at any time that the reason why this legislation was being limited to 1949 was because the Legislative Council would not accept the legislation if it provided for a long period.

The Attorney General. Yes, definitely.

Hon. J. T. TONKIN: Of course, I have to accept the Minister's assurance; but I have been advised otherwise.

The Attorney General: You may have been. I know by whom.

Hon. A. R. G. Hawke: Who was it?

Mr. Leslie: "The Wheatgrower."

Hon. J. T. TONKIN: Whether the Minister has or has not given consideration to the point before, someone has done so, and in view of the reason given that the Legislative Council would not accept the legislation otherwise, that explains the appearance of the clause in the Bill. Possibly some members of the Government were tipped off by someone in another place that the legislation would not be agreed to if a longer period were provided for, and so the limit of 1949 has been inserted in the Bill. There is no need for that limit at all because, if the Government decides on the discontinuance of price control prior to the end of 1949, it can take the necessary action without coming to Parliament, simply by annulling the regulations. I suggest the Minister will lose nothing by agreeing to the deletion of the clause, and we shall then at least test out another place.

Mr. LESLIE: I move—  
That progress be reported.

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

|              |    |
|--------------|----|
| Ayes .. .. . | 22 |
| Noes .. .. . | 15 |

Majority for .. .. . 7

#### AYES.

|              |              |
|--------------|--------------|
| Mr. Ackland  | Mr. Nalder   |
| Mr. Coverley | Mr. Needham  |
| Mr. Doney    | Mr. Nulsen   |
| Mr. Fox      | Mr. Pantou   |
| Mr. Graham   | Mr. Read     |
| Mr. Hawke    | Mr. Reynolds |
| Mr. Hegney   | Mr. Sleeman  |
| Mr. Hoar     | Mr. Tonkin   |
| Mr. Leslie   | Mr. Watts    |
| Mr. Marshall | Mr. Wise     |
| Mr. May      | Mr. Rodoreda |

(Teller.)

#### NOES.

|                     |            |
|---------------------|------------|
| Mr. Abbott          | Mr. Murray |
| Mr. Bovell          | Mr. Nimmo  |
| Mrs. Cardell-Oliver | Mr. North  |
| Mr. Cornell         | Mr. Smith  |
| Mr. Grayden         | Mr. Wild   |
| Mr. Hill            | Mr. Yatea  |
| Mr. Kelly           | Mr. Brand  |
| Mr. Mann            |            |

(Teller.)

Motion thus passed; progress reported.

House adjourned at 11.17 p.m.

## Legislative Assembly.

Wednesday, 25th August, 1948.

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